



April 1, 2014

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, April 1, 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 four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears and Councilmen James Cobb and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** Councilman Tim Sack.

**Staff Members Present:** 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; Adam Huffman, assistant parks and recreation director; Leroy Smith, fire chief; Kendra Parrish, senior engineer; Elizabeth Goodson, development review engineer; Gina Clapp, planning and zoning director; Laura Holloman, planner I; Daniel Weeks, senior project manager; Jenny Mizelle, economic development director; Shelia Stanton, farmers market coordinator; 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 Latter Days Saints Church.

**4. Agenda Adjustment:** The April 1, 2014 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**Items added to Consent Agenda:** 8c. Adopt Resolution 14-07 declaring property surplus to the needs of the town.

**Items added to Agenda:** None.

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

**Other changes:** None.

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

Sam Griffith, 1515 Oakridge-Duncan Road -- Mr. Griffith reported that the War on Terror Memorial is \$6,000 away from being completed and the deadline for buying bricks for the dedication is April 15. He said they are at 86% of the goal, and the dedication is scheduled for 10 a.m. June 14, 2014.

Fire Chief Leroy Smith – Chief Smith reported that at 6:30 p.m. Wednesday there will be a recognition and administering of the oath of office to new firefighters.

**6a. Farmer Market Report** - Ms. Stanton provided an update on the Farmers Market Season 8 with an invitation to everyone to the Season Opening Saturday, May 3. Mayor Sears will cut the ribbon at 8:30 a.m. to start the new season. The Farmers Market will be open each Saturday from

8:30 a.m. to 12:30 p.m. May 4 through Oct. 12 in the E. Center Street public parking lot.

Ms. Stanton provided an overview on the market's webpage and communication strategy for the year as well as changes to the event schedule that includes new events and new partnerships. She reported that this year's Blue Ribbon sponsor is GMA Supply.

**Action:** None.

**7a. Public Hearing: Rezoning Petition 14-REZ-04** – Ms. Holloman said the Town has received a request to conditionally rezone a parcel totaling approximately 3.18 acres from RT: Research and Technology to BT-CU: Business and Technology Conditional Use. The property is located at 180 Newspaper Way and is adjacent to G.B. Alford Highway.

She said the following are developer commitments offered by the petitioner:

1. Exclude the following uses:

- Communication Relay Tower;
- Non-municipal sewage treatment plant;
- Non-municipal utility substation;
- Non-municipal water treatment plant;
- Storage tanks – nonhazardous;
- Kennel – with outdoor runs;
- Electric transmission and distribution;
- Electric relay station;
- Automotive sales and service.

Zoning conditions are offered by the petitioner to be placed on the property and are not required by the Town, she said.

Ms. Holloman said the planning board had reviewed the petition and recommends approval following a 5-1-2 vote.

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

Don Mizelle, 5429 Shoreline Ct., representing the petitioner – Mr. Mizelle addressed the Council saying that the parcel would be developed to a higher standard because it is highly visible from G.B. Alford Highway. He also noted that the property has some brownfield environmental issues and that this zone map change would put the owner on a path to making something much better out of the site.

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

**Action #1:** The Council approved a motion to accept the following statement as being true: *“The requested zone map change from RT: Research & Technology to BT: Business & Technology is consistent with the Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Business Park and the Business & Technology District allows for a variety of clean industry uses.”*

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt ordinance 14-REZ-04 to approve and enact Zone Map Change Petition #14-REZ-04 to change the zoning of 3.18 acres of Wake County PIN # 0649438316 from RT: Research & Technology to BT-CU: Business & Technology Conditional Use as submitted by Longleaf Development Services with the following conditions offered by the petitioner:

1. Exclude the following uses:

- Communication Relay Tower;
- Non-municipal sewage treatment plant;
- Non-municipal utility substation;
- Non-municipal water treatment plant;
- Storage tanks – nonhazardous;

- Kennel – with outdoor runs;
- Electric transmission and distribution;
- Electric relay station;
- Automotive sales and service.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

*A copy 14-REZ-04 Ordinance 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 Cobb, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

**8a. Minutes** – The Council approved minutes of the Council’s Winter Retreat held Feb. 21-22, 2014.

**8b. New World Systems Contract Amendment** - The Council approve license swap agreement between the Town of Holly Springs and New World Systems, changing from eSuite portal to eCommunity eLicenses.

**8c. Resolution 14-07** - The Council adopted Resolution 14-07 declaring property surplus to the needs of the town. *A copy Resolution 14-07 is attached to these minutes.*

**9. Other Business:** Mayor Sears reminded citizens about pedestrian safety in crosswalks and he asked the communications department to preview its new public service announcement television spot on the subject.

**10. Manager’s Report:** Mr. Weeks reported on a number of key dates and programs.

**11. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss potential litigation involving Holly Springs Quality Food Mart and existing litigation involving the estate of James Booker; and pursuant to General Statute 143-318.11(a)(5) to discuss right of way acquisition in the Main Street Extension project.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous

***General Account of Closed Session – April 1, 2014.***

In general, Council received an update from Mr. Schifano on the matter of how a Town contractor drilled into an underground gasoline storage tank that was inexplicably in the road right of way at Holly Springs Road and Main Street. Mr. Schifano said that much more research would be conducted to try to determine how the tank came to be in the right of way and how best to mitigate the fuel leakage site and at whose expense.

Mr. Schifano advised his client in the matter of James Booker Estate vs. the Town of Holly Springs following a motorcycle accident in 2012.

Mr. Schifano discussed terms with the Council in acquiring right of way for the Main Street Extension project, and he noted that the eminent domain procedure may be necessary.

No action was taken in closed session, other than a motion to return to open session.

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

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

**12. Adjournment:** There being no further business for the evening, the April 1, 2014 meeting of the Holly Springs Town Council was adjourned following a motion, a second and a unanimous vote.



Respectfully Submitted on Tuesday, May 6, 2014.

*Joni Powell* \_\_\_\_\_  
;

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