



Jan. 21, 2014

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, January 21, 2014 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, Hank Dickson 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); Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Stephanie Sudano, engineering director; Elizabeth Goodson, development review engineer; Rodney Campbell, lead development inspector; Mary Hogan, finance director; Gina Clapp, planning and zoning director; Sean Ryan, planner I; Jeff Jones, senior planner; Leroy Smith, fire chief; Daniel Weeks, senior project manager; Seann Byrd, public utilities director; Irena Krstanovic, economic development coordinator; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation Pastor Thomas Newman of Sunrise United Methodist Church.

**4. Agenda Adjustment:** The Jan. 21, 2014 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Items added to Consent Agenda:** Item 9b. Old Holly Springs-Apex Rd project moved from New Business.

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** 8e. Relocate power lines by Duke Energy.

**Other changes:** Add recusal of Councilman Dickson from Duke Energy topics.

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded:

Brooke Grant, 308 Shorehouse Way – Ms. Grant addressed the Council as a mother concerned about what can be done to control motorists who do not yield to pedestrians, especially in the crosswalks on Avent Ferry Road and Cass Holt Road near the schools. She said there have been multiple close calls. She said there needs to be a large yellow diamond pedestrian crossing signs on both Avent Ferry Road and Cass Holt Road; no turn on red; yellow markings on the road to show where the crosswalk is; crossing guards during school hours either provided by or trained by Holly Springs Police Department;

She said more people would walk if they felt safer in the crosswalks.

Claire Lindsay, 401 Shorehouse Way – Ms. Lindsay added that she switched her daughter to being a bus rider because she doesn't feel it is safe for pedestrians.

Jessica Perry, 109 Oakmoss – Ms. Perry is another concerned mother. She said she has approached the school administration and school resource officers, and nothing is done. She said she wants action: wants signage warning drivers of school zones and enforcement; crosswalk signs; address the intersection by adjusting the timing to remain red until crosswalk countdown ends; no turn on red; angle of crossing countdown; crossing guard (high school students or retired volunteers); asking for commitment from Council to address these action items.

Mayor asked the residents to send him emails enumerating their action item requests.

Councilman Sack said he felt like all the suggestions were good ones and that, if the Town can get the cooperation of NCDOT since both Cass Holt and Avert Ferry Roads are under the jurisdiction of the State, reasonable measures should be taken.

**6a. American Flag over Kuwait and Afghanistan** – Mayor Sears accepted an American flag and a Town of Holly Springs flags that were flown in Kuwait and in an F-16 jet in the skies of Afghanistan for the Town of Holly Springs. Major Jeremy Shellhammer of the U.S. Army National Guard made the presentation for SFC Jonathan M. Lipscomb of Holly Springs who currently is stationed with the National Guard Bureau in Arlington, VA.

**Action:** None.

**6b. Foreign Trade Zone Presentation** – Mr. Thomas White, Director of the Economic Development Partnership at N.C. State University, presented to the Town a resolution by the Foreign Trade Zone #93 Rates, Tariff and Legal Review Board in memory and honor of Carl Dean was adopted and approved Nov. 20. Carl served as a dedicated member of the Foreign Trade Zone #93 Rates, Tariff and Legal Review Board from 2009 until 2011, and was honored, respected and held in the highest esteem by everyone who knew him for his many contributions. Foreign Trade Zone #93 wished to express great sorrow at the passing of Carl Grover Dean, who they believe personified a distinguished career in local government and whose life and memory deserve to be honored.

**Action:** None.

**7a. Public Hearing: Holly Springs ETJ Zoning** – Ms. Clapp said in November 2013, the Town of Holly Springs and Town of Apex adopted a new annexation and service area agreement line. As a result several properties designated as Apex Extraterritorial Jurisdiction (ETJ) were placed on the Holly Springs side of the agreement line. In an effort to “clean up” the maps and clarify the zoning and future utility providers for these parcels as well as other parcels between the new agreement line and the Town's current corporate limits, the Town of Holly Springs adopted Resolution #13-38 in November to request an extension of the Town's ETJ from Wake County.

She said the Town's request was accepted by Wake County Planning and submitted for review. During the review by Wake County, it was requested by Wake County Environmental Services to remove the two parcels that are owned by Wake County and are the current active South Wake Landfill parcels 0740324814 (*part*) and 0740402618. The Wake County Planning Board recommended approval of the request with the elimination of these two parcels.

Wake County then requested Holly Springs enter into an inter-local agreement to confirm the Town's understanding of the North Carolina General Statutes that should Holly Springs determine that all or a portion of this ETJ extension area should revert back to Wake County zoning and building control in the future that the Town would provide two years notice. This was adopted by the Holly Springs Town Council on Dec. 17.

The Wake County Board of Commissioners unanimously approved the reclassification of zoning and building control to Holly Springs for the remainder 827.4 acres at its Jan. 6 meeting. At the public hearing, there were no public comments.

She said the final step in the ETJ extension process is for the Town of Holly Springs Town Council to adopt an Ordinance to accept the ETJ and set zoning to these parcels.

In accordance with the Town's policies, the Holly Springs Department of Planning and Zoning held a public information meeting Nov. 20 at Holly Springs Fire Station #3 in which four residents attended. The concerns addressed were verifying that zoning regulations do not apply for bona fide farms (NCGS requires Towns to not require permits for any construction associated with bona fide farm uses.); the status of NCDOT paving Woodfield dead-end Road; and the timeline for changing their address from Apex to Holly Springs (which is not something that will happen as a result of an ETJ extension.)

There were no concerns regarding being added to the Holly Springs ETJ or the proposed R-30 zoning designation.

The Unified Development Ordinance (UDO) 1.20, H: Zoning of Newly Annexed Land or Land Added to the Town of Holly Springs' Extra-territorial Jurisdiction states that such properties shall be zoned as Holly Springs R:30 Residential District unless a property owner requests otherwise. There have been no requests to zone to any other districts. Therefore, upon acceptance of the ETJ and adoption of the ETJ Extension Ordinance, all properties will be zoned Holly Springs R-30.

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 14-01 extending the Town of Holly Springs Extraterritorial Jurisdiction and setting the zoning of such to R-30 in accordance with the provisions of the Holly Springs Unified Development Ordinance.

**Motion By:** Cobb

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of Ordinance 14.01 is attached to these minutes.*

**7b. Public Hearing: Comprehensive Plan Amendment 13-CPA-08** – Mr. Jones said staff has been working on updates to the Vision Holly Springs Future Land Use Map that proposes changes that are reflective of the new annexation agreements with the Town of Apex and the Town of Fuquay-Varina. These changes remove or add certain parcels to the current map, as well as propose new designations for parcels in this area.

Mr. Jones reported that the Planning Board had reviewed the amendments 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 14-01 to approve and enact Comprehensive Plan Amendment #13-CPA-08 to amend the Vision Holly Springs Future Land Use Map to be consistent with annexation agreements with the Towns of Apex and Fuquay-Varina.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

*A copy of Resolution 14-01 is attached to these minutes*

**7c. Public Hearing: Rezoning Petition 13-REZ-14** – Mr. Jones said the Town has received a request to rezone a parcel totaling 13.07 acres from R-30: Residential to PUD: Planned Unit Development. The property is located along Holly Springs-New Hill Road and was annexed into the town limits in July of this year and was automatically zoned R:30: Residential. At that time, the Twelve Oaks Planned Unit Development master plan was amended to include this property, a rezoning to the PUD: Planned Unit Development classification should have occurred concurrently

with that request; however, it was not and so this rezoning is completing the intent of this property to be formally a part of the Twelve Oaks development.

Mr. Jones 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: None.

There being no 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-30: Residential to PUD: Planned Unit Development is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Residential and the Twelve Oaks Planned Unit Development Master Plan allows for a wide variety of residential uses.”*

**Motion By:** Williams

**Second By:** Cobb

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance 13-REZ-14 to approve Zone Map Change Petition #13-REZ-14 to change the zoning of 13.07 acres of Wake County PIN #0639843646 from R-30: Residential to PUD: Planned Unit Development as submitted by Spaulding & Norris, PA.

**Motion By:** Williams

**Second By:** Cobb

**Vote:** Unanimous.

*A copy of Rezoning Ordinance 13-REZ-14 is attached to these minutes.*

**7d. Public Hearing: Woodcreek Townhomes Tract J, Development Plan 13-DP-10** – Mr. Ryan said the Town has received a request to build 138 townhomes in the Woodcreek neighborhood. Woodcreek is a development option neighborhood and thus allows for a portion of the project to be townhomes. Townhomes built within a development option neighborhood are built to R-MF-15 standards. The townhomes all will feature one-car garages, have fiber cement siding and have developmental qualities that meet or exceed the R-MF-15 standards. As part of the zoning conditions, all units will have stone accents on the front facades.

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: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to approve Development Plan #13-DP-10, Woodcreek Townhomes Tract J as submitted by Withers and Ravenel, project number: 2040232.94 dated revised 12/2/2013 with the following conditions:

1. All previous approval conditions for Woodcreek Development Plan will apply to this plan as well.
2. The Home Owners Association covenants shall be recorded with the first plat associated with this subdivision.
3. A fee-in-lieu of upgrade will be required for this project for the pump station and/or force main
4. All environmental permits must be obtained prior to construction drawing approval and/or issuance of a land disturbance permit for the entire project.
5. Show the Sunset Lake Road widening with dimensions on the first construction drawing submittal.
6. Verify that a sewer stub is provided to the Lee property adjacent to the northern portion of this property.

The designer is working with staff to address conflicts with street trees and the sight distance triangles and other easements. Once the conflicts have been resolved, provide a revised landscaping plan to reflect the revised location of street trees and any other landscaping that is moved.

**Motion By:** Lee

**Second By:** Cobb

**Vote:** Unanimous.

**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. 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.*

**8b. North Main Athletic Complex Geo Testing Contract** - The Council approved entering a contract with Geo Technologies for tests for North Main Athletic Complex and adopted a budget amendment in the amount of \$61,580. *A copy of the budget amendment is attached to these minutes.*

**8c. Holly Springs Law Enforcement Center Project** – The Council approved entering a contract with Falcon Engineering in the amount of \$9,900 for the Holly Springs Law Enforcement Center.

**8d. Budget Amendment, \$2,950** – The Council adopted an amendment to the FY 2013-14 budget in the amount of \$2,950 to transfer funds from a revenue account to the Bass Lake expenditure budget. *A copy of the budget amendment is attached to these minutes.*

**8e. Budget Amendment, \$87,715** – This item was removed from Consent Agenda during agenda adjustment to be discussed.

**8f. Jefferson L. Sugg Farm at Bass Lake** - The Council approved the name of the Sugg Farm property as “Jefferson L. Sugg Farm at Bass Lake.”

**8g. P-023 Alcohol Consumption Policy Update** – The Council approved updates to P-023 Alcohol Consumption at Bass Lake and Womble Park policy and remove hold harmless agreement.

**8h. North Main Athletic Complex Project** – The Council approved an addendum to a contract with Withers and Ravenel for the North Main Athletic Complex project and adopt a budget amendment in the amount of \$5,400. *A copy of the budget amendment is attached to these minutes.*

**8i. Old Holly Springs-Apex Road Project** – The Council approved to award a professional services agreement to CH Engineering in the amount of \$15,207.39 for subsurface utility location services in the Old Holly Springs- Apex Rd extension project and to adopt a budget amendment for \$17,500, including contingency. *A copy of the budget amendment is attached to these minutes.*

At this time, Councilman Dickson asked to be excused from the meeting.

**Action:** The Council approved a motion to excuse Councilman Dickson from the meeting, citing his direct involvement with the subject of the next two items of business on the agenda.

**Motion By:** Lee

**Second By:** Cobb

**Vote:** Unanimous

**8e. Budget Amendment, \$87,715** – The Council approved a motion to adopt an amendment to the FY 2013-14 budget in the amount of \$87,715 to allocate funds for Duke Energy to relocate high voltage power lines in the North Main Athletic Complex Phase I project.

**Motion By:** Cobb

**Second By:** Williams

**Vote:** Unanimous

*A copy of the budget amendment is attached to these minutes.*

**9a. Street Light Conversion** – Ms. Sudano explained the majority of street lighting throughout the town is comprised of sodium vapor fixtures. There has been a recent move among many municipalities to convert to LED to save operating expenses and reduce the frequency of individual street light outage. Town staff worked with Duke Progress to determine the costs for converting street lights in town to LED. Tony Ferguson with Duke Progress will be presenting information at the meeting on the advantages of converting Town street lighting to LED.

Currently, we have 1,748 street lights in the Town limits. The cost savings that would be realized by the Town's converting to LED fixtures would occur in the monthly recurring charges on the Town's electric bill. The cost savings would be approximately \$3,013.07 monthly. This would amount to a yearly savings of approximately \$36,000. This translates to approximately a 10-13% cost savings for the Town on an annual basis.

There is a conversion cost for any light fixtures that are less than 20 years old. There are 181 fixtures that are older than 20 years old and for which conversion is free. There are 134 fixtures that are not able to be converted at this time (until additional size fixtures become available in LED.) The conversion cost for converting all fixtures that are under 20 years old is \$71,650. This cost would be recouped in operating cost savings within 24 months.

Should the Town Council choose to move forward with conversions, staff recommends that all new street lights that are installed henceforth are LED. This would require a street lighting policy change, which can be brought before you at a later date.

Ms. Sudano said staff needs to take a closer look at the Village District Area Plan area to determine a conversion plan. At present, all VDAP lighting is installed as metal halide, and many street lights are required to be decorative fixtures which are not yet available in LED. Engineering will be meeting with the Planning staff to review street lighting in the VDAP area and present a specific plan to the Council at a later date.

**Action:** The Council approved a motion to budget \$76,000 for conversion to begin July 1, 2014 and to include all 1,748 street lights.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous.

At this time, the Council readmitted Councilman Dickson into the meeting.

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

**Motion By:** Cobb

**Second By:** Sack

**Vote:** Unanimous

**9b. Old Holly Springs-Apex Rd Extension Project** – The item was removed from New Business and added to the Consent Agenda as item 8i during agenda adjustment.

**10. Other Business:** Mayor Sears continued his appeal to citizens to observe pedestrian crosswalks and speed limits.

Councilman Sack said he felt the Town should work with NCDOT on some of the action items, particularly the flashing yellow lights and crosswalk signs and no turns on red that residents requested for Avent Ferry Road and Cass Holt Road. He said the Town or school system also need to replace the faded Do Not Enter signs at Holly Springs Elementary School.

Councilwoman Lee asked if on school holidays if Womble Park could be opened extended hours for open play.

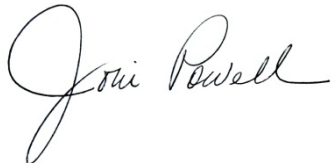
Councilwoman Williams reminded folks about the Cultural Arts Week in February.

**11. Manager's Report:** Mr. Simmons reported on a number of key dates and programs. He said there would be a two-hour delay for the opening of Town Hall offices the next day due to weather.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the Jan. 21, 2014 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 4, 2014.

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