

Holly Springs Town Council Minutes

Regular Meeting
Nov. 17, 2009

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Nov. 17, 2009, 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 Parrish Womble, Chet VanFossen, Tim Sack, and Hank Dickson and Mayor Sears.

Council Members Absent: Councilman Vinnie DeBenedetto.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant 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; Mark Zawadski and Laura Powell, Planners I; Eric Tayler, IT department manager; Mark Andrews, public information officer; Kendra Parish, senior engineer; Elizabeth Goodson, development review engineer; and Stephanie Sudano, director of engineering.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Ferguson of Holly Springs Methodist Church.

4. Agenda Adjustment: The Nov. 17, 2009 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Items Added to the Agenda: A special presentation was added to follow Public Comment.

Items Removed from the Agenda: None.

Consent Agenda Items Removed for Discussion: None.

Other Changes: None.

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

At this time, Kevin Adams, chairman of the Holly Springs Parks and Recreation Advisory Committee, addressed the Council to express the committee's gratitude for Councilman Dickson's dedication and leadership to the town, and particularly to the committee. Councilman Dickson has served as an ex-officio member of the committee since its inception and will be retiring from the Town Council in December.

6a. Harris Lake Drainage Basin Study Report – Wake County planning staff introduced Pat Crissman, a representative of The Wooten Company, who presented the results of the stakeholder process on the Harris Lake Drainage Basin Study. The Harris Lake Drainage Basin Study was identified as a key next step in the 2007 Southwest Wake Area Land Use Plan. The purpose of the study was to more closely examine the area surrounding the Shearon Harris Nuclear Power Plant to determine a preferred future development pattern for this area.

She said a stakeholder group made up of representatives of Apex, Fuquay-Varina, Holly Springs, Progress Energy and other interested county and state agencies along with residents of the

area was formed to drive the process. The study as presented is the result of the stakeholders' work. The study and the included recommendations will need to be reviewed and adopted by the Wake County Board of Commissioners prior to becoming official policy.

She reviewed a copy of the executive summary from the study and maps detailing the recommended land uses.

Mr. Tim Gardiner of The Wooten Company addressed the Council, providing recommendations.

He said the stakeholders group recommends the following land uses:

- US 1 Employment Area (Business Park)
- Progress Energy – Utility and Environmental Stewardship District
- Harris Lake level increased to 240 feet
- Aligning the County Plan with municipal plans

He said the group recommends the following area-specific changes:

- US 1 Business District
- Aligning Land Uses – North and Western Areas
- Aligning Land Uses – Southern Areas
- Jurisdictional Boundary Changes

Action: No action.

7a. Public Hearing: Special Exception Use Petition 09-SEU-12, Firestone – Mr. Zawadski said the Town has received a request for a Special Exception Use for a minor auto repair use to be located on out lot #5 within the Shoppes at Holly Springs integrated center. The property is 1.24 acres and is located adjacent to G.B. Alford Highway. The proposed plan is for the construction of a 7,575 square foot Firestone auto care building with 10 service bays. The plan proposes a total of 45 parking spaces located throughout the site. A pedestrian connection would be provided along the western property line that would connect with the adjacent properties. The site is proposed to be accessed by one driveway that connects with the interior access drive for the integrated center.

He said the building design is subject to the colors and materials approved with the Shoppes at Holly Springs as well as the UDO commercial architectural requirements. The building is proposed to be constructed primarily with three shades of brown brick and EIFS and stone accents. The proposed architecture includes a variety of Building Massing and Façade Treatments as required by the UDO. Specific features include: building base, body, and cap, roofline variation, façade modulation, windows, awnings, decorative brick patterns, decorative building lighting.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk: None.

There being no testimony, the public hearing was closed.

Action #1: The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #09-SEU-12 for Firestone to allow for a minor automobile repair use in the Community Business zoning district as submitted by Freeland and Kauffman, date revised 10/9/2009.

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and

- properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
 - h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the proposed use;
 - i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
 - j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

Motion By: Womble

Second By: Sack

Vote: Unanimous

A copy of the Special Exception Use Petition 09-SEU-12 addressing the findings of fact is incorporated into these minutes as addendum pages.

Action #2: Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to grant Special Exception Use #09-SEU-12 for Firestone as submitted by Freeland and Kauffman, dated revised 10/9/2009 with the following conditions:

1. All conditions of the stormwater management plan as well as the conditions of approval for the Shoppes at Holly Springs Master Plan will apply to this plan.
2. A fee-in-lieu of pump station upgrade will be required.
3. The access easement referenced on this plan will need to be included graphically with the plat associated with this project.
4. Prior to issuance of Building Permit, the following must be completed:
 - a. A lighting plan must be reviewed and approved by the Department of Planning and Zoning.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous

7b. Public Hearing: Comprehensive Plan Amendment, 09-CPA-02 – Mr. Jones said in accordance with the *Vision Holly Springs* adopted Implementation Program, staff from the planning and zoning, engineering, administration, and economic development departments have been working on the two-year evaluation and update to the comprehensive plan, *Vision Holly Springs*, along with changes to the Village District Area Plan, Northeast Gateway Plan and the Southern Gateway Plan.

He said staff reviewed the Executive Summary, Future Land Use, Transportation, Infrastructure and Utilities, Community Facilities, Natural Resources, Economy and Community Character sections of the plan, as well as the three area plans.

He said the Department of Parks and Recreation has stated that there are no proposed changes to the Parks and Recreation *section* at this time.

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Resolution #09-40 to approve and enact Comprehensive Plan Amendment 09-CPA-02 updating Vision Holly Springs Comprehensive Plan.

Motion By: Dickson

Second By: Sack

Vote: Unanimous

A copy of Resolution 09-40 is incorporated into these minutes as addendum pages.

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

7a. Minutes – The Council approved minutes of the Council's regular meeting held on Nov. 3,

2009.

7b. 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.*

7c. Computer Back-up Lease Agreement – The Council entered a lease for a computer back-up system with Varrow, Inc., in the amount of \$18,717.25.

7d. Reclaimed Water Contract Change Order #4 – The Council approved construction contract Change Order No. 4 for a decrease of \$32,159 to bring the total Reclaimed Water Contract 1 with T.A. Loving Company amount to \$1,193,406.

9a. Reclaimed Water Program Policy and Ordinance – Ms. Parrish explained that the Department of Engineering is submitting a permit to the North Carolina Department of Environment and Natural Resources for the delegation of authority to the Town of Holly Springs to administer certain components of the new reclaimed water distribution system. This has required that all components of this brand new program to be created, submitted and approved by the state.

She said staff has worked closely with the public utilities department, the finance department and the code enforcement department to draft all supporting documents. Enclosed in your packet are the proposed ordinance and policy statement for your review and approval.

Action: The Council approved a motion to adopt Policy Statement P-007.02 addressing land application uses of reclaimed water.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

A copy of Policy Statement P-007.02, Land Irrigation (Sprinkler) Systems, is incorporated into these minutes as addendum pages.

Action: The Council approved a motion to adopt Ordinance 09-22 establishing Reclaimed Water regulations.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

A copy of Ordinance 09-22 is incorporated into these minutes as addendum pages.

9b. Main Street Sidewalk Project – Ms. Parrish said the engineering department was awarded a Congestion Mitigation and Air Quality (CMAQ) grant to construct a sidewalk on Main Street south from Ballentine Street to the G.B. Alford Bypass.

She said the federally-funded grant can be used for up to 80% of the construction costs for the sidewalk with the remaining costs to be funded by a town contribution. The maximum federal contribution is \$320,000. Per federal regulations, the sidewalk would be five feet wide and non-decorative concrete. The engineering department would work closely with the NCDOT's local program management department handling the design and construction management of this project in-house.

The sidewalk would connect to sidewalk that currently is under construction (as part of the Main Street Enhancements Project) near the intersection of Main Street and Ballentine Street. The sidewalk then would continue south on the west side of Main Street, crossing Main Street to the east side with a crosswalk at Pine Street. The sidewalk then would continue south on the east side of Main Street connecting to an existing sidewalk near the G.B. Alford Bypass at Main Street Square.

Ms. Parrish said Bass Nixon and Kennedy, Inc. has been selected to perform the surveying and plat preparation for the project for \$12,100 plus contingency for a total of \$13,300.

During discussion, Councilman Womble requested an alternate location for the crosswalk and sidewalk cross-over to the east side of Main Street.

Action #1: The Council approved a motion to endorse the project with a change in the crosswalk / cross-over to the east side of Main Street at Oak Street rather than Pine Street and to approve the preliminary expense schedules as described.

Motion By: Womble

Second By: Sack

Vote: Unanimous.

Action #2: The Council approved a motion to adopt amendments to the FY 2009-2010 budget

in the amount of \$26,300 for the project.

Motion By: Womble

Second By: Sack

Vote: Unanimous.

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

Action #3: The Council approved a motion to retain Bass Nixon and Kennedy for \$12,100, plus contingency, for surveying and plat preparation services.

Motion By: Womble

Second By: Sack

Vote: Unanimous.

10. Other Business: Councilman Sack and Womble asked if the speed limit on Main Street could be reduced to 25 miles per hour. The Council consensus was for the staff to pursue this with NCDOT (or to wait until the town assumes Main Street and then establish the speed limit locally.)

Councilman Womble asked if a hole in the G.B. Alford Bypass shoulder curve could be filled in.

11. Manager's Report: Mr. Dean asked the Council to set a special meeting for the Council orientation on Thursday evening.

Action: The Council approved a motion to set a special meeting for 6 p.m. Thursday, Nov. 19 at the Cultural Center for the purpose of orienting newly-elected Council members Linda Hunt Williams and James Cobb to Council procedures and Town projects.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

Mr. Dean also reported that the Bass Lake Road bridge is under repair by NCDOT; that there will be a Novartis tour and grand opening Nov. 24; and that paving on Green Oaks Parkway, Irving Parkway and Thomas Mill Road should be completed by tomorrow.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to NCGS 143-318.11(a)(5) to discuss with the town attorney terms of a pending contract relating to the former BFI Landfill site; and pursuant to NCGS 143-318.11(a)(6) to conduct the town manager's performance evaluation.

Motion By: Dickson

Second By: Sack

Vote: Unanimous.

General Account Closed Session – Nov. 17, 2009

In Closed Session, the Council discussed the possibility of a private interest's taking over the BFI Landfill property and developing it into public spaces and the Town's role and obligation under various scenarios.

After the contractual matter, the Council conducted the town manager's annual performance evaluation, making suggestions for areas of improvement and acknowledging his strengths.

In Closed Session, no action was taken other than a motion to return to Open Session.

In Open Session, the Council approved the following motion: A motion to amend the town manager's employment contract to discontinue the monthly travel allowance of \$500 and to add \$500 per month to the town manager's current salary and to specify that the town manager will be reimbursed for travel outside of Wake County with submission of typical expense forms.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

13. Adjournment: There being no further business for the evening, the Nov. 17, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Dickson, a second by

Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, Dec. 15, 2009.

Joni Powell, CMC, Town Clerk

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