

Holly Springs Town Council Minutes

Regular Meeting Nov. 6, 2007

The Holly Springs Town Council met in regular session on Tuesday, November 6, 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 VanFossen, Peter Atwell and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, 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; Heather Keefer, environmental engineer; Len Bradley, parks and recreation director; Drew Holland, finance director; Debbie Whitaker, utility billing specialist; Kelly Caviness, accounting services manager; Gloria Heggie, utility billing specialist; Cindy Rose, finance assistant; Patty Dressen, accounting technician; Mary Moore, accounting specialist; Larry Boykin, assistant finance director; Mark Andrews, public information officer; Eric Tayler, IT director; and Kendra Stephenson, senior engineer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation / scripture reading by Pastor Doug Parlin, pastor of South Wake Baptist Church.

4. Agenda Adjustment: The Nov. 6, 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 Removed: Item 8d., Ordinance 07-17 establishing post-construction storm water regulations, was removed from the Consent Agenda for discussion.

Other Changes: None.

Motion By: Dickson

Second By: Atwell

Vote: Unanimous

5. Public Comment -- At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

6a. Certificate of Achievement for Finance Reporting - Mr. Holland recognized the Town's finance department for earning a Certificate of Achievement for Excellence in Financial Reporting award by the Government Finance Officers Association (GFOA) of the United States and Canada for its comprehensive annual financial report (CAFR).

Mr. Holland said that the Certificate of Achievement is the highest form of recognition in the area of governmental accounting and financial reporting, and its attainment represents a significant accomplishment by a government and its management. He noted that this is the second year in a row the award has been bestowed upon the Holly Springs finance department.

Action: None.

7a. 2007 Comprehensive Plan, 06-GPA-03 - Mr. Jones explained that the Comprehensive Plan update was started last year with assistance from Design Base Planning and is nearing conclusion. To date the Town has held several public meetings, steering committee meetings, held focus group interviews, conducted a joint workshop with the Town Council, Planning Board, and the Comprehensive Plan Steering Committee on Sept. 20, and held a final public open house of the plan on Oct. 11.

All public information sessions held during the process were very well attended, Mr. Jones reported, and the original draft has undergone a number of perfecting revisions, taking into account input provided by members of the public and by town officials meeting in the workshop setting.

Mr. Jones gave a summary of some of the plan highlights, including the mission statement, the land use plan and various aspects of the maps included in the plan.

Councilman Dickson asked how many people had input or had opportunity for input through the various public meetings and survey that was conducted. Mr. Jones explained that he would guess a minimum of 500 residents either had direct input or had the opportunity. He added that he had a booth at HollyFest.

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

Councilman DeBenedetto thanked the staff for its work. He said he had concerns that he would like to see addressed: the plan provides population projections through 2011, but he would like to see the population projections through 2035 that were recently forwarded to the Capital Area Metropolitan Planning Organization; he said he would like to see a build-out analysis, rather than its being performed later; he would like to see environmental development addressed, if not in the Comp Plan, then in the town's zoning regulations; and he would like to see transportation addressed.

He said he would like to see these things addressed in the final draft of the Comp Plan before he would feel comfortable taking action.

In response, Mr. Jones said that while he agrees with Councilman DeBenedetto that some of his topics would make the plan better, the document is a living document that will evolve as the town moves forward. He said it is staff's perspective that the Comp Plan as presented is a good, strong starting point.

Councilman Atwell pointed out that such things as the UDO and the Town's Parks and Recreation Master Plan, Pedestrian Plan, Thoroughfare Plans, etc. are all separate documents that are tied to the Comp Plan but are not necessarily included in the same document.

Councilman Womble asked how long it would take to implement the Comp Plan, and he asked about the population projections.

Mr. Jones said difference parts of the Comp Plan will take longer than others to implement. Population projections are made in several different ways, and he said the Comp Plan would be constantly adjusted to reflect the most current trends.

There being no input, the public hearing was closed.

Action: The Council approved a motion to adopt Resolution 07-41 enacting 06-GPA-03: Vision Holly Springs: Town of Holly Springs Comprehensive Plan as presented Oct. 15, 2007 with corrections as presented and authorizing staff to make formatting and minor editing corrections as needed.

Motion By: VanFossen

Second By: Atwell

Discussion: Councilman DeBenedetto offered a motion amendment to defer action until the information he requested was incorporated into the plan.

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

A copy of Resolution 07-41 is incorporated into these minutes as an addendum page. Vision Holly Springs: The Town of Holly Springs Comprehensive Plan is on file in the Department of Planning & Zoning.

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

8a. Minutes - The Council approved minutes of the Council's regular meetings held on Sept. 4 and Sept. 18, 2007.

8b. Resolution 07-39 – The Council adopted Resolution 07-39 directing the town clerk to investigate the sufficiency of annexation petition A07-06 and setting a public hearing on the question of annexation for Tuesday, Nov. 20, 2007. *A copy of Resolution 07-39 is incorporated into these minutes as an addendum page.*

8c. Resolution 07-40 – The Council adopted Resolution 07-40 declaring a 1994 Ford Crown Victoria surplus to the needs of the town. *A copy of Resolution 07-40 is incorporated into these minutes as an addendum page.*

8d. Ordinance 07-17 – This item was removed from the Consent agenda for discussion during Agenda Adjustment.

8e. Budget Amendment \$35,000 – The Council adopted an amendment to the FY 2007-2008 budget in the amount of \$35,000 for the acquisition of land to extend Earp Street. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8f. Forest Springs Off-site Outfall Project Budget - The Council adopted an amendment to the Forest Springs Off-site Outfall Project Budget in the amount of \$44,620 to cover right of way, easement and other costs of the project. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Budget Amendment, \$1,235 – The Council adopted an amendment to the FY 2007-2008 budget in the amount of \$1,235 to accept insurance proceeds for the repair of a damaged ambulance. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8h. Holly Springs Planning Week – The Council acknowledged Nov. 5 through 9, 2007 as Town of Holly Springs Planning Appreciation Week.

8i. Veterans Park Parking Schematics – The Council approved a revised Veterans Park parking schematic, which is incorporated into these minutes as an addendum page.

8d. Ordinance 07-17, Post-Construction Storm Water Regulations – Ms. Keefer explained to the Council that the North Carolina Division of Water Quality responded after agenda packets were distributed with suggested text changes to proposed Ordinance 07-17 establishing post-construction storm water regulations. She explained the minor verbiage adjustments and asked the Council to approve the ordinance in its amended form.

Action: The Council approved a motion to adopt Ordinance 07-17 establishing post-construction storm water regulations, as amended.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 07-17 in its final form is incorporated into these minutes as addendum pages.

9a. 07-MAS-02, Duncan Ridge, Phase 4 – Ms. Huffman said the Town has received an application for the subdivision of 23.93 acres that are being proposed as Phase 4 of Duncan's Ridge Subdivision, located on Duncan Cook Road. The subject property is zoned R-30, allowing for a minimum lot size of 30,000 square feet, and the applicant proposes to subdivide the property into 12 lots.

She said the property is located on the southern most tip of the town's ETJ. There is no water or sewer to the site.

Ms. Huffman said the developer proposes to develop this phase of the subdivision as previous phases of Duncan's Ridge with lots served by community/individual wells and individual septic tanks and without connecting to the Town's services. The developer also requests that he not be required to annex the property into town, install sidewalks, or install the roadway for the creek crossing. Instead of the creek crossing, the developer would like to dedicate the right-of-way for the future creek crossing and connection of the subdivisions if such a connection is deemed necessary in the future.

Ms. Huffman said the waivers that have been requested went before the Technical Review Committee earlier that afternoon. She reported that the TRC was in agreement with the developer's requests.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 7.07 C. Sidewalks, 7.08D & E Lot Design, Street Design and Utility Design for Petition #07-MAS-02 for Duncan's Ridge Phase 4 to allow the developer a waiver from requirements to provide sidewalk and connection to town utility services as submitted by Mauldin-Watkins Surveying, P.A., project number 2888, dated revised 09/25/2007.

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

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #2: Having made the necessary findings of fact, the Council approved a motion to grant waivers of regulations of UDO Section 7.07 C. Sidewalks, 7.08D & E Lot Design, Street Design and Utility Design for Petition #07-MAS-02 for Duncan's Ridge Phase 4, to allow a waiver for the installation of sidewalks and the connection to Town of Holly Springs water and sewer as submitted by Mauldin-Watkins Surveying, P.A., project number 2888, dated revised 09/25/2007.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #3: The Council approved a motion to approve an Exception to the Regulations of Engineering Design and Construction Standards Section 3.02-E in association with Preliminary Plan #07-MAS-02 for Duncan's Ridge Phase 4, to allow the length of a dead-end road to exceed the maximum of 1,000 feet as submitted by Mauldin-Watkins Surveying, P.A., project number 2888, dated revised 09/25/2007 with the following condition:

- a. Right-of-way dedication will be made for the road connection to Oliver Creek to allow for a connection in the future if needed.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #4: The Council approved a motion to approve Preliminary Plan #07-MAS-02 for Duncan's Ridge Phase 4 as submitted by Mauldin-Watkins Surveying, P.A., project number 2888, dated revised 09/25/2007 with the following conditions:

- 1) The following items will be required with 1st construction drawing submittal:
 - a) A comprehensive drainage area map with calculations
 - b) Provide minimum FFE 2' above 100-yr floodplain or backwater elevation for all lots adjacent to the floodplain.
 - c) Riparian Buffer Homeowner education packet must be submitted with first erosion control plan submittal.
- 2) Within 10 business days of approval by the Town Council, revised plans will need to be submitted to address the following (unless otherwise approved with an exception or waiver by the Town Council)
 - a) The maximum allowable length of a cul-de-sac (or dead end street) is 1000', measured from the last point of alternate access within the subdivision. Please revise road layout to satisfy this requirement. (*Exception to Engineering Design and Construction Standards*)
 - b) Sidewalk along all streets (*Development Waiver*)
 - c) Show water line extension and service to all lots. (*Development Waiver*)

- d) Show sewer line extension and service to all lots. (*Development Waiver*)
- 3) Prior to Final Plat, the following must be completed:
 - a) Payment of fees-in-lieu of land dedication in the amount of \$927/unit.

Motion By: VanFossen
Second By: DeBenedetto
Vote: Unanimous.

10. Other Business: Councilman VanFossen asked for a report on speed limit reductions.

Ms. Stephenson recounted the history of speed limit changes on Holly Springs Road, Sunset Lake Road and Bass Lake Road. Some of the changes were requested by the town, and some are the result of NCDOT control.

11. Manager's Report: None.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss a litigation matter with the town attorney.

Motion By: Dickson
Second By: VanFossen
Vote: Unanimous

General Account of Closed Session – Nov. 6, 2007

In Closed Session, Mr. Schifano reported to the Council on a civil suit of a former employee. He said the League of Municipalities would be hiring outside counsel for the case. No action was taken in Closed Session.

-- End General Account

Councilman VanFossen made a motion that the Council return to Open Session, and it was seconded by Councilman Dickson. The vote was unanimous.

13. Adjournment: There being no further business for the evening, the Nov. 6, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 5, 2008,

Joni Powell, CMC, Town Clerk
Addendum pages as referenced in these minutes follow and are a part of the official record.