

Holly Springs Town Council Minutes

Regular Meeting
July 1, 2008

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 1, 2008, 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 four council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Tim Sack.

Others Present: Planning Board members Jimmy Cobb, Joe Signoretti, Glenn Myrto, Bettina Osborne and Matt Johnson. (A quorum of the Planning Board was established.)

Staff Members Present: Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Drew Holland, finance director; Alison Huffman, planner I; Gina Clapp, director of planning and zoning; Jeff Jones, senior planner; Mark Zawadski, planner I; Kendra Stephenson, senior engineer; Eric Tayler, IT manager; Michelle D'Antoni, of the Town Clerk's office; Elizabeth Goodson, development review engineer; Cecil Parker, fire chief; Police Lt. Anthony Revels; Linda Harper, deputy town clerk; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Lewis Gentry, pastor of Southwest Wake Baptist Church.

4. Agenda Adjustment: The July 1, 2008 meeting agenda was adopted with changes, if any, as listed below.

Motion By: DeBenedetto

Second By: Womble

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Removed for Discussion: 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: None.

6a. Ride to Work Day – Mayor Sears said the largest ever motorcycle and scooter ride to work day is expected Wednesday, July 16, 2008. The 17th Annual Ride To Work Day is being boosted by the recent rise in gas prices, which has caused many commuters to turn to motorcycles and scooters to save money on transportation, and they are finding them to be an economical, efficient and enjoyable way to get to work and around town, he said.

Mayor Sears announced that he was proclaiming July 16, 2008 Ride to Work Day in Holly Springs, and he presented the mayoral proclamation to Councilman DeBenedetto, who had requested the mayor's recognition of Ride to Work Day.

Action: None.

7b. Scot's Laurel Entrance Sign - Mr. Bill Hibbard lives in Scot's Laurel subdivision off of Kildaire Farm Road and had approached the Town with a request on behalf of the Scot's Laurel Homeowners Association, on which he serves on several committees.

Mr. Hibbard was not in attendance.

The Town Clerk said she had confirmed via email receipt of Mr. Hibbard's request, but had had no contact with him since. She said Mr. Hibbard may have been awaiting further instructions from her and that perhaps the Council should reschedule the agenda item for July 15.

Action: The Council approved a motion defer action on the request to change the Kildaire Farm Road entrance feature sign until the July 15 Council meeting.

Motion By: Womble

Second By: Sack

Vote: Unanimous

8a. Joint Public Hearing: PUD 02-PUD-01-A03, Morgan Park PUD Amendment - Mr. Zawadski said the Town has received a request for a third amendment to the Morgan Park Planned Unit Development to reduce the minimum lot size for Parcel B (Village House/Patio Homes from 5,000 square feet to 3,958 square feet. This same area included townhouses when the plan originally was approved and was later changed to single-family homes with a 5,000 square foot minimum lot size with the second amendment.

He said Morgan Park PUD (previously Trotter's Village PUD) was approved as a neo-traditional development that included both single-family and townhomes as well as a commercial component. An amendment to the original plans was approved May 2, 2006 that included the following changes:

- * Name Change to Morgan Park
- * Addition of seven acres of open space
- * Parcel layout – including acreage, lots, streets, utilities, and storm drainage/ponds.
- * Lot size - count and distribution
- * Creating single-family and townhome lots without public street frontage
- * Commercial parcel acreage was adjusted
- * Neighborhood Village designation was changed to Local Business
- * Tree protection fencing was adjusted to match parcel layout
- * Street cross sections were changed to match Town regulations, including sidewalk locations.
- * Included a Village House and Patio Home Detail with 0' lot lines

Mr. Zawadski said a second amendment was approved March 6, 2007 that included a slightly different parcel and street layout, a new location for the recreation site, and single-family lots in part of the area originally set aside for townhomes. Other changes included:

- * Reduction in landscape buffers along the western property line and the addition of landscape buffers along the northeastern property line
- * An overall reduction of approximately 5 acres of open space.
- * Minimum lot size reduced to 16,000 SF from 20,000 SF in District A1
- * Minimum lot size reduced to 7,500 SF from 12,000 SF in District D1
- * Parcel B Townhomes changed to Parcel B Village House/Patio Homes

Mr. Zawadski said as specified in UDO Section 5, in its determination of the appropriateness of the proposed PUD and whether to recommend approval or disapproval of the PUD District zoning map change and PUD Master Plan, the Town Council and the Planning Board shall be guided by the extent to which the proposal:

- A. Accomplishes the intent of the Planned Unit Development District set forth in Section 5.01, above; and,
- B. Provides for the protection or provision of the following site features and amenities:
 1. Protection and preservation of natural site features, including, but not limited to, slopes, streams, natural water features, wetlands and areas of special flood hazard;
 2. Protection and preservation of wooded areas, individual trees of significant size, or other environmentally sensitive features;
 3. Development of common open space and recreational areas (passive or active) accessible to the residents or users of the PUD by way of sidewalks, footpaths, walkways or bikeways;
 4. Efficient utilization of the land, including the reduction of land area disturbed for utility lines and motor vehicle access;
 5. Creation of innovative residential and business environments;
 6. Protection and preservation of important view corridors, and scenic vistas;
 7. Diversity and originality in lot layout or site design;
 8. Utilization of individual building designs which achieve an enhanced relationship between the development and the land;
 9. Relationship to surrounding properties;
 10. Conformance with the Comprehensive Plan; and,
 11. Extent to which the development proposed by the PUD can be developed under the general use districts of this UDO, other than the PUD District, as a matter of right.

With that explanation completed, Mayor Sears opened the public hearing to accept input in a joint public hearing with the Planning Board. The following comments were recorded:

John Classen, 5208 Old Adams Road – Mr. Classen asked if the size of lots is decreasing.

Tom Spaulding, Spaulding & Norris representing the applicant – Mr. Spaulding said that Area B originally was townhomes; however, during the preliminary plan approval of single-family homes instead, per Amendment #02-PUD-01-A02, staff realized that the minimum lot size was still at 5,000 square feet. Mr. Spaulding added that the change in the minimum lot size was a housekeeping item to match up with the second amendment to Morgan Park PUD approved in March 2007.

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

Action: The Council approved a motion to forward Planned Unit Development Amendment #02-PUD-01-A03 for Morgan Park to the Holly Springs Planning Board for review and recommendation.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous.

8b. Public Hearing: Ordinance 08-11, (08-UDO-05), Off-Street Parking Regulations – Mr. Zawadski said staff is recommending making the following changes to UDO Section 7.04, Off-Street Parking regulations:

Mr. Zawadski said a concern has been raised a number of times by the development community and staff that the current parking ordinance requires an excessive number of parking spaces for home improvement stores and too few spaces for restaurants. Staff completed research of parking standards from communities around the state and learned that the current UDO parking requirements are not consistent. Specifically, the research showed that Holly Springs is on the upper end of the chart for home improvement stores and the lower end for restaurants, Mr. Zawadski explained. Therefore, staff recommends decreasing the amount parking required for home improvement stores and increasing the requirements for restaurants as shown in the table below.

Use	Current Parking Requirement	Proposed Parking Requirement
Hardware/Paint/Home Improvement Store	5 spaces / 1,000 SF	3.5 spaces / 1,000 SF of gross floor area plus 1.25 spaces / 1,000 SF of area devoted to integral garden center
Restaurant	1 space / 3 seats	1 space / 3 seats, including bar area plus 1 space / employee on the largest shift

The implementation of these requirements would help to provide new development with the appropriate amount of parking spaces, he added.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None. There being no comments, 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 Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed modifications to Section 7.04 Off-Street Parking regulations creates enforceable ordinances to ensure managed parking areas within town."*

Motion By: Dickson

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #08-11 to approve and enact UDO amendment #08-UDO-05 to modify the text of UDO Section 7.04 Off-Street Parking regulations.

Motion By: Dickson

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 08-11 is incorporated into these minutes as addendum pages.

8c. Public Hearing: Ordinance 08-12 (08-UDO-06) Outdoor Storage Regulations – Mr. Jones said staff is proposing a UDO amendment to the commercial zoning districts (LB, CB, and GB) for outdoor sales and storage. Staff is proposing to add additional requirements to clearly define what is outdoor sales and storage within the commercial zoning districts. Included with the amendment is proposed language that would define location, height, and amount of area to be used for outdoor sales or storage.

Mr. Jones said the changes would add to the town's current regulations in the various business districts.

He said an objective – especially in the Community Business zoning district – was to ensure that there would not be outdoor retail sales in a parking lot.

Mr. Jones added that Ordinance 08-12 also would amend the definitions section of the UDO to clarify and add to requirements for outdoor storage and outdoor display areas.

Councilman VanFossen asked if the ordinance wouldn't allow sidewalk sale of merchandise by a business. Mr. Jones said no that existing businesses would not be affected.

Mr. Schifano said if the Council's intent is to protect existing businesses from having to resubmit plans with designated storage/sales area that the ordinance text should be modified. He said the proposed ordinance should be amended to add text to the effect, "Section 4 shall not apply to any approved site-specific development plan prior to adoption of this ordinance."

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

There being no comments, 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 Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed modifications to the Commercial zoning district regulations creates enforceable ordinances to ensure managed outdoor sales and storage in Commercial districts."*

Motion By: DeBenedetto

Second By: Dickson

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #08-12, amended as recommended by the town attorney to exempt businesses in existence prior to adoption of the ordinance from Part 4 of the ordinance, to approve and enact UDO amendment #08-UDO-06 to modify the text of UDO Section 3.02, 3.05 and 3.06 Outdoor Operations and Section 11.02 Definitions.

Motion By: DeBenedetto

Second By: VanFossen

Vote: Unanimous.

A copy of Ordinance 08-12, as amended, is incorporated into these minutes as addendum pages.

8d. Public Hearing: Ordinance 08-13 (08-UDO-07) Automotive Repair Regulations – Ms. Huffman said recently there have been requests for an amendment to the UDO defining major vs. minor automotive repair. There is a concern that too many of the repairs are being classified as major repairs when they are truly minor in nature, she said.

As the UDO defines these two separately, the only services that can be provided in the minor automotive repair are tune-ups, oil changes, sales and installation of lubricants, tires, batteries and other minor maintenance operations. Many of the businesses interested in coming to town have more services than those classified in the minor automotive definition, Ms. Huffman said.

She added that in the UDO there is not a definition for a quick oil change facility. She said staff is suggesting the following text as a definition for "quick oil change facility": *Operations that provided lubrication and/or checking, changing, or additions of those fluids and filters necessary to the maintenance of a vehicle. It is anticipated that these services will be provided while customers wait.*

Ms. Huffman said there is terminology in the Local Business Zoning District under the Special Exception Use category of Automotive Sales & Service titled "Tire and Auto Service Center," which is not defined in the UDO, Ms. Huffman noted.

It is staff's opinion that the term "tire and auto service center" not be used. It is important to keep the interpretations simple; therefore, there is a proposal to add the definition of "quick oil change facility" and modify both major and minor automotive repair, Ms. Huffman said.

Councilman VanFossen pointed out that vehicle inspections were not mentioned but probably should be added to the definition of quick oil change facility and/or minor auto repair.

Councilman Dickson pointed out that, similarly, the service to provide windshield wipers, bulbs and fuses probably should be added to the definition of quick oil change facility.

Councilman VanFossen said that, in his mind, what differentiates the three types of service would be how long a vehicle would be on site for repairs. To that point, he said upholstery is listed in minor auto repairs, but it may take a long time for that kind of work and maybe it should be included in major auto repairs. "How long is a car going to be at a particular place?" Councilman VanFossen said, is the question, and he feels the definitions might be hard to nail down since there are so many types of automotive repair work, and no definition could capture all the possibilities.

Ms. Huffman provided a chart of how zoning districts would be modified with the new definitions as proposed. The tables are below:

Zoning Districts and the Uses CURRENT:

	Quick Oil Change Facility	Minor Automotive Repair	Major Automotive Repair
Local Business	S	X	X
Community Business	P	P	P
General Business	P	P	P
Warehouse/Distribution	S	X	X
Light Industrial	S	S	X
General Industrial	S	S	X

Districts and the Uses PROPOSED:

	Quick Oil Change Facility	Minor Automotive Repair	Major Automotive Repair
Local Business	P	S	X
Community Business	P	S	X
General Business	P	P	S
Warehouse/Distribution	S	X	X

Light Industrial	P	P	S
General Industrial	P	P	P

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

John Classen, 5208 Old Adams Road – Mr. Classen said he understands the difficulty in coming up with suitable definitions. Because the definitions are still unclear, he feels the proposed inclusion of quick oil change facility in the Local Business zoning district is not appropriate.

He said he was disturbed that property near him was rezoned two weeks ago to Local Business when quick oil change facilities were not allowed by right in a Local Business zone. Two weeks later, the ordinance is potentially being changed to allow them by right, and he feels it was not fair.

Matt Johnson, chairman of the Planning Board – Mr. Johnson said the Planning Board, in differentiating between the auto service types, agreed that there was cross-over, but the Planning Board thought that each definition built upon the next.

There being no further comments, 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 Vision Holly Springs Comprehensive Plan Objectives for Future Land Use. The proposed modifications to the Automotive Uses and Definitions regulations create enforceable ordinances within the town."*

Motion By: Womble

Second By: Dickson

Vote: The motion carried following a 3-1 vote. Councilmen DeBenedetto, Womble and Dickson voted for the motion. Councilman VanFossen voted against..

Action #2: The Council approved a motion to adopt Ordinance #08-13 to approve and enact UDO amendment #08-UDO-07 to modify the text of UDO Sections 3.02: Local Business, 3.05: Community Business, 3.06: General Business, 4.02 Light Industrial, 4.03 General Industrial, and Section 11.02: Definitions.

Motion By: Womble

Second By: Dickson

Vote: The motion carried following a 3-1 vote. Councilmen DeBenedetto, Womble and Dickson voted for the motion. Councilman VanFossen voted against..

Action #3: The Council approved a motion to amend Ordinance 08-13 to add the word "primarily" to the definitions and to add light bulbs/windshield wipers and vehicle inspections to oil change facility definitions. Womble/Dickson

Motion By: Womble

Second By: Dickson

Vote: Unanimous.

A copy of Ordinance 08-13 is incorporated into these minutes as addendum pages.

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

9a Minutes – The Council approved minutes of the Council's regular meeting held on May 6, 2008.

9b. Green Oaks Parkway Project – The Council entered into a professional services agreement with Trigon in the amount of \$94,000 for materials and testing services on the Green Oaks Parkway project. *A copy of the Trigon contract is incorporated into these minutes as addendum pages.*

9c. Green Oaks Parkway Project – The Council entered into a contract with Kimley Horn Associates in the amount of \$215,000 for construction administration services on the Green Oaks Parkway project. *A copy of the Kimley-Horn and Associates contract is incorporated into these minutes as addendum pages.*

9d. Landscaping Contract – The Council renewed the town's contract with The Brickman Group in the amount of \$37,740 for landscape services at Town Hall and in roadway medians during FY 2008-09. *A copy of the Brickman Group contract is incorporated into these minutes as addendum pages.*

9e. Resolution 08-34 – The Council adopted Resolution 08-34 opposing the potential repeal of general statutes authorizing Powell Bill funds for use by municipalities. *A copy of Resolution 08-34 is incorporated into these minutes as addendum pages.*

9f. Park and Recreation Advisory Appointments – The Council appointed Abbie Hallet and Demetrius Green to the Holly Springs Parks and Recreation Advisory Committee and reappointed Libby Wilhelmsen to another term.

10a. Employee Opinion Survey – Councilman Dickson explained that in light of recent discussions about performance reviews, he feels this is a perfect time for the Council to consider having a town employee opinion survey.

He said the town's employees are the folks who make the town organization successful, and they are the ones who make things happen on a day-to-day basis. It is vital, Councilman Dickson said, that the Council understands what the town's employees find to be the positive and negative aspects of working for the town.

Councilman Dickson also noted that towns are constantly competing against each other, as well as the private sector, for talented employees. *The only way to know what makes Holly Springs a desired place to work is to ask those who work here for paid additional "bo-*

employees. The only way to know what makes Holly Springs a desired place to work is to ask those who work here, he said, adding, by reinforcing positive and resolving negative aspects, we can have the competitive edge in the market."

Councilman Dickson said his recommendation would be to hire a firm to format the survey, formulate questions and compile the results. In addition to prepared questions, the survey should also have a free text area where employees could provide additional comments, he said. When the results are in, senior management would be responsible for preparing action plans to address key areas. The results of the survey also would be made public.

The councilman said surveys tend to have some standard questions regarding work environment, recognition, compensation and benefits etc. He said he would suggest that there be customized questions which address department and senior management's leadership. Furthermore, since the town council drives much of the work that the staff does, it would be important that employees have a reasonable level of confidence in the council's leadership, so he also would recommend that the survey include not only questions about the town council as a whole, but also individual assessments of the mayor and each council member.

Councilman Dickson reported that a basic survey for a 200-employee organization would cost approximately \$3,600, according to The Jackson Group, which he found online. Some of the customization would increase this cost.

"I strongly recommend that we have staff investigate this and allocate the funds to support it," Councilman Dickson said. He said it would be a good investment.

Councilman DeBenedetto suggested also a peer group survey.

Action: The Council approved a motion authorize the town manager to identify funding and to research firms that could provide a web-based employee opinion survey services and report back to council in August for consideration.

Motion By: Dickson

Second By: VanFossen

Vote: Unanimous.

10b. Holly Grove Middle School Athletic Facilities Agreement – Mr. Simmons reported that Wake County is requesting that the Town enter into an Inter-local Agreement with the County of Wake and the Wake County Public School System that sets out the terms of funding by both the County and the Town for athletic facility improvements at Holly Grove Middle School.

The proposed agreement contains a new amendment regarding the irrigation of the athletic fields.

The funding would be as approved by the Council on June 17: the Town of Holly Springs, \$300,000 and Wake County, \$133,000-plus.

It also is proposed by Wake County that the irrigation of the fields may be dictated by any other government agency.

Mr. Bradley said that staff and the town attorney recommend that the Town not agree to the irrigation limitation, but that irrigation be done at the discretion of the Town of Holly Springs and its water use regulations.

Otherwise, staff recommends approval of the agreement.

Action: The Council approved a motion to enter into an interlocal agreement with Wake County and Wake County Public School System for construction of athletic facilities at Holly Grove Middle School, with changes to text relating to irrigation as recommended by staff and the town attorney.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous.

A copy of the interlocal agreement is incorporated into these minutes as addendum pages.

12. Other Business: Councilman Womble asked if the town had any property on which a basketball court could be placed. Mr. Simmons said he felt like the Town should be able to identify some such property.

Lt. Revels reported that the police department is holding a fund-raiser in honor of a young man who was an innocent victim of a fatal shooting. Proceeds from that event, he said, are planned to be used for building a basketball court.

Councilman Womble asked if there was a possibility that the Town could contact BFI to ask about the possibility of acquiring the closed construction and demolition landfill property for a park.

Mr. Schifano said he would initiate such a contact.

Councilman Womble asked for an update on Fire Station No. 3.

Chief Parker said staff hit the floor running on July 1, purchasing furniture and a used fire truck from Fuquay-Varina.

Councilman Womble asked if the town could buy a new fire truck instead of a used one.

Chief Parker explained that the cost of new fire truck would be about \$320,000, but the used one was purchased for only \$2,500 plus costs of equipping the vehicle. He said he would be glad to buy a new fire truck if the Council were to direct so, but he felt the used vehicle would serve the town adequately as only a back-up vehicle. A current, newer vehicle would actually be placed at Station No. 3, and the used truck would be put in service only when needed.

At this time, Council DeBenedetto voiced loud opposition to staff's proceeding so quickly without first having financing in place.

Mr. Holland reminded the Council that it had given that direction on June 17 with a motion to proceed after the budget year began July 1 and with the understanding that the budget amendment would be presented on July 15.

Councilman DeBenedetto maintained his position.

Councilman Womble said, in light of county and state offices recently being found negligent in spending public funds, he felt an audit of the

Councilman Womble said, in light of county and state offices recently being found negligent in spending public funds, he felt an audit of the town's credit card spending should be conducted. Mr. Simmons explained that existing credit card policies call for three reviews by graduated levels of management before payment, so inappropriate spending would not be a problem for the Town.

Mr. Holland said all credit card purchases are covered by policy and are closely monitored by the finance department. He said it was not likely that the Town would experience any of the unlawful spending that has been reported on lately in county and state agencies.

Mr. Simmons asked if the annual financial audit, which covers a credit card purchase review, would be adequate to meet the Council's concerns.

Mr. Holland explained that the financial audit process includes a random sample of credit card purchase files. These files drawn randomly from the year's activity are reviewed, and there have never been any questionable purchases identified.

Councilman Womble alleged that he had information to the contrary, but he declined to provide specific details.

Councilman VanFossen spoke to give a vote of confidence for Chief Parker and Mr. Holland. He said he was not present at the Council's previous meeting but that he had no doubt that staff had acted according to Council direction.

Councilman Womble agreed by saying, "Amen."

Councilman DeBenedetto reported on the Wake County Growth Management Task Force June meeting.

13. Manager's Report: Mr. Simmons reported on the proposed four-day work week to be implemented for certain employee groups. The move, he said, was to see if a savings could be realized. He reported on the upcoming July 5 fireworks and music celebration.

14. Closed Session: None

15. Adjournment: There being no further business for the evening, the July 1, 2008 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman DeBenedetto, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, Sept. 2, 2008.

Joni Powell, CMC, Town Clerk

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