

# Holly Springs Town Council Minutes

## Regular Meeting

July 17, 2007

The Holly Springs Town Council met in regular session on Tuesday, July 17, 2007, 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; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, (recording the minutes); town clerk; Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Alison Huffman, planner I; Jeff Jones, Planner II; Kendra Stephenson, senior engineer; Elizabeth Goodson, development review engineer; Len Bradley, parks and recreation director; Chuck Queen, code enforcement; Ricky Blackmon, code enforcement director; John Herring, police chief; Amy Moore, water quality department; Thomas Davenport, parks maintenance supervisor; and Mark Andrews, public information officer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Otis Byrd, pastor of the First Baptist Church.

**4. Agenda Adjustment:** The July 17, 2007 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**Items Added to the Agenda:** A resolution authorizing the Mayor to apply for a Wastewater Treatment works project grant for the Utle Creek Wastewater Treatment Plant upgrade and expansion.

**Items Removed from the Agenda:** Item 9d., Sunset Lake Commons Shopping Center master plan.

**Consent Agenda Items Moved to New Business:** Item 8g., a report on a promotional video project; 8h., Ordinance 07-11, amending the sign regulations within public right-of-way; and 8i., amendment to Policy Statement P-021, Code of Ethics and Conduct for Public Officials.

**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:

Sylvia Watson, 237 Kenmont Drive – Ms. Watson addressed the Council representing the Holly Springs Newcomers Club asking for the Council's support. Specifically, she said the club is looking for a meeting place.

Rev. Otis Byrd, 705 S. Main St. – Rev. Byrd addressed the Council, noting increased traffic on Rogers Street. He asked that the Town consider installation of traffic-calming devices.

**6. Dilapidated Structures Removal Program** - Mr. Queen explained that this pilot program has been developed in conjunction with other Town appearance initiatives discussed at the 2007 Town Council Winter Retreat, including a community photo project, modifications to town ordinances, and litter clean-up outings.

He said this program would involve identifying target properties for removal and working with property owners to do so in a manner that would provide a cost savings for property owners while meeting the Town's objectives. The Town's goals are to improve the visual appearance of the Town; reduce properties that pose health hazards and havens for illegal activities; improve property values in the vicinity of dilapidated structures; and enhance the quality of life in neighborhoods.

Mr. Queen said that staff has identified 16 subject parcels that could be improved by this program.

He said staff intends to issue letters explaining the Town's program to property owners inviting them to turn over their dilapidated structures to the Town for removal. The Town then would pay the up-front costs for demolition, removal and disposal. A \$500 lien would be placed on the vacant parcel and would be collected at closing if and when the property is ever sold.

He said if a property owner chooses not to participate during the time allotted, the Town would take actions to address issues, and all removal costs would then be incurred by the property owner, and those costs would likely be in excess of \$500. This would provide property owners a strong incentive to participate.

He said the property owners would have six months to decide whether to participate in the program. Because many owners of dilapidated structures may not have the financial resources to remove a structure on their own, this program would make it possible, benefiting the entire

community.

Mr. Queen said the Code Enforcement Director has identified \$5,000 in his department's FY 2007-08 budget that could be allocated toward the structure removal costs. It is estimated that approximately \$20,000 would be needed to address all 16 target structures; therefore, if the program goes as planned, additional funding would be necessary at a later date.

Councilman Dickson asked that the program give priority to the removal of dilapidated structures located on main thoroughfares.

Councilmen Womble and DeBenedetto mentioned trailers on the Stephenson Road and Sunset Lake Road. Mayor Sears asked Mr. Queen to keep the Council apprised via email of progress in this area.

**Action:** The Council approved a motion to endorse the Town's pilot program to assist property owners in the demolition, removal and disposal of dilapidated structures.

**Motion By:** Dickson

**Second By:** Atwell

**Vote:** Unanimous.

**7a. Public Hearing: Special Exception Use Petition 07-SEU-06** - Ms. Huffman said the Town has received an application for a special exception use to allow for an in-home day care in the Autumn Park Planned Unit Development at 416 Cline Falls Drive. The application is for the applicant's 1,664-square-foot home on a .16-acre lot.

She explained that according to Unified Development Ordinance Section 2.8, only 20% of the square footage of a home may be used for an in-home day care. The applicant is proposing to use 229 square feet while 20% of the total heated square footage of the home is 332.8 square feet; therefore the request would be in compliance with the UDO.

She said all of the special exception use findings of fact have been thoroughly addressed on the application, and staff feels very comfortable with the request.

Ms. Huffman said the applicant also has provided a floor plan indicating the area in which the applicant proposes to use for the day care operation and a letter of approval from her home owners association stating that an in-home day care would be allowed as long as the applicant secures the proper municipal permits and state licensing and the day care does not disturb other homeowners.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony and qualified evidence. Under oath administered by the Town Clerk, the following provided testimony to be recorded:

Jennifer Sudweeks, 416 Cline Falls Drive -- Ms. Sudweeks is the applicant. She addressed the Council, asking members to think in terms of "high benefit/low impact." She said the operation would have only seven children, but the appearance of her home would not change, and the residential nature of the neighborhood would be maintained. She said her neighbors would not notice the daycare operation, and she added that her home is located at the entrance of her development, so traffic should not be a problem.

Councilman VanFossen asked the petitioner if she understood that the town's approval was a zoning matter and would not override homeowner association covenants.

Ms. Sudweeks read a May 2007 letter from her homeowners association stating that there were no apparent covenants prohibiting an in-home occupation. The letter goes on to state that no activity would be allowed that would pose a nuisance for neighbors and that this provision may affect an in-home daycare. Ms. Sudweeks said that the letter further states that if she were to get the necessary state and municipal permits, there should be no problem with her keeping children in her home.

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

**Action #1:** The Council approved a motion to make and accept the following findings of fact to be recorded in the minutes for Special Exception Use Petition 07-SEU-06 for 416 Cline Falls Drive to allow for an in-home day care as submitted by Jennifer Sudweeks project number 07-SEU-06, dated 05/21/2007. A special exception use may be granted upon the presentation of sufficient evidence to enable a written determination that:

- a. The proposed use will not be injurious to the public health, safety, comfort, community moral standards, convenience or general welfare;
- b. The proposed use will not injure or adversely affect the adjacent area;
- c. The proposed use will be consistent with the character of the district, land uses authorized therein, and the Town of Holly Springs Comprehensive Plan;
- d. The proposed use shall conform to all development standards of the applicable district (unless a waiver of such development standards is requested as part of the special exception use petition and approved as set forth above, in which case the proposed use shall conform to the terms and conditions of such waiver).
- e. Access drives or driveways are or will be sufficient in size and properly located to: ensure automotive and pedestrian safety and convenience, traffic flow as set forth in Section 7.09 – Pedestrian Circulation and Vehicular Area Design; and, control and access in case of fire or other emergency;
- f. Off-street parking areas, off-street loading areas, trash enclosures, trash pick-up and removal, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic, glare, odor, and other impacts on adjoining properties and properties in the general neighborhood;
- g. The lot, building or structure proposed for the use has adequate restroom facilities, cooking facilities, safety equipment (smoke alarms, floatation devices, etc.), or any other service or equipment necessary to provide for the needs of those persons whom may work at, visit or own property nearby to the proposed use;
- h. Utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the needs of the

proposed use;

- i. The location and arrangement of the use on the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts; and,
- j. The type, size, and intensity of the proposed use (including but not limited to such considerations as the hours of operation and numbers of people who are likely to utilize or be attracted to the use) will not have significant adverse impacts on adjoining properties or the neighborhood.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action #2:** Having made the 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 #07-SEU-06 for 416 Cline Falls Drive to allow for an in-home day care as submitted by Jennifer Sudweeks, project Number 07-SEU-06, dated 05/21/2007 with the following condition.

1. All state and local permits must be obtained prior to opening.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Special Exception Use application 07-SEU-02 entered into the record by the applicant and addressing the findings of facts is incorporated into these minutes as addendum pages.*

**7b. Public Hearing: Ordinance 07-10, UDO Amendment** – Mr. Zawadski said staff evaluated current minimum and maximum parking requirements of the UDO and presented results of that evaluation during the April 3 Technical Review Committee meeting. The research showed that the current UDO parking requirements generally are very consistent with other towns across the state; however, the requirements for multi-family development are the highest. He said staff recommends that the UDO be amended to reduce the minimum parking requirements for multi-family development.

He said in addition to the multi-family changes, staff recommends limiting the amount of parking spaces to 110% of the minimum as of right, as opposed to the 150% maximum currently in place. He said staff also recommends allowing a maximum of 75% of the total amount of parking provided to be located between the front building line and property line.

Mr. Zawadski said a waiver of one or both of these requirements would be available to allow more than 75% of parking spaces to be placed in front of a building and also to allow up to 150% of the minimum number of parking spaces required. The determination of the request for a waiver would be based on a recommendation from the Planning Board and findings of fact by the Town Council.

He said the implementation of these requirements would reduce the amount of surplus parking spaces, encourage shared parking, and decrease the amount of impervious surface and negative visual impacts that result from too many parking spaces.

Councilman VanFossen asked Mr. Zawadski to clarify that the Town is not decreasing the maximum number of parking spaces allowed.

Councilman Atwell commented on the difference in the parking spaces per square foot between the Food Lion shopping center and Holly Springs Crossings. It seems, he said, that the Lowe's did not have enough

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

There being no comments, the public hearing was closed.

**Action #1:** The Council approved a motion that the following statement is true: "The requested UDO Text Amendment is consistent with the Holly Springs 10-Year Comprehensive Growth Plan and Northeast Gateway Plan. The proposed modifications to the off-street parking regulations create enforceable ordinances to enact Land Use Policy 3: The Town shall encourage the development of pedestrian-oriented developments; Environmental Policy 4: The Town shall encourage multi-modal travel, interconnected streets, and other transportation practices that reduce automotive congestion, as well as avoid and minimize impacts to natural resources; and Northeast Gateway Plan Policy 4: Place parking to the rear and sides of buildings and bring buildings closer to the roadway."

**Motion By:** Dickson

**Second By:** VanFossen

**Vote:** Unanimous

**Action #2:** The Council approved a motion to adopt Ordinance 07-10 to enact Unified Development Ordinance Amendment #07-UDO-02 to modify the text of UDO Section 7.04, Off- Street Parking.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

*A copy of Ordinance 07-10 is incorporated into these minutes as addendum pages.*

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

8a. Minutes - The Council approved minutes of the Council's regular meeting held on April 17 and budget workshop held on May15, 2007.

8b. Budget Amendment Report – The Council received a report of FY 2006-07 budget amendments #148 through #193 approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as addendum pages.*

8c. Green Oaks Parkway Traffic Signal Agreement – The Council entered into an NCDOT municipal agreement for a traffic signal on Green Oaks Parkway. *A copy of the NCDOT Municipal Agreement for Green Oaks Parkway traffic signal is incorporated into these minutes as addendum pages.*

8d. Wastewater Treatment Plant Expansion Sole Source Provider – The Council approved Microcomm as the sole source provider of the wastewater treatment plant expansion project SCADA system.

8e. Wastewater Treatment Plant Timbering Contract – The Council entered into a contract with Fowler Contracting in the amount of \$21,730 for timbering of the wastewater treatment plant expansion site. *A copy of the Fowler Contracting contract is incorporated into these minutes as addendum pages.*

8f. Budget Amendment, \$35,000 - The Council adopted an amendment to the FY 2007-08 budget in the amount of \$35,000 to retain services of a real estate acquisition specialist. *A copy of budget amendment is incorporated into these minutes as an addendum page.*

**Consent Agenda Items Removed from Consent for discussion:**

**8g. Promotional Video Report** – Ms. Powell explained that CGI Communications Inc. has teamed up with the North Carolina League of Municipalities to be in contact with member towns for its community video and business showcase product.

Ms. Powell said the company proposes to do the same product for the Town of Holly Springs at no cost to the Town. The company, instead, makes its money from the advertising revenue of the advertisers on the site.

She said the Town would have full editorial control over the content of the six free one-minute videos that would be provided: a welcome; a schools, real estate and medical in a combined video; and four topics of the town's choice. The town would be asked only to provide a letter on town letterhead signed by the mayor and assuring local businesses and developments that the Town is participating in the program.

She explained that advertisers can purchase any variety of advertising packages, starting at \$800 for three years. Higher priced packages provide not only links to company Web sites, but to videos about the company or development.

The videos feature maps that show the locations of businesses (or developments), and the videos are emailable files.

She said staff believes this would be a good and cost-effective opportunity for the Town to present itself via video. It also would provide local advertisers with an effective tool.

She added that filming would be scheduled for September/October.

Councilman DeBenedetto said he does not believe a local government should provide endorsement of any particular company.

Ms. Powell explained that the letter on Town letterhead would provide tacit endorsement, but that the wording and purpose of the letter really would be to advise local businesses that the Town is a participant and that the project is not a scam.

She added that the company has been pre-screened by the North Carolina League of Municipalities as a preferred vendor and that she has confidence in that endorsement.

**Action:** The Council approved a motion to authorize the town manager to sign a contract with CGI Communications Inc. and to provide for a 3-year period a link on the Town's homepage to the company's Website.

**Motion:** VanFossen

**Second:** Dickson

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

**8h. Ordinance 07-11, Sign Regulations Amendment** – Mr. Schifano explained proposed Ordinance 07-11 would amend Chapter 6, Section 6-261 of the Holly Springs Town Code regarding temporary signs in the right-of-way. The amending ordinance mostly refines the wording of the existing code.

Mr. Schifano said that substantive changes as directed by the Town Council discussions during the 2007 Winter Retreat and a spring regular meeting are:

- temporary signs would be expressly prohibited from street medians and town property;
- real estate directional signs would be limited to those developments located within the town's corporate limits;
- the Town is exempt from any sign limitations;
- and the town's authority to remove signs is clarified.

Councilman DeBenedetto said he would move that there be a public hearing on the signs in the right of way ordinance proposal.

Councilman Atwell said he has been through two public meetings with this topic. He stressed that the ordinance exists and has existed for several years, and that the current amendments are rather minor ones.

Councilman Atwell pointed out some conflicting language in the draft and asked how would the Council handle any changes to that draft.

The Town Attorney said the conflicting language was the result of an oversight and fixing the language to be as it was intended would not be prohibited if the Council were to approve the draft.

Councilman VanFossen pointed out that the sign ordinance was not new and confirmed with staff that it was between six and seven years

old. He said the Council is just making minor adjustments to signs in the right of way. The major change is disallowing signs advertising subdivisions outside the town limits.

Councilman DeBenedetto said signs are an economic issue, and the council should have a public forum.

**Action:** The Council approved a motion to invite realtors to a public forum with staff for the purpose of allowing realtors to discuss the sign ordinance and to provide input about changing the regulations.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous

**Action:** The Council approved a motion to adopt Ordinance 07-11 amending the Holly Springs Town Code, Section 6-261, Signs in the Right-of-Way, with text adjustments to eliminate inadvertent conflicting language and excluding text imposing regulations on candidates.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous

*A copy of Ordinance 07-11, as amended, is incorporated into these minutes as addendum pages.*

**8i. Policy Statement P-021.1, Code of Ethics and Conduct for Public Officials** – Mr. Schifano said the proposed amended policy statement would provide for increased disclosure of financial interests among public officials, as was directed by the Town Council on June 19.

Substantive changes are:

- Definition for certain terms were added;
- D. under Trust, the last sentence would be changed to: Notwithstanding this provision, a Town Official in a decision-making position may be involved in any contract, project or service subject to an official act of the Town if he/she excuses himself/herself from all discussions, deliberations, and votes on the matter by the Town, and states with specificity at the time of recusal the reasons for the recusal. Subsequent to the official action, the Town Official shall not attempt to use his or her position as Town Official to influence any Town Administrator or staff member in the execution of the staff member's duties.
- P. under Trust would be added: P. Town Policy Makers owe to each other a duty of candor, full disclosure, and good faith with respect to any information regarding any official action of the Town and shall not withhold or falsify information that, if available to other members, would assist in their decision-making, nor shall they improperly promote such information to a third party without the opportunity for a full and frank discussion among the policy makers.
- A new section on Disclosure would be added: **A.** Within 30 days of taking the oath of office and annually by January 15, each Town Council member shall file a written disclosure on a form approved by the Clerk, stating at a minimum the following: 1) The address of all real property owned by the Councilmember and his immediate family; and 2) The name of any business entity or nonprofit organization in which the Councilmember is an officer, director, owner, manager (in the event of an L.L.C.), officer, or owns more than a ten (10%) interest in a company (private or public).
- A new section on Violations of Policy would be added: **A.** A Town Administrator or Town Policy Maker may file a written and signed ethics complaint for an alleged violation under this Policy by transmitting a letter outlining all the facts known to the complainant to the town attorney. In the event that the complaint alleges wrongdoing against the town attorney, the town manager shall receive the complaint. At the discretion of the town Council, upon recommendation of the manager or attorney and upon majority vote, the Council may employ outside legal counsel to investigate the matter.
  - B.** The town attorney (or in the event, outside counsel) shall thoroughly investigate the allegations of the complainant and draft a legal memorandum outlining findings of fact and conclusions of law relating to the events complained of in the written complaint and transmit such memorandum to the Town Council for its discussion.
  - C.** The Town Council may take any action allowed by law against the alleged violator, including referral to the district attorney in the event of a criminal violation, direct the town attorney to institute legal proceedings for an injunction or civil damages, if appropriate, or pass a resolution censuring the individual.

Councilman DeBenedetto asked that the policy be further amended to incorporate his earlier suggestions to require a more comprehensive type of disclosure and to prohibit entirely many types of business relationships.

**Action:** Councilman DeBenedetto made a motion that his "Interim Code of Ethics" as presented to the Council via email and in agenda packets for the June 19 council meeting be added to P-021.1

**Second By:** Womble

**Vote:** The motion failed, 2-3. Councilmen DeBenedetto and Womble voted for the motion. Councilmen VanFossen, Atwell and Dickson voted against.

**Action:** The Council approved a motion to adopt Policy Statement P-021.1 as submitted by the Town Attorney with an additional text amendment to clarify “immediate family” ownership of property within the corporate limits of the town and its extraterritorial jurisdiction.

**Motion By:** Atwell

**Second By:** VanFossen

In discussion, Councilman DeBenedetto said he was disappointed his motion did not pass but he was glad the policy was being amended. He said he hoped the council would continue to review the policy as it should be an evolving document.

**Vote:** Unanimous

*A copy of Policy Statement P-021.1, Code of Ethics and Conduct for Public Officials as amended is incorporated into these minutes as addendum pages.*

**9a. 127 N. Main Street Property Bids** – Mr. Schifano explained that on Monday, July 16, the Town received sealed bids submitted for the purchase of the town’s real property located at 127 N. Main Street. The minimum starting bid was set at the appraised value of \$330,000.

He reported that one qualified bid was received in the bid amount of \$330,000.

Mr. Schifano explained that the bid must withstand the upset bid process until it is exhausted. If no upset bid is received within 10 days, the highest bid will prevail, and the property can be transferred.

**Action:** The Council approved a motion to award the bid for purchase of the town’s surplus real property at 127 N. Main Street to bidders Pat and Linda Hunt-Williams who submitted a qualified sealed highest bid of \$330,000, the appraised value of the property.

**Motion By:** VanFossen

**Second By:** DeBenedetto

**Vote:** Unanimous.

At this time, Mayor Sears and Councilman VanFossen asked to be excused from discussion and deliberation on Item 9b, citing the mayor’s community relations consulting contract with the developer of the subject property and Councilman VanFossen’s role as architect of the subject development’s clubhouse amenity.

**Action:** The Council approved a motion to excuse Mayor Sears and Councilman VanFossen from the meeting.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**9b. Twelve Oaks Master Sign and Landscape Amendment, 06-PUD-01-A03** – Mr. Jones said that the town has received an application for an amendment to the Twelve Oaks Planned Unit Development that would add language to the PUD Master Plan document to address decorative subdivision entrance fences and create signage regulations for the development.

He said the current PUD document does not cover fences or signage, and, as such, the regulations of the Unified Development Ordinance must be met unless these items are added to the PUD Master Plan document. This requires a full review by the Planning Board and Town Council as well as a public hearing, which was held in June.

He said the applicant is requesting as it relates to the decorative subdivision entrance fences and signage that the town:

- Allow fence height up to 12 feet in height for the development entrance and internal entrance features into subsections of the subdivision (the columns are approximately 9’ in height with a 3’ lantern)
- Allow for incidental signage throughout the development directing traffic to model homes
- Allow for builder information signs throughout the development

Mr. Jones said the applicant would like to install as their entrance feature into the Twelve Oaks subdivision a fence structure that uses both a brick and wrought iron fence and columns.

**Action:** The Council approved a motion to approve Twelve Oaks Planned Unit Development Amendment #03-PUD-01-A03 as submitted by Rob Brantley of Rodney’s Sign Company, project number 12 Oaks, dated June 12, 2007 with the following conditions:

1. All previous conditions apply to this approval.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous.

The Council approved a motion to readmit Mayor Sears and Councilman VanFossen back into the meeting.

**Motion By:** Dickson

**Second By:** Atwell

**9c. Bridgewater Recreation Site Amendment, 06-DP-05** – Ms. Capp explained that the town has received a request from Tom Spaulding of Spaulding & Norris, PA that the Town Council reconsider the terms of a condition that the Council set during the approval of the Bridgewater Subdivision in 2003. She said

the Town Council added a condition stating, "10. Amenity Site, as committed to by the Developer, must be completed and operating once 40% of the CO's have been issued."

She said Mr. Spaulding is requesting that the Council change that condition from 40% to 60%.

She said in response to Mr. Spaulding's letter, staff is willing to work with the developer to get an early building permit for the recreation center and pool. The developer was notified by staff that they can submit for the building permit at this time.

**Action:** The Council approved a motion to approve the request to change the condition of approval for 03-DP-05 Bridgewater to read: "10. Amenity Site, as committed to by the Developer, must be completed and operating once 60% of the CO's have been issued" as requested by Tom Spaulding on behalf of the project developer.

**Motion By:** Atwell

**Second By:** Womble

**Vote:** Unanimous

**9d. Sunset Lake Commons Shopping Center Master Plan, 06-MAS-10** – This item was removed from the agenda during the agenda adjustment.

**9e. Holly Springs Methodist Church and Holly Springs Baptist Church Parking** – Mr. Schifano explained that after several weeks of negotiations and approval by the two downtown churches, the Town is prepared to enter into lease and joint use agreements with both the Methodist Church and Baptist Church. The leases are for terms of 20 years each and would require the town to construct and maintain a paved parking lot on each property, which would be maintained by the Town for the lease term, and open to the general public for all times not otherwise used by the respective church.

John Tyler, Apex – Mr. Tyler, a member of the Methodist Church, addressed the Council, presenting a conceptual drawing of what the church hopes to accomplish. He spoke in favor of the lease agreement but he asked if the town could provide some indication as to when the project could be started.

Rev. Horace Ferguson – Rev. Ferguson, pastor of the Methodist Church, addressed the Council saying that the church needs to know better how to manage its properties and a commitment by the town that the project will be funded in next year's budget would be helpful.

Mr. Dean explained that the Baptist Church lot is flat and is closer to being ready for construction. The Methodist parking lot may not be so definitive since the Council has asked that several options be explored. Once the Council provides direction as to if the lot will be a deck or a single-level lot, then the town can provide a better timetable.

**Action #1:** The Council approved a motion to authorize Town Manger to enter into a lease and joint use agreement with the Holly Springs United Methodist Church for a period of 20 years pursuant to terms agreeable to the town attorney.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

**Action #2:** The Council approved a motion to authorize Town Manger to enter into a lease and joint use agreement with the Holly Springs Baptist Church for a period of 20 years pursuant to terms agreeable to the town attorney.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous

**9f. Holly Springs Baptist Church Property Parking Lot Plan** – Ms. Stephenson said in tandem with the agreement between the Town and the Holly Springs Baptist Church, staff has a concept plan for the proposed parking lot.

She said the revised parking lot plan includes a one-way traffic flow. In negotiations, the church did not desire to allow for a wider parking area; therefore, only one-way with parking on both sides is proposed. Staff is in discussions with the land owner to grant a cross access easement for the route over to Raleigh Street.

She said the area between the Main Street parking and the Baptist parking lot would be landscaped, and stone columns are proposed to provide a transition area. The parking along Main Street also has been revised to include a landscaped area to break up the row of parking spaces, she added.

Councilmen were generally in agreement over the plan; however, Councilman Atwell said he was not comfortable with the flow of traffic through the lot and into the neighboring parking lot and onto Raleigh Street.

**Action:** The Council approved a motion to approve the parking lot plan for downtown parking at Holly Springs Baptist Church, without Main Street parking included in the design.

**Motion By:** VanFossen

**Second By:** Womble

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

For clarification, Ms. Stephenson asked if the Council's latest approved motion for reverse angle parking was subject to change because staff is ready to bid the project.

Councilman Atwell said everyone he has talked to is against it.

Councilman Womble said everyone he has talked to does not think there should be on-street parking on Main Street period.

Councilmen Atwell and DeBenedetto each said they felt that parking patterns that were familiar and expected would be best on a busy major roadway and that something like reverse angle parking would be better suited to less-traveled roadways or parking lots..

Councilman VanFossen maintained that reverse angle parking would be the safest parking option.

The Council asked Police Chief John Herring his opinion. Chief Herring said he felt reverse angle parking is a safer alternative to traditional angle parking because a driver would have a better view of oncoming traffic before pulling out.

**Action:** The Council approved a motion to continue the Main Street Enhancement Project with reverse angle on-street parking.

**Motion By:** VanFossen

**Second By:** Atwell

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

**9g. Parks and Recreation Grounds and Landscaping Maintenance Agreement** - Mr. Bradley said that at the direction of Town Council, staff will contract out the grounds maintenance for the following Town sites: Holly Springs Cultural Center, Town Hall, Police Department, Administrative Parking Lots, and the median islands at Holly Springs Road at Sunset Lake Road and Holly Springs Road at Main Street. Mr. Bradley reported that the Town received four contract proposals for grounds maintenance/

The best bid, he said, was from Bland Landscaping that would provide the kind of service the Council has expressed it desires, and he recommended that the Council award the contract accordingly.

Councilman Atwell asked why water was included in the request for proposals since it had been determined that the town had a watering truck.

Mr. Bradley and Mr. Dean explained that the parks and recreation department watering truck and personnel needed to operate it are dedicated to the maintenance of town park facilities and schools while a landscaping company would take care of the other properties in full.

Councilman Atwell said he is familiar with Brickman and has had heard a lot of good things about Bland. He said he feels led to go with what he knows, and Brickman is the company that provides landscaping services for his subdivision's homeowners association.

**Action:** The Council approved a motion to approve contract services and costs with Brickman Landscaping at an annual cost of \$66,792 for the landscape maintenance of identified town-owned properties.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous

**10. Other Business:** None

**11. Manager's Report:** Mr. Dean reported to the Council that Money Magazine had designated Holly Springs as No. 22 of 100 Best Places to Live in America.

**12. Closed Session:** None.

**13. Adjournment:** There being no further business for the evening, the July 17, 2007 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Sept. 18, 2007.

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Joni Powell, CMC, Town Clerk

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