



September 7, 2010

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Sept. 7, 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, Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Chuck Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Laura Powell, planner I; Amy Moore, water quality director; Tom Harrington, information technology technician; Barry Jaked, videographer; Cecil Parker, fire chief; and Stephanie Sudano, director of engineering.

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

**4. Agenda Adjustment:** The Sept. 7, 2010 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** 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 address the Council on any variety of topics not listed on the night's agenda.

Edward Cotten, 5329 Peacrest Drive – Mr. Cotten addressed the Council saying that he represented his 95-year-old mother, Ms. Wilbert G. Cotten, living at 155 West Holly Springs Road, Dorothy Nixon Allen Manor. He said that on Aug. 6, his mother was assaulted. The assault was reported to the Holly Springs Police Department, but he said he felt that he had been given the run-around and that the case was improperly investigated. He said he wanted the case to be reopened for a more thorough investigation.

Council members expressed concern for Ms. Cotten and said the investigation would be reviewed.

**6a. Constitution Week Proclamation** – Mayor Sears presented a proclamation designating the week of Sept. 17, 2010 as Constitution Week. He said the American Constitution was signed by the Continental Congress on Sept. 17, 223 years ago. The history of this document

**Sept. 7, 2010 Town Council Meeting**

**Page 1**

and the spirit of those who framed it are kept alive by the Daughters of the American Revolution, which has members who reside in Holly Springs.

**Action:** None.

**7a. Public Hearing: Fire Truck Piggyback Bid** - Mr. Schifano said that Wake County in April 2010 underwent a competitive bidding process for new fire trucks. He said the process was rather extensive and open to all manufacturers of fire trucks. Several vendors responded, and the lowest responsible responsive bidder was Pierce Manufacturing of Appleton, WI.

Mr. Schifano said North Carolina bidding laws allow the Town to take advantage of the work done by Wake County by "piggybacking" off the Wake bid, so long as 1) the company is willing to honor terms as favorable as the Wake County bid; 2) we advertise the bid; 3) we hold a public hearing on the matter; and 4) the town council determines that this process is in the best interest of the town.

Chief Parker gave a brief description of the bidding process for purchasing fire trucks. He said the town has purchased three trucks from Pierce Manufacturing in the past.

There was a brief discussion of which fire trucks would be eliminated.

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:** The Council approved a motion to award the bid to Pierce Manufacturing, Inc. of Appleton, WI for the purchase of a 2010 pumper fire truck.

**Motion by:** Sack

**Second by:** VanFosson

**Vote:** Unanimous.

**8. 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 Womble and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held Aug. 3, 2010.

8b. Resolution 10-25 – The Council adopted Resolution 10-25 directing the town clerk to investigate the sufficiency of annexation petition A10-05 and setting a public hearing on the question of annexation for Tuesday, Sept. 21, 2010. *A copy of Resolution 10-25 is incorporated into these minutes as an addendum page.*

8c. Budget Amendment, \$3,300 – The Council adopted an amendment to FY 2010-11 budget in the amount of \$3,300 to receive insurance and sales proceeds from the sale of a damaged truck. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8d. Budget Amendment, \$4,890 – The Council adopted an amendment to FY 2010-11 budget in the amount of \$4,890 to receive insurance proceeds following lightning damage. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8e. Novartis Reclaimed Water Use Agreement - The Council approved to enter a major user agreement with Novartis for use of the Town's reclaimed water system.

8f. Enforcement Response Plan – The Council approved amendments to the Enforcement Response Plan to remain compliant with evolving State and Federal regulations.

**9a. 03-PUD-01-A06, Twelve Oaks PUD Amendment** – Ms. Powell said a proposed amendment to the Twelve Oaks Planned Unit Development would add an additional townhome product that would be permitted in the MF-3 phase only of the subdivision (as shown on Sheet C-7.0 of the PUD package.) This townhome product would feature two- and three- family dwellings and detached garages accessed by a rear alley. The detached garage is why the applicants are requesting an amendment. To fit that on the lots, they need to create criteria for

reduced setbacks.

She said in addition, the applicant has requested an exception to the Engineering Design and Construction Standards necessary to accommodate this product change.

This exception would be to allow a reduction in the required driveway length. In Section 3.02F, a residential driveway is required to have a minimum driveway length of 20 feet provided between any building and the right-of-way line for single-width parking areas and 25 feet for double-width parking areas. Any reduction to this minimum driveway length requires that an exception be approved by the Town Council.

Ms. Powell said this project would not meet the required 25-foot driveway length for a 2-car garage unit.

Ms. Goodson said that this minimum standard is in place to address previous situations in the town where cars parking in shorter spaces have obstructed the alley and prohibited garbage collection vehicles from being able to collect garbage. The applicant has made several changes to the plans in an attempt to address these concerns by adding signage for no parking in the alley, incorporating into the HOA documents a plan for enforcement when vehicles are found blocking the alley, and adding an additional parking pad to each unit.

She said that engineering staff does not normally support an exception to this standard due to the problems it causes residents; however, the developer has provided ways to address the problems that occur, so staff is comfortable with the exception.

Councilman Womble asked who would be enforcing the no-parking areas.

Ms. Powell said that the Home Owners Association would be enforcing all the parking issues.

**Action #1:** The Council approved a motion to approve an exception to the Engineering Design and Construction Standards Section 3.02F in association with Planned Unit Development Amendment #03-PUD-01-A06 for Twelve Oaks to reduce the required driveway length as submitted by Tom Spaulding of Spaulding & Norris, PA, Project Number 410-02 , dated 8/12/10.

**Motion by:** VanFossen

**Second by:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to approve Planned Unit Development Amendment #03-PUD-01-A06 for Twelve Oaks as submitted by Tom Spaulding of Spaulding & Norris, PA, Project Number 410-02 , dated 8/12/10 with the following condition:

1. All previous conditions for the Twelve Oaks PUD will apply to this amendment.

**Motion by:** VanFossen

**Second by:** Womble

**Vote:** Unanimous.

**9b. Main Street South Sidewalk Project** – Mr. Schifano said the Town entered into an agreement with NCDOT on June 11, 2009 for an 80% - 20% funding agreement in the Main Street South Sidewalk project. In this agreement, 20% of the project construction cost of \$400,000 would be paid by the town, after design and right of way were completed by the town.

He said staff has been contacted by NCDOT, and the agency has indicated that if the Town can complete all pre-construction activities by Nov. 12, the NCDOT would be able to reimburse 100% of the project costs.

Plats have been finalized, and some minor plan revisions are being made, so right of way acquisition can take place in the near future when construction drawings are 100% complete. While the timeframe is aggressive, staff feels it is possible to meet the Nov. 12 deadline.

The agreement sets forth the deadline, which if it is not met, reverts the project back to the 80-20 cost share.

**Action:** The Council approved a motion to enter an amended municipal agreement with NCDOT for full reimbursement of the Main Street South sidewalk project.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**Action:** At this time, the Council approved a motion to recuse Councilman Womble from the meeting due to his personal association with the project as a property owner.

**Motion By:** Sack

**Second By:** VanFosser

**Vote:** Unanimous

**9c. Main Street South Sidewalk Project Budget Amendment** – Ms. Parrish said that staff has completed 90% construction plans and contract documents for the previously-approved five-foot concrete sidewalk that will be installed from Ballentine Street south to G.B. Alford Highway where it will tie into the existing sidewalk at Main Street Square.

She said this project will be funded by an 80/20 grant from NCDOT; however, if certain pre-construction tasks are completed by a November deadline, NCDOT has indicated that it would reimburse the Town 100% of the estimated \$400,000 construction costs.

She referred to the updated engineer's estimated budget for the project. The last budget amendment was approved Nov. 3, 2009. She presented a budget amendment to add right of way cost and materials and testing services, totaling \$99,900.

The right of way costs will allow the Town to initiate property acquisition as soon as possible. This project is projected to go to construction in the spring of 2011.

**Action:** The Council approved a motion to adopt amendments to the FY 2010-11 budget in the amount of \$99,900 to cover right of way and materials and testing costs in the Main Street South sidewalk project

**Motion By:** VanFosser

**Second By:** Cobb

**Vote:** Unanimous

*Copies of the budget amendments are incorporated into these minutes as addendum pages.*

**Action:** The Council approved a motion to readmit Councilman Womble into the meeting.

**Motion By:** Sack

**Second By:** VanFosser

**Vote:** Unanimous

**10. Other Business:** Councilman Sack said that he attended the Town's first Transportation Advisory Committee meeting with town staff and Kimley-Horn and Associates, the firm retained in July by Council to prepare the Town's transportation plan. He reported that there will be a survey on the Town's website for public input and a public workshop at the Holly Springs Cultural Center from 5 to 7 p.m. Sept. 28.

Councilwoman Hunt-Williams encouraged the town to be more aware of the crime of human trafficking as emphasized by the Triangle J Council of Governments.

Councilman Womble asked that the pad of concrete be removed from the corner of Elm Street and S. Main Street. He said it makes it difficult for motorists to make a right turn onto Elm Street.

**11. Manager's Report:** Mr. Simpson invited Council members to the retirement party for

Aubrey Bridges scheduled for 2 to 3 p.m. Sept. 22 at Bass Lake Retreat Center.

He also invited Council members to the Dog Day in the Park event scheduled for Sept. 24-26 at Womble Park.

Ms. Capp gave a report on the chili cook-off event scheduled for Sept. 18 at the Farmer's Market.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the Sept. 7, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, Sept. 21, 2010,

*Linda R. Harper*

Linda R. Harper, CMC, Deputy Town Clerk

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

