



July 19, 2011

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 19, 2011 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick 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: Mayor Dick Sears and Councilwoman Linda Hunt Williams, and Councilmen Jimmy Cobb, Parrish Womble, Chet VanFosson and Tim Sack.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Len Bradley, director of parks and recreation; Gina Clapp, planning and zoning director; Laura Powell, planner I; Jenny Mizelle, director of economic development; Stephanie Sudano, director of engineering; Niki Litts, communications specialist; Don Briscar, cultural center director; Jeff Wilson, information technology 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. Doug Parlin of South Wake Baptist Church.

4. Agenda Adjustment: The July 19, 2011 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. The following input was recorded: None.

6a. Holly Springs High School Golden Hawks Baseball Team Recognition – Mayor Sears said the Holly Springs High School Golden Hawks baseball team earned the school's first team state championship in any sport after a successful season that culminated in June with the North Carolina High School Athletic Association state championship tournament at Five County Stadium.

He said to clinch the title, the Hawks won Game One Friday night 4-0 and then finished off Asheville's T.C. Roberson with an 11-5 win.

In the school's only fifth year of existence, the baseball team was 27-2 for the season, and ended the year on a 21-game win streak, he added.

To help these student athletes to always remember their accomplishment and to remind them that they always are welcomed in their hometown – no matter how far away they go or

what the future holds for them – Mayor Sears presented to the team the Key to the Town of Holly Springs. The team received a framed commemorative key, and each student and staff member received an individual miniature version.

Coach Rod Whitesell leads the Golden Hawks and said the kids worked hard in practice last year and had a successful season because of their dedication. He thanked Town staff, My Way Tavern, Four Oaks Bank and Len Bradley and the Holly Springs Parks and Recreation Department.

He also thanked the town for the recognition.

Action: None.

7a. African-American Cultural Festival of Raleigh and Wake County – Mr. Ken Martin, representing the African-American Cultural Festival, said the festival will be held in Raleigh Sept. 2-4 and is seeking a grant contribution from the Town of Holly Springs of \$1,000. Mr. Martin said the plan would be to use \$500 in funding this year and then save the remaining \$500 to be used next summer so that AACFRWC can then join the regular grant application schedule in 2012, presuming the grant program will be continued.

There was much discussion aimed at trying to discern the direct benefit to Holly Springs residents.

In the end, Council consensus was that the group should submit a grant application along with all other organizations. This will be about mid-October.

Action: None.

8a. Public Hearing: Annexation Petition A11-02 – Ms. Laura Powell said the Town has received a petition for voluntary annexation of approximately 14.455 acres located in the Holly Springs Industrial Park. The property owners are Monica Ruth Howard and Tammy Denise Exum.

She said the petition meets all the statutory requirements for annexation.

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 adopt Annexation Ordinance A11-02 annexing approximately 14.455 acres owned by Monica Ruth Howard and Tammy Denise Exum, and more particularly described as Wake County PIN: 0649.03-11-9084, into the corporate limits of the Town of Holly Springs.

Motion By: VanFosson

Second By: Womble

Vote: Unanimous

A copy of Annexation Ordinance A11-02 is incorporated into these minutes as addenda pages.

8b. Public Hearing: Rezoning Petition #11-REZ-05 - Ms. L. Powell said that the town has received a request to rezone approximately 14.45 acres from R-30: Residential upon annexation to PUD: Planned Unit Development. The subject parcel is located adjacent to the Holly Springs Business Park. The applicant concurrently has filed a PUD Amendment to allow the subject parcel to become part of the Holly Springs Business Park PUD.

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-30 Residential to PUD Planned Unit Development is consistent with Vision Holly Springs: Comprehensive Plan since the plan designates this area AS Business Park.”

Motion By: Cobb
Second By: Womble
Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 11-REZ-05 for Zone Map Change Petition #11-REZ-05 to change the zoning of PIN# 0649119084 from R-30: Residential to PUD: Planned Unit Development.

Motion By: Cobb
Second By: Womble
Vote: Unanimous

A copy of Ordinance 11-REZ-05 is incorporated into these minutes as an addendum page.

8c. Public Hearing: Installment Financing for Town Property – Mr. Schifano said in June, staff provided the Town Council with a resolution facilitating installment financing for the purchase of the Wright-Stafford land as had been previously approved by the Council. Because the loan is over only a three-year term, the financing does not require Local Government Commission review and approval; however, a public hearing still is required. Staff neglected to direct the Council to a public hearing, so this hearing will, in effect, be a do-over of adoption of the resolution, together with a reimbursement resolution so that the installment financing will be conducted properly.

He said the Town received a proposal from RBC Centura Bank for the financing of the Wright-Stafford land. The 17.5 acres was appraised at \$1.3 million and is being made available to the Town for \$550,000 in cash, together with acknowledgement of the owner's donation of \$750,000 worth of property.

RBC Centura responded with favorable loan terms for a 36-month note. RBC will lend the Town \$550,000 at an annual interest rate of 2.08% for three years.

He said following the public hearing, the Council is asked to adopt Resolution 11-20.1 which is an amended version of and would replace the previously-approved Resolution 11-20, which states that the Town Council has determined certain findings of fact, including that installment financing is more desirable than other types of financing.

Resolution 11-23, a reimbursement resolution, would allow the Town to reimburse itself from installment financing proceeds for any expenditures on the project prior to the loan's closing, Mr. Schifano added.

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 11-20.1 approving financing terms and authorizing the Town to enter into loan agreement with RBC for \$550,000 for a period of 3 years at an annual interest rate of 2.08% for the purchase of 17.5 acres.

Motion By: Sack
Second By: Cobb
Vote: Unanimous

A copy of Resolution 11-20.01 is incorporated into these minutes as addenda pages.

Action #2: The Council approved a motion to adopt Resolution 11-23, a reimbursement resolution authorizing the Town to reimburse itself for expenditures in the Wright-Stafford land purchase project prior to the loan's closing.

Motion By: Sack
Second By: Cobb
Vote: Unanimous

A copy of Resolution 11-23 is incorporated into these minutes as an addendum page.

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. Budget Amendment Report – The Council received a monthly report of amendments to the FY 2010-11 budget approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

9b. Town of Lillington Building Inspections Inter-local Agreement – The Council approved to enter into a modified interlocal agreement with the Town of Lillington to provide Lillington with building inspections services at a rate of \$33,000.

9c. Resolution 11-24 – The Council adopted Resolution 11-24 directing the town clerk to investigate the sufficiency of annexation petition A11-04 and setting a public hearing on the question of annexation for Tuesday, Aug. 2, 2011. *A copy of Resolution 11-24 is incorporated into these minutes as addenda pages.*

9d. Resolution 11-25 – The Council adopted Resolution 11-25 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 11-25 is incorporated into these minutes as addenda pages.*

9e. Synagro Contract Renewal - The Council approved to renew the Town's contract with Synagro for residuals management.

9f. Budget Amendments – The Council adopted amendments to the FY 2011-12 budget for \$56,500 to carry over \$46,500 from the prior year's fund balance and \$10,000 from Parks and Recreation Reserves for the purchase of a modular restroom. *Copies of the budget amendments are incorporated into these minutes as addenda pages.*

9g. Grigsby Avenue Sidewalk Project – The Council approved a supplemental grant agreement in the Grigsby Avenue sidewalk project.

9h. Resolution 11-26, Policy Statement P-39 Amendment – The Council adopted Resolution 11-26 amending P-38, Water Shortage Policy, a water shortage response plan. *Copies of Resolution 11-26 and Policy Statement P-38 are incorporated into these minutes as addenda pages.*

9i. Friendship Certified Site - The Council approved an amendment to the existing professional services agreement with Withers and Ravenel in the amount of \$60,000 for required utility design and planning.

9j. Budget Amendment, \$15,305 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$15,305 to receive insurance proceeds for tornado damage. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

10a. Holly Springs Business Park PUD Amendment, 01-PUD-03-A03 – Ms. L. Powell said the Holly Springs Business Park Planned Unit Development (HSBP-PUD) was approved by the Holly Springs Town Council on Nov. 19, 2002 and was last amended in 2006. The HSBP-PUD is a 248-acre business park with a mix of commercial, office, flex space and manufacturing uses. The HSBP-PUD was developed by the original property owner to create a master development plan for the remaining acreage of the business/industrial land in this area for marketing and development purposes.

Ms. Powell said the proposed amendment to the existing HSBP-PUD that has been submitted to the Town is for the addition of the subject parcel, approximately 12.5 acres, to allow for a potential future Novartis facility expansion.

Ms. Powell explained that approval of the Planned Unit Development District does not grant approval for construction or development of the property. Once the master plan for the Planned Unit Development is approved, the developer would be required to submit detailed subdivision plans and development plans as development occurs to ensure compliance with the approved PUD master plan and other adopted Town ordinances and policies.

Action: The Council approved a motion to approve Planned Unit Development #01-PUD-03-A03 for Holly Springs Business Park as submitted by Spaulding & Norris, PA, Project Number 236-00, dated 6/13/11 with the following condition:

1. All previous conditions for the Holly Springs Business Park PUD will apply to this amendment.

Motion By: Womble

Second By: Cobb

Vote: Unanimous.

10b. Holly Springs Parks and Recreation Advisory Committee Appointments - Mr. Bradley said that three terms on the Parks and Recreation Advisory Committee expired on June 30, 2011. Two current members have re-applied for their seats. A third member has decided not to re-apply. The Parks and Recreation department received seven applications for the three open seats.

Action: The Council approved a motion to reappoint incumbents Peter Koutroumpis and Kari McCloud to the Holly Springs Parks and Recreation Advisory Committee for terms to expire June 30, 2014.

Motion By: Sack

Second By: Womble

Vote: Unanimous

Action: The Council approved a motion to appoint applicant Winston Shade to the Holly Springs Parks and Recreation Advisory Committee for a term to expire June 30, 2014.

Motion By: Sack

Second By: Williams

Vote: Unanimous

10c. Utley Creek Discharge Contract – Ms. Sudano said that over the past year, the Town has continued to pursue approval from the North Carolina Department of Environment and Natural Resources for its wastewater discharge into Utley Creek to be expanded and to remain in Utley Creek. The approval sought from the State is in the form of :

- issuance of a FONSI (Finding of No Significant Impact) subsequent to review of an environmental assessment document; and
- issuance of an National Pollutant Discharge Elimination System permit for 8 mgd.

She said this past January – under the base contract for this addendum - CH2MHill was hired to be a more active part of the consultant team for this project, allowing overview and more direct communication with the state directly on this matter. CH2MHill already was performing related monitoring and modeling in Utley Creek and Harris Lake and was a primary consultant on related work performed under the regional project when Holly Springs was a partner.

Much progress has been made since Council approved the base proposal with CH2MHill in January. Highlights/very major milestones:

- completion of and submittal of an Utley Creek model and technical memo to the state;
- receipt of speculative limits for a discharge into Utley Creek just below Greentree Reservoir;
- coordination with the State on scope and direction of EA/EAA (environmental documents) revisions;
- submittal of revised environmental documents to state for review;

Ms. Sudano said this addendum is for additional services that are necessary to accomplish the two goals listed above. The total amount of the proposal is \$30,500. (This will bring the "not to exceed" contract amount to a total of \$60,500.)

Action: The Council approved a motion to approve an addendum to an existing CH2MHill contract, contract amount not to exceed \$60,500 and to adopt a budget amendment in the amount of \$30,500.

Motion By: Williams

Second By: Cobb

Vote: Unanimous

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

11. Other Business: Councilman VanFossen asked for right of way clearance on Crossway Drive.

Councilman Womble asked if it would not be a good idea to use the Town's Main Street property for a new police station. He said the property behind the original lot has a lower elevation and would provide an ideal foundation for a basement to secure items involved in investigations and safety shelter during storms and other disasters.

Councilman Womble also suggested that the Council consider a no smoking ordinance for the Town's parks.

Councilman Sack asked if the Independence Day fireworks could be held on July 4 instead of July 5.

12. Manager's Report: Mr. Dean reported on the farmers market.

13. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to NCGS 143-318.11(a)(4), to discuss matters regarding a prospective industry.

Motion By: Cobb

Second By: Williams

Vote: Unanimous.

General Account Closed Session – July 19, 2011

In Closed Session, the Council received an update on a potential new industry in Holly Springs.

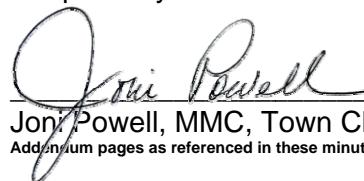
-- End of the General Account

No further action was taken in Closed Session other than the motion to return to Open Session.

Councilman VanFossen made a motion to return to Open Session, and it was seconded by Councilman Sack. The vote was unanimous in favor of the motion.

14. Adjournment: There being no further business for the evening, the July 19, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Sept. 6, 2011.



Joni Powell, MMC, Town Clerk
Addendum pages as referenced in these minutes follow and are a part of the official record.

