



## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 18, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 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, Tim Sack, Hank Dickson and Mayor Sears.

**Council Members Absent:** None.

**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; Laura Powell, planner I; Gina Clapp, director of planning and zoning; Brad Johnson, planning intern; Erika Phillips, human resources; Josh Olmeda, IT technician; Elizabeth Goodson, development review engineer; Heather Keefer, environmental specialist; Irena Krstanovic, economic development coordinator; Cecil Parker, fire chief; Amy Moore, director of water quality; Randy Martinez, chief wastewater treatment plant operator; Aaron Levitte, engineer department; Daniel Weeks, project analyst; Police Department officials Chief John Herring, Lt. Mike Patterson and Sgt. Dru Humphries; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Ederly of Temple Beth Shalom.

**4. Agenda Adjustment:** The August 18, 2009 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous

**Items Added to the Agenda:** Item 6d., recognition of employee Randy Martinez recognizing his emergency response for an injured worker.

**Items Removed from the Agenda:** 6c. Request to bow hunt on Town property.

**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.

**6a. Police Youth Academy** – Chief Herring and Lt. Patterson presented a short video with highlights of the 2009 Police Youth Academy, a one-week course introducing young people to law enforcement.

Lt. Patterson introduced some of the participants.

**Action:** None.

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**6b. Citizens Retail Options Survey** – Mr. Weeks explained that the Department of Economic Development administered a retail options survey as part of its ongoing efforts to build a strong business climate in Holly Springs and identify retail development projects that residents support.

He said citizens were encouraged to provide their input using the online survey accessible from the Town's Web site home page. In just over the course of a month (July 8 through Aug 10,) the survey received a total of 1,243 responses, which far exceeded original expectations.

Mr. Weeks said the survey results will be used in a number of different ways to highlight what retail options citizens desire. A summary of the survey results is filed in the offices of the Economic Development department.

If the survey could be condensed down to a few major points, citizens told the Town:

- They want a Target
- They want more mom-and-pop businesses
- They want dinner and family restaurants
- They want more commercial growth in Holly Springs

**Action:** None.

**6c. Bow Hunting on Town Property** - This item was removed from the agenda during agenda adjustment at the request of the citizen making the request.

**6d. Recognition of Employee** – Chief Parker presented a certificate of recognition to Department of Water Quality employee Randy Martinez. Randy, who is chief operator of the wastewater treatment plant, is credited with saving an injured man's life after he responded with Cardio Pulmonary Resuscitation efforts after the worker had been electrocuted.

Chief Parker credited Mr. Martinez for taking the steps necessary early that made it possible for the injured worker's pulse and breathing to be restored by emergency medical personnel.

**7a. Public Hearing: Special Exception Use Petition 09-SEU-10** – Mr. Johnson said the Town has received an application for a Special Exception Use to locate a family child care home at 108 Holly Glen Ct. in the Overlook at Holly Glen. The applicant is proposing to care for no more than eight children in her home, and the application addresses the required findings of fact and is in keeping with the Unified Development Ordinance for a family child care home.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Town Clerk:

Susan Milbrandt, 108 Holly Glen Ct., the applicant – Ms. Milbrandt testified that she would be keeping no more than three children at her home, and she noted that she has experience and background as a child care provider.

There being no further 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-10 to allow for a family child care home at 108 Holly Glen Ct. Wake County PIN 0648-35-3770.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- 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:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of the Special Exception Use Petition 09-SEU-10 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use #09-SEU-10 to allow a family child care home at 108 Holly Glen Ct., Wake County PIN 0648-35-3770., as requested by Susan Milbrandt with the following condition:

1. All additional state and local permits and approvals will be required prior to the business opening.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

**7a. Public Hearing: Special Exception Use Petition 09-SEU-11** – Mr. Johnson said the Town has received an application for a Special Exception Use request to locate a family child care home at 104 Gryffindor Lane in Holly Pointe. The applicant is proposing to care for no more than five children - not including her own. The UDO allows for her to care for up to a total of eight children, and the application addresses the required findings of fact and is in keeping with the Unified Development Ordinance for a family child care home.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Town

Clerk:

James Caldwell, 100 Gryffindor Lane – Mr. Caldwell addressed the Council and spoke against the petition, saying that it was a commercial venture in a residential zone. He said he did not want any negative impacts in his neighborhood from a non-residential use, and he testified that he would not have purchased the property next door had the applicant's child care use been in place.

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

Councilman Sack noted that the Town had granted a number of similar requests over the past several months. He said he has found that neighbors' fears that the residential nature of the neighborhoods will change are unfounded. The end result, he said, is that the home with a permit remains unchanged in physical appearance and activity.

Councilman DeBenedetto asked if the subdivision's homeowner association covenants would trump the Town's ordinances.

Mr. Schifano said yes, that even if the Town permitted a use, if covenants prohibited it, then the covenants enforced by the homeowners association would prevail; however, he also pointed out that there had been testimony that the Holly Pointe developer still had control of the homeowners association and has turned over matters of zoning to the Town.

The applicant asked if she could speak to the issue.

**Action:** The Council approved a motion to reopen the public hearing.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

The following testimony was recorded under oath administered by the Town Clerk:

Priscilla Hill, 104 Gryffindor Lane, the applicant – Ms. Hill said she was disappointed Mr. Caldwell, who had not approached her with his concerns. She explained that she intended to simply keep and teach up to five children in addition to her own three during morning hours in her home. Children would be released from the pre-school class around the lunch hour each day.

She said noise would not be a problem as her clients would be inside her home while in her care.

David Lapadula, 213 Gillyweed Ct. – Mr. Lapadula spoke against the petition due to its being a non-residential use.

Councilman Dickson asked Ms. Hill if any other neighbors had approached her with concerns.

She said one, who was concerned about children in the cul-de-sac. She said she explained her plan to the neighbor, who had no further concerns.

None

There being no further 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-11 to allow for a family child care home at 104 Gryffindor Ln., Wake County PIN 0638-83-1574.

Special Exception Use Findings of Fact:

A special exception use may only be granted upon the presentation of sufficient evidence to enable a written determination that:

- 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:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

*A copy of the Special Exception Use Petition 09-SEU-11 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** Having made the necessary findings of fact, the Council approved a motion to grant Special Exception Use #09-SEU-11 to allow for a family child care home at 104 Gryffindor Ln., Wake County PIN 0638-83-1574, as requested by Priscilla Hill with the following condition:

1. All additional state and local permits and approvals will be required prior to the business opening.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

**7c. Public Hearing: Ordinance 09-14, UDO Amendment 09-UDO-05, Technical Review Committee** – Ms. Clapp said the proposed amendments to Section 9.04, D. Technical Review Committee include the following:

- Clarification regarding the role and purpose - specifically to provide additional feedback to the development community regarding potential projects;
- Adds Members – adds the Director of Economic Development, an alternate Planning Board member (which the Planning Board has done since their first appointment to the TRC in November 2002), an alternate Town Council Member, and clarifies that if a staff member is unable to attend, that they may send a designee in their place;

- Clarification to the listed duties - once again clarify the TRC's role with the development community, eliminates the TRC in the review of UDO amendments and eliminates the TRC as the agency to discuss UDO interpretation issues;
- A new section regarding organization, rules, meetings, and records - this section creates a "Chairperson" role, clarifies that the TRC is a public meeting and subject to public meeting rules, clarifies voting procedures for those projects that the TRC actually has official determination on, and clarifies that any comments or opinions expressed by the TRC when providing feedback to the development community are not to be construed as a recommendation or guarantee of a vote at time of official determination.

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 #1:** The Council approved a motion to accept the following Consistency Statement as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Mission Statement and Executive Summary regarding the Town's desire to continue to develop in an attractive and orderly manner in that the Technical Review Committee provides additional insight to the development community regarding the Town's vision."*

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #09-14 to approve and enact UDO text amendment #09-UDO-05 to modify the text of UDO Section 9.04.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

*A copy of the Ordinance 09-14 is incorporated into these minutes as addendum pages.*

**7d. Public Hearing: Ordinance 09-15, UDO Amendment 09-UDO-06** – Ms. Keefer explained amendments proposed by Ordinance 09-15 reflect changes to various sections of the Unified Development Ordinance as a result of the implementation of the Town's National Pollutant Elimination Discharge System Phase II Stormwater Ordinances. These proposed amendments would ensure consistency throughout the UDO with Section 8 of the Town code of ordinances as they relate to stormwater management.

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 #1:** The Council approved a motion to accept the following Consistency Statement as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Objectives regarding Natural Resources."*

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance 09-15 to approve and enact UDO Text Amendment #09-UDO-06 to modify the text of UDO Section 11.02, 7.06, D, 4,e, 3,c,(i) and 7.08c.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous.

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*A copy of the Ordinance 09-15 is incorporated into these minutes as addendum pages.*

**7e. Public Hearing: Ordinance 09-16, UDO Amendment 09-UDO-07, Off-Street Parking –** Ms. L. Powell said that the amendment proposed by Ordinance 09-16 would continue to carry out a vision that the Town has worked on in recent years: create sustainable, environmentally-friendly development and promote downtown development.

She said the proposed amendment would not allow developers to just reduce parking spaces, but would make them accountable for their actions. The 25% reduction of the Town's parking requirement can be approved by staff only after staff has considered the nature of the business, the availability of parking in the surrounding area, and existing vegetation that may be saved as a result of reducing the number of required spaces. Many jurisdictions already have put these regulations in place and as a result have been able to reduce impervious surfaces in their communities.

Holly Springs is so unique compared to other nearby Triangle communities: Apex, Cary, Fuquay-Varina, because it does not have existing downtown storefronts; therefore, developers must create and build new structures and buildings just like they would elsewhere in town. The comprehensive plan states that the downtown Town Village district is intended to be a walkable pedestrian-oriented environment. The downtown Streetscape Master Plan was passed recently to create enlarged sidewalks and welcoming streetscapes just for this purpose.

Ms. Powell said so why then, should downtown development create suburban-like development? Staff is proposing the amendment to reduce required off-street parking by 50% in the Town Village district with this in mind.

Councilman VanFossen said he would think a 100% reduction would better serve to encourage downtown development.

Ms. Powell responded that 50% was a good start.

Councilman Sack noted that a lot of the downtown public parking is shared, so perhaps a 50% reduction was not enough. He asked Mr. Dean's opinion, and Mr. Dean said he felt like a 50% reduction would be adequate.

Councilman VanFossen said he felt ordinances could be written to attract development downtown, and he thinks a 100% reduction would be better.

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 #1:** The Council approved a motion to accept the following Consistency Statements as true: *"The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed UDO Amendments create more project efficiency by allowing staff approvals for parking reductions and as a whole will provide smaller, low impact parking areas within development when appropriate."*

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #09-16 to approve and enact UDO Text Amendment #09-UDO-07 to modify the text of UDO Section 7.04 Off-Street Parking Regulations.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of the Ordinance 09-16 is incorporated into these minutes as addendum pages.*

**7f. Public Hearing: Ordinance 09-17, UDO Amendment 09-UDO-10, Swimming Pools –**

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Mr. Johnson said that the amendment proposed by Ordinance 09-17 would clarify language regarding swimming pools and hot tubs in the UDO.

He said recent residential inspections have shown that the language of when a 'swimming pool' is required to have safety measures installed is fungible enough to allow for unsafe conditions.

Mr. Johnson said that John Hawkins, zoning compliance inspector, did research to see how other towns addressed the problem and suggested a tightening up of the language that would provide a clearer line for enforcement of the Town's pool safety measures.

The State of North Carolina requires a fence around a pool if the pool can be mechanically filtered. There is no depth mentioned at the state level, but both Cary and Fuquay-Varina are in line with Holly Springs' established depth requirement of 24 inches.

Mr. Johnson said the ordinance would bring the Town's swimming pool regulations in line with state law and the general residential provisions into agreement with UDO permitting rules.

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 #1:** The Council approved a motion to accept the following Consistency Statements as true: "The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed amendment enhances the ability of the Department of Planning and Zoning to adequately protect the safety of residents through specific regulation."

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #09-17 to approve and enact UDO Text Amendment #09-UDO-10 to modify the text of UDO Section 2.08, 9.05 and 11.02 regarding Swimming Pools as submitted by staff.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of the Ordinance 09-17 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 Dickson, a second by Councilman Sack and a unanimous vote.

Councilman VanFossen said, for clarity and disclosure, that Carolina Dock Dogs, of which he is a member, will be host of the Dog Days in the Park Dock Dogs event.

The following actions were affected:

10a. Minutes – The Council approved minutes of the Council's regular meetings held in April, 2009.

10b. Resolution 09-28 – The Council adopted Resolution #09-28 to approve and enact Development Procedures Manual Text Amendment #09-DPM-03 to modify the text of DPM Section 1.00 and 1.04. *A copy of Resolution 09-28 is incorporated into these minutes as addendum pages.*

10c. Annual Resurfacing Projects Change Order #1 – The Council approved change order #1 for the 2008 Annual Resurfacing Project in the amount of \$200,000 to add the 2009 program streets. *A copy of change order #1 is incorporated into these minutes as addendum pages.*

10d. Reclaimed Water Project Contract 2 Change Order #1 – The Council approved a contract change order #1 for the Reclaimed Water Project Contract 2 with Caldwell Tanks, Inc.

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for a contract credit amount of \$31,775 for deletion of proposed antenna corral. *A copy of change order #1 is incorporated into these minutes as addendum pages.*

10e. Carolina DockDogs Contract– The Council entered a contract in the amount of \$5,000 for a Carolina DockDogs event at Womble Park.. *A copy of the DockDogs contract is incorporated into these minutes as addendum pages*

10f. Budget Amendment, \$1,760 – The Council adopted an amendment to the FY 2009-10 budget in the amount of \$1,760 to accept insurance proceeds for a damaged police vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

10g. Budget Amendment, \$2,700 – The Council adopted an amendment to the FY 2009-10 budget in the amount of \$2,700 to move unspent safe routes to school grant funds from last year's budget. *A copy of budget amendment is incorporated into these minutes as an addendum page.*

**9a. Holly Springs Business Park Signs** – Ms. Clapp said at the last Town Council meeting on Aug. 4, 2009, a set of bids were presented to the Town Council. Due to errors in the submitted bids, Council requested that staff re-send the request for quotes to the various sign companies. The RFQ was sent to seven companies with quotes due on Friday, Aug. 14.

Ms. Clapp said the Town received responses from three companies: Rodney's Signs of Holly Springs; GraphicCal Creations of California; and the Sign Shop of Holly Springs. The quotes for the base bid ranged from a low of \$13,820 from GraphiCal Creations to a high of \$80,869.80 plus shipping from The Sign Shop.

**Action:** The Council approved a motion to authorize staff to purchase Holly Springs Business Park decorative street signs, including both the base bid and Alternate A, from low bidding company GraphicCal in the amount of \$13,820 and to fund the purchase from street reserves.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous

Councilman VanFossen said he was not a fan of brushed metal and would prefer the Town remain consistent with other decorative street signs in town.

The consensus of the Council was that it preferred black poles with blue and white blades.

**10a. Reduction in Force Policy** – Mr. Dean said that the Council received a draft Reduction in Force policy that would be placed in the Administrative Rules Manual and used if the Town were ever to face a situation in which employment positions were eliminated.

He said generally, ARM policies are approved by the Town Manager to govern procedural issues that arise in the course of routine operations. Due to the nature of this proposed policy and its potential impact on the Town's workforce, he said he wanted to bring it to the Council for review and agreement on the policy as a whole.

He said under this policy, the Town Manager would determine which employees would be separated, but the Town Council would approve positions to be abolished or reallocated.

As was discussed at the Winter Council Retreat, the Town has been monitoring both development activity and State budget activities in anticipation of any impacts on the Town's financial plans.

He said last week, the General Assembly adopted the State's budget, and the only impact on the Town budget was the taking of beer and wine proceeds, which amounts to \$80,000. There was no way of forecasting this reduction in this revenue line at the time the Town's budget was approved; however, the Town must now react to this change.

Mr. Deans said the RIF policy would be used only as a last resort.

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Mr. Dean stressed that the Town is not in a financial position were the policy would need to be implemented at this time; however, he said, he needs a policy in place due to changes that may happen over the next fiscal year.

**Action:** The Council approved a motion to concur with the Town Manager's establishment of an administrative rule addressing instances of reduction in force.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

*A copy of the Reduction in Force Administrative Rule is incorporated into these minutes as addendum pages.*

**10b. Holly Springs EMS** – Chief Parker said that it has come to the Town's attention that the figures received from Wake County Emergency Medical Services during the budget process this year were grossly inaccurate. The Council made the decision to turn EMS services over to the county based on the financial information provided at the time.

For reasons not totally clear, Chief Parker said, the town was underpaid for its transports from April 2008 until April 2009. This amount was \$324,447.68.

The new information, he added, might lead the Council to make a different decision.

Chief Parker said he would recommend that if the Council were to choose to retain EMS services under the Town, that the Council make a request of the Wake County Commissioners that the Holly Springs unit be removed from the County's move-up program.

He said this would be important because Holly Springs is a one-unit agency.

Councilman Sack said he was disappointed in Dr. Meyers who had spoke authoritatively at the Council's May budget workshop but apparently provided misleading information.

Councilman Sack asked why is the Holly Springs Unit 17 the move-up unit. He said that would need to change.

Mr. Dean explained that the \$324,000 is assigned to last year's budget. He said, additionally, EMS revenues that were not accounted for in the FY 2009-2010 budget could now be added.

Council consensus was that the Town should retain its EMS and take steps to try to convince Wake County to remove the Holly Springs unit from the move-up rotation.

**Action:** The Council approved a motion to enact all five steps that were the full consensus of the Council:

1. That the Town retain its emergency medical services and that Wake County be notified;
2. That a budget amendment in the amount of \$225,000 be adopted to adjust the current budget to accommodate additional revenue for this year
3. That Mr. Dean begin a process of persuading Wake County to stop the move-ups
4. That heart defibrillators be purchased for all Town facilities
5. That the Town prepare for staying in the EMS service by buying a new ambulance.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

**10c. W. E. Hunt Community Center Construction Bid Award** – Mr. Bradley said that on Aug. 6, 2009, bids were taken for the renovation and construction of the W.E. Hunt Community Center. He said there were 13 bidders participated in the process, and base bids ranged from \$5,570,000 to \$6,834,000. The lowest responsible bidder was the John S. Clark Company in the amount of \$5,570,000.

He said the proposed project budget for this project totals \$6,634,000 and remains approximately \$500,000 less than the anticipated costs. He said staff is recommending to proceed with the process of funding the project and moving forward with anticipated approval from the Local Government

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He said the duration of the renovation and construction would be 14 to 16 months.

Mr. Bradley said for financing of this project: The Town will seek bids from banks for the installment financing of this project, and a public hearing on the question of using installment financing will be scheduled for the Council's Sept. 1 meeting. Following the public hearing, the Council will be asked to adopt banking resolutions and a reimbursement resolution, and all will be submitted to the Local Government Commission for its October meeting.

Councilman DeBenedetto asked why would the town not fund the project with a bond referendum and give voters the chance to vote for additional debt.

Councilman Dickson said Council members are elected to represent citizens, and it is the Council's job to make decisions. He added that the Parks and Recreation Advisory Committee of citizens named a new community center as the No. 1 parks and recreation need and several community surveys conducted over the year concur.

Councilman Sack reminded Councilman DeBenedetto that the Council had talked about all the financing options at the Council's winter retreat. He said the Council, as a group, had decided not to go with the big downtown community center or with a bond referendum. He said he does not want to delay this project, which would nullify the bids received and perhaps cost the Town a significant amount more in the future.

He stressed that the Council already had gone through this exercise and had determined that installment financing was the best and most cost-effective option for the Town.

Councilman DeBenedetto maintained that he would prefer that the Town have a bond referendum and that buying additional park land be a part of it.

Councilman Dickson said he would want to know what could be done with the land before buying it.

Councilman Sack said he feels land purchase is a separate matter, and if we need the land later, it will still be there.

**Action:** The Council approved a motion to approve a project budget in the amount of \$6,634,000 for a new community center.

**Motion By:** Sack

**Second By:** VanFossen

Councilman Dickson said an affirmative vote for this project is a vote for children, parents and singles in the community, and the center would serve as a valuable economic development tool for the town.

**Vote:** The motion carried following a 4-1 vote. Councilmen Womble, VanFossen, Sack and Dickson voted for the motion; Councilman DeBenedetto voted against.

**10d. Methodist Church Downtown Parking Lot** – Mr. Levitt said the Engineering Department completed in-house design for the Methodist Church Parking Lot Project. The project is a shared downtown public parking lot to be located on Avent Ferry Road across from Town Hall. The scope of work included is a paved parking lot with curb and gutter, storm drainage, sidewalk, and a constructed wetland for stormwater management purposes.

He said the project was advertised and bids (a base plus three alternates) were opened on Aug. 11. In order to remain within budgetary constraints, staff is recommending award of the base bid – which is a parking lot of 64 spaces known as phase 1 on the plans – to Asphalt Experts.

Staff is further recommending the rejection of all alternates, the approval of the updated project budget, and approval of the associated budget amendment.

Mr. Levitt said that one of the alternates bids included landscaping and irrigation. Staff will be working on modifications to this plan and various ways to accomplish this work at a lower cost.

**Action:** The Council approved a motion to award the base bid to the lowest responsible bidder Asphalt Experts in the amount of \$218,844.40; to adopt a project construction budget of \$228,000 (this includes the contract price plus a contingency); and to adopt an associated budget amendment.

**Motion By:** Dickson

**Second By:** VanFossen

**Vote:** Unanimous

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

**11. Other Business:** Councilman Dickson noted that at 7:30 p.m. on Friday would be the first Holly Springs High School football game of the year.

Councilman Womble asked if the Town could ask for inmates to clean litter on the Hwy. 55 Bypass from Apex to Holly Springs so that the Town doesn't have to use its own workers.

Mr. Simmons reported that he had talked with Mr. Luncie McNeil, director of the Public Works Department, and he said prison workers have been used and can be used in supplement to our crews, but their availability is not something on which he can depend.

Councilman Sack said Wake County should be policing the area around the landfill entrance for litter.

Councilman Womble asked what about the former BFI construction and demolition landfill property.


Mr. Schifano said the company would want the Town to provide a proposal as to what it would do with the property if BFI were to lease, give or sell the property to the Town. Mr. Schifano said one option would include getting funding assistance from the development of New Hill Place.

**12. Manager's Report:** Mr. Dean reported that Novant Health Care has rescinded its appeal of the state's decision on hospital beds.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the Aug. 18, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, April 6, 2010.

  
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Joni Powell, CMC, Town Clerk

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

