



June 5, 2012

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, June 5, 2012 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen Jimmy Cobb and Tim Sack and Councilwomen Cheri Lee and Linda Hunt Williams.

Council Members Absent: Councilman Chet VanFossen.

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; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Eric Tayler, information technology technician; Mark Andrews, public information officer; Drew Holland, finance director; Jenny Mizelle, director of economic development; Len Bradley, director of parks and recreation; Daniel Weeks, project analyst; and Kendra Parrish, senior engineer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Sivoldi of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The June 5, 2012 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Items added to Agenda: None.

Items removed from Consent Agenda: None.

Items removed from the agenda: None.

Other changes: Add Item 7k, order directing Wake County to levy and collect taxes for Holly Springs.

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:

John Herrera - The John Herrera Family addressed the Council to promote Fiesta de la Paz, a Costarican Association of North Carolina festival scheduled for 10 a.m. to 5 p.m. Sunday, Aug. 26 at Womble Park. Miss Costa Rica will be a special guest. Mr. Herrera invited all to attend for fun, food, soccer and music.

6a. Public Hearing: FY 2012-13 Budget - Mr. Dean said Council members had received their copies of his proposed FY 2012-13 budget for the Town.

At the May 21 budget workshop, Council approved a motion (with a split vote) to direct the town manager to prepare a new budget to include a two-cent tax rate increase to fund the issuance of \$9 million of the \$20 million in parks and recreation bonds approved by voters Nov.

8, 2011. This would accomplish many of the projects that have been prioritized into Phase 1 projects, less development of the park on the Mims property at this time.

Council consensus from the workshop also included the following changes:

- To avoid any rate increases in the Utility Fund this year, pull money this year out of wastewater reserves and take another look at it next year.
- Look at filling the planning technician spot. Need to come up with the \$50,000 needed to fund the position.

Mr. Dean said with these adjustments, the next step in the process is to hold a public hearing on the budget document. (Note to clarify: The budget did not change with the tax rate increase proposed... the increased revenue raised would be used solely for parks and recreation projects funded by the issuance of bonds and that were not included in the original budget plan.)

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

John Tredway, 400 Skygrove Drive - Mr. Tredway said he appreciated the Town's efforts to hold the line on utility rates but he is opposed to a tax rate increase for parks and recreation.

Gerald Holleman, 5625 Easton Street - Mr. Holleman said he had reviewed the budget proposal and supports funding for parks and park development; however, he said he is not a big proponent of bond debt and he would suggest the deferment of other capital projects this year and then depend on growth in future years to pay for projects.

Peter Hewitt, 425 Brightling Way - Mr. Hewitt opposes the tax rate increase for parks and recreation.

Ken Henke, 404 Cayman Avenue - He said, as a member of the parks and recreation board, he supported and still supports the bond referendum and development of parks; however, he said he depended on information he received that would indicate that there would be no tax rate increase.

A lot of those who voted for the bond referendum did so not intending to vote for a tax rate increase, he said, adding that many had the impression there would be no tax rate increase.

He asked the Council to not vote for a tax rate increase.

Brian Brantley, 209 Norwalk Street - Mr. Brantley said he disapproves of the tax rate increase. He said he feels that taking on debt is not wise at this time.

Joseph Signoretti, 1220 Trotter Bluffs Drive - Mr. Signoretti said residents have requested the planned parks and recreation projects for years and when it came to a vote, the people approved it. He said the value of the improvements would come back to the Town.

He said he supports the tax rate increase because it will increase the Town's condition before the economic development market.

Richard A. Gallo 104 Ontario Place [Via email] -- Mr. Gallo's comments were read into the minutes and are below:

"As 16-year residents of Holly Springs, my wife and I would like to contribute our two cents worth on the issue of raising taxes for Parks and Recreation.

We are retired and on an income where we have to make choices on where to spend our money. We have no kids nor grandkids living in the town, although we wish they did live here.

Still, we both strongly support the modest tax increase to insure that this town can continue to provide quality parks and recreation facilities for every citizen, young to not so young, now and in the future.

We are pleased with the improvements that have already been made and thoroughly enjoy seeing so many kids and adults using the parks, trails, Bass Lake, the terrific new Hunt Center, etc. We are excited about the proposals for expansion that will help us stay ahead of the growth curve this town enjoys.

The tax increase as approved by council is a small price to pay for all that the plans entail. Now, If we can only get the State and Federal governments to make such wise and responsible decisions as are being made at this local level. I want to congratulate Town Council for the wisdom to stand the ground for the greater good."

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

Action: The Council approved a motion to set a special meeting date of noon Friday, June 29, 2012 for the purpose of adopting the FY 2012-13 budget and to consider any end-of-year FY 2011-12 budget amendments that may arise before the end of the month.

Motion By: Sack

Second By: Cobb

Vote: Unanimous

7. 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 Cobb and a unanimous vote. The following actions were affected:

7a. Resolution 12-07.1 - The Council adopted Resolution 12-07.1 amending Resolution 12-07 declaring vehicles surplus to the needs of the Town. *A copy of Resolution 12-07.1 is attached to these minutes.*

7b. Resolution 12-10 - The Council adopted Resolution 12-10 approving the 10-Year Solid Waste Management Plan update. *A copy of Resolution 12-10 is attached to these minutes.*

7c. Budget Amendment, \$150,000 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$150,000 to appropriate funds for end-of-year water purchases. *A copy of the budget amendment is attached to these minutes.*

7d. Budget Amendment, \$23,625 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$23,625 to purchase street easements. *A copy of the budget amendment is attached to these minutes.*

7e. Budget Amendment, \$12,900 - The Council adopted an amendment to the FY 2011-12 budget in the amount of \$12,900 for council chambers audio and monitor upgrade. *A copy of the budget amendment is attached to these minutes.*

7f. Microsoft Enterprise Agreement - The Council approved to continue the Microsoft Enterprise agreement for three years in the annual amount of \$56,027.04.

7g. Bass Lake Road Sidewalk Project - The Council approved change order #5 in the Bass Lake Road sidewalk project.

7h. Grigsby Ave. Sidewalk Project - The Council approved a contract with S&ME Inc. for material and testing services for the Grigsby sidewalk project and adopted the associated budget amendment. *A copy of the budget amendment is attached to these minutes.*

7i. Amendment to Council Meeting Schedule - The Council amended the calendar of regular Council meetings to cancel the June 19 meeting.

7j. Holly Pointe Development Agreement - The Council approved a modification to the Holly Pointe developer agreement.

7k. Resolution 12-11 - The Council adopted Resolution 12-11 authorizing Wake County to levy and collect taxes for the Town of Holly Springs. *A copy of Resolution 12-11 is attached to these minutes.*

8a. Leslie-Alford-Mims Master Plan - Mr. Bradley said that a proposed master plan for development of a downtown park on the Leslie-Alford-Mims property was presented to the Council on May 1. The presentation detailed a proposed plan to provide the following features: a village green type of place with a pavilion that could serve as a permanent farmers market

pavilion and gathering spot; an open meadow with an orchard as a nod to the simpler time represented by the history of the property; bio-filtration facilities; an adventure play area; walking trails; a botanic garden; cistern treatments for historic springs; and soft-surface walking trails.

He said following the presentation, Council asked for some adjustments to the master plan proposal.

He said as requested, an alternative plan was being presented showing the addition of an amphitheater. The modified version of the master plan includes two options: (1) program building, (2) amphitheater to be located on the southern hillside of the property and adjacent to the Cultural Center. The final decision to add or delete one of these elements would be made to correspond with the final development of the property.

Action: The Council approved a motion to approve the Mims property park concept plan for further study .with optional site feature of (A) a botanic garden with parks and recreation program building or (B) an amphitheater

Motion By: Sack

Second By: Williams

Vote: Unanimous

9a. Parks and Recreation Advisory Committee - Mr. Bradley said that the Parks and Recreation Advisory Committee terms of Marty Buckwald and Monica Fanjoy will expire June 30, 2012. He said that Mr. Buckwald has requested reappointment to another three-year term and Ms. Fanjoy requests to retire her seat.

He asked if the Council prefers to:

1. Reappoint Marty Buckwald for a three-year term and open one Parks and Recreation Advisory Committee seat to receive applications?; or,
2. Open both Parks and Recreation Advisory Committee positions to receive applications?

Action: The Council approved a motion to reappoint Marty Buckwald for a three-year term and open one Parks and Recreation Advisory Committee seat to receive applications.

Motion By: Williams

Second By: Sack

Vote: Unanimous

9b. Town's Financial Audit Services Contract - Mr. Holland said that this request is for consideration of proposals that were sent out for auditing services for the next three years. Of the proposals received, staff recommends retaining the firm of Christopher K. Abbott, CPA for the next three years.

Action: The Council approved a motion to retain the Christopher K. Abbott, CPA, firm to conduct the Town's annual financial audit for the next three years in an amount not to exceed \$99,570.

Motion By: Cobb

Second By: Williams

Vote: Unanimous

9c. Civic Organization Sign Project - Mr. Zawadski said that, due to site and contractor difficulties, staff is approaching Council for direction as to how to proceed in the civic organization sign project.

The primary contractor awarded the bid for the project has cancelled its contract with the Town. There are difficulties carrying unknown costs to extend electrical service to the chosen site on G.B. Alford Highway at South Main Street. Currently, only three local organizations have funds in place that could be used for purchasing their emblems.

He said staff is seeking direction from the Town Council regarding the next steps for the construction of a civic organization sign.

Mr. Zawadski asked if the Council wanted staff to continue with the same sign design and location as selected in December, despite the cost of electrical service, or instead, move

forward with the sign design and location proposed for the corner of West Ballentine Street and Avert Ferry Road.

Action: Council approved a motion to direct staff to investigate the possibility of integrating the civic organization recognition with the gateway feature to be provided by Pecan Grove Apartments in a possible cost-share project and to continue consideration of the Ballentine Street as another option.

Motion By: Sack

Second By: Cobb

Vote: Unanimous.

9d. Pecan Grove Apartments Developer Agreement - Mr. Schifano said on Dec. 7, 2010, the preliminary terms of a developer agreement with the developer of Pecan Grove Apartments were approved by the Town Council. The agreement before the Council contains the approved terms, providing for the developer to oversize a gravity sewer line to serve upstream properties and prepay \$1.95 million in development fees.

In exchange for these things, the developer will receive a credit in fees of not more than \$19,946. Additionally, the apartment complex would be prepaying sewer and water capacity replacement fees for the 240 units and would receive a slight modification in the total required fee. Three bedroom units would pay the same as a single-family residence (currently \$9,000 total;) however, the two- and one-bedroom units would pay \$3,000 and \$1,500, respectively.

The developer would pay all of these fees up front to the town (\$1.95 million) within 10 days of closing. Without paying the reduced rate for the one- and two-bedroom units, the developer ordinarily would pay \$2,318,000 if they were to construct all of their units.

The Town would be able to earmark and use these funds - paid in advance - for needed sewer capital improvements to the downstream gravity sewer lines, downstream pump station and force main upgrade.

Councilman Sack asked if this would be setting a precedent.

Mr. Schifano said yes, although the original precedent was set with the Main Street Square project.

Councilman Sack asked if the Council would be looking at a fee schedule amendment in the future. Mr. Schifano said he believes staff does not want to amend the fee schedule to provide discounted fees but to allocate them as merited on a case by case basis.

Action: The Council approved a motion to enter an agreement with the developer of Pecan Grove Apartments.

Motion By: Cobb

Second By: Lee

Vote: The motion carried following a 3-1 vote. Councilmen Cobb and Sack and Councilwoman Lee voted for the motion. Councilwoman Williams voted against.

10. Other Business: Councilman Cobb said Hope Community Church is having a movie in the park; Councilwoman Lee congratulated the HSHS Golden Hawks softball team for a regional win; Councilwoman Williams reported on the HSHS Class of 2012 baccalaureate.

11. Manager's Report: Mr. Dean reported that Laura Powell and Mark Zawadski earned AICP designations; Leroy Smith is the town's new fire chief on the job; the Taste of Holly Springs event at the Farmers Market was successful; a transit public meeting will be held Thursday on what is being planned and how it would be funded; on June 20, there will be a Chick-fil-A lunch and learn open to the public; it was a successful wastewater treatment plant dedication; and the June 19 meeting is cancelled but the July 3 meeting still will be held.

12. Closed Session: The Council approved a motion to enter Closed Session, pursuant to General Statute 143-318.11(a)(5) to discuss a matter of property acquisition..

Motion By: Sack

Second By: Cobb
Vote: Unanimous

General Account of Closed Session - **June 5, 2012**

In general, the Council discussed the possibility and implications of obtaining a piece of property that is available for sale near Bass Lake Park. There are many restrictions on the property but it might make a suitable passive park for the Town, and it would come with a lot of extras, including buildings, a beautiful setting and access to the shores of Bass Lake.

The Council provided the town attorney with directions on how to proceed in finding out exactly what could be done on the property given conservation easement restrictions. A key point will be whether an access to the property can be provided.

At a minimum, Council agreed, the property would need to provide camp facility and restrooms at the lake; natural grass flat fields, widening of the access road to accommodate emergency vehicles and approximately 100 parking spaces.

Mr. Dean then reported on a land negotiation deal with Progress Energy. He said it appears that the property that the Town would lease would provide 13 fields, space for a dog park and greenway.

The Council approved a motion to return to open session. The motion was made by Councilman Sack and seconded by Councilman Cobb, and the vote was unanimous.

-- End of General Account

13. Adjournment: There being no further business for the evening, the June 5, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Sack, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Aug. 7, 2012.



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These minutes follow and are a part of the official record.

