

# Holly Springs Town Council Minutes

## Regular Meeting Aug. 7, 2007

The Holly Springs Town Council met in regular session on Tuesday, August 7, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFosson, Peter Atwell and Hank Dickson and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk, (recording the minutes); Joni Powell, town clerk; Gina Clapp, director of planning and zoning; Jeff Jones, planner II; Mark Zawadski, planner I; Mark Andrews, public information officer; Len Bradley, director of parks and recreation; Mike Patterson, police lieutenant; John Herring, chief of police; Jenny Mizelle, economic development director; Irena Krstanovic, economic development coordinator; Eric Tayler, information technician; Daniel Weeks, project analyst; Kendra Stephenson, senior engineer; and Stephanie Sudano, director of engineering.

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

**4. Agenda Adjustment:** The August 7, 2007 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** None.

**Consent Agenda Items Moved to Regular 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. None.

**6a. Police Youth Academy Graduation** – Lt. Patterson reported that the police department had hosted its first Police Youth Academy and this is its first graduation. Lt. Patterson recognized the graduates and presented each with a certificate.

Chief Herring thanked and congratulated the youth for being the first to graduate from the Police Youth Academy program. Chief Herring thanked the Council, town manager; assistant town manager; public information officer; parents and all police department staff for supporting and assisting with the program.

**Action:** None.

**6b. Novartis Vaccines and Diagnostic Facility Update** - Ms. Mizelle presented the Town Council with an Economic Impact Analysis report that was performed based on assumptions of investment and jobs to be created by Novartis Vaccines and Diagnostics USFCC facility in Holly Springs.

Ms. Mizelle reported on the projected employment growth from 2007 to 2012, the types of employment, secondary employment growth, the multiplier effect within the community, total economic impact by 2010, retail impacts and impacts on property tax revenues.

Councilman DeBenedetto said that he was interested in what the effects of the facility will be on the residential property owner taxes for 2008. Ms. Mizelle said on Thursday, August 9, at 1 p. m. staff and Novartis will be meeting with Mr. Emmett Curl of the Wake County tax office to discuss the impacts of taxes. Ms. Mizelle invited all Council Members that were interested to attend the meeting.

**Action:** None.

**6c. Town's Comprehensive Plan Project Update** - Mr. Jones said the Comprehensive Plan update that was started last year with assistance from Design Based Planning, is near conclusion.

Mr. Jones said to-date the Town has received from the consultant, a preliminary draft of the plan. He said staff will be finalizing and re-organizing the information and adding some additional details to the plan. This fine tuning of the document will give the Town a Comprehensive

Plan that will provide direction and guidance for the next several years.

Mr. Jones said staff is proposing to hold a workshop with the Town Council, Planning Board, and Steering Committee to go over the final draft plan. He said the proposed date is Sept. 20. He said after this meeting, staff will hold a public workshop around Oct. 11. The plan then would forward to the Planning Board for its recommendation at its October meeting. The plan will be presented to the Town Council on Nov. 6, for a public hearing and adoption.

There was discussion between Councilman DeBenedetto and Mr. Jones of the difficulty staff was having with Design Based Planning for the desired product. Councilman DeBenedetto recommended that the company present the plan to the Steering Committee or at a Town Council meeting. Mr. Jones explained to the Town Council the situation with the company and requested the Council to release Design Based Planning from its contract obligations. All Town Council Members were in consensus to release Design Based Planning from all contract obligations.

**Action #1:** The Council approved a motion to receive work completed by Design Based Planning to date to conclude their contract and to direct staff to finalize the Comprehensive Plan for final draft purposes and adoption.

**Motion By:** Atwell

**Second By:** Dickson

Councilman DeBenedetto said that he would like to give Design Based Planning a chance to present the final plan to the town. Councilman VanFossen said the majority of the work has been completed by town staff and it would be a waste of time and of no value to bring Design Based Planning back for a presentation.

**Vote:** Unanimous

**Action #2:** The Council approved a motion to set a special meeting for 6 p.m. Thursday, Sept. 20 for the purpose of holding a Comprehensive Plan workshop to include Town staff, Town Council, Planning Board, and the Comprehensive Plan Steering Committee.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**7a. Public Hearing: Ordinance 07-12, UDO Amendment Section 9.09, Decision Matrix** - Mr. Zawadski said Unified Development Ordinance Amendment #07-UDO-02 modifying Parking Regulations was presented at the July 17 Town Council meeting and included modifications to UDO Section 7.04, Off-Street Parking, and Section 9.09, Decision Matrix. He explained the public hearing legal ad for the amendments, however, indicated changes to only UDO Section 7.04; therefore, another public hearing for amending of Section 9.09 is required since the meeting was not properly advertised.

He said the information contained in Ordinance 07-12 remains unchanged from when it was presented as Part 4 of Ordinance 07-10 in July.

With that explanation completed, Mayor Sears 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 accept the following statements as true: "The requested UDO text amendment is consistent with the Holly Springs 10-Year Comprehensive Growth plan policies and Northeast Gateway plan policies. The proposed modifications to the off-street parking regulations creates enforceable ordinances to enact Land Use Policy 3: The Town shall encourage the development of pedestrian oriented developments and Environmental Policy 4: The Town shall encourage multi-modal travel, interconnected streets, and other transportation practices that reduce automotive congestion, as well as avoid and minimize impacts to natural resources and Northeast Gateway Plan Policy 4: Place parking to the rear and sides of buildings and bring buildings closer to the roadway."

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 07-12 to enact Unified Development Ordinance amendment #07-UDO-02b to modify the text of UDO Section 9.09, Decision Matrix as submitted by the Town of Holly Springs.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Ordinance 07-12 is incorporated into these minutes as addendum pages.*

Councilman Atwell requested Consent Agenda "8f. Ordinance 07-13 amending the existing CDBG grant scattered sites project ordinance to accept additional funds" be removed from the Consent Agenda for discussion. All Council Members were in consensus to remove item "8f" from the Consent Agenda.

**8. Consent Agenda:** All remaining items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

8a. Resolution 07-30 - The Council adopted Resolution 07-30 directing the town clerk to investigate the sufficiency of annexation petition A07-

05 and setting a public hearing on the question of annexation for Tuesday, August 21, 2007. *A copy of the Resolution 07-30 is incorporated into these minutes as addendum pages.*

8b. Parks and Recreation Advisory Board Appointment – The Council appointed Shane Shird to fill the open seat on the Parks and Recreation Advisory Committee with a term of 07/10/07 – 06/30/10.

8c. Condemnation Settlement Report – The Council received a report of condemnation settlement matters. *A copy of the settlement report is incorporated into these minutes as an addendum page.*

8d. Moravian Church, 05-DP-03 Extension – The Council granted a six-month extension for the approval of Development Plan 05-DP-03 for the Moravian Church.

8e. Resolution 07-31 – The Council adopted Resolution 07-31 enacting administrative amendments to the Development Procedures Manual. *A copy of Resolution 07-31 is incorporated into these minutes as addendum pages.*

8f. Ordinance 07-13, CDBG Grant Scattered Sites Project – This item was removed from the Consent Agenda for discussion.

8g. The Wooten Company Contract Amendment – The Council approved an amendment to an administration services contract with The Wooten Company for the community development block grant project. *A copy of the contract is incorporated into these minutes as addendum pages.*

8h. Policy Statement P-031 – The Council adopted Policy Statement P-031, a cash and investment policy for town funds. *A copy of Policy Statement P-031 is incorporated into these minutes as addendum pages.*

8i. Budget Amendment, \$60,000 – The Council adopted an amendment to the FY 2007-08 budget to accept a \$60,000 North Carolina Greenway grant for greenway connections and additions. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8j. Budget Amendment, \$25,000 – The Council adopted an amendment to the FY 2007-08 budget of \$25,000 to purchase a Parks and Recreation department work truck. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8k. Budget Amendment, \$1,250 – The Council adopted an amendment to the FY 2007-08 budget to accept \$1,250 in insurance proceeds for a damaged police department vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8l. Budget Amendment, \$8,210 – The Council adopted an amendment to the FY 2007-08 budget to accept \$8,210 in insurance proceeds for a damaged water distribution system vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8m. Police Vehicles Bids – The Council awarded the bid to Warnock Fleet and Leasing for nine (9) 2007 Dodge Charger police package vehicles at a total bid amount of \$219,852.

8n. UDO Waiver of Subdivision Regulations – The Council approved a waiver of UDO regulations for property owners to undergo a minor subdivision.

Consent agenda removed from the Consent Agenda for discussion.

**8f. Ordinance 07-13, CDBG Grant Scattered Sites Project** – Councilman Atwell asked staff why there was an increase in funds for this project. Mr. Weeks explained in making repairs to one of the rehab houses, contractors came across problems, such as lead-based paint and excessive leaks from the roof. These problems caused the increase of funds for this project. Ms. Mizelle explained when doing a CDBG project and using grant funds, it is required to bring the whole house up to building code.

**Action:** The Council approved a motion to adopt Ordinance 07-13 amending the existing CDBG grant scattered sites project ordinance to accept additional funds.

**Motion:** Atwell

**Second:** Dickson

**Vote:** Unanimous

*A copy of Ordinance 07-13 is incorporated into these minutes as addendum pages.*

**9a. NPDES, Phase II Stormwater Permit Project Contract Amendment** – Ms. Sudano explained that on January 16, 2007 the Town Council approved a contract for Carter and Burgess to provide consulting services to develop the Town's National Pollutant Discharge Elimination System Phase II Post-Construction Stormwater Program. She said the original scope of services included the tasks that provided the evaluation of current policies, procedures and programs and to determine what aspects of existing programs can be used to implement components of the town's stormwater program to meet the town's permit's mandatory requirements and deadlines.

She said the task also included the development and revisions to ordinances, policies and procedures including a Stormwater Design Manual that is required to implement the Post-Construction Site Runoff Controls program adequately.

She said in addition to the development of the Post-Construction Site Runoff Controls program the additional services provided recommendations where elements of the post-construction program are needed to fulfill other requirements for the remaining six minimum measures which include Public Education & Outreach, Public Involvement & Participation, Illicit Discharge Detection & Elimination, Construction Site Stormwater Runoff Control, Pollution Prevention/Good Housekeeping for Municipal Organizations. The consultant is currently assisting staff to modify the existing stormwater management plan in areas where they have provided technical support and development for the stormwater program.

She said staff has been meeting with Carter & Burgess' water resources group to expand the scope of services for the NPDES Stormwater project to provide two additional tasks for the following purposes:

1. Technical and advisory services for the stormwater management program while Heather Keefer is out on maternity leave (approximately

July 1, 2007 through October 1, 2007. The primary goal of this task is to assist staff with the integration and administration of the stormwater management program and ordinance, provide general technical assistance to staff and the design engineers as-needed, including but not limited to 401/404 water quality certification issues.

2. Review, Revise and Amend Existing Section 8.0 Stormwater Design Manual and Standard Details. The consultant will perform a comprehensive review of the Town's existing Section 8.0 Stormwater Manual and make recommendations for changes and enhancements, in part for consistency with the new Best Management Practices (BMP) Manual (to be developed under existing contract). It will also include the development of new Standard Details of the selected stormwater BMP's described in the Post-Construction BMP Design Manual and other related details involving stormwater conveyance and supplemental stormwater permit review tools. These tools will include a Stormwater Certification Form template for the certification of stormwater calculations and models submitted to the Engineering Department for permit review, stormwater submittal requirements for a standardized watershed and sub-watershed map and a table of discharge accumulations, permit submittal criteria for the preliminary, construction drawing and final stormwater review, H&H flood study methodology (hydrology and hydraulics) and criteria for non-FEMA floodplains acceptable in the Town of Holly Springs. This task will also include bi-weekly meetings, email status reports and technical assistance for implementation.
3. Stormwater Ordinance development. More work that was originally anticipated on the ordinance has been necessary.

**Action:** The Council approved a motion to enter into an amended professional services agreement with Carter & Burgess, Inc. in the amount of \$57,750 for increased scope of National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater permit project work and to adopt amendments to the FY 2007-08 budget to cover the cost of the contract amendments.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** Unanimous

*Copies of the Carter & Burgess, Inc. contract and budget amendment are incorporated into these minutes as addendum pages.*

**9b. Policy Statement P-003, Payments-in-Lieu of Roadway Improvements** – Ms. Sudano said the Town's policy statement that provides guidelines for collection of payments in lieu of roadway improvements is in need of revision. This revised policy is to provide specific guidelines for application to development projects that are undertaken while the Town is actively designing or constructing roadway improvements for which the payment in lieu must be made.

Ms. Sudano said this policy applies to only those development projects that make payments in lieu of road widening, which are very few; therefore, this policy is not used very often. The revision, however, would provide necessary clarification for those instances where it is applied.

Ms. Sudano reviewed both the original policy and the suggested amended version.

There were much discussion among the town attorney and Councilman VanFossen regarding development assessment fees for road improvements.

**Action:** The Town Council approved a motion to adopt amendments to the town's Policy Statement P-003 regarding payments in lieu of roadway improvements.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

*A copy of amended Policy Statement P-003.1 is incorporated into these minutes as addendum pages.*

**9c. Stinson Avenue, Phase II** – Ms. Stephenson said in accordance with the Town's originally approved Transportation Capital Improvement Plan the second phase of Stinson Avenue will be constructed. She said this phase will connect two existing sections of Stinson Avenue and will provide a vital link between the Village District and Bass Lake Road.

She said the plan was endorsed and a preliminary budget presented for information at the Nov. 7, 2006 Town Council meeting.

Ms. Stephenson said the project was publicly bid, and five bidders responded. Bids, solicited on June 27, were opened July 16.

She said Asphalt Experts is the lowest responsible bidder. The firm has done several projects for the Town and has done an excellent job, she added.

Ms. Stephenson said the general scope of the project consists of:

1. 400 linear feet of roadway
2. Three 8 ft x 7 ft box culverts
3. 149 ft of sewer relocation
4. 400 ft of 8 inch waterline
5. Roadway storm drainage.

**Action #1:** The Council approved a motion to award the Stinson Avenue Phase 2 (TOHS Proj. # 03-019B) construction contract to lowest responsible bidder Asphalt Experts in amount of \$481,632 with a construction budget not to exceed \$529,795, including contingency.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

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

**Action # 2:** The Council approved a motion to adopt a revised project spending plan for Stinson Avenue Phase 2 (TOHS Proj. # 03-019B) in an amount not to exceed \$584,488.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Asphalt Experts contract is filed in the Town's Clerk Office and maintained in accordance with the records retention and disposition schedule. A copy of the budget amendment is incorporated into these minutes as addendum pages.*

**10. Other Business:** Councilman DeBenedetto asked if anyone from Holly Springs was present at the Wake County Board of Commissioners August 6 meeting. Mr. Dean said that a letter of acknowledgment of the Town of Apex ETJ Extension request was addressed to Mr. Gurley addressing the Town's concerns with Apex's request.

Councilman Womble asked if the town would consider hiring employees to perform asphalt repairs, similar to the public works employees that are doing sidewalk repairs. Mr. Dean said that it would not be profitable for the town to undergo hiring qualified people for that type of work and the town is not equipped to do asphalt paving.

Councilman Womble asked the status of the sidewalk project from the Food Lion to Wendy's along NC 55. Mr. Dean explained the completion schedule for the sidewalk project from Food Lion to Wendy's along NC 55 that it will be sooner than Spring of 2008.

There was a discussion among the Council Members regarding support of magnet schools and the educational needs of children who live in Holly Springs.

Councilman Atwell gave positive feedback about the public works sidewalk crew who repair the sidewalks in neighborhoods of the Town.

**11. Manager's Report:** Mr. Dean invited the Council Members to the Novartis Vaccines and Diagnostic groundbreaking on August 23, at 1:00 p.m. at 475 Green Oaks Parkway.

Councilman Atwell commented that he had received a call from a developer who has invested in Holly Springs who said how great it was that Novartis was being located in Holly Springs.

Councilman Womble asked if NCDOT had been notified of the damaged pavement at NC 55 Bypass, Smithfield Road and New Hill Road. Mr. Dean said yes, that that section of road has been reported to NDDOT.

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss two legal matters with the town attorney, including a matter of a Wake County agreement for the South Wake water line and a matter of possible mediation with a former town employee; and pursuant to G.S. 143-318.11(a)(5) regarding a matter of settlement to purchase property for parks and recreation.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

#### **General Account of Closed Session – Aug. 7, 2007**

In Closed Session, the Town Council discussed matters with the town attorney and gave direction to him to submit at the next Town Council meeting a disclosure of the amount to be paid to Wake County for settlement of the South Wake water line agreement. The town attorney informed the Council of a possible civil law suit that may be forthcoming regarding a former employee. There was no action by the Council.

Councilman Atwell made a motion to excuse Councilman Womble from discussion and deliberation on a closed session matter pursuant to G.S. 143-318.11(a)(5), a matter of settlement to purchase property for parks and recreation for the following reasons:

Councilman Womble is one of the property owners involved with the potential purchase.

The motion carried, and Councilman Womble was excused.

The Town Council discussed the proposal to purchase property for a parks and recreation facility and directed the town attorney to move forward with the land purchase process.

Councilman Dickson made a motion to readmit Councilman Womble back into the meeting. The motion was seconded by Councilman VanFossen. The vote was unanimous.

**-- End General Account**

Councilman Atwell made a motion to return to Open Session. The motion was seconded by Councilman Dickson. The vote was unanimous.

**13. Adjournment:** There being no further business for the evening, the August 7, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFosser and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 2, 2007,

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Linda R. Harper, CMC, Deputy Town Clerk

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