



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 18, 2011, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick 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: Councilmen Jimmy Cobb, Parrish Womble, Chet VanFossen 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; Gina Clapp, director of planning and zoning; Jeff Wilson, information technology director; Niki Litts, communications specialist; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; John Herring, police chief; and Drew Holland, finance director.

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

4. Agenda Adjustment: The Jan. 18, 2011 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Womble

Vote: Unanimous

Item added to Agenda as New Business: None.

Items removed from Consent Agenda: None.

Items moved on the agenda: Item 6a., the annual audit report, was moved to New Business as Item 8c.

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.

6a. Town's Audit Report – This agenda item was moved to New Business during agenda adjustment.

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. Minutes – The Council approved minutes of the Council's regular meeting held on Nov. 16, 2010.

7b. Budget Amendment Report -- The Council received a monthly report of amendments to the FY 2010-11 budget approved by the town manager. *A copy of the budget amendments report is incorporated into these minutes as an addendum page.*

7c. Town Council Annual Retreat – The Council set a special meeting for the Council's annual retreat for March 4-6, 2011 at River's Landing in Wallace, NC.

7d. Resolution 11-02 - The Council adopted Resolution 11-02 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 11-02 is incorporated into these minutes as an addendum page.*

7e. 2010 Community Development Building Grant Project Contract - The Council agreed to enter a

professional services agreement with The Wooten Company for administration of the Town's 2010 CDBG housing development project in an amount not to exceed \$24,300.

7f. 2010 CDBG Project Ordinance and Legally Binding Commitment – The Council adopted the housing development Project Ordinance and a Legally Binding Commitment for the Town's 2010 CDBG project.

7g. Budget Amendment, \$18,000 – The Council adopted an amendment to the FY 2010-11 budget in the amount \$18,000 to cover costs of a programming analysis for the police department. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8a. Avent Ferry Road Waiver Request – Ms. Goodson said the Town has received a request for a waiver from Unified Development Ordinance Section 7.08: Utility Design and Reservation. The request/waiver would be to allow a well to be used to provide potable water service to a new home being built on a lot off Avent Ferry Road. A public waterline exists along the lot frontage on Avent Ferry Road, and Town ordinance requires connection to this waterline. The petitioner is requesting a waiver from this requirement.

The UDO requirement is:

Section 7.08D, Water Utility, "Each legally established residential lot or lot created by a minor residential subdivision that is within one-thousand (1,000) feet of an existing municipal water line, which can be accessed through existing rights-of-way or easements, shall connect to such municipal water line at the developers or subdividers expense."

She said the following findings of fact must be considered in the Council's evaluation. The petitioner's application is attached which lists his statements addressing each of these facts.

- 1) The granting of the waiver will not be detrimental to public safety, health or welfare or injurious to other property.*
- 2) Conditions upon the request for a waiver are unique to the property for which a waiver is sought and are not applicable generally to other property.*
- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations is not carried out.*
- 4) The waiver will not contravene the provisions of this UDO or the Comprehensive Plan.*
- 5) Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.*

Mayor Sears asked if the property was in the town limits. It is not in the town limits, but in the extraterritorial jurisdiction.

Councilman Womble asked how big the property is, and Ms. Goodson responded 10 acres.

Applicant Tom Heck addressed the Council saying he has dedicated road frontage for future road widening. He said extension to town water might be more economical and logical to do at some point in the future, if necessary. As it is, Mr. Heck pointed out, properties on either side of his are served by well and septic, and his would be a reasonable request. He explained that he has no plans for subdivision of the property in the future and that it would be a working farm and single-family home.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.08D Water Utility for 1801 Avent Ferry Road as submitted by Tom Heck.

Findings of fact.

- 1) The granting of the waiver will not be detrimental to public safety, health or welfare or injurious to other property.
- 2) Conditions upon the request for a waiver are unique to the property for which a waiver is sought and are not applicable generally to other property.
- 3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience if the strict letter of these regulations is not carried out.
- 4) The waiver will not contravene the provisions of this UDO or the Comprehensive Plan.
- 5) Where the waiver impacts on the design, construction or maintenance obligations of public facilities, that the appropriate public agency has reviewed and approved the proposed development in writing and the subdivider has submitted a copy of such approval.

Motion By: Sack

Second By: Womble

Vote: Unanimous

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 7.08D Water Utility for 1801 Avent Ferry Road as submitted by Tom Heck.

Motion By: Sack

Second By: Womble

Vote: Unanimous

8b. Decorative Street signs and Posts Policy Statement – Ms. Clapp explained that previously, the Town Council adopted Policy Statement P-11 titled: Specialty Traffic Control and Street Name Signs and Posts. The purpose of the policy was to regulate the use and approval of decorative street name and traffic control signs within neighborhoods. The policy specified that the Town would install all basic signage, and required developers to install decorative signs upon approval of the Director of Public Works; however, staff in Planning, Engineering, and Public Works have found that the majority of the decorative signs that have been installed since the adoption of this policy have not been in keeping with the approved standards of the Town or MUTCD.

She said therefore, staff feels that the policy needs updating.

The following is a summary list of the modifications to the Policy:

- * Revises the Policy Purpose;
- * Adds information on the Town's basic traffic control/street name signs and posts in addition to clarifying the approved "Upgrade" Option and provides links to the Engineering Design and Construction Standards regarding these details;
- * Specifies that if the upgraded/decorative signs are requested that they must be used throughout the entire development;
- * Changes the installation process to the Town's Department of Public Works' being responsible for the ordering and installation of all signage, including decorative signs, to ensure all signs are consistent and meet Town and MUTCD standards;
- * Provides the process for ordering signage for both basic and upgraded signs through the Department of Public Works during the final plat process;
- * Specifies that all signage must be paid for prior to the Town's ordering any such signage;
- * Specifies that all signage must be installed prior to approval of the final plat for recordation;
- * Specifies the installation process and approvals required should such signs need to be taken down temporarily for construction/repairs;
- * Specifies that the Town will replace all signs (including upgraded) with basic signs - it is the HOA or POA responsibility to pay for any replacement of damaged upgraded signs; and
- * Creates a violation procedure for any signs erected or modified not in conformance with this policy.

Action: The Council approved a motion to adopt Town Policy Statement P-011.3 as presented with the provisions that the Standard Major Thoroughfare Signs and Posts detail may be modified to a basic u-channel post upon final notification from NCDOT.

Motion By: Womble

Second By: Cobb

Vote: Unanimous

8c. Town's Audit Report – Mr. Drew Holland introduced Christopher K. Abbott, CPA, PA who presented the Council with the Town's financial statements for the fiscal year ending June 30, 2010.

Mr. Abbott explained and reviewed with the Town Council his firm's findings after a review of the financial statements of the town's activities and record keeping.

All-in-all, Mr. Abbott said, the Town had a good year.

Mayor Sears asked for Mr. Abbott to comment on how the Town has fared in light of a down economy.

Mr. Abbott said the Town was fortunate in that non-residential development increased just as residential development declined. He said the Town's debt load was within normal ranges and that it is balanced with the capital assets that are provided for the community.

Action: The Council approved a motion to accept the findings contained in the report and management letter.

Motion By: Sack

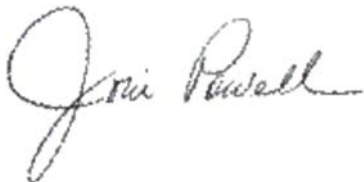
Second By: Williams

Vote: Unanimous

A copy of the Town's management letter is incorporated into these minutes as addendum pages.

- 9. Other Business:** Councilman Womble asked about the timing of the traffic light at Main Street Square.
- 10. Manager's Report:** Mr. Dean reported on the League Advocacy Session on Thursday.
- 11. Closed Session:** None.
- 12. Adjournment:** There being no further business for the evening, the Jan. 18, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 15, 2011.

A handwritten signature in cursive script that reads "Joni Powell". The signature is written in dark ink and is positioned to the left of the typed name below.

Joni Powell, MMC, MMC, Town Clerk

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