

# Holly Springs Town Council Minutes

## Regular Meeting Dec. 18, 2007

The Holly Springs Town Council met in regular session on Tuesday, Dec. 18, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen and Tim Sack and Mayor Sears.

**Council Members Absent:** Councilman Hank Dickson (arrived at 7:45 p.m.)

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, (recording the minutes); town clerk; Daniel Weeks, project analyst; Drew Holland, finance director; Alison Huffman, planner I; Jeff Jones, Planner II; Gina Clapp, director of planning and zoning; Elizabeth Goodson, development review engineer; Kendra Stephenson, senior engineer; Len Bradley, parks and recreation director; Eric Tayler, IT manager; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Councilman Womble.

**4. Agenda Adjustment:** The Dec. 18, 2007 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** Item 6a., presentation of appreciation plaques.

**Consent Agenda Items Moved to New Business:** None.

**Other Changes:** None.

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

**6a. Presentation of Appreciation Plaques to Local Businesses** – This item was deleted during Agenda Adjustment.

**6b. FY 2006-07 Finance Audit Report** – Mr. Holland introduced Chris Abbott of Christopher K. Abbott, CPA, PA, to present a report and management letter following the firm's annual audit of the Town's finances for the fiscal year ending June 30, 2007.

Mr. Abbott reviewed financial highlights of the town's audit; he reviewed the Town's table of net assets and reported on the town's fund balance.

In summary, Mr. Abbott said the Town was in a very strong fiscally-strong position.

**Action:** None.

*A copy of the town's 2006-07 financial statements is on file in the Finance Department.*

**7a. Public Hearing: Annexation Ordinance A07-07, MSS Development** – Ms. Huffman said the Town has received a petition for voluntary annexation of 2.1795 acres located at the corner of South Main Street and NC 55 Bypass and owned by MSS Development, LLC. She said the petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

The public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A07-07 annexing approximately 2.1795 acres owned by MSS Development, LLC, and more particularly described as Wake County PINs: 0658-07-1828; 0648-97-7747 and 0648-97-8701, into the corporate limits of the Town of Holly Springs.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Annexation Ordinance A07-07 is incorporated into these minutes as addendum pages.*

**7b. Public Hearing: Zoning Map Change Petition 07-REZ-15** – Mr. Jones explained the applicant is requesting to rezone approximately 144.47 acres from R-20 to CB: Community Business and R-MF-15: Multi Family Residential. He said the CB portion of the parcel is approximately 98.14 acres generally along G.B. Alford Highway (Highway 55 Bypass), and the R-MF-15 portion, which consists of approximately 46.33 acres, is generally located along Old Apex Rd.

He pointed out that the parcel is designated in the Comprehensive Plan as a Regional Center, and the requested zoning districts would be in keeping with that plan.

Mr. Jones said the Planning Board reviewed the proposal and asked about the thoroughfare shown on the Thoroughfare Plan potentially crossing this property. He said the thoroughfare shown would be a minor thoroughfare with a cross-section of 41 feet back-to-back on 90 feet of right of way, and the exact alignment would be discussed in more detail when this project comes in for a development plan.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Travis Morehead, Elam, Todd, d'Ambrosi – Mr. Morehead, representing the applicant, spoke in favor of the rezoning.

David George of Kite Realty – Mr. George, representing the applicant, said he was available to answer questions.

There being no further comments, the public hearing was closed.

**Action #1:** The Council approved a motion to accept the following Plan Consistency Statement: “The requested zone map change from R-20 to CB: Community Business and R-MF-15 is consistent with *Vision Holly Springs* Comprehensive Plan since the Future Land Use Plan indicates this property as Regional Center.”

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance R07-01 approving and enacting Zone Map Change Petition #07-REZ-15 to change the zoning of 144.47 acres of Wake County PIN # 0649671163 from R-20: Residential to CB: Community Business and R-MF-15: Multi Family Residential as submitted by Travis Morehead of Elam, Todd, d'Ambrosi, PA.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

*A copy of Zoning Ordinance R07-01 is incorporated into these minutes as addendum pages.*

**7c. Public Hearing: Special Exception Use 07-SEU-10, 228 Tullich Way** – Ms. Huffman explained that because this hearing has been advertised, staff recommends that the public hearing be held as usual and the Council hear testimony and recommendations; however, staff also recommends that no action be taken on this petition, which is now invalid because application fees have not been received.

Ms. Huffman said this property is located in the Oakhall PUD at 228 Tullich Way. The applicant is asking for a special exception use to section 2.08 to allow for a Family Childcare Home (in-home daycare). The parcel is 0.14 acres, and the applicant's home has 1,447 heated square feet.

She said only 20% of the square footage, or 289.4 square feet, may be used for the in-home daycare. The applicant is proposing to use 240 square feet, so the applicant would be in compliance with UDO provision in Section 2.8. The Family Childcare Home would be located in the area that previously was used as a garage, but has now been finished.

Some concerns of the Planning Board were as follows:

- On-street parking and its potential to hinder traffic flow.
- Whether the home's garage is finished
- Location of the home in relation to Holly Springs Road

Ms. Huffman said all of the Special Exception Use findings of facts were thoroughly answered in the application.

Ms. Huffman said that staff would recommend approval of this Special Exception Use, and the request is in compliance with the *Vision Holly Springs*, The Town of Holly Springs Comprehensive Plan; however, because applications fees remain unpaid, staff recommends only non-action at this time or to continue the public hearing.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Town Clerk:

Tim Kirwan, 208 Spruce Ridge Court – Mr. Kirwan, president of the Oak Hall Homeowners Association, provided evidence contrary to that given by the applicant in regard to the findings of fact.

Mr. Kirwan pointed out that Tullich Way is 20 feet wide and is used as a busy through way.

He noted that many cars travel this roadway during morning and evening commute times when children would be dropped off and picked up, posing a danger to the children and to motorists.

He reported that the HOA has invested time and money to clear Tullich Way and Stone Hedge of parked cars due to safety concerns. He reported that the applicants are among those who have been parking on the street and are or were part of the on-street parking problem.

He then noted that the driveway of the location would not have the capacity for more than one client at a time, creating the potential for not only on-street parking, but possibly on-street on both sides of the street.

In closing, Mr. Kirwan said the Oak Hall HOA requests that the Council deny the permit due to the dangerous traffic situations that might be created.

**Action:** The Council approved a motion to continue the public hearing for Special Exception Use application 07-SEU-10 to Jan. 15, 2007.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Mr. Kirwan's prepared statements are entered into the record and are incorporated into these minutes as addendum pages.*

**8. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Womble, a second by Councilman DeBenedetto and a unanimous vote. The following actions were affected:

8a. Budget Report – The Council received a report of monthly amendments to the FY 2007-08 budget approved by the Town Manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

8b. Cultural Center Theater Rental Rates – The Council approved 2008 Cultural Center theater rental rates. *A copy of the theater rental rates is incorporated into these minutes as addendum pages.*

8d. Resolution 07-43 – The Council adopted Resolution 07-43 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 07-43 is incorporated into these minutes as addendum pages.*

8e. Budget Amendment – The Council adopted amendments to the CDBG scattered sites project budget in the amount of \$6,500 to cover service delivery charges. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8f. Budget Amendment – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$28,000 to set up funds for percentage-based and guaranteed Cultural Center performers. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**9a. Main Street Square PUD, 05-PUD-01-A01 Amendment** – Ms. Huffman said the applicant is proposing an amendment to the Main Street Square Planned Unit Development to change the following:

- 1) Adding one single-family lot.
- 2) Adding a Master Sign Plan to the Planned Unit Development to regulate the type and size of signage that would be permitted in the PUD.
- 3) Adding parcel number 0658-16-2629 (.54 acres) to the PUD.

Ms. Huffman said the Planning Board had reviewed the proposal and recommends approval.

Councilman DeBenedetto noted that the Planning Board had held discussions regarding the added sign height and questioned how the Planning Board came to a conclusion to recommend approval.

Jimmy Cobb, 4936 Sunset Forest Circle – Mr. Cobb, representing the Planning Board, reported to the Council that the Planning Board had discussed the issue of allowing the added height to one sign and had come to an agreement that the sign's being located in a hole and its location relative to the highway would make the additional approximately 16 inches in height permissible.

**Action:** The Council approved a motion to approve Planned Unit Development Amendment #05-DP-01-A01 for Main Street Square PUD as submitted by Bass, Nixon and Kennedy, project number 05343, dated revised 11/05/2007 with the following conditions:

1. All previously approved conditions for the Main Street PUD shall apply to this amendment.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**9b. Holly Grove Middle School Athletic Facilities** – Mr. Bradley explained that on Nov. 20, 2007, the Holly Springs Town Council agreed in concept to participating in a joint effort with Wake County Public School System for shared construction and shared use of athletic facilities at the new middle school. WCPSS is asking that the Council now formally commit to this proposal.

He said the Town and WCPSS will begin working on a new joint use agreement as soon as the Council approves a motion to participate in the project. Work already has begun on an inter-local agreement with Wake County, and the Wake County Board of Commissioners will be discussing participation in this project at their January meeting.

He said the total estimated cost for improvements is \$350,000, according to the project manager from WCPSS. For the purpose of the Dec. 18 meeting, staff is asking the Council to approve the entire amount in anticipation that Wake County will also participate by adding plus or minus \$133,000 as is being recommended by their staff.

Mr. Bradley said the Town has approximately \$80,000 remaining from the Holly Springs High School project, and staff requests that this amount be transferred to the middle school project, which is to include lighting the football and softball fields, irrigation at the softball field and seating for both facilities.

Mr. Bradley said he also would like to request that the Town look at building restrooms somewhere at this location, which would also be of benefit to the high school softball field and tennis court users.

He said without the restrooms included at this time, the Town would be looking at new funds totaling \$140,000.

Mr. Bradley said that staff is recommending that Council approve this request to allow staff to inform WCPSS of the town's intent to participate.

Councilman Dickson said he agreed in concept with the potential joint use agreement; however, he was reluctant to remove the entire \$80,000 from the high school project because restrooms would be beneficial for the facilities that the town uses.

Councilman Sack agreed because restrooms are needed.

Mr. Dean explained that it would not be an either/or type of thing since the middle school improvements would actually serve both locations.

Still, the Council indicated that it not want to remove the \$80,000 out of the high school project if it was not necessary.

**Action:** The Council approved a motion to commit the Town's participation in shared construction and shared use of athletic facilities at Holly Springs Middle School.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

**9c. Stonemont Pump Station Site Plan Amendment** – Ms. Goodson said consistent with the Town's Engineering Design and Construction standards, the proposed site plan for the Stonemont Pump Station is for the Council's endorsement. She said the pump station was added to the subdivision plan when it became apparent that downstream development was not going to provide a pump station to serve this development in the foreseeable future.

Ms. Goodson said the pump station is surrounded by future Stonemont subdivision lots. It is buffered per design standards put in place previously by the Town Council to address this situation, and in fact meets all site design criteria per the engineering design standards approved by the Town Council with the exception of the requested variance for the buffered width to be reduced to exclude the area in the flood plain from the deeded pump station lot.

Ms. Goodson explained the variance request. She said the Engineering Design and Construction Standards requires that all pump station sites include a 50-foot opaque buffer surrounding the pump station site and then include a 10-foot opaque buffer on either side of the access drive to the pump station. In addition, the entire site that the pump station is located on (including all required buffers) shall be deeded to the Town upon acceptance of the pump station.

She said this site accommodates the requirement for the full 50-foot opaque buffer; however, a portion of the buffer will fall within the 100-year flood plain area. Staff recommends that the area to be deeded to the town not include the area of the buffer in the flood plain. In essence, this would reduce the width of the buffer along the creek side of the pump station 20 to 40 feet.

Ms. Goodson said, also per Town Council direction and at the Town Attorney's concurrence, the plats for this project will clearly reflect a notation for all lots adjacent to and in proximity to the pump station that advises that a pump station will be placed on this lot, and will be subject to routine maintenance and future upgrade and expansion activities by the Town. She said normally this approval process happens simultaneously with the preliminary plan approval; however, this development was not approved initially with a pumping station – the Town Council granted permission to the developer to install a pumping station at a later date.

Councilman VanFossen asked if the site would accommodate upsizing.

Staff responded that it would.

**Action:** The Council approved a motion to approve pump station site plan with a variance to the buffer width and with the following conditions:

1. Upon approval of the preliminary pump station site plan, a preliminary plan amendment will need to be submitted for approval to reflect this pump station site location.
2. The plats for this project shall clearly reflect a notation for all adjacent lots to and in proximity to the pump station that informs that a pump station will be placed on this lot, and will be subject to routine maintenance and future upgrade and expansion activities by the Town.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**10. Other Business:** Councilman Womble reported that there are residents on Rex Road who are experiencing water well problems. Mr. Dean responded that the town owns a waterline in the area and said engineering would take a look at it and the cost.

Councilman Womble asked if the town would consider running the water line all the way down Rex Road.

Councilman Womble asked if the town had any liability with the rock quarry operations that might have caused the water quality problems.

The town attorney advised that a better route for the residents to take would be to petition for annexation and to hook up to the town's water system.

Councilman Dickson requested that the town's growth issues report on the Website be added as a regular meeting agenda item for the Council to vote up or down on the question of a moratorium so the issue could be put to rest.

**11. Manager's Report:** Mr. Dean asked about where and when the Council wanted to meet in retreat and asked them to provide topics for discussion.

Council consensus was that the retreat should be held at Pine Needles as in years past and that it be about the same length from Feb. 22 to Feb. 24.

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(6) to conduct the town manager's performance evaluation.

**Motion By:** Dickson  
**Second By:** Sack  
**Vote:** Unanimous

**General Account of Closed Session – December 18, 2007**

In Closed Session, the Town Council performed the town manager's performance evaluation. Following the evaluation, the Council provided direction regarding the manager's merit increase in salary of 2.8%, retroactive to April 9, 2007.

**-- End General Account**

**13. Adjournment:** There being no further business for the evening, the Dec. 18, 2007 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, March 4, 2008.

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Joni Powell, CMC, Town Clerk

**Addendum pages as referenced in these minutes follow and are a part of the official record.**