



Oct. 20, 2015

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 20, 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 James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

Council Members Absent: None.

Staff Members Present: Charles Simmons, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Laura Holloman, planner; Leroy Smith, fire chief; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; John Herring, police chief; 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 Oct. 20, 2015 meeting agenda was adopted with changes, if any, as listed below.

Motion by: Sack

Second by: Dickson

Vote: Unanimous

Items added to Consent Agenda None.

Items added to Agenda: None.

Items removed from New Business: 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: None.

6a. Broadband Providers Report – Mr. Wilson gave an update to Council in reference to broadband providers in Holly Springs.

Mr. Wilson said he wanted to share good news with the Council about a new broadband fiber to the home and business provider in Holly Springs. Ting Internet is a new competitor in the market, he said, and he said the company would provide residents and businesses in Holly Springs with an additional choice in high speed broadband internet.

Ting joins the Town's current providers of broadband internet service: CenturyLink, AT&T, Time Warner Cable and Clarity Networks, Mr. Wilson said. He added that Ting utilizes an all-fiber network that runs directly to a customer's home or business. As part of Ting's buildout, they plan to lease Town-owned dark fiber in areas where we already have built. Mr. Wilson stressed that the Town's fiber network was put in – and the business case was made - for a purely governmental function, to connect Town facilities in a safe and cost effective manner. The Ting lease/license of dark fiber was not

contemplated in the original business case, but the Town is open to the license agreement because it would be a benefit that would serve residents and business owners of Holly Springs.

Mr. Wilson then introduced Monica Web, Ting's government relations director, to tell the Council all about Ting and what role the company would like to play in the community.

Ms. Webb said Ting is announcing its intent to make Holly Springs the next town to get symmetrical gigabit (1,000 Mbps download and upload speed) "crazy fast fiber Internet." The initial demand assessment will get underway in the last quarter of 2015. Construction would begin as soon as the first half of 2016.

In the meantime, she said, Holly Springs residents can express interest in Ting Internet and sign up for updates at ting.com/internet.

Action: None. For the Council's information only.

6b. Habitat for Humanity – Mr. Jim Middleton and Doug DeWitt, construction staff of Habitat for Humanity of Wake County, addressed the Council to request the waiver of development and building permitting fees for up to three proposed new Habitat homes on Crittenden Lane. Mr. Middleton said that if the Town would agree to waive these fees, it would meet the requirements for local matching funds, allowing Wake County to fund the acquisition of property on Crittenden Lane with HOME grant funds.

Staff had stated in agenda packet reports that a fair estimate would be that the Town would be contributing between \$12,000 and \$15,000 per lot. The funds would not be spent from the Town budget, but, instead, would not be collected as revenue.

Mr. Middleton said the HOME Investment Partnerships Program (HOME) provides formula grants to States and localities that communities use - often in partnership with local nonprofit groups - to fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or homeownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

He explained that Wake County Housing Department can allocate HOME funds toward this acquisition only if Holly Springs participates financially. Here is the language from Housing and Urban Development that Wake County shared:

“§92.201 Distribution of Assistance

The pre-2013 Rule codifies the HOME statutory requirement that prohibits a local PJ from investing HOME funds in projects outside its boundaries, except for projects located in a contiguous jurisdiction that are joint projects that serve the residents of both jurisdictions. The 2013 Rule amends §92.201(a)(2) to provide guidance about what constitutes a "joint project." It states that a joint project is one in which both jurisdictions make a financial contribution to the project. The contribution can be in the form of a grant, loan, or relief of a significant tax or fee (such as waiver of impact fees, property taxes, or other taxes or fees customarily imposed on projects within the jurisdiction) and must contribute to the feasibility of the project.

The provisions of §92.201(b), that provide guidance about how and where State PJs must distribute HOME funds, remain unchanged."

Action: The Council approved a motion to authorize town staff to waive all development and building permitting fees related to the construction of Habitat for Humanity Homes on Crittenden Lane in Holly Springs.

Motion by: Sack

Second by: Williams

Vote: Unanimous.

7a. Public Hearing: Special Exception Use Petition, 15-SEU-04 / Development Plan, 15-DP-07

Lochridge Recreation Center - Mr. Ryan said the Town has received a request for a Special Exception Use request for a private recreation center for the approved Lochridge subdivision currently under construction. He said the applicant has requested that the public hearing be opened and continued until Nov. 17 due to a family emergency.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was submitted by those who had been administered the oath by the deputy town clerk: None.

There being no testimony, the public hearing was continued.

Action #1: The Council approved a motion to continue the public hearing for Special Exception Use Petition #15-SEU-04 for Lochridge Recreation Center to 7 p.m. Nov. 17, 2015.

Motion by: Sack

Second by: Cobb

Vote: Unanimous.

7b. Public Hearing: Special Exception Use Petition 15-SEU-08, 101 Malmedy Drive - Mr. Ryan said the Town has received a request for a Special Exception Use to locate a family childcare home in the Arbor Creek Planned Unit Development. A family childcare home is a home occupation that requires a Special Exception Use in all residential districts due to potential impacts to adjacent property owners. The applicant is proposing to care for no more than four children. According to the applicant's findings of fact, the property includes capacity to accommodate four cars in the driveway for loading and unloading. No modifications are proposed to the exterior of the house or property.

With that explanation completed, Mayor Sears opened the public hearing. The following testimony and evidence was submitted by those who had been administered the oath 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 Special Exception Use Petition 15-SEU-08 for a family child care home at 101 Malmedy Drive as submitted by Yelena Betts.

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: Cobb

Second by: Williams

Vote: Unanimous.

A copy of Special Exception Use 15-SEU-08 is attached to these minutes.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use 15-SEU-08 for a family child care home at 101 Malmedy Drive as submitted by Yelena Betts with the following conditions.

1. All additional state and local permits and approvals will be required prior to the business opening.
2. Business operations must adhere to the evidence submitted by the applicant as stated in the findings of fact submitted in conjunction with 15-SEU-08.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

7c. Public Hearing: Annexation Petition A15-02 – Ms. Holloman said the Town is proposing annexation of .403 acres it owns along Holly Springs Road. The property is contiguous with city limits, and the petition meets all the statutory requirements for annexation.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A15-02, annexing .403 +/- acres owned by the Town of Holly Springs, and more particularly described as Wake County Pin's: 0659.14-33-0374, into the corporate limits of the Town of Holly Springs.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

A copy of Annexation Ordinance A15-02 is attached to these minutes.

7d. Public Hearing: Annexation A15-03 – Ms. Holloman said the Town has received a petition for voluntary annexation of 10.79 +/- acres located at 9029 Turner Drive. The property owner is Benjamin F. McDonald, and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation. Annexation of the property was a condition of approval of a recent special exception use permit granted a few months ago.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A15-03 annexing 10.79 +/- acres owned by Benjamin F. McDonald, and more particularly described as Wake County Pin's: 0750.70-3468, into the corporate limits of the Town of Holly Springs.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

A copy of Annexation Ordinance A15-03 is attached to these minutes.

7e. Public Hearing: Annexation A15-04 – Ms. Holloman said the Town has received a petition for voluntary annexation of 13.75 +/- acres located at 717 Holly Springs Road. The property owner is Richard Jones, and the property is contiguous with city limits.

The petition meets all the statutory requirements for annexation.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Annexation Ordinance A15-04 annexing 13.75 +/- acres owned by Richard Jones, and more particularly described as Wake County Pin's: 0659.14-23-7650, into the corporate limits of the Town of Holly Springs.

Motion by: Cobb

Second by: Sack

Vote: Unanimous.

A copy of Annexation Ordinance A15-04 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 Town Council's meetings held Sept 15 and Oct. 6, 2015.

8b. Copy Machine Lease Agreement – The Council approved copy machine leases for the law enforcement center.

8c. Safe Halloween Resolution - The Council adopted Resolution 15-30 urging a safe and courteous Halloween. *A copy of Resolution 15-30 is attached to these minutes.*

9a. North Main Athletic Complex Contract Change Order – Mr. Bradley said the North Main Athletic Complex Phase 2 bid had a number of alternates, including a beverage garden and streetscape. These alternate were not selected in the initial contract with T. A. Loving, however, as a means of staying within a smaller budget.

He said since then, the Wake County Commissioners awarded a grant in the amount of \$1,000,000 for the project. Staff would like to use a portion of those grant funds to change the project contract for Phase 2 to include the beverage garden and streetscape alternates, not to exceed \$600,000.

Action: The Council approved a motion to approve construction contract change order #067 with T.A. Loving in an amount of no more than \$600,000 to add a beverage garden area and streetscape at North Main Athletic Complex Phase 2.

Motion by: Sack

Second by: Dickson

Vote: Unanimous.

10. Other Business: Councilwoman Lee asked that recognition of the Holly Springs School of Dance that is appearing in the Macy's Thanksgiving Day parade be added to the Nov. 3 Council agenda. None other requiring or resulting in Council action

11. Manager's Report: Mr. Simmons made a formal announcement that he had extended an offer of a new position to Daniel Weeks, and that Mr. Weeks had accepted the offer to become assistant town manager for the Town of Holly Springs. None other requiring or resulting in Council action.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Oct. 20, 2015 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Nov. 3, 2015.



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

