



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 19, 2010, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

Council Members Present: Councilmen Jimmy Cobb, Parrish Womble, and Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

Council Members Absent: Councilman Chet VanFossen.

Staff Members Present: Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Jeff Jones, senior planner; Laura Powell, Planner 1; Scott Brummond, IT technician; Mark Andrews, public information officer; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; and Jenny Mizelle, economic development director/project analyst.

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

4. Agenda Adjustment: The Jan. 19, 2010 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Womble

Vote: Unanimous

Items added to Agenda: grant application resolution to Consent Agenda; review of board attendance records to New Business.

Items removed from Consent Agenda for discussion: None.

Items removed from the agenda: Item 8d., Green Oaks Parkway change order No. 5.

Other changes: None.

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

6a. Public Hearing: Ordinance 09-23, Unified Development Ordinance amendment 09-UDO-15 – Ms. L. Powell explained that this item needed to be further tabled to resume on Feb. 2, 2010. It is anticipated that action can be taken at that time.

Action: The Council approved a motion to table the public hearing on UDO amendment 09-UDO-15 to resume on Feb. 2, 2010.

Motion By: Sack

Second By: Womble

Vote: Unanimous

6b. Public Hearing: Development Plan Amendment 06-DP-02.A03 for Main Street Square

Element F – Ms. Powell said the Town has received a request to amend the townhome products located in Element F of the Main Street Square Planned Unit Development. Previously, Town Council approved three-story townhomes with garages in the rear composed of brick, hardiplank and buff colored stone.

She said the developer would like to change the townhomes to a two-story option; eliminate the garages and replace them with two-car driveways; and alter the building elevations for three models to be either brick, a brick and hardiplank combination or just hardiplank.

Since the Planning Board meeting where the Planning Board voted to recommend denial of the proposed amendments, the developer revised the elevations to include some brick; more windows on the sides; and shutters on the rear walls that would face G.B. Alford Highway. Staff, however, still is not in agreement with reducing the brick on the front elevations or the proposed reduction from three stories to two stories for the units in the center of Kentworth Drive.

Ms. Powell explained that the Main Street Square PUD originally submitted in 2005 was intended to provide an ideal setting for a creative, mixed-use development that advanced the principles of traditional neighborhood development. The plan consisted of work/live units, office and retail spaces as well as condominiums.

Furthermore, the location of the project was situated to serve as both a southern gateway to the Town of Holly Springs downtown Village District and a prominent marker along Highway 55 for travelers who use the G.B. Alford Highway bypass.

Ms. Powell said during the past few years, however, the Town has seen multiple amendments to each element of Main Street Square to eliminate the work/live units, condominiums and now the high-quality design of the townhomes. The earlier amendments did not see any adverse changes to the quality of the architecture and design in this important gateway project; however, this amendment would in fact do just that.

Ms. Powell said that the questions the Council will consider are, “Are the proposed townhome designs really what the Town of Holly Springs wants to see along this prominent roadway?” and, “Are they at the same high water mark as the apartments and commercial buildings that recently have gone up?”

She said that staff does not believe so and is recommending denial of this amendment request.

Ms. Powell reported that the Planning Board had reviewed the request and approved a motion to recommend that the amendments be denied.

Planning Board member Tom Hughes addressed the Council to further explain in detail the Planning Board’s insights. He said the Planning Board was concerned:

- that the downtown goal of urban density would be lost
- changes would not provide the gateway experience the Town desires
- there needs to be more of a mix of materials and architectural elements

He added that the Planning Board felt intensely that because this project is situated at a town gateway, a high degree of architectural design is desired.

Dave Hausfield of Drees Homes, the applicant – Mr. Hausfield said current market conditions dictate that his company build a more affordable product. He noted that the high-end products that exist are not selling and that a product with a lower price point would be more successful in this market.

Mr. Hausfield said his interpretation of the Planning Board decision was that it understands the current economic conditions and that it wanted architects to come up with additional elements.

He pointed out that designers provided amended elevations featuring such architectural elements like shutters, metal roofs and additional windows.

With that explanation completed, Mayor Sears opened the public hearing to accept

input. The following comments were recorded:

Paul Wistermayer, 111 Delmare Way -- Mr. Wistermayer said he understands that the Town wants to maintain the original character of the Main Street Square PUD, but – as a resident of the PUD – he feels Drees would provide a quality product with the amendments they are requesting. He said he feels a smaller floor plan and smaller building could and would be done in a manner that would be quality. He said he would be in favor of the changes.

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

Councilman Sack said he feels that to allow the degradation of the project from three stories to two and without garages along G.B. Alford Highway would not be in keeping with the Town's long-held belief that it needs to ensure that its gateway entrances are developed to a high caliber. He said he feels it would degrade the whole look of the development that originally was envisioned.

There was a lot of discussion about the diminished appearance of the homes that would result as the company strives to build a product that will sell in this current economy.

It was a concern of the Council that driveways, and not garages, would be visible from G.B. Alford Highway; additionally, the rear of these buildings would face the highway and would be changed in such a way that would make them very unattractive.

Note: the buildings that Council described as being most visible from G.B. Alford Highway are in Element G and not Element F.

Councilwoman Williams asked if landscaping could be provided between G.B. Alford Highway and the townhomes.

Mr. Hausfield said the appearance of the exposed driveways would be diminished by a 30-foot landscaped buffer. In addition, he pointed out that the grade of G.B. Alford would provide an eye-level view of the second story of townhomes, so the driveways may not have the visual impact that Council members fear.

- o In the discussion that followed, the following topics were aired:
- o The Town desires to stick to the original vision of Main Street Square;
- o The economy is not ideal;
- o Only the rear of 14 buildings would be facing G.B. Alford Highway;
- o The site is an all-important gateway site; and
- o Perhaps the developer could provide more architectural elements;

Mr. Hausfield asked if he could pull the Element G request (which is immediately adjacent to G.B. Alford Highway) and if the Council would approve changes to just the Element F section, which is an interior section.

To clarify, Mr. Hausfield said he proposes the developers make no changes to the more visible Element G section and that the Council approve changes to the Element F section, which does not have the visible impact of Element G.

Mr. Hughes addressed the Council to say that still, in his mind, architectural changes to Element F offered by Drees are not substantial enough.

Action: The Council considered a motion to deny Development Plan Amendment 06-DP-02-A03 for Main Street Square Element F submitted by Bass, Nixon, and Kennedy, project number 04-090XX, dated revised 1/7/10.

Motion By: Sack

Second By: Williams

Vote: The motion failed to carry following a 3-2 vote. Councilman Sack and Cobb voted for the motion to deny the request. Councilman Womble and Councilwoman Williams voted against the motion, resulting in a 2-2 tie. Mayor Sears broke the tie by voting against the motion.

Action: The Council then approved a motion to approve Development Plan Amendment 06-DP-02-A03 for Main Street Square Element F, keeping the architectural element changes

offered by Drees in response to the Planning Board, submitted by Bass, Nixon, and Kennedy, project number 04-090XX, dated revised 1/7/10, with the following condition:

1. All previous conditions for Main Street Square Element F shall remain.

Motion By: Williams

Second By: Womble

Vote: The motion carried following a 3-2 vote. Councilwoman Williams and Councilman Womble voted for the motion to approve the request. Councilmen Sack and Cobb voted against the motion, resulting in a 2-2 tie. Mayor Sears broke the tie by voting for the motion.

6c. Public Hearing: Development Plan Amendment 07-DP-06.A01 for Main Street Square Element G – Ms. Powell noted that the developer had withdrawn the petition.

7a. FY 2008-09 Financial Audit Report – Mr. Holland and Chris Abbott of Christopher K. Abbott, CPA, PA, presented a report and management letter following the firm's annual audit of the Town's financial statements for the fiscal year ended June 30, 2009.

Action: None.

7b. Rex Healthcare report – Ms. Mizelle presented a brief history of efforts to improve access to healthcare for the community. Mr. Bob Ricker, associate vice president of physician services for Rex Health, provided an update on the plans to develop an urgent care center in Holly Springs.

Mr. Ricker explained Rex Healthcare's plans to apply for two operating rooms under the Certificate of Need process and requested Town Council support for the application, which would be due Feb. 5, 2010.

Ms. Powell noted that Council was being asked to consider adoption of Resolution 10-02, which would lend the support of the Council-as-a-whole. Rex Healthcare representatives said individual letters of support from the mayor and Council members also would be appreciated.

Action: The Council approved a motion to adopt Resolution 10-02 providing Council support of Rex Healthcare and its efforts to equip the urgent care facility in Holly Springs with two operating rooms.

Motion By: Sack

Second By: Womble

Vote: Unanimous

A copy of Resolution 10-02 is incorporated into these minutes as an addendum page.

8. Consent Agenda: The Council approved a motion to approve all remaining items on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilman Womble and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meetings held on Dec. 1 and Dec. 15, 2009 and on Jan. 5, 2010.

8b. Budget Report – The Council received a monthly report of amendments to the FY 2009-10 budget approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

8c. Resolution 10-01 Surplus Town Property – The Council adopted Resolution 10-01 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of Resolution 10-01 is incorporated into these minutes as an addendum page.*

8d. Green Oaks Parkway Four-Lane Project Change Order #5 – This item was removed from the agenda during Agenda Adjustment.

8e. Wastewater Treatment Plant Expansion Project Change Order #8- The Council approved construction contract change order No. 8 in the Wastewater Treatment Plant

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Expansion project, providing a time extension and authorizing additional work and equipment resulting in a contract increase of \$14,150.

8f. Street Improvements Project Change Order #3 – The Council approved construction contract change order No. 3 in the Street Improvements project, providing a final \$7,254.76 credit adjustment to the scope of work and cost.

8g. Main Street Enhancement Project – The Council approved construction contract change order No. 3 in the Main Street Enhancement project, providing a time extension and authorizing additional work resulting in a contract increase of \$2,477.50.

8h. Quarterly Financial Report – The Council received a quarterly financial report from the finance director.

8i. Resolution 10-03 - The Council adopted Resolution 10-03 supporting submission of a grant application to the Clean Water Management Trust Fund for downtown storm water master plan. *A copy of Resolution 10-03 is incorporated into these minutes as an addendum page.*

9a. Garrison Place Subdivision Infrastructure Reimbursement Agreement – Ms. Sudano said the developer of Garrison Place Subdivision has installed over-sized water and sewer infrastructure - in accordance with Town policies - to accommodate future development of off-site tributary properties.

She said the developer is therefore eligible to receive development fee credits against certain development fees.

Ms. Sudano provided a summary of the development fee credits that are recommended for approval on this project in exchange for the developer's constructing over-sized infrastructure. It is through this type of reimbursement that the Town is able to construct appropriately-sized lines and other infrastructure as new development occurs. This makes for more cost-effective operations and orderly future development.

Action: The Council approved a motion to approve fee credits as outlined and the actual infrastructure reimbursement agreement with the developer of Garrison Place Subdivision.

Motion By: Sack

Second By: Cobb

Vote: Unanimous.

9b. Board Attendance – Mayor Sears introduced the topic and noted that the Council had requested a quarterly report of attendance among Planning Board and Board of Adjustment members. He said it was important that members of these board realize that regular attendance at meetings is necessary.

Councilman Sack said he had attended the orientation of the Planning Board and Board of Adjustment. He said he agreed that it is very important that members commit to attend, deliberate and pass on recommendations. He said the Council needs to hold appointees to that standard.

Councilman Sack said he noted that one member of the Planning Board, Mark Shank, had missed one-third of the regular meetings during 2009. Conversely, he noted that members Joe Signoretti and Tom Hughes had good attendance.

Councilman Cobb said he also feels attendance is crucial. As a former member of the Planning Board, Councilman Cobb said members need to be there so new ideas surface with a myriad of perspectives. If a member isn't there, he noted, that member's ideas are not represented.

Councilman Womble asked if anyone had contacted Mr. Shank to ask him to step down if he is not interested.

Ms. Clapp said that attendance is stressed during the year to all members, but Mr. Shank had not been individually contacted.

Councilman Sack noted from the record that Mr. Shank had missed four monthly

meetings of the Planning Board; the Oct. 6 Town Council meeting where he was to represent the Planning Board; and the January 2010 orientation that all members were to attend.

Action: The Council approved a motion to remove Mark Shank from the Holly Springs Planning Board, based on his attendance record.

Motion By: Cobb

In discussion, Councilman Womble said he felt Mr. Shank should be given the opportunity to resign rather than to be voted out.

Councilman Sack said he feels the Town needs to have Planning Board members it can depend upon without prompting.

Second By: Williams

Vote: The motion carried, following a 3 to 1 vote. Councilmen Cobb and Sack and Councilwoman Williams voted for the motion. Councilman Womble voted against.

Action: The Council approved a motion to appoint Pete Esperson, an applicant on file from the regular appointment period, to fill the vacancy of the term that expires Dec. 31, 2010.

Motion By: Williams

Second By: Cobb

Vote: Unanimous.

10. Other Business: Councilwoman Williams reported that parks and recreation specialist Tom Wells of Wellspoken will be a guest speaker at the March Holly Springs Parks and Recreation Committee meeting.

Councilman Womble asked if the Town had done or could do anything to assist people in Haiti following the devastating earthquake. Mr. Dean said a holding account has been established at Crescent State Bank for employees and citizens who wanted to contribute to a local fund that would be sent to the Red Cross.

Councilman Womble asked if the Town itself could fund assistance. The Town Attorney said that would be prohibited by General Statute.

11. Manager's Report: Mr. Dean reminded Council members about the upcoming developers' luncheon and the Chamber banquet. He thanked staff for work on the financial audit and for maintaining services despite the economy. He recognized efforts to support Rex Healthcare. Ms. Powell reported that the Council's 2010 Retreat was scheduled for March 5-7, 2010 at The Carolina Inn in Pinehurst.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(5) to discuss a matter of property acquisition.

Motion By: Sack

Second By: Williams

Vote: Unanimous

General Account of Closed Session – Jan. 19, 2010

In Closed Session, the town manager reported that the Town has been approached by a potential buyer of the Town's Public Works facility property on Irving Parkway at Thomas Mill Road. He said if the Town were to sell the property, proceeds from the sale could be used to replace the facility on property owned by the Town adjacent to the wastewater treatment plant. He said the Town owns the property, so costs would be only in construction. He said an added bonus would be that the Public Works facility would be transformed by the transaction into taxable tax base for the Town.

He said he would like to proceed with programming the space for a new Public Works facility and have the property appraised so an accurate market value could be determined.

The Council did not vote, but provided consensus that the Town Manager should move

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forward with these preliminary steps.

-- End General Account

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

13. Adjournment: There being no further business for the evening, the Jan. 19, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 2, 2010,



Joni Powell, CMC, Town Clerk

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

