

# Holly Springs Town Council Minutes

## Regular Meeting Sept. 19, 2006

The Holly Springs Town Council met in regular session on Tuesday, September 19, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:05 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, Peter Atwell and Hank Dickson and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda R. Harper, deputy town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Mark Zawadski, planner I; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Mark Andrews, public information officer; Drew Holland, finance director; Len Bradley, director of parks and recreation; and Jenny Mizelle, director of economic development.

**Planning Board Members Present:** Matt Johnston, Joe Signoretti, Joe Fanjoy, Raymond Cordon, Lisa Martin and Glen Myrto.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Ross Carter of the Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The September 19, 2006 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

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

**Items Removed from the Agenda:** Item 7e., appointment of Martin Buckwald to the Parks and Recreation Advisory Committee to serve a term of October, 2006-June, 2009.

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

**Other Changes:** None.

**5. Holly Springs Branch Library –** Ms. Elena Owens the Holly Springs Library Manager gave a brief history of the construction process of the new Holly Springs Library opening on Saturday, Dec. 9, 2006. She introduced the library's staff who will be manning the facility as: Susan Levitt, Library Assistant; Sheryl Underwood, Library Assistant; Tess Andrews, Library Assistant; Kate Theobald, Library Assistant; Farida Bam, Youth Services Library Assistant; April Franklin, Youth Services Librarian; Lisa Loake, Adult Services Librarian; Jennifer Nelson, Youth Service Library Assistant; and Todd Nuckolls, Library Assistant.

Ms. Owens thanked the Council for the opportunity to come before the Council and to be a part of the community.

**Action:** None.

**6a. Public Hearing: Special Exception Use 06-SEU-05, Sunrise Methodist Church –** Mr. Zawadski said this request is for the Council to consider a special exception use application from Sunrise United Methodist Church. He said the request is to allow one 1,120 square foot modular classroom unit to be located on the east side of the church building on approximately 5.6-acre site located at 5420 Sunset Lake Road. He said the property is currently zoned R-10 and the surrounding zonings are residential and local business.

Mr. Zawadski said that according to the UDO, in order to utilize temporary mobile classrooms, a Special Exception Use must be granted by the Town Council. The Town Board must base its decision on whether the applicant is making "progress toward accomplishing the goals of development indicated on the site plan within a reasonable period of time."

Mr. Zawadski said the plan meets the setbacks, parking and landscaping requirements of the UDO. He said the building construction materials will be beige Hardiplank and gray shingles that will match the colors of the existing building. He said there is a five-foot sidewalk connecting the modular classroom to the parking lot.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Deputy Town Clerk, the following provided testimony to be recorded: None.

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

Mr. Zawadski said that staff and the Planning Board recommend approval with conditions. He said the Planning Board had the following comments at their August 22, 2006 meeting:

- Discussed the limited value of road widening before the permanent structure was built.
- Questioned why the installation of a temporary classroom would not be considered phase 2 and require street improvements as this will increase the traffic entering and exiting this site.
- Questioned if the Town completes the road improvements before the church is required to, will the church be required at that time to pay for their share of the improvements.
- Discussed the information stated by Sunrise United Methodist Church that the permanent Phase 2 building may not be in place until 2012- is this really a "temporary" classroom?
- Raised concern about the possibility of the classroom not ever being removed from the site.
- Raised concern about the vague timeline for the building of the permanent structure and that a more specific and solid timeline should be presented to the Town Council.
- Discussed the location of the modular classroom and visibility from the street.
- Discussed the building elevations and their concerns that the elevation that faces the road is the least attractive and that there is no buffering between the street and the building.
- Discussed the requirements of Condition 1.b. regarding the paving of the parking lot

Rev. Ross Carter of the Holly Springs United Methodist Church said the timeline for the use of the temporary modular unit will be in anticipation of phase 2 of the future building expansion. He said that the church will be starting a capital financial campaign to retire the current debt in the fall of 2006. He said the campaign pledges payout over a three-year period, to conclude in the fall of 2009. He said that the proposed installation of the modular unit will be fall or winter of 2006.

Mr. Carter explained that phase 2 will be the next capital campaign to fund the construction of the classroom buildings in fall of 2009, which will be paid out in fall of 2012. He said the next construction building phase is to begin during the three-year period after 2009, in hopes of the bank funding the project.

Randy Miller of Thompson & Associates, 153 Holly Springs Road, reviewed the site plan and the future phases of the construction. He said that the current placement of the modular unit is well hidden from the road and the modular unit building materials will blend in with the existing building materials.

Mr. Miller compared the proposed Holly Springs Methodist Church's modular unit site with the Montessori School's site and said that this unit will be less visible to the public.

There were much discussion regarding the time frame of three years maybe six years for a temporary modular unit to be located on site was too long and the Council members agreed that a lesser time frame would be more suitable.

Mr. Carter suggested that the Town set a three-year term on the special exception use permit with the provision that the church could renew it at the end of the three-year period and provide the Town with a plan showing that progress is being made toward the next phase.

Councilman DeBenedetto asked at what time frame the modular unit will be removed from the property after the construction of phase two.

Mr. Carter said the unit will be removed 30 days after receiving the certificate of occupancy of phase two.

Councilman Atwell discussed one of the conditions for approval that all the previous plan approval conditions apply to this project, such as the road improvement for Sunset Lake Road (half of a 74' btb on 100' ROW) will need to be completed with this phase, unless an exception is granted by the Town Council, and paving of the phase 1 parking lot (including curbing and guttering) shall be installed at Phase 3 or in five years whichever comes first. He said that his concern was the timing for completion of the road improvements to Sunset Lake Road and paving of the church's parking lot.

There were discussions among Randy Miller and Councilman Atwell that the paving of the parking lot and the sidewalks are completed and the only item left is the installation of the curb and gutter.

There were discussions among the Council Members and the applicant regarding the road widening improvements for the United Methodist Church property and the Optimist Farm Road re-alignment project. Ms. Sudano said that the developer of the Optimist Farm Road and Sunset Lake Road realignment project and the developer of phase II of the shopping center are planning to start on those projects next spring. The Council Members were all in

consensus for the church to meet or pull together with the developer's of the road widening and realignment of Sunset Lake Road and Optimist Farm Road projects to fill in the cap by completing the road widening improvements in front of the church's property.

Ms. Bobber explained to the Council the differences between the zoning districts and conditions of the Montessori School site and the proposed Holly Springs United Methodist Church site plan.

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 06-SEU-05 for Sunrise United Methodist Church Modular Classroom to allow for a modular classroom as submitted by Thompson and Associates, project number Sunrise, dated revised June 21, 2006 with the following 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:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous

*A copy of Special Exception Use application 06-SEU-05 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**Action #2:** Having made findings of fact that the project meets the requirements to be granted a Special Exception Use, the Council approved a motion to approve Special Exception Use #06-SEU-05 for Sunrise United Methodist Church Modular Classroom as submitted by Thompson and Associates, project number Sunrise, dated Revised June 21, 2006 with the following conditions:

- 1) Note all previous plan approval conditions apply to this project:
  - a) ~~Road improvement for Sunset Lake Road (half of a 74' btb on 100' ROW) will need to be completed with this phase unless an exception is granted by the Town Council. (This item needs to be clarified by the Town Council due to the original condition being unclear with respect to time).~~
  - a) The completion of the Holly Springs United Methodist Church road widening improvements to Sunset Lake Road are to be coincide with the construction of the Sunset Lake Road and Optimist Farm Road intersection realignment project.
  - b) Paving of the Phase 1 parking lot (including curbing and guttering) shall be installed at Phase 3 or in five years whichever comes first.
- 2) The modular classroom shall be removed within 4 years from the date of approval or when the C.O. of Phase 2 is issued, whichever occurs first.

A one year extension may be granted by the Planning Director if active site improvements and/or installations are being made towards the completion of a permanent Phase 2.

**Motion By:** Atwell

Councilman DeBenedetto and staff discussed condition "1b" that condition needs to be included in the motion, because the curb and gutter improvements of the parking lot is not completed at this time. Ms. Goodson asked regarding the added condition of the church's road improvements coincide with the construction of the Sunset Lake Road and Optimist Farm Road intersection realignment project. She suggested that condition should replace "1. a)" of the conditions for approval.

Mr. Miller requested the Town Council to revisit the need of condition "1b" regarding the installation of the curb and gutter. He said the proposed location of the curb and gutter is on the high side of the property adjacent to the buffer and Sunset Lake Road. He said the curb and gutter does not serve the stormwater run off, the water runs across the parking lot. He suggested submitting a stormwater run off plan to Town staff to verify if curb and guttering is needed. Councilman Atwell said the condition needs to remain in the conditions and it can be reviewed at the next phase if the curb and gutter is needed.

Councilman Atwell amended his to motion to replace the original condition "1.a)" with the added condition for the United Methodist Church road widening improvements.

**Second By:** DeBenedetto

**Vote:** Unanimous

**6b. Public Hearing: Holly Springs Business Park PD, 01-PUD-03-A02** – Ms. Bobber explained that this request is for an amendment to the Holly Springs Business Park Planned Unit Development (HSBP-PUD). She said that the HSBP-PUD was originally approved by the Town Council on November 19, 2002, and was amended on August 1, 2006. She said the HSBP-PUD is a business park located off of the NC 55 Bypass and proposes 248 acres with a mix of commercial, office, flex space, and manufacturing uses.

She explained that the HSBP-PUD was developed by the original property owner to create a master development plan for the remaining acreage of the business/industrial land in this area for marketing and development purposes. She said the PUD zoning designation was requested because the zoning ordinance that was in place at the time of preparing the PUD did not easily accommodate the creation of master plans or the proposed mix of uses that were envisioned for the area.

Ms. Bobber said that the owner had to create the master land use plan that specifies the specific land uses/districts for various parcels within the PUD, as well as the zoning regulations that would accompany the proposed districts for the PUD. She said the HSBP-PUD did not realize any development for four years. In July 2006, Novartis announced that they would be developing 167 acres of the 248 acre development. As Novartis has been preparing their development plans for the site, they determined that the HSBP-PUD regulations need to be updated and modified to ensure that the vision of the PUD will be realized. In addition, the original PUD plans had become outdated due to changes in the open space and roadway network locations.

Ms. Bobber said that the proposed amended HSBP-PUD modernizes the format of the plan to meet the current Holly Springs UDO format by having the district regulations in a separate document and incorporating the plans as part of a written PUD document. The majority of the plan sheets have been updated and modified due to changes in the base map data and all of the districts have been updated to provide clarification of the regulations that are specified within the PUD and the regulations that are to continue to follow the Town's UDO.

Ms. Bobber explained that a Planned Unit Development district is utilized to create a unified development and set forth a unique set of zoning regulations for the development therefore, a detailed site plan is not provided, only the dimensional and "zoning" standards for each area.

Ms. Bobber explained to the Council Members the difference between a minor amendment and a major amendment. She said minor amendments to a PUD master plan are modifications to a PUD which has already received approval from the Town Council which do not involve:

- an increase in height, area, bulk, gross density or intensity of land uses;
- the designation of additional land uses;
- the reduction in the depth of perimeter yards or reduction in the Plant Unit Value of landscape buffers or screening;
- the addition of driveways or access points to the proposed PUD; or,
- reduction in the amount of parking spaces for any use below the minimum number required by this UDO.

She said the major amendments involve the following:

- removal of the designation of certain lands as Open Space- in written district regulations adds requirement that all parcels as developed are to provide 10% of their parcel as open space;
- increases the area designated as manufacturing due to the change in the alignment of Green Oaks Parkway;
- C-8.0: Open Space, Buffer and Landscaping Plan (previously Sheet C-11.0);
- removal of the designation of certain lands as Open Space- in written district regulations adds requirement that all parcels as developed are to provide 10% of their parcel as open space.

Ms. Bobber reviewed the following PUD master plan amendments:

**Mixed Use, Office, & Light Industrial Districts:**

Special Exception Uses- added research & development laboratories.

Signs- add additional ability to use the Town's incidental signage regulations for pedestrian signage within business campuses.

**Manufacturing District:**

Special Exception Uses- added research & development laboratories.

Accessory Uses- eliminates screening requirements for accessory uses more than 300' from public right-of-way.

Temporary Uses- allows the director of planning to provide extensions of temporary uses beyond the time limits of the UDO.

Signs- add additional ability to use the Town's incidental signage regulations for pedestrian signage within business campuses.

Ms. Bobber reviewed that are miscellaneous amendments to the regulations to include the following:

**Fences:** Allow the use of barbed wire for side a rear lot lines and 10' fences in the front yard in the manufacturing district.

**Trash Containers:** Eliminates screening requirements for trash and recycling containers that are more than 500' from a public right-of-way.

**Development Plan review process:** Changes to the review process for buildings located more than 1000' from a public right-of-way despite the distance of the lot from the right-of-way. Such buildings shall be reviewed by the Technical Review Committee (TRC) and authorizes the TRC to grant waivers that would typically be granted by the Town Council.

**Covenants/Property Owner's Association:** Changes the requirements to not require a POA to be formed unless common open space is created and allows owners of parcels 60 acres or greater to opt out of such association.

Ms. Bobber explained that the PUD district is not intended for use with subdivisions or projects which can be developed under the General Use districts of the UDO, other than the PUD district, as a matter of right or by requesting approval of a development plan or a special exception use.

She said that approval of the Planned Unit Development district does not grant approval for construction or development of the property. Once the master plan for the Planned Unit Development is approved, the developer will be required to submit detailed subdivision plans and development plans as development occurs to ensure compliance with the approved PUD master plan and other adopted Town Ordinances and Policies.

Mayreen Wong of Novartis gave a presentation giving a brief history, the mission statement, the division and key factors about Novartis Vaccines and Diagnostics. She reviewed the preliminary plan of phase 1, the current project site layout and the future campus layouts.

Council DeBenedetto asked Ms. Wong about the Novartis construction will contain energy efficient environment devices.

Ms. Wong said yes they are an environmental friendly company.

There were discussion about the requirements of public and private open space and if Novartis would consider dedicating open space as public use.

Ms. Wong said that would not be a consideration for Novartis, because it would be a security issue.

Ms. Wong introduced Steve Mitchell to the Town Council at this time who works for Novartis.

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

Howard Upperman of 103 Plaza Drive, Garner, is heir to property located at 1303 W. Holly Springs Road, asked about the number of employees to be hired at the Novartis Vaccines and Diagnostics plant.

Mayor Sear said in phase one the plant is proposing to hire approximately 350 employees.

Mr. Upperman said that his second concern was about his property values if they would decrease or increase in value, being that the property in the Holly Springs Business Park is being developed. Councilman Womble and other Council Members said that would be hard to say, but they seem to think the property in that area would increase in value.

There being no further input, Mayor Sears closed the public hearing.

**Action:** The Council approved a motion to forward the Holly Springs Business Park PUD amendment application 01-PUD-03-A02 to the Planning Board for review and recommendation.

**Motion By:** Atwell

**Second By:** Womble

**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 Dickson, a second by Councilman Atwell and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's regular meeting held on August 15, 2006.

7b. Resolution 06-43, Annexation A06-13 – The Council adopted Resolution 06-43 directing the town clerk to investigate the sufficiency of annexation petition A06-13 and setting a public hearing on the question of annexation for Tuesday, Oct. 3, 2006. *A copy of Resolution 06-43 is incorporated into these minutes as an addendum page.*

7c. Womble Park Master Plan Amendment – The Council approved an amendment to the Womble Park Master Plan document to add a parking lot as previously directed and funded by the Town Council.

7d. Zoning Vested Rights Public Hearing - Oct. 3, 2006 – The Council set a public hearing on the question of zoning vested rights for Tuesday, Oct. 3, 2006.

7e. Parks and Recreation Advisory Committee Appointment - The Council appointed Martin Buckwald to serve on the Parks and Recreation Advisory Committee for the term of October, 2006-June, 2009.

**8. Gable Ridge Culvert** – Ms. Sudano explained that this request is to consider an amendment to the Kimley Horn and Associates contract to complete the design of a "revised scope" culvert project along Gable Ridge Lane, to include the following: preparing and providing construction drawings for slip lining the damaged lower portion of the existing CMP (approx 100 ft) with a 54" high density polyethylene pipe (HDPE), replacing the remaining portion of existing CMP (approx 325 ft) with 54" HDPE, and adding a new 66" smooth-wall CMP (aluminized steel) running parallel to the existing CMP pipe. She said that over the past few months, Town staff met with the property owners and KHA to answer certain questions that subsequently arose about both the costs and the alternative that was selected or endorsed by the Town Council.

Ms. Sudano said staff recommends awarding the amended contract to Kimley Horn & Associates in the amount of \$61,000, includes contingency and related budget amendments.

Mr. Dean said that he had issues with the pipes and would like to get more information before making a decision, because the pipes will have a structural impact on the Guess and Johnson houses. He said that he would like to pursue the detention on the golf course before moving forward with the installation of the pipes.

There was much discussion among staff and the Council Members to table this request until the Town receives more information on the detention calculations and receives the property owners consent or start the condemnation process on the golf course property that will be used as detention. Ms. Sudano said that the Council can table this proposal and bring both proposals back to the Council at the same meeting. She said the only hold back on the detention contract is the property owner of the golf course has not given the Town written consent to use the portion of property for detention.

**Action:** The Council approved a motion to table the Kimley Horn & Associates contract for professional services for the Gable Ridge Lane culvert system design in the amount of \$61,600 and related budget amendments until a future Town Council meeting.

**Motion By:** VanFossen

**Second By:** Atwell

**Vote:** Unanimous

**9a. Sunset Oaks Developer Agreement** – Ms. Sudano said this request is for approval of an amendment to the Sunset Oaks developer agreement that was approved in May 2003. She explained that the amendment is for delaying the requirements for the intersection improvements at the Optimist Farm Road and Sunset Lake Road until the number of CO's in the Sunset Oaks project reaches 500, instead of 300, as the original developer agreement mentioned.

Ms. Sudano said that the road improvements are to add a turn lane and re-alignment of the Optimist Farm Road and Sunset Lake Road intersection. She said the developer has submitted a plan to the Town and is in the process of securing NCDOT encroachment approval and the project is on target for completion next spring or summer.

Ms. Sudano said that the timing will coordinate well with the planned improvements at the intersection of the Sunset Lake Shopping Center and staff is researching a signal designed and installed at the intersection.

There was discussion among Ms. Sudano and Councilman Atwell about the inclement conditions during the winter months that it's not the best time of the year for constructing road improvements and the NC DOT has restrictions in their regulations regarding paving in bad weather conditions.

Councilman DeBenedetto asked if there's a delay in the road improvements at the Sunset Lake Road and Optimist Farm Road intersection, would that delay the installing of the traffic signal until spring of next year. Ms. Sudano said the plan was to work with the developer to install the traffic signal at the same time of the realignment and road improvements were made at that intersection.

Ms. Sudano explained that the Town has received some phone calls about the traffic problems at that

intersection. She said the Town can accelerate the installing of the traffic signal with temporary wooden poles and replace the temporary poles with the permanent traffic light next spring similar to those at the Bass Lake Road and Holly Springs Road intersection.

The Council and staff discussed the time line for the realignment project and the installation of the signal. Ms. Sudano said that there are two developers working simultaneously on the road improvements and realignment projects, first is the Sunset Shopping Center developer will be continuing the road widening along Sunset Lake Road to Optimist Farm Road and the second developer will be completing the road improvements and realignment of that intersection. She said that should be around the spring of 2007 for all those improvements and the installation of the traffic signal. She said that NC DOT approved the traffic signal design, but not the funding of the signal, it would require Town funding.

Council Atwell said that he was concerned about the increase of certificate of occupancy's (CO's) from 300 to 500. He said at the time of the public hearing one of the main concerns from the citizens who live in that area was the increase in the traffic and road conditions on Optimist Farm Road. He said the development agreement addresses the limit of issuance of 300 CO's that the realignment and road improvements project would be begun at that time. He said he would not be in favor to increase the CO's from 300 to 500 because the impacts from those additional CO's would generate more traffic and the road improvement needs to be completed as originally planned.

There were discussion among the Council Members regarding the current traffic conditions and that it has become a safety issue, it was the consensus of the Council to keep the road improvements and traffic signal at the intersection of Sunset Lake Road and Optimist Farm Road on schedule or to accelerate those improvements as quickly as possible.

Councilman DeBenedetto suggested to ask the developer with the approval of the extension of CO's would he assist funding the traffic light at that intersection. Ms. Sudano said that she would ask the developer.

Councilman DeBenedetto and staff discussed the results if this request was denied. Ms. Sudano said that the developer would have to complete the road improvements as scheduled and the Town would acquire a professional services agreement for the traffic signal design for that intersection.

Councilman VanFossen said that at the public hearing he remembered the citizens commented where the traffic impacts to the east of the Sunset Oaks project not at the intersection of Optimist Farm Road and Sunset Lake Road. He suggested to deny the request and require the developer to prepare plans and add a condition to allow a for weather extension to start the work.

**Action:** The Council made a motion to deny the request to amend the Sunset Oaks development agreement to delay the intersection improvements at Optimist Farm Road and Sunset Lake Road until the number of CO's in the Sunset Oaks project reaches 500, instead of 300 and Town Council directed staff to forward the comments as discussed to the developer.

**Motion By:** Atwell

**Second By:** Dickson

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

**9b. Green Oaks Parkway Design** – Ms. Sudano said that as part of the Town's Capital Improvement Plan for roadway infrastructure, Green Oaks Parkway (formerly known as Ballentine Street) is planned to be extended to New Hill Road. She said this past summer construction of the two-lane portion from Irving Parkway to Premier was completed by the Town, and as part of the Twelve Oaks Development plan, two lanes are to be designed by the developer now to extend from Premier to New Hill Road.

Ms. Sudano said that as the Holly Springs Business Park expands, it is the Town's desire to expand Green Oaks Parkway into a four-lane facility. She said that engineering firms were solicited and interviewed by a selection committee. The committee voted to begin negotiations with Kimley Horn & Associates.

Ms. Sudano explained that this project will be a challenge due to the environmental and permitting requirements.

She said that simultaneously, some of the pre-design tasks will be started. She said that once those items have been finalized, an amendment to the contract will be required to add permitting and approval tasks as well as a schedule.

Ms. Sudano said that staff recommends awarding the contract to Kimley Horn & Associates in the amount of \$436,500 to include a 5% contingency of \$22,000, totaling in the amount of \$458,500. She said that this is a partial agreement an addendum with addition cost for environmental testing will be submitted at a later time.

**Action:** The Council approved a motion to approve to enter a professional services agreement with Kimley Horn & Associates for the design of Green Oaks Parkway and not to exceed in the amount of \$458,500.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

*A copy of the amended Kimley Horn & Associates contract is incorporated into these minutes as addendum pages.*

**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. None.

**10. Other Business:** Mr. Schifano said the request is for the Council to consider approval of a resolution requesting NC DOT to reduce the speed limit on the Old Holly Springs-Apex Road from the one-way bridge unto New Hill Road from 55 miles per hour (mph) to 35 mph.

Mayor Sears asked if this request went through the proper chain of command for consideration. Ms. Sudano said that the developer originally made the request to the engineering department and the Town made the request to the NCDOT to reduce the speed limit on that road. She said NC DOT denied the request, because the road did not meet their regulation requirements for speed reduction.

**Action:** The Council approved a motion to adopt a Resolution to request the North Carolina Department of Transportation to reduce the speed limit to a safe and reasonable speed for Old Holly Springs-Apex Road (SR 1153) from the narrow bridge to New Hill Road be reduced from 55 mph to 35 mph.

**Motion By:** Dickson

Councilman Atwell said that he had an issue with reducing the speed limit to 35 mph and if that's the best solution or would 45 mph be more of an appropriate speed limit for that road.

Mayor Sears said that the developer of Twelve Oaks is requesting the speed limit of 35 mph.

Ms. Sudano explained that the speed limits drives the sight distances criteria for new entrances for subdivisions, crosswalks and road development standards.

Mr. Schifano said that by default the General Statute allows a city to post a speed limit sign for 35 mph within the city limits unless otherwise posted outside the city limits is 55 mph. He said the Town has the authorization by the General Statutes to control the speed regulation within its' own city limits. He said that Old Holly Springs-Apex Road is partially inside the corporate limits and has no speed limits signs posted on that road. He suggested to request to install speed limit sign to read similar to the signs posted on the 55 Bypass when entering the city limits on Old Holly Springs-Apex Road at the one-way bridge and toward New Hill Road.

**Second By:** VanFossen

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

*A copy of Resolution 06-44 is incorporated into these minutes as an addendum page.*

**11. Manager's Report:** Mr. Dean invited the Council Members to the economic update meeting, Wednesday, Sept. 20, at 6:00 p.m. at the Town Hall in the Holleman meeting room.

Councilman Atwell asked Mr. Dean to research the temporary sign enforcement, he said over the weekend there were real estate and other types of signs all over town.

Mr. Dean invited the Town Council to sign up for a visit to Shearon Harris Nuclear Plant within the next two weeks. Councilman DeBenedetto, Womble, Atwell and Mayor Sears showed interest in attending the tour of the plant.

Mayor Sears reported that he was attending the TAC meeting on Wednesday, Sept. 20, and would be sharing his views on toll roads and the 501 Bypass

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the September 19, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 17, 2006,

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Linda R. Harper, CMC, Deputy Town Clerk

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