



**Aug. 4, 2015**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Aug. 4, 2015 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, Councilmen Tim Sack, James Cobb, Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, assistant town manager; Daniel Weeks, senior project manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Gina Clapp, planning and zoning director; Jeff Jones, senior planner; Siobhan Juarez, farmers market coordinator; Laura Holloman, planner; John Meece, planning intern; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Mary Hogan, finance director; Kendra Parrish, engineering director; Aaron Levitt, senior planner; Leroy Smith, fire chief; Alberto Quiroga, administration intern; Tamara Ward, communications specialist and Mark Andrews, public information officer.

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

**4. Agenda Adjustment:** The August 4, 2015 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

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

**Items added to Consent Agenda:** None.

**Items removed from Agenda:** None.

**Items added to 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 comments were recorded:

Marilyn Jesrani, 140 Sudano Ct. -- Ms. Jesrai addressed the Council to speak in favor of an ordinance change to allow backyard laying hens. She provided information supporting her positions that chickens are clean, quiet, good for families and the environment. She hit on the hottest topics

Howard Slinkard, 101 Triple Crown Trail – Mr. Slinkard addressed the Council to speak in support of the proposed removal of a barricade blocking traffic from Morgan Park. He said it would provide a safer way for Trotter Bluffs residents to get out onto Avent Ferry Road and for emergency vehicles to get into Trotter Bluffs.

Lisa McGrath, 201 W. Elm Ave. – Ms. McGrath spoke in favor of the ordinance to allow backyard laying hens. She noted that chicken manure is good for compost. She said she did not believe chickens would lower property values.

Jennifer Powell, 200 Ramshorn Ct. – With a bachelor degree in animal husbandry, Ms. Powell said chickens do not smell, do not cause disease and are not noisy. She said she is in favor of the ordinance change that would allow backyard hens.

**6a. Holly Springs Farmers Market** - Mr. Jones said that it's National Farmers Market Week, and this is a good time to give the Council an update of our local program, which continues to grow in popularity.

The Town of Holly Springs Department of Planning & Zoning manages The Farmers Market in the Holly Springs Village District. The market is in its ninth season and is bigger and better than ever with 22 weekly vendors and eight part-time vendors.

This year, the market has received nearly \$21,000 in sponsorships and in-kind donations showing the support of our business community regarding the importance of the Town's providing this unique weekly event. The market has been averaging more than 800 customers each week despite the hot summer that we have been having. As of today, we have had more customers at the market than we did the entire season in 2010 and when we started counting our customers each week.

The United States Department of Agriculture has designated Aug. 2-8 as National Farmers Market Week, and we urge all residents to come out to The Farmers Market every Saturday from May through mid-October to get the fresh and nutritious produce, meat, eggs, baked goods, and artisanal foods. This Saturday, the Holly Springs Farmers Market will be celebrating this week-long event with customer appreciation drawings and special give-aways. Mr. Jones introduced the new Farmers Market Coordinator, Ms. Siobhan Juarez.

**Action:** None.

**6b. Street Trees Report** - Ms. Holloman explained that the Department of Planning & Zoning hired an urban forestry intern this summer to perform a street tree Inventory for completed neighborhoods that contain street trees. Intern John Meece presented his findings to Town Council. The Department of Planning & Zoning will use this inventory to complete a street tree report detailing its data and recommendations for the Town's street trees moving forward.

**Action:** None.

**7. 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 Councilwoman Williams and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of Town Council meeting held July 21, 2015.

7b. Resolution 15-25 – The Council adopted Resolution 15-25 continuing an existing Governor's Highway Safety Program grant for the department's traffic safety unit. *A copy of Resolution 15-25 is attached to these minutes.*

7c. Greenscape Contract – The Council approved to enter a contract with Greenscape for landscaping services for the Town's pump stations.

7d. 2015 Street Improvement Project – The Council approved a contract change order to add the repaving of Linksland Drive and Lafoy Drive to the 2015 street improvement project.

7e. North Main Athletic Complex Project Road Improvements – The Council approved a contract change order in the amount of \$20,319.60 for road improvements at the intersection of Main Street and Sunset Lake Road as part of the North Main Athletic Complex project.

7f. Trotter Bluffs Drive Barricade Removal – The Council approved modifications to plan approval that would allow the removal of a barricade on Trotter Bluffs Drive, giving Trotter Bluffs residents access to Morgan Park.

7g. 15-DPM-01 Amendment – The Council adopted Resolution 15-26 to approve and enact Development Procedures Amendment #15-DPM-01 as submitted by the Town of Holly Springs. A copy of Resolution 15-26 is attached to these minutes.

7h. 127 N. Main Street Property – The Council accepted the purchase agreement for the Town's surplus property located at 127 N. Main Street. A copy of a draft purchase agreement is attached to these minutes.

**8a. Ordinance Amendment-** When the Council revived the question of whether to amend animal control ordinances to allow residents to keep laying hens at their homes, many of the same concerns raised in 2010 were expressed, including:

- The potential added call volume to the animal control program;
- that the average lot size in Holly Springs is not conducive to housing poultry;
- that regulation of the appearance of coops and pens would be problematic;
- that while most owners of chickens would be responsible in disposing of animal waste, a significant number may not, causing noise and smell complaints from adjacent landowners;
- polluted storm water run-off;
- wildlife that might be attracted by chickens;
- subdivision covenants and how the town is usually expected to enforce covenants;
- and cranky neighbors complaining of noise and smell – even if there isn't any.

At the Council's May 19 meeting, Council members took no action, saying the board desired more information from other towns in Wake County that have experienced urban chicken programs.

One of our summer interns, Alberto Quiroga, a resident of Holly Springs studying at North Carolina State University, took on the task this week of contacting Wake County municipalities that allow chickens and getting feedback from them. On Tuesday, he will present his findings to Council.

Mr. Quiroga provided the Council with results of his survey of Wake County communities that allow chickens. He reported that of the towns that allow backyard chickens, few reported problems or neighbor complaints. He noted that the Town of Holly Springs environmental offices estimate that there would be no significant stormwater impact, any more so than from a home with a dog.

Councilman Dickson said he had revived this 2010 topic from a previous life after a campaign promise to revisit and reconsider the issue.

He said his draft ordinance is a bit more strict than the ordinances in Cary. He said he would suggest that if the Council were to adopt a change to allow hens, then there should be a waiting period so that local homeowner associations could make appropriate preparations.

Councilman Dickson suggested a minimum lot size of 15,000 square feet; a limit of three chickens; and a requirement to register them with the Town.

Councilman Sack said he was in favor of keeping it the way it is because of the added tasks that would result for the Town's animal control division; because of neighbor concerns and because most homeowner associations would not allow them anyway.

Councilman Cobb said that in 2009 he was not in favor of an ordinance change, but he has been in conversations where the support is about 50-50 on either side of the question. He said he remains convinced that chickens should not be kept on small lots, but he thinks he can live with a minimum lot size of 15,000 square feet. He said he also could live with three hens; annual registration with no fee; and a provision that no roosters be allowed.

Councilwoman Lee asked if the ordinance should restrict chickens to lots of 20,000 square feet ( $\frac{1}{2}$  acre) or more.

Councilwoman Williams said the ordinance should provide for a larger coop for three hens than the draft ordinance does for two.

Ms. Powell reported that the Town of Holly Springs gets calls and emails on both sides of the issue, and it is roughly equal between those who want chickens to be allowed and those who do not. Both sides of the issue present equally compelling arguments to support their positions.

**Action:** Councilwoman Williams offered a motion to amend the Town's animal control ordinance to allow the keeping of backyard laying hens

**Motion by:** Williams

At this time, Mr. Jones addressed the Council to note that planning staff and the town attorney could work together to draft an ordinance for consideration by the Town Council.

Councilwoman Williams withdrew the motion to allow the planning staff and town attorney to draft an ordinance to allow chickens with limits in the fall.

Direction was provided, so no further action was needed at this time.

**9a. Middle Creek Force Main Project** – Mr. Levitt said a recent study performed by Diehl & Phillips, PA identified pumping capacity problems in the Middle Creek pump station. Recent residential development in the Middle Creek Basin has increased peak flow rates into this pump station nearing its rated peak flow capacity. The Middle Creek pump station pumps to the Sunset Ridge pump station. A new and larger diameter force main is proposed from the Middle Creek pump station that will discharge into the Sunset Ridge pump station. The larger diameter force main along with some pump station upgrades will significantly increase/upgrade the pumping capacity of the Middle Creek pump station to handle continued new development.

As part of Diehl & Phillips design contract a route evaluation study (see attached) was completed and a route was selected and presented to Town Council. The public was invited to a project information meeting where comments were collected. Construction drawings were then prepared and all necessary easements obtained.

The Town advertised the project and held a mandatory pre-bid conference where details of the project could be highlighted. Eight companies attended the pre-bid conference. Bids were opened July 23. Four bids were received. The lowest bidder was J.F. Wilkerson Contracting Co. with a bid of \$983,888.

**Action:** The Council approved a motion to award the Middle Creek force main project to lowest bidder, J.F. Wilkerson Contracting Co. in the amount of \$983,888, to approve funds to cover the contract plus a 10% contingency for a total of \$1,082,000; to approve the project budget accordingly, and to authorize the town manager, attorney and finance director to execute the town's standard construction documents with the company.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

**10. Other Business:** None resulting in Council action.

**11. Manager's Report:** None resulting in Council action.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the August 4, 2015 meeting of the Holly Springs Town Council was adjourned.

I \_\_\_\_\_  
ay, Aug. 18, 2015.

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These minutes follow and are a part of the official record.

