

Holly Springs Town Council Minutes

Regular Meeting
June 2, 2009

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 2, 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 five council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Tim Sack, and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; John Herring, police chief; Daniel Weeks, project analyst; Drew Holland, finance director; and Michelle D'Antoni, publications specialist.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by David Pinson, pastor of the Family Worship Center.

4. Agenda Adjustment: The June 2, 2009 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Dickson

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Removed: Item 8b., an amendment to the Development Procedures Manual.

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:

Helen Villiers-James, 124 Morena Drive – Ms. Villiers-James addressed the Council to report dangerous dogs owned by a neighbor. She reported that her neighbor has eight dogs, and that at least one of them has attacked her daughter. She asked the residents of Holly Springs to obey the existing animal control ordinance that limits the number of dogs that can be kept on a residential lot.

6a. Public Hearing: FY 2009-10 Budget – Mr. Dean explained that the Council members had received their copies of the manager's proposed 2009-10 budget for the Town. The next step in the process is to hold a public hearing on the document. It has been announced that the public hearing would be held on June 2; and Mr. Dean explained that the hearing would be continued to resumed on June 16.

He outlined the highlights of the budget message.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

Nick Gervase, 408 Settlecroft Lane – Mr. Gervase addressed the Council pointing out that parks and recreation development in the budget is behind master plan schedules, and he urged the Council

to consider that in funding.

He said he also is concerned that the Town has no flashing lights on its crosswalk signs. He asked if those could be added.

He said he understands that the Town should be spending more because land and services are never going to be cheaper than now.

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

In discussion, Councilman Dickson said he feels the Town should negotiate from the Chamber of Commerce a higher membership level. He said if the Town is going to invest three times the amount of a platinum membership, then the Town should receive three times the benefit: like three tables at the banquet or three teams in the golf touney.

Councilmen DeBenedetto and Sack agreed that the Town gets a \$10,000 membership and the rest goes toward production of the membership directory.

Councilman Dickson maintained that he felt the Chamber should provide higher benefits to the Town and recognize the Town a little more than it does.

Councilman DeBenedetto said he wanted the Town Council to schedule another workshop session on the budget.

Councilman DeBenedetto made a motion to have the town manager examine the budget to come up with areas for reduction in costs and revenues and schedule another workshop.

The motion failed for lack of a second.

Action: The Council approved a motion to continue the public hearing to resume on June 16, 2009.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous.

At this time, Mr. Dean addressed the Council to explain that the services and costs are examined line by line for reductions during the extensive budget preparation process. He said the goal always is to keep costs down and to maintain or increase the level of service. He responded to the question about how the budget could be trimmed and taxes and fees could be reduced, and pointed out that the proposed budget before the Council represents the best effort at the conclusion of that process.

Councilman Sack stressed that the budget proposal was just as directed by the Council.

7a. Holly Springs Business Park Improvements Report - Ms. Sudano explained that recent feedback from business and property owners in the Holly Springs Business Park has led to discussions among department heads and town management about a comprehensive action plan to facilitate various improvements to the business park.

She outlined the action plan for Council, adding that the town manager economic development director believe that this plan would positively address some of the requests that have been made, and further enhance the park for additional development.

Should the Town Council endorse this plan, staff would return to the council with a proposed schedule for implementation and potential sources of funding, Ms. Sudano said.

Action Plan:

- Develop a written master plan for capital projects to be undertaken in the park; this will include the following:
 - Design and install curb and gutter, storm drainage, and backfill to all non curb-and-guttered streets in business park; this improvement to be phased in with phase 1 to occur this calendar year along Irving Parkway from New Hill Road to Thomas Mill Road; the Public Works Department should be able to complete a large portion of the improvements in a cost effective manner;
 - Design and install industrial park themed signage, including: three entrance signs, street signs, and directional signs;
 - Work to secure approval from NCDOT for a leftover onto Irving Parkway from New Hill Road once superstreet goes in at this intersection;
 - Master planning additional street interconnections as needed from Irving Parkway and Thomas Mill Road;
 - Designing and installing landscaping improvements;
 - Study street lighting levels to see if additional street lighting is necessary; install if so;

- Investigate possible Company Directory sign.
- Identify any violations requiring code enforcement activities
- Clarify responsibilities for maintenance and improvements on ROW and private property
Councilman DeBenedetto asked if the Council was being asked to approve the plan, but not the funding of it.
Mr. Dean said yes, he is asking for Council direction to develop a master plan

Action: The Council approved a motion to endorse the master plan concept with the understanding that funding would be required at a later date.

Motion By: Sack

Second By: Womble

Vote: Unanimous.

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

8a. Green Oaks Parkway Project Change Order #2 - The Council approved construction contract Change Order 2 in the amount of \$19,266 for the Green Oaks Parkway project, covered by contingency. *A copy of contract change order #2 is incorporated into these minutes as addendum pages.*

8b. Resolution 09-16 – This item was removed from the Consent Agenda during Agenda Adjustment.

8c. Resolution 09-17 – The Council adopted Resolution 09-17 adopting and enacting DPM Amendment 09-DPM-02 to Section 8.01 of the Development Procedures Manual. *A copy of Resolution 09-17 is incorporated into these minutes as an addendum page.*

8d. Resolution 09-18 - The Council adopted Resolution 09-18 requesting NCDOT release of Thomas Mill Road. *A copy of the Resolution 09-18 is incorporated into these minutes as an addendum page.*

8e. Budget Amendment, \$14,600 – The Council adopted an amendment to the FY 2008-09 Bass Lake Outfall project budget in the amount of \$14,600 to reflect the financing received for the project. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8f. Budget Amendment, \$260,000 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$260,000 to cover costs associated with Forest Springs Infrastructure Reimbursement Agreement for the upsizing of sewer lines. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8g. Reclaimed Water Contract Change Order #3 – The Council approved construction contract Change Order 3 in the credit amount of \$18,710 for a decrease in Reclaimed Water Contract 1 with T. A. Loving Company. *A copy of the contract change order #3 is incorporated into these minutes as addendum pages.*

8h. Minutes – The Council approved minutes of the Council's regular meeting held Feb. 17, 2009.

8i. Budget Amendment \$60,70 – The Council adopted amendments to the FY 2008-09 budget in the amount of \$60,700 to re-class USDA Bond Reserve funds to the Utility Fund. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8j. Holly Springs Business Park Pump Station Contract Amendment – The Council approved professional services contract Amendment #4 in the amount of \$35,000 for HSBP pump station construction delays, covered by project budget. *A copy of Kimley-Horn and Associates contract amendment #4 is incorporated into these minutes as addendum pages.*

8k. Wake County Board of Elections – The Council ratified a contract with Wake County Board of Elections to conduct elections in Holly Springs. *A copy of the Wake County Board of Elections contract is incorporated into these minutes as addendum pages.*

8l. Resolution 09-20 – The Council adopted Resolution 09-20 declaring certain personal property to be surplus to the needs of the Town and authorizing the disposal of said property. *A copy of the Resolution 09-20 is incorporated into these minutes as an addendum page.*

8b. Resolution 09-16 – Councilman VanFossen asked for an explanation of how the proposed changes proposed in the resolution are different from the current regulations.

Ms. Goodson explained the proposed amendments.

The first amendment is to change the petition submittal time of 4:30 p.m. to state “as specified on the specific review calendar.” This proposed amendment is the same that was completed last year

for other sections of the DPM and should have included these sections. This amendment would cover sections 6.01, 7 and 9.

The second amendment would change when construction drawings may be submitted in the review process. This amendment would change sections 3.02, 4.01, 4.02, 4.03, 4.04, 6.01 and 8.01. Currently the DPM in several sections states that "construction drawings may be submitted to the Department of Engineering the Monday after receiving Town Council approval." The proposed change would read "construction drawings may be submitted to the Department of Engineering the second Monday after receiving approval by the Town Council." This change will ensure that when construction drawings are submitted to the Department of Engineering that the official plans have been finalized and approved by all departments.

The third proposed amendment is to remove the certified mail requirement that the Town currently has for notifying applicants of official action and changing when action notices are sent out from "within 10 business days" to "within 10 days" of official action by the Town Council, Technical Review Committee, or Staff. These two requirements in the DPM are self-imposed and not a regulation that the state of North Carolina has placed on municipalities. This change would be a time- and cost-saving measure that would have little, if any, effect in the development review process.

The specific sections of the DPM to be amended would be:

- 2.01 General Use Districts
- 2.02 Conditional Use Districts
- 2.03 Planned Unit Development
- 2.04 Planned Unit Development Amendment
- 2.06 Zoning Vested Right
- 3.01 Master Plan
- 3.02 Preliminary Plan
- 3.04 Subdivision Amendment
- 4.01 Development Options for Residential Districts
- 4.02 Multifamily Development
- 4.03 Non-Gateway Development
- 4.04 Gateway Development
- 4.05 Development Plan Amendment
- 5.05 Wireless Telecommunications Facilities
- 6.01 Special Exception Use
- 7.01 Administrative Appeal
- 7.02 Variance of Development Standards
- 8.01 Construction Drawing & Erosion and Sedimentation Control Plan Approvals
- 9.01 Final Plat Procedures
- 9.02 Recombination Plat Procedures
- 9.03 Plat Amendment
- 9.04 Vacation of Plat
- 9.05 Engineering Right of Way and Easement Plat Approval

Action: The Council approved a motion to adopt Resolution 09-16 adopting and enacting DPM Amendment 09-DPM-01 to modify petition submittal and notification language in the Development Procedures Manual.

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

A copy of Resolution 09-16 is incorporated into these minutes as addendum pages.

9a. Resolution 09-19 Wake County Solid Waste Management 10-Year Plan – Mr. Boyer of CDM explained that the NC General Statute 130A-309A(b) requires that each unit of local government, either individually or in cooperation with other units of local government, develop a 10-Year Comprehensive Solid Waste Management Plan. Each Plan shall be updated at least every three years.

He said the purpose of the plan is to protect public health, provide for improved solid waste management, better utilize natural resources, control the cost of solid waste management and make a good faith effort to achieve the State's 40% municipal waste reduction goal.

Mr. Boyer said development of this Solid Waste Management Plan was a cooperative endeavor involving multiple jurisdictions. All local governments within Wake County were invited and encouraged

to participate, and all agreed to be included in the Plan. The Wake County Solid Waste Advisory Committee (SWAC) oversaw and participated in the Plan's development, and recommended the plan for adoption by elected officials of each participating jurisdiction.

He said a draft of the solid waste management plan document was supplied to all Wake County Public Libraries and Chambers of Commerce for public review and comment. In addition, the 2009 10-Year Comprehensive Solid Waste Management Plan was put on the Wake County web site.

Councilman DeBenedetto asked if Wake County was looking into incineration.

Mayor Sears and Councilman VanFossen noted that the Town of Holly Springs had suggested that to Wake County over the years since they visited such a facility in Minneapolis and saw such favorable impacts for that city. Mayor Sears and Councilman VanFossen said they both felt the incinerator would be a more desirable means of waste disposal for Wake County and that they had presented the idea to county officials.

Tommy Esqueda – Mr. Esqueda addressed the question and said the county was looking at waste incineration as a viable energy source. He said he would look at the Minneapolis example more closely.

Action: The Council approved a motion to adopt Resolution 09-19 accepting and endorsing the Wake County Ten-Year Comprehensive Solid Waste Management Plan Update for 2009 – 2019, as submitted.

Motion By: Sack

Second By: Womble

Vote: Unanimous.

A copy of Resolution 09-19 and Wake County Solid Waste Management 10-Year Plan are incorporated into these minutes as addendum pages.

9b. Town's Financial Audit Contract – Mr. Holland said the Town received four bids for the town's annual audit and preparation of year-end financial statements. He said the four who submitted bids were as follows:

	6/30/09	6/30/10	6/30/11	
Christopher K. Abbott, CPA,		\$26,527,	\$27,411	\$27,521
Cherry, Bakaert, & Holland, L.L.P.	\$33,000	\$33,000	\$33,000	\$33,000
Joyce and Company, CPA's	\$36,300	\$38,100	\$40,000	\$40,000
McGladrey & Pullen	\$46,900	\$48,200	\$49,600	\$49,600

Mr. Holland said Christopher K. Abbott, CPA, PA of Fuquay-Varina, NC was determined to be the lowest responsible bidder.

Action: The Council approved a motion to enter a contract with lowest responsible bidder Christopher K. Abbott, CPA, PA for the town's annual audit and preparation of year-end financial statements for three years with an optional extension.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous.

9c. Holly Springs TV-11 Policy Statement – Ms. Powell said that on June 1, 2009 Time Warner Cable Channel 11 became HSTV-11, a government access channel for the Town of Holly Springs to use in communicating with citizens. A limited schedule of government meetings, bulletin board slides, a few promotional short videos and programs produced by other government entities began.

She said this limited schedule will be replaced with a full programming schedule on the official launch date of the station, which is planned for July 11 to play on the station call name of HSTV-11.

In the meantime, staff is working in overdrive to store up video files for the full schedule; management is attending to legal and logistical issues such as music licensing, performance permission agreements and preparing proposed policies for the Council to review.

She explained the proposed policies attached would establish:

- goals and objectives of the station;
- who will manage operations; and
- guidelines for the management team to follow.

Action: The Council approved a motion to adopt proposed Policy Statement PS-035 regarding the operation of HSTV-11.

Motion By: Womble

Second By: VanFossen

Vote: Unanimous.

A copy of Policy Statement PS-035 is incorporated into these minutes as addendum pages.

9d. Utley Creek Model - Ms. Sudano said the town manager recently described to the Council staff and management's recommendations and planned efforts to secure approval of an NCDENR to permit the Town's wastewater treatment plant to continue its discharge into Utley Creek at its current location. This would be in lieu of the existing mandate by DENR to require the Town to pipe its discharge to the Western Wake Regional Wastewater Project for discharge into the Cape Fear River.

She said there are several reasons why town staff and management recommend pursuing permission to leave the wastewater treatment plant discharge at its current location, but the most significant is the considerable cost savings that is anticipated by not having to participate in the Western Wake Regional Wastewater Project. The effort to secure DENR approval of such a request includes several strategies, as follows:

- Undertake modeling of Utley Creek (and upper Harris Lake reaches) of the Utley discharge remaining at its current location; the scope of work from CH2MHill is for undertaking this work by building on to the regional partners' recent modeling work to support regional plant discharge into Harris Lake; the purpose of this work is to demonstrate the Utley Creek has the assimilative capacity to accept the Town's discharge;
- Undertake a study focused on maximizing reclaimed water use in town, including evaluating further expansion of the reclaimed distribution project currently under construction; maximizing reclaimed water use would reduce discharge into Utley Creek, thereby supporting the goal to let the discharge remain there; a proposal for Davis, Martin, Powell Engineering will be presented at an upcoming meeting for this work;
- Continue to explore with Progress Energy the possibility of using reclaimed water in their cooling pond;
- Continue to participate in a Regional Partner/Progress Energy shared project exploring stream and wetland restoration along Utley Creek; consultants expect that the results of this study could support the Town's goal for leaving the discharge in Utley.

Action: The Council approved a motion to enter a professional services agreement in with CH2M Hill for modeling of Utley Creek.

Motion By: Sack

Second By: Womble

Vote: Unanimous.

A copy of CH2M Hill contract is incorporated into these minutes as addendum pages.

10. Other Business: None.

11. Manager's Report: Mr. Dean reported that he had provided in mail packets a proposed vehicle use and mileage expense policy.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the June 2, 2009, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman DeBenedetto and a unanimous vote.

Respectfully Submitted on Tuesday, Nov. 3, 2009.

Joni Powell, CMC, Town Clerk

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