

Holly Springs Town Council Minutes

Regular Meeting
Dec. 16, 2008

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, December 16, 2008, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:02 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 (arrived at 7:06 p.m.), Chet VanFossen, Tim Sack, and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Parrish Womble.

Staff Members Present: Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Laura Powell, Planner I; Jeff Jones, senior planner; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Elizabeth Goodson, development review engineer; Heather Keefer, environmental specialist; Len Bradley, parks and recreation director; David Crotts, athletic program director; Don Briscar, cultural center manager; Jenny Mizelle, director of economic development; John Herring, police chief; Daniel Weeks, project analyst; Drew Holland, finance director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Doug Parlin of South Wake Baptist Church.

4. Agenda Adjustment: The December 16, 2008 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

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

At this time, Mayor Sears reported on a proclamation he had signed honoring the state's military personnel and their families, especially during the holidays when they sacrifice so much that most citizens take for granted.

6a. 10U All-Star Boys State Championship Soccer Team – Mayor Sears announced the Holly Springs Parks and Recreation program's 10 and Under (10U) boys all-star soccer team brought home the community's first-ever state championship title and trophy after winning all games in the SWAC 10U State Tournament Nov. 21-23.

David Crotts of the Parks and Recreation Department reported the Yellow Jackets defeated Burlington 6-2; Graham 5-2; and South Johnston 8-3 in the first rounds. In the semi-finals, the Yellow Jackets defeated Burlington 10-2.

In the championship finals, the Yellow Jackets shut out Wilson, 8-0, Mr. Crotts said, adding that the victory is a history-making first for Holly Springs.

Councilman Dickson read a mayoral proclamation honoring the team for their win and their sportsmanship, and he then presented Certificates of Recognition to each of the coaches and the players.

Recognized were players Jake Baize, Germaine Brown, Torren Dreakford, Peter Emig, Noah Hahn, Derrick Johnson, Andrew Nicklaw, Stephen Pratt, Natanael Reyes-Ramirez, Noah Steers, Brock Waters and Justin Wilhelm; head coach Jeff Nicklaw and assistant coach Tyler Waters.

Action: None.

At this time, Mr. Bradley announced that Mr. Crotts would be leaving the Town of Holly Springs for a new job with the Town of Cary as manager of the WakeMed Soccer Facility. The move is job advancement for Mr. Crotts, and although the Town will be losing an exceptional

employee, it is a well-deserved opportunity for Mr. Crotts, Mr. Bradley said.

7a. Cultural Center Beer and Wine Sales Procedures – Mr. Briscar gave a report on the Holly Springs Cultural Center plan to operate with a NCABC beer/wine license. He reported to the Council information about training, pricing, security and recycling.

Action: None.

7b. Reclaimed Water Program Logo - Ms. Parrish said engineering is overseeing the design and construction of the Reclaimed Water Tank that is being constructed on the corner of New Hill and Irving Parkway. A logo for the reclaimed program is needed to “brand” the reclaimed system and to be placed on the tank and on the educational material that will be published with the Reclaimed Water System Program.

Ms. Parrish said Michelle D'Antoni has provided staff with the logo. The Reclaimed Water System logo features a blue clean-water drop paired with a lavender (the official standard color for reclaimed water) water drop with a recycling arrow feature.

Action: None.

8a. Public Hearing: Annexation A08-09, Hampton Inn –Mr. Jones said the Town has received a petition for voluntary annexation of approximately 5.32 +/- acres located along Ralph Stephens Road. Property owners are Elizabeth Y. Barnes, Patsy Y. Edwards, Jackie Y. McLean, Madge Y. Hinsley and Elizabeth T. and James F. Yarborough.

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

Action: The Council approved a motion to adopt Annexation Ordinance A08-09 annexing approximately 5.32 -/+ acres owned by Elizabeth Y. Barnes, Patsy Y. Edwards, Jackie Y. McLean, Madge Y. Hinsley and Elizabeth T. and James F. Yarborough; and more particularly described as Wake County PINs: 0648-86-1234 (portion of) and 0648-86-3324, into the corporate limits of the Town of Holly Springs.

Motion By: Dickson

Second By: Sack

Vote: Unanimous.

A copy of Annexation Ordinance A08-09 is incorporated into these minutes as addendum pages.

8b. Public Hearing: Rezoning Petition 08-REZ-13 – Ms. Powell said the applicant is requesting to rezone +/- 7.18 acres located at 1516 Ralph Stephens Road from R-20:Residential upon annexation to CB: Community Business.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statements as true: *“The requested zone map change from R-20 to CB is consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Mixed Use which is supported by the list of permitted uses in the CB zoning district. With the establishment of Community Business to the rear of the Wal-mart and Shoppes at Holly Springs, the “mixed use” designation precedence of the Southern Gateway has been carried out on the Southeast quadrant of Highway 55 and Avent Ferry Road.”*

Motion By: VanFossen

Second By: Sack

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Rezoning Ordinance R08-15 to approve and enact Zone Map Change Petition #08-REZ-13 to change the zoning of Wake County PIN # 0648863324 (1.86 acres) and to change the zoning of approximately 5.32 acres of a portion of Wake County PIN# 0648861234 from R-20: Residential to CB: Community Business as submitted by Dan Miller of Withers & Ravenel, Inc.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous.

A copy of Zoning Ordinance R08-15 is incorporated into these minutes as addendum pages.

8c. Public Hearing: Special Exception Use Petition 08-SEU-04 – Ms. Powell said the applicant is requesting approval for a Special Exception Use Petition 08-SEU-04 for a 190-foot monopole communications tower and fenced compound to be located on .20 acres of property at the approximate location of 5716 Cass Holt Road. This request would be in keeping with the Town's policies and plans because telecommunications towers are permitted uses in all districts as long as they meet certain development standards, Ms. Powell said.

She added that the site would be accessed by a paved driveway off of Cass Holt Road and would be adequately screened around the perimeter by a 10-foot wide landscaped buffer where 15 green giants would be planted every 100 linear feet.

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:

William Howard, 7937 Mariner's Circle, Denver, NC -- Mr. Howard of EQV Development, representing the applicant, submitted into the record a presentation of prepared material giving an overview of the proposed project and the applicant's responses to the required findings of

fact.

Mr. Howard showed a map illustrating existing Alltel communication towers in this area, and he showed the existing unserviced area. He said the goal of the company is to provide comprehensive in-building reception throughout this area, and this tower would be required. He said there would be no impact on any adjoining properties since the monopole tower is set back on the property and is not required to be lighted. He added that there would be no impact to traffic.

Mr. Howard said the tower meets and exceeds town regulations on communications towers. A total of four carriers would be able to use this tower in co-location agreements, eliminating any future additional impacts to the community.

Mr. Howard also pointed out that there are no other alternatives for the company since there are no other suitable structures in the area.

A copy of the evidence is incorporated into these minutes as addendum pages and is made a part of this official record.

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

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #08-SEU-04 for a Wireless Communications Relay Tower at 5716 Cass Holt Road in the R-30: Residential district as submitted by William Howard of EQV Development, LLC, dated revised 10/27/2008.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion By: Sack

Second By: VanFosser

Vote: Unanimous.

Action #2: The Council, having made findings of fact that the project meets the requirements to be granted a Special Exception Use, approved a motion to grant Special Exception Use #08-SEU-04 for a Wireless Communications Relay Tower at 5716 Cass Holt Road in the R-30: Residential district as submitted by William Howard of EQV Development, LLC, dated Revised 10/27/2008 with the following conditions:

1. At the time that this property develops or the proposed thoroughfare from Avent Ferry Road to Cass Holt Road is constructed, the vehicular access to this site will need to be relocated to access the site from the new thoroughfare and not Cass Holt Road.
2. Prior to issuance of Building Permit: the applicant shall revise the landscape plan to specify 'Green Giants' to be planted at a minimum height of 6', in place of the Leland Cypress.

Motion By: Dickson

Second By: Sack

Vote: Unanimous.

A copy of Special Exception Use application 08-SEU-04 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.

8d. Public Hearing: Ordinance 08-18 (08-UDO-10) Amendment – Ms. Capp said that recently it has come to staff's attention that in December 2007 when Section 9.05, D. of the Unified Development Ordinance (UDO) was amended (See Ordinance #07-18), that this amendment modified only minor amendments regarding development petitions for commercial development plans, multi-family development

plans, and development option development plans.

She said as a result, the intent of the amendment to authorize staff to be able to make similar minor amendments to approved subdivision plans, preliminary plans and master plans as specified in Section 9.05, B. was not included.

She explained the proposed amendment would bring Section 9.05, B. - the portion of the UDO that discusses subdivision processes -- into conformance with the intent of the amendments made to Section 9.05, D - the site-specific development plan section of the ordinance.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following statement as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan by providing clear requirements and processes for new development by eliminating conflicting language within the Ordinance."*

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #08-18, (08-UDO-10) approving UDO Text Amendment #08-UDO-10 to modify the text of UDO Section 9.05, B. Platting, Project Construction Drawing Approval, Recombination and Vacation Procedures.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 08-18, (08-UDO-10) is incorporated into these minutes as addendum pages.

8e. Public Hearing: Ordinance 08-09 Amendment – Ms. Keefer said the Town seeks to receive comment for the draft National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Illicit Discharge Detection ordinance.

She said the Illicit Discharge Detection and Elimination ordinance represents one of the six minimum measures required by the Town of Holly Springs NPDES Phase II Stormwater Permit that was issued on December 1, 2005. This program consists of items that include, but are not limited to, the stormwater infrastructure map which is currently being updated by Engineering staff, the storm drain marker program that provides public education and public involvement, and the stormwater hotline, which is for citizens to report possible illicit discharges or connections.

The adoption of the NPDES Phase II Stormwater Illicit Discharge Detection Ordinance would provide authority for the Town to inspect and enforce possible illicit discharges and illegal connections to the Town's storm drainage system.

Following Ms. Keefer's explanation, Mr. Schifano explained some clarification points that need to be made to the draft.

Mayor Sears asked how the information in the ordinance would be provided to the public. Ms. Keefer explained that staff would use brochures, Web site, newspaper and press releases to educate the public about the rules.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Ordinance 08-09 to enact the town's NPDES Phase II Stormwater Illicit Discharge and Detection Ordinance.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous.

A copy of Ordinance 08-09 is incorporated into these minutes as addendum pages.

9. Consent Agenda: The Council approved all items on the Consent Agenda following a motion by Councilman Sack, a second by Councilman DeBenedetto and a unanimous vote. The following actions were affected:

9a. Budget Amendment Report - The Council received a report of amendments to the FY 2008-09 budget approved by the town manager. *A copy of budget amendment report is incorporated into these minutes as an addendum page.*

9b. Budget Amendment, \$890 – The Council adopted an amendment to the FY 2008-2009 budget in the amount of \$890 to receive insurance proceeds for a damaged police vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9c. Resolution 08-52 – The Council adopted Resolution 08-52 committing that the Town will provide matching funds of \$12,000 to be paired with NCDOT grant funds of \$28,000 if the town receives a grant for bicycle route planning. *A copy of Resolution 08-52 is incorporated into these minutes as an addendum page.*

9d. Baptist Church Parking Lot Contract Change Order - The Council authorized the Town Manager to sign a revised Baptist Church parking lot project change order in the amount of \$76,383 for the conversion of Center Street to one-way. *A copy of the contract change order is incorporated into these minutes as addendum pages.*

10a. Downtown Development Incentive Policy – Ms. Mizelle said that staff from several departments has developed a draft policy designed to attract jobs and investment to the Village District by way of fee waivers and/or development standard waivers or deferrals.

She said commercial development is strong in retail centers at the periphery of Holly Springs but has not been active in the Village District. She highlighted some key points of the draft policy that addresses program parameters, forms of incentives, and procedures.

Councilman Sack asked how waiver of development fees would impact the town.

In some cases, Ms. Mizelle said, there would be no impact, such as when the town receives a grant to do a Main Street Enhancement project. Waiver of fees would have to be considered carefully for each property on a case-by-case basis.

Councilman DeBenedetto asked when the town would provide an economic development grant incentive.

Ms. Mizelle said, and Mr. Schifano agreed, that staff is not excluding the possibility of providing economic development grants as provided by state law; however, the primary focus would be upon the other types of incentives noted in the policy, such as fee waivers and town-provided infrastructure.

Action: The Council approved a motion to adopt Policy Statement P-033 establishing a Downtown Development Incentives policy for the Village District.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous.

A copy of Downtown Development Incentive policy P-033 is incorporated into these minutes as addendum pages.

10b. Town's Development Procedures – Mr. Dean said that over the past several months, management staff has looked into finding an independent, objective consulting firm to perform a comprehensive evaluation of the Town's development processes.

He said in seeking a consulting firm, he felt it was important to have several key components when searching for a firm to do this work. First, he said, he wanted a firm who had experience in the building and engineering field to provide a level of expertise. Second, he looked for a firm that did not have experience in Holly Springs, either with past or future projects, in order to maintain an objective overview of our process. Finally, he said, he wanted a local firm who understood the fast growth areas of Holly Springs and Wake County.

He said the firm that he selected for consideration was FMI Consulting of Wake Forest. With this being a very specialized study, he said he felt FMI fit the profile he was looking for. The scope of the study would be very comprehensive, and would evaluate not just internal processes, but would examine both external groups (engineers, builders, developers) as well as provide comparative data with other comparable towns.

The Town Council would have input into the study.

The cost of the study would be \$50,000, and the town also would need to appropriate an additional \$5,000 in contingency for things like printing, etc.

He said staff did not request RFPs for this project because it would be of a technical nature, and service contracts are not required to be bid.

The study should allow management to determine not only cost savings internally, but help make the process more manageable for staff. The additional benefit from the study would be to insure that the Town's development policies are in line with the Town Council's development goals.

Mr. Dean said funding is available in the existing budget, and that he would recommend approval.

Action: The Council approved a motion to enter an agreement with FMI Consulting of Wake Forest at a cost of \$55,000, inclusive of contingency, for an assessment of the town's development procedures.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous.

10. Other Business: Councilman DeBenedetto commended the police department for responding to an issue on Crosshill Lane.

Councilman DeBenedetto addressed the recent town employee opinion survey that he said spoke negatively of him. He said, in summary, that he asks questions and makes allegations so he believes that is why he received negative ratings.

Councilman Dickson said he proposed the employee opinion survey in order to help the Town be a better place to work. He said he did not appreciate Councilman DeBenedetto's characterizing the survey as anything else.

Councilman Sack said there is still no "No Outlet" sign on Middle Creek Farm Road, and he thanked the engineering department for pavement repair.

Councilman Dickson said he would like to add a topic to the list of retreat topics. He said there seems to be a misunderstanding of some residents of the development process. He said a Citizens Academy might be a worthwhile opportunity to teach residents about what happens in local government; what the Council can and cannot do; when a public hearing is needed, when it isn't; what the Board of Adjustment is and how it works; what is considered during a public hearing; and a host of other things that citizens may like to know.

11. Manager's Report: Mr. Dean reported that the staff enjoyed a Christmas luncheon on Dec. 17; he commended staff organizing the Christmas parade that was held on Saturday; he told Council members that he has compiled a wish list for the federal economic stimulus package, and he asked Council members to provide the Town Clerk with topics to be forwarded to the Wake County delegation for the 2009 legislative agenda.

If anyone on the Council would like to add to his economic stimulus package list, Mr. Dean asked that the town clerk be contacted.

At this time, Mayor Sears yielded the floor to resident Alex Rapp who inadvertently did not speak during Public Comment.
Alex Rapp, 148 Trevor Ridge Drive -- Mr. Rapp addressed the Council, asking that the Town author an ordinance regulating food concession trailers. He wants to use a vacant lot around the old police station as a staging area for his and maybe others' food concessions.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Dec. 16, 2008, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 17, 2009.

Joni Powell, CMC, Town Clerk

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