

# Holly Springs Town Council Minutes

## Regular Meeting May 2, 2006

The Holly Springs Town Council met in regular session on Tuesday, May 2, 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 Harper, deputy town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Kendra Stephenson, senior engineer; Stephanie Sudano, director of engineering; Mark Andrews, public information officer; Drew Holland, finance director; Elizabeth Goodson, development review engineer; Heather Keefer, environmental inspector; and Len Bradley, director of parks and recreation.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rabbi Ederly of the Temple Beth Shalom.

**4. Agenda Adjustment:** The May 2, 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.

**Agenda Items Removed:** None.

**Other Changes:** Item 7a., appointments to the Parks Master Plan Steering Committee, was removed from the Consent Agenda for discussion.

**5. Holly Springs Pedestrian Plan** – Ms. Stephenson informed the Council that the Town is developing a comprehensive pedestrian plan using funds from an NCDOT grant. She said the Town held a workshop on April 20<sup>th</sup> to gather comments regarding the existing pedestrian facilities and asking for new ideas for the proposed facilities.

Ms. Stephenson offered a presentation explaining the scope and the process of developing the pedestrian plan and greenway projects. She said the four key elements in developing a pedestrian plan are: 1) analyze the existing plans; field work; and public input; 2) determine strategic physical improvements and make changes to the public policies; 3) prioritize the pedestrian improvements and policies; and 4) provide funding for implementation of the priority projects.

Ms Stephenson said the next steps in completing a pedestrian plan are to review the existing plan, polices and proposals; and analyze the existing GIS data and fieldwork, develop a draft plan and draft polices. She said the concluding step is to finalize the plan. She said the draft plan should be completed in August, 2006 and the final plan completed in December, 2006.

**Action:** None.

**6a. Public Hearing: Ordinance 06-08, Flood Damage Prevention** – Ms. Keefer said that a public hearing was opened at the April 18 Town Council meeting to receive input on Ordinance 06-08 amending the Town's existing Flood Damage Prevention Ordinance. Ms. Keefer said that staff requested that the public hearing remain open until the May 2 Council meeting to allow staff to ensure that all State and Federal requirements have been addressed in the proposed ordinance revisions.

Ms. Keefer said the State Floodplain Mapping Program and FEMA completed new flood insurance maps on a river basin by river basin basis. She said there were two separate sets of maps and review time frames to coordinate in this process since the Town is split into two river basins, the Neuse River and Cape Fear River.

Ms. Keefer asked the Council to consider adopting the new Flood Insurance Rate Maps and an amendment to the Flood Damage Prevention Ordinance.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: None.

There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Ordinance 06-08, an amendment to the Town Code on Flood Damage Prevention and to adopt new FEMA/Flood Insurance Rate Maps.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

*A copy of Ordinance 06-08 is incorporated into these minutes as addendum pages.*

**6b. Public Hearing: Annexation A06-08, Williams Property** – Mr. Jones said the Town has received a petition for voluntary annexation for property abutting the existing Trotter's Bluff subdivision and containing 83 acres. He said the petition meets all the statutory requirements for annexation.

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

Paul Franzon of 1212 Happy Hunting Hills – Mr. Franzon is an adjacent property owner who said that he had concerns with the proposed annexation of Mr. Williams property, the first being with the proposed development plan that indicates a dead end road that stubs out onto his property. Mr. Franzon requested that the Council consider blocking that stub out with a fence or by landscaping. He said with the development being developed as high-density, that there are not enough recreational areas, and he is concerned that the residents may wander onto his horse farm for recreation. He requested that the Council approve buffering or screening plantings along Happy Hunting Hills that are consistent with the existing trees in that area.

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

**Action:** The Council approved a motion to adopt Annexation Ordinance A06-08 annexing 83 acres owned by Joel Williams, and more particularly described as Wake County PIN: 0648.07-59-4839 (portion of), into the corporate limits of the Town of Holly Springs.

**Motion by:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

*A copy of Annexation Ordinance A06-08 is incorporated into these minutes as addendum pages.*

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

7a. Parks Master Plan Steering Committee – This item was removed from the Consent Agenda during agenda adjustment for discussion before new business.

7b. Budget Amendment, \$42,000 – The Council adopted amendments to the FY 2005-06 budget in the amount of \$42,000 to cover additional fuel costs for departments. *Copies of the budget amendments are incorporated into these minutes as addendum pages.*

7c. Budget Amendment, \$32,000 – The Council adopted an amendment to the FY 2005-06 budget in the amount of \$32,000 to cover costs of additional water meters. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7d. Budget Amendment, \$750 – The Council adopted an amendment to the FY 2005-06 in the amount of \$750 to appropriate funds for Bass Lake programs. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

7e. Resolution 06-22 – The Council adopted Resolution 06-22 directing the Town Clerk to investigate the sufficiency of Annexation Petition A06-09 and setting a public hearing on the question of annexation for May 16, 2006. *A copy of Resolution 06-22 is incorporated into these minutes as an addendum page.*

7f. Main Street Survey Contract – The Council approved to award a contract to Mauldin-Watkins Surveying, P.A., in the amount of \$4,000 for the Main Street enhancement project right of way survey and plat. *A copy of the Mauldin-Watkins Surveying, P.A. contract is incorporated into these minutes as an addendum page.*

7g. Budget Amendment, \$38,000 – The Council adopted an amendment to the FY 2005-06 budget in the amount of \$38,000 to allocate additional funds to the public works department. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**7a. Parks Master Plan Steering Committee Appointments** - Mr. Bradley explained that the first step of developing a Parks and Recreation Master Plan is to set up a steering committee. Mr. Bradley said that staff recommends the following: Dick Gallo, Monica Fanjoy, Art Schaeffer, Ray Criber, Tamara Ward as in-town citizen members and Charles Whitaker as an ETJ member; Joe Signoretti from the Planning Board; Gina Bobber, from the Planning Department; Beth Arthur of the Parks and Recreation Advisory Committee and Scott Barnard from the Parks and Recreation Department. Mr. Bradley reported that Councilman DeBenedetto also has expressed interest in serving on the committee.

After much discussion, the Council appointed the candidates recommended by staff and Councilman Dickson as a member and Councilman DeBenedetto as an alternate member representing the Town Council.

**8a. FY 06-07 Proposed Budget and Budget Work Shop** - Mr. Dean distributed his recommended FY 2006-07 Town budget for the Council's review. He said that in order to accommodate the Council members' questions and suggestions for revisions to the budget plan, a budget workshop needs to be scheduled in May. He said that this workshop will give additional time to review the budget document and still allow time for changes to be made before formal adoption during the month of June.

Mr. Dean said that the Town of Holly Springs has experienced a great deal of positive growth over the past several years, enhancing the Town's ability to improve services provided to its citizens. He said that, as the Town continues to develop, a vision of how the community will grow while upholding the quality of life expected by its citizens should be maintained. Mr. Dean said that this vision should include quality services and programs that address the needs of citizens, economic development in keeping with the community, and adequate infrastructure to meet the requirements of the growing Town. He said the proposed budget is designed to meet those needs during the next year. He reviewed the revenues of the general and utility funds, in addition to the general and utility expenditures, with the council members.

Mr. Dean said that the salary requirements for next year include a recommended 3% cost of living adjustment (COLA) across the board. He said that funding is provided in each department for merit/performance pay in the amount of 3% of salaries. He said the salary budget also includes a 5% 401(k) contribution and longevity benefits. Mr. Dean said that the employee health insurance has been budgeted to a 2.5% increase in the rates for next year.

Mr. Dean said that, as part of the budget process, staff feels it is important to have new residential developments absorb additional expenses for infrastructure rather than passing costs on to existing citizens. He said the Town has increased the water and sewer capacity fees from \$3,500 to \$4,000 in order to address immediate infrastructure needs. He said that in addition, the Town has removed the sewer capacity fees from the operating budget, allowing these fees to go directly into reserve accounts. He said that it is important for the Town to gradually reduce its dependence on impact fees and charges for operating expenses, and staff will continue to attempt to reduce these charges in future budgets to eliminate potential financial problems within the operating budget.

Mr. Dean indicated that as the Town proceeds into the next several years, staff will continue to evaluate projects and personnel needs as they relate to the provision of services. He said that Town staff has several substantial projects (wastewater treatment plant, park improvements and community center) that will be initiated during this fiscal year; therefore, it will be important to prioritize programming needs with future budgets. He said that staff continues to work with the Town Council and citizens to establish goals and objectives as the Town grows to provide the level of services expected.

Mr. Dean said staff has done a good job in development of the budget and has done a good job of controlling costs while providing service levels expected by the Town Council and citizens. He added that the proposed budget is a best estimate of what the Town should expect next year and represents a fair assessment of the Town's anticipated revenues and expenditures.

Mr. Dean explained that the proposed budget reflects his recommendations based on department meetings, evaluation of existing service needs, and input from the Town Council. He added that it represents a level of funding that will allow the Town to maintain and improve current service levels while making organizational changes, which should be cost-effective and more efficient. He noted that, as with any budget, external forces can affect projections, and for that reason the figures proposed in the FY 2006-07 budget are a very conservative forecast of revenues and expenditures for the next year.

**Action:** The Council approved a motion to set a budget workshop for May 10, 2006, at 6:00 p.m., in the Holleman Room of Holly Springs Town Hall, 128 S. Main Street.

**Motion by:** Atwell

**Second By:** Womble

**Vote:** Unanimous

Mayor Sears at this time read the results of the primary election for this precinct.

**8b. Trotters Village (Morgan Park) 02-PUD-01-A01** - Mr. Jones explained that at the April 18 Town Council meeting, the Board held a joint public hearing for Trotters Village (Morgan Park) PUD. He said there were several adjacent homeowners who spoke about the increased density, increased traffic, commercial uses within the retail/office space, and increased noise from construction.

Mr. Jones said staff and the Planning Board recommend approval with conditions.

Mr. Jones reviewed and discussed with the Council the following requested amendments to the PUD:

- Name change to Morgan Park.
- Parcel layout – including acreage, lots, streets, utilities, and storm drainage/ponds.
- Lot size- count and distribution.
- Creating single-family and townhome lots without public street frontage.
- Neighborhood Village designation was changed to Local Business.
- Tree protection fencing was adjusted to match parcel layout.
- Street cross sections were changed to match Town regulations, including sidewalks locations.
- Included a village house and patio home detail with 0' lot lines.
- The original PUD had lot sizes ranging from 4,400 to 20,000 square feet.

- The amendment proposes to have lot sizes ranging from 5,000 sq. ft. to 20,000 square feet.
- The overall number of units has decreased from 172 to 171.
- Overall density of 3.44 units to acre as opposed to the original PUD had 3.54 units to an acre.
- The proposed amendment has added additional open space, 30.01 acres, up from the 23.21 acres of open space in the original PUD.
- This is approximately 36% of the project area in open space.

Thomas Spaulding of Spaulding and Norris, 972 Trinity Road, Raleigh, representing the applicant, addressed the Council, requesting that members consider not requiring the Traffic Impact Analysis (TIA) for this project.

It was the consensus of the Council and staff to leave the TIA requirement in the conditions, but to allow the applicant to submit the TIA later in the review process, at the engineering department's discretion.

**Action:** The Council approved a motion to approve Planned Unit Development amendment #02-PUD-01-A01 for Trotter's Village (Morgan Park) PUD as submitted by Spaulding and Norris, project number 604-05 dated revised 4-10-2006 with the following conditions:

1. The area for land dedication to the Town of Holly Springs as park land is to be provided at a rate of 1 acre per 35 units. This area is to be calculated at time of Preliminary Plan. All areas for dedication within utility easements, slopes of 15% or greater, or flood plain will be credited at the rate of 1 acre per 20 units.
2. An 8' asphalt greenway trail with 30' easement should be shown from the cul-de-sac in area A to and including the main greenway trail. The area of the greenway easement and linear footage of the constructed asphalt trail will be credited toward the Ordinance requirements for fees in lieu of dedication of park land.
3. The following items are to be included on Preliminary Plans/Development Petitions (later in the approval process):
  - a. TIA is to be submitted for this project later within the review process, in accordance with Engineering Director's discretion.
  - b. Provide a functional alignment for Piney Grove Wilbon Road re-alignment to verify that access to the Carroll property is maintained.
  - c. Verification of all easements and private roads within the easements
4. Prior to submittal of any development plans for Section G the following information will need to be provided:
  - a. Documentation of offsite right-of-way access to this parcel.
5. The following information will need to be submitted with the 1<sup>st</sup> construction drawing submittal for this project:
  - a. A separate plan clearly specifying radii, row, street cross-sections, on-street pavement markings, on-street parking signage, etc. must be submitted to the town for review and approval. Information should be very clear for ease of use by inspectors in inspections.
6. The following information will need to be submitted with 1<sup>st</sup> plat submittal for this project:
  - a. Provide covenants which establish a Homeowner's Association to cover maintenance of buffers, street trees, private open spaces, streets, parking areas, lighting, recreation areas, greenways, ponds, lakes, private sewer collection, private drainage easements, etc. and full disclosure regarding the proximity of the project to the Town's Waster Water Treatment Plant. The covenants shall be recorded after Town approval and prior to the Review Officer's sign-off of the first Mylar for recordation.

**Motion by:** Womble

**Second By:** Atwell

**Vote:** Unanimous

**8c. Morgan Park, 06-MAS-02** – Mr. Jones said 06-MAS-02 for Morgan Park proposes 123 single-family lots, a recreation site and a commercial area on approximately 79 acres. The commercial area, he noted, would require a separate development plan submittal.

Mr. Jones said the main access would be off of Avent Ferry Road. He said the plan is proposing 20 acres of open space throughout the subdivision and that eight acres would be dedicated to the Town, together with one acre for a greenway easement. He said the proposed plan includes a recreation center and pool area.

Mr. Jones said staff and the Planning Board recommend approval with conditions.

Tom McKay, developer of Morgan Park, addressed the Council, reviewing the new location of the townhomes section and the elimination of driveways in front of the townhomes. The amended plan shows alleys to the rear of the townhomes. He said that this would give more open space in the area in front of the townhomes.

The Council discussed the overall open space and the stubbed out street as mentioned by a neighboring property owner during the public hearing on annexation of the subject property.

**Action:** The Council approved a motion to approve Preliminary Plan #06-MAS-02 for Morgan Park as submitted by Tom Spaulding, project # 604-05, revised 4-7-06 with the following conditions:

1. All previously approved conditions for the PUD will apply to this plan as well.
2. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation.

3. Prior to Final Plat, the following must be completed:
  - a. Payment of fees-in-lieu of land dedication in the amount of \$904/unit.
4. It is anticipated that an infrastructure reimbursement agreement will be completed with this project. In order for this agreement to be presented with this project, the developer will need to contact the Department of Engineering to schedule a meeting with the Director of Engineering. Potential items to be included with this agreement are:
  - a. Relaying and upgrading the existing gravity sewer line that runs along the rear of this property.
  - b. The realignment of Piney Grove-Wilbon Road to align with proposed entrance will be constructed with this project.
5. *Prior to construction drawing submittal, the following item will need to be addressed:*
  - a. TIA is to be submitted for this project later within the review process, in accordance with the Engineering Director's discretion.
6. The following items are to be included with 1<sup>st</sup> construction drawings submittal(later in the approval process):
  - a. Appropriate documentation for the pond removal
  - b. A 30' right-of-way on this property will need to be dedicated for Logging Road.
  - c. Evaluate downstream conditions for adequate storm drainage facilities.
  - d. Clearly show streams and 30' Cape Fear stream buffers.
  - e. Show field surveyed location of jurisdictional features.
  - f. Show all existing private roads and confirm that access is maintained to all existing properties.
  - g. Show road improvement dimensions graphically on the plans.
  - h. Verify that each adjacent upstream property has been provided with a sewer stub. Provide a sewer basin map showing what area will be served by each sewer stub.
  - i. Evaluate the drainage way from the outlet of the subdivision to the south side of Avent Ferry Road.
    - i. Confirm downstream conveyance can provide positive drainage for proposed flow
    - ii. Provide 100 year backwater and evaluate what design storm overtops Avent Ferry Road.
    - iii. Provide calculations and detail for swale that will convey flow from the site to the crossline pipe at Avent Ferry Road.
  - j. If it is determined that the existing downstream condition can not accept the increase in flow and a pond is proposed the following items will apply:
    - i. The 100 year water surface elevation of the pond
    - ii. A 20' maintenance easement surrounding the pond and dam
    - iii. Calculations for pond sizing

**Motion by:** Womble

**Second By:** Dickson

**Vote:** Unanimous

**8d. Gable Ridge Lane Drainage Project** - Ms. Stephenson explained to the Council that the Town has funded several studies to evaluate options for improving existing yard and street flooding along Gable Ridge Lane. She said based upon the information provided by consultants and the Town Council, staff pursued with the following:

- replacement of the existing 72" Corrugated Metal Pipe (CMP) with a larger system (culvert) in order to allow more stormwater (in fact, the 100 year storm event to be fully contained underground) to enter the system and minimize overflow into the road, and
- further evaluation of possible detention areas upstream.

Ms. Stephenson said in the fall the Town approved a contract with Kimley-Horn to design a culvert replacement, plus completion of a feasibility report for upstream detention. She said as of December 2005, Kimley-Horn was on schedule and had completed 50% of the construction plans and a project construction opinion of cost and budget for the culvert improvement project. She said the scope of the improvements includes removing the existing 72" CMP and installing a 10 ft x 5 ft reinforced steel concrete box culvert, and replacing the road and landscaping that will be disturbed during the construction. She explained that Kimley-Horn, as part of this contract, was going to continue to pursue the detention options with the regulatory agencies.

Ms. Stephenson said that in December, 2005, staff presented to the Town Council the 50% construction plans that had been completed by the consultant to handle all runoff during the 100 year storm. She said the original plan and preliminary opinion of cost had increased substantially from initial estimates because, among other things, the consultants discovered that one of the effected residences had an engineered foundation, which would require some extra caution and expense; and because of the complexity of existing utilities in the area.

Ms. Stephenson explained that the consultant's opinion of cost for construction of the new plan is in excess of \$1 million dollars.

Ms. Stephenson said that the meetings between the consultant and the regulatory agencies had gone very well and that permits for retention areas R8 and R9 are likely to be granted.

Ms. Stephenson explained that because of the project's increased cost, which is at 50% design, staff is revisiting the scope of the project with the consultant to consider handling a smaller, more frequent storm event. She said as a result, the

following modifications to the project have been proposed:

- Design the system to carry the 25 year storm event as opposed to the originally planned 100 year event. Handling the 25 year storm event meets the standards that were in place at the time this development was developed. It also meets the standards in place for drainage system capacity design in many other area municipalities for this type of roadway.
- Perform some work to better open the inlet structure of the 48" cross-culvert near Oakmont and Gable Ridge which appears to be limiting the flow that enters the culvert.
- In light of favorable regulatory reaction to detention at R8 and R9, proceed with securing property owner approvals and design of detention at those locations. Implementation of detention will reduce overflows expected in the 25 year storm event.
- Provide a flanking inlet on Gable Ridge Road at the sag-point near the bottom of the project to increase intake of water.
- Add another yard inlet (or other means) to allow flow to more efficiently enter the existing 24" cross-culvert.
- As already provided in the 50% Design Drawings, provide an overflow bypass swale from the sag at Gable Ridge Road through the Donson/Guess side yard down to the stream to control stormwater from storm events greater than 25 year event.

Ms. Stephenson reviewed with the Council the different construction options. She said that in order to implement the above changes to the project, staff is requesting the Council to consider at the next Town Council meeting giving direction to staff as to which option to pursue.

Ms. Stephenson asked for Council direction in whether to pursue solving a 25-year storm event or a 100-year design. Council members said they would like to make an on-site visit with the consultant before taking further action.

**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.

Tim Sack of 232 Elam Street thanked the Council for their efforts in the landfill matter. He said that he had a concern with the closed Town of Cary landfill that is located adjacent to his property. Mr. Sack reported that the property has settled in places, and he requested the Council's help in arranging for maintenance/repairs to be done.

**10. Other Business:** Councilman DeBenedetto said that he would like to serve on the Comprehensive Plan Steering Committee, and he recommended that the Council also add Van Crandall and Mark Shank to the list.

The Council discussed the importance of serving on this committee, and the Board was in consensus to add Councilman DeBenedetto to serve as an alternate member on the committee.

**11. Manager's Report:** Mr. Dean said the parks and recreation department held its annual Dog Walk in the Park event last weekend and that staff did an excellent job. Mr. Dean reported that Chief Parker and the fire department did a good job in building the stage that was used during the festival. He reminded the Council that the Rockin' at the Crossing event is scheduled for May 25 and the last Thursday of June and July in the parking lot of the Holly Crossings Shopping Center at the Bass Lake Draft House.

Councilman Atwell asked about the animal control ordinance. Mr. Schifano said that the ordinance amendment should be at the next Town Council meeting.

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a) (5) to discuss the particulars of entering a contract involving the landfill property.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

### **General Account of Closed Session – May 2, 2006**

In Closed Session, the town manager updated the Council on the status of the landfill property and the standing of the Wake County Board of Commissioners. Also discussed were terms of contracts with various consultants and associated funding for the landfill issue.

#### **-- End General Account**

The Council approved a motion to return to Open Session. The motion was made by Councilman Dickson, seconded by Councilman Womble and carried unanimously.

In open session the Council approved a motion to authorize the town manager to designate up to \$100,000 from the BFI landfill revenue fund for the purpose of entering professional service contracts with consultants and directed that an associated budget amendment be prepared.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

**12. Adjournment:** There being no further business for the evening, the May 2, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman Dickson and a unanimous vote.

Respectfully Submitted on Tuesday, June 6, 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**