



## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, April 6, 2010, 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 all five council members were present as the meeting opened.

**Council Members Present:** Councilmen Jimmy Cobb, Parrish Womble, Chet VanFossen and Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Josh Olmeda, IT technician; Mark Andrews, public information officer; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Amy Moore, director of Water Quality; Don Briscar, cultural center manager; Randall Martinez, chief operator at the wwtp; John Herring, police chief; Daniel Weeks, project analyst; Daniel Colavito, environmental technician; and Ricky Parson, code enforcement supervisor.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Ederly of Temple Beth Shalom.

**4. Agenda Adjustment:** The April 6, 2010 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda for discussion:** None.

**Items removed from the agenda:** 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 the Council on any variety of topics not listed on the night's agenda. The following input was recorded.

Ken Webster, 117 Flatrock Lane – Mr. Webster said he supported an amendment to the animal control ordinance to allow backyard hens. He said there are a lot of people in Holly Springs who support urban agriculture and he expressed disappointment that Holly Springs does not allow residents to raise chickens in limited numbers.

He asked the Council members to individually contact him and tell him what it would take to convince him or her to take a different position on the issue.

**6a. Supervisors Academy** – Mr. Weeks explained that, as its name implies, the Holly Springs Supervisor Academy was a training program designed specifically for those employees who

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supervise others (not including department heads or upper management) within the Town of Holly Springs. The Academy covered key supervisory competencies presented during six sessions, over an 18-week period. Topics included (1) Leadership Skills For Effective Supervision, (2) Coaching Employees, (3) Workers Compensation and Safety on the Job, (4) Hiring/Interviewing Skills and Performance Evaluations, (5) Local Government Finance 101, and (6) Discipline and Discharge. Each session drew 25-30 supervisors.

Mr. Weeks said results from a survey conducted following the last session indicated that supervisors gained a lot of knowledge from the classes and also provided ideas for future supervisory training topics.

Mr. Weeks recognized the supervisors who took part in the Academy.

**Action:** None.

**7a. Public Hearing: Utley Creek Wastewater Treatment Plant** – Mr. Holland said that in order to borrow funds for the expansion of the wastewater treatment plant, the Town of Holly Springs must first obtain approval from the Local Government Commission. A step in that application process is to hold a public hearing to receive comments from citizens on the question of whether or not the town should seek installment financing (as opposed to other financing.)

He said following the public hearing, the Council is asked to adopt Resolution 10-10, which states that the Town Council has determined certain findings of fact, including that installment financing is more desirable than other types of financing. The resolution also authorizes the filing of the LGC application.

The Town intends to finance a portion of this project with one borrowing not to exceed \$10,000,000.

He said having received financing terms from a number of different banks, staff recommends that the Council authorize the Town to enter into a loan agreement with BB&T for \$10,000,000 for a period of 18 years at an annual interest rate of 4.9% for expansion of the Utley Creek Wastewater Treatment Plant, pending approval of the LGC.

He said adoption of Resolution 10-11 setting out the financing terms would accomplish that recommendation.

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 adopt Resolution 10-10 authorizing the filing of an application to the LGC for approval of a financing agreement to partially fund the expansion of the Utley Creek Wastewater Treatment Plant.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Resolution 10-10 is incorporated into these minutes as addendum pages.*

**Action #2:** The Council approved a motion to adopt Resolution 10-11 approving financing terms and authorizing the Town to enter into loan agreement with BB&T for \$10,000,000 for a period of 18 years at an annual interest rate of 4.9% for expansion of the Utley Creek Wastewater Treatment Plant, pending approval of the LGC.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Resolution 10-11 is incorporated into these minutes as addendum pages.*

**Action #3:** The Council approved a motion to adopt Resolution 10-12, a reimbursement resolution authorizing the Town to reimburse itself for expenditures in the Utley Creek

Wastewater Treatment Expansion project prior to the loan's closing.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Resolution 10-12 is incorporated into these minutes as addendum pages.*

**7b. Public Hearing: FY 2010-11 Pre-Budget** – Ms. Powell said the public has been invited via the Town's Web site and local media to provide comments on the Town's FY 2010-11 budget. Citizens have been invited to provide input as to what they feel are important programs, facilities or services.

She said the purpose of the pre-budget preparation hearing is to give folks a chance to have input before the budget process actually begins instead of having to wait until the end of the process when it may not be feasible to make adjustments.

She noted that this hearing is being held in addition to – and not instead of – the public hearing that is required by law later in the budget process. That hearing is tentatively scheduled for May 18 or June 8, 2010.

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

Hank Dickson, 504 Sandy Pointe Way – Mr. Dickson addressed the Council, speaking on behalf of the Golden Hawks Club, the athletic booster club of Holly Springs High School.

Mr. Dickson noted a number of reasons why he believes the GHC should receive favorable consideration when it applies for special program grant funding. He said he supported the Town's continuing to include funds in the budget to provide financial support to local non-profit organizations.

*A copy of Mr. Dickson's written comments are incorporated into these minutes as addendum pages*

Glenn Myrto, 408 W. Ballentine Street – Mr. Myrto addressed the Council, saying he feels there should be changes to how some of the town's fees are levied. He said, for instance, administrative fees in the enterprise fund should not be billed to him but included in the taxes he pays.

He asked Council members to examine the budget in detail and find these kinds of fees that he thinks should be lumped into services paid for by tax dollars.

He also asked the Town to consider getting ride of envelopes with cellophane windows, which cannot be recycled and cost more.

He also said he supports Town staff, but he criticized the Council for providing salary increases on merit and for cost of living. Instead, he said, the Council should take that money and provide a tax cut because taxpayers are hurting.

Mayor Sears, in closing the public hearing, said he would support law enforcement programs in the budget.

Councilwoman Williams said she agreed that the Council should try to cut taxes, if possible.

**Action:** None.

**8a. National Pollutant Discharge Elimination System Phase II** – Mr. Colavito explained that the Engineering Department has created various storm water maps in support of the Town's National Pollutant Discharge Elimination System Phase II Storm Water Program. These include: a Town GIS Storm Drainage Map, a Citizen Complaint Map, a Storm Drain Marker Program Map and an update to the Stream Protection Plan.

He said the Town's NPDES Phase II Stormwater Permit mandates that the Town implement six minimum control measures:

1. Public Education and Outreach
2. Public Participation/Involvement

3. Illicit Discharge and Elimination
4. Construction Site Runoff Control
5. Post-construction Runoff Control
6. Pollution Prevention/Good Housekeeping

Mr. Colavito explained the assortment of maps that have been prepared.

**Action:** None.

**9. 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 Councilwoman Williams and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council's regular meeting held on Aug. 18, 2009.

9b. Resolution 10-09 - The Council adopted Resolution 10-09 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 10-09 is incorporated into these minutes as addendum pages.*

9c. Hunt Center Renovation Change Order – The Council approved construction contract change orders in the Hunt Center renovation project, resulting in a contract amount increase of \$62,470.

9d. Alltel Lease Amendment – The Council approved a lease amendment to the Alltel contract for space on the Lee Street water tower and authorized the town manager to sign the lease agreement.

9e. Methodist Church Parking Lot Change Order #5 - The Council approved construction contract change order No. 5 in the Methodist Church Downtown Parking Lot project, providing an extension of time on the project of 60 days.

9f. Budget Amendment, \$8,000 – The Council adopted an amendment to the FY 2009-10 budget in the amount of \$8,000 to receive additional grant proceeds for the Police Department. *A copy of the budget amendment is incorporated into these minutes as addendum pages.*

9g. Budget Amendment, \$325 -- The Council adopted an amendment to the FY 2009-10 budget in the amount of \$325 to accept insurance proceeds for repairs of a police vehicle. *A copy of the budget amendment is incorporated into these minutes as addendum pages.*

9h. Holly Springs Business Park Pump Station Contract Change Order – The Council received the final change order for the Holly Springs Business Park Pump Station project for extra items needed on site, plus a deduction for liquidated damages for late project completion.

9i. Jordan Lake Partnership Amendment, Memorandum of Understanding – The Council approved amended articles in the Jordan Lake Partnership water supply Memorandum of Understanding.

**10a. Parking Time Limit Ordinance** – Mr. Schifano said pursuant to a request from Councilman Womble regarding establishing a time limit for parking on Center Street, this ordinance and resolution were created. In order to establish legally enforceable time restrictions on parking in a designated zone, the town council must first establish an ordinance, then designate a particular parking location as a time-limited zone.

He said this item originally was placed on the March 16 agenda; however, in deference to Councilman Womble, who had requested the item but was absent on March 16, the Council tabled action until April 6.

Mayor Sears said he had contacted some of the business owners on Center Street and of those he contacted, a few said they parked on Center Street but would no longer.

There was much discussion about the added logistics there would be for the police department to enforce the two-hour limit.

Councilman Womble said he felt there mere installation of the parking time zone signs would address the problem of motorists parking all day in front of business on Center Street.

He added the Town would not necessarily have to enforce the time limit unless there was a continuing problem.

**Action #1:** The Council approved a motion to adopt Ordinance 10-02 establishing a parking time zone on town streets.

**Motion By:** Sack

**Second By:** Williams

**Vote:** The motion carried, following a 4-1 vote. Councilmen Cobb, Womble and Sack and Councilwoman Williams voted for the motion. Councilman VanFosser voted against.

*A copy of Ordinance 10-02 is incorporated into these minutes as addendum pages.*

Councilman VanFosser said if the Town were not going to enforce an ordinance, then he was against adopting it.

Councilman Womble said it would help flower shop owner Mr. Dewar, and signs would provide the deterrent needed.

Councilwoman Williams said she feels the Town should have the authority to designate certain streets with limited time parking; however, on the question of Center Street, she said she has driven by several times and has had no problem finding a place to park.

Councilman Sack said he has seen open spaces there as well. He suggested that the Council keep an eye on it and if a true problem is perceived, then the Council can take another look at it.

He added that if citizens experience problems, then they should communicate those issues to the Council. He said the businesses that are impacted also can report problems to the Council.

**Action:** None.

**11a. No Parking Resolution --** Ms. Powell said at the request of Councilman Sack regarding establishing a no parking zone for the circle in front of the Cultural Center and in Sunset Oaks Subdivision in the vicinity of the water park, Resolution 10-13 was created. She said Resolution 10-13 also includes an area on Stinson Avenue that has been a problem area for the W. E. Hunt Community Center.

Mayor Sears noted that the Skygrove segment noted in the resolution probably should be limited to that portion of Skygrove in the vicinity of the water park and not the whole length of street.

**Action:** The Council approved a motion to adopt Resolution 10-13 as amended designating certain areas as No Parking zones.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous.

*A copy of Resolution 10-13 is incorporated into these minutes as addendum pages.*

*Note that Resolution 10-13 was amended later in the meeting to reflect suggestions made by residents of Marsh Landing.*

**11b. Harris Lake Discharge Environmental Assessment –** Ms. Sudano said that recently, after months of effort, the Town received speculative limits from the North Carolina Department of Environment and Natural Resources Division of Water Quality for a possible wastewater discharge into Harris Lake.

She said a wastewater discharge into Harris Lake is an alternative that the Town continues to pursue as it is staff's and management's opinion that it is the most economical and environmentally beneficial method of wastewater treatment for the citizens of Holly Springs. A report on this project was provided to the Town Council at the winter retreat.

She said since receipt of the speculative limits letter just prior to the retreat, town staff has worked with consultants to develop a scope of work for the next step of securing approval of

such a discharge – an Environmental Assessment Amendment (EAA).

The cost of the work would be \$64,000. Mr. Dean noted that the environmental assessment would be the first step in the Town's efforts to divert its wastewater treatment plant discharge into Harris Lake... a project that would save the town a minimum of \$20 million in costs over participation in the Western Wake Partnership.

Ms. Sudano said that Davis, Martin and Powell (DMP) is the selected lead consultant for this project, with Carolina Eco Systems as a sub-consultant. DMP was the author of the first EA that is being amended and was, therefore, selected by staff and the manager for this work.

**Action:** The Council approved a motion to enter a contract with Davis, Martin and Powell at a cost of \$64,000, to prepare a Harris Lake discharge environmental assessment.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

**11c. League's Municipal Environmental Assessment Coalition** – Ms. Sudano said in accordance with an Environmental Protection Agency mandate, the North Carolina Department of Environment and Natural Resources Division of Water Quality has initiated a review and modifications to the state's existing surface water quality standards, especially with respect to the various metals and nutrient chlorophyll-a.

She said the N.C. League of Municipalities, recognizing the potential significant expense and impact on municipalities, has created a Municipal Environmental Assessment Coalition (MEAC) which will consist of a group of member municipalities that will fund a technical study, review and recommend regarding the proposed water quality standards changes.

She said staff and management feel that participation in this initiative is particularly important as the potential impact to Holly Springs would be quite expensive. Expenses from the modifications could range from additional capital upgrades to the Town's wastewater treatment plant, more restrictive storm water program rules, additional development regulations such as expanded riparian buffers, and further restriction of biosolids land application practices.

The League has requested both representation and a small financial commitment from any municipality that desires to participate. Costs are based upon population. Town staff and management believe that this is a very important committee to join and to support.

The financial commitment totals \$1,000, with \$500 due now and \$500 due next fiscal year.

**Action:** The Council approved a motion to enter into an inter-agency agreement with the North Carolina League of Municipalities for Holly Springs to participate in the League's Municipal Environmental Assessment Coalition.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

**12. Other Business:** Councilman Sack reminded the public that the Certificate of Need hearing for the operating rooms to be allocated is set for 12:30 p.m. April 19 at Cameron Village Regional Library. He noted that Rex is making a bid for two hospital beds for its urgent care facility in Holly Springs.

Mayor Sears reminded the public to respond to the 2010 Census.

**13. Manager's Report:** Mr. Dean advised the Council of the League's regional meeting set for April 13 in Lillington.

**14. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to NCGS 143-318.11(a)(4) to consult with the Town attorney regarding a matter of economic

development.

**Motion By:** Sack  
**Second By:** Williams  
**Vote:** Unanimous.

**General Account, Closed Session – April 6, 2010**

In Closed Session, the Council discussed with the Mr. Schifano, Mr. Dean and Ms. Mizelle a matter of possible economic development incentives that could be offered to encourage Novartis Diagnostics and Vaccines to expand its operations in Holly Springs.

After explanations and discussion, Council came to a decision, and the minutes of those proceedings were sealed until such time as the purpose of the Closed Session would not be frustrated.

**Action:** The Council approved a motion to seal the minutes of the Closed Session until such time as the purpose of the Closed Session would no longer be frustrated.

**Motion By:** Sack  
**Second By:** Womble  
**Vote:** Unanimous.

**Action:** The Council approved a motion to return to Open Session.

**Motion By:** VanFossen  
**Second By:** Sack  
**Vote:** Unanimous.

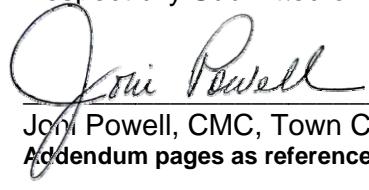
-- **End General Account**

**Action:** In Open Session, the Council reconsidered Resolution 10-13 and further amended it to remove Skygrove since residents there said it would not be a problem.

**Motion By:** VanFossen  
**Second By:** Sack  
**Vote:** Unanimous.

**15. Adjournment:** There being no further business for the evening, the April 6, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, April 20, 2010,

  
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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.

