

# Holly Springs Town Council Minutes

## Regular Meeting Aug. 1, 2006

The Holly Springs Town Council met in regular session on Tuesday, August 1, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:05 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

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

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Mark Zawadski, planner I; Kendra Stephenson, senior engineer; Mark Andrews, public information officer; Drew Holland, finance director; Larry Boykin, assistant finance director; John Herring, police chief; Len Bradley, director of parks and recreation; and Jenny Mizelle, director of economic development.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Doug Parlin of Grace Baptist Church.

**4. Agenda Adjustment:** The August 1, 2006 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** Items 7n., a proposal for design of the Gable Ridge culvert; 7o., a proposal for design of the Gable Ridge detention pond; and Item 8b., a condemnation resolution for the location of a water meter vault.

**Consent Agenda Items Moved to Regular Business:** None.

**Other Changes:** None.

**5a. Interact of Wake County Report** – Mr. Adam Hartzell, executive director of Interact of Wake County, addressed the Council to describe the program, which is a non-profit agency that provides victims and survivors of domestic violence and sexual assault with safety, support and awareness. He said, on behalf of the agency, he wished to thank the council for its financial support from the Community Agency Grant program. He explained that the funding provided by the Town of Holly Springs earlier this year was used specifically for the southern Wake County program.

**Action:** None.

**5b. Holly Springs Chamber of Commerce Report** – Holly Springs Chamber of Commerce Executive Director Scoop Green updated the Town Council with the Chamber's quarterly report of its programs and activities.

**Action:** None.

**6a. Public Hearing: Ordinance 06-14, UDO Amendment 06-UDO-04 on Signs** – Ms. Bobber explained that the public hearing remains open from the July 18 Council meeting when it was opened and continued. Jeff Jones, the planning staff member spearheading the project was not present (due to the birth of his baby son earlier in the day), so Ms. Bobber asked that the Council further continue the public hearing until the Aug. 15 Town Council meeting.

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

There being no input, Mayor Sears entertained a motion that the hearing be further continued.

**Action:** The Council approved a motion to continue the public hearing for Ordinance 06-14 enacting Unified Development Ordinance Amendment #06-UDO-04 to UDO Section 7.03, Sign Regulations to the Aug. 15 Town Council meeting.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**6b. Public Hearing: Development Plan 06-DP-01 for Monument Park** – Ms. Bobber explained to the Council that the applicant has withdrawn his plan from consideration. She asked the Council to close the public hearing and to carry a motion accepting the plan withdrawal for the record.

With that explanation completed, Mayor Sears closed the public hearing and entertained a motion to accept the plan withdrawal.

**Action:** The Council approved a motion to accept the applicant's request to withdraw his application for Development Plan 06-DP-01 for Monument Park.

**Motion By:** Atwell

**Second By:** DeBenedetto  
**Vote:** Unanimous

**6c. Public Hearing: CDBG Economic Development Grant Funds** – Ms. Mizelle explained that it is possible for local governments to apply for Community Development Block Grant economic development grant money for purposes of encouraging private sector investment and job creation in their respective jurisdictions.

She said that Novartis provides the Town of Holly Springs an opportunity to tap into these grant monies. She said that grants are awarded based on the number of jobs created and the pay scales for these new jobs. She added if the jobs fall between certain thresholds, the town would have the ability of receiving up to \$10,000 per job, up to a limit of \$750,000.

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 authorizing Town staff to proceed with the CDBG Economic Development grant application process.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous

**6d. Public Hearing: Avent Ferry Road Fire Station Annexation A06-11** – Ms. Bobber explained that the Town intends to annex its fire station situated on 1.46 acres located at 1136 Avent Ferry Road. She said the petition meets all the statutory requirements for annexation of town-owned property.

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 Annexation Ordinance A06-11 annexing 1.46 acres owned by the Town of Holly Springs, and more particularly described as Wake County PINs: 0648.11-57-9472 and 0648.11-67-0298, into the corporate limits of the Town of Holly Springs.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

*A copy of Ordinance A06-11 is incorporated into these minutes as addendum pages.*

**6e. Public Hearing: Flint Point Lane Fire Station Annexation A06-12** – Ms. Bobber explained that the Town intends to annex its fire station that is located at 700 Flint Point Lane. She said the petition meets all the statutory requirements for annexation of town-owned property.

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 Annexation Ordinance A06-12 annexing 1.8 acres owned by the Town of Holly Springs, and more particularly described as Wake County PINs: 0659.14-33-3862, into the corporate limits of the Town of Holly Springs.

**Motion By:** Atwell

**Second By:** VanFosson

**Vote:** Unanimous

*A copy of Ordinance A06-12 is incorporated into these minutes as addendum pages.*

**7. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda, recusing Councilman VanFosson and Mayor Sears from Item 7j. due to their professional involvement with some aspects of Twelve Oaks Subdivision that is requesting the street name change. The motion carried following a motion by Councilman Dickson, a second by Councilman Atwell and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's special meeting held on June 28 and regular meeting held on July 18, 2006.

7b. Parks and Recreation Advisory Committee Reappointment – The Council reappointed Beth Rayburn to serve on the Parks and Recreation Advisory Committee for an additional term.

7c. Resolution 06-36, Water Bonds – The Council adopted Resolution 06-36 setting a public hearing for 7 p.m. Tuesday, Aug. 15 to receive input on the Town's applying for an extension of time period to issue authorized water bonds. *A copy of Resolution 06-36 is incorporated into these minutes as an addendum page.*

7d. Budget Amendment – The Council adopted amendments to the FY 2006-07 budget to facilitate the reorganization of the department of public safety. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7e. Budget Amendment, \$60,000 – The Council adopted an amendment to the FY 2006-07 budget to purchase two new police vehicles.

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

7f. Budget Amendment, \$1,250 – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$1,250 to receive insurance proceeds for a damaged police vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7g. Ratify Property Sales Agreement – The Council ratified an amendment to the property sales agreement approved by the Council on July 18, 2006. The amendment provides lease assurances to the property owner if the Town does not close on the property as scheduled.

7h. Budget Amendment \$176,514 – The Council adopted amendments to the FY 2006-07 budget in the amount of \$176,514 from sewer reserves and authorized payment of state environmental mitigation fees due on the town's water reclamation facility expansion project. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7i. Resolution 06-39, Reuse Standards – The Council adopted Resolution 06-39 adding Section 6.5, Reclaimed Water System Standards, to the Engineering Design and Construction Standards Manual. *A copy of Resolution 06-39 is incorporated into these minutes as addendum pages.*

7j. Resolution 06-40 – The Council adopted Resolution 06-40 approving a street name change for Ballentine Street Extension to Green Oaks Parkway. *A copy of Resolution 06-40 is incorporated into these minutes as an addendum page.*

7k. Budget Amendment, \$8,000 – The Council adopted amendments to the FY 2006-07 budget in the amount of \$8,000 from street reserves and approved to enter into a contract with S&ME for geotechnical services on Irving Parkway extension and the Town's yard waste facility. *Copies of the budget amendments and S&ME contract are incorporated into these minutes as addendum pages.*

7l. Elevated Reuse Water Storage Tank – The Council received a report on the elevated reuse water storage tank site.

7m. Asphalt Experts Contract Change Order – The Council authorized a change order to the Avent Ferry Road Asphalt Experts construction contract to add the paving of Thomas Mill Road extension for Novartis.

7n. Gable Ridge Culvert Design – This item was removed during Agenda Adjustment.

7o. Gable Ridge Detention Pond – This item was removed during Agenda Adjustment.

Councilman Womble asked for clarification of why Councilmen VanFosson and Mayor Sears were being recused from an item on the Consent Agenda. Councilman Dickson explained that the two elected officials have some professional involvement with the Twelve Oaks Subdivision's developer.

Councilman DeBenedetto asked if it was not correct that recusal for city officials should only be in the case of direct financial interest and not mere professional association.

Mr. Schifano said the statute is not that specific but says that an official should recuse himself or herself in a case where "the likelihood for financial gain exists." To be safe, he said, he would recommend the recusal.

**Action:** The Council approved a motion to readmit Mayor Sears and Councilman VanFosson into the meeting.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimously

**8a. Flood Prevention Ordinance Variance Request** – Ms. Keefer explained that the Town had received a request for a variance to the Flood Damage Prevention Ordinance to allow the applicant to place fill in the floodplain on lot 77 in the Sunset Lake Village Subdivision, 5409 Bluebell Court.

Ms. Keefer explained that the Sunset Lake Village Subdivision plat was recorded in February 1994 and that the Town entered into the National Flood Insurance Program (NFIP) in December 1994. She said at that time the town's first version of a flood damage prevention ordinance was used to regulate development in the FEMA Floodplain.

She said the Town's current ordinance requires that all residential lot construction occur outside of the floodplain, and that no fill is permitted on residential lots to provide buildable area outside of the floodplain. Since the Sunset Lake Village subdivision was recorded prior to the Town's entering into the NFIP, lots were not required to have a minimum buildable area outside of the floodplain.

Ms. Keefer explained that on May 2, 2006 the Town Council adopted revisions to the Ordinance which adopted the current effective FEMA Flood Insurance Rate Maps (FIRM.) The 100-year floodplain elevation (base flood elevation) on lot 77 has changed from the 1992 FIRM and the 2006 FIRM. In addition, field surveys indicate that the actual base flood elevation is different in the field than on both of the FIRM Maps.

In 1992 when the lot was originally recorded the Town did not enforce regulations to keep residential structures outside of the floodplain. The property owners met with staff in June of 2005 to determine if there was enough buildable area outside of the floodplain to construct a house without need for a variance. At that time, the 1992 FIRM was the effective floodplain map, and it appeared that a small structure could possibly be constructed with out encroaching into the 100-year floodplain.

After hiring a consultant and the adoption of the new FIRM in May 2006, it was determined that a house would not be able to be constructed to meet Sunset Lake Village Subdivision requirements and the Town requirements without obtaining a variance to place fill on the lot. Ms. Keefer said once fill is placed on the lot, the applicant could obtain a Letter of Map Revision for Fill (LOMA-F) from FEMA, thus relocating the 100-year floodplain on the lot and allowing a buildable area outside of the floodplain that would meet the Town's ordinance requirements.

The applicant has provided sufficient documentation to the Town that supports the ability to obtain a LOMA-F from FEMA.

**Action #1:** The Council approved a motion to make and accept the required findings of fact and conditions for a variance to be recorded in the minutes for a variance to the Flood Damage Prevention Ordinance for 5409 Bluebell Court, Lot 77 Sunset Lake Village:

**Findings of Fact:**

- (1) The danger that materials may be swept onto other lands to the injury of others;
- (2) The danger to life and property due to flooding or erosion damage;
- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity to the facility of a waterfront location as defined under Sec. 8-85 of this ordinance as a functionally dependant facility, where applicable;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;

- (7) The compatibility of the proposed use with existing and anticipated development;
- (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (10) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(11) the costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges

**Conditions for Variance:**

- (1) This variance shall not be issued when the variance will make the structure in violation of other Federal, State, or local laws, regulations, or ordinances.
- (2) Variances shall not be issued within any designated floodway or non-encroachment area if the variance would result in any increase in flood levels during the base flood discharge.
- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Variances shall only be issued prior to development permit approval.
- (5) Variances shall only be issued upon:
  - i) A showing of good and sufficient cause;
  - ii) A determination that failure to grant the variance would result in exceptional hardship;
  - iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

**Action #2:** Having made the required findings of fact and having determined that the request meets the required conditions, the council approved a motion to approve the variance to allow fill to be placed in the floodplain on lot 77 in the Sunset Lake Village Subdivision, 5049 Bluebell Ct., with the following conditions of approval, as amended:

- (1) A LOMA-F must be obtained by FEMA prior to the issuance of a Building Permit.
- (2) The lot must be rerecorded with the new FEMA mapped floodplain lines prior to issuance of a ~~building permit~~ certificate of occupancy.
- (3) A grading plan for the lot must be approved by the Town prior to fill being placed on the lot.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous.

**8b. Water Meter Vault Property Condemnation –** This item was removed during Agenda Adjustment.

**8c. State Employees' Credit Union, 06-DP-05** – Mr. Zawadski, explained that the town had received development plan 06-DP-05 for a State Employees' Credit Union. He said the plan proposes an 8,200 square foot State Employees Credit Union on an 8.2-acre site located on the northwest corner of the Highway 55 Bypass and Ballentine Street intersection. He said the property is located in the Holly Springs Business Park PUD and is specified as mixed-use within the PUD. He said that banks are a permitted use within the mixed-use land use designation.

Mr. Zawadski explained that the plan proposes 80 parking spaces and five teller lanes. He said access to the site would be off of Ballentine Street. The sidewalk connections are proposed for pedestrian movement throughout the parking lot as well as a connecting sidewalk along Ballentine Street.

Mr. Zawadski said the project is located within a gateway corridor and is therefore subject to a higher degree of architectural standards. He said the exterior building would be constructed primarily of red brick and ivory stucco, and architectural elements such as a dormer with louver, multiple columns, multiple gables, and an extended covered entryway are incorporated into the building design. He said the roof is proposed to be surfaced with charcoal gray shingles.

Mr. Zawadski said that the Holly Springs Business Park owner requested that the entire mixed-use tract owned by the State Employees Credit Union be exempt from conditions 1 and 5 on the notice of approval for the Holly Springs Business Park PUD, dated November 19, 2002.

Mr. Zawadski said the Planning Board discussed the request and development plan at its June 27 meeting. Discussion topics included the location and appearance of the pump station; the possibility of water re-use; Condition 8 of the Holly Springs Business Park PUD; the building elevations and the size of the building. He said both staff and the Planning Board recommend approval with conditions.

**Action #1:** The Council approved a motion to exempt the entire mixed-use tract owned by the State Employees Credit Union from Conditions 1 and 5 of the Holly Springs Business Park PUD Notice of Approval dated November 19, 2002 (Condition 1 stating that a specific design compatibility statement including specific architectural requirements shall be submitted simultaneously with the first development plan/site plan for review and Condition 5 stating draft covenants that create an owner's association for the maintenance of common and recreational areas will be required to be submitted at time of first development plan/site plan.)

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**Action #2:** The Council approved a motion to approve development plan #06-DP-05 for State Employees Credit Union as submitted by O'Brien Atkins, dated revised February 1, 2006 with the following conditions as amended:

- 1) Prior to Town Council Approval, the following must be completed:
  - a) ~~Provide 24"x36" sealable, color building elevations with building material and color call-outs (as they have been submitted)~~
- 2) All previously approved conditions of approval for G&G Properties Holly Springs Business Park PUD shall apply to this plan.
  - a) Condition 8 states that – Access to the Jones property on the north side of Thomas Mill Road within the PUD will be required and should be shown clearly as right-of-way dedication. This item must be satisfied with a recorded plat prior to construction drawing submittal.
  - b) ~~(Note: Omit if Approved Motion #1) Condition 5 states that Clarification that draft Covenants that creates an Owner's Association for the maintenance of the common areas and recreational facilities including, but not limited to, streets, parking areas, easements, and the like will be required to be submitted for the Town's review at time of submittal of the first Development Plan/Site Plan.~~
  - c) ~~(Note: Omit if Approved Motion #1) Condition 1 states that A specific design compatibility statement including specific architectural requirements shall be submitted simultaneously with the first Development Plan/Site Plan for review and approval by the Town Board at that time.~~
- 3) The temporary pump station needed for this project will be private and allowed for this building only and at such time as the rest of the site is developed, gravity sewer will need to be installed to serve the entire site and the pump station removed.
- 4) Prior to issuance of Building Permit, the following must be completed:
  - a) The covenants creating a Property Owner's Association for the Holly Springs Business Park must be submitted to the Department of Planning and Zoning and approved and then recorded.
- 5) Prior to 1<sup>st</sup> construction drawing submittal the following items are to be addressed (later in the approval process):
  - a) Provide detailed sealed report including all design calculations for the pump station.
  - b) Show and label backwater easements (to be recorded) at stream crossings and storm drainage inlets; provide 100 year calculations accordingly.
  - c) Provide a drainage area map and supporting storm drainage calculations.
  - d) Monument control points identified – The Town of Holly Springs has installed a local geodetic monumentation grid, tied to NAD83, within and surrounding the Town limits. All surveyed information (when any portion of the project in design is within 2000 feet of the Town's geodetic monument) shall reference the nearest monument and shall be clearly noted on the first sheet of both construction plans and As-builts submitted to the Town.
  - e) Typical pavement cross section (minimum 6" ABC and 2" 1-2), & identify travel lanes for access by emergency vehicles (minimum pavement cross section 8" ABC and 2" 1-2). Note that this also refers to the parking lot and travel lanes within the parking lot not just the public streets.
  - f) Road improvements for Ballentine Street (74' back-to-back on 100' right-of-way with median) will be required. For Ballentine Street show curb, gutter, sidewalk, and road improvements for the side of Ballentine along this property's frontage including median curb. Prior to design of the road improvements for Ballentine Street, a meeting with Engineering Staff to discuss this design will need to occur.
  - g) Show the existing waterline on Irving and West Ballentine Street (including size).
  - h) Provide the PCN application and 401 Certification for this site.
- 6) Replace the *Euonymus alatus* plant material with winterberry holly.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**8d. South Wake Landfill Hosting Fees** – Mr. Simmons explained that with the eventuality of the South Wake Landfill, the Town is attempting to do what it can to minimize or mitigate the potential negative impacts. He said a resolution requesting Wake County's consideration for some sort of landfill hosting fee arrangement with the Town of Holly Springs has been drafted for the Council's discussion and consideration.

He said the primary justifications for requesting and receiving some type of ongoing remuneration are:

1. The added cost associated with law enforcement and litter clean up throughout Town.
2. The loss in tax revenue due to depressed property values, associated with the presence and operation of an active landfill in our community.
3. Hosting fees are a recovery mechanism for the lost opportunity cost of building the landfill, as opposed to developing a business park or regional retail shopping center.
4. Hundreds of daily garbage truck trips into Holly Springs will negatively impact public safety, along our most heavily traveled transportation routes.
5. The negative impact of having a landfill in Town is disproportional to the volume of trash that the Town generates, when compared to Wake County and its municipal partners.
6. Establishment of hosting fees is an issue of equity and fairness, when the touted savings of operating this landfill is well in excess of \$200 million over the next twenty-five years. The community most adversely impacted by the landfill should receive some percentage of these savings.
7. The landfill is being operated at a profit by a private company. Typically, disposal operations of this nature are subject to hosting fees.

8. It is common policy for a community that is the host location for a landfill to receive hosting fees from the operator and/or owner of that facility.

Mr. Simmons said that staff had asked the partners to consider a similar request for hosting fees in 2005, and many of the reasons cited above were given as justification. Following the Town's appeal, the town managers voted against this measure, basically because they were convinced the partnership is not legally obligated to pay Holly Springs a hosting fee.

Mr. Simmons said it would be appropriate to forward a resolution requesting host fees to the Wake County Board of Commissioners since the Town's request has been denied at the staff level.

Having researched what average host fees are set at across the state, Mr. Simmons recommended that Holly Springs request hosting fees of \$2 to \$3 per ton for the first 350,000 tons of waste deposited in the landfill and a sliding scale for any volume of waste over that amount.

In discussion, Mayor Sears recommended that the wording of a paragraph reading "when the landfill becomes operational" be changed to "if or when" because his position is that there is still hope that the project will not go forward. Councilman VanFossen suggested just changing the text to "if."

Councilman Atwell said it was a matter of semantics because "if" or "when" would both work.

The Council agreed that the resolution should be amended to add a specific amount of compensation of \$2.50 per ton for up to and including 350,000 tons per year and \$3 for annual amounts in excess of 350,000 tons.

**Action:** The Council approved a motion to adopt Resolution 06-38 requesting hosting fees at the South Wake Landfill with the addition of clarifying language changing "when" to "if or when," deleting the word "benefit" in the phrase "host municipality benefit fees" and adding a specific amount to define the town's request as \$2.50 per ton for up to and including 350,000 tons per year and \$3 for annual amounts in excess of 350,000 tons.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of Resolution 06-38, as amended, is incorporated into these minutes as addendum pages.*

**8e. Holly Springs Business Park, PUD 01-PUD-03-A01** – Ms. Bobber explained that the Holly Springs Business Park Planned Unit Development (HSBP-PUD) was approved by the Town Council on November 19, 2002. She said the development is a business park of 248 acres with mix commercial, office, flex space, and manufacturing uses. She explained that the goal of the property owner was to create a master development plan for the remaining acreage of the business/industrial land for marketing and development purposes. She added that the PUD zoning designation was requested, because the zoning ordinance did not easily accommodate the creation of master plans or the proposed mix of uses that were envisioned for the area.

Ms. Bobber said that along with creating the master land use plan that specifies the specific land uses/districts for the various parcels within the PUD, the owner had to develop the zoning regulations that would accompany the proposed districts for the PUD. Through the Town's assistance in marketing this property, it has come to the town's attention that the PUD's building height and building size regulations for the "Manufacturing" portions do not meet industry standards and do 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 as follows:

Change: Maximum Building Height from 75 feet to 130 feet

Add: Maximum Building Size: None

Ms. Bobber said that a joint public hearing was held on July 18, 2006 before the Town Council and Planning Board, and no comments received.

**Action:** The Council approved a motion to approve Holly Springs Business Park Planned Unit Development Amendment Petition #01-PUD-03-A01 as requested by the Town of Holly Springs with the following conditions as amended:

1. All previously approved conditions of the Holly Springs Business Park PUD shall remain.
2. ~~Revised Sheet C-07-00 shall be submitted within 10 days of approval indicating the new district criteria.~~

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**9. 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.

Tim Sack, 232 Elam Street -- Mr. Sack reported that the Cary landfill property behind his home is not being maintained properly. Mr. Dean said he would follow up with the issue.

**10. Other Business:** Councilman VanFossen expressed concern about Mr. Jones and his baby. The Council members expressed their concern for the family and said parents and little Jake would be in their thoughts and prayers.

**11. Manager's Report:** Mr. Dean reported on the Rockin' at the Crossings concert series; he commended Mr. Simmons and Mr. Weeks for their work on researching landfill hosting fees; and he updated the Council on Novartis, saying that the company already is hiring some positions. Mayor Sears reported on the town's cooling station, an idea he asked for staff's assistance with so that the elderly in Holly Springs would have a cool place to go during the week's extreme heat wave.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the August 1, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman DeBenedetto and a unanimous vote.

Respectfully Submitted on Tuesday, August 15, 2006.

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Joni S. Powell, CMC, Town Clerk

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