

Holly Springs Town Council Minutes

Regular Meeting Dec. 19, 2006

The Holly Springs Town Council met in regular session on Tuesday, December 19, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Peter Atwell and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Alison Huffman, planner I; Stephanie Sudano, director of engineering; Mark Andrews, public information officer; Drew Holland, finance director; and Len Bradley, director of parks and recreation.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson of Holly Springs United Methodist Church.

4. Agenda Adjustment: The December 19, 2006 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to Regular Business: 7h., Shelley Lane Gift and Collectibles.

Other Changes: None.

5. Financial Audit Report – Mr. Holland introduced Chris Abbott of Duke & Abbott, PA, CPAs to present the Town's financial report and management letter following the firm's annual audit for the fiscal year ending June 30, 2006.

Mr. Abbott addressed the Council, providing highlights of the report, including:

- The Town's assets exceeded its liabilities at the close of the fiscal year by approximately \$72.4 million (*net assets*). Of this amount \$11.9 million (*unrestricted net assets*) may be used to meet the Town's ongoing obligations to citizens and creditors.
- The government's total net assets increased by \$13.1 million in fiscal year 2006. \$4.9 million of the increase resulted from governmental activities, and \$8.2 million resulted from business-type activities.
- As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of approximately \$7.9 million. The total fund balance in the General Fund increased \$0.6 million, total fund balance in the Special Revenue Funds increased \$0.3 million and total fund balance in the Capital Project Funds decreased \$3.3 million (\$2.2 million of this decrease is attributable to the Town expending prior year unexpended installment purchase proceeds in the Town Buildings Capital Projects Fund for the construction of the new fire station), resulting in a net

decrease in total governmental funds combined fund balance of \$2.4 million compared to the prior year. Approximately 54% of the total combined ending fund balance of \$7.9 million, or \$4.3 million, is available for spending at the Town's discretion (*unreserved fund balance*). \$1.3 million of the unreserved fund balance is designated for capital projects.

- At the end of the current fiscal year, unreserved fund balance for the General Fund was \$3.0 million or 24.8% of total General Fund expenditures for the fiscal year.
- The Town's total financed debt increased by \$3.3 million (10%) during the current fiscal year. The key factor in this increase was the Cultural Center Capital Project Fund financing of \$3.5 million for the new cultural center. A decrease of \$2.7 million is from principal payments of existing debt.
- The Town maintained its bond rating of "A+" with Standard and Poor's, "A1" with Moody's Rating Services and increased from an "80" to an "81" with the North Carolina Municipal Council, which is comparable to a rating of "A" by the national rating agencies.

Mr. Abbott's findings provided in the Comprehensive Annual Financial Report (CAFR) are quoted:

Capital Asset and Debt Administration

Capital assets: The Town's investment in capital assets for its governmental and business-type activities as of June 30, 2006, totals \$92,916,027 (net of depreciation). These assets include buildings, roads and bridges, intangible assets for water rights, machinery and equipment, vehicles and park facilities.

Major capital asset transactions during the year include the following additions:

- Completed renovation of Police Station at a cost of \$727,220. The Police Station renovation was included in construction in progress in the prior year.
- Added 8.56 miles of land representing street right of ways at a cost of \$1,556,500.
- Acquired new equipment and vehicles of \$431,038 and \$258,157, respectively, within governmental activities.
- Construction in progress of \$4,796,776 in governmental-type activities for the construction of a new fire station, and various street and sidewalk additions.
- Additions to infrastructure assets for streets and sidewalks of \$6,224,642.
- Additions to water and sewer system capital assets of \$3,014,949.
- Acquired new equipment of \$154,132 within water and sewer capital assets.
- Additions to infrastructure assets for water and sewer system capital assets of \$2,043,184.
- No significant retirements, dispositions, or demolitions were recorded this year.

All-in-all the Town is doing very well, Mr. Abbott said, commending staff and the Council for efforts to provide infrastructure and services

Action: None.

A copy of the FY 2005-2006 Comprehensive Annual Financial Report is on file in the Town Clerk's office until such time as it is disposed of in keeping with the adopted Records Retention and Disposition Schedule.

6a. Public Hearing: Growth Plan Amendment 06-GPA-04 and Zoning Map Change 06-REZ-12 – Ms. Huffman said the Town had received a request for an amendment to the Land Use Map to change the land use designation of .92 acres located at 10308 Holly Springs Road from medium-density residential to mixed use. In addition, the applicant is requesting that the property be rezoned from R-10: Residential to LB: Local Business.

She said the zoning map change requires a growth plan amendment in order for the zoning to be consistent with the comprehensive growth plan.

The applicant proposes to use the existing dwelling structure on the property as a professional office, which is allowed by right in the LB district.

Ms. Huffman reported that the Planning Board reviewed the request and discussed that access to the property is off Holly Springs Road. The Planning Board also discussed the inter-connectivity between the Moravian Church's parcel and the possibility of the use of shared driveways; however, there is an

existing driveway cut into the property. She said the Planning Board also discussed that the proposed use would provide a good buffer between the church property and the residential Cobble Ridge subdivision. She said staff and the Planning Board recommend approval.

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

There being no input, the public hearing was closed.

Action #1: The Council approved a motion to approve Growth Plan Amendment Petition 06-GPA-04 to change the future land use designation of .92 acres of Wake County PIN: # 0659-43-2768 from Medium-Density Residential to Local Business as submitted by Mr. Hal Routh.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous

Action #2: The Council approved a motion to approve the following plan consistency statement: The requested zone map change from R-10 to LB is consistent with the trends of development to the west of this parcel and is in keeping with the proposed Growth Plan Amendment 06-GPA-04. The Future Land Use Plan Map indicates this property as Medium Density Residential; however, the adjacent parcels to the west have been rezoned to Local Business in accordance with the Land Use Plan. The small parcel is a prime candidate for Local Business zoning and due to the single family development to the east will be the last commercial parcel limiting a strip of commercial along Holly Springs Road. The surrounding area and future land use of only one of the four abutting properties are Mixed Use and is more conducive with the proposed location. The LB: Local Business zoning designation will fit into the area.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous

Action #3: The Council approved a motion to approve Zoning Map Change Petition 06-REZ-12 to change the zoning of .92 acres of Wake County PIN # 0659-43-2768 from R-10: Residential to LB: Local Business as submitted by Mr. Hal Routh.

Motion By: Dickson

Second By: Womble

Vote: Unanimous

At this time, Councilman VanFossen asked to be excused from discussion and deliberation on item 6b, and the Council approved the motion to recuse Councilman VanFossen from the meeting due to his professional involvement with the applicant.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

6b. Public Hearing: 5100 Windance Place, 06-SEU-08 – Ms. Huffman said that the Town has received an application from Eric Mangrum requesting approval for Special Exception Use 06-SEU-08 to allow an accessory dwelling structure on his property located at 5100 Windance Place in the Sunset Ridge subdivision.

Ms. Huffman said the structure would consist of a three-car garage on the main level and a suite on the second floor.

Ms. Huffman explained that according to the UDO, an accessory dwelling can be 60% of the primary structure's gross floor area. She said when drafting the UDO, it was not the intent to allow such large detached accessory dwelling structures. She said that staff is in the process of amending the UDO that models the original intent, and the amended UDO would allow an accessory structure's total (gross) square footage be no more than 60% of the heated (finished) square footage of the primary structure.

Ms. Huffman said that Mr. Mangrum's application was submitted prior to the pending modification; therefore, his request would be in compliance with current UDO standards.

Ms. Huffman said the Planning Board reviewed the request and discussed the guidelines of the current ordinance versus the original intent of the ordinance in relation to the size of the structure; however, the Planning Board determined that the structure is in compliance with the current ordinance.

She said staff and the Planning Board recommend approval.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded: None.

There being no testimony, the public hearing was closed.

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-08 to allow an accessory dwelling structure at 5100 Windance Place in the Sunset Ridge Subdivision for Eric Mangrum as submitted by Chet VanFossen, architect, revised 11/13/2006:

- 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: Atwell

Second By: Dickson

Vote: Unanimous

Action #2: Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use 06-SEU-08 to allow an accessory dwelling structure for Eric Mangrum as submitted by Chet VanFossen, architect, revised 11/13/2006.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

A copy of Special Exception Use application 06-SEU-08 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.

Action: The Council approved a motion to readmit Councilman VanFossen into the meeting.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

6c. Public Hearing: 104 Barley Mill Road, 06-SEU-09 – Mr. Zawadski said the Town has received Special Exception Use Application 06-SEU-09 from Kedra A. Prescott requesting permission to operate a family child care home at her residence located at 104 Barley Mill Road within the Fairhill subdivision.

Mr. Zawadski said that the UDO permits a maximum of eight children within a registered family child care home. He said the applicant is proposing to care for no more than eight children and would be utilizing a finished garage as the primary area for the business.

He said due to the nature of the proposed use, other rooms of the home, such as the kitchen and bathrooms, would also be utilized.

Mr. Zawadski said the Planning Board had reviewed the application. Although the Planning Board is recommending approval, members did question whether the garage should be used as the primary area for the daycare.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded:

Virginia Beverly Griffin, 108 Ontario Place -- Ms. Griffin owns neighboring property at 112 Fairground Road where her mother lives. She said she was not opposed to the proposed use, but her concern is for the safety of the children with the presence of two parallel driveways located behind the subject address.

Ms. Griffin had questions about the hours of operation of the day care center, which might affect the impact the center would have on adjoining properties.

Jeff Hovey, 108 Fairground Road -- Mr. Hovey said he had similar concerns as Ms. Griffin. He also noted covenants against there being a business located in subdivision.

Kedra Prescott, 104 Barley Mill Road – Ms. Prescott is the applicant and was available to answer questions. She answered questions under oath administered by the Town Clerk.

Mayor Sears asked what the hours of operation were planned to be. Ms. Prescott said she planned to operate the daycare between 7 a.m. and 5:30 p.m.

Mayor Sears asked if she was aware of covenants for the subdivision. Ms. Prescott said when she bought the property in 2005, she was told there was no homeowners association, so she was not aware of covenants.

Councilman Atwell pointed out that the Town does not enforce subdivision covenants.

Mr. Schifano said it was up to the Council to make findings of fact based on evidence and testimony presented in the hearing and that covenants might or might not play a role in a council member's review of the findings.

Ms. Prescott said her plan is to have provide day care to two children in addition to her own three.

She said she might consider increasing the number of children in her care to eight in the future, but that that is not her plan at this time.

Councilman Dickson pointed out that Barley Mill Road is a stub that is planned to extend to the neighboring property and may increase traffic. He also noted the number of driveways that open to Barley Mill Road in a relatively short stretch of roadway.

Councilman Womble commended the applicant for applying for a special exception use permit and following the laws when so many in her situation would proceeded without asking permission.

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

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-09 to allow a family child daycare home at 104 Barley Mill Road, as submitted by Kedra A. Prescott.

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: Atwell

Second By: DeBenedetto

Vote: Unanimous

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use Petition #06-SEU-09 to allow a family child care home at 104 Barley Mill Rd. as submitted by Kedra A. Prescott with the following condition:

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

Motion By: Womble

Second By: Atwell

Vote: Unanimous

A copy of Special Exception Use application 06-SEU-09 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.

6d. Public Hearing: Town of Holly Springs Property Exchange – Mr. Schifano explained that as part of the wastewater re-use project, which will allow the Town to sell non-potable water from the wastewater treatment plant treated effluent for irrigation purposes, an elevated storage tank needs to be constructed.

Mr. Schifano said staff has been analyzing a series of suitable sites in the area of the Holly Springs Business Park. He said the Town owns two tracts at the intersection of New Hill Road and Irving Parkway, fronting on New Hill Road. He said staff approached the adjacent landowner for a possible land swap, where she would own the Town property fronting New Hill, and the Town would own the area in the back of her lot, creating two lots that are more regularly shaped.

Mr. Schifano said that this would allow for some potential commercial development by the landowner on New Hill Road in that the newly-created lot has more road frontage.

He said that pursuant to G.S. 160A-271, an exchange of property is authorized upon adoption of a resolution stating the value of the properties to be exchanged and any other consideration given. He said there is no other consideration given for this exchange, and the tax value of the Town parcel and the tax value of the neighboring parcel are exactly equal at \$20,000 for 0.87 acres and .91 acres, respectively.

Councilman Womble asked if the property owner had been apprised of what would be located on

the property behind her.

Ms. Sudano said Hookie Riley of her staff had been in contact with the property owner and that she was aware of the town's plans.

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

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt Resolution 06-54 authorizing an exchange of real property, pursuant to NCGS 160A-271, between the Town of Holly Springs and the landowner of 1117 New Hill Road.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

A copy of Resolution 06-54 is incorporated into these minutes as addendum pages.

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

7a. Budget Amendment Report – The Council received a report of FY 2006-07 budget amendments #34 through #45 approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

7b. Minutes - The Council approved minutes of the Council's regular meeting held on November 7, 2006.

7c. Budget Amendment, \$1,900 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$1,900 to receive a donation to the Fire Department from Progress Energy. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7d. Hunt Center Gymnasium Renovations Contract – The Council approved to enter a contract with Ken Martin of The Obsidian Group in the amount of \$18,340 for the administration and preparation of construction documents for restroom renovations at the Hunt Center gymnasium. *A copy of The Obsidian Group contract is incorporated into these minutes as addendum pages.*

7e. Jones Park Entrance Design Contract – The Council approved to enter a contract with Stan Williams, Park Drive Studios, in the amount of \$9,950 for design of the Jones Park entrance. *A copy of the Park Drive Studios contract is incorporated into these minutes as addendum pages.*

7f. NCDOT Bike and Pedestrian Planning Grant – The Council endorsed the Town's application to NCDOT for a bicycle and pedestrian planning grant.

7g. Budget Amendment, \$178,750 – The Council adopted amendments to the FY 2006-07 budget in the amount of \$178,750 to cover the cost of a professional services contract, inclusive of a 10% contingency, for design of the Bass Lake outfall as approved by the Town Council on Dec. 5, 2006. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7h. Shelly Lane Gifts and Collectibles – This item was removed during agenda adjustment and approval.

7h. Shelly Lane Gifts and Collectibles – Councilman Atwell said he was disappointed that only a few parallel parking spots would be allowed.

Ms. Sudano explained that there is not room to do angled parking and sidewalk. The modification was initiated by staff since there is not enough room.

Councilman Atwell pointed out only a few parking spots would be provided, and most of those would be taken up by store employees and reserved handicapped spaces. He suggested changes be made to the site plan to provide employee parking in the rear of building.

He suggested that the Council table the item until an alternative site plan could be drawn.

Staff suggested that the Council simply deny the current request and give direction for a new proposal.

Action: The Council approved a motion to deny the conditions of approval regarding parking for Shelly Lane Gifts and Collectibles and directed that the applicant and staff work out a more acceptable parking scheme to be considered by the Council.

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous.

8a. 2006 Community Agency Grants – Ms. Powell explained that the Town had received eight community agency grant applications, including three new applicants: The Holly Springs General Federation Women's Club requests \$2,500 to fund its many community service projects; the Kiwanis Club requests \$2,500 to fund its programs for local youngsters, including the Haunted School, Kids Appreciation Day and contributions to local schools and recreation programs; Springs Dance Company requests \$2,000 to fund its efforts to foster fine arts in Holly Springs, including the Holiday Caberet and educational programs; Kids Vote requests \$1,500 to defray its administrative operating expenses during the year between providing mock election polls for local youngsters during elections; and Interact of Wake County requests \$2,500 for its programs that provide safety and support to victims and survivors of domestic violence and sexual assault.

Ms. Powell said the three new applicants are Community Partners Charter High School, requesting \$2,500 for operating costs and equipment purchases; Holly Springs High School Band Boosters, requesting \$1,500 in operating costs; and Holly Springs High School's The Golden Hawks Club, requesting \$2,000 for its newly-formed athletics booster organization.

She said grant requests total \$17,000, but only \$13,500 remains in the Special Programs line item after the Town purchased a McGruff the Crime Dog costume for the police department earlier this year.

Councilman Dickson said he feels the intent of the grant program was to provide seed money for local civic organizations and not to provide money to help pay salaries for organizations.

He said he has an issue with providing funding for salaries: Interact, Kids Vote and CPCHS. He emphasized that he felt the town should assist locally-based volunteer organizations, although he values the services and programs of all the applicant agencies.

He suggested that the Council provide the full grant application amount to the five organizations that are purely volunteer; a reduced amount for CPCHS, Interact and KidsVote; and \$0 to organizations that pay salaries.

Council members agreed that the board should look at tweaking the existing policy and procedures during the winter retreat.

Councilman DeBenedetto said he doesn't want the program to become an entitlement.

Councilman VanFossen said he agrees with Councilman Dickson, but wouldn't be in favor of zeroing out any of the applicants.

Councilman Atwell said he agrees there should be no sense of entitlement, but he feels perennial applicants who give back to the Town and who the Town counts on for services, etc. should be assisted. He also brought up for discussion that some organizations receive other funding and would not miss a grant from the town.

Joe Signoretti – Mr. Signoretti addressed the Council, explaining that CPCHS asked for the maximum grant award amount based on his recommendation. He pointed out that the money would not be used for CPCHS salaries. He added that the school was not receiving full allotment of funds, and parents and teachers volunteer their time and money to keep the school running. He added that the mission of the school is community service, and he believes CPCHS is deserving of its grant request.

Action: The Council approved a motion to award Town of Holly Springs Community Agency Grants in varying amounts to the following applicant agencies: Holly Springs Women's Club, \$2,500; Kiwanis Club of Holly Springs, \$2,250; Springs Dance Company, \$2,000; Wake County Kids Vote, \$500; Interact of Wake County, \$800; CPCHS, \$1,500; HSHS Band Boosters, \$1,500; and HSHS Golden Hawks Club, \$2,000.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

8b. Holly Springs Planning Board and Board of Adjustment Appointments – Mrs. Clapp explained that on December 31 of each year, the terms of several members of the Planning Board and Board of Adjustment expire. She said at the first Council's December meeting, the Council is to review the

applications for vacancies and re-appoint interested members or appoint new members to the respective boards.

Mrs. Clapp said the Council is responsible for the appointment of "in-town" members to the Holly Springs Planning Board and Board of Adjustment. The ETJ members are officially appointed by the Wake County Board of Commissioners; however, the Town Council makes recommendations to the county board.

Mrs. Clapp said the Council needs to appoint three in-town members and one in-town alternate member to the Board of Adjustment with terms ending December 31, 2009 and one ETJ alternate member with a term ending December 31, 2007.

She added that the Council is to appoint two in-town members to the Planning Board with terms ending December 31, 2009.

Mrs. Clapp reviewed the list of applicants who expressed interest in serving as in-town or ETJ members of the Board of Adjustment and Planning Board.

Mayor Sears asked the Council members to make individual nominations before acting on appointments as a board.

Planning Board: 2 In-Town Members:

Councilman DeBenedetto nominated Dianne Dwyer and Mary Beamon.

Councilman Womble nominated Mary Beamon and Dianne Dwyer.

Councilman VanFossen nominated Jimmy Cobb and Joe Signoretti.

Councilman Atwell nominated Joe Signoretti and Jimmy Cobb.

Councilman Dickson nominated Joe Signoretti and Jimmy Cobb.

Action #1: The Council approved a motion to appoint James Cobb, 4936 Sunset Forest Circle, and reappoint Joe Signoretti, 1220 Trotters Bluff Drive, to serve on the Holly Springs Planning Board as in-town members with two-year terms expiring Dec. 31, 2009:

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous

Board of Adjustment: 3 In-Town Regular Members and 1 In-Town Alternate:

Councilman DeBenedetto nominated Douglas Fulcher, Matthew Taylor and Danny Bronson as regular members and Robert Goldfinger as an alternate.

Councilman Womble nominated Dianne Dwyer, Mary Beamon and Danny Bronson as regular members and Robert Goldfinger as an alternate.

Councilman VanFossen nominated Matthew Taylor, Mary Beamon and Danny Bronson as regular members and Vinnie D'Augustino as an alternate.

Councilman Atwell nominated Matt Taylor, Robert Goldfinger and Linda Hunt-Williams as regular members and Dianne Dwyer as an alternate.

Councilman Dickson nominated Matt Taylor, Linda Hunt-Williams and Robert Goldfinger as regular members and Dianne Dwyer as an alternate.

Action #2: The Council approved a motion to appoint Matt Taylor, Robert Goldfinger and Danny Bronson as in-town regular members and Dianne Dwyer as an in-town alternate member of the Holly Springs Board of Adjustment, all with terms ending Dec. 31, 2009.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous.

Board of Adjustment: 1 ETJ Alternate Member:

Councilman DeBenedetto nominated Ruth Hauser.

Councilman Womble nominated Kathy Davis.

Councilman VanFossen nominated David Phipps.

Councilman Atwell nominated David Phipps.

Councilman Dickson nominated David Phipps.

Action #3: The Council approved a motion to recommend to the Wake County Commissioners that David Phipps, a resident of Oliver Creek subdivision, be appointed to the Holly Springs Board of Adjustment as an alternate member representing the ETJ to fulfill a vacant term that will expire on Dec. 31, 2007.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

8c. Honeycutt Property Request – Mr. Dean explained that Mr. Tim Honeycutt is requesting to develop a 10-lot (major) subdivision at the corner of Piney Grove-Wilbon and Wade Nash Roads with septic sewer service and possibly wells for water service. He said the property is located in the Town's ETJ, which makes it subject to the Town's UDO regulations.

Mr. Dean said the Town's ordinances require major subdivisions to tie onto the Town water and sewer services. He said that Mr. Honeycutt has indicated that it would be difficult for him to afford the cost of extending public sewer to this property based on developing only 10 lots.

Mr. Dean said that in the past, the Council has expressed interest in exploring and possibly developing a policy to allow for larger-lot subdivisions in the southwest Holly Springs growth area, thereby allowing flexibility within the regulations to make these projects cost-effective for the developer and to encourage larger lot sizes.

Mr. Dean said the planning and engineering departments have discussed this request and recommends that development should be consistent with the policies and ordinances that are in place.

He said that this would require Mr. Honeycutt to annex his property and connect to public utilities or he could develop the property as a minor subdivision (4 lots or less) and use well and septic.

Mr. Dean said that it is staff's recommendation that the establishment of a special geographic area should be studied in which developers could build larger lots (perhaps a 1-acre minimum), and would be able to use septic systems but tie to Town water.

He said staff feels that it is important to embark upon this type of development policy change in a planned manner, in lieu of allowing individual exceptions to the existing UDO. Mr. Dean said staff also feels that there is a lot of interest in small developments in this area, and the request for exceptions would be continuous and, if approved, would interrupt logical sewer service areas.

Tim Honeycutt – Mr. Honeycutt said his property currently zoned R-30 and he asking to permission to develop the property per county regulations with no road improvements or well and septic.

Rather than considering this type request on a case-by-case basis, Council members directed staff to devise a policy by mid-January to address ETJ development where town utilities are remote. They agreed that development standards probably should be relaxed in these instances, but they want a policy in place so Mr. Honeycutt can submit plans.

The policy should address what areas will be required to connect to public utilities and which areas can be served by well and septic; and whether road improvements and/or ROW dedication will be required.

Action: None

8d. Woodcreek, 06-DP-09, (formerly Wildacre) – Mr. Bradley explained to the Council that the Town has received a request from Withers & Ravenel requesting a modification to development plan 05-DP-09 for Woodcreek (formerly known as Wildacre), which was approved Dec. 20, 2005.

Mr. Bradley said staff has discussed and reviewed the developer's proposal and from the staff perspective, the amendments would have no adverse effect on the future residents of the subdivision, although there would be a significant reduction in the greenways. He said this reduction does not prevent the connectivity or the ability of pedestrians to reach destinations within or outside of Woodcreek development.

Mr. Bradley said with the removal of the sanitary sewer easements from the stream corridors, staff feels it would be unproductive in our efforts to preserve these environmentally sensitive areas. He said the space would remain undeveloped open space and would be maintained as private open space. By definition, it would remain a greenway, although undeveloped.

Mr. Bradley said as a result of the reduction in greenway trails, the developer has agreed that these

credits would no longer be provided and that a fee in lieu would replace this construction credit.

Mr. Bradley said staff recommends that this amendment be approved,

Action: The Council approved a motion to allow further modifications to 05-DP-09 for Woodcreek Subdivision to remove sanitary sewer easements from environmentally-sensitive stream buffers, which will become privately owned undeveloped open space; the resulting reduction in greenway trail construction will be from 11,000 feet to 2,330 feet; previously authorized fee credits for greenway trail construction no longer will be provided; a fee-in-lieu will replace this construction credit; and approval is with the caveat that if sewer lines need to be moved back to stream corridors, then so will the greenway trails.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

8e. Long-Range Water Projections – Ms. Sudano said Harnett County is in the beginning stages of a water treatment plant expansion and has requested information from the Town on its long-range water needs. She said that a consultant completed a study for the Town earlier this year looking at long-range water needs.

Ms. Sudano said that the Town Manager has been working with Harnett County to pursue additional water to meet shorter term needs.

Action: None

9. 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. None.

10. Other Business:

Winter Retreat – The Council scheduled its 2007 Winter Retreat to be held Friday through Sunday, Feb. 16-18 at Pine Needles Lodge and Golf Club or other location within an hour's drive of Holly Springs.

11. Manager's Report: Mr. Dean commended Mrs. Powell and staff member Barb Koblich for their work on the Christmas parade; he commended staff member Bob Klaus for a successful cultural center grant opening; he commended the town's finance office for a successful financial audit; and he commended Public Works and Parks and Recreation Department staff for reconstructing the stream channel at Bass Lake for \$40,000, saving the town hundreds of thousands of dollars over a contractor's bid for the same work.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(6) to discuss with the town attorney a matter regarding a public officer/employee.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

General Account of Closed Session – December 19, 2006

In Closed Session, the Town Council received an update from the town attorney on a litigious matter relating to a personnel issue.

-- End General Account

The Council approved a motion to return to Open Session. The motion was made by Councilman Atwell, seconded by Councilman Dickson and carried unanimously.

13. Adjournment: There being no further business for the evening, the December 19, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Womble, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 6, 2007.

Joni S. Powell, CMC, Town Clerk

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