

Holly Springs Town Council Minutes

Regular Meeting Sept. 5, 2006

The Holly Springs Town Council met in regular session on Tuesday, September 5, 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; Linda Harper, deputy town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Daniel Weeks, project analyst; Alison Huffman, planner I; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Kendra Stephenson, senior engineer; Mark Andrews, public information officer; Drew Holland, finance director; Len Bradley, director of parks and recreation; Johnny Dickinson, recreation superintendent; and Bob Klaus, cultural center manager.

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

4. Agenda Adjustment: The September 5, 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: Item 5i., approval of a right of way easement for Sprint Communication System for placement of fiber cable.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to Regular Business: None.

Other Changes: None.

5. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

5a. Time Warner Cable Settlement - The Council authorized settlement with Time Warner Cable with a compromise payment to the town in the amount of \$27,548 in uncollected franchise fees. *A copy of the franchise audit report is incorporated into these minutes as an addendum page.*

5b. Budget Amendment, \$11,000 - The Council adopted an amendment to the FY 2006-07 budget in the amount of \$11,000 for repairs to a fire truck pump. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

5c. Budget Amendments, \$160,000 - The Council adopted amendments to the FY 2006-07 budget in the amount of \$89,000 to the General Fund and \$71,000 to the Utility Fund to carry funding over to the current year for continuing projects. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

5d. Budget Amendments, \$30,000 - The Council adopted amendments to the FY 2006-07 budget in the amount of \$30,000 for sanitary sewer project property acquisitions. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

5e. South Park Development Agreement - The Council approved an infrastructure reimbursement agreement with the developer of South Park with previously-approved terms. *A copy of the development agreement is incorporated into these minutes as addendum pages.*

5f. Morgan's Park Development Agreement - The Council approved the manager's revision to an infrastructure reimbursement agreement with the developer of Morgan's Park, setting a cap on fees. *A copy of the development agreement is incorporated into these minutes as addendum pages.*

5g. Thomas Mill Road Change Order - The Council approved a change order to the Asphalt Experts road construction contract in the amount of \$266,446.65 for the Avent Ferry Road widening project to include extension of

Thomas Mill Road. A copy of the change order contract is incorporated into these minutes as addendum pages.

5h. W. Ballentine Street Yard Repairs – The Council approved to enter into a contract with Ideal Landscaping, Inc., for yard repairs at 400 and 401 W. Ballentine Street, from construction of the cultural center project. A copy of Ideal Landscaping, Inc. contract is incorporated into these minutes as addendum pages.

5i. Embarq (Sprint Communication Systems) Easement – The Council approved an easement right of way for Embarq (Sprint Communication Systems) to lay fiber optic cable within an existing sewer easement in Holly Glen subdivision. A copy of the easement is incorporated into these minutes as addendum pages.

6a. Learning Experience, 06-DP-08 – Ms. Huffman explained that the Town has received development plan 06-DP-08, for The Learning Experience, that proposes to construct a 10,000 square foot daycare building on 1.89 acres located at the corner of Flint Point Lane and Holly Springs Road. She said the plan also includes a 7,500-square-foot outdoor playground area to the north of the daycare building. She explained the surrounding zoning and uses of the property adjacent to the site.

Ms. Huffman said that the plan proposes 45 parking spaces, which includes two handicapped spaces to be located to the east of the building.

She said the project is located within a Gateway Corridor and is therefore subject to a higher degree of architectural standards. She explained that the building would be constructed primarily with a red colored brick and white stucco. She said the architectural elements are multiple dormers with louvers, multiple gables, and an extended covered entryway and brown shingles for the roof.

Ms. Huffman said that the Land Use Plan designates this land for mixed-use development, and the proposed development plan is in conformance with the Ten-Year Comprehensive Land Use Plan.

She said that the plan meets the UDO requirements for the perimeter landscape buffers and the property setbacks. She said there will be two accesses into the site, one from Flint Point Lane and the other from Holly Springs Road.

Ms. Huffman said town staff and the Planning Board recommend approval with conditions. She said the Planning Board discussed the following issues at its August 22 meeting:

- questioned why a monolithic curb was being recommended for Holly Springs Road and not the full landscaped median;
- discussed the layout of the building and parking lot on the site- concern about the building's being pulled up to the intersection;
- concern that the front of the building faces the east - toward the parking lot and not Holly Springs Road;
- concern that the door on the right side of the South facing elevation does not have a window as all the others do because this is the elevation that faces Holly Springs Road;
- questioned whether or not this would increase traffic in the area- due to all the other schools in this area;
- inquired about the possibility of a shared driveway with the property to North of the site;
- whether or not the building placement will block the visibility of emergency vehicle lights at the intersection and inquired if an emergency traffic light was going to be installed at the intersection.

Councilman Atwell discussed the positioning of the front of the building facing the east and had concerns about the west and south building elevations.

Mayor Sears asked if the visibility of the safety vehicle issue was resolved.

Ms. Bobber explained at that intersection the UDO requires a 30 foot setback along both street fronts. She said the applicant is reducing the setback along Flint Point Lane, which is an option available in the local business district. She said the Planning Board was concern with the reduced setback at that corner if the sight triangle is met at that intersection.

Ms. Goodson said the sight triangle is met with the reduced setback at that corner.

Councilman Dickson asked if the issue of the door on the right side of the South elevation does not have a window was satisfied.

George Venter of 3900 Merton Drive, Raleigh, said the door without a window on the right side of the South elevation is a mechanical room which stores the sprinkler equipment.

Councilman VanFossen said that he had a concerned with the appearance of the north elevation, that side will be visible when traveling on Flint Point Lane.

Mr. Venter said the north side of the building will not be as visible from the Flint Point Lane, because there will a playground and fence on that side.

There were further discussion among the Council members and Mr. Venter regarding the north side elevations, being that all the other sides of the building were brick and the north side was proposed to be stucco materials.

Mr. Venter said the architectural firm developed a prototype building plan which was originally brick on all four sides and the plan was modified to meet the Town's UDO architectural design requirements.

Councilman Atwell and Mr. Venter discussed the positioning of the building and the access points onto Flint Point Lane and Holly Springs Road and determined the current building position works well with this property.

After much discussion regarding the north, west, east and south building elevations all Council members were in consensus that the building materials should be brick on all four sides and to add decorative gable features to the north side elevations.

Mr. Venter said that he agreed with the change to the building materials to be brick on all four sides of the building, but he preferred the materials as presented on the plans.

Councilman Dickson said that he had concerns about the west side elevation being so plain and visible from Holly Springs Road and that this site is considered a gateway corridor into Holly Springs. He suggested adding some elements to the buildings roof line to the west side elevation similar as the east and the south elevations. He said that the UDO is minimum requirements and something needs to be added to the two sides of the building facing Holly Springs Road and Flint Point Lane.

Councilman Atwell said that the west and south will be the most visible from Flint Point Lane and Holly Springs Road and those two sides may need to be dressed up.

Ms. Bobber suggested adding a condition to the motion to read as "Prior to the issuance of a building permit, a revised building elevation plan is to be submitted and approved by the department of planning and zoning that includes the following:

- a. Brick is to be added to the north elevations; and
- b. Add gable elements to the west elevation to match the east elevations or another architectural element to break up the façade."

Councilman VanFossen said being the fire station is adjacent to this site, the fire truck sirens will be sounding and will this be a problem with the property owners.

Mr. Vender said that the owner is aware of the fire station and the sirens sounding and that it would not be a problem.

Councilman VanFossen said that he wanted to go on record that the sounding of the sirens of the fire trucks was discussed and all concurred that would not be a problem with the daycare owners. He asked staff if public safety was comfortable with the amount of traffic that will be entering onto Flint Point Lane while emergency vehicles were exiting.

Ms. Goodson said that she had spoken with the fire chief and he said that it would not be a problem with the daycare traffic entering Flint Point Lane.

Ms. Huffman reiterated the changes in the conditions to the Council Members and all were in consensus of the revised conditions for approval.

Action: The Council approved a motion to approve Development Plan 06-DP-08 for "The Learning Experience" as submitted by Development Engineering, project number 05-163, dated revised August 7, 2006, with the following conditions:

1. Applicant to submit elevations depicting the roofing material revisions within 10 business days.
2. Fee-in-lieu of pump station upgrade will be required
3. Fee-in-lieu of Middle Creek Interceptor upgrade will be required.
4. The following items are to be provided with 1st construction drawing submittal:
 - a. Show and label backwater easements (to be recorded) at stream crossings and storm drainage inlets; provide 100 year calculations accordingly
 - b. Provide a drainage area map and supporting calculations
5. Holly Springs Road will require a median be installed by the developer due to the driveway access requiring a right in/right out access. The median size and type will need to be consistent with NCDOT requirements.
6. If site lighting is to be provided, a lighting plan must be submitted to and approved by the Department of Planning and Zoning prior to installation.
7. ~~Prior to Town Council action of this plan, revised sheets will need to be submitted to correct the note on the plans that states that the median will be constructed by others. This is a requirement of this plan and should not refer to others constructed the median.~~
7. Prior to the issuance of building permit, revised building elevations is to be submitted and approved by the department of planning and zoning that includes the following:
 - a. Brick to be added to the north elevations; and
 - b. Add gable elements to the west elevation to match the east elevation or another architectural element to break up the façade.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

Councilman VanFossen asked the town attorney if it was necessary for him to be recused from the discussion and deliberation for agenda items 6b and 6c, that he had no direct personal gain on the subdivision and that his contract relates to the building within the golf course.

~~Mr. Suhiff directed Councilman VanFossen that it would be a wise decision to be recused from the~~

Mr. Schirano directed Councilman VanFossen that it would be a wise decision to be recused from the deliberation for the reason that your contract is to design a club house and the argument would be that you couldn't build the clubhouse without phase one approval.

At this time, Mayor Sears and Councilman VanFossen asked to be excused from discussion and deliberation on Items 6b and 6c., and the Council approved the motion to recuse Mayor Sears and Councilman VanFossen from the meeting.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

6b. Twelve Oaks, Phase 1, 06-MAS-01-A01 – Ms. Huffman said the Town has received a development plan to consider approval for an amendment to 06-MAS-01-A01, Twelve Oaks phase one, which is owned by Twelve Oaks, LLC. Ms. Huffman reviewed the surrounding property zonings and history of approvals for the property in question.

She said the plan proposes to amend a new lot layout for a section of phase one of Twelve Oaks. She said with the new proposed layout the development will loose 6 single-family lots and add additional 14 multi-family lots.

Ms. Huffman said both staff and the Planning Board recommend approval with conditions.

Councilman DeBenedetto asked what the difference in the density is in comparison with the previous plan and the current plan.

Ms. Huffman explained that the previously approved plan proposed 286 single family lots and 66 multi-family lots, totaling 352 lots. She said the new amended plan proposes 280 single family lots and 80 multi-family lots totaling 360 lots. She said the new plan is decreasing the single family by 6 lots and increasing the multi-family by 14 lots and no changes in the acreage.

Councilman Atwell stated that the impacts to the citizens are almost negligible that in the grand scheme of things this is only phase one of the development and the developer is requesting to exchange single family lots for multi-family lots.

Tom McKay of McKay & Associates, Inc., 1086 Classic Road, Apex – Mr. McKay explained to the Council Members that the proposed changes to the PUD meets the over all density of the original approved plan for the whole subdivision, which will be monitored though out the development process. He said the development has maximum number of lots in single family and multi-family within each phase and the development is not approaching those maximum numbers in any of the plans the Council is considering. He explained that he had worked with the developer of the townhomes to reconfigure the initial lot layout to disturb less land and require less grading. He said in consulting with the townhome developer it was agreed to turn the townhomes around and stair step them up the hill and to work with the land. He said that working with the land saved more trees and required less grading and created more townhomes.

He said that the amended plan will be more architectural pleasing to stair step the units up the hill versus grading the hill flat as originally planned. He said the overall development is within the total limits of the approved number of lots of the Twelve Oaks plan. He emphasized that the density will be continued to be monitored though out the development as development occurs.

Action: The Council approved a motion to approve preliminary plan #06-MAS-01-A01 for Twelve Oaks Phase 1 amendment as submitted by Spaulding and Norris, project number 410-02, dated revised July 10, 2006 with the following conditions:

- 1) All previous conditions of approval for this plan will also apply.
- 2) Prior to final plat, the following must be completed:
 - a) Payment of fees-in-lieu of land dedication in the amount of \$904/unit.
- 3) The following items are to be included with 1st construction drawing submittal (later in the approval process):
 - a) Provide verification that location of drainage at the retaining wall at the end of the street will not cause scouring of the wall.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

6c. Twelve Oaks, Phase 2, 06-MAS-06 – Ms. Huffman said the town has received a preliminary plan to consider approval for 06-MAS-06, Twelve Oaks phase II, for single-family residential. Ms. Huffman explained that phase II is part of 108 acres of land and is broken up into three single family sections; A, B, & C. She said that each section has a different minimum lot area, "A" being the smaller lots, section "B" and "C", the larger lots.

Ms. Huffman said that the Land Use Plan designates this property as medium density residential allowing for density up to three and a quarter (3.25) units per acre. She said that there will be limited public and institutional uses that are compatible with the medium density residential development and is in compliance with the Ten Year Comprehensive Growth Plan.

Comprehensive Growth Plan.

Ms. Huffman explained that being this is a PUD; it is required to meet the criteria of the development standards for approval. She said that phase two of Twelve Oaks is subject to the lot and development criteria set forth in the Twelve Oaks PUD (project # 03-PUD-01), which is not the town's typical zoning districts criteria.

She said in this phase 6.9 acres is proposed for open space. She said phase II is in compliance with the spirit and guidelines set by the Twelve Oaks PUD.

Ms. Huffman said that staff and the Planning Board recommend approval with conditions. She said the Planning Board discussed the following concerns at their August 22, 2006 meeting:

- Clarification on condition #1 regarding the pump station;
- Questioned the timing for the re-use water and verified that the Town's potable water capacity is adequate to cover them while waiting for the re-use water to become available;
- Discussed location and amount of open space;
- Discussed location of greenways;
- Requested clarification regarding condition #5 and where the stub is to be located.

There were discussion among staff and Councilman Atwell of redesigning a street of a proposed street that runs straight through and ends with a cul-de-sac. Councilman Atwell was concerned that the street would become a speedway. He suggested connecting the two streets that end with a cul-de-sac, that are close within the vicinity of each other.

Ms. Goodson explained that the reasoning those two streets are not connected is because there are streams and wetlands in that area and it would become an environmental issue.

Action: The Council approved a motion to approve preliminary plan #06-MAS-06 for Twelve Oaks Phase II as submitted by Jones, Clossen & Dolle Engineering, PLLC, project #0204-7, dated revised August 7, 2006, with the following conditions:

- 1) Pump station site owned by the Town of Holly Springs may be expanded in the future.
- 2) Pump station site must be platted and conveyed by deed to the Town of Holly Springs before pump station final acceptance.
- 3) Prior to final plat, the following must be completed:
 - a) Payment of fees-in-lieu of land dedication in the amount of \$904/unit.
 - b) Provide covenants which establish Homeowner's Association to cover maintenance of private open spaces, streets, parking areas, lighting, recreation areas, greenways, ponds, lakes, private sewer collection, private drainage easements, etc. Note a draft copy of the Homeowner's Association covenants will need to be submitted with 1st plat submittal for review. Once plat and Homeowner's Association covenants are complete, a recorded copy will need to be returned to the town with the recorded plat.
- 4) The following items are to be included with 1st construction drawing submittal (later in the approval process):
 - a) Show and label backwater easements (to be recorded) at stream crossings and storm drainage inlets; provide 100 year calculations accordingly.
 - b) Provide a drainage area map and supporting calculations.
 - c) All environmental permits for the entire project will be required.
 - d) Verify that the most current version of the proposed conservation easement on jurisdiction features is shown.
 - e) Verify that the waterline shown for this phase is consistent with the hydraulic study.
- 5) All previously PUD conditions for the approved Twelve Oaks PUD will also apply to this project. Specifically note that ROW dedication for future road connection to the Harris property to the south will be required. Due to street stubs location shown on the PUD (that is apart of this phase) involving a future stream crossing, a vertical alignment of future crossing to ensure road can be constructed is required. In addition to roadway access, utilities will also need to be provided to this property.

Motion By: Womble

Second By: DeBenedetto

Mr. Dean clarified that he wanted the Council to be aware of the location of the pump station and that it will come back before the Council for approval. He said the pump station will fall under the new pump station standards and requirements.

Councilman Atwell asked if the potable water capacity is adequate to cover the town while waiting for the re-use water to become available. Ms. Sudano said the development will be fed by potable water until the reuse is available and the town has adequate water supply.

Councilman DeBenedetto asked at what time the re-use water will become available. Ms. Sudano said that the re-use water will be available within ten to twelve months from now.

Councilman DeBenedetto asked the size of the landscaping buffers around the pump station. Ms. Sudano said that the proposed landscaped buffer is 50 feet and meets the standard requirements.

Vote: Unanimous

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

Motion By: Atwell

Second By: Womble

Vote: Unanimously

6d. Village Center Shoppes Stormwater – Mr. Dean said that the applicant is requesting consideration for stormwater management options for The Village Center Shoppes development, which was approved by the Council on December 6, 2005. He said the site is located behind Walgreens and Wendy's at the intersection of W. Holly Springs Road and North Main Street.

Mr. Dean said one of the conditions of the preliminary plan approval was that the developer is required to submit a flood study update for this project that confirms that there will not be a rise downstream of this property. He said it is the Town's current flood study policy to retain water runoff onto the development site and to protect downstream property owners from "0" elevation increases associated with stormwater runoff.

Mr. Dean explained that the developer has designed a 10-foot deep stormwater dry detention basin and is requesting the Council to consider locating the proposed basin on a one-acre Town-owned property north of Third Street and downstream of the development. He said being the property is Town-owned it would need the Town Council's approval for the detention facility. He said that retention was developed for water run off for the 18,000 square foot retail building.

Mr. Dean said if the basin is not constructed for this development, some rise in the 100-year storm flood elevations can be anticipated in areas downstream along the Carroll property, Windward Pointe along Guadeloupe Court, and in Windcrest Farms development. He said that the site engineer has calculated that along the Carroll property, there would be a 3/8-inch rise; upstream of Cayman Ave, a 1/2-inch rise; along the backs of the lots on Guadeloupe Ct, a 1/4-inch rise; and at the property line with Windcrest, a 1/4-inch rise.

Mr. Dean explained that in considering this request the Council should answer the following questions: a) is the Town interested in allowing an detention basin to be located on Town-owned property to serve this site; and b) will the Town be willing to provide a minimum increase in the water flow going downstream; and c) if the Town allows a dry detention basin to be located on Town property, what will be the impacts on the Town's property.

He said the Council has the option to require the developer to stay within the current Town's flood study policy to maintain all stormwater runoff on site; or if the Council chooses a combination of on-site detention to decrease the rise without off-site detention; or approve the current detention conditions of the property. He said as for the future commercial sites the Town is going to be limited in providing solutions for drainage and water run-off, and that each developer needs to plan ahead for the impervious areas for their commercial projects on the downstream areas.

Councilman Atwell clarified as each development plan is submitted the town will be reviewing the plan for stormwater detention for each commercial site. He said looking at the big picture, what's the end solution for detention for water run off, verses individual detention ponds on each development site. He suggested maybe looking into regional detention areas.

Mr. Dean said that this site was engineered to handle only detention for the Village Center Shoppes project and not for any of the other commercial sites.

Councilman Atwell asked what are the Town's options to correct the water run-off problem for the downstream properties, such as, Carroll's property and Windward Point.

Ms. Stephenson explained that in comparison with other municipalities, some sites have a pre-post area on each site and other municipalities uses advanced planning, such as regional detention basins, but eventually the run-off lines up with the existing streams and creates environmental issues. She said usually the Town does not deviate from the Town's Flood Study Policy and that is to retain the water run-off on site of the development.

There were discussion among staff and Mayor Sears about the history of run-off and if there were any changes in the currant stormwater run-off to the properties located downstream of the Village Center Shoppes. Ms. Sudano said there have not been any changes in the stormwater run-off since that first storm when the problem first started.

Mayor Sears asked staff if they were comfortable approving the engineers' calculations of the 3/8 inch rise in Carroll's property.

Ms. Sudano said the 3/8-inch rise would not be a problem for this project, but there are other sites that may have the same run-off problems similar to this one, and this would set a precedent for future site detention approvals.

There were discussions of the possibility of underground detention basins verses above ground detention basin. Ms. Stephenson explained that there may be some environmental issues with the underground basins, plus it would take away some of the parking spaces for this site.

Mr. Dean said that if the Council wishes not to deviate from the Town's policy, and require detention so there is a zero rise in the downstream stormwater from development of the site, then staff would recommend that the developer be instructed to contain detention on-site, as opposed to locating the proposed basin on Town-owned property or any combination of detention methods the Council suggests.

Thomas Snaulding of Norris and Snaulding, 972 Trinity Road, Raleigh, suggested to the Council to consider

Thomas Spaulding of Spaulding, Spaulding, 372 Trinity Road, Raleigh, suggested to the Council to consider reviewing the area that crosses NC Hwy. 55 below Wendy's would be suitable for stormwater detention. He said that underground detention may not be the best solution for this site, because of the existing force mains, storm drains, water lines and gravity sewer lines crossing this property. He said the property is narrow and the developer would be constricted in how much underground drainage pipes can be installed to get the needed volume. He said the reasoning of the above ground detention basin versus the underground, is that there would not be enough volume for the run off. Mr. Spaulding said that the detention pond is a 10-foot deep basin that is designed to handle the 100 year emergency flood run-off.

Councilman VanFossen discussed the possibility of using the property between the Food Lion and the Charter School for drainage detention. He said that his main concerns were to maintain the zero rise or no increases in the water flow downstream. He also suggested inquiring from the Post Office of what their future plans were for building expansion to their site, which will increase the storm water run-off in that area.

There were much discussion between Councilman Atwell and the town attorney regarding the use of the Town property. Mr. Schifano said that he suggested conveying the property to the developer, because the Town-owned property would be useless without road frontage.

Mayor Sears asked the staff to speak with the Post Office management inquiring their future plans for expansion to their site.

Councilman Atwell and VanFossen discussed the over all drainage for the entire area. It was determined that the Eckerd Drugs, Walgreens and Wendy's received prior approval of the Sungate Study model. Ms. Stephenson said that the Sungate Study included the Eckerd, Walgreens and Wendy's in the calculations for future commercial development.

Mr. Spaulding reiterated that the dry detention basin calculations is for this development site only and not for any additional commercial sites.

There were discussion among staff and the Council Members regarding the undeveloped land between Walgreens and Wendy's and what the run-off impacts will be when that property is developed. Ms. Stephenson said that particular parcel contains 1.8 acres and believes there will be little rise in the run-off when that property is developed.

Councilman Atwell reiterated that it is the Town's process to review the stormwater run-off for each undeveloped site for detention as development occurs. He said that his concerns were about having so many detention ponds in one area and would be interested in seeing regional detention basins versus individual basins.

Ms. Stephenson explained that the Town uses the Sungate Study as a model to calculate for new development as it occurs for this area. She said that each development is required to retain detention on site, either underground or above ground to contain no rise. She said if the Town wishes to do regional detention it would have to be up stream of the west side of NC Hwy. 55. She said it becomes a problem once the run-off reaches across Hwy. 55 toward the Carroll's property and the Windward Point subdivision. She said the Glenn Futrell property located between the Food Lion and Charter School may have some environmental features that would not allow an increase in the rise, being that there are two existing large basins located on that site.

There were discussions if there could be some detention improvements downstream beyond the Windcrest site or a combination of upstream retentions to contain no rise in the stormwater onto Carroll's property, Cayman Ave. and Guadeloupe Court. Ms. Stephenson said the Town is trying to avoid an increase in the rise of the run-off onto those properties, at this point the detention is maxed out.

Mr. Dean said when the three vacant properties fronting North Main Street at Third Street is once developed, what will happen to the run-off or detention for those properties. Ms. Stephenson said that the basin can not get any deeper, because of the restrictions on Guadeloupe Court and Third Street; the basin would have to get wider. She said if those properties were combined and developed and if the elevations were so that the run off would not flow in the basin west of those properties, it would require retention or detention downstream.

There was further discussion regarding the results of the 50 year flood stormwater versus the 100 year flood stormwater. Mr. Spaulding said the detention basin is designed to capture the run-off for the proposed 18 acres. He said the goal of the basin is to capture a small portion of the stormwater run-off and detain it. He explained that within the basin there are large pipes to handle the run off for a 100 year flood, which is a large storm, so the calculations for the pipes for run-off of a smaller storm the run-off is not detain as long as the run-off from the larger storms.

Councilman VanFossen said that this is an item that needs to be discussed in a work session with the Council and the town needs to be fair and equality to all the developers in Holly Springs.

After much discussion among staff and the Council Members regarding the different options the Council directed the town manager to research further options of detention with a zero rise and other methods of drainage, and asked town staff to speak with the Holly Springs Post Office regarding their future plans for expansion of their site.

6e. Town Facilities Naming Rights Policy – Mr. Bradley said that at the June 6, Town Council meeting, a proposal was discussed for naming rights for parks & recreation facilities. Mr. Bradley introduced Bob Klaus the cultural center manager and Johnny Dickinson the recreation superintendent who worked on the proposal that's before the Council for

consideration.

Mr. Klaus explained to the Council that he reviewed other municipal policies to compare their policies for naming rights and sponsorships for parks facilities. He reviewed the Parks Facility Naming Rights Policy with the Council. He said under the authorization section there were three different levels of approval for sponsorship, they are: 1) Any event sponsorship of \$1,000 or more will require Town Council approval; 2) Any facility naming rights sponsorship will require Town Council approval; 3) Sponsorships of less than \$1,000 will be approved at the discretion of the parks and recreation department director. He said that the sponsorship fees would go directly back into the parks and recreation department for field maintenance and field development improvements.

Mr. Klaus gave a brief description of the objectives, the elements, the process for naming and renaming rights and sponsorship signage of the policy.

After much discussion it was the consensus of the Council to remove the requirement for Town Council approval from the authorization section of the policy and to increase level one's sponsorship fees to \$5,000.

Councilman DeBenedetto asked will there be naming of individual rooms at the cultural center as well as the outdoor stage and theater. Mr. Klaus said that would be a possibility to include those facilities in the naming rights and fees policy. Councilman VanFossen suggested changing the name of the theater from "The Village Performing Arts Theater" to "The Holly Springs Performing Arts."

After much discussion among Councilmen Atwell, Womble and VanFossen regarding the proposed field packages and light pole mounted pennants that it was in consensus of the Board to revise the package deals to include signs for the ball field fences versus banners on the light poles.

Councilman Atwell suggested to town staff to meet with the Holly Springs Chamber of Commerce to see what the needs for the local businesses are.

Councilman Dickson suggested adding additional park facilities, such as, the Womble Park picnic shelter and stage to the name rights packages.

Mr. Klaus presented the Cultural Center's logo to the Council for approval. He said that the logo will be used in a variety of media including flyers, newspaper advertising, website and internet ads, and other printed or visual materials used to promote use of and events at the Holly Springs Cultural Center. He said the colors of the logo are green and gold.



Councilman Atwell suggested putting more emphases on the "Holly Springs" and maybe using a different font and size.

Action: The Town Council gave direction on suggested changes per the Council's previous discussion to the policy and the Cultural Center's logo.

6f. South Wake Landfill – Mr. Simmons said that this request is for the Council to consider entering into an inter-local agreement between Wake County and its various municipalities to participate in a 25-year landfill partnership contract. Mr. Simmons said that all of the other municipalities had entered into the inter-local agreement with Wake County.

Mr. Simmons said that at the August 1st Town Council meeting the Council approved a resolution requesting hosting fees from Wake County once the landfill is open, and the town has received a response from the County, which is a separate issue from this request. He said that Wake County has notified the Town that if the Town intends to join the regional partnership, that an official decision needed to be made immediately. It is for this reason that this item has been placed upon the agenda for this meeting.

Mr. Simmons said the Town had not considered joining the partnership due to the primarily reason of the Town's strong opposition to development of the South Wake Landfill, as well as some of the terms spelled out in the proposed inter-local agreement. He said the landfill is scheduled to be in operation in October of 2007.

Mr. Simmons said that in June 2006 the Council reviewed a cost breakdown of three different options for the Town's solid waste management. He said option one is to continue hauling solid waste to the Sampson County landfill at an approximately \$33.50 per ton (equal to \$33.50 per household per year) and by adding an estimated 10% increase which will bring the cost to \$36.00 per ton; option two is to join the partnership and haul the waste to the South Wake Landfill at an estimated cost of \$22 to \$24 per ton; and the third option is to haul the waste to the South Wake Landfill and not participating in the partnership at the cost of estimated rate of \$30 or \$33 per ton. He said that each resident would save roughly .25 to .50 per household by not participating in the partnership.

Mr. Simmons said by not participating in the partnership the Town will not have the environmental liabilities associated with entering into the 25-year inter-local agreement. He said if the Town chose to enter the inter-local agreement with Wake County the Town may lose the capability of future savings of a cheaper plan if one was to become

agreement with Wake County the Town may lose the capability of future savings of a cheaper plan if one was to become available and would not be able to participate if the Town was locked into a 25-year agreement with Wake County. He said that it is the Town's position that the savings that may result from entering into this contractual arrangement do not justify the potential shortfalls that accompany the agreement.

Mr. Simmons said an element of the agreement the Council maybe interested in learning about is referred to as revenue sharing that involves tipping fees that includes reimbursement of funds to the partners twice a year.

Councilman Atwell wanted to emphasize the fact that locking into an agreement for 25-years enables the Town to withdraw from the agreement without penalties and would require all the joining parties' approval of the termination of the municipality exiting the partnership of the inter-local agreement.

Mr. Simmons said that if the Town so chooses can enter the inter-local agreement at a later time with associate cost and with the approval of the partners of the agreement.

There were discussion among staff and Councilman Womble that the operations of the landfill could be more or less than 25 years.

Mayor Sears said that he opposed entering into the inter-local agreement with Wake County for the following reasons: 1) entering an agreement for 25-years; 2) municipalities can not withdraw at any time; 3) Section 2.03 of the agreement regarding tipping fees; and 4) Section 2.04 the liabilities of the parties, regarding the remediation cost for their proportion of usage of the landfill and responsible for damages resulting from violations.

Councilman Atwell asked Mr. Simmons to explain the legal law suit of the Davie County situation of exiting of a similar agreement.

Mr. Simmons said since the agreement is for 25-years the town felt like it was in the best interest to research other municipalities and county's who have entered similar agreements. He said that Davie County and Forsythe County entered into such an agreement and the results where that the numbers were not working cost wise. He said that Davie County opted out of the agreement, because it was costing the County hundreds and thousands of dollars to haul their waste. He said Davie County went with a cheaper method for hauling their waste.

Councilman VanFossen asked for clarification regarding the 25-year period and if the length of years in the contract can be shortened at any time.

Mr. Jim Reynolds, the Director of Wake County Solid Waste Management, Raleigh, NC addressed the Council Members regarding the net cost will be \$22 to \$24 per ton being a member of the partnership and \$33 to \$34 per ton at market rate was correct.

Mr. Reynolds said the inter-local agreement states that the term will be the lesser of the 25-years or the operating life of the landfill. He said the agreement doesn't define the operating life, in general it could mean when the landfill reaches its' capacity or the partners decide to do something different with the property as a partnership.

Mr. Reynolds discussed the rights of the Waste Industries contract in regards to forcing Wake County to maintain the landfill would be open for legal contingents if it ever happens. He said that there are provisions within the Waste Industries contract that allows the County to terminate the contract for convenience. He said that if Waste Industries has invested a large amount of funds into the next phase of the landfill the partnership would compensate their cost, but they would not be entitled to any future profits after terminating.

Mr. Reynolds explained the revenue sharing, the advantages and disadvantages of entering the inter-local agreement. He said operating a landfill at a market rate there is a profit of net revenue gain and the excess revenues is divided by a formula and distributed twice a year to the participating partners of the inter-local agreement. He said that each partner receives a share in the profit revenues and as well as each partner shares in the operating risks of the landfill.

Mr. Reynolds explained the cost of any environmental risk will be first embark on Waste Industries, who is required to have insurance coverage and to include a \$10 million environmental liability insurance coverage. He explained that the next line of coverage will be the Parent Guarantee fund and then funds from the County's enterprise fund and lastly the cost will be to the partners of the agreement.

Councilman DeBenedetto asked Mr. Reynolds to explain the concept of organizing a citizens committee as an advisory role in the community impacts to the adjacent 800 acre of land and what role the citizens committee had in the closing of the North Wake Landfill.

Mr. Reynolds explained in closing out the North Wake Landfill the County formed a citizens committee of neighboring residents of the area who reviewed the operating issues, and conducted studies, analyzed and researched other landfill closures of other sites and received information from the Forestry's and habitats. He said after reviewing the information the committee submitted a master plan for the landfill property which Wake County adopted. He said the master plan includes a new school, parks, baseball fields, hiking and biking trails and now is in the process of granting funds for the project.

Mr. Reynolds said that in relationship with the South Wake Landfill site the County would like to form a committee early to include the development of a master plan for the approximately 800 +/- acres adjacent to the landfill.

Councilman Womble asked about the environmental risks, if any, at the North Wake Landfill.

Mr. Reynolds said that there was one off-site migration of landfill gas because the landfill was to close to the

houses in that area. He said the County installed a berm surrounding the area.

There were more discussion among Mr. Reynolds and the Council Members regarding tipping fees and the costs of the liability risks.

Action: The Council approved a motion not to enter the inter-local agreement with Wake County and its various municipalities to participate in a 25-year landfill partnership contract.

Motion By: Dickson

Second By: VanFossen

Vote: The motion carried following a vote of 3-2 vote. Councilmen VanFossen, Atwell, and Dickson vote for. Councilmen Womble and DeBenedetto voted against.

At this time, Mayor Sears and Councilman VanFossen asked to be excused from discussion and deliberation on Item 6g and the Council approved the motion to do so.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

6g. Resolution 06-42 – Mr. Schifano explained that in order to serve the Twelve Oaks subdivision with sewer service, a utility easement is needed along several properties on New Hill Road. He said the utility easement will be located along the road right of way and in an unbuildable area and will be used by other developers as development occurs.

Action: The Council approved a motion to adopt of Resolution 06-42 authorizing eminent domain procedures for acquire utility easements along New Hill Road.

Motion By: Atwell

Second By: DeBenedetto

Vote: Unanimous

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

Motion By: Atwell

Second By: Dickson

Vote: Unanimously

7. 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 suggested the Town to consider a bidding process for naming rights to the parks and recreational facilities and to prohibit the use of political parties or person names. He also reported that he has not received a response from the Town of Cary regarding the landfill property behind his home. Mr. Dean said that staff met with the Town of Cary and the results are in process of being corrected. Mayor Sears requested a written update on the issue of the Town of Cary's landfill issue.

John Sadler of 160 Sudano Court said that he was concerned about the placement of grass clippings on the curbing and streets in his subdivision. He said when it rains the stormwater run-off was causing the drains to clog. He suggested incorporating into the Town's ordinance a recycling method to require all grass clippings to be bagged in clear plastic bags and picked up once a week to make compost materials. Councilman Atwell suggested to Mr. Sadler to get the word out by networking in the Home Owners Association newsletter and the neighborhood to keep all the grass clippings off the street.

Paul Barth of 2108 New Hill-Olive Chapel Road, said that his concerns were about the Regional Wastewater Treatment Facility (RWTF) being located in New Hill. He said that he has spoke to officials with suggestions and recommendations of a better location for the facility, but has fallen on death ears, until speaking with the State's Department of Environmental National Resources, (DENR). Mr. Barth said that in mid June to mid July DENR held a public hearing and received written comments from citizens that did not have time to speak at the public hearing. He said at the end of July, DENR released a final report of the Regional Wastewater Treatment Facility to all of the Western Wake Partners.

It was concurred that the Town has received this report by DENR in the engineering department.

Mr. Barth said in the DENR report stated in their comments was the lack of public input in the whole process and second the report indicated that after the analysis of the drafted Environmental Impact Study statement that provided to DENR was incomplete and a inadequate document. He said that this document was sent back to the Western Wake Regional Partners to resolve the numerous issues. He said that DENR is requesting from the WWR partners a response to the issues and concerns that were identified by the State agency. He said in referencing the report there are three major issues: 1) environmental justice; 2) cost annalist; and 3) site selection.

Mr. Barth requested the Town Council to give direction to the Town's representative of the Western Wake

Partners to include the citizens of the New Hill community and their discussions in redoing the Environmental Impact Study.

Bob Kelly of 3020 Olive Farm Road, Apex, gave the stats of the DENR public hearing that was held in June and mid July that were opposed of the site selection. He said the New Hill citizens have not been heard in the process. He said the report stated that the Western Wake Partners needs to further evaluate the property owned by Progress Energy for the Regional Wastewater Treatment Facility site. He commented that Progress Energy has 14,000 acres of property not being used that was taken from the New Hill citizens that could be used for this facility.

Mr. Kelly said the DENR report stated that there were numerous calculation errors in selecting the facility site. He said one of DENR's major concerns were with the environmental justice, the site selected is adjacent to two churches, two cemeteries, one playground and two nursing homes. He said in his opinion the site was selected is 61% minority, elderly and the lower income families that who would have the least opportunity to make a stand with the Western Wake Partners.

Mr. Kelly said that he understands that a wastewater facility is needed he suggest considering moving the facility further down the road away from the churches, cemeteries, historic district and rest homes.

There were further discussion among Mr. Kelly and the Council Members regarding the withdrawal of the law suit and other municipalities responds to the New Hill citizens comments.

Tonya Forbes of 3636 Bosco Road New Hill said that she was concerned about the secondary and cumulative impacts master mitigation plan from the DENR report. She said that in the mitigation plan that was submitted to DENR addressed the impacts on the citizens of the Town Apex, Cary, Holly Springs and Morrisville, but didn't address the impacts on the citizens of New Hill who will be hosting this facility. She said in the DENR report to the Western Wake Partners states that issue of impacts to New Hill needs to be addressed.

Ms. Forbes requested the Town Council to direct the Town's representative to bring these issues up for discussion before the next Western Wake Partners meeting. She said that she was also concerned of the impacts of growth in the community of a wastewater facility located in New Hill would, such as, increased traffic, stormwater run-off issues and potentially lost of the downtown New Hill community, lost of open space which adds up to the lost of the character of the New Hill community.

Mark Shank, 5405 Leopard's Bane Court, said that he had previous appeared before the Council in March of this year asking the Town to consider amending the Town's ordinance to address placement of their garbage cans. He said that he has the same problem with the trash cans being placed near or in front of mail boxes, which causes the mail not to be delivered. He said that he has spoken with the Holly Springs Postmaster concerning this ongoing problem, but there's nothing he can do about this problem. Mr. Shank asked the Town Council to consider amending the town's current solid waste ordinance to insert a section to regulate the placement of trash cans along the street.

Vann Crandall, 4813 Salem Ridge Road – made comments on the length of time it took the Council to review a development plan. He also commented on a previous comment that was made earlier in the meeting regarding landfill liners don't leak, he said that landfill liners do leak. He reported that had studied the DENR library regarding the landfill project.

8. Other Business: Councilman VanFossen said with the upcoming Wake County Commissioners elections the Town and the New Hill citizens has an opportunity to voice their concerns regarding the landfill and the placement of the wastewater treatment facility. There was discussion about getting the citizens involved with the elections to encourage them to vote in the upcoming Wake County elections.

9. Manager's Report: Mr. Dean invited the Councilmen to the Economic Development Update meeting on September 20, at the Town Hall at 6:00 p.m. in the Holleman Meeting Room.

10. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(6) to discuss the town manager job performance.

Motion By: Atwell

Second By: Dickson

Vote: The motion carried following a vote of 4-1 vote. Councilmen Womble, DeBenedetto, Atwell, and Dickson vote for. Councilmen VanFossen voted against.

General Account of Closed Session – September 5, 2006

In Closed Session, the Town Council completed the town manager's job performance and gave direction to

Mayor Sears for follow up.

-- End General Account

The Council approved a motion to return to Open Session. The motion was made by Councilman Atwell, seconded by Councilman Dickson and carried unanimously.

11. Adjournment: There being no further business for the evening, the September 5, 2006, meeting of the Holly Springs Town Council was adjourned by a unanimous vote.

Respectfully Submitted on Tuesday, September 19, 2006,

Linda R. Harper, CMC, Deputy Town Clerk