

Holly Springs Town Council Minutes

Regular Meeting Sept 4, 2007

The Holly Springs Town Council met in regular session on Tuesday, September 4, 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 p.m. A quorum was established as the mayor and all 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; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Mark Zawadski, planner 1; Alison Huffman, planner 1; Stephanie Sudano, director of engineering; Kendra Stephenson, senior engineer; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; John Herring, police chief; Drew Holland, finance director; Amy Moore, lab analyst; Julie Tew, parks and recreation program manager; Jenny Mizelle, director of economic development; Daniel Weeks, project analyst; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Lewis Gentry.

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

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

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:

Brenda Compton – Ms. Compton, a local real estate agent, addressed the Council on the topic of on-street parking on Main Street. She said she has worked with prospective businesses looking at locating on Main Street.

She spoke in favor of on-street parking on Main Street, adding that it would not only provide parking and promote pedestrian-friendly areas, it also would create a sense of place and slow traffic down as opposed to allowing Main Street to become just a cut-through street to other destinations.

6a. South Wake Landfill Committee Presentation – Mr. Ed Dressen, a committee spokesman, addressed the Council to provide an update of committee progress. He explained that the South Wake Landfill Citizens Committee (SWLCC) was established to provide a forum for citizens in the vicinity of the South Wake Landfill to have a voice in the development of the landfill and to provide a conduit for information between Wake County and the neighboring public regarding the progress of the landfill.

Mr. Dressen addressed the Council and provided an update of activities and issues being addressed by the group.

He reported that three areas of interest were established, and the Committee was divided into three respective sub-committees. The sub-committees were given separate and specific tasks.

Mr. Dressen provided information about the Buffer Sub-Committee. He reported that during the development of the landfill, regulations require that a 300-foot buffer be established around the landfill. The Settlement Agreement with the Easton Acres neighborhood requires that the County enhance vegetation in this buffer area, but does not provide detail on how to enhance it.

The Buffer Area sub-committee, Mr. Dressen said, is working on how the buffer area would be enhanced to ensure that proper screening is established and that it will remain in place and grow as the landfill progresses in the future. Additionally, the sub-committee is considering recreational and educational functions, such as nature and walking trails that may be developed in some buffer areas.

The sub-committee has visited the buffer area and currently is considering recommendations by the North Carolina Division of Forest Resources, independent landscape architects, urban foresters, and other forestry professionals regarding the best way to accomplish their goals.

The sub-committee will develop a plan and present it to the SWLCC at a general meeting for approval. The plan would then be presented to the County's Solid Waste Advisory Committee (SWAC) and the Board of County Commissioners for final approval.

Mr. Dressen reported on the entrance sign and landscaping committee: He said making the entrance areas to the South Wake Landfill attractive and functional is the goal of this sub-committee. The sub-committee has been working with examples of entrance ways and the various signage and landscape options that are feasible. To accomplish their goals, the sub-committee is working with professional landscape architects

to develop a plan that would lay out the landscape including vegetation and signage that is consistent with Wake County requirements. This entrance plan also will be presented to SWAC and the Board of County Commissioners for final approval.

Mr. Dressen then reported on the East Borrow Area sub-committee: He reported that the East Borrow Area is a 68-acre parcel of land owned by Wake County that is intended for use as a soil borrow area to support the operations of the South Wake Landfill. It is located on the east side of the Highway 55 Bypass.

The terms of the legal Settlement Agreement with Easton Acres does not allow the soil to be removed until all other borrow areas are exhausted. The task of the borrow area sub-committee is to work with the citizens of Easton Acres and explore the possibilities of establishing an earlier date to convert the use of the parcel to one that will possibly benefit the citizens of Easton Acres as well as the general population of Holly Springs. The sub-committee will meet with the residents of Easton Acres to discuss the issue on Sept. 17.

Mr. Dressen closed with information about the Committee's Web site, which is used as a communications conduit for the committee members. The site contains the notes from all of the SWLFCC meetings, FAQs, maps, pictures and other pertinent documents.

Councilman DeBenedetto commended the citizens serving on the committee and expressed appreciation to Wake County Solid Waste Management staff who advises the group.

Action: None.

6b. Holly Springs Parks and Recreation Advisory Committee Land Acquisition Proposal– Mr. Jeff Buser, a representative of the Holly Springs Parks and Recreation Advisory Committee, addressed the Council to explain that Progress Energy has approximately 200 acres of vacant land near Shearon Harris Nuclear Plant that the committee believes the Town should try to acquire for park space.

He said a portion of the land is flat and usable, and there is a pond located on it. The property is behind Braxton Village, Holly Glen, Trotters Bluff, and Holly Springs Business Park, bordering the Novartis site.

Mr. Buser said the Parks and Recreation Advisory Committee wishes the Town Council to purchase or lease this land from Progress Energy for parks, athletic fields, play areas, etc. In addition, the committee requested that the committee be given permission to contact Progress Energy directly.

He said the Parks and Recreation Committee recommends that the Town Council allow the committee to contact Progress Energy directly to discuss the purchase or lease of property owned by Progress Energy and that the Town purchase or lease the property as soon as possible.

Mr. Buser pointed out that the Town is facing a deficit of athletic fields, to be in keeping with the Parks Master Plan and be on target for 2025.

Mr. Bradley pointed out that the Town does need to acquire property and should identify it by next year. He is not sure, however, if purchase of the specific subject property is feasible or desirable due to the property's proximity to the highly-sensitive Novartis site. He added that access also would be problematic. Another issue to consider, he said, would be Progress Energy's historical reluctance to sell its property.

Council members agreed that the Town should consider its options for acquiring additional parkland. The Council received the information and said staff would look into specifics of the recommended site as well as other sites

Action: None.

7a. Public Hearing: National Pollutant Discharge Elimination System (NPDES), Phase II Storm Water Ordinance – Ms. Stephenson said at the Aug. 21 meeting, a public hearing was opened and continued until Sept. 4 on the subject of the town's proposed Storm Water Ordinance, adoption of which is a requirement for the Town to comply with the post-construction portion of its National Pollutant Discharge Elimination System (NPDES) Phase II Stormwater Permit, Permit Number NCS000495.

She said staff is still addressing issues and gathering information and requested that the public hearing be further continued until Oct. 2, 2007.

With that explanation completed, Mayor Sears reopened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was continued to Oct. 2.

Action: The Council approved a motion to continue the public hearing to the Oct. 2, 2007 Town Council meeting.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous.

8. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Atwell, a second by Councilman DeBenedetto and a unanimous vote. The following actions were affected:

8a. Wake County Board of Education Meeting Monday, Sept. 24 - The Council announced that a quorum of the Town Council may be present at a meeting hosted by the Wake County Board of Education at 5:30 p.m. Monday, Sept. 24 at the Crossroads II Building in Cary for the purpose of addressing school system issues.

8b. Budget Amendments – The Council adopted amendments to the FY 2007-08 budget in the following amounts and for projects approved by Council Aug. 7 and 21: \$319,500 for Stinson Avenue Phase II; \$24,500 for South Main Street sidewalk design; and \$346,900 for the South Wake water line settlement. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

8c. Budget Amendment, \$2,390 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$2,390 to accept insurance proceeds for the repair of a police car and an irrigation pump at Womble Park. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8d. Budget Amendment, \$3,500 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$3,500 for supplies and staff of the track out program for Parks and Recreation department. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8e. Budget Amendment, \$11,000 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$11,000 and entered into an agreement with Bateman Civil Surveying for the Bass Lake Road sidewalk project. *A copy of the budget amendment and Bateman Civil Surveying contract are incorporated into these minutes as addendum pages.*

8f. Budget Amendment \$12,500 - The Council adopted an amendment to the FY 2007-08 budget in the amount of \$12,500 to purchase partitions for the IT department. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Budget Amendment, \$7,100 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$7,100 and entered into a utility pole relocation agreement with Progress Energy for the Cass Holt Road intersection. *A copy of the budget amendment and Progress Energy agreement are incorporated into these minutes as addendum pages.*

8h. Budget Amendments, \$192,300 – The Council adopted amendments to the FY 2007-08 budget in the amount of \$192,300 to accept NCDOT grant funds and entered into utility relocation and easement agreements with Progress Energy and Time Warner Cable for the Main Street Enhancement project. *A copy of the budget amendment and Progress Energy agreement and Time Warner correspondence are incorporated into these minutes as addendum pages.*

8i. Budget Amendments, \$100,000 and \$150,000 – The Council adopted amendments to the FY 2007-08 budget in the amounts of \$100,000 and \$150,000 to appropriate 911 Public Safety Answering Point revenues for the Town's 911 system. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

8j. Police Department New Roof Contract – The Council awarded a construction contract to low bidder Diamond Construction Co. for installation of a new roof on the police department at a cost of \$13,500.

8k. Parks and Recreations Advisory Committee Re-appointment – The Council reappointed Wanda Holloway to the Parks and Recreation Advisory Board to serve out a July 1, 2007 through June 30, 2009, term.

At this time, Councilman VanFossen reported that he has a contractual obligation with the developer of Woodcreek and asked to be recused for discussion and action on the next agenda item.

Action: The Council approved a motion to recuse Councilman VanFossen from the meeting due to his contractual tie with the applicant.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous.

9a. Shoppes at Woodcreek Site, 07-DP-12 – Mr. Zawadski explained the Town has received a request for an integrated center to be located on 1.65 acres at the intersection of Sunset Lake Road and Eisenhower Drive. These properties are located within the Northeast Gateway Plan. The proposed integrated center plan includes one 12,000 square foot building located along Sunset Lake Road and one 3,500 square foot building located on the opposite side of the site.

He said the site would be accessed by a driveway off of Eisenhower Drive as well as a shared access driveway with the adjacent Sunset Mart development. A total of 62 parking spaces (minimum required) are proposed throughout the site and would be located entirely behind the building. A total of 1,308 square feet of open space is proposed to be located in front of the larger building and used as a plaza area (see condition below regarding design of this area.) A sidewalk is proposed along Eisenhower Drive that would connect the site to the Sunset Lake Road sidewalk.

He said this project is located within a Gateway Corridor and is therefore subject to a higher degree of architectural requirements. The two buildings are proposed to be constructed primarily of a brown and red colored brick along with secondary building materials that include beige and white colored EIFS. Various architectural elements such as roofline modulation, metal awnings, multiple brick patterns, decorative louvers, and multiple cornices are proposed.

Councilman DeBenedetto asked questions about the elevation of the building and specifics about expected traffic flow.

Mr. Zawadski reported that the Planning Board recommended approval of the plan but did express concerns about the proposed landscaping. While the proposed landscaping meets requirements, staff did look at options for installation of a fewer number of larger trees. He said that would be a minor amendment that could be handled administratively.

Joe Signoretti, representing the Planning Board, addressed the issue. He said the applicant did everything he was asked to do; however, the numerous plantings would hide an attractive building. He said it makes sense to require fewer trees that are more mature.

Councilmen Atwell and Dickson said they support landscaping changes to promote visibility of the building.

The applicant, Bill Shankle, said he would agree to that modification of the plan.

Action: The Council approved a motion to approve Development Plan #07-DP-12 for Shoppes at Woodcreek as submitted by Sepi Engineering, project number 07-DP-12, dated 8/13/07 with the recommendation that the applicant work with planning staff to amend the landscaping plan and with the following conditions:

1. A fee-in-lieu of pump station upgrades will be required for this project
2. Prior to installation, a site lighting plan must be submitted to and approved by the Department of Planning & Zoning.
3. Prior to issuance of Building Permit, the following must be completed:
 - a. Details for the design and layout of the developed open space must be submitted to and approved by the Department of Planning and

Zoning.

4. The following items are to be included on construction drawings (later in the approval process):

a. A comprehensive drainage area map with calculations will be required at 1st construction drawing submittal.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

Councilman VanFossen reported that he also is professionally involved with the developer of the following agenda item. He remained excused from the meeting.

9b. Green Oaks Business Center Site, 07-DP-14 – Ms. Huffman said the town has received a plan for Green Oaks Business Center, to be located on the corner of Premier Drive and Green Oaks Parkway. The applicant is proposing the area to be flex/warehouse space totaling 22,440 square feet. The applicant is recombining parcels in order to create an integrated center with the Jump Zone project.

She said also included in the development plan is a waiver request for architectural and site design requirements. The applicant is proposing to have the three sides that would be visible from Green Oaks Parkway to be masonry, and the rear of the buildings that would not be visible to be finished in metal.

Ms. Huffman explained the parking spaces that are provided, including 10 spaces that are proposed to be shared parking with the Jump Zone project.

Councilman DeBenedetto asked for clarification of the role a council member plays when he is recused.

The Town Attorney explained that the recused council member is removed as a public official and is – because there is no definition of “discussion” in the statutes -- free to speak as a member of the public, or as the architect for a project without violating code or statutes on ethics.

Councilman Atwell asked about the “back of the building.” He said he was not impressed with the appearance with the design of the rear of the building.

Mr. VanFossen, architect for the project, pointed out that the back of the building faces the side of Jump Zone. What the applicant is doing, he said, is putting more material than is required on the front and sides. He also pointed out that the same waiver was granted for the Jump Zone project, which is incorporated into the subject center.

Councilman Atwell asked if the applicant would be interested in wrapping the rose brick around the back of the building to add interest to the rear of the building.

Mr. VanFossen said that change would change the roof design but he does not feel it would be necessary because of the way the building faces. He said the Council could make it a condition of approval.

Following questions about how the proposed parking lot provides access to neighboring property, Councilman Atwell then noted that the back sides of the building would be more visible than he originally thought.

Councilman DeBenedetto suggested tabling the issue until revised elevations are designed and provided.

Action: Councilman DeBenedetto moved that the applicant work with staff and bring revised elevations to Council. Councilman Womble seconded the motion.

Ms. Clapp explained that if Council has no problem with the overall site plan, the applicant could move forward in the construction review process site and with site work.

Vote: The motion failed, following a tie vote. Councilmen DeBenedetto and Womble voted for the motion. Councilman Atwell and Dickson voted against.

Action #2: The Council approved a motion to approve Development Plan 07-DP-14 for Green Oaks Business Center as submitted by Thompson and Associates, titled Preliminary Development Plans for Green Oaks Business Center, dated revised 08/13/2007 with the following conditions:

1. Prior to issuance of building permit:

- a. A recombination plat combining lots 4a & 4b will need to be recorded.
- b. Revised elevations and waiver requests shall be provided to Town Council for review and consideration.

2. Prior to construction drawing submittal the following items will need to be addressed:

- a. The existing land disturbance permit for this area will need to be closed out.
- b. A comprehensive drainage area map and supporting calculations
- c. Show and label backwater easements (to be recorded) at stream crossings and storm drainage inlets; provide 100 year calculations accordingly
- d. All environmental permits for the entire project will be required

3. Within 10 business days of Town Council approval, revised plans need to be submitted to address the following items.

- a. All signage needs to be removed from the building elevation drawings.

4. Prior to Town Council approval, the following item will need to be addressed:

- a. Field verification of the right-of-way and easements associated with Green Oaks Parkway along this property frontage. This field verification is needed to coordinate the horizontal and vertical design of the Town's roadway plans with the grading of this site.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous.

No action was taken on the waiver request. Instead, Condition No. 1b addresses this by requiring the applicant to return to the Council with new elevations and any waiver requests that might still be needed.

At this time, Mr. VanFossen addressed the Council and said that the owner of the site would likely ask him why the Jump Zone was allowed to adjust its exterior building materials but this project is not being allowed to do so. He asked the Council members to think about it and provide him with an answer to that question.

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

Motion By: Atwell

Second By: Dickson

Vote: Unanimous.

9c. Corrugated Container Corp. Site, 07-MAS-05 – Ms. Huffman said Corrugated Container has submitted to the town a detailed master plan to create nine lots. There is a plat currently to subdivide 24.94 acres of the total tract, and the remaining 10.476 acres would be the area for the master plan.

She said the property is located within the business park and is zoned LI: Light Industrial. It was suggested by staff to set a minimum acreage and a maximum number of lots in order to give the developer or customers who may purchase the property flexibility. The developer has set the minimum lot size as 0.5 acres, and the maximum number of lots proposed is 12 lots.

She said included with the detailed master plan is a landscape plan designating the areas where there are different types of buffers required. Since this is a “Detailed” Master Plan, an administrative preliminary plan will not be required to be submitted; therefore, if approved, the owner may submit plats to subdivide the parcels and submit development plans upon approval.

Action: The Council approved a motion to approve Detailed Master Plan #07-MAS-05 for Corrugated Container as submitted by Aiken & Yelle Associates, PA, project number 301 Thomas Mill Road, dated revised 07/30/2007 with the following conditions:

1. A fee-in-lieu of road way construction will be required for Green Oaks Parkway
2. Prior to the first construction drawing submittal for any portion of this Master Plan the following items must be addressed:
 - a. Provide documentation of offsite sewer easement
 - b. A comprehensive drainage area map with calculations
3. Prior to the first construction drawing approval for any portion of this Master Plan the following items must be addressed:
 - a. The plat for the offsite drainage easement (located on Corrugated Container’s remaining tract) must be recorded.
4. There are two options for sewer shown with these plans (Option A & B). Option A is preferred by the developer and appears to staff to be the better option if this project is developed prior to the adjacent property (G&G Properties). Note that Option A can only be constructed if it is approved and installed at or before the time of the construction of the 4-lane design of Green Oaks Parkway due to the depth of the sewer.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

9d. Main Street Parking – Councilman Atwell said that he would like the Town Council to reconsider its previous direction given to staff regarding the Main Street Enhancement Project and specifically, the on-street parking design.

Councilman Atwell said his idea would be to continue the Main Street project without on-street parking and use project savings realized for enhancing streetscape features and the creation of pedestrian gathering locations; however, he stressed that he would think that on-street parking may very well be appropriate for other sections of Main Street, but not for the one-block section of Main that extends from Center to Ballentine Street in front of Town Hall.

Councilman Womble agreed that, in his mind, no on-street parking is appropriate for this section of Main Street.

Councilman VanFossen challenged these ideas.

Councilman Atwell said he would support a design with wider sidewalks and plaza type features.

Ms. Stephenson said, from this discussion, she is envisioning wider herringbone sidewalks, seating areas and bump-outs for pedestrian crossings.

Councilman Dickson said he would not mind parking spaces in front of Village Office Condos and not in the remaining block.

Councilman DeBenedetto and Atwell agreed that drawings of what the project could look like with no on-street parking should be drawn up for review.

Staff said concept drawings could be provided Oct. 2.

Councilman VanFossen asked what kind of on-street parking would the Council envision for other areas besides the municipal block.

Councilman DeBenedetto suggested parallel parking; Councilman Womble said parallel; Councilman VanFossen said parallel parking is not as safe, so he prefers reverse-angle; Councilman Atwell said traditional angle or parallel; Councilman Dickson said more traditional parking design, whether parallel or traditional angle, should be on Main Street.

Action: The Council approved a motion to not include on-street parking on Main Street on the municipal block between Center and Ballentine

Streets.

Motion: Atwell

Second By: Womble

Vote: The motion carried following a 4-1 vote. Councilmen DeBenedetto, Womble, Atwell and Dickson voted for the motion. Councilman VanFosser voted against.

Action: The Council approved a motion to promote parallel parking where appropriate at other locations on Main Street as it develops.

Motion: Atwell

Second By: DeBenedetto

Vote: The motion carried following a 4-1 vote. Councilmen DeBenedetto, Womble, Atwell and Dickson voted for the motion. Councilman VanFosser voted against.

9e. Ordinance 07-15, Town's Water Conservation Code – In response to severe drought, the town's suppliers of water – Harnett County and the City of Raleigh – both were enacting stiffer water use restrictions in an effort to conserve this natural resource.

Because the Town is contractually obligated to follow the lead of its water suppliers, proposed amendments to the Town's existing water conservation code were presented.

Mr. Dean explained that the Town's current code would be more restrictive than either Harnett County or Raleigh unless the code is amended. An ordinance to amend the code so that Stage 1 restrictions more closely resembled the restrictions being implemented by Raleigh and Harnett County was presented.

Councilmen agreed that the Town should not prohibit the bulk sales of water for dust control, new street compaction and new waterline testing because of the safety issue.

Action: The Council approved a motion to adopt Ordinance 07-15 modifying the Stage 1 Water Emergency water use restrictions as amended to still allow for street compaction and dust control and new waterline testing but to restrict all other non-essential uses of water.

Motion: Atwell

Second By: Womble

Vote: Unanimous.

A copy of Ordinance 07-15, as amended, is incorporated into these minutes as addendum pages.

9f. Resolution 07-35, Cass Holt Road/Avent Ferry Road Intersection Traffic Signal – Mr. Dean said last week, Mayor Sears had discussions with Sen. Richard Stevens concerning a traffic signal that has been approved by N.C. Department of Transportation for the intersection of Cass Holt Road and Avent Ferry Road but which NCDOT does not intend to fund.

He said Town funding has been provided to begin design of the signal.

The Town already has provided a large amount of funding for improvements to the "state-maintained" Avent Ferry Road, and Mr. Dean said he does not feel it would be unreasonable to request that NCDOT fund the approximately \$100,000 in costs for the signal.

The Mayor plans to forward this resolution to NCDOT via Sen. Stevens in hopes that the senator can influence a positive decision for the Town.

Councilman Atwell stressed that the Town should take any measure it can to provide a safer walkway along Avent Ferry from Holly Meadow to the sidewalk segment at Cass Holt Road – even as a temporary measure – because school children have crossed in the dark, and is dangerous. He suggested that even an earthen path would be better than nothing.

Ms. Sudano said her department would conduct a field visit this week.

Action: The Council approved a motion to adopt Resolution 07-35 requesting that the N.C. Department of Transportation provide \$100,000 in funding for the installation of a traffic signal at the intersection of Cass Holt and Avent Ferry Roads.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

A copy of Resolution 07-35 is incorporated into these minutes as an addendum page.

10. Other Business: Councilman Womble read a prepared statement regarding development in Holly Springs, particularly as it relates to stresses on the public infrastructure. He said he supports the growth, but feels it was too much too fast. He said the Town should consider its growth strategies.

Action: Councilman Womble made a motion that information be provided at the Sept. 18 meeting as to the processes and procedures that should be followed in placing a moratorium on residential development. Councilman DeBenedetto seconded the motion.

During discussion, there was much said about how a motion was not necessary for a Council member to request information. Council members urged Councilman Womble to simply make the request and not in the form of a motion.

The Town Attorney said he could provide the information and went on to explain the limitations of statutes on placing a moratorium on development. He cited N.C.G.S. 160A-381(e) which states, "Any ordinance establishing a development moratorium must expressly include at the time of adoption each of the following:

- (1) A clear statement of the problems or conditions necessitating the moratorium and what courses of action, alternative to a moratorium, were considered by the city and why those alternative courses of action were not deemed adequate.
- (2) A clear statement of the development approvals subject to the moratorium and how a moratorium on those approvals will address the problems or conditions leading to imposition of the moratorium.
- (3) An express date for termination of the moratorium and a statement setting forth why that duration is reasonably necessary to address the problems or conditions leading to imposition of the moratorium.
- (4) A clear statement of the actions, and the schedule for those actions, proposed to be taken by the city during the duration of the moratorium to address the problems or conditions leading to imposition of the moratorium."

Mayor Sears then called for the vote on the motion.

Vote: The motion failed, following a 2-3 vote. Councilmen DeBenedetto and Womble voted for the motion. Councilmen VanFossen, Atwell and Dickson voted against.

At the simple request of Councilman Womble, the issue of growth strategies was scheduled for the next meeting agenda.

Councilman Dickson said the Governor has signed legislation regarding future landfills. He asked if the Town Attorney could look at the law and determine if anything was contained in it that would help Holly Springs as it faces the construction of South Wake Landfill.

Mr. Schifano briefed the Council on the main provisions of the legislation and then said he would examine it further to see if the Town could benefit from any of its provisions.

Councilman Dickson added that the Town should consider ways of informing residents that their irrigation system sprinkler heads should be set to arc only onto lawns. He said those who allow water to be sprayed onto sidewalks are not only wasting water but creating a walking hazard.

Councilman VanFossen reported that the Technical Review Committee reviewed flex space and rural development incentives.

Council members requested that TRC agendas be provided to them as FYI copies.

11. Manager's Report: Mr. Dean reported that the Town had received its reprints of the August 2007 Money Magazine article ranking Holly Springs as No. 22 of 100 Best Places to Live.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Sept. 4, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell a second by Councilman DeBenedetto and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 6, 2007,

Joni Powell, CMC, Town Clerk

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