



**Feb. 2, 2016**

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Feb. 2, 2016 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

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

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; Daniel Weeks, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Jeff Wilson, information technology director; Mary Hogan, finance director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Luncie McNeil, public works director; John Herring, police chief; Kendra Parrish, director of engineering; Elizabeth Goodson, development review engineer; 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 Luncie McNeil, director of public works.

**4. Agenda Adjustment:** The Feb. 2, 2016 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous

**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:

Benjamin McDonald – Mr. McDonald addressed the Council regarding his recently annexed property. He said he was concerned about the lack of street lights and sidewalks in his neighborhood. He asked that the Council look into it. He said he will be paying property taxes and would appreciate these public services.

**6a. Public Hearing: Powell Infrastructure Development Agreement** - Mr. Schifano said as part of the settlement for land acquisition costs for the 54-acre tract behind Walmart owned by the Powells, and to facilitate that tract's orderly development with a possible future annexation and connection to town utilities, the town and property owner propose entering into a 20-year development agreement.

The purpose of entering into development agreements essentially is to fix or "freeze" zoning on a parcel so that a developer can go forward with a plan without concern over a municipally-initiated rezoning. The proposal sets forth the following on this large tract, which will be accessible by the proposed new Main Street Extension:

- Land use: The tract will have two different permitted land uses: an R-MF-15 high-density residential component of 36.74 acres; and a Community Business land use of 18.03 acres.
- Exemption of Unified Development Ordinance section 3.05(C)(3)(c)(1) which requires 75% of the building front to have a zero setback
- Sewer access shall be through a gravity sewer built by the developer. The developer shall be entitled to \$200,000 in building fee credits for construction of the sewer line, if the developer builds the line.
- Developer shall be entitled to an additional \$325,000 in fee credits, generally, as a settlement of the acquisition litigation.
- Transportation improvements – The developer is not required to construct any widening of Ralph Stephens Road or Main Street, beyond what would be required by the NCDOT.
- The developer shall annex into the corporate limits prior to any municipal services (ie, sewer and water access).

Mr. Schifano said this development agreement is in most respects similar to other agreements that were entered into in the past, with the exception of the fee credits. These are being offered as partial settlement of the land acquisition that was required for Main Street Extension, he added.

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

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to enter into an infrastructure construction and fee reimbursement development agreement with H. Brantley Powell, Kimberly Powell Atkins and Kelly Powell Gould for property located on Ralph Stephenson Road.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**7a. Sugg Farm Fee Waiver** – Ms. Lindsay Tipton of the Triangle Down Syndrome Network requested the Council for a donation of space to hold its 2016 Buddy Walk at the Jefferson L. Sugg Farm at Bass Lake Park. She noted that the approved fee for ticketed events at the Sugg Farm is \$2,500.

Ms. Tipton said this event usually has around 1,500 participants. The Triangle Down Syndrome Network is a non-profit 501 (c) (3) tax exempt organization. The annual Buddy Walk is their main fundraiser each year. She said the dates requested are Oct. 8-10.

In discussion, Councilman Cobb asked if the Town waived the \$2,500 in lieu of paying a \$2,500 gold sponsorship fee.

Councilwoman Williams said she supports the program, but she thinks there should be a policy addressing the Town's sponsorship of programs in lieu of facility rental fees. She noted that Sugg Farm provides revenue for the Town, but if every event were granted a waiver, that revenue stream would be restricted.

Council members agreed that a policy was needed.

**Action:** The Council approved a motion to grant a fee waiver for the use of Sugg Farm at Bass Lake Park as a gold sponsor for the 2016 Buddy Walk event to be held Oct. 3 -10, 2016 by the Triangle Down Syndrome Association.

**Motion by:** Williams

**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 Cobb, 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 Jan. 19, 2016.

8b. Law Enforcement Center – The Council awarded a contract to Dragonfly Pond Works in the amount of \$22,885 and approved \$26,000 in funding to include contingency, for repair of a Best Management Practices (BMP) device in the law enforcement center project award contract to Dragonfly Pond Works for repair to the Law Enforcement Center stormwater BMP.

8c. New Hill Place Apartments - The Council granted a six-month extension for 12-DP-02 New Hill Place Apartments to extend the expiration date from Sept.19, 2015 to March 19, 2016 as requested by Mike Hunter of Spring Investors, LLC.

8d. Reclassification of Public Works and Police Department Positions - The Council approved reclassification of a vacant Public Works Supervisor position (422-002) to an Administrative Support Specialist, salary grade 71 and a vacant Police Officer position (418-024) to an Administrative Sergeant position.

8e. 2015 Local Water Supply Plan Update – The Council approved to enter contract with CDM Smith for the 2015 Local Water Supply Plan update.

8f. Oakview Elementary School Easement – The Council granted temporary construction easements for roadway improvements at Oakview Elementary School.

**9a. 05-PUD-01-A02, Main Street Square** – Mr. Ryan said the Town received a request to modify the Main Street Square Planned Unit Development (PUD), which is located at the intersection of S Main Street and G.B. Alford Highway. The proposed amendment is to change the minimum front building setback requirements for all structures located in the Neighborhood General district. The Neighborhood General District is intended to allow for single-family and multi-family residential housing and limited commercial/retail uses.

The applicant has proposed to change the minimum front building setback from a minimum of five feet to a range of between zero feet to a maximum of eight feet.

He said the Neighborhood General District consists of previously-approved Main Street Square Development Plans for Elements F and B and is approved in both elements for Townhomes. Elements F and B are partially completed.

**Action:** The Council approved a motion to approve Planned Unit Development #05-PUD-01-A02 for Main Street Square as submitted by Bass, Nixon & Kennedy, dated revised 12/21/2015, with the following condition:

1. All previous conditions for the Main Street Square PUD will apply to this amendment.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

**9b. Cline Falls Drive Parking** – Chief Herring said at the Jan. 5<sup>th</sup> Council meeting, the Police Department updated Council on the after-school parking issues on Cline Falls Dr. At that time, we also requested additional time to fully evaluate the issue and report back to Council in February with staff recommendations for addressing the issue. Since this time, we have continued to monitor and evaluate the conditions on Cline Falls Dr. as it relates to the issues generated by parents attempting to circumvent car-pool protocols at the nearby schools.

Based on our observations, the Police Department recommends moving forward with erecting signs prohibiting parking, standing and stopping on Cline Falls near Heritage Point, as needed to mitigate the safety issues generated by parents circumventing and/or avoiding the car-pool lines at nearby schools. In addition, we recommend the removal of the existing 15-minute parking signs along Cline Falls and replacing them with No Stopping, Standing or Parking signs and amending Town Code Section 12-508 with language to support the enforcement of said signage.

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**Action #1:** The Council approved a motion to establish a No Parking, Standing, or Stopping zone and to direct staff to move forward with the placement of No Stopping, Standing or Parking signs on Cline Falls Drive near Heritage Point Drive.

**Motion by:** Williams

**Second by:** Dickson

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance 16-03 to amend Town of Holly Springs Code of Ordinances, Division 6, Section 12-508, to include in the following places: “(18) In any area upon a public street which has been clearly marked prohibiting Stopping, Standing or Parking.”

**Motion by:** Williams

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance 16-03 is attached to these minutes.*

**10a. Old Police Station Lease Agreement –** Mr. Schifano explained a proposed lease between Town of Holly Springs, Licensor, and Lighthouse Recruiting LLC d/b/a The Coworking Station, Licensee for consideration by Town Council.

**Action:** The Council approved a motion to enter into a lease with Lighthouse Recruiting LLC d/b/a The Coworking Station for use of the former police station building on Ballentine Street.

**Motion by:** Lee

**Second by:** Cobb

**Vote:** Unanimous.

**10b. Ordinance 16-02, Animal Ordinance Amendment –** Mr. Schifano said this request is a proposed amendment to Section 12-80 of the Town Code to allow chickens (hens only) in R-10 residential districts, subject to the following conditions:

- A Planning and Zoning permit is required with a fee
- Three hen limit
- Must be enclosed in a coop and pen, limit 1 one pen and coop per lot, located no less than 12 feet from property line and in the rear
- Must get homeowner’s association approval
- Waste must be removed daily or more often so as to prevent odor and run-off.

In discussion, Mayor Sears noted that the ordinance proposal be amended to also direct that waste material be disposed of properly in plastic bags and in the garbage.

**Action:** The Council approved a motion to adopt Ordinance 16-02 to allow the raising of laying hens in Holly Springs.

**Motion by:** O’Brien

**Second by:** Dickson

**Action:** Councilman Dickson withdrew his second so that the primary motion could be amended.

Councilman O’Brien amended this motion to include an amendment to the ordinance proposal that waste must not be placed in yardwaste but should be placed in plastic disposal bags and in the garbage.

**Motion by:** O’Brien

**Second by:** Dickson

**Vote:** Unanimous

*A copy of Ordinance 16-02, as amended, is attached to these minutes.*

**10c. Appointment to South Wake Landfill Citizen Committee –** Ms. Powell said that she received an email from Mr. John Roberson, Wake County Solid Waste Manager, to say that the county has more than 20 residents who participate in the South Wake Landfill Citizen Committee

meetings. Most live in residential communities within a five-mile radius of the landfill: Forest Springs, Oak Hall, Sunset Ridge and Windward Pointe.

Former Town Council member Tim Sack has been attending the South Wake Landfill Citizens Committee meetings for the past several years. These meetings are currently held twice a year (April and October) at the Holly Springs Cultural Center.

While Mr. Sack may continue to attend committee meetings, the county requests that an elected official be appointed to fill this "informal vacancy" on the committee. The April meeting will take place from 7 to 9 p.m. Tuesday, April 12 at the Cultural Center. The October meeting is not yet scheduled, but will likely be on a similar second Tuesday of the month in the evening at the cultural center.

At these Citizens Committee meetings, Wake County representatives and others discuss the latest news about the landfill and its operations. It also has proven to be a great way for residents to share their thoughts and concerns about living near an active landfill, Mr. Roberson says. Participating residents are encouraged to share what they learn with their neighbors.

Councilman Dickson volunteered to attend the meetings.

**Action:** The Council approved a motion to designate Councilman Hank Dickson to attend South Wake Landfill citizen meetings.

**Vote:** Unanimous


**11. Other Business:** None that resulted in Council action.

**12. Manager's Report:** None that resulted in Council action.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the Feb. 2, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Feb. 16, 2016.

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

