

Holly Springs Town Council Minutes

Regular Meeting
Jan. 6, 2009

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, Jan. 6, 2009, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedetto, Parrish Womble, Chet VanFossen, Tim Sack and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Drew Holland, finance director; Len Bradley, director of parks and recreation; Laura Powell, planner I; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Kendra Parrish, senior engineer; Stephanie Sudano, director of engineering; Elizabeth Goodson, development review engineer; Daniel Weeks, project analyst; Jenny Mizelle, director of economic development; Anthony Revels, police lieutenant; John Herring, police chief; and Mark Andrews, public information officer.

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

4. Agenda Adjustment: The January 6, 2009 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Removed for Discussion: 6e., Council meeting calendar.

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:

Robert Summers, 420 Onondaga Court – Mr. Summers addressed the Council, saying he wants more information about the town's plans for a community center. On the topic of Womble Park, Mr. Summers said the play areas for very small children are limited, and he would like to see them enhanced and expanded. On the topic of Waste Industries, he said the collection trucks should be maintained better so that they don't leave trails of hydraulic fluid on neighborhood streets. He said many of his neighbors were not pleased with the service Waste Industries provides because many times they leave behind debris and damage to yards.

6. Consent Agenda: The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman Sack, a second by Councilman Dickson and a unanimous vote. The following actions were affected:

6a. Minutes – The Council approved minutes of the Council's regular meetings held in November, 2008.

6b. Budget Amendment, \$1,690 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$1,690 to accept insurance proceeds for repair of a police vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6c. Budget Amendment, \$55,000 – The Council adopted an amendment to the FY 2008-09 budget in the amount of \$55,000 to cover the cost of the FMI consulting contract approved by Council on Dec. 16. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6d. W.E. Hunt Center Revitalization Contract & Budget Amendment – The Council approved to enter a contract with Kling-Stubbins for the first two phases of work in demolition and design of the W. E. Hunt Center revitalization and adopted a related budget amendment to cover the cost of the contract. *A copy of the Kling-Stubbins contract and a copy of the budget amendment are incorporated into these minutes as addendum pages.*

6e. 2009 Town Council Meeting Calendar – This item was removed from the Consent Agenda during agenda adjustment.

6e. 2009 Calendar – Councilman DeBenedetto pointed out that the 2009 meeting calendar featured the March 17, 2009 regular meeting when a

quorum of the Council will not be possible because three members will be attending the National League of Cities conference in Washington D.C.

Council members asked if the March 17 meeting should be postponed or cancelled.

Staff suggested canceling the meeting since town business could be scheduled before or after the March 17 meeting with so much advance notice.

Councilman DeBenedetto said he felt the meeting should be postponed but not cancelled.

A special meeting could be called if needed on the return of Council members.

Action: The Council approved a motion to cancel the March 17, 2009 regular meeting of the Council.

Motion By: VanFossen

Second By: Dickson

Vote: The motion carried following a 4-1 vote. Councilmen Womble, VanFossen, Sack and Dickson voted for the motion. Councilman DeBenedetto voted against.

Action: The Council approved a motion to adopt the remaining calendar of the Town Council's 2009 regular meeting schedule.

Motion By: Dickson

Second By: Sack

Vote: Unanimous

At this time, Councilman VanFossen reported that he is the architect for the subject of Agenda Item 7a. He asked to be recused from the Council for the agenda item.

Action: The Council approved a motion to recuse Councilman VanFossen from Item 7a. on the agenda because of his professional connection as an architect with the subject of Item 7a.

Motion By: Dickson

Second By: Sack

Vote: Unanimous.

7a. 08-DP-12, Shoppes at Woodcreek, Phase III Development Plan – Ms. Powell said the Town has received a request for an integrated center to be located on 1.45 acres of property at the approximate intersection of Holly Springs Road and Sunset Lake Road. She asked that the Council table this item.

Action: The Council approved a motion to table development plan 08-DP-12.

Motion By: Dickson

Second By: Sack

Vote: Unanimous

Action: The Council approved a motion to readmit Councilman VanFossen into the meeting.

Motion By: Sack

Second By: Dickson

Vote: Unanimous.

7b. 08-DP-13, Hampton Inn Development Plan – Mr. Zawadski said the Town has received a request for a development plan for five acres located at 1516 Ralph Stephens Road. The proposed plan is for the construction of a four-story 124-room Hampton Inn Hotel. The site would be accessed from a single driveway off of Ralph Stephens Road that connects with a two-way interior access drive that extends around the perimeter of the building.

He said a total of 124 parking spaces are distributed throughout, but the majority of the spaces are proposed in the northwest corner of the property. Pedestrian connections are provided to connect the public sidewalk along Ralph Stephens Road and the parking lot with the main entrance of the building.

The four-story building is proposed to be constructed with brown brick, olive cast stone, and beige EIFS. The proposed architecture includes a variety of Building Massing and Façade Treatments as required by the UDO. Specific features include: building base, body, and cap, roofline variation, façade modulation, multiple building textures/materials, windows, decorative building lighting, decorative stone banding, and landscaped trellises.

Action: The Council approved a motion to approve Development Plan #08-DP-13 for Hampton Inn as submitted by Withers and Ravenel, Project Number 2080683, dated revised 12/8/2008 with the following conditions:

1. A sign permit is required to be obtained prior to any signage installation.
2. A fee-in-lieu of upgrade will be required for this project for the Pump Station and/or Force Main
3. This project will be required to meet the Town of Holly Springs NPDES Ph. II Post Construction Stormwater Ordinance.
4. The following items are to be addressed prior to 1st construction drawing submittal:
 - a. The recombination plat for this project must be recorded.
 - b. Submit the Final Gravity Sewer Line Sizing Report for all lines that are stubbed to adjacent upstream properties. Include

calculations to document line sizes, adequacy of proposed sanitary sewer lines to serve all future upstream development.

- c. A revised detailed engineer's sealed Water System Hydraulic Report is required for this project to document the fire flow and system pressure requirements. This report will need to include the sprinkler system calculations.

5. The following items are to be addressed prior to construction drawing approval or issuance of a land disturbance permit:
 - a. Approval of Stormwater Management Plan is required
 - b. Payment of the Stormwater Fee-in-Lieu will be required.
6. The following items are to be addressed within 10 days of Town Council action on revised plans:
 - a. Show the corrected 65' right-of-way for Ralph Stephens Road.
 - b. Provide an easement only for the future sewer stub to the right-of-way.
 - c. Provide written documentation of the sewer stub location proposed.
 - d. A revised landscape plan changing the Leyland Cypress to "Green Giant" is to be submitted to the Department of Planning & Zoning.

Motion By: DeBenedetto

Second By: Womble

Vote: Unanimous.

7c. 97-COM-12-A02, Holly Springs Village Centre Master Plan Amendment – Ms. Powell said that staff has received an amendment request to add black awnings as an acceptable materials choice for the Village Centre Shoppes integrated center. This master plan was first approved by Town Council on Aug. 4, 1998 and was then referred to as Holly Springs Commercial Center.

She said Master Plans at that time did not submit a color and materials board, so the applicant would simply be revising the Holly Springs Commercial Statement of Compatibility to include the option of using black awnings.

Action: The Council approved a motion to approve Master Plan amendment #97-COM-12-A02 for Holly Springs Commercial Center as submitted by James Heizer of Commercial Site Design, dated revised 10/21/08.

1. All previous conditions of plan approval shall apply to this amendment.
2. Statement of Compatibility shall be revised to read "All buildings shall share a common roof line and type and shall contain a common canopy design and color to include green and black awnings."

Motion By: Sack

Second By: Dickson

Vote: Unanimous

7d. Hwy. 55 Speed Limit Reduction Request – Ms. Parrish explained the background of this request. A couple of years ago, she said, a group of department heads and staff members was established internally to meet on a monthly basis to most efficiently discuss, make recommendations, and bring to closure the increasing volume of traffic issues, complaints, and requests that are initiated by citizens or staff.

The Transportation Negotiation Team (TNT) is an informal name that has been adopted by the group of staff, which consists of the Police Department, the Public Works Department, and the Engineering Department – all of those departments involved in regulating, enforcing, installing, traffic related regulations, signage, etc. These meetings allow all of the regulatory issues involved in these types of requests to be discussed at one time, since many of those issues overlap these departments. There are a couple of Town policy statements that provide guidance to the group in processing particular requests related to traffic calming and stop sign installation. The typical agenda has anywhere from 20 to 30 items, including both revolving and new requests.

She said one of the types of requests that the TNT staff handles periodically is requests for speed limit reductions. The TNT staff research and evaluate the request, correspond with the requesting party, and provide an answer to their request. On occasion, someone who makes a request is not satisfied with the TNT staffs' answer, and desires to be heard by the Town Council.

Ms. Parrish said the request before the Council tonight is a resident's appeal of a speed limit reduction request. The resident has requested that the speed limit on Main Street from Oak Hall Drive to Sunset Lake Road be reduced from 45 mph to 35 mph. She said the following is the information that has been provided to the resident by the TNT staff in response to the request:

"The TNT Committee, in the past, has recommended speed reductions for:

- Holly Springs Road (a section of 45 mph to 35 mph) due to the speed limit of 35 mph for most of roadway and there was a small gap of 45 mph over the creek and there are two major school campuses.
- Bass Lake Road because of all the driveways on the town side of Brook Manor, the Retreat Center, a very narrow lane width, and the multiple pedestrian crossings.

"The TNT Committee does not recommend speed reduction on Main Street from Oak Hall to Sunset Lake Rd for the following reasons.

- Several vacant parcels
- Not an abundance of driveways cuts
- a very wide typical section
- No signed and painted pedestrian crossing
- No schools (walkers)
- No major parks along the frontage

- No major sight distance issues
- Commercial areas are set back off roadway
- There is not a speed gap that needs addressing.
- There is adequate lane width
- There are vertical alignment challenges, a steep grade...difficult for tractor trailers traffic to go 35 mph down the hill and then get up speed on the uphill.

Ms. Parrish said staff's recommendation is to deny the speed reduction based on the above data.

In discussion, Council concluded that the area in question by the resident is appropriately zoned at 45 mph because the highway is wide in this section; there is no development promoting pedestrian traffic; NCDOT recommends the 45 mph zone, and day care centers cited by the resident are located on interior streets located off Main Street and not on it.

Action: The Council approved a motion to deny speed reduction from 45 mph to 35 mph on Main Street from Oak Hall to Sunset Lake Rd.

Motion By: Dickson

Second By: VanFossen

Vote: Unanimous.

7e. Town Financial Audit Report – This item was moved to later in the meeting because auditor Mr. Chris Abbott was not yet present.

7f. Town's 2009 Legislative Agenda – Mr. Dean said as the General Assembly prepares to convene at the end of this month, the Town Council is asked to be thinking about topics of concern that it would like to bring before the Wake County delegation. Last year, the Council's topics focused properly on budget items for the Short Session (with a few exceptions.) This year, there is no limitation on topics.

He asked the Council for their suggested topics to be presented to the General Assembly.

He said staff would like to have this letter delivered to the Wake Delegation by Jan. 21 in advance of the Jan. 28 convening of the House and Senate.

Action: The Council approved a motion to approve an initial list of 2009 legislative agenda topics.

Motion By: Sack

Second By: DeBenedetto

Vote: Unanimous.

7g. Town Council Winter Retreat – Mr. Dean explained that the purpose of this agenda item is to provide Council members with a chance to compare calendars and schedule the 2009 winter retreat.

Mr. Dean asked the Council if there was any interest in changing the venue. The cost of last year's retreat was in the neighborhood of \$4,000. If the Council desires to try a local venue, use of the Cultural Center or Bass Lake would be subject to availability.

Councilman Womble said he would support having the retreat at Bass Lake Retreat Center.

Other Council members agreed that it would probably mean spending less time on topics, but considering the economic times, it would be a good idea.

Council directed that staff look at Feb. 28 and March 1 at Bass Lake or the Cultural Center, if available.

10. Other Business: Councilman VanFossen shared with the Council his drawings of stacked stone columns that could be used as entrance features and would lend themselves very well to the addition of local civic organization placards.

Council directed that the drawings be placed on the next meeting agenda.

At this time, 8 p.m., Chris Abbott arrived, and the Council returned to Item 7e. on the agenda.

7e. Town Financial Audit Report – Mr. Holland introduced Chris Abbott of Christopher K. Abbott, CPA, PA, who addressed the Council with his firm's findings during an independent audit report of the town's FY 2007-08 financial records.

Mr. Abbott said, generally, the audit report was a good one. He then gave an overview of the management letter and he briefed the board on his schedule of findings.

Action: None.

A copy of the annual Town's FY 2007-08 financial audit is incorporated into these minutes as addendum pages.

At this time, Mayor Sears resumed with Other Business.

Councilman Womble asked Mr. Dean if the town was still using 10-hour work weeks. Mr. Dean said it was still being used in some departments and was resulting in cost savings.

Councilman Sack read excerpts of a newspaper article in which Councilman DeBenedetto was quoted as stating that the Town had

violated state laws. Councilman Sack asked what law had been violated. He also said he took exception to Councilman DeBenedetto's comments about staff's support of Novant Health for a hospital in Holly Springs.

Councilman DeBenedetto said a contract had been signed by the town manager without authorization of the Council.

Mr. Schifano said he believes Councilman DeBenedetto refers to a contract that was authorized by the Council but at a different amount than was stated in the contract due to a clerical error.

Councilman Sack said he was not sure there is any state law that requires a Council to authorize every contract and he asked Councilman DeBenedetto to be more certain of such things when accusing the Town Manager in the press of breaking the law.

Councilman Sack said that in reviewing Shearon Harris emergency information, local school children are split up between two emergency shelters. He asked that staff look into the plan and coordinate with officials so that all local children would be going to the same school.

Councilman VanFossen asked that the Town pursue any economic stimulus money, particularly if it would assist in the improvement of evacuation routes.

Councilman Womble wished everyone a happy new year and a prayer that they will all get along.

11. Manager's Report: Mr. Dean reported on the upcoming groundbreaking for Capital Bank; a ribbon cutting for the credit union; the North Carolina League of Municipalities event; and a number of other meetings.

Mr. Dean said he was upset and disappointed by what was in the newspaper as noted earlier by Councilman Sack. He said he intended to take the high road and to simply move forward since that would be best for the Town of Holly Springs.

12. Closed Session: None.

13. Adjournment: There being no further business for the evening, the January 6, 2009 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Dickson, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, April 7, 2009.

Joni Powell, CMC, Town Clerk

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