

Holly Springs Town Council Minutes

Regular Meeting May 15, 2007

The Holly Springs Town Council met in regular session on Tuesday, May 15, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Pro Tempore Hank Dickson presided, calling the meeting to order at 7:04 p.m. A quorum was established as the mayor Pro Tempore and four council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Peter Atwell, Parrish Womble, Chet VanFosser, (arrived at 7:14 p.m.) and Mayor Pro Tempore Hank Dickson.

Council Members Absent: Mayor Dick Sears.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Jeff Jones, planner II; Alison Huffman, planner I; Stephanie Sudano, director of engineer; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; Daniel Weeks, project analyst; Thomas Tillage, director of water quality; Amy Moore, lab analyst; John Herring, police chief; Drew Holland, finance director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Don Brown, pastor of Village Church at Holly Springs.

4. Agenda Adjustment: The May 15, 2007 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Atwell

Second By: DeBenedetto

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: Remove agenda item 10e, a condemnation resolution to acquire an easement form Progress Energy for a sanitary sewer line from New Business.

Consent Agenda Items Moved to New Business: 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:

Susan Britt, 209 Flint Point Lane – Ms. Britt requested the Council to include an indoor swimming pool in the design of the Community Center. She reviewed several possible activities and programs that could be incorporated in the swimming program.

Councilman Chet VanFosser arrived at the meeting at 7:14 p.m.

6. Kids Appreciation Day, May 19, 2007 – Mayor Pro Tempore Dickson presented a proclamation to Jim Cobb, president of the Kiwanis Club of Holly Springs announcing an event to show the children of this community the Town's appreciation. Mayor Pro Tempore Dickson said "Kids Appreciation Day" is set for Saturday, May 19, 2007, and events are being planned to celebrate, including an ice cream social for local children from 2 to 4 p.m. Saturday at Womble Park.

Mayor Pro Tempore read a mayoral proclamation pronouncing May 19, 2007 as "Kids Appreciation Day" in Holly Springs will commemorate this event.

Mr. Cobb explained that the "Terrific Kids" program recognizes student's who promotes good character, development, self-esteem and perseverance. Mr. Cobb recognized the students from Holly Ridge Middle; Holly Ridge Elementary; Holly Grove and Holly Springs Elementary Schools who will be receiving awards and certifications at the Culmination of Kids on Saturday May 19, 2007 at Womble Park.

Action: None.

7a. Public Hearing: Zoning Map Change 07-REZ-05 – Ms. Huffman said the Town is processing its own petition for rezoning of the W.E. Hunt Community Center property, a 10.16-acre parcel located within the corporate limits of the Town at 301 Stinson Avenue.

Ms. Huffman said the property currently is zoned R-15: Residential, and the Town is seeking to rezone the property to TV: Town Village. The requested zoning district is compatible with the Village District Area Plan, which designates this property as Civic/Institutional.

Ms. Huffman said that staff and Planning Board recommend approval.

With that explanation completed, Mayor Pro Tempore Dickson opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

Action #1: The Council approved a motion to approve the following statement: "The requested zone map change from R-15: Residential to TV: Town Village is consistent with the Holly Springs 10-Year Comprehensive Growth Plan/Village District Area Plan since the Future Land Use Plan Map indicates this property as Civic/Institutional, and the TV: Town Village District allows for public facilities and educational uses as permitted primary uses."

Motion By: Atwell

Second By: Womble

Vote: Unanimous.

Action #2: The Council approved a motion to approve Zone Map Change Petition #07-REZ-05 to change the zoning of Wake County PIN # 0659-00-7312 from R-15: Residential to TV: Town Village as submitted by the Town of Holly Springs.

Motion By: Atwell

Second By: Womble

Vote: Unanimous.

7b. Public Hearing: Zoning Map Change 07-REZ-06 – Ms. Huffman said the town has received an application requesting a zoning map change for the parcel located at 308 Earp Street. The property is located in close proximity to downtown and is included in the Village District Area Plan. The applicant is requesting a zoning map change from R-15: Residential to R-MF-8: Residential Multi-Family.

She said with the zoning map change, the parcel would be in compliance with the Village District Area plan, which designates the parcel as mixed residential.

Councilman DeBenedetto and Ms. Goodson discussed the egress and access into the development.

Ms. Huffman and Councilman DeBenedetto discussed the definition and uses of mixed residential.

Ms. Huffman said that staff and Planning Board recommend approval.

With that explanation completed, Mayor Pro Tempore Dickson opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

Action #1: The Council approved a motion to approve the following statement: The requested zone map change from R-15 to R-MF-8 is consistent with the Holly Springs 10-Year Comprehensive Growth Plan and the Village District Area Plan since the Future Land Use Plan Map indicates this property as Mixed Residential, and the R-MF-8 District is classified as such.

Motion

By: VanFossen

Second By: Atwell

Vote: Unanimous.

Action #2: The Council approved a motion to approve Zone Map Change Petition 07-REZ-06 to

change the zoning of 2.15 acres of Wake County PIN # 0659-02-4336 from R-15: Residential to R-MF-8: Multi-family as submitted by Ricky Blevins.

Motion By: VanFossen

Second By: Atwell

Vote: Unanimous.

7c. Public Hearing: Special Exception Use Petition 07-SEU-02 – Ms. Huffman said the Town has received an application requesting a Special Exception Use approval for a modular classroom in a residential district. The request is for 401 Holly Springs Road, and the applicant states that the 6,000 square feet modular classroom is needed to ease overcrowding at Holly Springs Elementary School.

Ms. Huffman said that are outstanding questions of the relocation of playground area and when the modular unit will be removed.

Councilman DeBenedetto and Mr. Bradley discussed that each modular classrooms has their individual restroom.

Mayor Pro-Tempore Dickson asked staff the possibility of adding a condition to require canopy's or covered walkways that would lead from the modular classrooms to the main building for protection from the weather.

Mr. Schifano suggested amending the ordinance to make covered walkways or canopy's a requirement.

Jerry Bradley said the topic of cover walkways would be open for discussion.

There were questions from Councilmen DeBenedetto and Womble if this modular unit where any different from the other schools and how many modular units were located on this site.

Mr. Bradley said that this site is the same as the other schools in the areas and there are six modular units located on this site and each unit has their own restrooms.

Ms. Huffman said that staff and Planning Board recommend approval.

With that explanation completed, Mayor Pro Tempore Dickson opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded:

Jerry Bradley, 111 Devroah Lane, Fuquay-Varina – Mr. Bradley representing Wake County Public School requested the Council to consider approval to construct a modular unit at 401 Holly Springs Road.

There being no further testimony, the public hearing was closed.

Action #1: The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 07-SEU-02 for 401 Holly Springs Road to allow for a modular classroom as specified in UDO Section 2.08 General Regulations for residential districts as submitted by Gerald Rotman Architecture, PA, project number 0002-07 B-2, dated revised 04/10/2007: 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: DeBenedetto

Second By: Womble

Vote: The vote carried with a 3 to 1 vote. Councilmen Womble, DeBenedetto and Atwell in favor and Councilman VanFossen against.

Action #2: Having made findings of fact that the project meets the requirements to granted a Special Exception Use, motion to approve Special Exception Use Petition #07-SEU-02 for 401 Holly Springs Road to allow for a modular classroom as specified in UDO Section 2.08 General Regulations for residential districts as submitted by Rotman Architecture, PA, project number 0002-07 B-2, dated revised 04/10/2007.

Motion By: DeBenedetto

Second By: Womble

Vote: The vote carried with a 3 to 1 vote. Councilmen Womble, DeBenedetto and Atwell in favor and Councilman VanFossen against.

A copy of Special Exception Use application 07-SEU-02 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.

7d. Public Hearing: Shoppes at Holly Springs Development Agreement – Ms. Clapp explained that on May 16, 2006, the Town Council approved a development agreement with WRS Realty regarding certain modifications to Town zoning regulations for signage and site lighting in accordance with NCGS 160A-400.20, for the Shoppes at Holly Springs commercial project.

She said it was determined after recordation of the development agreement that specific information regarding signage was omitted.

Ms. Clapp said WRS has worked with staff in preparing a detailed master sign plan. The determination of the details of the signage for the main tenant, the “Shoppes” building, and out-lots has initiated a request for additional minor amendments to the sign regulations in conjunction with the master sign plan.

She said staff feels that since additional requests for modifications to the Town’s sign regulations are being requested, a new public hearing should be held in order for the Town to enter into an amendment to the current development agreement.

She said the previous development agreement authorized a main shopping center sign and individual ground signs for each out-lot. The developer has agreed to modify the monument signs to use consistent font and color for the out-lots and to ensure that each panel on the main center sign will utilize a common font and color. The proposed amendments to the development agreement are to allow for:

- an increase in the percentage of the front façade signs from 5% to 7% for the “Shoppes” (to allow for this, the developer has committed to no signage’s being allowed on the rear of the building and the overall height and length of each “Shoppes” sign is still required to meet Town of Holly Springs requirements.);
- one (1) flag pole for each out-lot (flag poles, even for American flags, must be specified within a master sign plan in order to be installed. This plan is not limiting the flags to American flags, but can be any flag that the specific site developer chooses.)
- an increase in the height of the major tenant’s main front facade sign from forty-eight (48) inches to sixty (60) inches (to allow for this, the developer has agreed to remove two logos from the façade).

With that explanation completed, Mayor Pro Tempore Dickson opened the public hearing to accept input. The following comments were recorded:

Jim Price the developer of Shoppes at Holly Springs said that he would be happy to answer any questions the Council may have about the agreement.

There being no further input, the public hearing was closed.

There was much discussion among staff and Council Members regarding the number of flag poles for each out parcel.

Action: The Council approved a motion to approve amendments to the Shoppes at Holly Springs development agreement to incorporate the master sign plan as presented.

Motion By: Womble

Second By: DeBenedetto

Vote: Unanimous.

A copy of amended Shoppes at Holly Springs development agreement is incorporated into these minutes as addendum pages.

7e. Public Hearing: Main Street Square Element G, 07-DP-06 – Ms. Huffman explained Element G is one of the elements in Main Street Square Planned Unit Development that has not been through the development review process. Element G is comprised of 14 two- and three-bedroom town home units with rear alley access. The element would be located close to Main Street and Highway 55 in the neighborhood central district.

Councilman VanFossen asked what does the side and rear elevations look like.

Marty Bizzell, Bass, Nixon & Kennedy, Inc. - Mr. Bizzell said that the side and rear building elevations looks similar to the front elevations, the only difference is there will be garages located in the rear of the buildings.

Councilman Atwell said that he had some concerns with the appearance of smoke stacks on the roofs. He requested the developer to enclose the smoke stacks or vents on the roofs.

Mr. Bizzell said that he would pass that comment to the developer. He said that the developer has constructed this particular unit many times.

Councilman DeBenedetto asked if condition 6 was addressed. Mr. Bizzell said that condition was addressed in the latest plan submittal.

Ms. Huffman said that staff and Planning Board recommend approval.

With that explanation completed, Mayor Pro Tempore Dickson opened the public hearing to accept input. The following comments were recorded:

Pete Kenney of 320 Fair Glen Lane - Mr. Kennedy asked the location of the existing creek and greenways that will connect Main Street Square to Fair Glen subdivision.

Van Crandall of 4813 Salem Ridge Road – Mr. Crandall was concerned that the town not having the full building elevations could not make a reasonable decision for approval.

Ms. Huffman responded by saying the town has received a full set of building elevations for this site and after reviewing the elevations feels this is a good product.

Len Bradley said this developer is proposing a boardwalk beginning at Main Street Square development that crosses the creek and connects the greenway trails in Fair Glen subdivision and onward to Womble Park.

There being no further input, the public hearing was closed.

Action: The Council approved a motion to approve Development Plan #07-DP-07 for Main Street Square Element G as submitted by Bass, Nixon and Kennedy, project number 05904010, dated revised 04/10/2007 with the following conditions:

1. All previous conditions of approval for the Main Street Square PUD will apply to this development plan as well. (*Note that item 6a is an update to the PUD conditions previously approved*)
2. Fee-in-lieu of pump station upgrade will be required.
3. As approved in the PUD plan there will be a combination of greenway easement, greenway construction and a fee in lieu of land dedication applied to this project. Both the Parks and Recreation and Engineering Depts. have worked on the final location of the greenway corridor and have reached an understanding with the developer of the PUD. Section G is not involved in the greenway plan and a fee in lieu will be assessed at the time of lot recording or building permit depending on the structure of

the town home plat. The amount of fee in lieu was approved at \$846 per unit.

4. A draft copy of the Home Owner's association covenants must be submitted for review with the 1st plat review submittal, including language covering maintenance of private streets, alleys, private drainage easements, etc. The covenants will need to be recorded with the 1st plat for Main Street Square PUD.
5. The following items are to be included with 1st construction drawing submittal (later in the approval process):
 - a. A comprehensive drainage area map with calculations.
6. The following items are to be addressed prior to construction drawing approval (later in the approval process):
 - a. The NCDOT right-of-way for the old South Main Street has been released by NCDOT to the Town. The Town of Holly Springs is currently working through the abandonment of right-of-way process. Prior to construction drawing approval of this element, the abandonment must be resolved.
7. The following items will need to be addressed with revised plans within 10 days of Town Council approval:
 - a. The alley easement width will need to be corrected to 20' as approved on the Main Street Square PUD.

Lot 69 will need to be revised to meet minimum driveway length as discussed at meeting on 3/29/07.

Motion By: Womble

Second By: DeBenedetto

Councilman Atwell suggested adding a condition to address his concerns about minimizing the appearance of smoke stacks on the roofs.

Councilman Womble amended his motion to add the following condition: at staff's discretion for the developer to work with staff on the aesthetics of smoke stacks on the roofs.

Councilman DeBenedetto amended his second.

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 Womble, a second by Councilman Atwell and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's regular meeting held on April 3, 2007.

7b. Budget Report – The Council received a report of FY 2006-07 budget amendments #98 through #117 approved by the town manager. *A copy of budget report is incorporated into these minutes as addendum pages.*

7c. Resolution 07-17 – The Council adopted Resolution 07-17 directing the town clerk to investigate the sufficiency of annexation petition A07-04 and setting a public hearing on the question of annexation for Tuesday, June 5, 2007. *A copy of Resolution 07-17 is incorporated into these minutes as an addendum page.*

7d. Proposed FY 2007-08 Budget Public Hearing – The Council set a public hearing to be held on Tuesday, June 5, 2007, to receive comments on the proposed FY 2007-08 budget.

7e. Budget Amendment, \$150,000 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$150,000 to cover the costs of additional water purchases. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7f. Budget Amendment \$108,170 - The Council adopted an amendment to the FY 2006-07 Avent Ferry Road Fire Station Project Fund in the amount of \$108,170 to allocate contingency funds and align funds in preparation for the project's closing. *A copy of budget amendment is incorporated into these minutes as an addendum page.*

7g. Budget Amendment, \$2,350 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$2,350 to receive insurance proceeds for damaged public works vehicle. *A copy of budget amendments is incorporated into these minutes as an addendum page.*

7h. Bass Lake Outfall Project Ordinance 07-06 – The Council adopted Ordinance 07-06, a project ordinance setting a \$340,000 budget for the Bass Lake outfall project. *A copy of Budget Ordinance 07-06 is incorporated into these minutes as addendum pages.*

7i. Main Street Sidewalk Construction – The Council approved to award contract for surveying

services for sidewalk construction project on Main Street to Mauldin-Watkins Surveying, P.A. in the amount of \$14,850. A copy of *Mauldin-Watkins Surveying contract* is incorporated into these minutes as an addendum page.

7j. Resolution 07-18 – The Council adopted Resolution 07-18 to approve modifications to Section 4 of the Town of Holly Springs Engineering Design and Construction Standards to be consistent with the North Carolina Erosion Control Planning and Design Manual. A copy of *Resolution 07-18* is incorporated into these minutes as addendum pages.

7k. Intersection Sight Distance Policy Statement P-30 – The Council adopted Policy Statement P-030 addressing intersection sight distances. A copy of *Policy Statement P-030* is incorporated into these minutes as addendum pages.

7l. Resolution 07-19 Surplus Property – The Council adopted Resolution 07-19 declaring certain vehicles to be surplus to the needs of the Town. A copy of *Resolution 07-19* is incorporated into these minutes as an addendum page.

7m. Sewer use Ordinance 07-07 – The Council adopted Ordinance 07-07 amending the Town's sewer use ordinance to be compliant with State regulations. A copy of *Ordinance 07-07* is incorporated into these minutes as addendum pages.

7n. Holly Springs Enforcement Response Plan - The Council approved to adopt the Town of Holly Springs Enforcement Response Plan regulating those who violate the Town's sewer use ordinance. A copy of *Holly Springs Enforcement Response Plan* is incorporated into these minutes as addendum pages.

7o. Audit Contract – The Council approved to enter into a contract with Christopher K. Abbott, CPA, PA in an amount not to exceed \$24,200 for auditing services of the town's FY 2006-07 finances. A copy of *audit contract* is incorporated into these minutes as addendum pages.

9. NC Hwy. 55 Bypass Name Proposals – Ms. Clapp said at the May 1, 2007 Town Council meeting, several names were proposed for NC 55. The majority of the conversation centered around Holly Springs founding father, Col. George Benton Alford. Councilman Womble requested additional time to complete research and suggest other options.

She said the Council agreed that Councilman Womble could suggest other options on May 15. The Council also directed staff to proceed, in the meantime, with the submission to Wake County GIS of variations on the Alford name. Staff submitted the following names for consideration: Colonel Alford Highway; Alford Highway; Colonel G.B. Alford Highway; and G.B. Alford Highway.

Ms. Clapp explained after the names were submitted, additional information was found that indicates that Mr. Alford obtained the "Colonel" title only as an honorary one, bestowed by the Sons of the Confederacy. It was not reflective of a military career as originally assumed.

Ms. Clapp said "by virtue of his service in the Confederate army, George B. Alford has been honored by his comrades by election to the position of Commander of the Camp of United Confederate Veterans, No. 1278 at Holly Springs. The military service of Mr. Alford began in the fall of 1864 (at age 19,) when he joined the R.H. Tucker cavalry company. He was with his company in Baker's regiment, Barnes brigade at Petersburg and Dinwiddie Court House. He was in important raids to Stony Creek and Bellfield. Being taken ill with typhoid fever, he was sent to the military hospital at Raleigh, under the care of Dr. Tracey. Upon his recovery he was ordered back to his regiment, near Petersburg, the day the battle of Aversboro was fought. Before he could get to the front Richmond fell, and the war was over. At the surrender, as at his enlistment, he was a private." *Historical Raleigh with Sketches of Wake County and its Important Towns* by Moses N. Amis 1913

She said staff feels that the Town should not include "Colonel" in the street name.

Councilman Womble also points out that the "colonel" title is tied to the caustic history of the Civil War and would be particularly insensitive to the Holly Springs black community. Councilman Womble says he feels that some variation on the Alford name would be appropriate as long as the word "Colonel" is not used.

She said in response to the Town's submissions, Wake County has said that either Colonel Alford Hwy. or G.B. Alford Hwy. would be acceptable.

Ms. Clapp said that unless Councilman Womble has other suggestions, staff would recommend G.B. Alford Hwy. as the name to be used for NC Hwy. 55 Bypass.

Action: The Council approved a motion to name NC Hwy. 55 Bypass from Old Smithfield Road to Old Adams Road, "G. B. Alford Hwy."

Motion By: Atwell

Second By: DeBenedetto

Vote: Unanimous.

10a. 2007 Parks and Recreation Master Plan – Mr. Bradley introduced Design-Based Planning, Inc. who presented the proposed 2007 Parks and Recreation Master Plan for the Town of Holly Springs to the Town Council and the public. He said a parks and recreation master plan is a written document that gives guidance as to the future direction of parks and recreation within a community. The plan is being developed in conjunction with the Town of Holly Springs Comprehensive Plan.

Andrew Schrauth of Design Based Planning gave a presentation of the project mandate and overview and recommendation to the Town Council.

Jocelyn Gordon of Design Based Planning spoke on the trends and needs analysis of the Town's parks and recreation areas.

Action: None.

10b. Main Street Square Infrastructure Reimbursement Agreement – Ms. Sudano said the attached infrastructure reimbursement agreement (IRA) between Main Street Square developer MSS Development, LLC and the Town consists of the following:

- the developer's obligation to construct a downstream gravity sewer line that is necessary to serve both Main Street Square development plus other major developments in this southern area of Town, and
- the developer's obligation to prepay (much earlier than would normally be paid in the development process) water and sewer capacity replacement fees in the total amount of \$250,500 for 104 apartment units. The money would be used by the Town to partially fund a gravity sewer line to take the Somerset pump station offline (Bass Lake sewer outfall) in this same basin within the next few months. (Note that the agreement also provides for a similar arrangement for 48 more apartment units in this development if they are approved by the council on or before Dec. 31, 2007. This would add to the totals listed.

Ms. Sudano said that in exchange, the developer would receive a reduction in the amount of capacity replacement fees related proportionately to the number of bedrooms per apartment unit.

She said this would be the first of two projects for which the Town Council endorsed a plan several years ago that included prepayment of certain development fees in the sewer basin tributary to Somerset Farms pump station in order help pay for the downstream Bass Lake sewer outfall.

Action: The Council approved a motion to enter into an infrastructure reimbursement agreement with MSS Development, LLC, for Main Street Square.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

A copy of infrastructure reimbursement agreement is incorporated into these minutes as addendum pages.

10c. Bass Lake Outfall Project – Mrs. Sudano explained that the Town solicited bids for a gravity sewer construction project to serve the area northwest of NC 55 Bypass to Avent Ferry Road which includes the Wal-Mart Shopping Center. She said bids were opened May 9, past deadlines to be able to include the information in agenda packets.

Ms. Sudano said the project consists of furnishing and installing (including labor, equipment, parts, materials, and other incidental work) 840 linear feet of 8-inch PVC gravity sewer; 330 linear feet of 8-inch ductile iron pipe; associated manholes; connection to existing gravity sewer lines; 170 lf of 18-inch steel casing; 8-inch ductile iron pipe carrier pipe; and jack and bore under NC55. In addition to the line work, a

spare pumping unit for the existing Somerset Farms pump station will be provided along with a second counter rotating impeller and a new pump alternating relay.

Action: The Council approved a motion to award construction contract for the Bass Lake sewer outfall to the lowest responsible bidder, Fowler Contracting in a contract amount not to exceed \$211,985.39 inclusive of a 5% contingency.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

A copy of the bid tabulation sheet is incorporated into these minutes as addendum pages.

10d. Pre-treatment Program Fee Schedule – Ms. Moore explained that in September 2006 the Town received final approval of a pretreatment program from the NC Division of Water Quality. In development of the program it was estimated that it would cost the town approximately \$15,000 annually to administer the program. The Town's Department of Water Quality staff would like the Council to consider approval of a fee and surcharge plan to help recover some of the costs associated with this program.

Action: The Council approved a motion to adopt a schedule of fees and surcharges for the Town's pretreatment program.

Motion By: Atwell

Second By: VanFossen

Vote: Unanimous

A copy of the fee schedule is incorporated into these minutes as addendum pages.

10e. Progress Energy Condemnation Resolution 07-20, – This agenda item was removed from the agenda during agenda adjustment.

10f. Veterans Park Building – Mr. Bradley explained upon further demolition of the house at Veterans Park and recommendation from consultants, it is staff's feeling that the building is not capable of being renovated without significant expense. The remaining options would be to complete the demolition of the building and start from the beginning with a new building or scratch the thought of this type facility and consider the construction of different intent.

He said the construction of a new building to serve the same purpose as the planned renovation of the structure would be costly, probably in the neighborhood of \$120,000 - \$150,000. Should this take place there would be little funds remaining for the construction of the amenities for this project.

He said taking a differing look at the scope of the site; it may be more worthy to consider the building of an average size picnic shelter with restrooms. It is anticipated that this could be completed for about \$75,000.

He said the planned parking would be sufficient for either concept.

Mr. Bradley said had there been not a building on site, the plans would not reflect one like that shown in the Town's plans. This park is marginally small for this type of facility with possible parking problems during high use times, in addition to staffing, programming, and maintenance considerations. A modestly sized picnic shelter is more appropriate for the park, as it would get used frequently by the neighborhoods, and would not require staffing for its use, and would have less maintenance needs.

He said although a larger shelter is planned nearby at Jones Park, it is my opinion that we can make both parks work for us with two shelters. There may be a need to adjust the location of the Jones shelter, but that can be accomplished within the existing plan. He said staff's recommendation is to demolish the remainder of the building and begin working on the construction of a small picnic shelter leaving the basic concept for the park intact.

There was much discussion among staff and Councilmen DeBenedetto and Womble about the vision for Veterans Park and the role Holly Springs veterans have in constructing the park.

Action: The Council approved a motion to approve to complete demolition of the building at Veterans Park and replace the building with a modest sized picnic shelter and restrooms.

Motion By: Womble

Second By: DeBenedetto

Councilman Atwell discussed the possibility of removing the old police station building to Veteran's

Park. Mr. Dean said that it would cost about \$50,000 to remove the old police station building and staff had the idea of locating a small playground on Main Street instead of the building.

Councilman VanFossen wanted to clarify that the picnic shelter will have restrooms. Mr. Dean confirmed that there would be restrooms and the parking will be the same, the sidewalk will be similar to the one located at Eckerd's Drugs.

Vote: Unanimous

11. Other Business: Councilman VanFossen addressed his concerns about the article in the News and Observes regarding the conflicts of interest and the method of recusing Council Members from the meeting.

Councilman DeBenedetto suggested the staff to look at the Town's and other municipalities Conflict of Interest policy and put the policy on the website.

Councilman Atwell also had concerns regarding the article and suggested that if the Council Members have questions to ask or discuss them in open session, rather than reading about it in the paper. He commented that it amplifies the negative.

Councilman DeBenedetto suggested reviewing the Town's Conflict of Interest policy and mirroring the policy to the legislative statute and come back to Council at a later date.

12. Manager's Report: Mr. Dean reported that Saturday, May 19 is Kid's Appreciation Day at Womble Park. He reported that the budget is in the process of being completed. He reported that the State of the Town is scheduled at Bass Lake Retreat Center on June 7, 2007. He said the Council should have received the landfill information as requested in the packets.

Mr. Simmons reported that Friday, May 18th will be a town wide clean up day; approximately 40 town employees will be completing a sweep through town picking up road side litter.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the May 15, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, June 5, 2007.

Linda R. Harper, CMC, Deputy Town Clerk

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