



Holly Springs Town Council
Regular Meeting

Nov. 19, 2013

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 19, 2013 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 James Cobb, Chet VanFossen and Tim Sack and Councilwomen Linda Hunt-Williams and Cheri Lee

Council Members Absent: None.

Staff Members Present: Chuck Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Luncie McNeil, director of public works; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Stephanie Sudano, engineering director; Gina Clapp, planning and zoning director; Sean Ryan, planner I; Leroy Smith, fire chief; Daniel Weeks, project analyst; John Herring, police chief; Jenny Mizelle, economic development director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation Pastor Kelly Lynn Logue of Holly Springs United Methodist Church.

4. Agenda Adjustment: The Nov. 19, 2013 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

Items added to the Agenda: None.

Item removed from Public Hearing Agenda: None.

Items removed from the Consent 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 the Council on any variety of topics not listed on the night's agenda. The following input was recorded:

Sarah Perkins and Jeanne Lawson -- Ms. Perkins and Ms. Lawson addressed the Council to express appreciation for the support received from the Town of Holly Springs for Hospice of Wake County. They said the town's support over the past few years has assisted in assuring that no patient would be turned away.

Kathy Kraus, 313 Sunset Grove Drive – Ms. Kraus addressed the Council to speak to the issue of street trees on Sunset Grove. She said the sycamore tree is not suitable as a street tree; the trees along her street are diseased and they are damaging sidewalk and sewer lines. She said the Town helped remove the street trees in a similar situation and she would like the same for her street.

Peggy Adcock, 317 Sunset Grove – Ms. Adcock addressed the Council on the same topic. She said she, too, feels the sycamores are not suitable as street trees. She said she disagrees with the Town's hired arborist who suggests root barriers and other intensive maintenance

measures would keep problems caused by the trees under control.

Ms. Adcock went on to say that she felt the Town might be responsible since officials are aware that the trees are damaging to sidewalks and because she thinks the town approved the use of the sycamore trees.

Anora Ackermann, 304 Sunset Grove – Ms. Ackermann yielded the floor to other speakers, saying that Ms. Adcock and Ms. Kraus had communicated her similar position.

Stephen Grantham, 109 Sunset Grove – Mr. Grantham said he felt the Town admitted its culpability when it replaced the sycamore trees on Kingsport Drive in 2008. He asked the Council to stick with that precedent and assist with the same problem on Sunset Grove.

6a. Holly Springs Baptist Church Waiver Request – Mr. Sam Clark and Alex Clark explained that this request is for waiver of fees to install playground equipment at Holly Springs Baptist Church. Alex is working on his Eagle Scout designation and plans to build a Noah's Ark playground structure. The project would require a variance from the Board of Adjustment and fees. He asked that the variance application and building permit fees be waived.

Action: The Council approved a motion to grant a waiver of all fees related to the construction and installation of playground equipment at Holly Springs Baptist Church by Alex Clark

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous.

6b. Urban Horticulture Task Force – Jerry DeWitt of the Holly Springs Food Cupboard and Garden Club and Ken Henke of the Garden Club addressed the Council on the topic of urban horticulture. Mr. DeWitt said the Town has an opportunity to establish a creative new urban horticulture and agricultural program to impact our community, water, soil and green resources, youth, seniors and economic development.

He said integrated visioning and long-range town planning could lead to model programs of awareness, education, and service in urban horticulture and agriculture benefitting Holly Springs and our citizens in the decade ahead.

After his presentation, he outlined some next suggested goals that the hoped the Council would endorse:

- Citizen visioning in 2014-15
- Town commitment and goals in 2015
- Implementation in 2016
- Evaluation in 2017-2018
- Goals attained in 2020

In closing, he asked the Council to commit to a 2020 visioning process through a citizen-driven leadership task force.

Action: None at this time.

7a. Public Hearing: Holly Springs / Apex Annexation Agreement Line – Mr. Simmons said the towns of Holly Springs and Apex both endorsed the adoption of a revised annexation agreement line Aug. 20 after holding public hearings on the matter. Since the annexation agreement line extends further than three miles from the corporate limits of Holly Springs and Apex, the Wake County Board of Commissioners was required by General Statute to approve the agreement line.

He said the endorsed line modified the properties owned by Wake County for the South Wake Landfill from being on Apex's side of the agreement line to Holly Springs' side. Since there are a couple buildings on these properties that currently obtain water and sewer utilities from Apex, Wake County was concerned about any new buildings having to obtain such services from Holly Springs and the challenges that this would incur. The County proposed a modification to the agreement line endorsed by both Holly Springs and Apex.

The managers from Wake County, Apex and Holly Springs have met and have agreed upon a revision to the agreement line that would maintain this portion of the South Wake Landfill on the Apex side of the agreement line. Wake County Board of Commissioners approved the adoption of an Annexation and Urban Services Agreement line between Holly Springs and Apex at their meeting Oct. 7.

Mr. Simmons said since the approved line by Wake County has modified the line from the original agreement endorsed by the Town Council Aug. 20, Council is being requested to once again approve the annexation agreement line as revised.

He said the Apex Town Council also is conducting a public hearing and considering this agreement at its regular meeting Nov. 19. This agreement line, if approved by both municipalities, would be in place for the maximum duration allowed by statute, which is 20 years.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Ordinance 13-08.1, approving an annexation agreement which adopts an annexation line between Holly Springs and Apex subject to final review of the town attorney.

Motion By: Sack

Second By: VanFosser

Vote: Unanimous.

A copy of Ordinance 13-08.1 is attached to these minutes.

7b. Public Hearing: Comprehensive Plan Amendment 13-CPA-07 – Mr. Ryan said the Town has received a request for a Comprehensive Plan Amendment to expand the boundary of the Village District Area Plan (VDAP) and to assign the residential future land use designation to 12.1 acres located along W. Holly Springs Road.

He said the project boundary for this request consists of two parcels - a smaller 2.77-acre parcel and an adjacent 12.1-acre parcel. The 2.77-acre parcel currently is within the VDAP boundary and has a future land use designation of residential. The applicant would like to combine the 2.77-acre parcel with the adjoining 12.1-acre parcel and expand the VDAP boundary in order to create a cohesive project for the combined site. Since the 2.77-acre parcel already is within the VDAP boundary and has a future land use designation of residential, this Comprehensive Plan Amendment request specifically is for the 12.1-acre parcel.

Mr. Ryan said the Planning Board had reviewed the application and recommends approval.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Resolution 13-46 to approve and enact Comprehensive Plan Amendment #13-CPA-07 to extend the boundary of the Village District Area Plan to incorporate approximately 12.1 acres of Wake County PIN 0649735899, located at 410 W. Holly Springs Road, and to designate the future land use of said property as Residential under the Village District Area Plan, as submitted by JVI Development.

Motion By: Sack

Second By: Cobb

Vote: Unanimous.

A copy of Resolution 13-46 is attached to these minutes

7c. Public Hearing: Rezoning Petition 13-REZ-07 – Mr. Ryan said the Town has received a request to rezone two parcels of land totaling 14.87 acres from R-15: Residential to R-8 CU: Residential Conditional Use. The properties are situated along W. Holly Springs Road, southeast of the Oak Hall Planned Unit Development, near the intersection with Blalock Street. The project is located within the Village District (following Town Council approval) and the R-8 CU: Residential Conditional Use request would be consistent with the Village District Area Plan.

He said the petitioner has requested the following conditions be placed on the property:

1. The minimum lot size shall be 5,000 square feet.
2. The use of vinyl siding shall be prohibited except for accent elements and soffits.
3. All homes shall have change in elevation of roof ridge or change in direction of roof ridge.
4. All homes shall have a foundation landscaping package.
5. All homes shall have façade modulation.
6. All homes shall have roof overhangs a minimum of 12 inches on all elevations.
7. All homes shall have a decorative or carriage style garage door.
8. All homes shall have a two car detached garage which shall be set back at least 20 feet from the front façade of the primary dwelling.

Mr. Ryan said zoning conditions are offered by the property owners to be placed on the property and are not required by the Town. A Conditional Use District allows the petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town's Unified Development Ordinance. Once a petitioner has placed such conditions with the Zoning Map Change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add additional conditions or make the proposed conditions more restrictive, however, additional conditions or regulations cannot be added to the petition by Planning Board or Town Council, nor can either Board request additional conditions.

Mr. Ryan reported that the Planning Board had reviewed the application and recommends approval.

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

Stuart Jones, 221 N. Salem Street, Apex – Mr. Jones addressed the Council on behalf of the applicant. He said it is a great location but it has some environmental challenges due to a stream. He said R-8 zoning provides for a neo-traditional product.

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

Action #1: The Council approved a motion to accept the following statements as being true: *"The requested zone map change from R-15 to R-8 CU is consistent with the Vision of Holly Springs Comprehensive Plan since the Village District Area Plan encourages the development of residential uses and indicates these properties as Residential on the Future Land Use Map. The R-8 CU: Residential Conditional Use District will provide for residential uses in the Village District and will expand upon the already built environment of the Village Core."*

Motion By: Williams

Second By: Cobb

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance 13-REZ-07 to approve Zone Map Change Petition #13-REZ-07 to change the zoning of 14.87 acres of Wake County PIN # 0649735899 and 0649739880 from R-15: Residential to R-8 CU: Residential Conditional Use as requested by JVI Development with the following zoning conditions offered by the petitioner:

1. The minimum lot size shall be 5,000 square feet.
2. The use of vinyl siding shall be prohibited except for accent elements and soffits.
3. All homes shall have change in elevation of roof ridge or change in direction of roof ridge.
4. All homes shall have a foundation landscaping package.
5. All homes shall have façade modulation.
6. All homes shall have roof overhangs a minimum of 12 inches on all elevations.
7. All homes shall have a decorative or carriage style garage door.
8. All homes shall have a two car detached garage which shall be set back at least 20 feet from the front façade of the primary dwelling.

Motion By: Williams

Second By: Cobb

Vote: Unanimous.
A copy of Rezoning Ordinance 13-REZ-07 is attached to these minutes.

8. 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 Cobb and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held Nov. 5, 2013.

8b. Budget Amendment Report – The Council received monthly report of amendments to the FY 2013-14 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

8c. City of Wilson Agreement - The Council approved to enter into an agreement with the City of Wilson for fiber records management services.

8d. Surplus Resolution 13-45 – The Council adopted Resolution 13-45 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 13-45 is attached to these minutes.*

9a. Holly Springs Extraterritorial Jurisdiction – Ms. Clapp said that earlier this year, the Town of Holly Springs and Town of Apex adopted a new annexation and service area agreement line that has placed some properties that currently are designated as Apex extraterritorial jurisdiction (ETJ) on the Holly Springs side of the agreement line (see attached map.) In an effort to "clean up" the maps and clarify the zoning and future utility providers for these parcels, Wake County Planning, Apex Planning, and Holly Springs Planning all have met and are supporting to change the designations of these parcels from Apex ETJ to Holly Springs ETJ.

In addition, Ms. Clapp said, two other parcels at the intersection of Old Holly Springs-Apex Road and Woods Creek Road that previously were on the Holly Springs side of the old agreement line, and several parcels that are designated as Short-Range Urban Service Area (SRUSA) have been included in this request so that we would not leave a "donut hole" in the zoning in this area.

She said in order for this change to occur, the Town of Apex is adopting a resolution at its Council meeting Nov. 19 to rescind their ETJ designation on these parcels. Upon approval of this request by Apex and acceptance by the Wake County Board of Commissioners, the County has 60 days to place a new designation on these properties. A schedule has been developed that would take this ETJ Extension request through the Wake County ETJ review process and to the Wake County Board of Commissioners Jan. 6, 2014 for public hearing and official determination and then to the Holly Springs Town Council Meeting Jan. 21, 2014 for acceptance by the Town and setting the zoning of these properties.

Holly Springs Planning and Zoning will be holding a public information meeting Nov. 20 for the property owners to explain these changes and to answer questions the residents and property owners may have.

Action: The Council approved a motion to adopt Resolution 13-38 requesting that the Wake County Board of Commissioners extend the Town of Holly Springs extraterritorial jurisdiction and authorize staff to submit a request to Wake County designating certain parcels as Holly Springs ETJ.

Motion by: Sack

Second by: Cobb

Vote: Unanimous.

A copy of Resolution 13- 38 is attached to these minutes.

9b. Kite Realty Developer Agreement Amendment – Mr. Schifano said that Kite Realty, as developers of Holly Springs Towne Center (formerly New Hill Place,) have requested an amendment to the developers agreement to allow a delay in the completion of Section 2 of the new thoroughfare to be named Bennet Knoll Parkway.

This road, labeled initially as "Thoroughfare A" in the original Nov. 15, 2011 agreement, will connect the bypass and Old Holly Springs-Apex Road once it is completed. The original agreement required the developer to install the first section of the road (from the bypass to the interior collector road in the shopping center) within three years of the Target certificate of occupancy, then the remaining section prior to any building in Phase 2.

The developers are seeking this amendment because they anticipate starting Phase 2 building earlier due to demand for the retail space and to begin work on the lengthy construction schedule for the movie theater and bowling alley. This amendment would require them to construct the first section of Bennet Knoll earlier than anticipated. Under the amendment, they would be required to complete the first section prior to any Phase 2 building permit's being issued, then they would have to complete the road any time within 24 months after the first certificate of occupancy in Phase 2. This amendment would allow them to commence construction on buildings in Phase 2 without first having built the entire road.

As a reminder to the town council, there is a cost sharing provision on this road as it has a regional significance. The town agreed in the prior developer agreement to pay \$50,000 per year for 20 years to the developer once the road is fully completed. This repayment provision would be triggered upon final completion of the road.

Action: The Council approved a motion to approve an amendment to the Kite Realty developer agreement to delay construction of Section 2 of Bennet Knoll Parkway.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

9c. Holly Springs Business Park Ground Signs – Ms. Mizelle said that staff has reviewed responses to a request for proposals for the design and construction of two signs for the Holly Springs Business Park and has selected Rodney's Custom Cut Signs for the project.

She said the proposal is for approval of entering into a contract with Rodney's Custom Cut Signs Inc., for two ground signs for Holly Springs Business Park in a contract amount not to exceed \$50,827.

Councilman VanFossen asked if the designs proposed by Rodney's Signs might be a bit too modern and high-tech looking, given the Town's efforts to promote a sort of village and stacked stone type of design in its other sign and architecture.

Action: The Council approved a motion to approve entering into a contract with Rodney's Custom Cut Signs Inc. for two ground signs for Holly Springs Business Park in a contract amount not to exceed \$50,827.

Motion by: Sack

Second by: Cobb

Vote: The motion carried following a 4-1 vote. Councilmen Cobb and Sack and Councilwomen Williams and Lee voted for the motion. Councilman VanFossen voted against.

9d. Sunset Grove Street Tree Request – Mr. Simmons said the Town has received several requests from homeowners along Sunset Grove in Sunset Ridge North to remove a substantial number of existing street trees and possibly replace them with a more suitable species. The residents have hired tree experts to estimate the cost for removal. The homeowners would like for the Town to cover the removal expenses to assist them in removing the sycamore species trees and planting another species - not specified.

Mr. Simmons said staff from Public Works, Engineering, and Planning and Zoning have conducted research into the history of street trees, the Sunset Ridge North subdivision, previous neighborhood street tree modifications, and hired an independent arborist to evaluate the quality and health of the street trees along Sunset Grove.

He and Mr. Schifano explained why street trees are required and gave some history of how some trees have been replaced. Some trees were replaced on Kingsport Drive a few years ago after roots began to push up segments of sidewalk. They were not replaced because the trees

were unhealthy or dying.

Councilman Sack, a resident of Sunset Ridge North, said he thinks residents have to take some responsibility for the trees that are in front of their yards. By policy, property owners are to maintain the trees, which beautify their own neighborhoods and properties.

Councilwoman Williams said she agreed because she replaced a street tree in front of her own home.

Councilman Cobb asked if the Town had reached a point where the expense of sidewalk and sewer line repair from errant tree roots was more than the cost of replacing trees.

This is not known since it was done the one time.

Councilman Sack suggested that the town agree to remove the dead trees and maybe the sick ones on Sunset Grove, but not all 70-plus trees as is being requested. He added that perhaps the sick ones could be treated.

Mr. Simmons said the Council seems to have two options:

- To reach a consensus to follow existing policy and not provide financial or manpower assistance for the removal and replacement of street trees along Sunset Grove in Sunset Ridge North; OR
- To assist with the expenses or to provide manpower assistance for the removal and replacement of street trees along Sunset Grove in Sunset Ridge North in an amount not to exceed a certain specified amount.

Action: The Council approved no motion. Instead, there was reached a unanimous consensus among members that the Town will follow existing policy and not provide financial or manpower assistance for the removal and/or replacement of street trees along Sunset Grove in Sunset Ridge North.

9e. Womble Park Synthetic Turf Field Complex - Mr. Huffman provided information regarding field composition and maintenance of the turf fields at Womble Park. He also provided suggested rules, field layouts, rates, scheduling-open play, field set-up, needs and photos for consideration.

Action: The Council approved a motion to approve rules, rates, and open play times for Womble Park - Turf Field Complex as submitted by staff.

Motion by: VanFossen

Second by: Cobb

Vote: Unanimous.

10. Other Business: Councilman VanFossen said the U-Turn in front of South Wake Landfill is covered with dirt and debris and needs to be cleaned up; the Green Oaks Parkway and New Hill Road street sign is knocked down, re reported.

11. Manager's Report: None.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(4) to discuss an economic development incentive package.

Motion by: Sack

Second by: Cobb

Vote: Unanimous

General Account of Closed Session – Nov. 19, 2013.

In general, Council received an update from Ms. Mizelle regarding an industry seeking to locate or expand in Holly Springs.

A motion was made agreeing to an incentive package that would match the Wake County incentive offer, and a motion was made to seal those minutes until such time as the purpose allowing the closed session would no longer be frustrated by release of the information.

In another economic development matter, the Council heard about a new business planning to locate in Holly Springs to provide co-working space for home businesses periodically needing a business location. Mojo, a co-working space management company based in Asheville, is interested in expanding to Holly Springs.

Ms. Mizelle explained that she had \$30,000 remaining in her economic development department's budget that was savings from another project. She said that could be used to provide Mojo with the start-up costs it would need to bring a much-needed service to Holly Springs. While the company was looking at one location, she asked that the assistance be okayed by the Council for either of two different locations.

Action: The Council approved a motion to provide an economic development grant of \$30,000 to Mojo of Asheville to establish a co-working space in Holly Springs at either Village Center Shops or at Mosaic.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

No further action was made in closed session.

The Council approved a motion to return to open session, and the motion carried unanimously.

-- ***End of General Account***

13. Adjournment: There being no further business for the evening, the Nov. 19, 2013 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, Jan. 7, 2014.

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Lori Powell _____
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... these minutes follow and are a part of the official record.