



December 6, 2011

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Dec. 6, 2011 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 and Councilmen Jimmy Cobb, Chet VanFossen, Parrish Womble and Tim Sack and Councilwoman Linda Hunt Williams.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Len Bradley, director of parks and recreation; Stephanie Sudano, director of engineering; Gina Clapp, director of planning and zoning; Jeff Wilson, information technology director; Niki Litts, communications specialist; Jenny Mizelle, economic development director; Elizabeth Goodson, development review engineer; John Herring police chief; Ricky Blackmon, code enforcement director; Luncie McNeil, public works director; Daniel Weeks, project analyst; Drew Holland, finance director; Seann Byrd, director of public utilities; Laura Powell and Mark Zawadski, planners; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Doug Parlin, pastor of South Wake Baptist Church.

**4. Agenda Adjustment:** The Dec. 6, 2011 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Items added to Agenda:** None.

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

**Items removed from the 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: None.

Joe Signoretti, 1220 Trotter Bluff Drive – Mr. Signoretti addressed the Council to say he enjoyed learning about and serving the community while on the planning board. He said he resigned with regrets but he would like to give other citizens a chance to serve. He added he would recommend the reappointment of incumbent applicants.

He spoke in favor of the parks and recreation bond, and he noted that improved parks and recreation facilities would help grow the town's taxbase. He said he would urge the Council to not be afraid of issuing the bonds as approved by voters.

Council members thanked him for his service.

Hank Dickson, 504 Sandy Point Way – Mr. Dickson said, as a Holly Springs Gold Hawks baseball parent, he thanks staff and management for the erection of state champion signs on the town limit signs.

**6a. Public Hearing: 11-SEU-06, 206 Premier Drive** – Mr. Zawadski said the Town has received a request for a Special Exception Use to locate a fitness center at 206 Premier Drive, within the RT: Research and Technology district. The property is 3.79 acres and is located near the intersection of Premier Drive and Tradition Trail.

A development plan was approved for this property in 2007 for two 16,000 square foot flex-space buildings, and one of the buildings was constructed in 2008. The new fitness center is proposed to utilize 2,650 square feet of the existing building.

The applicant's findings of fact responses on the application indicate that the business would employ one person and accommodate a maximum of 7-10 customers at one time.

The property includes 29 existing parking spaces located throughout the site to accommodate the fitness center and other building tenants. The site is proposed to be accessed from the existing driveway located on Premier Drive, and there are no modifications proposed to the building exterior or the site.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no testimony, the public hearing was closed.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition 11-SEU-06 for 206 Premier Drive to allow for a Fitness Center to be located within the RT: Research and Technology District as submitted by HPC Properties, LLC.

Special Exception Use Findings of Fact:

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:** VanFossen

**Vote:** Unanimous

*A copy of Special Exception Use Petition 11-SEU-06 addressing the findings of fact is attached to these minutes.*

**Action #2:** Having made the necessary findings of fact, the Council approved a motion to approve Special Exception Use Petition 11-SEU-06 for 206 Premier Drive to allow for a Fitness Center to be located within the RT: Research and Technology District as submitted by HPC Properties, LLC.

**Motion By:** Cobb

**Second By:** Womble

**Vote:** Unanimous

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

7a. Budget Amendment, \$563,750 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$563,750 for the purchase of the Mims property. *A copy of the budget amendment is attached to these minutes.*

7b. Budget Amendment, \$6,500 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$6,500 for landscaping repair. *A copy of the budget amendment is attached to these minutes.*

7c. Resolution 11-41 – The Council adopted Resolution 11-41 formally appointing Barbara Koblich as the town’s historian. *A copy of Resolution 11-41 is attached to these minutes.*

7d. Resolutions 11-42 and 11-43 - The Council adopted Resolution 11-42 certifying the results of the Nov. 8 bond referendum and Resolution 11-43 authorizing the Town to reimburse itself in the future from bond issue proceeds. *Copies of Resolutions 11-42 and 11-43 are attached to these minutes.*

**8a. Organizational Meeting: Oaths of Office** - Mayor Sears presented an award of appreciation to retiring Council Member Parrish Womble who has served on the Council – except for a brief interruption -- since 1981. Councilman Womble retired from his seat, giving a brief farewell address.

Ms. J. Powell then administered the oath of office to incumbent Town Council member Tim Sack and Council member-elect Cheri Lee.

A new quorum was established as the mayor and all five council members were present as the meeting resumed.

**Council Members Present:** Council members Jimmy Cobb, Cheri Lee, Chet VanFossen, Tim Sack and Linda Hunt Williams and Mayor Sears.

**Council Members Absent:** None

Mayor Sears said following the Council meeting, the public is invited to a reception of light refreshments in the Holleman Room to celebrate with Councilman Womble as he retires from public service and to welcome new Councilwoman Cheri Lee.

**8b. Organizational Meeting: Election of a Mayor Pro Tem** – Mayor Sears explained that a part of the Organizational Meeting is the election of a council member to serve as mayor pro tempore, serving as vice chairman of the council and as mayor during the absence or disability of the mayor.

He said that currently, Councilman Tim Sack serves as mayor pro tem, a position he has served in during his past term on the Council.

Mayor Sears opened the floor for nominations for mayor pro tem.

Councilwoman Williams nominated Councilman Sack.

**Action:** By acclamation, the Council approved a motion to close the nominations.

Mayor Sears asked for a show of hands of those who were in favor of Councilman Sack's being named mayor pro tem. Council members Cobb, Lee, VanFossen, Williams and Sack raised their hands, so there was no further need for action, and Councilman Sack was appointed mayor pro tem through the next Organizational Meeting, which will be held in December 2013 following the next municipal election.

**8c. Town Council Meeting Calendar** – Mayor Sears explained that the Town Council meets at 7 p.m. the first and third Tuesday of each month, and an official calendar of these meetings is adopted by the Town Council and filed each year in the Town Clerk's office for the public. By adopting an official schedule each calendar year, the Town Council also has the opportunity to consider in advance any conflicts the regular meeting schedule may have with events or holidays and to make changes to times or dates accordingly.

He said this year, there were no such obvious conflicts noted.

**Action:** The Council approved a motion to adopt of the CY 2012 regular meeting schedule.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of the calendar is attached to these minutes.*

**8d. Appointment of Holly Springs Representatives** – Mayor Sears said that the Town Council is to appoint and/or reappoint representatives of Holly Springs to various board, commissions, committees and task forces.

He then reviewed a list of those who have expressed an interest in individual positions.

Mayor Sears reported that the terms on these agency representatives would expire at the next Organizational Meeting.

Nominations to the agencies were as follows:

- Triangle J Council of Governments Board Member: **Councilwoman Linda Hunt Williams**

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- Triangle J Council of Governments Board Member Alternate: **Councilwoman Cheri Lee**
- Triangle J Smart Growth Committee: **Staff members Jeff Jones and Gina Clapp.**
- Transportation Advisory Committee of CAMPO: **Mayor Sears and Councilman VanFossen as alternate.**
- Holly Springs Parks and Recreation Advisory Committee Ex Officio (non-voting) member. **Councilwoman Linda Hunt Williams**
- Holly Springs Technical Review Committee: **Councilman Chet VanFossen and Councilman Jimmy Cobb as alternate.**

**Action:** By acclamation, the Council approved a motion to appoint the above-named officials to represent Holly Springs on area boards and commissions.

**9a. 11-MAS-02, Twelve Oaks, Phase 7 -** Ms. Laura Powell said Twelve Oaks, a Planned Unit Development located off of New Hill Road, is requesting the approval of its newest proposed phase, Phase 7.

She said this would be the sixth phase that is being developed, as phases 1, 2, 3A, 4 and 5 already are approved. Phases 1, 2, and 3A are under construction. Due to those phases' success and strong home sales, the developers have chosen to move forward with its first phase approval in four years.

The Twelve Oaks PUD consists of a total of 678.42 acres and allows for up to 2,028 total dwelling units. To date, a total of 783 lots are approved in the entire development. Proposed phase 7 is comprised of 112 single-family lots (all Type B lots) and no multi-family residential units.

She said the approved PUD plans establish four single-family lot types: Types A, B, C and D. These lot types range from 4,000 to 12,000 square feet. Type A is the smallest, and Type D is the largest.

She said in addition to meeting all established lot requirements, proposed lots also would have to meet the architectural standards of the Twelve Oaks PUD.

**Action:** The Council approved a motion to approve Preliminary Plan 11-MAS-02 for Twelve Oaks Phase 7 as submitted by Spaulding & Norris Engineering, Project Number 410-02, dated revised 11/07/2011 with the following conditions:

1. All previous approval conditions for the Twelve Oaks PUD master plan (03-PUD-01 and associated amendments) will apply to this plan as well.
2. The following items are to be submitted with the first 1st construction drawings submittal:
  - a. If any reclaimed irrigation is to be used, a soils report must be submitted with the first construction drawing and approved prior to CD approval.
  - b. The approved flood study will need to be revised. Provide documentation the proposed bridge will not change previously approved 100 year water surface elevations.
3. No wetland or stream impacts are permitted with this project as proposed on this amendment. When the next stream or wetland impact occurs, an update to the expired permit must be obtained for the entire project prior to construction drawing approval. The need for stormwater management must be considered and resolved with DWQ prior to the permit resubmittal.

**Motion By:** Williams

**Second By:** VanFossen

**Vote:** Unanimous

**9b. Board of Adjustment and Planning Board Appointments –** Ms. Clapp said on Dec. 31 of each year, the terms of several members of the Board of Adjustment and Planning Board expire. The Town Council is responsible for the appointment of in-town members to the Holly

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Springs Board of Adjustment and Planning Board. Members who live outside the town limits and within the Town's extraterritorial jurisdiction (ETJ) are appointed by the Wake County Board of Commissioners (WCBOC), but are nominated to WCBOC by the Town Council.

She said the terms will be for three years from Jan. 1, 2012 to Dec. 31, 2014. In addition, there is a mid-term resignation of a Planning Board member which will require a new member to fill a one-year remainder of a vacated term from Jan. 1, 2012 to Dec. 31, 2012.

In addition, in accordance with the Unified Development Ordinance (UDO), any member with a pattern of absenteeism or partial participation in regular or special meetings may be removed by the Town Council at its discretion. In the event that a member is terminated, the Town Council shall promptly appoint a new member to fill the remainder of the vacated term.

The applications that have been submitted for this year's appointments were sent to the Town Council under separate cover in mid-November along with the past three years of attendance records.

Ms. Clapp said this year's vacancies are: 1 in-town regular member and 1 ETJ member on the Board of Adjustment; and 1 in-town member vacant seat (term Jan. 1, 2012 to Dec. 31, 2014) and 3 in-town members, (term Jan. 1, 2012 to Dec. 1, 2014) on the Planning Board.

For the in-town regular member slot on the Board of Adjustment, Councilwoman Williams nominated current BOA alternate Brian Woomer to be moved up to a regular member. Councilwoman Lee nominated incumbent Vincent D'Agostino.

**Action:** By a show of hands, majority votes were given to appoint Brian Woomer as an in-town member to the Holly Springs Board of Adjustment, with a three-year term to expire Dec. 31, 2014.

**Action:** To fill Mr. Woomer's unexpired term as an alternate Board of Adjustment member, Councilwoman Williams nominated applicant Burton Bailey. Mr. Bailey was appointed by acclamation and now is an alternate member of the Board of Adjustment for the remainder of a term that will expire Dec. 31, 2012.

**Action:** By acclamation, the Council approved a motion to nominate Steve Murray to the Wake County Board of Commissioners to be reappointed as an ETJ alternate member to the Holly Springs Board of Adjustment, with a three-year term to expire Dec. 31, 2014.

**Motion By:** Sack

**Second By:** acclamation

**Vote:** acclamation

To fill Mr. Signoretti's unexpired term as an in-town regular member on the Planning Board, Councilwoman Williams nominated applicant Rich Capola, and Councilman VanFossen nominated applicant Phil Squire.

**Action:** By a show of hands, majority votes were given to appoint applicant Phil Squire to fulfill a vacated Planning Board in-town regular member position expiring Dec. 31, 2012.

Councilman VanFossen nominated incumbent in-town regular Planning Board members Tom Hughes, Matt Johnson and Glenn Myrto to be reappointed.

Councilwoman Lee nominated applicant Vincent D'Agostino for consideration.

**Action:** By a show of hands, majority votes were given to Tom Hughes, Matt Johnson and Glenn Myrto, who were appointed as in-town regular members of the Planning Board with three-year terms expiring Dec. 31, 2014.

**9c. Avent Ferry Road Fire Station Project** – Mr. Schifano said an initial step in the Avent Ferry Road fire station project will be pre-construction geo-technical assessment of the building

site. He said, after a review of proposals received, staff recommends that the Council retain the services of Falcon Engineering.

He said an estimated cost of the work would be in the \$27,000-plus range.

**Action:** The Council approved a motion to retain Falcon Engineering for geo-technical assessment of the Avent Ferry Road fire station construction site.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous

**10. Other Business:** Mayor Sears announced and congratulated Economic Development Director Jenny Mizelle on her being named a Woman Extraordinaire of the Year by Business Leader Magazine. The mayor reported on his recent trip to Fort Hood, Texas as part of a military program that was at no cost to the Town of Holly Springs.

**11. Manager's Report:** The town manager reported on recent activities of the organization and reminded the Council of important upcoming dates.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the Dec. 6, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 3, 2012.



Joni Powell, MMC, Town Clerk

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

