



June 21, 2016

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 21, 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 four council members were present as the meeting opened.

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

Council Members Absent: Councilwoman Cheri Lee.

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; Mary Hogan, finance director; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Erika Phillips, human resources director; Gina Clapp, planning and zoning director; Sean Ryan, planner; Jenny Mizelle, economic development director; Leroy Smith, fire chief; Joe Harasti, life education officer for the fire department; Jamie Holland, interim assistant fire chief; John Herring, police chief; Mike Patterson, police lieutenant; Kendra Parrish, engineering director; 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 Rev. Brent Rector of Apex Woodhaven Baptist Church.

4. Agenda Adjustment: The June 21, 2016 meeting agenda was adopted with changes, if any, as listed below.

Changes: None.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

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

LuAnn Spain, Franklinton – Ms. Spain addressed the Council as an officer of the Rolling Thunder Motorcycle Club of North Carolina. She said her organization will be donating a standard stadium seat to be installed at North Main Athletic Complex where it is to remain an empty seat at every event to memorialize American Prisoners of War and Missing in Action. A plaque will be installed with the chair to educate the public about the POW/MIA issue and to pay tribute to those who never came home from military duty. The chair will be donated in a ceremony July 17 at a Salamanders home game.

Ryan Monteleone – Mr. Monteleone addressed the Council to talk about a half marathon being planned by the Holly Springs Run Club. The Club has been working with the police department and parks and recreation department to plan an event that will use nearly every bit of

the Town's greenway system. The runners are partnering with the Kiwanis Club of Holly Springs, which will benefit from the event and be used by the Kiwanis for projects benefitting the Town.

Mr. Monteleone said the group will be asking the Council for the waiver of fees of facilities to be used for the half marathon.

6a. Yong-In Martial Arts Presentation – Mr. Harasti introduced representatives of Yong-In Martial Arts of Holly Springs who raised money during a community event and chose to donate those funds to help teach cardio-pulmonary resuscitation (CPR) to the public. With these funds, Holly Springs Fire / Rescue will be able to provide American Heart Association CPR certification classes to Yong-In Martial Arts employees and more than 50 additional people at no cost.

Chief Smith said that as part of our growing number of programs offered to the public, Holly Springs Fire / Rescue has been working for some time to offer CPR certification classes "at cost" to the public. This program will allow a class that normally costs \$80 to be taught through our organization for \$20.

Those plans were due to be completed in July of this year. Just as the last of the logistics were falling into place, we discovered that Yong-In Martial Arts of Holly Springs wanted to make a donation to support CPR training. This donation allows for the training of Yong-In Martial Arts employees and for the training of more than 50 citizens at no cost to the public.

The Community CPR program will continue to be offered to the public at cost. Scheduling and registration for these classes will be through Holly Springs Parks & Recreation. Initial plans are to offer two classes per month with additional offerings added as we gauge participation.

Action: None. Mayor Sears presented Yong In Martial Arts with a Certificate of Appreciation.

7a. Elder Abuse, Neglect and Exploitation Report – Ms. Jennifer Link, Regional Long-Term Care Ombudsman for Wake County Nursing Homes, said that elder abuse, neglect and exploitation is an under-identified and under-reported problem and with the soaring growth of the older adult population in Wake County, these citizens will become more and more at risk of physical abuse, caretaker neglect and financial exploitation.

She said she wanted to create a greater awareness of the impact of elder abuse and educate community members on what every citizen can do to prevent elder abuse. The month between Mother's Day and Father's Day is recognized annually by North Carolina as Vulnerable and Elder Abuse Awareness Month and each year, June 15 is World Elder Abuse Awareness Day.

Action: None.

7b. Youth Football Clinic – Mr. Richard Young addressed the Council to provide details of an upcoming youth football camp in Holly Springs. The youth camp will be hosted by NFL starting linebacker Snorsio "Sio" Moore of the Indianapolis Colts.

So far, 212 youth are pre-registered for the camp, and the camp limit is 500.

Action: The Council approved a motion to waive all rental fees for use of North Main Athletic Complex stadium and soccer fields July 16, to include only facility rental fees up to \$2,168 but not other costs associated with security, cleaning and a day porter.

Motion by: O'Brien

Second by: Cobb

Vote: Unanimous

Action: At this time, the Council approved a motion to excuse Councilman Cobb, who asked to be recused to avoid the appearance of impropriety due to his associations with the Holly Springs Kiwanis Club.

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

7c. Holly Springs Kiwanis Club Request Fee Waiver – Mr. Ryan Monteleone said the Kiwanis Club of Holly Springs is joining with the Holly Springs Run Club to create the Holly Springs Half Marathon with a portion of the proceeds to be donated the Holly Springs Parks and Recreation Department. The event is scheduled to be held Saturday, Nov. 19 and will start at the North Main Athletic Complex, winding through town via the greenway system to Bass Lake Park, and then circling back to the North Main Athletic Complex for the finish line. The fees for an event in the North Main Athletic Complex parking area and the Sugg Farm 5K Race are the only approved rental fees on the proposed course. They are \$1,500 in rental fees and a \$200 deposit fee totaling \$1,700. The Kiwanis Club is a non-profit 501 (c) (3) tax exempt organization, and is requesting that the rental fees and deposit be waived.

Action: The Council approved a motion to waive the rental fees and deposit in the amount of \$1,700 for the Holly Springs Half Marathon scheduled for Saturday, Nov. 19, 2016, subject to police department's approval of the road race route but not to include the costs of off-duty police officers for the event.

Motion by: Williams

Second by: Dickson

Vote: Unanimous

Motion: The Council approved a motion to readmit Councilman Cobb into the meeting.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous

7d. Parks and Recreation Department 20th Anniversary Events – Mr. Bradley said the Parks and Recreation department was established in 1996 after residents approved a \$2 million bond to acquire land for future parks.

He said at that time, the Town had only one 7-acre park, which was located where the Cultural Center is today, and no organized town department to manage the park or programs. That park consisted of two tennis courts, a basketball court, a baseball field, and a small picnic shelter.

This year marks the 20th Anniversary of the department, and it is the perfect time to celebrate the accomplishments that make the Town of Holly Springs a great place to live, work, and play, he said. Today the Town enjoys 573 acres of park land and 12.8 miles of greenways. We have 7 baseball/softball fields, a football field, 6 regulation size soccer fields, and 21 tennis courts. We have grown from 3,915 participants just 10 years ago to 10,765 participants this year. These achievements are definitely a reason to celebrate, and what better way to do that than to provide an increased level of service at our festivals and events for the remainder of 2016? Mr. Bradley asked.

He said that staff embarked on an aggressive sponsorship campaign that targeted companies with long-standing relationships with the department, many of which that have been in place for the entire 20-year life span. The department was able to raise \$30,000 to supplement the Town Manager's recommended fiscal year 2017 budget for festivals and events.

Action: The Council approved a motion to adopt an amendment to the FY 2016-17 budget for \$30,000 to receive sponsorships and approve spending in the Parks and Recreation Department's 20th Anniversary event budget.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

8a. Public Hearing: Ordinance 16-08, #16-UDO-01 Amendment – Mr. Ryan said staff proposed a modification to Unified Development Ordinance Section 2.08 General Regulations for Residential Districts, in regard to the requirements for Cluster Mailbox Units (CMUs.) This proposed amendment makes clear that all CMUs must follow Americans with Disability Act accessibility

requirements and also makes minor clarification corrections to various parts of the CMU location standards as outlined in the ordinance.

With that explanation, 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 statement as being true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan and provides the tools necessary for staff and the development community to implement the goals and objectives stated in the Plan.”*

Motion by: Cobb

Second by: O’Brien

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 16-08 to approve and enact UDO Text Amendment #16-UDO-01 to modify the text of UDO Section 2.08 C. 3. J. Cluster Mailbox Units as submitted by the Town of Holly Springs.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous

A copy of Ordinance 16-08 is attached to these minutes.

8b. Public Hearing: 16-REZ-03, Tract 3 of Rosewood Centre – Mr. Ryan said the Town has received a request to zone 8.46 acres in the Rosewood Centre on N. Main Street. Rosewood Centre is a commercial subdivision, approved in 2003, which currently contains a medical office building and child care center. Several lots in Rosewood Centre remain vacant. The subject parcel is tract 3, which is located at the end of Rosewood Centre Drive adjacent to GB Alford Highway (NC 55 Bypass).

The requested zoning district is R-MF-15 CU, with conditions offered by the property owner to restrict uses on this property to educational, government, and limited residential land uses. Zoning conditions are offered by the property owners to be placed on the property and are not required by the Town. A Conditional Use District allows the petitioner to place specific conditions on the property that are more restrictive than the minimum zoning regulations in the Town’s Unified Development Ordinance. Once a petitioner has placed such conditions with the zoning map change request, they cannot be removed or modified to reduce the restriction. During the review and consideration process the petitioner may add additional conditions or make the proposed conditions more restrictive, however, additional conditions or regulations cannot be added to the petition by Planning Board or Town Council, nor can either board request additional conditions.

With that explanation, 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 statement as being true: *“The requested zone map change from CB to R-MF-15 CU is consistent with the Vision of Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Mixed Use, further defined by the N. Main Area Plan as Office/Commercial, which allows for compatible office-type businesses, limited public and semi-public uses and the R-MF-15 CU High Density Multifamily Residential Conditional Use District, with the conditions offered by the property owner, will provide for compatible office-type businesses, limited public and semi-public uses.”*

Motion by: Dickson

Second by: Cobb

Vote: Unanimous

Action 2: The Council approved a motion to adopt ordinance 16-REZ-03 to approve and enact Zone Map Change Petition #16-REZ-03 to change the zoning of Wake County PIN # 0740812940

from CB: Community Business to R-15-15 CU: High Density Multifamily Residential Condition Use District as submitted by Highmark Land, LLC, with the following conditions offered by the petitioner:

1. There shall be no permitted primary uses.
2. The following uses shall be permitted by Special Exception Use:
 - a. Educational Use: Kindergarten; child care ministry; Public library; School – public or private
 - b. Government Use: Fire Station; Police Station; Post Office – without outdoor parking of delivery vehicles
 - c. Residential Use: Assisted living facility

Motion by: O'Brien

Second by: Dickson

Vote: Unanimous

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

8c. Public Hearing: Development Options, 16-DO-02 for Townes on Main – Mr. Ryan said the Town has received a request for an infill Development Options subdivision. This is the first project requesting approval under the new Infill Development Options standards added to the Unified Development Ordinance in December 2015. A total of 8 units (a combination of 1, 2-family dwelling and 6 townhouse dwellings) are proposed with a total density of 15.23 units per acre. Under Infill Development Options subdivision requirements, the developer has voluntarily agreed to provide certain architectural, site and public infrastructure in exchange for being able to utilize smaller minimum lot sizes, multi-family residential products, and higher density than a traditional R-8 subdivision.

Councilmen Dickson and O'Brien agreed they felt the efforts to maximize the acreage was extreme and parking was too dependent upon on-street parking.

Councilman Cobb and Councilwoman Williams agreed, and added that the design of the project was mediocre.

With that explanation, Mayor Sears opened the public hearing. The following comments were recorded: None. There being no comments, the public hearing was closed.

Alan Maness -- Mr. Maness addressed the Council to ask them to consider that urban density creates a synergy necessary for downtown development.

Councilman O'Brien said he understands the need for people downtown but he wanted to know if there were any other options.

Action 1: The Council approved a motion to defer action on this petition until July 19, 2016.

Motion by: Williams

Second by: Cobb

Vote: Unanimous

A copy of Development Options Plan #16-DO-02 waiver is attached to these minutes.

9. 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 Councilwoman Williams and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved the minutes of the Council's regular and special meetings May 17, 2016.

9b. Council Order 2016-01– The Council adopted Council Order 2016-01 directing Wake County to levy and collect property taxes for the Town of Holly Springs. *A copy of Council Order 2016-01 is attached to these minutes.*

9c. Personnel Policy Amendments - The Council approved amendments to the personnel policy

9d. Wake Memorial Park, LLC Contract – The Council approved to retain Wake Memorial Park, LLC to perform administrative functions of the town cemetery.

9e. Resolution 16-17 – The Council adopted Resolution 16-17 designating planning review officers. *A copy of Resolution 16-17 is attached to these minutes.*

9f. Annexation A16-01, Resolution 16-18 – The Council adopted Resolution 16-18 directing the town clerk to investigate the sufficiency of the petition of annexation for Lot 3 in Brayton Park and setting the public hearing on the question of annexation. *A copy of Resolution 16-18 is attached to these minutes.*

9g. Ordinance 16-09 – The Council adopted Ordinance 16-09 amending the Town Code regarding alcohol consumption on Town property. *A copy of Ordinance 16-09 is attached to these minutes.*

9h. Resolution 16-19 – The Council adopted Resolution 16-19 declaring surplus property. *A copy of Resolution 16-19 is attached to these minutes.*

10a. Cemetery Policy Amendments – Ms. Goodson said the Town owns and operates the Holly Springs Cemetery located at the corner of Earp Street and Burt Street. In October 2015, the Town adopted a policy to provide guidelines for individuals who wish to purchase plots, owners of existing plots and funeral homes who wish to assist in the interment of deceased individuals.

After the initial implementation of the policy, there were several areas that needed to be further clarified or addressed. Staff received comments and direction from the Town Council at the May 17 meeting and is now bringing a revised policy before the Town Council for review and approval.

This update addresses:

- Flower placement and removal;
- Procedures for tent and flower removal after a funeral;
- Procedure for personal items & flowers left at a plot;
- Updates to interment procedures associated with new contract with Wake Memorial Park as a licensee.

Additional points to consider, she said, are two that were raised but are not yet included in the draft policy: what to do with non-conforming headstone

In discussion, the Council agreed that any new headstones have to meet the new regulations. The Council also clarified that saddle floral arrangements designed for placement on top of a monument stone are to be allowed; however, no other types of attachments with the use of tape or adhesive or other unapproved apparatus will be allowed.

Action: The Council approved a motion to adopt a revised Policy Statement to memorialize the rules and procedures for the Town's Cemetery with amendments as suggested and effective date June 21, 2016.

Motion by: Dickson

Second by: O'Brien

Vote: Unanimous.

11a. Parks and Rec Advisory Committee Appointments – Mr. Huffman said the Parks and Recreation Advisory Committee has four vacancies that need to be filled due to expiring terms. After advertising on the Town's website, the Parks and Recreation office has received nine applications. Two existing members Wanda Holloway and Kevin Adams have applied for reappointment.

Mayor Sears suggested a motion to reappoint the existing members.

Councilman Dickson said at some point the parks and recreation committee will be asked to serve in an advisory role with a representative at the Town Council meeting. Councilman Dickson said not all members of the committee were amenable to attending a

Action: The Council approved a motion to reappoint Kevin Adams and Wanda Holloway to the Holly Springs Parks and Recreation Committee.

Motion by: Cobb

Second by: O'Brien

Vote: Unanimous

Action: The Council approved a motion to appoint Tom Joyce and Brian Ainslie to the Holly Springs Parks and Recreation Advisory Committee.

Motion by: Cobb

Second by: Dickson

Vote: Unanimous.

11b. Utley Creek Greenway Project – Ms. Parrish said the Town is entering into a NCDOT Municipal Agreement for the construction of the Utley Creek greenway connection. The agreement allows for the following eligible items: design, environmental documentation, right of way acquisition, utility relocation and construction with funding amounts of \$580,00 with the Town responsible for \$145,000 in the 80/20 split. The total amount of the agreement is \$725,000. The agreement is valid for five years.

Action: The Council approved a motion to approve to enter an agreement for 80% NCDOT participation and 20% town funding in the amount of \$145,000 a grand project total in the amount of \$725,000 for Utley Creek project.

Motion by: Cobb

Second by: Williams

Vote: Unanimous.

11c. Sportsmanship Way Project – Ms. Parrish said the Town is entering into a NCDOT Municipal Agreement for the construction of the Sportsmanship Way connection to the NC55 Bypass Superstreet. This will provide a much needed connection to the North Main Athletic Complex. The agreement is for three years with an 80/20 split, with total federal funds of \$1,200,000 and the Town's non-match amount of \$300,000.

Action: The Council approved a motion to approve to enter an agreement for 80% NCDOT participation and 20% town funding in the amount of \$300,000 for a total Sportsmanship Way project funding amount of \$1,500,000.

Motion by: Dickson

Second by: Cobb

Vote: Unanimous.

12. Other Business: None that resulted in Council action.

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

14. 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 a matter under the attorney-client privilege regarding negotiation parameters for the sale of real property.

15. Adjournment: There being no further business for the evening, the June 21, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, July 19, 2016.

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