



December 20, 2011

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Dec.20, 2011 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and all four council members were present as the meeting opened.

Council Members Present: Mayor Sears and Councilmen Jimmy Cobb, Chet VanFossen, and Councilwomen Cheri Lee and Linda Hunt Williams, Councilman Tim Sack arrived at 7:25 p.m.

Council Members Absent: Councilman Tim Sack absent from 7:00 p.m. - 7:25 p.m.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk(recording the minutes); Drew Holland, finance director; Len Bradley, director of parks and recreation; Kendra Parrish, senior engineer; Rodney Campbell, development inspections administrator; Heather Keefer, environmental specialist; Daniel Weeks, project analyst; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Cecil Parker, fire chief; Daniel Bright, fire fighter; Wayne Strickland, battalion chief; Jeff Wilson, information technology director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by retired Rev. Horace Ferguson.

4. Agenda Adjustment: The Dec. 20, 2011 meeting agenda was adopted with changes, if any, as listed below.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

Items added to Consent Agenda: 8f. consider an amendment to the existing audit contract for additional days to complete testing.

Items removed from Consent Agenda: None.

Items removed from the agenda: None.

Other changes: None.

5. Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded: None.

6a. 911 Memorial Flag Presentation – Mr. Ryan Monteleone, of Edward Jones in Holly Springs presented to the town of Holly Springs and fire department a memorial flag commemorating the Sept. 11, 2001 terrorist attacks on America. He thanked the Town for the

Veteran's Day memorial ceremony held at Veteran's Park and spoke about the 9-11 tragedy. He said the memorial flag bears the names of those who perished that day.

Action: None.

6b. Presentation of Town Seal – Ms. Amanda El Jaouhari, Co-owner / Sales Manager of Impress Bridal & Custom Engraving of Holly Springs, presented to the Town of Holly Springs an etching of the town seal in leather.

Action: None.

7a. Public Hearing: Ordinance 11-09, Unified Development Ordinance Amendment 11-UDO-05 – Ms. Goodson said staff has prepared an amendment to the Unified Development Ordinance (UDO) to provide changes and clarification to the "Performance Bonds, Irrevocable Letter of Credits, Cash Deposits and Warranty" sections. These proposed amendments more effectively insure that certain infrastructure is completed as required in the current economic climate.

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

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

Action #1: The Council approved a motion to adopt and accept the following Plan Consistence Statement as being true: *"The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan – Executive Summary / Adopting and Implementing the Plan "to make administrative decisions, enforce development-related codes."*

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 11-09 approving and enacting Unified Development Ordinance text amendment #11-UDO-05 to modify the text of UDO Section 9.05 B.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

A copy of Ordinance 11-09 is attached to these minutes.

7b. Public Hearing: Ordinance 11-10 – Ms. Heather Keefer said the proposed amendments to the National Pollutant Discharge Elimination System (NPDES) Phase II post-construction storm water ordinance to change developers' required surety deposit for storm water maintenance of best management practices (BMPs), plus other text modifications to provide consistency with other (similar) Engineering Department policies and procedures.

Ms. Keefer said the ordinance modifications are to clarify the intent of private drainage easements; amend Storm water Surety language for consistency with other Town policies & procedures; reorganize Division 4; add new definitions; and to change the Maintenance Surety requirements.

She explained maintenance surety is a cash payment posted with the Town to insure maintenance activities are performed— *in this case for private storm water facilities (BMPs)*. She said why the Town needs the maintenance surety is to ensure that developers & property owners have the means to maintain required private BMPs and to protect the Town from being held responsible for maintenance of the private BMPs.

Ms. Keefer explained the purpose of the Maintenance Surety amendment, at the beginning the original amount was based on the State's Model Ordinance. She said that currently more programs are now on line and information available on industry wide

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requirements. The amendment amount is more consistent with Town's expected risk given active enforcement program.

Ms. Keefer said the proposed amount is 35% of the actual construction cost of the BMP into the Storm water Facility Replacement Fund (SFRF). She said the current amount is 150% of the actual construction cost of the BMP into a cash escrow account.

Councilman VanFossen asked for clarification of the process. Ms. Keefer explained that each developer's contribution into the Storm water Facility Replacement Fund (SFRF) is 35% BMP actual construction cost; and the Town's repair and/or re-construction of the BMP if/when property owner fails to maintain; and the property owner's repayment of money spent by the Town.

Councilwoman Lee asked the Town Attorney if she need to be recused from the meeting prior of Consent agenda, being that she is president of Holly Glen's subdivision Home Owners Association.

Mr. Schifano said that it would be appropriate to recused Councilwoman Lee prior of the consideration of Consent Agenda item "8e. reimburse projects to be consistent with this Ordinance. "

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

There being no comments, the public hearing was closed.

Action: The Council approved a motion to adopt Ordinance 11-10 amending Chapter 8, Article V of the Holly Springs Town Code.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

A copy of Ordinance 11-10 is attached to these minutes.

7c. Fire Station Financing – Mr. Drew Holland said the Town requested and received proposals for the installment financing of a project to replace the Avent Ferry Road fire station, which was damaged in the April 2011 tornado, and to refinance an existing loan on the property. RBC Centura Bank responded with the most favorable rate, 1.93% over a five-year term for a total loan of \$1,674,320.

As illustrated in the budget amendment documents, the cost to replace the station will be about \$1,244,180, and the Town has received insurance proceeds of \$482,350 on the old cinderblock structure that was damaged, and has on hand \$150,000, leaving a balance of \$733,250 to be funded by a loan.

In addition, this financing would include the refinancing of a prior loan from a few years ago for the widening of Avent Ferry Road and the renovation of the previous fire station. The remaining balance on that loan is \$941,070, which carries an existing loan interest rate of 3.86%.

The total new loan would be for \$1,674,320 at 1.93% for 5 years, and the refinancing of the existing loan will actually save the town \$86,588 in future interest.

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

There being no comments, the public hearing was closed.

Action #1: The Council approved a motion to adopt amendments to the FY 2011-12 budget to set up and fund a project budget.

Motion By: Cobb

Second By: Lee

Vote: Unanimous

A copy of the budget amendment is attached to these minutes.

Action #2: The Council approved a motion to adopt Resolution 11-44, stating that the Town Council has determined certain findings of fact and authorizing the filing of an application to the Local Government Commission.

Motion By: Lee

Second By: Vanfossen

Vote: Unanimous

A copy of Resolution 11-44 is attached to these minutes.

Action #3: The Council approved a motion to adopt Resolution 11-45, approving an installment financing agreement for \$1,674,320 with RBC Centura Bank.

Motion By: Cobb

Second By: VanFossen

Vote: Unanimous

A copy of Resolution 11-45 is attached to these minutes.

Action #4: The Council approved a motion to adopt Resolution 11-46, a reimbursement resolution that would allow the Town to reimburse itself from installment financing proceeds for any expenditures on the project prior to the loan's closing.

Motion By: Lee

Second By: VanFossen

Vote: Unanimous

A copy of Resolution 11-46 is attached to these minutes.

8. Consent Agenda: The Council approved a motion to approve all items except item 8e on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilwoman Williams and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held Nov. 15, 2011.

8b. Budget Report – The Council received a monthly report of amendments to the FY 2011-12 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

8c. Operational Contract Report – The Council received report of operational contracts amounting to less than the \$15,000 threshold and approved by the town manager.

8d. Resolution 11-47 – The Council adopted Resolution 11-47 to amend the Town Development Procedures Manual similarly as Ordinance 11-10 amends the Town Code of Ordinances. *A copy of Resolution 11-47 is attached to these minutes.*

8e. Ordinance 11-09 Reimbursement Projects – The Council removed this item for separate action.

8f. Audit Contract Amendment – The Council approved amendment to the existing audit contract for additional few days to complete testing.

Councilman VanFossen made a motion to recuse Councilwoman Lee for her involvement of being president of Holly Glen subdivision Home Owner Association. Councilwoman Williams made a second and the vote was unanimous.

8e. Ordinance 11-09 Reimbursement Projects – The Council approved to reimburse projects to be consistent with Ordinance 11-09.

Motion By: VanFossen

Second By: Cobb

Vote: Unanimous

Councilman VanFossen made a motion to readmit Councilwoman Lee back to the meeting it was second by Councilman Cobb and the vote unanimous.

9a. Community Organization Sign Concepts – Mr. Zawadski said the Town Council directed staff at the Nov. 15, 2011 meeting to proceed with final design for the community organization sign to be located at the intersection of G.B. Alford Highway and Main Street, on the northern corner that currently is vacant. This property is the site of the existing green and gold gateway sign that was constructed in the early 2000s.

He said the design has been revised as follows, based on Town Council direction:

- Increased sign panel diameters from 2 feet to 3 feet.
- Increased column height to 13 feet to improve proportions.
- Added light fixtures on the tops of the columns.
- Changed Town of Holly Springs sign panel to maintenance free cast-stone instead of re-using the existing green and gold panel.
- Changed stacked stone and cast stone block colors to match existing columns in the downtown and stone block on Town Hall.

He said the Town Council provided money in the budget this fiscal year for the construction of a civic organization sign. If the Town Council approves the design at this meeting, staff will prepare a request for proposals seeking companies interested in a design/build contract. The RFP will include the completion of detailed engineered construction drawings for site work, sign construction/installation, electrical, and landscaping as well as the construction of the sign itself.

If the cost exceeds budget, the contract would be brought to the Town Council to determine if additional funds are available to move forward; otherwise, staff requests authorization to select and retain the most qualified contractor and pricing for the project.

Prior to embarking on the construction of this sign, an agreement and easement must be obtained from the property owner to erect a permanent sign at this location. Surveying and recording costs most likely will need to be borne by the Town and will be an additional expense for this project.

He said staff is asking the Town Council to provide direction to proceed with final design and issuance of an RFP for design/build services for the civic organization sign and to negotiate with the property owner and easement for the construction of this sign on his property.

Mr. Zawadski said the project budget is \$30,000 and received establishments within the budget range.

Action: The Council approved a motion to proceed with final design and issuance of an RFP for design/build services for the civic organization sign and to negotiate with the property owner and easement for the construction of this sign on his property.

Motion By: Sack

Second By: Williams

Vote: Unanimous

10a. Condemnation Resolution – Mr. Schifano said in order to complete the loop around Bass Lake, a greenway easement will need to be acquired from Ms. Sandra Simpson at 1012 Bass Lake Road. After several weeks of negotiations, it has become apparent that Ms. Simpson and the Town have very divergent views on the value of the easement, which runs alongside Bass Lake Road underneath the power easement.

He said that Ms. Simpson was consulted, had input and ultimately agreed to the easement location during the design process.

Mr. Schifano said along with the greenway easement, which is approximately 0.408 acres in size, the Town needs to acquire a slope and construction easement at the edge of her property to accommodate the vehicular entrance to the town property at the southern end of her

property. There was much discussion regarding the road widening that was included in the easement. Ms. Sudano explained that this easement includes a turning lane for vehicular entrance.

Councilwoman Williams asked Mr. Schifano did town staff meet with the property owners.

Mr. Schifano explained to the Council Members the condemnation process and procedures that includes communicating with the property owners and the judicial system for eminent domain.

Action: The Council approved a motion to adopt Resolution 11-48, a condemnation resolution for the acquisition of property.

Motion By: VanFossen

Second By: Cobb

Vote: The motion carried, following a 4-1 vote. Councilmen Cobb, Lee, Sack and VanFossen voted for the motion. Councilwoman Williams voted against.

A copy of Resolution 11-48 is attached to these minutes.

11. Other Business: Mayor Sears commented that the Christmas parade was a success.

12. Manager's Report: Mr. Dean thanked town staff for the work and success of Main Street Christmas, the Christmas parade and the employee luncheon. He said the Novartis event was filmed and will be on HSTV 11 for viewing, and the new stadium seats were installed at the Cultural Center.

13. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss matters relating to the location of businesses and industries in the Holly Springs area, and, pursuant to NCGS 143-318.11(a)(5) to give staff advice on negotiation parameters for real property purchases and possible real property leases; and pursuant to N.C.G.S. 143-318.11(a)(3) to consult with council and engineering staff regarding the settlement of a pending fine for a violation of the sedimentation and erosion ordinance within the Twelve Oaks subdivision.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

--General Account of Closed Session, Dec. 20, 2011:

In Closed Session, the Council discussed matters relating to increase the area of potential businesses and industries via annexing of additional acreage along the US 1 corridor connecting the Friendship site to the annexed CP&L property in the Holly Springs area. The Town Attorney identified the proposed properties.

All Council Members were in consensus and directed staff to research the possible areas for annexation and site certification.

In Closed Session the Town Attorney discussed matters of Town property located on S. Main Street to be used as rental property to an adjacent property owner for storage of computer equipment.

The Council gave staff direction on negotiation parameters for possible lease agreement for real property located on S. Main Street.

In Closed Session the Council also discussed with engineering staff regarding a settlement of a pending fine of violation of the sedimentation and erosion ordinance within the Twelve Oaks subdivision.

All Council Members were in consensus to waive the pending fine for violation of the sedimentation and erosion ordinance within the Twelve Oaks subdivision being the current developer has corrected all pending violations.

No further action was taken in Closed Session, other than a motion to return to Open Session.

Motion By:Sack

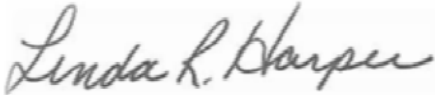
Second By: Cobb

Vote: Unanimous

-- end of general account

14. Adjournment: There being no further business for the evening, the Dec. 20, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Cobb and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 17, 2012.



Linda Harper, MMC, Deputy Town Clerk

Addenda pages as referenced in these minutes follow and are a part of the official record.

