



Oct. 6, 2015

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Oct. 6, 2015 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 6:58 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, 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; Laura Holloman, planner; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Kendra Parrish, engineering director; Elizabeth Goodson, development review engineer; Aaron Levitt, senior engineer; Leroy Smith, fire chief; Jenny Mizelle, economic development director; and Mark Andrews, public information officer.

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

**4. Agenda Adjustment:** The Oct. 6, 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: None.

**6a. Fire Prevention and Safety Month –** Chief Smith informed the Town Council of upcoming fire department projects in observance of October as Fire Prevention and Safety Month. Then fire education dog Cinder demonstrated the all-important lessons of stop, drop and roll.

**Action:** None.

**6b. Together on Center Stage Program's Production Report –** Mayor Sears introduced Matthew Schwab, who addressed the Council to talk about "Together on Center Stage," a program of the Holly Springs Civitan Club. TOCS provides a performing arts vehicle for people regardless of their levels of experience, ability or disability, and promotes inclusion and community spirit. It is

presented in a welcoming environment and is committed to developing social and performance skills, building self-esteem, discipline, responsibility, and positive values through the creative arts.

Individuals from all over the Raleigh triangle area meet at the Holly Springs Cultural Center and performances are held in the 186-seat performing arts theater.

Matthew addressed the Council about TOCS's latest project, which is *TOCS Meets the Oz Wizard*, a play that is all about courage and making smart choices with kindness and love.

He said the show opens at 7p.m. Friday, Oct. 16 with additional shows at 3 p.m. and 7 p.m. Saturday, Oct. 17. Tickets are \$8 and are on sale now at the Holly Springs Cultural Center.

**Action:** None.

**6c. National Communications Awards** – Ms. Powell said the Town of Holly Springs was among a handful of North Carolina local governments to earn recognition in the 27<sup>th</sup> national City-County Communications and Marketing Association (3CMA) *Savvy Awards* presented Sept. 10 in Atlanta as part of 3CMA's annual conference.

Holly Springs earned two awards for separate projects in the national competition.

The Town's Business Watch newsletter, which was written and produced by Joni Powell and Mark Andrews of the Department of Public Affairs and Communications as a project for the Town's Economic Development Department won the third place Award of Excellence in the External Publications category for cities of less than 80,000. This same issue won first place in the North Carolina state-level contest last spring.

The *Holly Springs: A Gold Medal Destination* partners event held in May of last year earned a third place Award of Excellence in the Special Events category for cities less than 100,000. The award salutes the publicity and video production work of the communications staff and the logistical planning and execution of the partners event hosted by the Town's Economic Development Department with assistance of town staff volunteers.

This truly is an award for a huge team effort, Ms. Powell said. Judges evaluated the town's entry on:

- the event's gold medal-themed graphics created by Tamara Ward, communications specialist;
- a promotional video produced by freelance videographer Mark Losey with production assistance by Powell and Andrews of the communications office, Irena Krstanovic, economic development project manager, and Don Briscar, manager of the Holly Springs Cultural Center; and
- the actual event carried out by Krstanovic and Jenny Mizelle, director of economic development.

Ms. Powell said her department shares the awards with all who participated, especially Ms. Mizelle and Ms. Krstanovic.

**Action:** None.

**6d. Community Planning Month** – Mayor Sears presented to Planning and Zoning staff a proclamation declaring October as Community Planning Month. Ms. Clapp briefed the Council on the goals, objectives and work of the town's Department of Planning and Zoning.

**Action:** None.

**7a. Special Exception Use Petition 15-SEU-06** – Ms. Holloman said the Town has received a request for a retail establishment specializing in the sale of production materials for unique craft beers intended for off-site use. Under the Research and Technology zoning district, all retail uses are considered special exception uses so the project must go through this approval process before being permitted to operate, Ms. Holloman said.

She said this proposed business would be approximately 2,610 square feet and would be located within the existing industrial building that is anchored by GMA Building Supply. All business operations would be conducted within the building. The main component of the Homecrafted business would be to conduct educational classes on how to successfully brew craft beer at one's

home for personal consumption. As part of the educational process, students would have the opportunity to purchase craft beer production materials as necessary to carry out their new found knowledge at home.

With that explanation completed, Mayor Sears opened the public hearing to accept testimony under oath administered by the deputy town clerk:

Adam Reinhard, the applicant -- Mr. Reinhard explained that his business model is to sell yeast, hops and water and teaching people to brew their own beer. He stressed that he would not be brewing the beer.

**Action #1:** The Council approved to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #15-SEU-06 to allow for a retail establishment in the RT: Research & Technology District as submitted by Adam Reinhard.

*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:** Sack

**Second by:** Dickson

**Vote:** Unanimous

*Special Exception Use Petition #15-SEU-06 addressing the required findings of fact is attached to these minutes.*

**Action #2:** Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use Petition #15-SEU-06 for Homecrafted as submitted by Adam Reinhard dated Aug. 20, 2015 with the following condition:

- 1) Business operations must adhere to the evidence submitted by the applicant as stated in

the findings of fact submitted in conjunction with 15-SEU-06.

**Motion by:** Cobb

**Second by:** Dickson

**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 Dickson and a unanimous vote. The following actions were affected:

**8a. Minutes** – The Council approved minutes of the Town Council’s meeting held Sept 1, 2015.

**8b. Resolution 15-27** – The Council adopted Resolution 15-27 directing the town clerk to investigate the sufficiency of annexation petition A15-02 and setting a public hearing. *A copy of Resolution 15-27 is attached to these minutes.*

**8c. Resolution 15-28** – The Council adopted Resolution 15-28 directing the town clerk to investigate the sufficiency of annexation petition A15-03 and setting a public hearing. *A copy of Resolution 15-28 is attached to these minutes.*

**8d. Resolution 15-29** – The Council adopted Resolution 15-29 directing the town clerk to investigate the sufficiency of annexation petition A15-04 and setting a public hearing. *A copy of Resolution 15-29 is attached to these minutes.*

**8e. Budget Amendment, \$24,000** – The Council adopted amendment to the FY 2015-16 budget to increase the project budget by \$24,000 to include the Salamanders scoreboard contribution. *A copy of the budget amendment is attached to these minutes.*

**8f. Middle Creek Force Main Project Change Order** – The Council approved contract change order #1 in the amount of \$16,634.11 for relocation of a water line in the Middle Creek force main project.

**8g. North Main Athletic Complex Project Change Order** - The Council approved contract change order #3 with T.A. Loving in the amount of \$29,747 for costs of a turning lane and drainage piping in the North Main Athletic Complex project.

**8h. 13-DO-01, Downton Project Six-Month extension** – The Council approved to grant a six-month extension for 13-DO-01 for the Downton project to extend the approval expiration date to March 18, 2016.

At this time, Councilman Dickson asked to be recused since he is employed by a party in the next agenda item. Even though Councilman Dickson would not be required by statute to excuse himself, he said he preferred to be excused to avoid any perception of a conflict of interest.

**Action:** The Council approved a motion to excuse Councilman Dickson from the meeting.

**Motion by:** Cobb

**Second by:** Sack

**Vote:** Unanimous

**9a. Market Industrial Property** – Ms. Mizelle said that staff has worked with Duke Energy Progress on a Memorandum of Understanding that enables the Town’s Economic Development Department to market approximately 140 acres of land owned by Duke Energy Progress that is adjacent to the Holly Springs Business Park and is to be considered an extension of the park.

**Action:** The Council approved a motion to enter into a Memorandum of Understanding with Duke Energy Progress to market 140 +/- acres owned by Duke Energy Progress for economic development.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

*A draft copy of the Memorandum of Understanding is attached to these minutes.*

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

**Motion by:** Sack  
**Second by:** Williams  
**Vote:** Unanimous.

**9b. Holly Springs Cemetery Upkeep Policy Statement** – Ms. Goodson said the Town owns and operates the Holly Springs Cemetery located at the corner of Earp and Burt Streets. Although the Town continues to oversee the purchase and maintenance of plots in the Town’s cemetery as it has for many years, staff wants to memorialize the requirements in a policy to better enforce and maintain this facility ongoing. The Engineering Department facilitates the purchase and marking of cemetery plots, and the Parks and Recreation Department facilitates the lawn maintenance and general upkeep of the grounds through a contract with a lawn service.

She said staff met with Councilman Dickson, who brought the cemetery policy forward at this time for discussion. The resulting draft policy is intended to provide guidelines for those who wish to purchase plots, owners of plots and funeral homes who wish to assist in the interment of the deceased.

Aside from the policy, the Engineering Department has been busy with a master plan for long-term improvements for the cemetery property.

A master plan has been created and comments from other departments have been received and incorporated. The master plan includes an array of improvements including paving the roadways, grading, storm sewer, gravesite markers, landscaping improvements, mausoleums, paved walkways, irrigation system, stockpile area, flagpole, and debris area. The current year’s funding of \$80,000 is planned to cover the costs of the grading, paving, storm drainage and gravesite markers for a large portion of the cemetery, Ms. Goodson said. We anticipate help from the Boy Scouts on installing the cemetery markers as well as some woodwork that will be completed by an Eagle Scout candidate, she added.

Ms. Goodson asked for Council input on a draft policy statement memorializing rules and procedures for the Town’s cemetery.

Councilman Dickson said he would like to amend the draft to include a provision that nothing could be attached to monuments, including clip-on floral arrangement holders that sit atop monuments.

**Action:** The Council approved a motion to adopt a policy statement as amended to address the upkeep of the Holly Springs Town Cemetery.

**Motion by:** Dickson  
**Second by:** Sack  
**Vote:** Unanimous

*A copy of the final draft policy statement is attached to these minutes.*

**9c. Earp Street Force Main Project** – Mr. Levitt said that a leak in the sewer force main along Irving Parkway was detected and repaired by the Public Works Department.

He said this 12-inch force main conveys sewage from the 12 Oaks pump station to the Utlely Creek Water Reclamation Facility. This 700 linear foot section of ductile iron pipe was installed at a steep grade to follow the slope of Irving Parkway. As we have seen with other ductile iron force mains installed with a steep grade, the flow of wastewater moves faster through these pipes which leads to less than full flow through the pipe and causes the top of the pipe to be exposed to corrosive gases; chemically attacking the ductile iron until failure, Mr. Levitt said.

Repair of the existing pipe is not economically or physically feasible. It is assumed, based on the condition of the repaired section and from past experience with similar situations, the entire length of pipe is too fragile to be cleaned and viewed with a robot camera. Repair options were explored including cured-in-place pipe, in-place pipe replacement with temporary bypass pumping, and pipe busting. A bypass of the damaged section of pipe along with abandonment of the old section is the best option for repair, Mr. Levitt said.

The 12 Oaks Force Main Repair project consists of the abandonment of 725 linear feet of ductile iron pipe. The bypass will include construction of approximately 765 linear feet of new PVC

force main pipe. The proposed force main line will bypass the existing utilities located on the west side of Irving Parkway by running along the east side of the road, therefore making it easier and more cost-effective to install.

Furthermore, the material for the new pipe is PVC, which is resistant to sewer gases.

Surveying, design, and construction administration for this repair project was or will be completed by staff (Engineering and Public Works) and has reduced the cost significantly overall. In an effort to handle this sensitive repair in a timely manner, construction work could be performed by Sanford Contractors as a change order to the Earp Street force main project, which was of a similar scope, Mr. Levitt said.

A full road closure is not proposed during the construction of the new force main line, but would be required for a short time (approximately three hours) during the tie-in phase. The time likely would be set at mid-day, outside of rush hour. Although all surrounding businesses would retain full access during the short period of the full road closure, they have been informed and made aware of the upcoming construction activity.

**Action:** The Council approved a motion to approve \$160,000 in funding and contingency for repairs to the sewer force main along Irving Parkway and a contract change order for \$145,621.72 with Sanford Contractors to add the repair to the Earp Street force main project contract.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

**9d. Board of Adjustment Member Appointments –** Ms. Clapp said staff received notification from Shea Maliszewski, in-Town Board of Adjustment member, that he is resigning his position on the board. His term ends Feb. 29, 2016.

She said the Town Council has two options:

1. Move a current in-Town alternate member (Richard Madoni) to fill the remainder of the regular member position term and appoint a new alternate member to fill the remainder of the alternate member position.
2. Appoint a new member to fill the remainder of the in-Town member position.

**Action:** The Council approved a motion to appoint Richard Madoni to fill the remainder of the in-Town member position with a term ending Feb. 29, 2016.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous

**Action:** The Council approved a motion to appoint **Andy Priolo** to fill the remainder of the in-Town alternate member position with a term ending Feb. 29, 2016.

**Motion by:** Dickson

**Second by:** Sack

**Vote:** Unanimous

**9e. Town's Code of Ethics and Conduct for Public Officials Policy Amendment –** Mr. Schifano said that all Town officials are governed by the Town's ethics policy. Councilman Dickson inquired if it was proper for candidates for local office to use the Town's logo in campaign material. The most expedient method to prohibit this practice would be to insert into the ethics policy, which would now add a candidate for elective office as a "Town Official" for purposes of the policy during the pendency of their campaign.

The policy is not punitive and is really just an admonition, Mr. Schifano said.

**Action:** The Council approved a motion to approve changes to Policy Statement P-021.2, the Town's Code of Ethics and Conduct.

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous

*A copy of the final draft policy statement is attached to these minutes.*

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

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

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss with the Town Attorney settlement limits in a condemnation of property matter in the Main Street Extension project.

***General Account – Closed Session Oct. 6, 2015***

In Closed Session, the Town Council discussed general terms of settlement and gave direction to the town attorney.

The Council approved a motion to reenter open session.

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

**13. Adjournment:** There being no further business for the evening, the Oct. 6, 2015 meeting of the Holly Springs Town Council was adjourned.

ay, Oct. 20, 2015.

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

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

