

# Holly Springs Town Council Minutes

## Special Meeting (called to hold regular meeting at adjusted time) July 18, 2006

The Holly Springs Town Council met in a duly-called special session on Tuesday, July 18, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. The purpose of the special meeting was to conduct the regular business meeting at a new time. Mayor Dick Sears presided, calling the meeting to order at 5:00 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened. A quorum of the Planning Board also was established as seven members were in attendance.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Peter Atwell and Hank Dickson and Mayor Sears.

**Council Members Absent:** None.

**Planning Board Members Present:** Matt Johnson, Joe Signoretti, Joe Fanjoy, Raymond Cordon, Deidre Brice, Tim Sack, and Glenn Myrto.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk, (recording the minutes); Joni Powell, town clerk; Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Alison Huffman; Planner I; Cecil Parker, fire chief; Ricky Blackmon, director of code enforcement; Mark Andrews, public information officer; John Herring; chief of police; Len Bradley, parks and recreation director; Donald Powell, rescue technician; Heather Keefer, environmental inspector; Rodney Campbell, development administrator; Kendra Stephenson, senior engineer; Elizabeth Goodson, development review engineer; Daniel Weeks, project analyst; Thomas Tillage, water quality director; Amy Moore, water lab technician; Luncie McNeil, public works director; and Jenny Mizelle, director of economic development.

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

**4. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda, recusing Councilman Chet VanFossen and Mayor Dick Sears from the meeting for Item 4h on the Consent Agenda.

**Motion By:** Councilman Dickson

**Second By:** Councilman Atwell

**Vote:** Unanimous.

The following actions were affected:

4a. Minutes - The Council approved the minutes of the council's regular meeting held on June 6, 2006.

4b. Resolution 06-32 - The Council adopted Resolution 06-32 directing the town clerk to investigate the sufficiency of annexation petition A06-11 and setting a public hearing on the question of annexation for Tuesday, August 1, 2006. *A copy of Resolution 06-32 is incorporated into these minutes as an addendum page.*

4c. Resolution 06-33 - The Council adopted Resolution 06-33 directing the town clerk to investigate the sufficiency of annexation petition A06-12 and setting a public hearing on the question of annexation for Tuesday, August 1, 2006. *A copy of Resolution 06-33 is incorporated into these minutes as an addendum page.*

4d. Resolution 06-34 - The Council adopted Resolution 06-34, a reimbursement resolution for various projects to be funded by \$2.85 million in water bonds. *A copy of Resolution 06-34 is incorporated into these minutes as addendum pages.*

4e. Land Application Services Contract - The Council approved a two-year contract with Synagro for land-application services. *A copy of the draft contract is incorporated into these minutes as addendum pages.*

4f. School Resource Officers - The Council approved to enter an agreement with Wake County School System and adopted a budget amendment in the amount of \$88,800 to provide two new school resource officers. *Copies of the agreement and budget amendment are incorporated into these minutes as addendum pages.*

4g. Budget Amendment \$2,400 - The Council adopted an amendment to the FY 2006-07 budget in the amount of \$2,400 to accept insurance proceeds for repairs to a police vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

4h. Twelve Oaks Subdivision Development Agreement Amendment - The Council approved amendments to an agreement with the developer of Twelve Oaks subdivision. *A copy of the agreement amendment is incorporated into these minutes as an addendum page.*

Councilman Dickson made a motion to readmit Mayor Sears and Councilman VanFossen into the meeting, and the motion was seconded by Councilman Atwell. The vote carried unanimously.

**5a. Public Hearing: Public Works Equipment Purchase** - Mr. McNeil explained that the public works department is seeking to purchase a Nu Life Model G2224B hydraulic knuckle boom loader and 18 ft. trash body mounted on a new 2006 Ford F750 XLT cab-chassis.

Mr. McNeil said that recently the County of Lancaster in South Carolina bid this same equipment and received a low bid of \$88,425

from Public Works Equipment and Supply Inc. of Monroe, NC.

He said Public Works Equipment and Supply, Inc. has agreed to extend to Holly Springs the same prices and terms set forth in its contract with the County of Lancaster, entered into on March 27, 2006.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to grant the Town of Holly Springs a waiver from the competitive bidding process by authoring a contract to purchase a Nu Life Model G2224B hydraulic knuckle boom loader and 18 ft. trash body mounted on a new 2006 Ford F750 XLT cab-chassis in the amount of \$88,425.00 from Public Works Equipment and Supply, Inc. of Monroe, NC, which extends the same prices and terms set forth in its contract with the County of Lancaster, SC, entered into on March 27, 2006.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

*A copy of the bid term sheet is incorporated into these minutes as an addendum page.*

**5b. Public Hearing: 06-REZ-09, Townes in the Village** – Ms. Huffman explained that the Town had received a request to rezone 4.423 acres on Avent Ferry Road from R-15, single family residential to R-MF-8, multi-family, which allows 8 dwelling units per acre. The remaining .7 acres in the tract located closest to Avent Ferry Road is to remain zoned as R-15, she added.

Ms. Huffman said R-MF-8: residential multi-family for this land would be compatible with the Ten-Year Comprehensive Plan Land Use and the Village District Area Plan. She said staff and the Planning Board are recommending approval.

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

Lori Stokes, 617 Avent Ferry Road -- Ms. Stokes said that her major concerns were the potential increase in traffic, maintaining the character of the neighborhood and road widening in front of her home, which is across the street from the subject property.

Gregory Schmidt, 108 Marmalade Court – Mr. Schmidt said he was concerned that when the property is developed, that it would create storm water problems and would increase the density in that area. Mr. Schmidt said that the surrounding properties are zoned R-15: residential.

Councilman Atwell explained that the petition before the Board is to consider the zoning of the property and not the actual development specifics of the property. He explained that specific concerns such as storm water effects, density and traffic are considered by the Council at the site plan stage and that the law requires that the question of zoning be isolated to only the question of whether or not the requested zoning would be appropriate.

Rebecca Victory, 116 Marmalade Court – Ms. Victory said that she also was concerned about the storm water run-off once the property was developed, and the number of proposed multifamily units, the access points into the development, and the potential of decrease of her property value.

Councilman Atwell said that the number of units, the storm water and drainage would be addressed during the preliminary plan review process at a later council meeting.

Councilman VanFosser asked about a 20' easement located to the rear of the property.

Kenneth Jarvis of 716 Avent Ferry Road -- Mr. Jarvis, who is the property owner and applicant, addressed the Council to confirm that there was a 20' easement toward the rear of the property. Mr. Jarvis said that his plans are to sell the property and to encourage the buyer to design a development that would be compatible with the surrounding dwellings in the neighborhood. He added that his own home, a restored older home with its own history, is located on the property, so he is very interested in a quality development next door.

There being no further input, the public hearing was closed.

**Action #1:** The Council approved a motion that the following statement is true: The zone map change is consistent with the Holly Springs Ten-Year Comprehensive Plan and the Village District Area Plan in that it preserves the attached housing residential designation for the use of the property.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve Zone Map Change Petition 06-REZ-09 to change the zoning of 4.423 acres of Wake County PIN # 0648-89-0615 from R-15: Residential to R-MF-8: Residential Multi-Family and the remaining .7 acres of Wake County PIN # 0648-89-0615 to remain R-15: Residential as submitted by Kenneth and Janet Jarvis.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous.

**5c. Public Hearing: Ordinance 06-14, (06-UDO-04) Amendment** – Mr. Jones asked the Council to open the public hearing and continue it until the Aug. 1 meeting. He said the delay would allow for more time for discussion and comments.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

**Action:** The Council approved a motion to continue the public hearing on Ordinance 06-14, (06-UDO-04), amending the Unified Development Ordinance, Section 7.03, sign regulations until the August 1, 2006 Town Council meeting.

**Motion By:** VanFosser

**Second By:** Atwell

**Vote:** Unanimous

**5d. Joint Public Hearing: Holly Springs Business Park PUD Amendment** – Ms. Bobber explained that the Holly Springs Business Park Planned Unit Development (HSBP-PUD) was approved by the Council on November 19, 2002.

She said with the Town's assistance in marketing this property, it has come to staff's attention that the PUD's height and building size regulations for the "manufacturing" portions do not meet industry standards and does not lend the property for manufacturing as specified in the PUD and approved by the Town Council. Therefore, the Town is proposing a change to the zoning requirements of the PUD to change the maximum building height from 75' to 130'; and to add the words "Maximum Building Size: None."

Glenn Myrto, a Planning Board member, addressed the Council to ask about the possibility of a future park around the existing Thomas Mill Pond.

Ms. Bobber explained that the proposed amendment would not affect the proposed improvements of the pond.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to forward Holly Springs Business Park Planned Unit Development Amendment Petition #01-PUD-03-A01 to the Holly Springs Planning Board for review and recommendation at its July 25, 2006 meeting.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

**5e. and 5f. Public Hearings: Holly Springs Business Park Economic Project** – Ms. Mizelle said the purpose of the hearings is to receive public input on a proposed economic development incentive plan that would develop a large portion of the Holly Springs Business Park for the Novartis site.

She said the first hearing is to receive input on the Town's intent to purchase 167 acres in the business park. The second public hearing will be to receive input on the Town's granting the 167 acres plus \$1 million to be used for site improvements to a new company locating in Holly Springs.

She noted that the hearings are being held now that the project known as Aardvark since September 2004 has been formally announced by Gov. Mike Easley to be Novartis Vaccine and Diagnostics, which will be locating in Holly Springs. The company promises to bring jobs and tax base to Holly Springs on a historic level.

Ms. Mizelle emphasized that the Town has been working for the past six years to position itself as attractive to the biotechnology industry.

Mr. Weeks reviewed the property tax revenue projections of the project; the history and ranking of Novartis Vaccines & Diagnostics and the IMPLAN economic impact modeling system. He explained the employment impacts of the industry on Holly Springs on a year-by-year basis until all phases are completed and the types of positions and the average salary. Mr. Weeks also explained the impacts the new industry would have on local businesses in Holly Springs and in Wake County.

Mr. Dean said the first public hearing is to receive input on the Town's expenditure of \$7,274,520 from the general fund, as funded by installment financing for a term of 10 years at 4.58%, for the purchase of 167 acres of raw land in the Holly Springs Business Park, along with \$1 million for site improvements.

Mr. Dean explained to the Council that these proposed funds are for construction of roads, water and sewer infrastructure to that property. He said that a proposed new pump station would serve that site and surrounding areas for future growth.

Mr. Dean said that there are numerous grants the Town is working on, and because of the size of the building, the Town will be purchasing a 100-foot ladder fire truck with part of the grant money.

Councilman DeBenedetto asked Mr. Dean if this project would set back the current or future projects that are under construction and the effect it would have on the quality of life and if it meets the long range plans for Holly Springs.

Mr. Dean said that the Town has a good cash flow to meet the town's needs and that the granting would not interfere with other town projects.

Mr. Dean explained the construction process for the company and that it would be 2 or more years before the company will actually produce product.

Mayor Sears at this time introduced representatives of Novartis Vaccines & Diagnostics.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** None.

Ms. Mizelle explained that the second public hearing is to receive input on the Town's grant of 167 acres, along with a grading allowance of \$1 million from the general fund, to Novartis Vaccines and Diagnostics Inc. for the purposes of economic development, which shall increase the ad valorem tax base of the Town of Holly Springs and employ persons at an average wage of \$49,000.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to adopt Resolution 06-35, which makes certain findings and authorizes the Town manager to execute the necessary contracts and an economic development agreement with Novartis Vaccines and Diagnostics Inc. in a form sufficient to the town manager and town attorney.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of Resolution 06-35 and economic development agreement are incorporated into these minutes as addendum pages.*

Councilman Atwell commented that this type of development has taken many years of hard work and that the addition of Novartis in the community will be a great benefit to the Town and County. He thanked all Town staff who worked on the project and thanked the representatives of Novartis Vaccines and Diagnostics Inc.

**5g. Public Hearing: Novartis Development Agreement** – Mr. Schifano presented for the Council's consideration a development agreement with Novartis Vaccines and Diagnostics, Inc. He said the development agreement would have the same effects as the PUD amendment discussed earlier; however, the agreement also would solidify the zoning on the property for a period of 20 years, with a 15-year extension, to allow for the complete build-out of the project.

Mr. Schifano said that the agreement addresses the infrastructure, construction and fee reimbursements of the project.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no input, the public hearing was closed.

**Action:** The Council approved a motion to approve and authorize the town manager to enter into a development agreement with Novartis Vaccines and Diagnostics, Inc.

**Motion By:** Dickson

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of development agreement is incorporated into these minutes as addendum pages.*

**North Carolina One Agreement** - Mr. Schifano explained that he needed to add to the agenda one more item of business.

**Action:** The Council approved a motion to add ratification of the North Carolina One Agreement to the agenda.

**Motion By:** Dickson

**Second By:** VanFosson

**Vote:** Unanimous

Mr. Schifano explained that the State of North Carolina, through the Department of Commerce, has awarded Novartis a \$3,000,000 economic incentive grant, which requires a matching grant by the Town of Holly Springs. The Town's match is covered by its contribution of land and site improvement funds.

The state grant is to be administered by the Town of Holly Springs under a North Carolina One Agreement, which was signed by town officials, Novartis company officials and state officials prior to the company's official and formal announcement earlier in the day at the State Capitol.

Mr. Schifano asked that the Council ratify the agreement.

**Action:** The Council approved a motion to ratify the July 18, 2006, North Carolina One Agreement pertaining to state economic incentives offered for Novartis Vaccines and Diagnostics Inc.

**Motion By:** Dickson

**Second By:** VanFosson

**Vote:** Unanimous

*A copy of the Company Performance agreement and Local Government Grant agreement are incorporated into these minutes as addendum pages.*

Mayor Sears congratulated all of Town staff and Novartis representatives for all their hard work.

Mr. Dean said that he was very proud of the town staff for the hard work they have put into this project and thanked Novartis for making this happen. He said it was a historic moment for Holly Springs.

**6. Adjournment:** There being no further business for the evening, the July 18, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFosson and a unanimous vote.

Respectfully submitted on Tuesday, August 1, 2006.

---

Linda R. Harper, CMC, Deputy Town Clerk

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