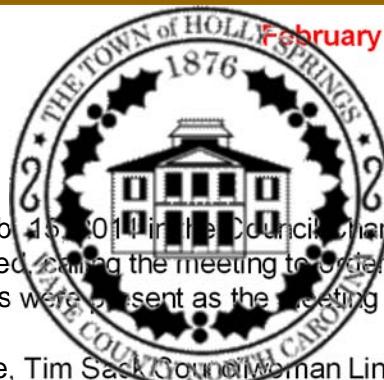


*Linda R. Harper*



February 15, 2011

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Feb. 15, 2011 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 Jimmy Cobb, Parrish Womble, Tim Sack, Councilwoman Linda Hunt Williams.

**Council Members Absent:** Councilman VanFossen.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk; Linda Harper, deputy town clerk (recording the minutes); Len Bradley, director of parks and recreation; Gina Clapp, planning and zoning director; Mark Zawadski, planner I; Eric Tayler, senior information technology specialist; Jeff Wilson, information technology director; Niki Litts, communications specialist; John Herring, police chief; Bobby Holloway, police officer; Mike Patterson, police lieutenant; Mike Bornes, police captain; other police department staff and Drew Holland, finance director.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Savoldi of The Church of Jesus Christ of Latter Day Saints.

**4. Agenda Adjustment:** The Feb. 15, 2011 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** None.

**Items removed from the agenda:** 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.

Mr. Nick Holota of 540 Country Lane, a representative of the Holly Springs Youth Lacrosse Club, requested the Town consider providing Town athletic fields to be used by the lacrosse club. He said the program serves about 150 residents who are very supportive of the sport. Mr. Holota requested the use of the Holly Springs fields and the high school multi-purpose field for 1½ hours per week and on weekends.

**6a. Lifesaving Award of Recognition** – Chief Herring and Lt. Patterson conducted a formal presentation ceremony honoring Police Officer Bobby Holloway who is credited by doctors as having saved a man's life while off-duty this summer. Lt. Patterson said that on June 6, 2010, while off duty, Officer Holloway stopped to assist with what appeared to be an injured bicyclist. Upon exiting his vehicle and assessing the situation, it was apparent that one of the cyclists was suffering from a major cardiac event. Relying on his training and courage, Officer Holloway began lifesaving efforts, which ultimately were credited for saving the life of cyclist Ken Sibley.

Lt. Patterson said that as a result of Officer's Holloway's unselfishness and dedication to duty, he was

awarded the Holly Springs Police Department's Lifesaving Award. A special guest for the ceremony was Mr. Sibley and his wife, Barb.

**Action:** None.

**7a. Town's Standard & Poor's Bond Rating** - Mr. Dean said the Town was notified that its Standard & Poor's bond rating has been elevated two grades from A+ to AA. While the Town's bond rating was strong at grade A+, the AA rating lends even more confidence in the Town's financial condition.

He said one of the key findings in the Standard & Poor's analysis is that the Town's debt load is well within acceptable limits and that the debt represents capital investments for the community. For the debt the Town has incurred, it has provided valuable infrastructure for its citizens.

Mr. Dean said the report reflects the following:

- the town's rapidly growing residential community;
- a large property tax base that shows steady and healthy growth over the past decade;
- a strong financial position, attributable to good financial management and budgeting practices; and
- moderate debt burden.

Mr. Holland said that this report was not completed or requested by the Town. He said he supplied the company with the information requested.

**Action:** None.

**8a. Public Hearing: Special Exception Use Petition, 10-SEU-06, 209 W. Elm Street** – Mr. Zawadski said the Town has received a request for a Special Exception Use to locate a family childcare home in the R-15: Residential zoning district located at 209 West Elm Avenue. According to North Carolina General Statutes §110-86 Definitions, "A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care."

He said the property is 0.4 acres in size and is located within the Avent Acres Subdivision. The property includes capacity to accommodate four cars in the driveway for loading and unloading in addition to the two-car garage. No modifications are proposed to the exterior of the house or property.

Mr. Zawadsky said the Planning Board recommended approval of the special exception use. Councilwoman Hunt-Williams asked about traffic flow and parking.

Under sworn testimony, Courtney Hizey of 209 W. Elm Street said the State allows up to eight children. She said that she would be keeping five children, which leaves three openings for tracked out school children. She said the driveway would allow five cars, and children drop-off would be at staggering times.

With that explanation completed, Mayor Sears opened the public hearing to accept more sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no 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 a Special Exception Use #10-SEU-06 for 209 W. Elm Avenue to allow for a family childcare home in the R-10: Residential District as submitted by Courtney Hizey.

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:** Womble

**Vote:** Unanimous

*A copy of Special Exception Use Petition 10-SEU-06 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use 10-SEU-06 for 209 W. Elm Avenue to allow for a family childcare home in the R-10: Residential District as submitted by Courtney Hizey with the following condition:

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

**Motion By:** Cobb

**Second By:** Womble

**Vote:** Unanimous

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

7a. Minutes – The Council approved minutes of the Council's regular meetings held Jan. 18, and Feb. 1, 2011.

7b. Budget Amendment, Report – The Council received a monthly report of amendments to the FY 2010-11 budget approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addenda page.*

7c. Wake County Board of Elections Contract – The Town Council approved a contract with Wake County Board of Elections for the 2011 municipal election.

**10. New Telephony System** - Mr. Wilson said the Town organization's phone system and network hardware needs replacement because the equipment is outdated and out of production. The existing phone system was manufactured by 3Com, which was purchased by HP. He said the production of this line of equipment was ended, so an upgrade of the current system is not possible.

He said a new system also would help meet the Town's need for business continuity and disaster recovery.

Mr. Wilson said bids were requested for a system design, and two responses were received. The apparent best bid, which staff is recommending, is the one provided by Brightstar Communications. The bidders met all necessary requirements and were within the targeted budget.

He said the system would be leased for four years starting with FY 2011-12 budget.

Councilman Sack asked the name of the company who makes the equipment.

Mr. Wilson said a company from Houndsfield, Alabama, makes the equipment and the systems comes with a 5-year warranty.

Councilwoman Williams asked why is this system better than the current phone system.

Mr. Wilson said the current phone system is nine years old, and the company is no longer in business. Parts or phones are no longer available for repairs or part replacement.

Councilman Sack asked who would be servicing the new telephone system.

Mr. Wilson said Brightstar Communications, located in Raleigh, would service the system.

**Action:** The Council approved a motion to enter a telephony contract with Brightstar Communications in the amount of \$104,756 and to lease from Graybar Financial in the annual amount of \$28,454.60 for four years, starting July 15, 2011.

**Motion by:** Sack

**Second by:** Womble

**Vote:** Unanimous

**11. Other Business:** Councilman Womble asked if a tract of land has been approved for Fire Station #3. Mr. Dean said that he was talking with Progress Energy regarding property for Fire Station #3. He said that will be a topic for discussion at the Town Council Retreat.

**12. Manager's Report:** Mr. Dean invited the Council Members to the Holly Springs Chamber of Commerce event at 8 a.m. Tuesday, Feb. 22 at Devil's Ridge Golf Club and also invited the Council to hear Senator Richard Burr speak at the Rotary Club meeting at 7:30 a.m. Wednesday, Feb. 23 at Devil's Ridge Golf Club.

Mr. Dean said regarding the school's speed limit times signs located on Holly Springs Road, NCDOT is working to correct the problem.

**13. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to NCGS 143-318.11(a)(5), to discuss matters regarding sidewalk projects located on Holly Springs Road, Raleigh Street and Earp Street and the need to acquire properties for right of way and temporary construction easements.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous.

#### **General Account Closed Session – Feb. 15, 2011**

In Closed Session, the Council discussed with the Town Attorney the sidewalk projects located on Holly Springs Road, Raleigh Street and Earp Street and the need to acquire properties for right of way and temporary construction easements.

Mr. Schifano reported on the range of values that have been determined for the sidewalk right of way, and he asked for the Council's authorization to set an amount within the range for him to pursue in the negotiation process.

No action was taken in Closed Session other than the motion to return to Open Session.

Councilman Sack made a motion to return to Open Session, and it was seconded by Councilman Cobb. The vote was unanimous in favor of the motion.

**14. Adjournment:** There being no further business for the evening, the Feb. 15, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb, and a unanimous vote.

Respectfully Submitted on Tuesday, March 1, 2011.

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Linda R. Harper, MMC, Deputy Town Clerk

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