

# Holly Springs Town Council Minutes

## Regular Meeting April 1, 2008

The Holly Springs Town Council met in regular session on Tuesday, April 1, 2008, 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 four council members were present as the meeting opened.

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

**Council Members Absent:** Councilman Chet VanFossen (arrived at 7:15 p.m.)

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Stephanie Sudano, director of engineering; Kendra Stephenson, senior engineer; Heather Keefer, environmental specialist; Len Bradley, parks and recreation director; Daniel Weeks, project analyst; Eric Tayler, IT manager; Anthony Revels, police lieutenant; Drew Holland, finance director; Amy Moore, director of water quality; Linda Harper, deputy town clerk; 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 of Southwest Wake Baptist Church.

**4. Agenda Adjustment:** The April 1, 2008 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous

**Items Added to the Agenda:** Veterans Park discussion was added to New Business.

**Items Removed from the Agenda:** None.

**Consent Agenda Items Moved to New Business:** 8f., resolution to amend Section 8 of the Engineering Design and Construction Standards to include the NPDES Best Management Practices Manual, was removed for presentation.

**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:

Glenn Myrto, 408 W. Ballentine Street – Mr. Myrto addressed the Council regarding the Town's agenda item to consider whether to surplus a piece of real property it owns at the edge of the Cultural Center parking lot.

Mr. Myrto pointed out that for years the property of the cultural center has been designated as parkland in long-range planning documents. He said he felt the Town should keep the property and maintain it as passive open space.

Van Crandall, 4813 Salem Ridge – Mr. Crandall addressed the Council regarding the community videos featured on the Town's Web site. Mr. Crandall said he felt it was not appropriate that the community video link connects to an outside server where the videos reside and are presented with paid advertisers displayed. He said he, particularly, is affected because his own video streaming company cannot compete with the program in which the Town participated. He asked that the video link be removed from the Web site and that the Town no longer partner with companies that use the Town as a portal for advertising. He asked that the Town Council adopt a resolution to that effect.

**6a. Scottish Heritage Month** – Councilman Dickson read a proclamation proclaiming April as the Scottish -American Month to honor the contributions of Scot Americans to the nation, the State of North Carolina and to Holly Springs.

April 6 has been proposed to be recognized as Tartan Day to mark Independence Day in Scotland since the American Declaration of Independence was modeled after the same Scottish document.

In Holly Springs, Archibald Leslie, who constructed the home now known as the Leslie-Alford-Mims house, was one of the town's first settlers. A Scottish tailor, he is a Holly Springs founding father.

**Action:** None.

**7a. Public Hearing: Annexation Petition A08-01, Blalock and Koeppen Property** – Ms. Clapp said the Town has received a petition for voluntary annexation of 123.67 acres located at 4101 Friendship Road. The petition meets all the statutory requirements for satellite annexation, except that the Town is awaiting a formal property survey.

She explained that, pursuant to the 1993 annexation boundary line agreement between the Town of Holly Springs and the Town of Apex, the

Town of Holly Springs sent notice to the Town of Apex of this (and all) annexations. Apex has requested that Holly Springs apply a 60-day waiting period prior to the adoption of the annexation ordinance.

Ms. Clapp said the request from Apex notwithstanding, staff and the Town Attorney are of the opinion that this parcel does not lie within the designated boundary of the annexation agreement. Still, because the Town is waiting for a survey to be done, Council is being asked to defer action on the annexation ordinance until the first meeting in May.

That explanation completed, Mayor Sears opened the public hearing. The following comments were recorded: None.

**Action:** The Council approved a motion to continue the public hearing of Annexation Petition A08-01, Blalock and Koeppen properties, to resume on May 6, 2008.

**Motion:** Sack

**Second:** Dickson

**Vote:** Unanimous

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

8a. Minutes - The Council approved minutes of the Council's regular meetings held in January, 2008.

8b. Holly Springs Business Park Pump Station and Force Main Contract – The Council approved to enter a contract amendment with Kimley-Horn and Associates for extra services related to the Holly Springs Business Park pump station and force main at a cost of \$16,406. *A copy of Kimley-Horn and Associate contract amendment is incorporated into these minutes as addendum pages.*

8c. Street Lighting Policy Statement P-004.1 – The Council adopted Policy Statement P-004.1, an amended version of the Town's Street Lighting policy statement. *A copy of P-004.1, Street Lighting Policy Statement, is incorporated into these minutes as addendum pages.*

8d. Budget Amendment, \$52,000 - The Council adopted amendments to the FY 2007-08 budget in the amount of \$52,000 for the traffic signal at Sunset Lake Road and Optimist Farm Road as approved on March 18, 2008. *A copy of the budget amendments are incorporated into these minutes as addendum pages.*

8e. Budget Amendment, \$97,000 – The Council adopted amendments to the FY 2007-08 budget in the amount of \$97,000 for the construction of a public parking lot at Holly Springs Baptist Church as approved on March 18, 2008. *A copy of the budget amendments are incorporated into these minutes as addendum pages.*

8f. Resolution 08-12 – This item was removed from the Consent Agenda during agenda adjustment.

8g. Blalock Property Survey Report – The Council received a report of a contract entered with Bass, Nixon, Kennedy for surveying services at a cost of \$8,300. *A copy of the Bass, Nixon, Kennedy contract is incorporated into these minutes as addendum pages.*

8h. Western Wake Water Reclamation Facility Interlocal Agreement Amendment No. 3 – The Council adopted Amendment No. 3 to the Western Wake Water Reclamation Facility Interlocal Agreement. *A copy of the Western Wake Water Reclamation Facility Interlocal Agreement Amendment No. 3 is incorporated into these minutes as addendum pages.*

8i. Budget Amendment, \$49,000 – The Council adopted amendments to the FY 2007-08 budget in the amount of \$49,000 to cover the first invoice for athletic facility enhancements at Holly Grove Middle School. *A copy of the budget amendments are incorporated into these minutes as addendum pages.*

**8f. Resolution 08-12** – Ms. Keefer addressed the Council, giving them key information in the town's establishment of National Pollutant Discharge Elimination System Best Management Practices Manual that will reside as Section 8 of the Town of Holly Springs Engineering Design and Construction Standards.

Adoption of the resolution, she said, would enact the BMP, and she wanted the Council to have some background information on the program in case they are asked questions by citizens or developers.

**Action:** The Council adopted Resolution 08-12 modifying the Town of Holly Springs Engineering Design and Construction Standards to be consistent with the North Carolina Division of Water Quality Stormwater Best Management Practices Manual.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous

*A copy of Resolution 08-12 is incorporated into these minutes as addendum pages, less the 92-page Exhibit A. The actual BMP Manual, which is Section 8 of the Town of Holly Springs Engineering Design and Construction Standards, is contained in that document and may be amended by resolution from time to time.*

**9a. Avent Ferry Road and Cass Holt Road Traffic Signal** – Ms. Stephenson said staff has been working on the design and coordination with NCDOT on the signal to be located at the intersection of Avent Ferry Road and Cass Holt Road.

She said bids were informally solicited, and staff recommends award of the work to the single and lowest responsible bidder, Watson Electrical Construction Company, in the amount of \$42,740, inclusive of contingency.

**Action:** The Council approved a motion to award a contract for the installation of a traffic signal at the intersection of Avent Ferry Road and Cass Holt Road to Watson Electrical Construction Company in the amount of \$42,740, inclusive of contingency.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**9b. Water Conservation Ordinance 08-05** – Ms. Powell explained that now that Holly Springs is drawing its water from the Harnett County water supply, the Town is required by the water purchase contract to enact similar water use restrictions.

She said a proposed draft ordinance is geared to match Harnett County as much as feasible and practical and provides for the familiar graduated stages of restrictions to be enacted under circumstances. Collectively, the stages in this ordinance would be slightly less restrictive than any previous water conservation rules that the Town has put in place.

She said stage triggers are based on available flow from the Cape Fear River and what Harnett County imposes. The ordinance provides that the Town of Holly Springs would automatically follow the lead of Harnett County.

Based on the Harnett County ordinance, it would appear that the Town would never likely get to a stage higher than Stage 2, which would allow irrigation two days a week.

She said on March 28, Harnett County was expected to go to restrictions that are described in the ordinance as Stage 1, which would allow irrigation on an alternating schedule for three days a week for each property owner with no other restrictions.

She said stage 2 would allow an alternating schedule of irrigation on two days a week for each property owner, together with a few other types of restrictions; Stages 3 and 4 would prohibit irrigation as well as place progressively stronger restrictions on other types of water use.

In the past the Council has expressed an interest in addressing the problem of irrigation systems that deposit water on sidewalks and streets. The proposed ordinance would make this unlawful during any stage of response.

Ms. Powell explained one other item of note, the ordinance establishes a fee for the irrigation permits that the Town would continue to allow in most cases. The \$50 fee would be collected and put toward water conservation education efforts; a provision is included for waiver of this fee for those who provide evidence of having planted warm-season grasses or drought resistant vegetation.

In discussion, council members suggested that it might be wise to specifically state in the ordinance that no irrigation would be allowed from the Town's water supply on Fridays.

Councilman Sack suggested that the ordinance should apply also to private wells and non-potable water sources.

Councilman DeBenedetto suggested that the Town explore providing incentive to developers and builders to plant native and drought-resistant grasses.

Councilman VanFossen went a step further and suggested that there be no incentives, but the Town should just require it.

**Action:** The Council approved a motion to adopt Ordinance 08-05 enacting a new Water Conservation regulations for the Town of Holly Springs with the addition of text stating no watering on Friday in Stages 0 and 1

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of Ordinance 08-05 is incorporated into these minutes as addendum pages.*

**9c. Resolution 08-13, Green Oaks Parkway Easement Condemnation** – Mr. Schifano said that pursuant to the Town's construction of the additional two lanes for the ultimate four-lane roadway improvement to Green Oaks Parkway, additional easements are needed. In 2006, a condemnation resolution was passed by the town council to condemn property of Doris Jones, et. al, an approximate 57-acre tract adjacent to the Business Park. This resolution adds approximately 3,564 square feet of Temporary Construction Easement, which would revert back to the landowner upon completion of the construction work.

**Action:** The Council approved a motion to adopt Resolution 08-13, a condemnation resolution to acquire temporary construction easement for Green Oaks Parkway.

**Motion By:** Dickson

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Resolution 08-13 is incorporated into these minutes as addendum pages.*

**9d. Surplus Real Property** - Mr. Schifano said that the Town has received inquiries about the possibility of selling a small portion of land to the north of W. Ballentine Street at the Cultural Center, and a request to declare the Town property as surplus.

He explained the history of Monument Park, a proposed development plan for a larger, neighboring tract. He said the remainder of the land to the north of W. Ballantine St. at the Cultural Center could be declared surplus property and conveyed via the upset bid method to private ownership. Staff has met with a developer who is interested in developing the adjacent property and who is interested in this sliver of land to enable better utilization of his property.

Mr. Schifano said, if the Council desired to sell the property, that it could surplus the property with a reversionary clause stating that if a suitable plan was not devised or the development plan was not approved, then the third-acre would revert back to the town.

Councilman DeBenedetto asked why would the Town surplus Town property without a site plan. He added that he had issues with the previous Monument Park site plan, so he would not want to sell the land. He said he felt the Town should save it as a park and maybe buy more land around it to make it a better site for the Town.

Councilman Sack said, in his memory, the property not owned by the Town in this area was designated for development of mixed-use or residential uses. He said he felt like the third acre was of no use to the Town. He added that he felt like Mr. Schifano's suggestion for a

reversionary clause would give the Town adequate protection. He said the addition of this third acre may give the developer the chance to devise something better for the Town than the previous proposal.

Councilman VanFossen asked if the Town could trade instead of sell the property. He suggested that the Town could provide this third-acre for another third-acre around the historic springs on the property to provide better access and a better park area.

Mr. Schifano said he had suggested the same idea to the developer, whose response was reluctant.

After much discussion, Mr. Schifano summarized that the Town Council was looking at three possible positions: to not surplus the property and retain it; to surplus it with a reversionary clause that the property would revert back to town ownership of a suitable development plan was not produced; or receive a site plan from the developer and then make the decision whether to sell, trade or not.

**Action:** The Council approved a motion to not surplus nor sell the property at this time.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** The motion carried following a 3-2 vote. Councilmen DeBenedetto, Womble and Dickson voted for the motion. Councilmen VanFossen and Sack voted against.

**9e. Community Growth Forum, April 17, 2008** – Mr. Carl Dean said that at the Council's Winter Retreat, the Council directed that a public forum be held on the many issues of growth management in Holly Springs. Since that time, staff has been meeting regularly to create a public presentation of information, together with exhibits. This forum is scheduled for 5 to 8 p.m. Thursday, April 17 at the Cultural Center.

He said staff is planning an open house segment of the evening where exhibits illustrating pending and ongoing non-residential projects and a wide assortment of infrastructure plans will be displayed. During this open house in the Cultural Center lobby, residents will be welcomed to walk through and ask questions of staff and Council members.

The second part of the evening will be held in the Cultural Center theater where staff will conduct an abbreviated version of the presentation given at the retreat.

After the presentation, staff believes the Council may be interested in taking over the program, sharing information and viewpoints from the stage and engaging interactively with audience members, asking and answering questions.

He said rather than emailing to get ideas of what the Council has in mind, staff is asking for discussion at the meeting and that a council-supported consensus be formed as to how this part of the program should be handled and how it should end.

Direction: There was some discussion as to the merits of holding a public hearing the evening of the forum or on a separate night. In the end, there was a consensus that, if the Town is going to entertain public comments in a hearing forum, it would be best to do so the evening of the Growth Forum when people interested in the subject would be gathered. Direction was to hold a public hearing at the end of the Forum.

**9f. Employee Monthly Mileage Allocation, Banking Land for Schools, Growth, and Town's Legal Council** – Councilman Womble said that he would like to discuss or make motions to the following topics: employee monthly mileage allocations or allowances and exploring land banking for schools.

In agenda packets, Councilman Womble had listed two other topics – a public hearing on the issue of growth and the Town's legal counsel. The public hearing on growth was disposed of in action previous in the meeting. Councilman Womble said he wanted to hold off on any discussions on the Town's legal counsel as he was still gathering information and felt if discussion was to be held, that it should be in closed session.

In receipt of Councilman Womble's list, Mr. Dean said most employees submit mileage forms for reimbursement. He said there are a few department head level staff members who receive monthly travel allowances instead, and these employees do not also receive mileage reimbursement.

Councilman Sack asked if the travel allowance for staff was considered salary, or was it considered a benefit? He said he estimated the proposed budget would contain \$38,000 in car allowances, and he believes Holly Springs to be the only town in Wake County that provides travel allowances to anyone other than the town manager or mayor.

He said he felt strongly that employees who use their own cars should record and report their monthly mileage and receive reimbursement, which he believes would amount to less than monthly allowances.

Councilman Sack then asked why only some department heads, the mayor, town attorney and town manager received travel allowances and not all employees.

Mr. Dean asked the Council to look at the situation on a case-by-case basis. He said he understands Councilman Sack's position, but he feels there are some instances when reimbursement or providing a vehicle would be more expensive than a travel allowance, and it would be best to consider each instances based on its own merit.

Councilman DeBenedetto said he agrees with Councilman Sack. He added that there is no policy on who gets the benefit and who does not. He said if the travel allowance is a perk, then it should be called what it is.

Councilman VanFossen said he felt like \$38,000 was not a tremendous amount of money when compared to what the actual cost for mileage and additional vehicles might be.

Councilman Sack maintained that no other governmental agency bestows travel allowances like the Town of Holly Springs. He said it is not equitable in that some have it and some do not and that mileage reimbursement is the best means of ensuring that the provision is fair for everyone on staff and for the Town organization.

Councilman Dickson said he was not inclined at this time to eliminate the travel allowances across the board, but he would like to see a

cost analysis of what would be the most cost-effective procedure for the Town.

**Mileage Direction:** The Council directed that a history of those who receive travel allowance be prepared, together with a cost analysis for each position. The Council also wanted more information on which employees were offered their jobs with the understanding that a travel allowance would be provided.

On the subject of banking land for schools, there was much discussion.

Councilman Womble pointed out that he feels the Town should explore purchasing property now that can be used for parks and recreation uses. In the future, if the Wake County Public School System would want to purchase the land for schools, then the Town would have it to sell.

There was also discussion that not all property is suitable for school development and that the Wake County Public School System has specific limitations, locations and parameters for property it seeks.

**Action:** A motion to authorize council members to explore purchasing land for parks and eventual school sites if and when the Board of Education desires to obtain it failed.

**Motion By:** Womble

**Second By:** DeBenedetto

In discussion, Councilmen Dickson and VanFossen questioned the need for a motion to allow any one or more council members to approach land owners to gauge their interest in selling their land.

Councilman Womble said he simply wanted the endorsement of the Council.

Councilman VanFossen said the Council could provide endorsement without approving a motion to do so.

Councilman DeBenedetto called the question.

**Vote:** The motion failed to carry, following a 2-3 vote. Councilmen Womble and DeBenedetto voted for the motion. Councilmen Sack, VanFossen and Dickson voted against.

Councilman Dickson noted for the record that he was voted against the motion simply because it was not necessary. He said he supports the Town's seeking out property for future parks and school sites.

**9g. Veterans Park –** Councilman DeBenedetto reported that he had met with Sen. Elizabeth Dole's office in Washington D.C. and learned that federal grants are available that could help the Town with Veterans Park. He said Sen. Dole's office is asking for a letter from Holly Springs requesting the funding and describing the project.

**Action:** The Council approved a motion to authorize a grant application and letter requesting federal funding for Veterans Park.

**Motion by:** Sack

**Second by:** Womble

**Vote:** Unanimous.

**10. Other Business:** Councilman DeBenedetto said he would like to add the following topics to the Town's legislative agenda: I-540, the Council's recent Board of Education resolution and removal of the cap on charter schools.

Councilman DeBenedetto asked if the Town had received an invoice for \$35,000 for Green Oaks Parkway permit violation remedies. Mr. Dean said yes, and the Town will be getting the money from Wakefield Development.

Councilman DeBenedetto asked for old budgets and that audit reports be provided prior to the meeting at which the audit is reported.

Councilman Sack asked the Council for action on a parks and recreation bus program to provide senior citizens at the apartments for the elderly with transportation to WalMart and to Bingo.

**Action:** The Council approved a motion to establish a pilot program to provide senior citizens at Dorothy Nixon Allen Manor and the apartments for the elderly with weekly trips to WalMart and to Bingo.

**Motion by:** Sack

**Second by:** Dickson

**Vote:** Unanimous

**11. Manager's Report:** Mr. Dean reported that town is bidding out next year's solid waste collection contract. He added that one thing talked about at the winter retreat was the Town's providing bigger recycling containers, and he noted that some samples of the bigger containers were on display in the hallway.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the April 1, 2008, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Dickson, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, June 3, 2008.

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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.**