

# Holly Springs Town Council Minutes

**Regular Meeting**  
**Nov. 3, 2009**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Nov. 3, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor 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, Chet VanFossen, Tim Sack, Hank Dickson and Mayor Sears.

**Council Members Absent:** Councilman Parrish Womble.

**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; Amy Moore, director of water quality; Eric Tayler, IT department manager; Michelle D'Antoni, publications specialist; Kendra Parish, senior engineer; Jenny Mizelle, director of economic development; Stephanie Sudano, director of engineering; and Daniel Weeks, project analyst.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Mayor Sears.

**4. Agenda Adjustment:** The Nov. 3, 2009 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**Items Added to the Agenda:** Add 8f., change order to the 2008 annual street resurfacing project.

**Items Removed from the Agenda:** Remove agenda item 6a., Wake County report on the Harris Lake drainage basin study; and item 8e., Main Street South sidewalk project contract.

**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. Harris Lake Drainage Basin Study Report** – This item was removed from the agenda during agenda adjustment.

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

7a. Minutes – The Council approved minutes of the Council's meetings held on June 2 and Oct. 20, 2009.

7b. Parks and Recreation Advisory Board Appointment – The Council appointed Stephane Daniel to serve on the Parks and Recreation Advisory Committee to replace Jeff Buser.

7c. Public Service of North Carolina Encroachment Agreement – The Council entered an easement encroachment agreement with PSNC.

7d. Methodist Church Parking Lot Contract Change Order #2 – The Council approved construction

contract Change Order 2 with Asphalt Experts in the net amount of \$4,421.25 for work in the Methodist Church downtown parking lot project. *A copy of contract change order #2 is incorporated into these minutes as addendum pages.*

7e. Official Zoning Map – The Council adopted Resolution 09-39 recertifying the Official Zoning Map of the Town. *A copy of Resolution 09-39 is incorporated into these minutes as an addendum page.*

7f. Green Oaks Parkway Contract Change Order #4 – The Council approved construction contract Change Order 4 in the amount of \$13,685.11 in the Green Oaks Parkway 4-lane project to add decorative and protective fencing. *A copy of contract change order #4 is incorporated into these minutes as addendum pages.*

7g. Transportation Fee Schedule – The Council amended the Town's fee schedule to correct transportation fees for non-residential development. *A copy of the fee schedule is incorporated into these minutes as an addendum page.*

7h. Main Street Traffic Study – The Council retained the services of Traffic Survey Services in the amount of \$800 for traffic analysis on Main Street.

**8a. Western Wake Regional Wastewater Facilities Project** – Ms. Sudano recommended that the Town amend its professional services agreement with Davis Martin Powell for consultant assistance for the following: continued work necessitated by the Town's participation in the Western Wake Regional Wastewater Facilities project; and – more importantly – continued evaluation and work on the Town's effort to get state permission for continuing its wastewater treatment plant discharge into Utley Creek and/or Harris Lake.

She said the amendment would add \$30,000 to the original contract, for a new total of \$70,000 spent on this scope of work.

Councilman VanFossen asked if the additional work was needed because of added scope of the facility.

Ms. Sudano explained that the amount of work is commiserate with the extended time of the project and with the town's efforts to retain the use of Utley Creek for discharge.

**Action:** The Council approved a motion to approve an amended professional services contract with Davis Martin Powell for the Town's wastewater treatment system and to adopt the related amendment to the FY 2009-2010 budget in the amount of \$30,000.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

*Copies of the amended contract and budget amendment are incorporated into these minutes as addendum pages.*

**8b. Yard Waste Operation Lease Agreement** – Mr. Schifano said the Town has approached a landowner, the Olive Family Land Company, to lease 1.6 acres at 2129 Avent Ferry Road (just past Braxton Village) for use as a staging area for yard waste operations. The town would be paying \$500 per month to the landlord for this lease, which is six months long with an option to extend an additional six months.

**Action:** The Council approved a motion to enter an agreement with Olive Family Land Company for lease of a 1.6 acre portion of property on Avent Ferry Road for a staging area for the town's yard waste operation and to authorize the town manager to sign the lease agreement.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**8c. Clearwire Communications Lease Agreement** – Ms. Moore said the town has been approached by Clearwire Communications, a wireless broadband communications provider, to lease a portion of the School Days Lane water tank. The lease is similar to the one Altell currently has on the Lee Street tank. The lease provides for \$2,000 per month in income to the town, and the company will make all necessary improvements to the tank, which includes a "tank corral" at the top of the tank, which will change the appearance of the top of the tank.

Councilman Dickson said he was concerned that the antennae array would pose a problem because turkey buzzards would light there and leave waste on the ground.

Mr. Schifano said the town's contract for maintenance of the tank could be amended to provide

for power-washing more often and to apply a bird repellent.

**Action:** The Council approved a motion to enter a lease agreement with Clearwire Communications for location of a tank corral antennae array on the School Days Lane water tank and to authorize the town manager to sign the lease agreement.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**8d. Solar Tank Mixer Project** – Ms. Sudano said the Town was awarded an American Resource and Recovery (ARRA) grant/low interest loan (50% / 50%) of \$81,600 for adding a solar tank mixer to the Avent Ferry elevated storage tank.

She said this is the single grant that the town has so far successfully won out of the applications it has made for economic stimulus funding. To date, in order to receive the funding, the Town has contracted with Davis Martin Powell for design of the project.

She said at this time, it is necessary to contract for some additional services to move forward and meet the required bid date of Nov. 20, 2009. The additional services needed are listed in the proposal from Davis Martin Powell and total \$5,550.

The amendment covers construction administration (this is a specialized project) and ARRA compliance documentation.

**Action:** The Council approved a motion to approve amendment #1 to a Davis Martin Powell engineering services contract in the amount of \$5,550 for solar tank mixer project and to adopt a related amendment to the FY 2009-2010 budget in the amount of \$81,600.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

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

**8e. Main Street South Sidewalk Project** – This item was removed from the agenda during agenda adjustment.

**8f. 2008 Annual Resurfacing Project Change Order #2** – Ms. Sudano recommended that the Council consider approval of change order No. 2 for the 2008 Annual Resurfacing project for an additional \$200,000 worth of work to resurface Thomas Mill Road and Irving Parkway.

The additional work would be covered by Powell Bill revenues.

**Action:** The Council approved a motion to approve Change Order #2 to add Thomas Mill Road and Irving Parkway to the contract for the 2008 Annual Resurfacing Project and to adopt an amendment to the FY 2009-10 budget in the amount of \$200,000 to cover the change order.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

**9. Other Business:** Councilman Dickson said he noticed a few years ago that Council had access to the police station with their electronic keys. He said he had called and had had that permission cancelled because he didn't think he should have key access to the police station. He said he would say the same for other council members, who agreed.

Councilman Sack noted that the NCDOT right of way in front of Walmart is in bad shape. Mr. Dean said the town is working with DOT to make improvements or to allow the property owners to do so.

**10. Manager's Report:** Mr. Dean recognized HollyFest staff for a good job and he reminded everyone that the Bass Lake Road bridge will be closed through Nov. 13 for repairs.

**11. Closed Session:** None.

**12. Adjournment:** There being no further business for the evening, the Nov. 3, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by

Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 17, 2009.

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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.**