



**Nov. 1, 2016**

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 1, 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 Tom O'Brien and Hank Dickson and Councilwomen Cheri Lee and Linda Hunt-Williams.

**Council Members Absent:** Councilmen James Cobb.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Daniel Weeks, assistant town manager; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Mary Hogan, finance director; Len Bradley, parks and recreation director; Gina Clapp, director of planning and zoning; Irena Krstanovic, economic development director; Kendra Parrish, director of engineering; Jessica Stygles, farmers market coordinator; Leroy Smith, fire chief; members of the fire department and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Tom Newman, pastor of Sunrise United Methodist Church.

**4. Agenda Adjustment:** The Nov. 1, 2016 meeting agenda was adopted with changes, if any, as listed below.

**Changes:** Add to Consent Agenda as item 8g. to authorize the Town Manager to enter into a service contract with CICA, Inc. for repair to a tank at the Utley Creek water reclamation facility.

**Motion by:** Dickson

**Second by:** O'Brien

**Vote:** Unanimous

**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:

Perry Safran, attorney for Fred Smith Company, a paving company – Mr. Safran said the company he represents challenges a recommendation of staff to enter into a paving contract with the second lowest bidder in the 2016 street improvement project. He said the Fred Smith Company, which was the lowest bidder, would hope there would be further discussion before Council takes final action.

**6a. Fire Department Volunteering Report** – Chief Smith recognized Lt. Jason Parrish, Firefighter Lawrence Grande and Firefighter J.T. Sosdian as the Holly Springs Fire Department representatives who volunteered to go to areas affected by Hurricane Matthew. They rescued animals that were in flooded areas with local animal shelters.

**Action:** None.

**6b. Recognition of Holly Springs Farmers Market** – Ms. Stygles announced that the Holly Springs Farmers Market once again has been rated as the No. 1 favorite farmers market in North Carolina — and No. 11 nationwide in the American Farmland Trust's Farmers Market Celebration.

The Holly Springs Farmer Market has just completed its 10th season, which was a big success, with an estimate of nearly 18,000 attendees. The winter farmers market season begins Nov. 19 and continues on the third Saturday of each month through April.

Then, Season 11 of the Farmers Market will open May 6, 2017.

**Action:** None.

**7a. Public Hearing: Rezoning Petition 16-REZ-11** – Mr. Steinmann said the Town has received a request to zone approximately 30 acres located along the west side of NC 55 Bypass / G.B. Alford Highway, north of Avent Ferry Road and south of Green Oaks Parkway. The request involves three parcels of land – a 25-acre vacant property currently zoned R-20, a 3.23-acre vacant property currently zoned as part of the Ballenridge Planned Unit Development, and the right-of-way for the town-maintained Treatment Plant Road. The applicant is requesting to have all three properties zoned as CB: Community Business. The requested rezoning is consistent with the Regional Center Future Land Use designation, which encourages the development of high intensity, commercial and retail power centers. The Town has received a request from the petitioner to delay the rezoning petition until the Dec. 6 meeting.

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

Tom Krause, 209 Hartshorn Ct. and representing residents of Ballenridge – Mr. Krause said he and his fellow neighbors request that a noise protection wall be required as part of the development plan for this property if it is rezoned and developed. He said Ballenridge residents are weary of the traffic noise coming from G.B. Alford Highway.

Tom Lutz, 200 Hartshorn Ct. – Mr. Lutz asked the Council to include a noise barrier in the project, too.

Harvey Cary, 220 Hartshorn Ct. – Mr. Cary said his home backs up to the bypass, and it is noisy. He asked the Council to require a sound barrier as part of the project.

Christopher Bradley, 228 Hartshorn Ct. – Mr. Bradley said he would appreciate the sound wall, but also is worried about the flow of stormwater that might affect his property.

Tina Smith, 220 Chilmark Ridge – Ms. Smith said she is frustrated by the highway noise and would request that something be done. She questioned how notice was provided to the public of the hearing. She said only one homeowner was notified.

David Sakell, 105 Chilmark Ridge – Mr. Sakell is president of the homeowners association and said the Ballenridge neighborhood wants a sound wall.

There being no further input, the public hearing remained open.

Councilman Dickson asked Ms. Clapp to explain how notice is provided about public hearings. Ms. Clapp said state law requires that the Town notify property owners within 200 feet of the subject property

**Action:** The Council approved a motion to continue the public hearing on rezoning petition 16-REZ-11 to resume at the Council's Dec. 6 meeting.

**Motion by:** O'Brien

**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 Councilwoman Williams, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

**8a. Minutes** – The Council approved the minutes of the Council's regular meeting held Oct. 18, 2016.

**8b. Annual Staff Luncheon** – The Council authorized the closing of non-essential Town facilities from 11:30 a.m. to 1 p.m. Wednesday, Dec. 14 for the annual staff luncheon.

**8c. Avent Ferry Rd. Widening Project** - The Council adopted a project budget for the Avent Ferry Road widening project. *A copy of the project budget is attached to these minutes.*

8d. New Hill Rd. Sidewalk Project - The Council adopted a project budget for the New Hill Road sidewalk project. *A copy of the project budget is attached to these minutes.*

8e. North Carolina Capital Management Trust – The Council authorized opening of a new term portfolio account with the North Carolina Capital Management Trust.

8f. Budget Amendment, \$50,000 – The Council adopted an amendment to the fiber optic network enterprise fund to reflect \$50,000 in additional expected revenue and expenses for additional fiber infrastructure. *A copy of the budget amendment is attached to these minutes.*

8g. Utley Creek Water Reclamation Facility Tank Repairs – The Council approved to authorize Town Manager to enter into a service contract with CICA, Inc. for repair to a tank at the Utley Creek water reclamation facility.

At this time, the Council excused Councilman Hank Dickson from the meeting. A quorum of the Council remained.

**Action:** The Council approved a motion to excuse Councilman Dickson from the meeting as he is employed by a party in the agenda item.

**Motion by:** Lee

**Second by:** Williams

**Vote:** Unanimous.

**9a. Bridgeberry Infrastructure Reimbursement Agreement** – Ms. Parrish explained to the Council Members Bridgeberry is a proposed 177.05-acre up to 370-unit residential subdivision located off of Rex Road.

Ms. Parrish highlighted the parameters of the agreement:

1. The original requirement is for a 4 lane thoroughfare through the Rex Road residential property and terminated at the creek, however in order to be able to use the facility and mitigate traffic impact we proposed a 2 lane road that connected from Rex Rd over the creek/property line to Avent Ferry Rd. Staff will explain the details of this proposal.
2. Rex Road development will provide the funding for the Town to purchase the Duke property for the extension of the parkway to Avent Ferry Road.
3. A reduced thoroughfare buffer along the new parkway was considered since the full connection of the parkway was going to be made.
4. Since the Parkway will connect from Avent Ferry Rd to Rex Road the required Street E interconnection as shown in the attachments was removed.
5. The difference in oversized waterline installation will be covered in reimbursements.
6. The difference in oversized sewer infrastructure will be covered in reimbursements.

**Action:** The Council approved a motion to enter into an infrastructure reimbursement agreement with the developers of Bridgeberry.

**Motion by:** Williams

**Second by:** O'Brien

**Vote:** Unanimous

*A copy of a draft of the Bridgeberry infrastructure reimbursement agreement is attached to these minutes.*

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

**Motion by:** Lee

**Second by:** Williams

**Vote:** Unanimous.

**9b. 2016 Street Improvement Project** – Mayor Sears said that, after internal discussions, the town manager requests that this item be tabled until Dec. 6. He asked for a motion to that effect.

**Action:** The Council approved a motion to table consideration of bids received in the 2016 street improvement project until Dec. 6.

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

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

**11. Manager's Report:** None that resulted 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 matters with the town attorney regarding a settlement matter with Brantley Powell.

**General Account – Closed Session Nov. 1, 2016**

In Closed Session, the Town Attorney updated the Council and received direction.

No action was taken in Closed Session other than a motion to reenter open session.

**-- End of General Account**

**13. Adjournment:** There being no further business for the evening, the Nov. 1, 2016 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Dec. 6, 2016.

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

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Notes follow and are a part of the official record.

