



June 21, 2011

## MINUTES



The Holly Springs Town Council met in regular session on Tuesday, June 21, 2011 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Pro Tem Tim Sack presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor pro tem and three other Council members were present as the meeting opened.

**Council Members Present:** Councilmen Parrish Womble, Tim Sack and Chet VanFossen and Councilwoman Linda Hunt Williams

**Council Members Absent:** Mayor Sears and Councilman Jimmy Cobb

**Others Present:** A quorum of the Planning Board was present for the joint public hearing.

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Len Bradley, director of parks and recreation; Gina Clapp, planning and zoning director; Jeff Jones, Senior Planner; Laura Powell, Planner I; Mark Zawadski, Planner I; Jeff Wilson, information technology director; Niki Litts, communications specialist; Elizabeth Goodson, development review engineer; Stephanie Sudano, director of engineering; Kendra Parrish, senior engineer; Scott Evenson, engineering department; and Daniel Weeks, project analyst..

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Councilman Womble.

**4. Agenda Adjustment:** The June 21, 2011 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** None.

**Items removed from the agenda:** Item 9d., development fees policy

**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. South Wake Landfill –** Mr. Brian Starkey, principal with OBS Landscape Architects, addressed the Council with OBS's plan for moving forward with the South Wake Landfill master planning process. OBS was selected by Wake County to perform this study.

Mr. Starkey gave highlights of the year-long planning process for developing a reuse plan for the South Wake Landfill property upon its closing in a number of years from now.

**Action:** None.

**6b. Leslie-Alford-Mims House Redevelopment –** Mr. Jones said that in 2008, the Town Council adopted a policy to give incentives to developments within the Village District Area that met certain criteria. As part of the

Downtown Development Incentive, there would be a committee of staff assembled to meet with developers to evaluate requests for incentives prior to the requests' going to Town Council. The committee would then make recommendations to the Town Council based on the projects and the impacts to the Downtown Area.

He said the Leslie-Alford-Mims house property owner and developer has asked for downtown development incentives associated with the ongoing renovation project.

On May 18, Mr. Jones said, the DDI committee met with Mr. Brian Barber regarding his request for downtown development incentives related to the Mims house renovation plans that are before the Town Council. At this time, Mr. Barber indicated to the committee that he would be willing to defer all fees and improvement to a future time and did not want the Town to waive any fees or required improvements. Mr. Barber even suggested to the committee that any deferments should be tied to the future business. Since Mr. Barber suggested such an arrangement, this is to what the committee agreed.

Several days after the meeting, the applicant recanted his own suggestion and indicated that, in fact, he did want waivers of fees and improvements (and not just deferment.)

In order for the Council to do anything different than deferring the fees and improvements as was the original understanding, a public hearing would need to be held to receive comment on the Town's waiving of fees and improvements. Mr. Jones said if this is the path that Council would like to explore, staff would suggest holding off on any approvals of the Mims House plans (in the public hearings section of the agenda) so that staff can work with the applicant to estimate fees and cost of improvements.

Because Mr. Barber does not wish for his project to be delayed, he said he would agree to a deferment of fees so that the project could move forward, Mr. Jones said.

Mr. Barber addressed the Council. He said that although he agrees to the deferment, he might still ask the Council in the future for a waiver of those fees. He said at that time he would provide justification. He said he just wanted the Council to be aware of that possibility.

He also said he would like clarification from the town attorney and his own attorney before the town closes on the purchase of the Stafford-Wright land behind the Mims House. He said there are fees that might actually apply to that property, and he wants to make sure that he does not end up having to pay them.

**Action:** The Council approved a motion to approve 11-DDI-01 Downtown Development Incentive in the form of deferred Planning and Zoning, Engineering and Building Code fees and public and private site improvements associated with 11-SEU-02 for Mims House Redevelopment as submitted by Spaulding & Norris, PA, Project Number 596-05, date revised May 11, 2011 with the following conditions:

1. All necessary building code permits to up-fit the structure for commercial use are to be obtained within 90 days of approval of 11-SEU-02.
2. Future established business will employ at least 15 full-time employees to be located at the Mims House location within 12 months of approval of 11-SEU-02.

**Motion By:** Williams

**Second By:** VanFossen

**Vote:** Unanimous

**7a. Public Hearing: Holly Springs Business Park, 01-PUD-03-A03 Amendment** - Ms. L. Powell said the Holly Springs Business Park Planned Unit Development (HSBP-PUD) was approved by the Holly Springs Town Council Nov. 19, 2002 and was last amended in 2006. The HSBP-PUD is a 248-acre business park with a mix of commercial, office, flex space and manufacturing uses. 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.

The proposed amendment to the existing HSBP-PUD that has been submitted to the Town is for the addition of the subject parcel, approximately 12.5 acres to allow for a potential future Novartis facility expansion.

Approval of the Planned Unit Development District does not grant approval for construction or development of the property. If the master plan for the Planned Unit Development is approved, the developer would 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.

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

Tom Spaulding, 721 Trinity Road in Raleigh – Mr. Spaulding is the applicant. He said he was on hand if the Council had any questions.

George Smith, on behalf of the property owners – Mr. Smith is the real estate agent representing the owners. He said he was on hand if the Council had any questions.

He added that the property is designated in Town planning documents for business use. He said the land use planning already is in place so it would be a good addition to the Holly Springs Business Park.

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

**Action:** The Council approved a motion to forward Holly Springs Business Park Planned Unit Development Amendment #01-PUD-03-A03 to the planning board for further review and recommendation.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

**7b. Public Hearing: Ordinance 11-04, UDO 11-UDO-02 Amendment** - Ms. Powell said that Town staff has received a request to amend the Unified Development Ordinance to allow for a banquet facility in the Town Village District. This would be classified as a Special Exception Use, meaning that any time a development petition is filed, a public hearing would be required to assess any potential impacts on adjacent properties and Town planning documents.

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

There being no comments, the public hearing was closed.

Councilman VanFossen asked if any discussion was given to the Town's regulating on-site kitchens.

Ms. Powell said kitchens in banquet facilities would be catering kitchens, limited in their use and function.

**Action #1:** The Council approved a motion to accept the following statements as true: *"The requested UDO text amendment is consistent with the Vision Holly Springs Comprehensive Plan policies for future land use. The proposed UDO amendment allows for viable downtown development, as well as other opportunities for commercial growth and development in Town."*

**Motion By:** Williams

**Second By:** Womble

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance #11-04 to approve UDO Text Amendment #11-UDO-02 to modify UDO Section(s) 3.03 & 11.02 as submitted by Brian Barber.

**Motion By:** Williams

**Second By:** Womble

**Vote:** Unanimous

*A copy of Ordinance 11-04 is incorporated into these minutes as addendum pages.*

**7c. Public Hearing: Mims House Redevelopment Special Exception Use 11-SEU-02** - Ms. Powell said that the Leslie-Alford-Mims House has stood in downtown Holly Springs since the 19<sup>th</sup> Century and is the Town's only National Historic Landmark structure. Its current owner is striving to revive the grandeur of the structure. This owner has plans for the structure, which include: professional offices, as well as a banquet facility that could house weddings, professional conferences and other similar occasions. This request was brought before the Planning Board in May 2009, but at that time other parties involved in the project chose not to move forward to Town Council for a final decision.

She said currently, under the Mims House zoning district -- Town Village -- banquet facilities are not listed as a permitted use. The Town has received a request to allow for banquet facilities to be added as a Special Exception Use in the Town Village District as well as to define the use, banquet facility. She said that staff concurs that a banquet facility would be in keeping with uses in the downtown area, and would allow the Mims House to finally become a modern jewel that everyone can enjoy.

With that explanation completed, Mayor Pro Tem Sack opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk:

Greg Stiffler, 6828 Tavermer Court, Apex, representing Holly Springs United Methodist Church – Mr. Stiffler said he would be opposed to the application unless a curb noted on the plan were eliminated as it blocks the church's access to one of its buildings.

Brian Barber, 100 Avert Ferry Road – Mr. Barber is the applicant and said he would accommodate the church in regard to the curb.

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

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #11-SEU-02 for Mims House Renovations to allow for a banquet facility in the Town Village District as submitted by Spaulding & Norris PA, Project Number 596-05, date revised May 11, 2011.

Special Exception Use 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:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Special Exception Use Petition 11-SEU-02 addressing the findings of fact 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 Petition #11-SEU-02 for Mims House Redevelopment as submitted by Spaulding & Norris, PA, Project Number 596-05, date revised May 11, 2011 with the following conditions:

1. The following item must be addressed with the first construction drawing submittal:
  - a. Show a curb cut/driveway in the curb and gutter for the existing gravel parking area that is used by the church.
2. Prior to issuance of Certificate of Occupancy, the following must be completed:
  - a. Must receive approval of renovations and associated site improvements from Capital Area Preservation (CAP).

**Motion By:** VanFossen

**Second By:** Williams

**Vote:** Unanimous

**7d. Public Hearing: Special Exception Use Petition, 11-SEU-03** - Mr. Zwaradski said the Town has

received a request for a Special Exception Use to locate a family childcare home at 217 Milpass Avenue in the Windcrest Planned Unit Development zoning district. According to North Carolina General Statute § 110-86 Definitions: “ A family child care home is a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care.”

He said the property is 0.14 acres in size and is located within the Windcrest Subdivision. The property includes capacity to accommodate three cars in the driveway for loading and unloading in addition to the one-car garage. No modifications are proposed to the exterior of the house or property.

Councilman VanFossen noted that approval by the Town Council would not mean that the applicant would not have to gain approval by the Windcrest Homeowners Association.

With that explanation completed, Mayor Pro Tem Sack opened the public hearing to accept sworn testimony. The following testimony was recorded under oath administered by the Deputy Town Clerk:

Janet Leigh, 217 Milpass Drive – Ms. Leigh, the applicant, responded to Councilwoman Williams’ questions about the number of children she would keep. She said she planned to care for up to seven children aged 2 to 5 years old.

John Patterson, 205 Milpass Drive – Mr. Patterson, a neighbor, said he was concerned because the street is quite congested, and the community is struggling with property values.

Joe Hartman, 204 Milpass Drive – He said he was also concerned about the increased traffic that might be generated by the childcare operation.

Anthony Vermeer, 213 Milpass Drive – He said he is concerned because he is trying to sell his house next door and buyers might be dissuaded to purchase his property with a child care situation next door.

Councilman VanFossen asked what the hours of operation would be, and Ms. Leigh said from 7 a.m. to 6 p.m.

She added that her hope would be that there would no increased traffic because she would have client families with multiple children, who would arrive in one car. She said she also would hope that some of her client children would be from the neighborhood and would actually walk to her home or their parents, who would already be in the existing traffic count, would drop them by on their way to work.

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

Councilman VanFossen said it was a tough decision because neighbors are concerned.

Mayor Pro Tem Sack said he did not believe a family childcare home would have the impact that a daycare center would have. There would be no signs, there is only a small number of children and they would be kept in the home. He added that a daycare center is what many people have in mind when they oppose a family childcare home, but the reality is that there is no real impact to a neighborhood.

Councilman Womble and Councilwoman Williams agreed.

**Action #1:** The Council approved a motion to make and accept the findings of fact to be recorded in the minutes for Special Exception Use Petition #11-SEU-03 for a family childcare home located at 217 Milpass Drive as submitted by Janet Leigh and Hannah Bazemore.

Special Exception Use Findings of Fact:

A special exception use may be granted only 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:** Womble

**Second By:** Williams

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble and Sack and Councilwoman Williams voted for the motion. Councilman VanFossen voted against.

*A copy of Special Exception Use Petition 11-SEU-03 addressing the findings of fact 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, motion to approve Special Exception Use Petition #11-SEU-03 for a family childcare home located at 217 Milpass Drive as submitted by Janet Leigh and Hannah Bazemore with the following conditions:

1. All additional state and local permits and approvals will be required prior to the business opening.

**Motion By:** Womble

**Second By:** Williams

**Vote:** The motion carried following a 3-1 vote. Councilmen Womble and Sack and Councilwoman Williams voted for the motion. Councilman VanFossen voted against.

[Note: Mr. Schifano said the special exception does not pass because a four-fifths vote would be needed. Later in the meeting, Mr. Simmons advised Mr. Schifano that a three-fifths vote is needed to approve a special exception use. Mr. Schifano agreed that the motion did, indeed, pass. He said he would notify applicant and testifiants.]

**7e. Public Hearing: Rezoning Petition, 11-REZ-04 -** Mr. Zawadski said the Town has received a rezoning request for property located near the intersection of Piney Grove-Wilbon Road and Avent Ferry Road in the Town of Holly Springs Extraterritorial Planning Jurisdiction (ETJ).

He said the property is 18.36 acres in size and currently is zoned R-20: Residential. The applicant is requesting that the property be rezoned to R-MF-15: High-Density Multi-family Residential.

The property is located within the Southern Gateway Area Plan and is designated for Mixed Use land uses. The requested zoning to R-MF-15: High-Density Multi-family Residential would be consistent with the Mixed Use land use designation.

He said as you may see, there is old railroad right of way that divides this tract into two. The applicant was consulted on this to possibly add this area to the rezoning. The railroad still owns the right of way and thus the applicant is not in position to include this area at this time.

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

Phil Stephens, Atlanta – Mr. Stephens addressed the Council to explain why he has not been able to acquire the unused railroad right of way.

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

**Action:** The Council approved a motion to accept the following statement as true: *“The requested zone map change from R-20: Residential to R-MF-15: Residential is consistent with the Holly Springs Comprehensive Plan since the Future Land Use Plan Map of the Village District Area Plan indicates this property as Mixed-Use and the R-MF-15 Residential District sets the maximum allowed density at 15*

units/acre.”

**Motion By:** Womble

**Second By:** Williams

**Vote:** Unanimous

**Action:** The Council approved a motion to adopt ordinance 11-REZ-04 for Zone Map Change Petition #11-REZ-04 to change the zoning of PIN# 0648-76-5713 from R-20: Residential to R-MF-15: High-Density Multi-family Residential.

**Motion By:** Womble

**Second By:** Williams

**Vote:** Unanimous

*A copy of Ordinance 11-REZ-04 is incorporated into these minutes as an addendum page.*

**7f. Public Hearing: Comprehensive Transportation Plan -** Ms. Parrish said that Kimley-Horn Associates recently completed the Holly Springs Comprehensive Transportation Plan.

A current Comprehensive Transportation Plan is vital for the future of transportation in Holly Springs, she said, adding that the last major plan was adopted in 2001, with only minor updates over the last few years. With the continued growth and development of residential and non-residential projects, it is necessary for the Town to have a plan that accommodates all of the transportation needs to maintain a sustainable and livable community.

Ms. Parrish said the key issues that have been addressed with this plan are:

- 1) implementing additional modes for a true multi-modal plan;
- 2) addressing regional traffic needs;
- 3) planning of roads that are able to be permitted through regulatory agencies;
- 4) transitioning and coordination with surrounding municipalities;
- 5) meeting criteria for project funding by N.C. Department of Transportation and/or the Capital Area Metropolitan Planning Organization (CAMPO);
- 6) looking at beneficial connections on collector roads;
- 7) evaluating cross sections;
- 8) evaluating the ultimate design for G.B. Alford Hwy.; and
- 9) implementing low-impact development options into the plan.

She said through the planning process there have been various opportunities for the critical input of other departments and the public through the following: an advisory committee, public meetings and coordination meetings with adjacent municipalities, NCDOT, CAMPO, Progress Energy, U.S. Army Corps of Engineers, the N.C. Department of Water Quality, Triangle Transit and the N.C. Turnpike Authority.

Ms. Parrish introduced Mike Rutkowski of KHA who outlined the new transportation plan.

With that explanation completed, Mayor Pro Tem Sack 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 the Holly Springs Comprehensive Transportation Plan.

**Motion By:** VanFossen

**Second By:** Williams

**Vote:** Unanimous

*A copy of the Holly Springs Comprehensive Transportation Plan referenced in these minutes is on file in the engineering department until such time as it may be disposed of in accordance with the North Carolina Records Retention and Disposition Schedule.*

**7g. Public Hearing: Bike Transportation Plan -** Ms. Parrish said that Greenways, Inc recently completed the Holly Springs Bicycle Plan. The North Carolina Department of Transportation funded 80% of this project with grant funds. A Bicycle Plan is a vital component of transportation in Holly Springs. With the continued growth and development of residential and non-residential projects, it is necessary for the Town to have a plan that accommodates all of the transportation needs to maintain a sustainable and livable community.

Key issues that were included with development of this plan were:

- 1) evaluation of current conditions;
- 2) formation of recommendations;
- 3) implementation;
- 4) creation of a design toolbox;
- 5) formation of recommendations on policies;
- 6) consideration of public input; and
- 7) identification of funding sources.

She said through the planning process there have been various opportunities for the critical input of other departments and the public through the following: an advisory committee, public meetings, and coordination meetings with adjacent municipalities, NCDOT and the Capital Area Metropolitan Planning Organization.

Ms. Parrish introduced Matt Hayes of Greenways Inc. who outlined the new bicycle transportation plan.

With that explanation completed, Mayor Pro Tem Sack 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 the Holly Springs Bicycle Transportation Plan.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of the Holly Springs Bicycle Transportation Plan referenced in these minutes is on file in the engineering department until such time as it may be disposed of in accordance with the North Carolina Records Retention and Disposition Schedule.*

**8. Consent Agenda:** The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman VanFossen, a second by Councilman Womble and a unanimous vote. The following actions were affected:

8a. Minutes – The Council approved minutes of the Council's regular meeting held May 3, 2011.

8b. Budget Report – The Council received the monthly report of amendments to the FY 2010-11 budget approved by the town manager.

8c. Resolution 11-17 – The Council adopted Resolution 11-17 directing the town clerk to investigate the sufficiency of annexation petition A11-02 and setting a public hearing on the question of annexation for Tuesday, July 19, 2011. *A copy of Resolution 11-17 is incorporated into these minutes as addenda pages.*

8d. FY 2010-11 Audit Contract – The Council approved to enter into a contract with Christopher K. Abbot, CPA, PA in an amount not to exceed \$27,521 for auditing services of the Town's FY 2010-11 financial records.

8e. Resolution 11-18 – The Council adopted Resolution 11-18 to approve and enact Development Procedures Manual amendment 11-DPM-01. *A copy of Resolution 11-18 is incorporated into these minutes as addenda pages.*

8f. Resolution 11-19 – The Council adopted Resolution 11-19 to approve and enact Development Procedures Manual planning department amendments 11-DPM-02. *A copy of Resolution 11-19 is incorporated into these minutes as addendum pages.*

8g. Ballenridge Outfall Project – The Council approved to retain the firm of Diehl & Phillips for professional services in the Ballenridge outfall project and amendments to the FY 2010-11 budget in the amount of \$16,000 to cover the costs of the work. *Copies of budget amendments are incorporated into these minutes as addendum pages.*

8h. Resolution 11-20 – The Council adopted Resolution 11-20 accepting terms from RBC Centura Bank for a \$550,000 loan at 2.08% interest for three years for the purchase of 17.5 acres. *A copy of Resolution 11-20 is incorporated into these minutes as addendum pages.*

8i. Budget Amendment, \$172,800 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$172,800 to fund engineering projects. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8j. Budget Amendment, \$444,000 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$444,000 to receive FEMA reimbursements for tornado recovery. *A copy of the budget*



*amendment is incorporated into these minutes as an addendum page.*

8k. Budget Amendment, \$20,000 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$20,000 to receive insurance proceeds for fire and rescue equipment. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8l. Budget Amendment, \$500 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$500 to receive insurance proceeds for law enforcement vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8m. Budget Amendment, \$1,369,870 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$1,369,870 to record loan payment. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

8n. Budget Amendment, \$65,000 – The Council adopted an amendment to the FY 2010-11 budget in the amount of \$65,000 to pay for water tank maintenance with phone tower lease payments. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

**9a. Bass Lake Road Sidewalk Project** – Ms. Parrish said that staff has completed in-house design on more than 5,000 feet of sidewalk to be installed along Bass Lake Road from Earp Street to the Bass Lake Park Retreat Center. This project was advertised and bids opened June 1. Four (4) bids were received as follows: JW Grand, \$424,913.36; Sandhills Construction, \$465,810.54; Narron Construction, \$486,413.56 and Pacos Construction, \$500,933.50.

**Action:** The Council approved a motion to award a construction contract for Bass Lake Road sidewalk to the lowest responsible bidder, J. W. Grand, in the amount of \$424,913.36; plus a 10% contingency for a total of \$465,000; and to approve a project budget and budget amendment.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

**9b. Parks and Recreation Bond Referendum** -- Ms. J. Powell said that the Council has indicated an intention to ask voters if they would approve a parks and recreation bond with a referendum included on the Nov. 8, 2011 municipal election ballot.

She said the first step in pursuing a bond referendum is to retain the services of bond counsel (bond counsel must be a different person than the town attorney.)

She said the Council received in packet a letter of engagement provided by Bob Jessup of the Sanford Holshouser Law Firm. Mr. Jessup has served the Town as bond counsel in the past.

Staff recommends this designation in that Mr. Jessup has done previous bond work through Sanford Holshouser and is familiar with the town and its projects, etc.

**Action #1:** The Council approved a motion to adopt Resolution 11-21 appointing Bob Jessup as bond counsel for the Town's parks and recreation bond referendum.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous.

*A copy of the Resolution 11-21 is incorporated into these minutes as an addendum page.*

**9c. Parks and Recreation Bond Referendum** -- Ms. Powell presented a draft "Own Words Resolution," which is one of the first steps required in undertaking a bond referendum. In this resolution, the Town should state the amounts and reasons for the issuance of general obligation bonds. The Town may put into its "Own Words" resolution more projects and amounts that it ultimately goes to referendum with, but the Town may not leave anything out now and add to it later without starting the entire process over.

The "Own Words" Resolution spells out a \$20 million bond issue for funding parks and recreation development, she said, adding that the referendum would be scheduled for the Nov. 8 municipal election ballot.

**Action:** The Council approved a motion to adopt Resolution 11-22 to initiate the Town's Nov. 8, 2011 parks and recreation bond referendum process.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous.

*A copy of the Resolution 11-22 is incorporated into these minutes as addenda pages.*

**9d. Development Fee Policy** -- This item was removed during Agenda Adjustment.

**10. Other Business:** Mayor Pro Tem Sack thanked residents who attended and spoke in favor of applications filed for a certificate of need for hospital beds for Holly Springs. He said he hoped the State would identify the need in Holly Springs.

Councilman Womble asked the town attorney if gasoline stations had to post their per gallon prices.

Mr. Schifano said he was not aware of any state or federal laws that would require it, but he added that the Town could pass a local ordinance. He noted that it might raise questions about how the town would enforce it and what penalties would be imposed.

Councilman VanFossen said he noticed on several streets – particularly on Norwalk and Crossway – where vegetation is blocking traffic signs.

**11. Manager's Report:** Mr. Dean noted that Rex is planning a dry-in ceremony; he reminded Council of a budget meeting June 28; he reminded them of the July 5 fireworks .

**12. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to NCGS 143-318.11(a)(4), to discuss with the Town Attorney matters regarding the economic development.

**Motion By:** Williams

**Second By:** VanFossen

**Vote:** Unanimous.

**General Account Closed Session – June 21, 2011**

In Closed Session, the Council received an update from Mr. Dean on the proposed New Hill Place shopping center. He reported that the project is moving forward.

***-- End of the General Account***

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

Councilman VanFossen made a motion to return to Open Session, and it was seconded by Councilman Womble. The vote was unanimous in favor of the motion.

**13. Adjournment:** There being no further business for the evening, the June 21, 2011 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, Aug. 16, 2011.

---

Joni Powell, MMC, Town Clerk

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