

# Holly Springs Town Council Minutes

Regular Meeting  
May 19, 2009

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, May 19, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 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 and 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; Larry Boykin, assistant finance director; Len Bradley, director of parks and recreation; Laura Powell, planner I; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Heather Keefer, environmental specialist; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Rodney Campbell, of the engineering department; John Herring, police chief; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Lewis Gentry.

**4. Agenda Adjustment:** The May 19, 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:** Add tabling of Annexation A09-01 until June to Consent Agenda; add Resolution 09-15 supporting Wake County's disposition of the Feltonville fill dirt area to Consent Agenda; add consideration of a proposed Memorandum of Understanding of the Wake County Growth Management Task Force to New Business.

**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:

Wayne Holt, Cary – Mr. Holt, representing the Homebuilders Association of Raleigh / Wake County, addressed the Council, providing a report of homebuilding activity in Wake County. He asked that the Council be cognizant of adverse impacts on the building industry when considering public policy.

**6a. Public Hearing: Ordinance 09-08, UDO Amendment 08-UDO-13** – Ms. L. Powell said as a continuing effort to evaluate the Unified Development Ordinance and its regulations, staff is proposing to add Mixed Use option regulations to UDO Section 3.02, Local Business District, as well as Section 3.05, Community Business District. This Mixed Use option would specify components as well as design standards for mixed use projects.

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 statements as true: *“The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Future Land Use. The proposed modifications to the Local Business and Community Business regulations will create enforceable ordinances to ensure innovative, high-quality mixed use projects.”*

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #09-08, to approve and enact UDO Text Amendment #08-UDO-13 to modify the text of UDO Sections 3.02 Local Business and 3.05 Community Business.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Ordinance 09-08 is incorporated into these minutes as addendum pages.*

**6b. Public Hearing: Ordinance 09-09, UDO Amendment 08-UDO-02** – Ms. L. Powell said the Decision Matrix was set up as a single point of reference for the Town’s various review processes to specify what agency is to review, make recommendations, and make final determination on these processes.

She said the proposed amendment is to change the process for waivers of Sections 7.06, 7.07, 7.08, or 9.05, B from requiring review and recommendation by the Technical Review Committee before going before the Town Council for decision to allowing the Director to make recommendations and then forward directly to the Town Council for a decision.

Ms. Powell said waivers of these sections typically are road- and utility-related waivers. This change would be consistent with the exception process from the Engineering Design and Construction Standards.

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 statement as true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan by providing clear requirements and processes for development proposals by eliminating conflicting language within the Ordinance.”*

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt Ordinance #09-09, to approve and enact UDO Text Amendment #09-UDO-02 to modify the text of UDO Section 9.09, Decision Matrix.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

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

**6c. Public Hearing: Annexation Ordinance A09-03** – Ms. L. Powell said the Town has received a petition for voluntary satellite annexation of approximately 12.43 +/- acres located at 4880 Optimist Farm Road. The property owner is Church Alive AOG, and the public hearing on this annexation request originally was opened on May 5 and was continued to resume on May 19 at the request of the petitioner.

The petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears reopened 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 Annexation Ordinance A09-03 annexing

approximately 12.43 +/- acres owned by Church Alive AOG, and more particularly described as Wake County PINs: 0669.01-27-0181, into the corporate limits of the Town of Holly Springs.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous.

*A copy of Annexation Ordinance A09-03 is incorporated into these minutes as addendum pages.*

**6d. Public Hearing: Rezoning Petition 09-REZ-14 –** Ms. L. Powell said the applicant is requesting to rezone +/- 12.43 acres located at approximately 4880 Optimist Farm Road from R-30:Residential to R-MF-15: High-Density Multi-family Residential.

Ms. Powell said the property is not located within the Town's extraterritorial jurisdiction, but it is located within the Holly Springs short-range urban services area.

She said the proposed zoning change to RMF-15: Residential may have some impacts on the adjacent properties since they currently are zoned residential. However, the Vision Holly Springs Plan calls for land on the western side of this property as mixed use as well. By zoning the subject parcel to R-MF-15, an appropriate transitional buffer would be created from the recently developed Sunset Lake Commons and the existing residential uses to the east of the property.

The proposed R-MF-15 district would permit project gross densities of 15 dwelling units per acre. However, any project in excess of eight dwellings per acre and/or contains primary buildings in excess of 35 feet in height shall provide one design feature for each additional dwelling unit per acre and/or provide two features for each additional story in height above two stories.

She said under the R-MF-15 zoning district, when the property is developed, the developer would be required to meet architectural and site design requirements: provide a variety of building materials, multiple surface textures, façade modulations, architectural elements and multiple colors.

Ms. Powell explained that this site would be served by water located in Optimist Farm Road and sewer located on site. With development of this site, road improvements for Optimist Farm Road would be required in accordance with the Town's Thoroughfare Plan – half of a 74-foot back to back on 100 feet of right of way.

She said the property is located in the Neuse River Basin and would be subject to all applicable requirements of that basin. This site would be required to meet the Town's Post Construction Stormwater Ordinance.

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

Don Wiggins, 309 Boylan Ave., Raleigh -- Mr. Wiggins spoke on behalf of the applicant, speaking in favor of the application.

Addressing a Planning Board concern about increased traffic, Mr. Wiggins pointed out that Holly Springs Road and Sunset Lake Road are thoroughfares, which should be adequate to handle increased traffic demands. As for concerns about the intensity of the residential development requested, Mr. Wiggins pointed out that environmental issues on the property would preclude very high development on much of the property.

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

Councilman VanFossen asked what the ultimate build out for Optimist Farm Road would be.

Ms. Sudano responded that Optimist Farm Road is planned to be four-lane median-divided.

Councilman VanFossen asked if the developer would be required to provide his portion of the road improvements.

Ms. Sudano said yes. In addition, she said, the developer would be required to provide a traffic impact analysis and may be required to provide additional improvements based on the results.

Tom Hughes, 212 Swift Creek Road – Mr. Hughes, representing the Planning Board, addressed the Council explaining that the Planning Board had taken into consideration that development on the property would be closer to the Harris Teeter property and would be mostly buffered from existing residential. The Planning Board recommends approval of the request.

Councilman DeBenedetto said his concern is about the residential nature of the neighboring properties in the area, and he would not want to see high-density residential at this location.

Councilmen VanFossen and Sack disagreed, pointing out that the RMF-15 district requested would serve as a buffer zone between the commercial development at the intersection of Holly Springs Road and Sunset Lake Road and eventually I-540 and the existing residential development.

**Action #1:** The Council approved a motion to accept the following statements as true: “*The*

*requested zone map change from R-30 to R-MF15 is consistent with the Vision Holly Springs Comprehensive Growth Plan since the Future Land Use Plan Map indicates this property as Mixed Use which is supported by allowing for higher density residential. With the establishment of R-MF-15 on this parcel, an adequate density transition is being provided from Sunset Lake Commons to the existing residential located on the eastern side of the subject property.”*

**Motion By:** Sack

**Second By:** Dickson

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

**Action #2:** The Council approved a motion to adopt Rezoning Ordinance R09-02 approving and enacting 08-REZ-14 to change the zoning of 12.43 acres of Wake County PIN # 0669270181 from R-30: Residential to R-MF-15: High-Density Multi-family Residential.

**Motion By:** Sack

**Second By:** Dickson

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

*A copy of Rezoning Ordinance R09-02 is incorporated into these minutes as addendum pages.*

At this time, the Council recused Councilman Chet VanFossen from the meeting.

**Action:** The Council approved a motion to recuse Councilman VanFossen from the meeting due to his professional association with the subject of Agenda Item 6e as architect for the project.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**6e. Public Hearing: Special Exception Use 09-SEU-02, Diamond Business Center – Mr.**

Zawadski said the Town has received an application for a Special Exception Use request for an integrated center located at 9825 Holly Springs Road between Sunset Lake Road and Lassiter Road. The proposed plan is for the construction of a 4,653 square foot minor automobile repair building and 3,000 square foot retail building.

Mr. Zawadski said the retail building is proposed to be located near the front of the property along Holly Springs Road, and the automotive building is proposed to be located behind the retail building and parking lot.

He said the property is proposed to be accessed by a single shared-access driveway off of Holly Springs Road and includes a pedestrian connection that would connect the new public sidewalk along Holly Springs Road to the front entrance of the building. The project includes 32 parking spaces situated between the two buildings and a bike rack and bench near the sidewalk along Holly Springs Road. A decorative stamped concrete sidewalk and plaza area is proposed to be located between the two retail spaces and could accommodate outdoor seating in the future.

The buildings are proposed to be constructed primarily of red brick and light brown stone. 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, windows, awnings, decorative brick patterns, stone accents, and decorative building lighting.

He explained one alternate architectural compliance request was submitted with the project. The request is to utilize additional awnings and human scale elements to replace traditional glass windows. In addition to providing additional decorative brick patterns and awnings, glass windows are provided on a total of 26% of the lower 15 feet of the front and side facades.

This project is located within the Northeast Gateway Plan and is designated as Business. The intent of the Business designation is for revitalization, reuse, and infill development with a variety of designs that integrate shops, restaurants, services, professional offices, civic, educational, and religious facilities, in a pedestrian-oriented environment. Vehicular-oriented uses should not be encouraged in areas with this designation.

Mr. Zawadski said although this project does include a vehicular-oriented use, it is Planning Staff's opinion that the project complies with the goals of the Northeast Gateway plan since the auto service building would be screened by the retail building; a safe and attractive pedestrian environment would be provided by the plaza; parking would be placed to the rear; a sense of place would be created

by the architecture and design; and interconnectivity would be provided by shared driveways. In addition, the applicant indicated that both buildings would be constructed at the same time to ensure immediate screening of the auto building.

Councilman Sack spoke, saying he felt like the new plan was a big improvement over an original plan that was brought before the Council. He noted that the Town would have a need in this area for auto service centers to add to the existing ones downtown and on the north side of town.

Councilman Womble noted that the new plan calls for the auto center to be hidden on the site by buffering and the retail portion of the property.

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:

Doris Vaughan, 5033 Sunset Fairways Drive – Ms. Vaughan spoke in opposition to the proposed 09-SEU-02. She said she feels because the use requires a special exception use permit, it would not be in character with the surrounding neighborhood. She said there were already too many auto service facilities in Holly Springs, including one around the corner from the subject site. She said she would prefer plain retail businesses to be located at this location.

Mark Shank, 5405 Leopards Bane -- Mr. Shank spoke in opposition to the proposed 09-SEU-02. Mr. Shank said the use was not amenable to the site, and he feels it would be adverse to the nature of this intersection / gateway. The fact that there is buffering and that the minor auto repair service portion of the project is located to the rear of the property, he said, was evidence that it would not be a suitable use.

Randy Miller, Thompson & Associates – Mr. Miller addressed the Council in support of the application. He pointed out that SEUs should not carry negative connotations. Fire stations, schools and community centers are all SEUs in various districts. He added that SEUs are provided for in the ordinance not to be negative, but to provide extra review.

He stressed that the minor automotive repair service was planned to be a tire service.

On the subject of numerous like uses in a community, he pointed out that Holly Springs is home to many drug stores, banks and Harris-Teeters, all within proximity to each other.

Brian Phillips, 336 Arbor Crest — Mr. Phillips addressed the Council, speaking in favor of the application. He said the project has changed since an original submission, and he thinks the town needs it. He added that it would provide a much-needed service.

Mark McMains, 5013 Martha Nell Drive, Fuquay-Varina – Mr. McMains said he claims Holly Springs as his hometown. He said he is impressed by the elevations and spoke in favor of the project. He said he also impressed because the applicants are two women who are making the investment. The way dealerships are going out of business, he added, Holly Springs car owners are going to need auto repair centers. He added that he thinks it fits very well since the existing businesses nearby would benefit from the foot traffic of customers at the car center.

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

Councilman DeBenedetto said he agrees with Mr. Shank that the use is the same as another around the corner and that the use should not be placed at this location.

Councilman Sack disagreed. He said it would not detract from the gateway. He added that he felt like the auto repair center was needed, the plan was attractive, and that the site plan was fitting to the site.

**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-02 Diamond Business Center to allow for a minor automobile repair use in the Local Business district as submitted by Thompson and Associates, project number DIAMOND, dated revised 4/13/2009.

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:** Womble

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble, Sack and Dickson voted for the motion. Councilman DeBenedetto voted against.

*A copy of the Special Exception Use Petition 09-SEU-02 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for alternate compliance with the regulations of UDO Section 3.08, A, 1. c (2)(c)(ii) Architectural and Site Design Requirements to allow for additional awnings and human scale elements to be used in place of traditional glass windows in association with Project #09-SEU-02 Diamond Business Center, as submitted by Thompson and Associates, project number DIAMOND, dated revised 4/13/2009.

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, *façade modulation*, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;
2. The proposed development will be compatible with and will enhance the *use* or value of area properties;
3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,
4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble, Sack and Dickson voted for the motion. Councilman DeBenedetto voted against.

**Action #3:** Having made the findings of fact that the petition meets the requirements, the Council approved a motion to approve the alternate compliance with the regulations of UDO Section 3.08, A, 1. c (2)(c)(ii) Architectural and Site Design Requirements to allow for additional awnings and human scale elements to be used in place of traditional glass windows in association with Project #09-SEU-02 Diamond Business Center, as submitted by Thompson and Associates, project number DIAMOND, dated revised 4/13/2009.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble, Sack and Dickson voted for the motion. Councilman DeBenedetto voted against.

**Action #4:** 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 Petition #09-

SEU-02 Diamond Business Center, as submitted by Thompson and Associates, project number DIAMOND, dated revised 4/13/2009 with the following conditions:

1. Prior to signage installation, sign permits are required to be obtained by the Department of Planning & Zoning.
2. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
3. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
4. Prior to construction drawing submittal the following items must be addressed:
  - a. All off-site easements and right-of-way will need to be obtained and dedicated. This includes the cross access easement for the drive and any necessary offsite right-of-way for this project.
  - b. Show the median on the construction drawings to show a grassed median for any portion that is in excess of 4' width.
  - c. Clarify the detail to show half of the median as to be constructed with this project.
5. Prior to construction drawing approval or issuance of a land disturbance permit for this project the following items will need to be addressed:
  - a. Approval of Stormwater Management Plan is required.
  - b. Payment of the Stormwater Fee-in-Lieu will be required.
6. Prior to issuance of Building Permit, the following must be completed:  
Recombination plat must be recorded.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble, Sack and Dickson voted for the motion. Councilman DeBenedetto voted against.

**Action:** At this time, the Council approved a motion to readmit Councilman VanFossen into the meeting.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**6f. Public Hearing: Special Exception Use Petition 09-SEU-06, Hunt Community Center - Ms. L. Powell** said the Town has initiated a request for a development plan for renovations / reconstruction of the Hunt Community Center located on Stinson Avenue. The existing gymnasium would remain, and a new 39,415 square foot building would be built to the northwest of it. This placement would allow the old building to continue to be fully operational until the new building is complete. Then, the old building would be torn down, and a parking lot built in its place to accommodate the new community center needs.

She said the property is located within the Town Village district, and because it is a Town project, it is considered a Special Exception Use.

She said the proposed building would be oriented with the front of the building to Stinson Avenue. There are 91 parking spaces proposed for the use, and pedestrian connections to Stinson Avenue are planned.

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: None.

There being no comments, 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-06 for Hunt Center Renovations to allow for a Special Exception Use- Public Facility: Community Center in the Town Village District as submitted by Withers & Ravenel, Inc. project number 2090064.0, dated revised April 27, 2009.

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:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

*A copy of the Special Exception Use Petition 09-SEU-06 addressing the findings of fact is incorporated into these minutes as addendum pages.*

**Action #2:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03, C. 2. b. for a waiver of the regulations that stipulate a single use building shall be oriented to a plaza and a courtyard for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

1. The proposed development represents the use of (*building materials*, colors, textures, *building architecture*, roof features, *façade modulation*, *building orientation*, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the *use* or value of area properties;

3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,

4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

**Action #3:** Having made findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.03, C. 2. b from the regulations that stipulate a single use building shall be oriented to a plaza and a courtyard for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous.

**Action #4:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03 C. 1. c(3) (a) (ii) to allow for a relief of providing a varying setback of at least 2 feet or variation in *façade segments* for every 50 feet of building length for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.



1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the *use* or value of area properties;

3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,

4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #5:** Having made the findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.03 C. 1. c(3) (a) (ii) to allow for a relief of providing a varying setback of at least 2 feet or variation in façade segments for every 50 feet of building length for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #6:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03 C. 1. b. to allow for 20% reduction of the allowed primary building material of the first floor elevation from 60% to 40% for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the *use* or value of area properties;

3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,

4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #7:** Having made the findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.03 C. 1. b. to allow for 20% reduction of the allowed primary building material of the first floor elevation from 60% to 40% for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #8:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a waiver of regulations of UDO Section 3.03 C. 1. (3) (iv) to allow for a reduction in the required 40% of windows, display windows, doors or transoms located at the first floor elevation for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Eric Heinsohn of Kling Stubbins.

1. The proposed development represents the use of (*building materials*, colors, textures, *building* architecture, roof features, façade modulation, *building* orientation, *signs*, landscaping, lighting or *open space*) which will result in a development pattern which is equivalent to or superior to that achievable under the applicable regulations;

2. The proposed development will be compatible with and will enhance the *use* or value of area properties;

3. The proposed development is consistent with the intent of the *Comprehensive Plan*; and,

4. The proposed development is consistent with the intent and purpose of this UDO.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #9:** Having made findings of fact, the Council approved a motion to grant a waiver of regulations of UDO Section 3.03 C. 1. (3) (iv) to allow for a reduction in the required 40% of windows, display windows, doors or transoms located at the first floor elevation for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #10:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.03, B., a., (2). to allow for less than 50 percent of the façade of the building facing a street to be located at or between the minimum setback and the maximum setback for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:

- a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
- b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
- c. The hardship results from the application of the UDO to the property;
- d. The hardship is not the result of the applicant's own actions; and,
- e. The variance if granted must be the absolute minimum needed in order to correct the hardship.

2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.

3. Granting the variance assures the public safety and welfare and does substantial justice.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #11:** Having made findings of fact, the Council approved a motion to grant a variance from UDO Section 3.03, B., a., (2). to allow for less than 50 percent of the façade of the building facing a street to be located at or between the minimum setback and the maximum setback for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #12:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 3.07, A., 3.c., (3). to allow a trash enclosure to be located in a front yard for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:

- a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
- b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
- c. The hardship results from the application of the UDO to the property;
- d. The hardship is not the result of the applicant's own actions; and,
- e. The variance if granted must be the absolute minimum needed in order to correct the

hardship.

2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.
3. Granting the variance assures the public safety and welfare and does substantial justice.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #13:** Having made findings of fact, the Council approved a motion to grant a variance from UDO Section 3.07, A., 3.c., (3). to allow a trash enclosure to be located in a front yard for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #14:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for a variance from the Unified Development Ordinance Section 7.01 D. to allow for A reduction in the required front buffer yard plant unit value from C-75 to A-20 for Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Kling Stubbins.

1. There are practical difficulties or unnecessary hardships that would result from carrying out the strict letter of the UDO. The Board may reach this conclusion if it finds each of the following:
  - a. Based on the size, shape, topography, location, or surroundings, the applicant is prohibited from enjoying the same privileges as other properties in the vicinity and zoning classification in which the property is situated when the UDO is strictly applied;
  - b. The hardship of which the applicant complains results from unique circumstances related to the applicant's property;
  - c. The hardship results from the application of the UDO to the property;
  - d. The hardship is not the result of the applicant's own actions; and,
  - e. The variance if granted must be the absolute minimum needed in order to correct the hardship.

2. The variance is in harmony with the general purpose and intent of the UDO and preserves its spirit.

3. Granting the variance assures the public safety and welfare and does substantial justice.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #15:** Having made the findings of fact, the Council approved a motion to grant a variance from UDO Section 7.01 D. to allow for a reduction in the required front bufferyard plant unit value from C-75 to A-20 for Special Exception Use Petition #09-SEU-06 Hunt Center Renovations.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**Action #16:** Having made findings of fact, the Council approved a motion to grant Special Exception Use Petition #09-SEU-06 for Hunt Center Renovations as submitted by Withers & Ravenel, Inc., project number 2090064.0, revised April 27, 2009 with the following condition(s).

1. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
2. The project can not raise established flood levels in the existing approved Remington Basin Flood Study.
3. Prior to issuance of a land disturbance permit or construction drawing approval, the approval of the Stormwater Management Plan is required.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous.

**7a. Doug Ledson Appeal Request** - Ms. Keefer explained that developer Douglas Ledson is appealing to the Town Council for appeal of a civil penalty that was assessed by the Town of Holly Springs for violations of the Town's Erosion & Sedimentation Control Ordinance on the Woods at Avent Ferry Project. The Town's ordinance permits anyone assessed a civil penalty to have an "appeal hearing," and, in this case, before the Town Council.

Ms. Keefer reviewed for Council members the history and time-line of the Woods at Avent Ferry project violation.

Inserted below is the appeal letter received in February from Mr. Ledson. Following is a response to that letter.

**Woods at Avent Ferry Civil Penalty Appeal: Letter Requesting Appeal**

*"This is a formal request to have the Town of Holly Springs rescind the fine for the sedimentation violation issued in a letter dated 01-26-09. I would like to start by providing a timeline of events. On 7-02-08 a Land Disturbance Permit was issued under the ID # 08-08-01. As I have already sent a letter several months ago regarding the issue the contractor had with some last minute changes on the plans by the Engineering Dept., which in turn, delayed his ability to start work due to the fact that the Engineer, who was on holiday, needed to approve the changes. Thus, he came to an understanding with inspections to move forward with the retention pond, as he was able to survey the points himself. I only found out later that inspections thought the staking had been done by the surveyor, not Gary Atkins Grading. Of course, Gary Atkins refutes this.*

*On 8/13/08, we received a Certificate of Compliance (C.O.C.). Following that, sometime in late August, we had the remnants of a tropical storm that poured over 6 inches of rain in about a 12-hour period. This created a blowout of the pond. However, Gary Atkins Grading felt that the primary cause was not just the large amount of water, but also the town requiring a silt fence across the back part of the property including in front of the Flared End Section (F.E.C.), which then acted as a dam causing the water to swirl around the F.E.C. until it washed out the dam. This silt fence in front of the F.E.C. was not on the engineered plans, but Atkins Grading explained that he was told to do this to insure no silt went into the adjacent yard (Vickery). I'm not saying that this was the cause. I just don't understand why inspections required something different from the plans.*

*After the pond was reconstructed in late August, we continued our grading. However, after stopping work for about 3 ½ weeks, a meeting was called for and we all met at the site on October 20 to determine the next course of action. It was decided that the pond needed to be certified by the engineer. I called Atkins Grading to verify everything was ready for the engineer. He told me that everything had been done according to the plans and that the town had issued a C.O.C. showing everything was done correctly. I then called the engineer to take a look at the work. As he was out of town on a big project, he wasn't able to get to the site for 1 week. I kept inspections abreast of everything that was going on. Upon seeing at the pond, he raised some concerns and requested the surveyor do an as-built survey so he could run his figures.*

*After Robinson-Plante surveyed the as-built, it was determined that the capacity was only about 30% of the volume on the plans. I then requested that Gary Atkins meet me out there to determine what needed to be done. As he was tied up on another job, our meeting was delayed another week to 10 days. I informed inspections of the timetable and they stated that we needed to get this addressed ASAP. When Gary Atkins made it to the site, I showed him the difference in the construction drawings for the pond versus the as-built. He blamed the surveyor for not coming out to check everything, but was emphatic that the pond size and pipe installation was built exactly to the plans. I told him that if he could prove it, I would pay for the additional work. He became incensed that I was expecting him to fix everything at no cost to me. Even after I showed him how different the as-built were from the plans, he pointed to the fact that the C.O.C. showed that he was in compliance and had done everything he was required to do. Thus, he wasn't doing another thing on the site. With that, he walked off the job. This was somewhere around Nov. 13-14. I informed the inspector of the problem and the issues Gary Atkins had raised. He explained that I needed to get someone immediately do whatever needed to be done to get the pond certified. Luckily, I was able to find another contractor, Sullivan-Eastern, to fix everything. I was pushing this thing forward the entire time and was keeping inspections informed of everything that was going on. But, the key point is that I had to pay to do all this work again.*

*Sullivan-Eastern started work immediately just after the middle of Nov. The surveyor staked the plan according to the drawing and it was determined in a meeting with everyone, including Holly Springs' inspection, that we would keep the 4' diameter overflow pipe where it was because the pipe would be destroyed trying to move a 6' square, 2' deep concrete anchor. Thus, they enlarged the pond per staking and extended the F.E.C. to its proper placement. After that was completed, we seeded the area and had the surveyors do another as-built. The engineer then verified the capacity and certified the pond. However, in Dec. 11, we had another severe rain of 3 ½ in., which filled the new pond, but not enough to go into the overflow pipe. We discovered the following day that the overflow pipe had floated, which split at the connection, draining the pond and putting silt into the adjacent (Vickery) yard again. Upon removing the overflow pipe, we discovered that the concrete anchor was only a 5' square and about 8" thick rather than the 6' square, 24" thick called for on the plans. The concrete anchor was the only thing that hadn't been replaced. We thought that it would have been inspected prior to the concrete pour as it was underground, much like a footing on a house.*

*With that, I had to pay for a crew to hand carries the silt from the backyard of the Vickery residence up the hill onto my*

property for one week. DENR came out after receiving a call from Vickery and were satisfied with the work being done. So, I had to pay for the removal of the Overflow pipe and it's proper re-installation. In addition, we had to install other erosion control measures at the top of the slope to reduce future sedimentation going into the pond. All of this is an expense incurred by me. What is the responsibility of the Town of Holly Springs? I relied on the fact that the town must have verified something to provide the C.O.C., certainly the concrete anchor for the overflow pipe. But, that was not the case. To fix all this, I've incurred additional expenses of over \$20,000.00 to re-do everything. In addition, I had to pay to have the surveyor verify the as-built after the installation of the new concrete anchor. We never would have incurred the loose of silt onto the Vickery property in Dec. had the anchor been inspected and installed properly. And, I assumed that was done in order to provide the C.O.C. that Gary Atkins Grading used over and over again to show everything met the Town's approval.

I truly wish the Town of Holly Springs was sensitive to land owners, developers and builders. We do not have a bottomless pit of money we can draw on. Nothing was done correctly by the original Contractor. Does the Town feel that inspections has no responsibility to verify that any of the work is done according to submitted plans? I was attempting to get all this addressed in an expeditious fashion. And, I kept inspections informed of my progress. I would appreciate your consideration in eliminating both the fines. I hope you will agree that the huge cost of redoing everything should be a sufficient penalty."

-- Doug Ledson

### **Woods at Avent Ferry Civil Penalty Appeal: Town Summary of Events**

#### **"NOV #1 Facts:**

- **NOV #1 issued on November 20, 2008**
- **NOV #1 Violations Sited**
  1. *Failure to follow approved plan*
    - 9 days past
    - 63 days to address
  2. *Failure to maintain erosion control measures*
    - 54 days past
    - 75 days to address
  3. *Failure to provide Engineer's Certification of basin per Town*
    - 74 days past
    - 128 days to address
- **NOV #1 gave the developer until December 1, 2008 to**
  1. *Remove excess sediment from basin and restore baffles to like new condition.*
    - Completed January 6, 2009
  2. *Provide Sediment Basin Certification upon completion of construction of the basin.*
    - Completed January 13, 2009
- **NOV #1 Civil Penalty Assessment \$5,000**
- **Factors in Determining Civil Penalty**
  1. *Failure of Sediment Basin*
  2. *Off-Site Sediment Loss, onto Vickery Property*
  3. *History of sedimentation inspection reports not addressed (8 total)*
  4. *Failure to respond to reports requiring maintenance of the erosion control devices and providing engineer's certification*

#### **NOV #2 Facts:**

- **NOV #2 issued on December 17, 2008**
- **NOV #2 Violations Sited**
  1. *Failure to follow approved plan*
    - 6 days past (new for NOV #2 because of riser floating)
    - 33 days to address new items
  2. *Insufficient measures to retain sediment on site*
    - 6 days past
    - 26 days to address
  3. *Failure to provide adequate ground cover*
    - 6 days past
    - 26 days to address
  4. *Failure to maintain erosion control measures*
    - Previously sited in NOV #1
    - 75 total days to address
  5. *Failure to take all reasonable measures*
    - 6 days past
    - 26 days to address

6. *Failure to provide engineers certification of sediment basin, per Town of Holly Springs request*
  - *Previously sited in NOV #1*
  - *26 days from NOV #2; 128 total days to address*
- **NOV #2 gave the developer until December 29, 2008 to**
  - *Repair/reinstall sediment basin to match the approved plan*
  - *Completed January 6, 2009*
  - 1. *Remove sediment from dissipater pad and reinstall pad to like new condition*
    - *Completed January 6, 2009*
  - 2. *Remove sediment from offsite by hand*
    - *Completed December 22, 2009*
  - 3. *Stabilize all slopes and denuded areas including but not limited to the sediment basin slopes*
    - *Completed December 22, 2009*
  - 4. *Provide sediment basin certification from engineer upon completion*
    - *Completed January 13, 2009*

*Note: The project did not meet the compliance date specified in the NOV #2. Factoring in non-working days due to the holidays in December and January and inclement weather the developer completed all of the remaining compliance actions from NOV #1 and the new compliance actions from NOV #2 were either completed before or within two working days from the NOV #2 compliance date.*

- **NOV #2 Civil Penalty Assessment \$2,500**
- **Factors in Determining Civil Penalty**
  1. *Failure of Sediment Basin*
  2. *Off-Site Sediment Loss, onto Vickery Property*
  3. *History of off-site sediment loss*
  4. *Failure to respond to reports requiring maintenance of the erosion control devices and providing engineer's certification*
  5. *Project under NOV #1 at the time of issuance of NOV #2"*

-- Town of Holly Springs

Following a recap of the events detailed above, staff and Mr. Ledson addressed the Council.

Mr. Ledson advised the Council of his point that the Town ordered him to place a silt fence on the exhaust side of a sediment basin, causing the violation to occur. He said the fence went in on advice of staff, and he claimed there was no coordination between inspections and the engineering department and he was given mixed messages. When the pipe floated, it was obvious it was not according to the approved plan, but it was approved by town inspections.

In the end, Mr. Ledson said, he was asking for consideration of fines levied because he feels the Town played a role in the issue.

Councilman VanFossen pointed out that Mr. Ledson needs to seek relief from his contractor who they allege made the mistakes

After much discussion, Councilman VanFossen said Mr. Ledson probably got hood-winked by his contractor, but the bottom-line responsibility is his. Councilman VanFossen said he would be amenable to a reduction in the \$7,500 fine, but not a discount of the entire amount.

Councilman Sack said he would suggest a reduction of the fine from \$7,500 to \$5,000 total.

**Action:** The Council approved a motion to uphold the civil penalty that was assessed against the project for violations of the Erosion & Sedimentation Control Ordinance of Holly Springs, North Carolina, but will accept in full payment a reduced fine of \$5,000

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous.

*A copy of a point-by-point response from the Town of Holly Springs to Mr. Ledson's Woods at Avent Ferry appeal letter 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 Dickson and a unanimous vote. The following actions were affected:

**8a Budget Amendment Report** – The Council received a report of amendments to the FY 2008-09 budget approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as an addendum page.*

**8b. Budget Amendment, \$6,790** – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$6,790 to receive insurance proceeds for a damaged police vehicle. *A copy of the*

*budget amendment is incorporated into these minutes as an addendum page.*

**8c. Budget Amendment, \$750,000** – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$750,000 to receive a portion of a \$3,000,000 grant from the North Carolina Department of Commerce for the Novartis project. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8d. Budget Amendment, \$17,100** – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$17,100 to complete the Baptist Church parking lot project. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8e. Budget Amendment, \$650** – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$650 to prepare surplus vehicles for sale. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8f. Budget Amendment, \$250,000** – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$250,000 to correct prior budget amendment related to the Holly Springs Business Park pump station. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**8g. Resolution 09-14** – The Council adopted Resolution 09-14 ratifying changes to the water section of the Holly Springs Engineering Design and Construction Standards to be in compliance with state regulations. *A copy of Resolution 09-14 is incorporated into these minutes as addendum pages.*

**Action:** At this time, the Council approved a motion to recuse Councilman VanFossen and Mayor Sears from the meeting due to their professional association as members of the board of directors with the apparent low bidding bank.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**9a. Town's Banking Proposals** – Mr. Boykin said the Town submitted requests for proposals for its primary banking services for the three-year period July 1, 2009 through June 30, 2012, with the option to renew for an additional two-year period ending June 30, 2014. He said the Town has enjoyed a wonderful banking relationship with Four Oaks Bank since January 1, 2004.

He said the primary factors considered were statutory compliance, financial health of the institutions and cost to the Town. Crescent State Bank submitted the proposal with the most favorable terms for the Town and can provide all services desired. Although Crescent has a compensating balance requirement of \$725,000 compared to no compensating balance requirement from Four Oaks, Crescent has guaranteed a minimum rate of return on our money of 2.25% for each of the three contract years. This 2.25% is 2 whole percentage points higher than the Federal Funds Rate of .25%, which generally approximates the average rate of return for general checking accounts. In fact, this rate exceeds most of the money market accounts we maintain which are used as savings accounts for reserves.

He said the Town's interest earned over the three-year contract period will exceed \$193,000, significantly more than the interest to be received from the other financial institutions.

**Action:** The Council approved a motion to award a contract for the Town's banking services for the next five years to lowest responsible bidder Crescent State Bank.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of banking services proposal is incorporated into these minutes as an addendum page.*

**Action:** At this time, the Council approved a motion to readmit Councilman VanFossen and Mayor Sears into the meeting.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**9b. Wake County Growth Task Force** – Councilman DeBenedetto asked the Council if it would support concepts brought forth by the Wake County Growth Task Force.

Mayor Sears said he would support the concept of community schools; he would support mass

transportation plans that do not specifically tie the area to trains or buses; and he would support regional approaches to addressing issues.

The consensus of the Town Council was that it was generally supportive of Wake County Growth Task Force objectives.

**10. Other Business:** Councilman DeBenedetto responded to an email from Councilman VanFossen during the week requesting the removal of Councilman DeBenedetto from the Technical Review Committee.

There was much discussion, but the Council did not remove Councilman DeBenedetto from the TRC. Members mentioned that the TRC may want to devise an official rules of procedures to avoid confusion or conflicts in the future.

Councilman Sack reported on a regional transit meeting in which he pointed out that bus service was not included for Holly Springs. He reported that the authority said it was an oversight and that they would amend the map.

Councilman Sack asked for town flag to be placed in Chambers.

**11. Manager's Report:** Mr. Dean reported on a health fair at town hall Wednesday and a budget workshop at 5:30 p.m. at the cultural center.

Mr. Schifano noted for the Council and the record that Consent Agenda item 8g. was a resolution of which the public would want to take notice. He said the resolution regards a change in state law requiring second meters for irrigation systems.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the May 19, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 6, 2009.

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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.**