

Holly Springs Town Council Minutes

Regular Meeting Aug. 5, 2008

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 5, 2008, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 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 (arrived at 7:17 p.m.), Chet VanFossen, and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Tim Sack

Staff Members Present: Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Mark Zawadski, planner I; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; Don Briscar, cultural center manager; Eric Tayler, IT manager; Drew Holland, finance director; Mark Andrews, public information officer; Michelle D'Antoni, publications specialist; and Luncie McNeil, director of public works.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Sivoldi of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The August 5, 2008 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Dickson

Second By: VanFossen

Vote: Unanimous

Items Added to the Agenda: Add to Request and Communications as item 6b. Consideration of Resolution 08-42 supporting the Holly Springs Hospital project and certifying need for a hospital in Southern Wake County.

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: None.

6a. Cultural Center Program Report – Mr. Briscar provided an introduction of FY2008-2009 programming at the Holly Springs Cultural Center. Mr. Briscar said highlighting this year's programs would be the Clean Comedy Series and the Great Performances Series. He also noted that the cultural center would be emphasizing a celebration of black history month in February. He outlined some of the shows included in the two series of performances.

Mr. Briscar reported to the Council that the performance series are being sponsored by Holiday Inn Express, which will provide free lodging for the performers.

Action: None.

6b. Holly Springs Hospital Project – Mayor Sears introduced Mr. Tom Elmore, vice president of growth and development for Novant Health, which proposes to build and operate a hospital for southern Wake County in Holly Springs if the State of North Carolina grants a Certificate of Need.

The CON application, Mr. Elmore said, would be submitted on Aug. 15, together with letters of support collected from the communities of Holly Springs, Fuquay-Varina and southern Wake. Novant intends to apply for a CON for 41 beds and four operating rooms that are available for Wake County. Mr. Elmore explained that Novant Health is a not-for-profit organization with nine hospitals in North Carolina.

Novant, he added, works with all people of the community, regardless of insurance and or ability to pay. Novant Health is ranked in the 10 best healthcare systems nationally and has a strong history of building community hospitals in underserved areas.

If Novant is successful in obtaining the Certificate of Need from the State, the group would break ground on the hospital on a site located at Hwy. 55 and Ralph Stephens Loop Road. If the CON is granted, Holly Springs Hospital could be open and operating by 2011, Mr. Elmore said.

Action: The Council approved a motion to adopt Resolution 08-42 supporting the Holly Springs Hospital project and certifying to state officials that there is a critical need for a hospital in southern Wake County.

Motion By: VanFossen

Second By: Dickson, DeBenedetto and Womble

Vote: Unanimous.

A copy of Resolution 08-42 is incorporated into these pages as an addendum page.

At this time, Mayor Sears called the Council's attention to an amortization schedule provided to them for reference when adopting Bond Order 2008-01 on the Consent Agenda.

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

7a. Minutes - The Council approved minutes of the Council's budget workshop held May 21, 2008 and regular meeting held June 3, 2008.

7b. Resolution 08-37 – The Council adopted Resolution 08-37 directing the town clerk to investigate the sufficiency of annexation petition A08-07 and setting a public hearing on the question of annexation for Tuesday, Aug. 19, 2008. *A copy of Resolution 08-37 is incorporated into these minutes as an addendum page.*

7c. Resolution 08-38 – The Council adopted Resolution 08-38 declaring certain personal property to be surplus to the needs of the town. *A copy of Resolution 08-38 is incorporated into these minutes as addendum pages.*

7d. Resolution 08-39 - The Council adopted Resolution 08-39 directing the town clerk to investigate the sufficiency of annexation petition A08-08 and setting a public hearing on the question of annexation for Tuesday, Aug. 19, 2008. *A copy of Resolution 08-39 is incorporated into these minutes as an addendum page.*

7e. Sale of 127 N. Main Street – The Council authorized the Town Manager to revise and execute the sales contract for the old fire station site at 127 N. Main Street. *A copy of the draft sales contract is incorporated into these minutes as addendum pages.*

7f. Resolution 08-40 – The Council adopted Resolution 08-40 amending the Parks and Recreation Policy Manual. *A copy of Resolution 08-40 is incorporated into these minutes as addendum pages.*

7g. Budget Amendment, \$5,000 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$5,000 to receive a donation from RBC Bank for the July 5 fireworks display. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7h. Longevity Pay – The Council authorized payment to employees of longevity pay that inadvertently would be eliminated in the transition to a new payment schedule.

7i. Green Oaks Parkway Budget Amendment – The Council adopted amendments to the Green Oaks Parkway project budget in the amount of \$130,700 to provide funding to complete right of way acquisition. *A copy of the budget amendment is incorporated into these minutes as addendum pages.*

7j. Resolution 08-41 – The Council adopted Resolution 08-41 requesting that the North Carolina Department of Transportation release Center Street for inclusion in the Town's street system. *A copy of Resolution 08-41 is incorporated into these minutes as an addendum page.*

7k. Bond Order 2008-1 – Having referenced the accompanying amortization schedule, the Council adopted Bond Order 2008-01 ordering the issuance of Holly Springs Water and Sewer Revenue Bonds, including an initial \$16,100,000 revenue bond for participation in the Harnett County water plant project. *A copy of Bond Order 2008-01 is incorporated into these minutes as addendum pages.*

8a. 99-COM-04-A01, Sonic Drive-In Amendment – Mr. Zawadski said the Town has received a request for an amendment to the existing Sonic Drive-In site preliminary plan. The original plans were approved on March 2, 1999 prior to the adoption of the Unified Development Ordinance. The majority of the proposed revisions include re-modeling the exterior of the building and drive-in order stalls. Specific changes include the following:

1. Add brick and EIFS tower element for new drive-through pick-up window.
2. Remove decorative parapet surround along the roofline.
3. Reface drive-in order stall canopies fascia and paint columns green.
4. Replace seating area canopy with a new arched fabric and steel canopy and replace lighting.
5. Replace existing Neon lighting with new LED lighting on the drive-in order stall canopies, drive-through window awning, arched tower roof, and seating area canopy.
6. Replace menu board and add new pivoting order canopy.

Mr. Zawadski said all other existing structures, landscaping, utilities, etc. are proposed to remain unchanged. He reported that the Planning Board had reviewed the proposed amendment and recommends approval with conditions.

Councilman Dickson said he felt former management of Sonic had not provided or maintained proper plantings. He said the original plan called for screening Leland Cypress for the detention pond, but none are there. He asked that the new management provide the required plantings.

Action: The Council approved a motion to approve development plan amendment #99-COM-04-A01 for Sonic Drive-In as submitted by National Restaurant Designers, project number 003975-SD1, dated revised 6/13/2008 with the following conditions:

1. All previous conditions of approval shall apply.
2. Any landscaping that is damaged or removed during construction must be replaced *and existing landscaping that otherwise is not in accordance with the original approved plan must be provided.*
3. Within 10 days of approval of this plan by Town Council the following will need to be addressed:
 - a. Provide an Operations and Maintenance agreement for the existing pond onsite.

Motion By: Dickson

Second By: Womble

The Council considered an amended version of the motion to include the addition of text highlighted in italics above.

Motion to Amend By: Dickson

Second to Amended Motion By: Womble

Vote: Unanimous.

8b. 02-PUD-01-A03 Morgan Park Planned Unit Development 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 feet 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 plan was approved May 2, 2006 that included the following changes:

- * Name Change to Morgan Park
- * Addition of 7 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 sidewalks 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 explained that, 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.

Mr. Zawadski reported that the Planning Board had reviewed the application and recommends approval with conditions.

Action: The Council approved a motion to approve Planned Unit Development Amendment #02-PUD-01-A03 for Morgan Park PUD as submitted by Spaulding and Norris, Project Number 604-05 dated revised 5/21/2008 with the following conditions:

1. All previously approved conditions of the Morgan Park PUD shall apply.
2. Submit revised sheets to correct the total number of residential units listed in the site data table on sheet 2 and the sewer flow calculations on the coversheet to match the sum of residential units approved for all parcels within 10 days of Town Council approval
3. Construction drawings will need to be revised for the addition of the single family lots and utility services
4. The schedule for offsite sewer has been submitted and approved with this plan, the approved design has been attached to the construction drawings. The schedule submitted indicates that the construction will be completed prior to platting and building permits. In case of unforeseen problems and scheduling changes, a maximum of 10% of permits for this project may be allowed prior to completion of the sewer line.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous.

8c. Morgan Park, 06-MAS-02-A02 Amendment – Mr. Zawadski said the Town has received a request for a preliminary plan amendment to the Morgan Park subdivision plan. The proposed amendment replaces the townhouse area located in Parcel B with 33 single-family lots. The new lots would have a minimum lot size of 3,958 square feet, and the changes are in compliance with the proposed Morgan Park PUD amendment. The amendment includes a total of 156 single-family lots and does not include a density increase. If approved, a total of two single-family lots and 13 townhomes would remain to be approved for residential development in the project.

Mr. Zawadski explained the Morgan Park preliminary plans originally were approved on May 5, 2006. The original plans included a mixture of 123 single-family lots, open space, and land set aside for commercial development, townhouses and a recreation site. An amendment was approved on Dec. 5, 2006 that revised the lot and street layout, location for the recreation site, and single-family lots in part of the area originally set aside for townhomes. The total number of single-family lots remained at a total of 123 with area set aside for townhomes. The new plans also include an addition of approximately four acres of open space.

Councilman DeBenedetto asked if there were any concerns from neighboring property owners.

Mr. Zawadski reported that the Planning & Zoning Department had not received any input from neighboring property owners.

Action: The Council approved a motion to approve Preliminary Plan Amendment 06-MAS-02-A02 for Morgan Park as submitted by Spaulding and Norris, project number 604-05, dated revised 5/21/2008 with the following conditions:

1. All previous conditions of approval for this plan shall apply.
2. Construction drawings will need to be revised for the addition of the single family lots and utility services.
3. The schedule for offsite sewer has been submitted and approved with this plan, the approved design has been attached to the construction drawings. The schedule submitted indicates that the construction will be completed prior to platting and building permits. In case of unforeseen problems and scheduling changes, a maximum of 10% of permits for this project may be allowed prior to completion of the sewer line.

Motion By: Womble

Second By: Dickson

Vote: Unanimous.

8d. Employee Opinion Survey – Mr. Dean said at the July 1, 2008 Town Council meeting, the idea was proposed by Councilman Dickson and supported by the Council to conduct an employee opinion survey. Town staff was directed to investigate potential companies to conduct this survey. Using the Town Managers' Listserv, staff polled local governments across North Carolina with respect to their experiences with similar initiatives.

He said the Town received contact information for three high-quality firms, which were contacted for further information.

He said Town staff met with both Bear Strategies of Cary and Insight Research of Greensboro at Town Hall to discuss the project in more detail. Town Staff discussed the same information with the NC State University Center for Urban Affairs and Community Services in Raleigh over the telephone and via email. All three organizations submitted bids for the project.

Mr. Dean said that after reviewing the proposals, the recommendation from town staff is to contract with Bear Strategies for the survey project.

He said Bear Strategies displayed impressive professionalism and a comprehensive knowledge of survey techniques during the interview.

Company staff is comprised of former local government managers and elected officials, so the company is uniquely suited to survey a municipal organization. Furthermore, Bear Strategies was the low bidder at \$3,300, Mr. Dean added.

Bear Strategies would accomplish the following objectives, which were taken from their proposal:

- A) Assessment of the workplace as it pertains to relationships between the employee and their supervisor, senior staff, Mayor and Town Council. This assessment would include a comparison of current conditions versus perceived "ideal" conditions with respect to leadership and communication. Additionally, employees will be polled regarding their workplace satisfaction with respect to compensation, training, and supervisory relationships.
- B) Assessment of perceived roles, responsibilities and expectations of the senior staff to the Mayor and Town Council and, conversely, of the Mayor and Town Council to staff.
- C) Assessment of the Mayor and Town Council's relationships with each other individually and collectively and the perceived roles and responsibilities therein.

Councilman DeBenedetto asked what the output of the survey would do and what would the town do with the information.

Mr. Dean said, from his perspective, the survey would serve as an examination of existing conditions and provide insight into changes, such as improvements in communications, that could be implemented.

He added that the Council directed that the survey be done, and the Council also can do with the information as it feels appropriate.

Councilman Dickson said he feels the survey will provide information that will make the organization stronger.

Action: The Council approved a motion to retain Bear Strategies to conduct an employee opinion survey at a cost of \$3,300.

Motion By: VanFossen

Second By: Dickson

Vote: Unanimous.

9. Other Business: Councilmen brought up a number of areas with vegetation overgrowth and leaning trees on roadsides that need attention. All of the roadways mentioned are under state maintenance; however, Mr. McNeil said he would see what he could do to get the roadways cleared to increase safety.

Areas that were mentioned were: on both sides of Bass Lake Road at Brook Manor; a big tree leaning over Main Street up the hill from Easton Street; shrubbery on Main Street blocking site distance at the car wash; and shrubbery on Main Street at Third Street.

Councilman Womble repeated his request that a barrier be placed at the detention pond on Third Street. Mr. Dean said the developer has been contacted and would be responsible for this. He said he would follow up with the developer, who has not yet provided the barrier but indicated that he would.

Councilman Womble asked about the potential annexation of properties in Shadow Valley subdivision.

Mr. Dean said he had met with some of the residents and had told them that if they want to annex, they can come in to Town Hall to sign voluntary annexation petitions. He said he knew of one resident who does not want to be annexed, but the others can do so through the ordinary voluntary annexation process.

Councilman Dickson reported that he had received information from Progress Energy that it is hosting a Community Day in September at Shearon Harris Nuclear Plant to explain to residents about the existing facility and to introduce plans for its proposed expansion. Councilman Dickson

pointed this out because Councilman DeBenedetto had commented at an earlier meeting that the Town should host such an event.

Mayor Sears reported that he had been assured by Marty Clayton of Progress Energy that the town's concerns about the raising of the lake level would be addressed. Mr. Clayton said the bridges and roads will be raised, and the park that will be displaced will be replaced.

Councilmen agreed that the Council's direction from the winter retreat in February was for the town to initiate talks with Progress Energy officials who are further "up the ladder" than Mr. Clayton. The town has concerns and issues that some officials feel need to be addressed by Progress Energy.

The Council directed Mr. Dean to coordinate a meeting with Progress Energy officials and town officials.

10. Manager's Report: Mr. Dean noted that the town's credit card policies had been included in agenda packets; he said staff has worked very hard with Novant Health hospital officials to garner support for the facility's application for a Certificate of Need.

11. Closed Session: None.

12. Adjournment: There being no further business for the evening, the August 5, 2008, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFosson a second by Councilman DeBenedetto and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 7, 2008.

Joni Powell, CMC, Town Clerk

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