



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 21, 2009, 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, Tim Sack and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Chet VanFosson.

Staff Members Present: Chuck Simmons, assistant 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; Jeff Jones, senior planner; Brad Johnson, planning intern; Elizabeth Goodson, development review engineer; Kendra Parrish, senior engineer; Len Bradley, parks and recreation director; Jenny Mizelle, director of economic development; 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 July 21, 2009 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous

Items added to Consent Agenda: None.

Items removed from Consent Agenda: None.

Items removed from the agenda: Items 6a., 6b. and 6c

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. Public Hearing: Downtown Development Incentives for Leslie-Alford-Mims House – This item was removed during agenda adjustment

6b. Public Hearing: Ordinance 09-12 (09-UDO-03) Amendment – This item was removed during agenda adjustment.

6c. Public Hearing: Special Exception Use Petition, 09-SEU-03, Mims and Wright House Renovations – This item was removed during agenda adjustment.

6d. Public Hearing: Annexation Petition A08-04, Valleyfield Subdivision – Mr. Jones said
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the Town has received petitions for voluntary annexation of approximately 2.936 +/- acres located along Mizelle Court within Valleyfield subdivision. The property owners are Walker Mobley, Theresa P and Carlos C. Garcia; Chad J. and Lucila Bockstadter; Jason and Stepfanie A. Hansen; Catherine and Edward Samperisi; Kristin R. and Kevin M. Welch; Mary K. and Theodore J. Eberle; Megan E. and Jonathan B. Davis; Steven J. and Beverly A. Hicks; Melissa A. Crouse and Wesley S. Wyatt; Kristin A. and Cory L. Schmoyer; and Joseph N. Merchant and Laurie J. Brown.

The petitions meet 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 A08-04 annexing approximately 2.936 -/+ acres owned by Walker Mobley, Theresa P. and Carlos C. Garcia; Chad J. and Lucila Bockstadter; Jason and Stepfanie A. Hansen; Catherine and Edward Samperisi; Kristin R. and Kevin M. Welch; Mary K. and Theodore J. Eberle; Megan E. and Jonathan B. Davis; Steven J. and Beverly A. Hicks; Melissa A. Crouse and Wesley S. Wyatt; Kristin A. and Cory L. Schmoyer; and Joseph N. Merchant and Laurie J. Brown and more particularly described as Wake County PINs: 0658-29-0743; 0658-29-0438; 0658-29-1490; 0658-29-0832; 0658-29-0942; 0658-29-1597; 0658-29-1694; 0658-29-1869; 0658-29-2467; 0658-29-0643; 0658-29-1774; and 0658-29-0533, into the corporate limits of the Town of Holly Springs.

Motion By: DeBenedetto

Second By: Womble

Vote: Unanimous.

A copy of Annexation Ordinance A08-04 is incorporated into these minutes as addendum pages.

6e. Public Hearing: Special Exception Use Petition, 09-SEU-09, 1104 Holly Meadow Drive

– Mr. Johnson said the Town has received a Special Exception Use request to locate a family child care home at 1104 Holly Meadow Drive. The applicant is proposing to care for no more than eight children. The UDO permits a maximum of 20% of the square footage of a residence to be used for a home occupation. The applicant is proposing to use 424 square feet of the 2,264 square foot structure (18.7%) and would be in compliance with the UDO requirements.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded: None.

There being no testimony, the public hearing was closed.

Councilman DeBenedetto asked if the petitioner had contacted neighbors.

The petitioner responded and said yes.

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 #09-SEU-09 to allow for a family child care home at 1104 Holly Meadow Dr., Wake County PIN 0638-94-7505.

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: Dickson

Vote: Unanimous.

A copy of Special Exception Use Petition 09-SEU-09 is incorporated into these minutes as addendum pages.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use #09-SEU-09 to allow for a family child care home at 1104 Holly Meadow Dr., Wake County PIN 0638-94-7505, as requested by Lisa Mize with the following condition:

- 1. All additional state and local permits and approvals will be required prior to the business opening.

Motion By: Dickson

Second By: Sack

Vote: Unanimous.

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

7a. Budget Reports - The Council received a report of amendments to the FY 2008-09 budget approved by the town manager. *Copies of the budget amendment report is incorporated into these minutes as addendum pages.*

7b. Budget Amendment, \$1,000 – The Council adopted an amendments to the FY 2008-09 budget to accept a \$1,000 donation to the Holly Springs Police Department K-9 Division from Wal-Mart. *A copy of the budget amendment is incorporated into these minutes as an addendum pages.*

8a. Green Oaks Parkway – Ms. Parrish explained that the Council is asked to consider

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construction contract change order #3 for the Green Oaks Parkway four-lane project with Triangle Grading and Paving for a decrease of \$274,167.80. She said this is the Town portion of the Green Oaks Parkway construction project.

Ms. Parrish noted that a letter dated June 29, 2009 in agenda packets from Kimley Horne Associations explains the change order. Basically, she said, work the town had Fowler Contracting to do on the two-lane portion of Green Oaks Parkway provided a cost savings as the four-lane project began.

Action: The Council approved a motion to approve construction contract change order #3 for the Green Oaks Parkway four-lane project with Triangle Grading and Paving for a contract decrease of \$274,167.80.

Motion By: Sack

Second By: Womble

Vote: Unanimous.

A copy of Triangle Grading and Paving change order #3 is incorporated into these minutes as addendum pages.

8b. Main Street South Sidewalk – Ms. Parrish said that staff has applied for and received an NCDOT Congestion Mitigation for Air Quality (CMAQ) grant. The grant is for the construction of sidewalk along Main Street from Ballentine Street to G.B. Alford Hwy. The grant is up to and not to exceed \$320,000 for the project. The grant is 80% reimbursement (\$320,000) and 20% local match (\$80,000). She said the local match would be budgeted at a later time.

Action: The Council approved a motion to adopt Resolution 09-26, to approve entering into a Municipal Agreement with the North Carolina Department of Transportation for funding of improvements to install Main Street South sidewalk.

Motion By: Womble

Second By: DeBenedetto

Vote: Unanimous.

A copy of Resolution 09-26 and NCDOT agreement is incorporated into these minutes as addendum pages.

9. Other Business: Councilman Womble asked that staff follow up on the prescription drug card program; he asked that staff contact the owners of the Pizza Hut site regarding mowing of the lot; he asked the town attorney about a property that was damaged by fire; he asked the assistant town manager to check into police department regarding attitudes of some of the officers.

Councilman Dickson congratulated the Parks and Recreation on a well-run SWAC tournament. Councilman Sack added that the facilities looked great.

Councilman Sack asked about the maintenance of and visibility of concrete medians.

10. Manager's Report: Mr. Simmons reminded Council members of the Aug. 4 National Night Out and of the online retail opinion survey.

11. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss matters relating to the location or expansion of a business.

Motion By: Sack

Second By: Womble

Vote: Unanimous

General Account – Closed Session July 21, 2009

In Closed Session, the Council discussed with staff how Holly Springs Hospital was

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denied its request for a Certificate of Need for 42 beds, which were assigned to other petitioners. Novant Healthcare is pursuing another avenue. Staff asked that the Town participate in an effort to petition the state to add 42 more beds to Wake County, based on rapid population growth that state officials have admitted are not adequately accounted for in current formulas determining Certificates of Need.

If the additional beds were to be approved, then all healthcare organizations in Wake County would have the same opportunity to apply for them, but Novant also would apply in an effort to succeed in establishing Holly Springs Hospital.

Action: The Council approved a motion to authorize the Mayor to sign a petition letter on behalf of the Town of Holly Springs requesting that the State of North Carolina identify and confirm the need for 42 additional hospital beds in Wake County.

Motion By: Sack

Second By: Dickson

Vote: Unanimous

Action: The Council approved a motion to seal the minutes of the Closed Session until such time as the publication of the minutes would not frustrate the purpose of the Closed Session.

Motion By: Sack

Second By: Dickson

Vote: Unanimous

* The Town's petition was denied by the State, and the matter is closed; therefore, the minutes can be published.

Action: The Council approved a motion to return to Open Session.

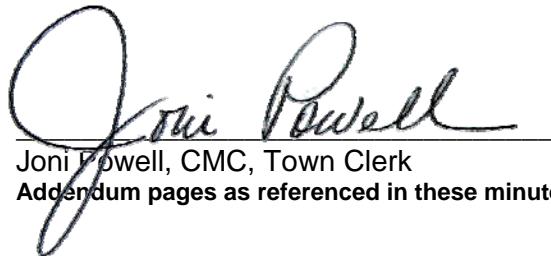
Motion By: Sack

Second By: Dickson

Vote: Unanimous

12. Adjournment: There being no further business for the evening, the July 21, 2009, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, March 2, 2010.



Joni Powell

Joni Powell, CMC, Town Clerk

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

