

# Holly Springs Town Council Minutes

## Regular Meeting Dec. 5, 2006

The Holly Springs Town Council met in regular session on Tuesday, December 5, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Pro Tem Hank Dickson presided, calling the meeting to order at 7:15 p.m. A quorum was established as the mayor pro tem and three council members were present as the meeting opened.

**Council Members Present:** Councilmen Parrish Womble, Peter Atwell, and Vinnie DeBenedetto, and Mayor Pro Tem Hank Dickson.

**Council Members Absent:** Mayor Sears and Councilmen Chet VanFossen

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Jeff Jones, planner II; Mark Zawadski, planner I; Mark Andrews, public information officer; Drew Holland, finance director; Len Bradley, director of parks and recreation; Bob Klaus, cultural center manager; John Herring, chief of police; Daniel Weeks, project analyst; Eric Tayler, information technology director; Brad Black, information technician; Stephanie Sudano, director of engineering; Kendra Stephenson, senior engineer; and Elizabeth Goodson, development review engineer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Don Brown, pastor of The Village Church.

**4. Agenda Adjustment:** The December 5, 2006 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** Items 8a. Consideration of awarding the 2006 Community Agency Grants; 8b. 2007 appointments to the Holly Springs Planning Board and Board of Adjustment; and 8e. Consider request from property owner for exception to Town's development regulations for 10 acres in ETJ. These items were rescheduled to be heard at the Dec. 19, 2006 Town Council meeting.

**Consent Agenda Items Moved to Regular Business:** None.

**Other Changes:** None.

**5. Village District Area Plan** – Mr. Jones explained that the Village District Area Plan was adopted by the Council in October 2005 and one of the annual checklist items for this plan is to give updates on the progress of the plan and projects in the VDAP area. He said the plan was written to address the needs of the downtown area and to identify how the downtown area should be developed. He said this year's update will focus on what has occurred in the downtown area since last October and what next year holds for downtown Holly Springs.

Mr. Jones said that, following the opening of the Holly Springs Branch Library and the Holly Springs Cultural Center, there will be an influx of residents downtown. Along with the library and cultural center, the town also is exploring a farmers market, which would bring more people to the downtown area. He said those two projects would be the biggest changes to the Town's downtown area.

He addressed goals identified in the VDAP, which are:

- Celebrate history and protect assets that reflect the Town's history
- Define the core of "Village District"
- Provide mixture of uses that bring people downtown
- Provide adequate and efficient parking
- Create a "family-oriented" downtown that is a regular gathering place
- Provide bike and pedestrian connections to the district

- Give visual appeal through streetscape, architecture and public art
- Develop parks and open space as key elements within the district

**Action:** None.

**6. Consent Agenda:** All items on the Consent Agenda were approved following a motion by Councilman Atwell a second by Councilman DeBenedetto and a unanimous vote. The following actions were affected:

**6a. 2007 Town Council Meeting Schedule** - The Council adopted the 2007 schedule of regular Council meetings, with cancellation of the first meeting in January 2008, which conflicts with the New Year's Day holiday.

**6b. Budget Amendment, \$3,320** – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$3,320 to accept insurance proceeds for code enforcement and police departments. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**6c. Budget Amendment, \$5,000** – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$5,000 to allocate funds to cover Triangle J Council of Government's audit of Time Warner cable franchise fees. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**6d. Resolution 06-51, Green Oaks Parkway** – The Council adopted Resolution 06-51, a condemnation resolution for Green Oaks Parkway. *A copy of Resolution 06-51 is incorporated into these minutes as addendum pages.*

**6e. Resolution 06-52, Abandoned Cemetery** – The Council adopted Resolution 06-52 providing local permission for the relocation of an abandoned cemetery. *A copy of Resolution 06-52 and supporting documents are incorporated into these minutes as addendum pages.*

**6f. Budget Amendment, \$9,500** – The Council adopted an amendment to the FY 2006-07 budget in the amount of \$9,500 to allocate unspent grant funds from the previous year's budget. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**7. New World Systems Logo.net Software** – Mr. Tayler explained that following a public hearing at the Council's Nov. 21 meeting, the Town's IT department is seeking to purchase new computer software from New World Systems, using an existing purchase contract awarded by the Town of Fuquay-Varina.

Mr. Tayler said the software is modular in nature and is designed to integrate all town departments and operations, all using the same database.

Mr. Schifano explained that the State's purchasing laws allow municipalities to grant themselves a waiver from the competitive bidding process (under N.C.G.S. § 143-129(g)) if a company agrees or offers to honor its winning bid to another municipality for the same purchase within a set timeframe.

Mr. Tayler said the Town of Fuquay-Varina recently bid this same computer software and received the lowest bid from New World Systems. New World Systems has agreed to extend to the Town of Holly Springs the same or better terms set forth in its contract with the Town of Fuquay-Varina, entered into on May 31, 2006.

Mr. Tayler said the cost of the software on the New World Systems contract is \$462,550, to be paid in two years.

He added that staff has received estimates for the cost of extracting data from the Town's current software system, Southern Software and Design Vantage (development tracking.) He explained that those amounts have been included in the project, resulting in an additional cost of \$27,000.

**Action:** The Council approved a motion to grant the Town of Holly Springs a waiver from the competitive bidding process and authorized a contract to purchase new computer software in the amount of \$462,550 from New World Systems Logo.net, which extends the same or better prices and terms set forth in its contract with the Town of Fuquay-Varina, entered into on May 31, 2006, and to adopt a budget amendment in the amount of \$77,000 to cover unbudgeted remaining costs of the purchase plus the cost of data extraction.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of the purchase contract and the budget amendment are incorporated into these minutes as addendum pages.*

**8a. 2006 Community Agency Grants** – This item was removed from the agenda during agenda adjustment.

**8b. Holly Springs Planning Board and Board of Adjustment Appointments** – This item was removed from the agenda during agenda adjustment.

**8c. Cultural Center Concessionaire Service Contract** – Mr. Klaus said that in September, staff advertised requesting proposals for an exclusive concessionaire for the new Cultural Center.

He said staff recommends awarding the contract to the owners of the Holly Springs coffee bar, T and L Divas, who operate under the business name Java Divine. He said the 2-year agreement would provide the Town with a high quality operation for food and beverages in the lobby area of the Cultural Center.

Mr. Klaus said it is estimated that the concessionaire would be required to invest more than \$15,000 in equipment needed to outfit the lobby sales space. He said the primary emphasis of this agreement is on the daily operation and sales of prepared coffee, espresso drinks, soft drinks, snacks and other quick-prepared foods.

Mr. Klaus said that this would be consistent with other performance facilities in the area, including the Progress Energy Performing Arts Center in Raleigh, Cary's Booth Amphitheater and the Clayton Center in Johnston County. He said the agreement also covers the occasional serving of beer and wine for select events and private parties, with an emphasis on safety including TIPS Training for all servers.

**Action:** The Council approved a motion to award a contract to Holly Springs Coffee Bar, T and L Divas (dba Java Divine) for concessionaire services for the Holly Springs Cultural Center.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of the contract is incorporated into these minutes as an addendum page.*

**8d. Bass Lake Outfall Contract**– Ms. Stephenson said the Town is planning a gravity sewer extension in the Bass Lake drainage basin to take the Somerset Farm pump station offline.

The Somerset Farm pump station is located in the southwest area of Holly Springs, above Bass Lake, and she said the area tributary to the pump station is developing, thereby necessitating our taking it off line. Ms. Stephenson added that the Town also has committed to developers that this project will be accomplished within a year to accommodate the Wal-Mart project.

Ms. Stephenson reported that the engineering department requested professional service proposals for design of approximately 6,000 linear feet of gravity sewer line and that the work also would include a preliminary engineering report, field survey, design, permitting, plat and contract document preparation, and bidding services. She said the gravity lines will need to be sized for the build-out of the basin needs, and she noted that the contract also includes an upstream proposed gravity sewer line (already designed) to be incorporated into the bidding contract.

Ms. Stephenson said that staff has completed the consultant selection process, and staff recommends awarding the contract to Withers & Ravenel Engineering.

**Action:** The Council approved a motion to enter a professional service agreement with Withers & Ravenel Engineering for the design of the Bass Lake outfall gravity sewer line and related professional services in the amount of \$178,750, inclusive of a 10% contingency.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**8e. Honeycutt Property Request** – This item was removed from the agenda during agenda adjustment.

**8f. Goddard School, The Village at Bass Lake, 06-DP-13** – Mr. Zawadski said the development plan is for an 8,000-square-foot daycare center on a 1.22-acre site located off of Holly Springs Road. He said the plan shows a fenced-in outdoor playground to the south and east sides of the daycare building and a parking area with 29 parking spaces and two handicapped spaces to the north and west sides of the building.

Mr. Zawadski said sidewalk is to be provided along the Earp Street extension and also along the private access driveway from Earp Street.

Since the project is located within a Gateway Corridor, it would be subject to a higher degree of architectural standards. Mr. Zawadski explained that the building's exterior would feature primarily red-colored brick and white fiber cement, architectural elements such as multiple dormers, a cupola and an extended covered entryway supported with columns. The roof is proposed to be hipped and surfaced with gray shingles.

Mr. Zawadski said the Planning Board discussed the adequacy of the 20-foot opaque perimeter landscaping buffer adjacent to the Spring Meadow Subdivision, the timing of construction of the Earp Street extension and the design of the access drive from Holly Springs Road. He said that staff and the Planning Board recommend approval following the Planning Board's 6 to 1 vote.

**Action:** The Council approved a motion to approve Development Plan 06-DP-13 for Goddard School as submitted by Thompson and Associates, project number GODDARD-BASSLAKE, dated revised 11/22/2006 with the following conditions:

- 1) All approved conditions from the previously approved Beal Tract Master Plan will also apply to this development.
- 2) Fee-in-lieu of pump station upgrade will be required.

- 3) The construction of the Earp Street extension and all improvements shown on this plan shall be completed with the construction of this development.
- 4) The following items are to be included with 1<sup>st</sup> construction drawing submittal (later in the approval process):
  - a) Verify size and adequacy of proposed sanitary sewer lines to serve upstream properties (Yates & Ransdell).
  - b) Provide a sealed sewer report to verify size and adequacy of all downstream sewer lines and pump stations to serve this site.
  - c) Per Beal Tract Master Plan condition of approval, provide an update to the Gable Ridge Flood Study to reflect this project including Earp Street extension. This study will need to demonstrate that development of this site will not raise the established flood levels. Retention or detention may be required to accomplish this.
  - d) Verify that Earp Street roadway drainage will handle offsite upstream drainage.
- 5) Prior to construction drawing approval, the following items will need to be addressed:
  - a) Off-site right-of-way and necessary temporary construction easements for the construction of Earp Street will need to be obtained and dedicated.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**8g. Holly Springs Village Center Amendment, 02-MAS-11-A01** – Mr. Zawadski reported that the Town had received a request for an amendment to the Holly Springs Village Center Master subdivision plan, which originally was approved Feb. 18, 2003.

He said the original plans included eight lots and .61 acres of developed open space. The proposed amendment includes nine lots and a slightly different lot layout. Also, the area set aside for the required developed open space has been removed and Note #9 has been added that states: “An open activity space is required for this project. Location and type is yet to be determined.” He said the new plans include an addition of approximately two acres of passive open space.

Mr. Zawadski said the Planning Board discussed the access to the out-parcel that is located on the perimeter of the site and the open space requirement and the corresponding condition of approval. He said staff and the Planning Board recommend approval of the plan amendment with conditions following the Planning Board’s vote of 7 to 0.

**Action:** The Council approved a motion to approve Master Plan Amendment 02-MAS-11-A01 for Holly Springs Village Center as submitted by Stephens Property Group, project number 011919010, dated revised November 18, 2006 with the following conditions:

1. All previous conditions of approval for this plan still apply.
2. This project will be responsible for any signalization changes required at the intersection of NC55 bypass and Ralph Stephens Road and Avent Ferry Road.
3. A fee-in-lieu of pump station upgrade and outfall construction will be due for the entire site.
4. Prior to final plat or the first building permit, whichever occurs first, the following must be completed:
  - a. The location of the open space required per UDO § 3.08.B.,7 must be confirmed and shown on revised plans submitted to and approved by the department of planning and zoning.
  - b. The entire project area is to be annexed into the corporate limits of Holly Springs.
5. Within 10 days of Town Council approval revised plans will need to be submitted with the following revisions:
  - a. Show the typical roadway cross-section for both Ralph Stephens Road and Avent Ferry Road.
  - b. Provide 6” x 10” blank space in upper right corner of the cover page for office use
  - c. All amendments are to be clouded and noted with a delta per the development procedures manual. Only the amendments clearly specified in the staff report or on the cover sheet shall be noted. Amendments not clouded and noted are not being approved with this amendment and will be required to refer to the original approved plans.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**8h. Morgan Park Amendment, 06-MAS-02-A01** – Mr. Zawadski reported that the Town has received a request for an amendment to the master subdivision plan for Morgan Park, which originally were approved on May 5, 2006. The original plans included a mixture of 123 single-family lots, open space, and land set aside for commercial development, townhouses, and a recreation site.

The proposed amendment includes a slightly different lot and street layout, a new location for the recreation site, and single-family lots in part of the area originally set aside for townhomes. The total number of single-family lots remains at a total of 123. The new plans also include the addition of approximately four acres of open space.

Along with the plan amendment, Mr. Zawadski reported, the developer is requesting two exceptions to the Town’s Engineering Design and Construction Standards.

The first is for two portions of private streets to not include sidewalk as required. In section 3.02 of the Engineering Design and Construction Standards, it states that all public and private streets are to be designed and fully constructed to the town's standards. These requirements include sidewalk for streets. The developer has provided sidewalks on private streets as required, with the exception of street D and F. Staff is comfortable with this request due to sidewalk's being provided to all lots on these two streets from either the sidewalks along the open space or sidewalks on the public streets that also serve these lots, engineering staff reports state.

Mr. Zawadski added that it became clear to staff with the plan submitted after the Planning Board's review that a second exception also is being requested. The second exception is for a delay to the road widening requirements for Avent Ferry Road along the entire property frontage until the time that the two commercial lots along Avent Ferry Road develop.

As required by the PUD, the previously approved preliminary plan for Morgan Park, and the Town's requirements stated in UDO section 7.07B, road widening is required for the entire frontage of a project at the time of development.

Staff would recommend keeping with the requirements as stated in the UDO and have road improvements completed at the time that the first portion of this plan is constructed in order to support the increased traffic from the lots added.

Tom Spaulding, 972 Trinity Road, of Spaulding and Norris, representing applicant – Mr. Spaulding addressed the Council, explaining that the developer does not own the commercial tracts that are at the road frontage and would have to obtain right of way from that owner in order to widen Avent Ferry Road at this time. He noted that the developer plans to construct turn lanes on Avent Ferry Road, but is proposing that the Town agree to his delay in road widening until the commercial portion of Morgan's Park develops and when right of way would be easier to obtain.

Councilman Atwell said that although he appreciates the position that the developer is in, he is not in favor of delaying the road widening because the project will be adding 100 new homes, which will generate more new traffic than the commercial segment. He added that it also is unknown when the commercial tracts would develop.

Councilman Atwell also noted that in a survey of residents, one of the constant red flags is road infrastructure.

Tom McKay, the developer – Mr. McKay addressed the Council, saying he agrees that Avent Ferry Road needs to be widened, but he said he felt that the condition of the PUD approval was that road widening be completed with completion of the entire PUD, not just for the residential section that he is completing first. He added that he felt the commercial section would be a higher traffic generator throughout the day than the residential section, which would have periods of traffic in the mornings and the evenings but otherwise would be quiet. Mr. McKay added that his being required to widen Avent Ferry Road at this time would make Morgan Park an infeasible project for him to do.

Mr. Spaulding pointed out that road widening in front of the Williams tracts (the commercial parcels) would not improve traffic on Avent Ferry Road until all of Avent Ferry Road is widened before and after the access to Morgan Park. He noted that the strip of widening would do little to improve current conditions on Avent Ferry Road and may, in a way, be more dangerous for motorists.

**Action #1:** The Council approved a motion to approve an exception to Engineering Design and Construction Standards Section 3.02 in association with Preliminary Plan Amendment 06-MAS-02-A01 for Morgan Park, to allow the private streets to be constructed without sidewalk as submitted by Spaulding and Norris, project number 604-05, dated revised November 28, 2006.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**Action #2:** Councilman Atwell motioned that the Council deny an exception to Town regulations that would allow the road widening for Avent Ferry Road to be delayed. The motion died for lack of a second.

**Action #2:** The Council approved a motion to approve an exception to Engineering Design and Construction Standards Section 3.02 and UDO Section 7.07B-14 in association with Preliminary Plan Amendment #06-MAS-02-A01 for Morgan Park, to allow the road widening for Avent Ferry Road to be delayed until the time of construction of the commercial lots on Avent Ferry Road as submitted by Spaulding and Norris, project number 604-05, dated revised November 28, 2006.

**Motion By:** Womble

**Second By:** DeBenedetto

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

**Action #3:** The Council approved a motion to approve Preliminary Plan Amendment 06-MAS-02-A01 for Morgan Park as submitted by Spaulding and Norris, project number 604-05, dated revised November 28, 2006 with the

following conditions:

1. All previous conditions of approval for this plan will also apply.
2. The following items are to be included with 1st construction drawing submittal (later in the approval process):
  - a. A portion of the downstream sewer line will need to be relayed to handle additional capacity. If this is not completed prior to the 1st construction drawing submittal of this project, show on the construction drawings for this project that this will be completed with the construction of this site.
  - b. Provide a comprehensive drainage area map showing sub-basin area as well as tributary area.
  - c. Show 100 year water surface area of the pond on lot 107.
  - d. A TIA shall be submitted for review and approval.
  - e. Label access easement for lots 41-44.
3. Private streets will need to be designed to public street standards including sidewalks unless an exception is granted by Town Council. *(Note: Condition #3 can be removed if Motion #1 is approved)*
4. Sidewalks connection for the Townhouse Areas will need to be provided with the Development Plans for those areas.
5. Within 10 days of Town Council action of this plan, revised plans will need to be submitted to address the following items:
  - a. Graphically show the roadway improvements for Avent Ferry Road along the entire property frontage in accordance with the Town of Holly Springs Thoroughfare Plan (half of a 74' back-to-back on 100' right-of-way). *(Note: that this item can be removed if Motion #2 is approved by the Town Council.)*
  - b. *Provide a 50' landscape yard along lots 92 and 93 in accordance with the approved Morgan Park PUD.*
6. Prior to Town Council approval, revised plans will need to be submitted to include the following clarifications (Revised plans shall be submitted to the Planning Department no later than Wednesday, November 29th at 9:00 a.m.- revised plans were submitted but not yet reviewed by Parks & Recreation at time of report preparation):
  - a. Parks and Recreation comments regarding the designation and labeling of public/private greenway trails.
  - b. Specifications and cross section diagrams for the construction of the public greenways.

**Motion By:** Womble

**Second By:** DeBenedetto

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

**9. 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.

Joseph Taura, 800 Crossway Lane – Mr. Taura, representing residents of Sunset Ridge North on Crossway Lane, addressed the Council asking for relief of speeding problems on Crossway Lane. He said that before Thanksgiving, residents submitted an application to the Town for a speeding study. He said he wanted to place a formal request before the Town Council that he be placed on the record of asking for assistance; that expedited measures be taken by the Town; and that the police and engineering departments be directed to report at each council meeting until the speeding issue on Crossway Lane is resolved.

Greg Caleri, Crossway Lane – Mr. Caleri echoed Mr. Taura's concerns. He explained that Crossway Lane represents a unique situation with its steep hill, which creates a speeding hazard.

Otis Byrd, 705 S. Main St. – Rev. Byrd asked if sidewalks could be installed along South Main Street since he has noticed many pedestrians having trouble avoiding traffic in that area. He also asked if the Christmas parade route could be extended further down Main Street instead of turning at Town Hall.

**10. Other Business:** Councilman DeBenedetto addressed the Council asking if the Town should renew its efforts to be granted host fees from Wake County for the South Wake Landfill. He said that with the reelection of Tony Gurley as chairman and new members of the Board of Commissioners, another attempt by the Town might prove fruitful.

Councilman Atwell said the response to the Town's initial request stated that the Wake County Board of Commissioners believed that whether the Town receives host fees is a decision that should be made by the participating partners in the contract. He pointed out that the Wake County Board approved the landfill and approved the contract with major last-minute changes that will result in \$9 million in extra costs without consulting the partners, so the Board should decide on tipping fees or compensation to Holly Springs for the burdens the town is going to incur.

Councilman Womble said he favors the installation of more stops signs in Holly Springs to control traffic speeds. He also asked about the removal of abandoned mobile homes located on Turner Street.

**12. Manager's Report:** None.

**13. Closed Session:** None.

**14. Adjournment:** There being no further business for the evening, the Dec. 5, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman DeBenedetto a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 2, 2007.

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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**