



**March 20, 2012**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, March 20, 2012 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

**Council Members Present:** Mayor Sears and Councilmen Jimmy Cobb, Chet VanFossen, Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk; (recording the minutes); Drew Holland, finance director; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Gina Clapp, director of planning and zoning; Laura Powell, planner I; Jeff Wilson, information technology 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 Kelly Lynn Logue of the Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The March 20, 2021 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** VanFossen

**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: None.

**6a. Holly Springs High School Cheerleading Team** - Britney Kensmoe coach of the Holly Springs High School cheerleaders announced that on Saturday, Jan. 28, Holly Springs High School hosted the Wake County cheerleading competition, the second largest county competition in the state. As a 21-member team, Holly Springs High School Cheerleaders were placed in the large varsity division where they out-performed three other teams, taking first place by more than 10 points.

She said Holly Springs High School won the Wake County cheerleading competition championship title and a most recent win in Myrtle Beach winning the National Championship title.

Mayor Sears recognized coaches Britney Kensmoe and LaChanda Broome and the team members Avery Barr, Erika Peterson, Jasmine Duhon, Lacaunya Blount, Madeline Lefferts; Brandon Gilchrist, Casey Perry, Jamera Davis, Lauren Longobardo, Rachel Sloan, Tegan Bergeson, Cassidy Tanner, Kendall Coker, Keriann Spor, Madison Rackley, Meredith Klinedinst, Morgan Veiwheg, Taylor Hetzel, Alexa Martin, Arianna Duncan and Kamilia Blount.

**Action:** None.

**6b. Multiple Sclerosis Awareness Week** - Mayor Sears said the Governor proclaimed March 12-18 as Multiple Sclerosis Awareness Week in North Carolina, and Mayor Sears proclaimed the same time period as Multiple Sclerosis Awareness Week in Holly Springs.

Ms. Jo Haskell is working to raise awareness and raise funds for MS research and patient support.

She said that she was diagnosed with MS in 2009, and her mission is to bring awareness and raise funds to find a cure for this debilitating disease.

**Action:** None.

**7a. Southwest Area Study Presentation** - Ms. Kendra Parrish said as Council recalls, Holly Springs is a key stakeholder in the regional study that is underway called the Southwest Area Study (SWAS.) The last time this was discussed and presented was prior to the first symposium, in which many elected officials and key town citizens came out to share their visions of southwestern Wake County. Since that time staff has attended monthly meetings, and held a public meeting and the second symposium. She said on April 17, 2012 will be the second public meeting.

Ms. Parrish said the study is funded by CAMPO and NCDOT. Growth is going to continue, and southwestern Wake County and northern Harnett County likely will be one of the first post-recession areas to return to a fast pace of development. Commuting patterns and delays will be exacerbated by existing trends as shown in the Apex, Holly Springs, Fuquay Varina, Angier and northern Harnett County plans.

The SWAS will provide a traditional approach that includes transparent planning framework and successfully can generate a recommended strategy that integrates local values and priorities with regional mobility goals and needs. The goal of the SWAS will encompass a comprehensive multimodal plan (including highway, bicycle, pedestrian, transit, and rail elements) travel demand modeling, development initiatives, land use integration, prioritization matrix, and a detailed action/ implantation plan.

Mr. Mike Rutkowski from Kimley Horn provided a brief update on the SWAS. He presented several proposed projects to the Council regarding transportation designs, east-west connector, interchange at NC 55 Hwy and Ralph Stephens Road and NC 55 Apex Connector near US 1.

**Action:** None.

**8a. Public Hearing: Rezoning Petition 12-REZ-01** – Ms. Powell said the Town has received a request to rezone approximately 2.08 acres from R-20: Residential to OR-CU: Office, Research & Development Park, Conditional Use. The parcel is located at 617 Avent Ferry Road and is directly adjacent to the existing Rex Urgent Care property. This rezoning request mimics the current Rex property zoning classification with identical zoning conditions volunteered by the developer.

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

Jason Barron, 4350 Lassiter at North Hills, Suite 300, Raleigh, representative for Rex Healthcare, the property owner. Mr. Barron said the property will be incorporated into the Rex

Urgent Care adjacent campus and will mimic the current Rex property zoning classification with identical zoning conditions.

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

**Action #1:** The Council approved a motion to accept the following statement as true:

*"The requested zone map change from R-20 to OR-CU: Office, Research & Development Park, Conditional Use is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Office/Professional which meets the intent of furthering the development of employment and office development opportunities in the Southern Gateway Area."*

**Motion By:** VanFosser

**Second By:** Cobb

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 12-REZ-01 for Zone Map Change Petition #12-REZ-01 to change the zoning of 2.08 acres of Wake County PIN # 0648896547 from R-20:Residential to OR-CU: Office, Research & Development Park , Conditional Use, as submitted by Jason Barron of K&L Gates with the following zoning conditions offered by the petitioner:

1. The following uses, otherwise permitted in the OR zoning district (pursuant to Section 3.04 of the Town of Holly Springs Unified Development Ordinance) shall be prohibited upon the Property:
  - a. Construction companies;
  - b. Insurance agent;
  - c. Mortuary;
  - d. Neighborhood recycling collection point; and
  - e. Email order distribution.

**Motion By:** Cobb

**Second By:** VanFosser

**Vote:** Unanimous

*A copy of Rezoning Ordinance 12-REZ-01 is attached to these minutes.*

**8b. Public Hearing: Rezoning Petition 12-REZ-02** – Ms. Powell said the Town has received a request for a zone map change for property located near the intersection of Sunset Lake Road and Holly Springs Road. The applicant is requesting to rezone the property from R-20: Residential to LB: Local Business. The parcel currently is vacant and is approximately 1.5 acres in size. The property is located within the Northeast Gateway Area Plan and the requested LB: Local Business zoning district is consistent with the business land use designation.

She said the proposed LB district would allow for a variety of office, retail, restaurant, and personal service uses. Through the Special Exception Use process that requires another public hearing once the specific use is known, limited automobile, drive-through restaurants, and other uses may be permitted. The uses allowed in the LB district are regulated in character to assure harmonious development with the nearby residential districts served and are limited in size and scale to promote pedestrian access.

Councilman Sack said that the property looks like it is land-lock and asked where the access to the property.

Ms. Goodson said the property is land-locked and there is not an access to the property from a public street. The property owner is the same owner for parcel of land adjacent to the property being rezoned, which will serve access to the property and was rezoned previously.

Councilwoman Williams asked the zoning of the property to the right of the property being requested for rezoning. Ms. Powell explained the property surrounding zoning uses and adjacent businesses in the area.

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

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

**Action #1:** The Council approved a motion to accept the following statement as true: *"The requested zone map change from R-20 to LB is consistent with the Vision Holly Springs Comprehensive Growth Plan and Northeast Gateway Area Plan since the Future Land Use Plan Map indicates this property as Business and the LB: local Business District allows for commercial, retail, and office development."*

**Motion By:** Cobb

**Second By:** VanFosser

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 12-REZ-02 for Zone Map Change Petition #12-REZ-02 to change the zoning of 1.5 acres of Wake County PIN #0659-98-7585 from R-20:Residential to LB: Local Business as submitted by Moonlit Properties, LLC.

**Motion By:** VanFosser

**Second By:** Sack

**Vote:** Unanimous

*A copy of Rezoning Ordinance 12-REZ-02 is attached to these minutes.*

**8c. Community Development Block Grant Program** – Mr. Daniel Weeks said this is a public hearing required so the 2010 Community Development Block Grant Scattered Site housing grant officially can be closed out. All rehabilitation work has been completed at the three addresses below and the Division of Community Assistance has approved of how the grant was administered. The purpose of the public hearing is to allow the citizens of Holly Springs an opportunity to express their views in regard to the Town's Scattered Site housing rehabilitation program.

- Lenora Carrington, 4005 Lassiter Road;
- Sarah Ingram, 101 Maple Avenue;
- Sandra Burch, 813 Estes Lane;

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

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

**Action:** The Council approved a motion to adopt Resolution 12-05 to close community development block grant program.

**Motion By:** VanFosser

**Second By:** Williams

**Vote:** Unanimous

*A copy of Resolution 12-05 is attached to these minutes.*

**8d. Ordinance 12-02 Storm Water And Sedimentation And Erosion Control** – Ms. Heather Keefer said the proposed amendments to Article II, Erosion & Sedimentation Control Ordinance to update the required seeding time frame on construction sites and to Article V, NPDES Phase II Post-Construction Stormwater to clarify responsibility to extend storm drainage to adjacent properties.

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

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

**Action:** The Council approved a motion to adopt Ordinance 12-02 amending Chapter 8, Articles II and V of the Holly Springs Town Code.

**Motion By:** VanFossen

**Second By:** Cobb

**Vote:** Unanimous

*A copy of Ordinance 12-02 is attached to these minutes.*

**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 VanFossen and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council's 2012 winter retreat special meeting held March 2-3 and its regular meeting held March 6, 2012.

9b. Budget Report – The Council received a monthly report of amendments to the FY 2011-12 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

9c. Hazard Mitigation Plan Agreement – The Council approved to enter a memorandum of agreement to participate in a multi-jurisdictional Wake County hazard mitigation plan.

9d. Avent Ferry Road Fire Station Contract Change Order Report – The Council received a report of contract change orders in the Avent Ferry Road fire station project.

9e. Budget Amendment, \$36,000 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$36,000 to account for interest income on escrow funds for the Hunt Center Project Fund. *A copy of the budget amendment is attached to these minutes.*

9f. Budget Amendment, \$941,070 – The Council adopted an amendment to the FY 2011-12 budget in the amount of \$941,070 to cover the pay-off of the original loan in refinancing of Avent Ferry Road / Fire Station debt. *A copy of the budget amendment is attached to these minutes.*

9g. Grigsby Avenue Sidewalk Municipal Agreement – The Council approved amendment to the municipal agreement for the Grigsby Avenue sidewalk project.

9h. Marketing Campaign – The Council approved to retain Liaison Design Group for \$9,500 to develop a marketing campaign targeted to life science companies.

**10a. Twelve Oaks Infrastructure Reimbursement Agreement** – Mr. Schifano explained the 12 Oaks development has been operating under a developer's reimbursement agreement that was originally drafted in 2004. The agreement provided a mechanism for the developer to be reimbursed for expenses incurred that otherwise ordinarily would not have been incurred, such as installation of a new pump station, force main, oversizing of water lines, installation of re-use lines, and a two-lane off-site road (now the four-lane Green Oaks Parkway.)

He said most of the improvements have been made, and the developer has accrued credits against future fees. As the original agreement has a 10-year expiration, it nearly would be impossible for the developer to redeem all its fee credits in the remaining time. Further, a new developer, Landeavor, is purchasing the remaining portions of 12 Oaks. Therefore, staff has prepared the attached amendment, which clarifies what the outstanding fee credits are, what opportunities there are for additional fee credits, and extends the life of the agreement until Dec. 31, 2017. The agreement also locks in the town's fees for the development at the current year rates until 2017.

Mr. Schifano explained the amount of credits and types that are listed in the table below:

Type of Fee	Total credit	Redeemed to-date	Remaining Credit
Sewer Acreage and Capacity	\$3,090,678	\$732,640	\$2,358,038

Water Acreage	\$460,403	\$161,140	\$299,263
Water Capacity Replacement (for re-use system)	\$890,000	\$140,000	\$750,000
Water Capacity Replacement * (for FUTURE re-use system)	\$1,488,000 *	0.00	\$1,488,000
Transportation	\$1,164,930	(\$495,734.06) **	\$1,164,930

\* (Future re-use credit is subject to the actual construction costs).

\*\* (Pursuant to another agreement, the developer is to repay the town \$495,734.06 in transportation fees for money spent by the town construction Green Oaks Parkway after a previous developer's default. Once that amount is repaid, the Developer's credit shall apply).

He said credits are used to off-set fees that would be paid when a house is constructed or a lot is platted. The amounts listed are the maximum amounts if a sufficient number of houses are built during the term of the agreement to apply the credits.

**Action:** The Council approved a motion to enter modified infrastructure reimbursement agreement with developer of 12 Oaks.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**10b. Parks and Recreation Committee Special Meeting** – Mr. Dean said in November, voters authorized the Town of Holly Springs to issue general obligation bonds for parks and recreation improvements. He said at the retreat, Council members said they would like to dedicate an evening to prioritizing projects and set phasing for those projects. Members of the Holly Springs Parks and Recreation Advisory Committee have expressed an interest in being a part of the discussion.

He said if the Council is amenable to a joint workshop, members of the Holly Springs Parks and Recreation Advisory Committee have expressed an interest in being a part of the discussion. Please set a time, date and location for a special meeting joint workshop for the purpose of establishing parks and recreation project priorities to be funded by the parks and recreation bond issue recently approved by voters.

The next regular meeting of the Parks and Recreation Committee is 7 p.m. Thursday, April 12, but the Council can set any day or evening for this workshop.

After discussion the Council Members were in consensus to set the joint meeting date to discuss and prioritize parks and recreation projects to be funded by bonds for Monday, March 26, 2012 at 1:30 p.m. in the Holleman room at Holly Springs Town Hall.

**Action:** The Council approved a motion to set a special meeting for March 26, at 1:30 in the Holleman Room at Holly Springs Town Hall for the purpose of holding a joint workshop with the Parks and Recreation Advisory Committee to discuss and prioritize parks and recreation projects to be funded by bonds.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**10c. Stinson Avenue and Lacombe Court** – Ms. Parrish said that staff was contacted by the Home Owners Association president of Chelsea Woods for the installation of a three-way stop sign at Lacombe Ct. and Stinson Ave. There is a sharp curve in very close vicinity to the intersection, and based upon the technical criteria used by the Town to evaluate these requests, staff recommends installing a three-way stop intersection at this location.

Stephen McFadden resident of 908 Stinson Avenue said the original request was for speed bumps, but if the council approves the installation of a stop sign, he would like to request a warning "stop sign ahead" sign be posted before the curve coming from Bass Lake Road.

**Action:** The Council approved a motion to install and enforce a three-way stop at the intersection of Stinson Avenue and Lacombe Ct.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**10d. Expand K-9 Police Program** – Chief John Herring said the Police Department was approved \$15,000 in the current budget for the purchase of an additional K-9 unit. This amount included the purchase of a dog, training tuition and associated equipment. As a result of the relationship our department has developed with the K-9 units from Raleigh Police Department, we have been offered the opportunity to train our new dogs in the upcoming school at no charge. This arrangement also would significantly reduce our travel and lodging cost. In addition, the arrangement presents an opportunity for us to reallocate the approved funding in order to expand the K-9 team to a much more effective and efficient component of our overall operation.

He said we are requesting to purchase three additional dogs immediately, so we may take advantage of the upcoming school. Again, due to the significant reduction in cost for training, travel and lodging, we are able to absorb this expansion within our current K-9 program budget. Therefore, we are not requesting any additional funding for this project, only the approval to purchase multiple dogs.

**Action:** The Council approved a motion to authorize purchase of three dogs to expand the K-9 police program.

**Motion By:** VanFossen

**Second By:** Williams

**Vote:** Unanimous

**11. Other Business:** Councilman Cobb congratulated the police department for a good job of directing traffic at Avent Ferry Road and NC 55 Hwy during the recent thunder storm.

Councilman Sack and VanFossen thanked staff for a great job presenting superstreet information meeting. Councilman Sack asked if the Holly Springs Postal Service Office will be closing its' Holly Springs branch and asked staff to research that possibility.

**12. Manager's Report:** Mr. Dean informed Council members of upcoming dates of a ribbon cutting of the Food Cupboard it will be Wednesday, March 21, at 11:30 a.m. He said there will be a bus tour of the business park scheduled for Thursday, March 29 at 8:00 a.m.

Mr. Dean also congratulated staff for a great job presenting the superstreet information meeting.

**13. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(3) to discuss personnel matters relating to the qualifications, competence, performance, character or fitness of a police officer, and, pursuant to NCGS 143-318.11(a)(6) to discuss matters relating of easement acquisition claim settlement with LLC Ventures and a matter to discuss purchase of real estate property along the US 1 corridor.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous

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In Closed Session, the Council heard a report from the Chief of Police and discussed matters relating to a police officer. No action was taken, for information purposes only.

In Closed Session the Town Attorney discussed matter of a claim settlement between the Town and LLC Ventures for cost of easement acquisition of Earp Street extension.

All Council Members were in consensus and directed staff to negotiate with LLC Ventures to offer a settlement.

In Closed Session the Assistant Town Manager discussed a matter of potential real estate purchase of property along the US 1 corridor connecting the Friendship site to the annexed CP&L property in the Holly Springs area. The Town Attorney identified the proposed property.

Councilman VanFossen made a motion to direct the Town Attorney to make the best negotiated offer to the property owner for the property located along the US 1 corridor. Councilman Cobb made a second and the vote was unanimous in favor.

No further action was taken in Closed Session, other than a motion to return to Open Session.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

**-- end of general account**

**14. Adjournment:** There being no further business for the evening, the March 20, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Cobb and a unanimous vote.

Respectfully submitted on Tuesday, April 3, 2012.

  
Linda R. Harper, MMC, Deputy Town Clerk  
Addenda pages as referenced in these minutes follow and are a part of the official record.

