

Holly Springs Town Council Minutes

Regular Meeting Sept. 15, 2009

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Sept. 15, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Pro-Tem Tim Sack presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and three council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Chet VanFosser, Tim Sack and Mayor Sears.

Council Members Absent: Councilmen Parrish Womble and Hank Dickson.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Laura Powell, planner I; Mark Zawadski, planner I; Scott Brummond, IT technician; Mark Andrews, public information officer; Luncie McNeill, director of public works; Jenny Mizelle, economic development director; and Elizabeth Goodson, development review engineer; .

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

4. Agenda Adjustment: The Sept. 15, 2009 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous

Items Added to the Agenda: Add 7e., to receive comment on proposed Ordinance 09-20 to approve and enact Unified Development Ordinance amendment 09-UDO-11 regarding sign regulations.

Items Removed from the Agenda: None.

Consent Agenda Items Removed for Discussion: Item 8b., the monthly budget amendment report.

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. Novartis Project Update – Mayor Sears introduced Jamie Iudica, Director of Engineering at Novartis. Mr. Iudica presented the Council with a Power Point presentation containing an update on the Novartis project and facility. Of note, Mr. Iudica announced that Novartis' Global Technical Operations is relocating from Cambridge, Massachusetts to Holly Springs.

He also noted that the company expects to be in limited operational mode by the first quarter of 2010.

Action: None.

7a. Public Hearing: Rezoning Petition 09-REZ-01 – Mr. Zawadski said the Town has received a request to rezone 0.3 acres of property from R-15: Residential to R-MF-8: Multi-family Residential and .91 acres from R-MF-8: Multi-family Residential to R-15: Residential. The properties are located within the town limits and near the intersection of Cotton Lane and Avent Ferry Road. These properties are located within the Village District Area Plan and are designated for attached residential uses. The requested zoning changes are consistent with the future land use plan.

Mr. Zawadski said the proposed zoning change to R-MF-8: Multi-family residential may have some

impacts on the adjacent properties since they are zoned R-15: Residential. The requested R-MF-8: Multi-family residential district permits up to eight multi-family units per acre, and the adjacent R-15: Residential district permits up to 2.25 single-family lots per acre.

Mr. Zawadski said that a 30-foot landscape yard/setback is required at time of development along the perimeter of the project to reduce the potential impacts of higher density development on adjacent properties.

He said the proposed zoning change to R-15: Residential would not have any impact on adjacent properties since many of the lots that are developed also are zoned R-15: Residential.

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 statement as true: *"The requested zone map change from R-15: Residential to R-MF-8: Multi-family Residential and R-MF-8: Multi-family Residential to R-15: Residential is consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Attached Residential, and the R-MF-8 Multi-family Residential District permits multi-family development, and the R-15: Residential district is consistent with the surrounding area."*

Motion By: Sack

Second By: VanFosser

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #R09-03 approving and enacting Zone Map Change Petition #09-REZ-01 to change the zoning of 0.3 acres of PIN 0648-89-2610 from R-15: Residential to R-MF-8: Multi-family Residential and 0.91 acres of PINs 0648-89-2798 and 0648-89-3512 from R-MF-8: Multi-family Residential to R-15: Residential as submitted by Doug Ledson.

Motion By: Sack

Second By: VanFosser

Vote: Unanimous.

A copy of Rezoning Ordinance R09-03 is incorporated into these minutes as addendum pages.

7b. Public Hearing: Ordinance 09-18, UDO Amendment 08-UDO-08b – Mr. Jones explained that in the past year, staff has proposed several commercial-related amendments to the Unified Development Ordinance in an effort to improve on commercial regulation in the Town. Staff in the past has suggested an amendment to the UDO regarding Commercial front setbacks, but through discussion at the Planning Board stage this amendment was put back to Staff for further review and changes.

He said commercial front setbacks are set in place to create a harmonious streetscape in cities and towns and to ensure that buildings are set back off of the right of way enough to ensure public safety. Most cities and towns create anywhere between five feet at a minimum up to 50 feet and beyond, depending on the adjacent thoroughfare and the use of the site.

Mr. Jones said the Town of Holly Springs generally falls in the typical category of anywhere between five feet, in the TV district, and up to 100 feet, when adjacent to US Hwy. 1 and the future I-540 rights of way.

He explained that currently the UDO allows for some reduction of front setbacks in Local Business and Community Business zoning districts. Standard setback for Local Business is 30 feet along minor and major thoroughfares, collector streets, local streets, cul-de-sac streets or residential gateways and 50 feet in Community Business for minor and major thoroughfares, collector streets, local streets, and cul-de-sac streets.

The UDO allows for reduction of these front setbacks down to 20 feet and 15 feet in Local business and down to 30 feet in the Community Business districts. If the developer chooses to utilize this reduction option they must provide extras in the form of extra landscaping.

He said staff has some concerns about requiring more landscaping for these reduced front setbacks when in the past year the town has adopted new architectural standards for new developments. Staff wants these buildings to be seen, especially if the development has met all architectural standards. Staff is comfortable with and does encourage buildings to utilize the front setback reduction option when appropriate, but again we are discouraged that the current option available to developers is to increase landscaping, thus hiding the buildings.

He said staff is proposing to remove all options related to extra landscaping when the front setback reduction is used and replacing that language with options that no parking waiver or alternate architectural compliance is requested for the development along the yard of the reduction. This, we

would hope, ensure that if the reduction option is used, the Town will get development that meets the current UDO, giving the Town a better looking development in the end.

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 and Community Character. The proposed UDO Amendment allows for varying setback to create a more village and pedestrian friendly development with buildings closer to sidewalk and roadways."*

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #09-18 to approve and enact UDO Text Amendment #08-UDO-08b to modify of UDO Section 3.02 and 3.05 regarding commercial setbacks.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 09-18 is incorporated into these minutes as addendum pages.

7c. Public Hearing: Ordinance 09-19, UDO Amendment 09-UDO-08 – Ms. L. Powell said that staff has been working and researching this UDO amendment since the start of 2009. The FMI efficiency study also noted that the Town's landscaping regulations were confusing and hard to understand. This is the first phase of landscaping UDO amendments in an effort to address that issue.

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 plan consistency statements as true: *"The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed UDO amendment allows for outdated landscape regulations to be removed to give way for more innovative environmentally-conscious and pedestrian-friendly standards."*

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #09-19 to approve and enact UDO text amendment #09-UDO-08 to modify the text of UDO Section 7.01 Landscaping Regulations.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 09-19 is incorporated into these minutes as addendum pages.

7d. Public Hearing: Zoning Vested Rights Petition 09-REZ-01, Parkside Village – Ms. L. Powell said that a zoning vested rights request has been filed by Parkside Village, LLC to allow for Parkside Village Phase 3 to extend Zoning Vested Rights in order to maintain TN:Traditional Neighborhood setbacks. Originally granted on August 2, 2005, zoning vested rights are allowed for a maximum of five years from the date of original approval. So if approved, the zoning vested rights could be extended only until Aug. 2, 2010.

She said phases 2 & 3 were created under the old TN: Traditional Neighborhood zoning district, which is different than any district in the Town's current UDO. The developer would like to continue with those regulations so the entire project may be developed with the existing phases 1 and 2, and be in character with the neighborhood. The main difference between R-8 and TN, is the setbacks as shown below:

Setback:	TN: Traditional Neighborhood:	R-8: Residential:
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Front	8-foot minimum 24 feet maximum	30 feet
Side	Side: 8-foot maximum Corner Side: 8-foot maximum	Side: 5 feet Aggregate Side: 15 feet
Rear	30 feet	20 feet

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

Wayne Mauldin of Mauldin Watkins Surveying -- Mr. Mauldin, as applicant, spoke in favor of the petition, noting that the request is being made because the project was delayed during an economic downturn. Now, developers are ready to return to the project.

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to accept the following plan consistency statements as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed zoning vested rights will contribute to encourage a "village atmosphere" by continuing to establish a unified community character for the neighborhood and creating a sense of place for the entire community."*

Motion By: DeBenedetto

Second By: Sack

Vote: Unanimous.

Action #2: The Council approved a motion to approve zoning vested rights petition #09-ZVR-01 to extend zoning vested rights originally granted on Aug. 2, 2005 until Aug. 2, 2010 in order to maintain TN:Traditional Neighborhood setbacks as submitted by Parkside Village, LLC.

Motion By: DeBenedetto

Second By: Sack

Vote: Unanimous.

7e. Public Hearing: Ordinance 09-20, UDO Amendment 09-UDO-11 – Mr. Zawadski said that staff has been reviewing and evaluating the text of the UDO since the adoption in 2002. While using the UDO staff comes across minor errors, interpretations that are unclear, and sometimes regulations that need to be added/changed. The result is a comprehensive list of proposed amendments that will help to clarify and improve the UDO as well as correct minor spelling/grammatical errors. Completing these amendments will help to update the UDO resulting in a more user friendly document.

He said staff suggests making the following revisions to help clarify and improve UDO Section 7.03 Sign Regulations, Section 3.08 Architectural and Site Design Requirements, and Section 5 Planned Unit Development:

UDO Section 7.03 Sign Regulations

- Permit monument signs to be placed in subdivision interiors for phase identification.
- Permit banners on light poles in TV for Town events.
- Require all signage be removed when a business moves out of a building.
- Revise the sign surface and structure ratio requirements to permit more flexibility.
- Permit one governmental flag per lot up to a maximum size and height.

Section 3.08 Architectural and Site Design Requirements

- Reduce the minimum window % requirements in commercial zoning districts.

Section 5 Planned Unit Developments

- Require accessory structures in PUDs to follow setbacks in most comparable zoning district instead of R-30.

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 plan consistency statements as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Growth Plan. The proposed modifications to the UDO Section 7.03 Sign Regulations, Section 3.08 Architectural and Site Design, Section 5 Planned Unit Development, and Section 2.08 General Regulations for Residential Districts create enforceable ordinances to enact Land Use and*

Community Character Objectives.”

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt Ordinance #09-20 to approve and enact UDO text amendment #09-UDO-11 to modify the text of UDO Section 7.03 Sign Regulations, Section 3.08 Architectural and Site Design, Section 5 Planned Unit Development, and Section 2.08 General Regulations for Residential Districts as submitted by the Town of Holly Springs.

Motion By: VanFossen

Second By: DeBenedetto

Vote: Unanimous.

A copy of Ordinance 09-20 is incorporated into these minutes as addendum pages.

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 VanFossen a second by Councilman Sack and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's meeting held Sept. 1, 2009 and of meetings held Feb. 28 and May 5, 2009.

8b. Budget Amendment Report – This item was removed during Agenda Adjustment.

8c. Personnel Policy Amendments – The Council adopted amendments to the Town's personnel policy.

8d. Holiday Schedule – The Council authorized staff to close non-essential Town facilities for 1½ hours on Wednesday, Dec. 16, 2009 for an employee holiday lunch.

8e. Minority Participation Goal – The Council adopted a minority participation goal for the Town of Holly Springs. *A copy of Minority Participation Goal policy is incorporated into these minutes as addendum pages.*

8b. Budget Amendment Report – Councilman DeBenedetto asked why the Council was adopting a budget amendment before the Town goes to the Local Government Commission for approval of the financing for the project. Mr. Holland explained that the budget amendment contained in the monthly report already was approved by the Town Council on Aug. 18. Mr. Holland said the budget amendment was not being presented to Council for approval but was being presented as part of a routine monthly report of budget amendments received by the Council.

Councilman DeBenedetto asked what would happen if the LGC does not approve the Town's application.

Mr. Holland explained that the project budget would go away because all approvals and the funding for the accounts enumerated in the budget amendment were contingent upon LGC approval and the obtaining of installment financing.

Mr. Dean explained that the project budget has to be provided with the LGC application so that the board can review where the project would be funded and how the money would be spent.

Mr. Dean explained the role of the Local Government Commission.

Action: The Council approved a motion to receive a report of amendments to the FY 2009-10 budget approved by the town manager and the Town Council.

Motion By: VanFossen

Second By: Sack

Vote: The motion carried following a 2-1 vote. Councilmen FanFossen and Sack voted for the motion. Councilman DeBenedetto voted against.

A copy of the budget amendment report is incorporated into these minutes as addendum pages.

9a. Yard Waste Disposal Alternative – Mr. Weeks and Mr. McNeil addressed the Council. Mr. Weeks explained that over the past few weeks, staff has been in conversations with a Sanford-based company called Earthtec, which is offering to accept the Town's yard waste for free.

Earthtec is able to accept the Town's yard waste tonnage for free because the company would process the yard waste and ultimately turn it into a usable product. The company currently performs this process with other organizations that need to dispose of yard waste.

He said Town representatives had visited the Sanford facility on Sept. 10 to make sure the site is safe, can adequately handle the Town's truck, etc.

He said the Town currently hauls and disposes of yard waste at a facility near Fuquay-Varina

(Bryant Grading Inc.) at a rate of approximately \$45 per ton. Accordingly, staff budgeted \$75,000 for landfill fees. The Public Works Department uses eight-cubic-yard trucks to haul the yard waste to the current disposal site, which equates to an average of 12 trips per week during non-leaf season and 110 trips per week during leaf season. Round trip per truck is about 20 miles. After factoring in fuel and labor costs, the total cost for the current option comes to \$118,000 annually.

Mr. Week said the option staff is proposing (Earthtec) would save the Town a significant amount of money in terms of both labor and landfill costs. The Town would need to make one up-front purchase of a 110-cubic-yard trailer, which would be pulled by an existing truck.

He said the new trailer would allow the Town to cut the number of trips it makes to the disposal site significantly. Instead of 12 or 110 trips per week for non-leaf and leaf seasons, respectively, the new trailer would allow the Town to average 0.8 or 8 trips per week.

He said the estimated cost for the trailer is \$45,000. Fuel costs would decrease as less trips are needed, which would more than offset the additional miles needed to get to Sanford (round trip would be about 80 miles.) Labor costs would also decrease from approximately \$37,000 now to \$5,000 with the proposed method. The total projected cost of the proposed option comes to \$18,000 annually starting in Year 2. Cost for Year 1, with purchase of the trailer, would be approximately \$63,000. Town staff is proposing the Council enter into a five-year contract with Earthtec to accept the Town's yard waste.

It is estimated that the Town in Year 1 would save approximately \$55,000.

In Year 2 and subsequent years, the Town can expect to save roughly \$100,000. Projected out five years, the estimated savings by going with the free-tipping fee, the Earthtec option would provide savings in excess of \$450,000. Moreover, the Town would possess a 110 cubic yard trailer for other potential uses.

Action: The Council approved a motion to enter a five-year contract with Earthtec for disposal of yard waste and to adopt an amendment to the FY 2009-2010 budget in the amount of \$45,000 to purchase a 110-cubic-yard trailer.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous.

A copy of a budget amendment is incorporated into these minutes as an addendum page.

10. Other Business: Councilman Sack apologized for missing the Sept. 16 meeting but took his wife on a 40th wedding anniversary trip on the Danube. He said if he had been at the meeting, however, he would have, for the record, voted for the Hunt Center and its financing.

11. Manager's Report: Mr. Dean reminded the Council that Chic-Fil-A restaurant would have its ribbon cutting on Thursday morning; Dog Day in the Park is set for Saturday; a contingent from Turkmenistan would be visiting Holly Springs during the week; and a commercial property bus tour would be conducted in Holly Springs.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the Sept. 15, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack a second by Councilman DeBenedetto and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 6, 2009.

Joni Powell, CMC, Town Clerk

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