

# Holly Springs Town Council Minutes

## Regular Meeting Oct. 16, 2007

The Holly Springs Town Council met in regular session on Tuesday, October 16, 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 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; Jeff Jones, planner II; Alison Huffman, planner I; Daryn Eister of the engineering department; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Amy Moore of the Department of Water Quality; Len Bradley, parks and recreation director; Daniel Weeks, project analyst; Eric Tayler, IT; 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. Otis Byrd, pastor of the First Baptist Church of Holly Springs.

**4. Agenda Adjustment:** The October 16, 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:** Discussion of banking land for future school sites was added to New Business.

**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:

    Otis Byrd, 705 S. Main St. -- Rev. Byrd advised the Council that a local committee is beginning its plans for the annual Martin Luther King Jr. Day celebration at the cultural center on Jan. 13, 2008. He asked that the Council consider providing the venue at no charge.

    Van Crandall, 4813 Salem Ridge Road – Mr. Crandall addressed the Council on the comprehensive plan. He said the population projections for 2020 in the plan and vehicle counts seem to indicate that no new residential development would be approved between now and 2020.

    He said he feels the comprehensive plan draft should be nominated for a Pulitzer Prize in fiction because the projections were unrealistic.

**6a. Holly Springs Falcons** - Mr. Daryl Thomas introduced the new Holly Springs Falcons organization to the Town Council Members and program participants to town government proceedings. He said the Falcons program is structured as a safety net using football as a common activity for young boys aged 15 to 18 who need mentoring, life skills, and academic support.

    Mr. Thomas said the Falcon organization is part of the Carolina Football Development League, a North Carolina-based 501c3 non-profit organization. Currently, the CFDL has organizations in Raleigh, Durham, Johnston County, Wilson, and Goldsboro.

    He said the Falcons are seeking donations for uniforms and equipment through local businesses and private sources.

**Action:** None.

**6b. National Massage Therapy Awareness Week, Oct. 21-27, 2007** – Mayor Sears said the American Massage Therapy Association sponsors Massage Therapy Awareness Week each year to promote and educate the general public as to the ever increasing benefits of massage therapy.

    Proclaiming Oct. 21-27 as National Massage Therapy Awareness Week in Holly Springs, Mayor Sears recognized local massage therapists including Betsy and David Jandorek; Lisa Fruescella; Ernie Alasandro; Donna Pendergraft; Sara Toogood; and Arvela Roberson.

**Action:** None.

**7a. Public Hearing: Special Exception Use Petition 07-SEU-08, 105 Stoneline Ct.** – Ms. Huffman said the Town has received a request from Jennifer Schindler requesting a special exception Use permit to allow a family childcare home at 105 Stoneline Drive.

She said the total square footage of the home is 1,816 square feet, and the applicant proposes to use 325 square feet for the business.

With that explanation completed, Mayor Sears 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:

Jennifer Schindler, 105 Stoneline Drive – Ms. Schindler is the applicant and submitted her application into the record.

Councilman DeBenedetto asked how many children Ms. Schindler expected to care for in her home.

She responded that her intent was to keep four pre-school aged children plus her own children, although the law would allow her to keep up to three more children of school age.

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-08 for 105 Stoneline Court to allow for a family childcare home as submitted by Jennifer Schindler, most lately revised on 08/27/07.

- 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:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use Petition #07-SEU-08 to allow a family childcare home at 105 Stoneline Court as submitted by Jennifer Schindler, revised 08/ 27/2007.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

*A copy of Special Exception Use application 07-SEU-08 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**7b. Public Hearing: Development Plan Amendment 06-DP-09-A02, Main Street Square Element C, D & E** – Ms. Huffman said the developer of Element C, D & E of Main Street Square Planned Unit Development (PUD) is requesting an amendment to the multi-family, mixed use and commercial development plan. The primary housing type permitted in this district, according to the PUD master plan, is multi-family apartments and mixed use with condos above commercial uses.

She said the central location within the PUD is comprised within Element C, D, and E, the Neighborhood Center District. Overall, the central element within this PUD will provide services to the residents, creating a pedestrian-friendly atmosphere helping to cut down of the amount of vehicular traffic.

Ms. Huffman said the applicant is requesting an addition of 8 apartment units to Buildings 15 and 16; a combination of buildings 13 and 14

into one building, now labeled as Building 13; a reduction in the civic space; and an addition of 12 condo units.

She said the previously approved live/work units are being revised to an office building. A major amendment is required due to the addition of residential units, she added.

Calvin Cochran, 110 N. Boylan Avenue – Mr. Cochran addressed the Council saying he would be glad to answer in any questions.

Councilman Atwell asked why the applicant wants to combine Buildings 13 and 14.

He responded that the combination would promote pedestrian activity.

Councilman Atwell said his impression is that the approved building elevations seem more attractive than the proposed elevations for Building 13.

Mr. Cochran said the scale of the two comparison drawings may make the approved elevations look different, but the same architectural detail is used.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no further input, the public hearing was closed.

**Action:** The Council approved a motion to approve Development Plan Amendment #06-DP-09-A02 for Main Street Square Element C, D and E as submitted by Bass Nixon and Kennedy, Inc. Consulting Engineers, project number 05904000, dated revised 09/06/2007 with the following condition:

1. All previously approved conditions of approval for Main Street Square Element C, D and E applies to this plan.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** Unanimous.

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

8a. Budget Report - The Council received a report of FY 2007-08 budget amendments #13 through #24 approved by the town manager.

8b. Budget Amendments, \$389,200 and \$434,400 – The Council adopted amendments to the FY 2007-2008 budget to allocate funds for projects not yet completed from the prior budget year. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

8c. Resolution 07-37 – The Council adopted Resolution 07-37 urging a safe and courteous Halloween. *A copy of Resolution 07-37 is incorporated into these minutes as an addendum page.*

8d. Budget Amendment \$28,000 - The Council approved contracts with Time Warner Cable and Embarq and adopted budget amendments for the relocation of utilities for the Bass Lake sidewalk project. *Copies of the budget amendments and contracts are incorporated into these minutes as addendum pages.*

8e. Budget Amendment, \$6,000 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$6,000 for the purchase of oversized water meters. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**9. Main Street Enhancement Project Schematic** – Ms. Sudano said that at the Oct. 2 Town Council meeting, Council directed staff to make the following modifications to the Main Street Enhancement Project schematic: remove the islands/chicanes from the street layout and extend the widened sidewalk and landscape area down from the Baptist Church property as far south as possible, across part of the Village Office Condos. Council also directed staff to revise the Center Street layout to show parallel parking and wider sidewalk.

Ms. Sudano said the amended drawing was emailed out to council members and comments were received. With those comments, Ms. Sudano said that two more options were drawn. Option 1 would cost approximately \$375,000; Option 2 would be estimated to cost more than \$500,000.

Ms. Sudano noted that the Option 2 design would not be able to provide the illustrated angled parking as presented, but parallel parking would be possible within the existing road right of way. The property owner, she said, is not amenable to providing the additional right of way for the angled parking.

**Action:** The Council approved a motion to endorse the proposed Main Street Enhancement Option 1 schematic that would provide parallel parking on Center Street on the Mims Town Square side of the street and a meandering sidewalk between the Holly Springs Baptist Church parking lot and Main Street and to authorize staff to proceed with the project.

**Motion By:** Womble

**Second By:** Atwell

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

**10a. Utley Creek Wastewater Treatment Plan Expansion** – Ms. Sudano explained that on Sept. 12, the Town received bids on the Utley Creek Wastewater Treatment Plant Expansion to 6 million gallons per day. The bids were within 5% of the consultant engineer's opinion of cost. T.A. Loving is the low bidder, she reported.

She said the consultant engineer's recommendation, and staff's recommendation, is to award the construction of this project to T.A. Loving in the contract amount of \$24,860,000, with the condition that project financing from CG&L be finalized.

Ms. Sudano said that in addition, approval of a 5% contingency for construction (\$1,242,647) is recommended, for a total construction cost of \$26,102,647.

She said construction is to begin in November of this year and will last for 24 months.

**Action:** The Council approved a motion to award a contract to T. A. Loving in the amount of \$24,860,000, conditional upon final CG&L Loan approval, for the construction of the Utley Creek Wastewater Treatment Plant expansion.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous.

**Action:** The Council approved a project budget of \$26,102,647, which includes a 5% project contingency, for construction of the Utley Creek Wastewater Treatment Plant expansion.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous.

**Action:** The Council adopted an amendment to the Utley Creek Wastewater Treatment Plant expansion project budget in the amount of \$10,195,000 to assign revenues.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous.

**10b. Veterans Park** – Mr. Bradley explained that the Veterans Park master plan was approved with approximately 25 parking spaces. A neighbor of the park complained that the parking may negatively impact his property, and the parking was resituated on the plan to minimize negative impacts for neighboring property.

In May the removal of the existing structure was brought before the Council to be replaced by a picnic shelter. At that time, the Council approved demolition of the building and construction of a picnic shelter. The plan showing the new picnic shelter showed a reduction in parking spaces to 14 parking spaces. It was the assumption of the town manager and staff that the consensus of the Council in May was that the illustrated parking was amenable to the Council.

Councilman Dickson explained that he asked that the plan be brought back to the Council because he feels it would be better to place a small interior parking lot in the park rather than on-street parking. He said he voted for the picnic shelter but did not feel that the parking was part of that approval.

He said both Planning and Engineering reviewed parking and decided that fewer spaces would be ample and should meet parking needs. The number of spaces was reduced to about 12-14 spaces.

Mr. Bradley noted that it has been mentioned that off-street parking may be more appropriate. The park is 10 acres in size with 7 of those acres in the pond and more in the buffer areas. There is about  $\frac{1}{4}$  of an acre in an area that could be used for parking. Use of this area though, would eliminate any consideration for a playground or grassed play area, would raise the cost of providing parking, and would require much more impervious surface.

He said Parks and Recreation has worked with the Bass Lake Draft House in fundraising efforts to provide funds over the next five years for the construction of a playground at the park. Use of this area for parking would eliminate the purpose of these efforts.

He said it may be suggested that parking is not necessary at the park. With the programming planned, such as picnicking, fishing, walking and fitness equipment, Veterans Park will become a popular destination for all Holly Springs residents and not just residents of the subdivision.

Without parking spaces there will be parking along neighborhood streets, causing potential conflicts.

Councilmen Dickson and Atwell both suggested an adjustment that would place the parking interior to the site. After discussing a number of scenarios, a satisfactory plan was suggested. The Councilmen suggested providing a thin strip of landscaping and trees along the roadway and then (where the trees are shown on the master plan sketch) place a drive-through/drop off/angled parking area in that location. Basically, the change would mean swapping the location of the parking area and the trees shown on the plan.

This solution would maintain as much of the green space and park area as possible.

Mr. Bradley said he would like to see drawings of the idea.

**Action:** The Council approved a motion to direct staff to reevaluate the parking at Veterans Park to include the design adjustment discussed.

**Motion By:** Atwell

**Second By:** Dickson

In discussion, Councilman Womble commented that Mr. Bradley did not seem enthusiastic about the proposal. He asked his opinion on the suggestion.

Mr. Bradley said he could not say for sure because he would have to look at the plans redrawn. He said he felt it would not be the optimal solution.

**Vote:** The motion carried following a 4-1 vote. Councilmen DeBenedetto, VanFossen, Atwell and Dickson voted for the motion.

Councilman Womble voted against.

**10c. Land Banking for Schools** - Councilman Womble said that he has found that it takes approximately two years to build a school from the time the land has been purchased. He said he had spoken with Wake County Public School System Board of Education Chairman Rosa Gill, and she agreed that for Holly Springs to get the needed schools for the projected 12,000 additional children that are anticipated, the Town should do the same things the town has done in the past, namely assist the school system in obtaining property.

He said that his request is to ask the Town Council to join him in agreeing to have the town explore buying and banking land for schools at today's fair market value. In turn, the Wake County Public School System can purchase the land from the town to build schools as soon as possible.

Councilman Womble would also suggest a policy that when the Wake School System purchases property that an agreement be entered that would ensure that Holly Springs children will always be given first priority in attending these new schools.

Councilman Womble requests a motion to direct staff to implement a plan; however, staff would suggest that first a plan should be devised by the Town Council. A list of topics that would need to be addressed include: funding, Wake County Public School System requirements for land (what are school site criteria?); what guarantees would the town have that the school system would purchase the property; and what adjustments would need to be made in the CIP to accommodate this type of funding (what projects are put on hold?). This topic seems to require more information than is currently available and probably would be well suited for a workshop setting, if the council desires.

Councilman Womble moved that the town explore banking land for future school sites. Councilman DeBenedetto seconded the motion.

Councilman Dickson noted an article in today's N&O that the school system prefers selecting its own property. He reported that the school system selects property within walking zones so the town would need to know the school system's criteria.

Councilman Atwell asked Ms. Clapp what the town does currently to ensure future school sites.

Ms. Clapp reported that the town works with the school system's land purchasers in giving them the town's growth pattern from which the WCPSS identified in the comp plan areas for school sites.

Councilman VanFossen said he was all for it but he feels it should be a fall retreat topic to hash out more details regarding funding, legal issues, etc.

Councilman Atwell said if the town is going to bank land, the town also should be looking at park land that the town will own. He expressed concern that a motion sets policy, de facto. He added that he has a little concern about how the motion is being worded, but he totally is in favor of getting more information.

Councilman VanFossen asked Councilman Womble if he would amend his motion that it be a topic of a fall retreat.

Councilman Womble said he wanted the Council's approval to pursue specific properties.

Councilman VanFossen explained that Councilman Womble could do so without a motion of the Council.

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

Councilman Atwell added that he agrees in concept, but he would suggest that the topic be aired in a workshop information with more information provided about school system criteria, funding and legal issues. He added that Councilman Womble should feel free to go on out and make contact with property owners as he proposes.

Councilman Atwell stressed that he endorses Councilman Womble's concept.

**11. Other Business:** Councilman Atwell expressed that it is a loss for the town due to the retirement of Thomas Tillage; he also commended staff and the citizen steering committee for creation of the Comprehensive Plan update.

Councilman Womble asked the town manager to explore installation of stop signs at the intersection of Ballentine Street and Avent Ferry Road.

Councilman VanFossen thanked staff for the crosswalk on Bass Lake Road at the park.

**12. Manager's Report:** Mr. Dean reported that the City of Raleigh established a Stage 1.5 in response to drought conditions: no outdoor watering with automatic sprinklers or irrigation system; no irrigation permits; and no vehicle washing. He added that hand-held and low-drip irrigation are allowed, as is water use for dust control and compaction.

He reported that Holly Springs is using 79% of its capacity from Harnett County and only 21% of what the town can get from Raleigh.

He estimated that the Town decreased its water usage 29% since September.

The Council's consensus was to enact the same restrictions as what Raleigh is doing, even though the town has two water sources.

Effective Nov. 1, the Council directed, the Town of Holly Springs would enact Stage 1.5 water restrictions.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the October 16, 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, January 15, 2008.

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Joni Powell, CMC, Town Clerk

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