

Holly Springs Town Council Minutes

Regular Meeting Feb. 6, 2007

The Holly Springs Town Council met in regular session on Tuesday, February 6, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 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: Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Clapp, director of planning and zoning; Mark Zawadski, planner I; Jeff Jones, planner II; Stephanie Sudano, director of engineering; Kendra Stephenson, senior engineer; Bob Klaus, manager of the Holly Springs Cultural Center; Cecil Parker, fire chief; Kevin Ashworth, assistant fire chief; Daniel Weeks, project analyst; Elizabeth Goodson, development review engineer; John Herring, police chief; Lt. Mike Patterson and Lt. Robbie Parrish; Drew Holland, finance director; Erika Phillips, human resources director; and Mark Andrews, public information officer.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Doug Parlin of South Wake Baptist Church.

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

Motion By: Dickson

Second By: Atwell

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to New Business: None.

Other Changes: Item 7e. was moved up on the agenda as the first item under New Business.

5a. AmberWatch Program – Police Lt. Mike Patterson provided an overview of the department's planned AmberWatch program, a new and popular campaign promoting unique safety devices for children. The AmberWatch is a stylish child's wristwatch that features a loud alert signal that the child can activate when he or she is feeling threatened or scared or is lost.

Lt. Patterson said the purpose of AmberWatch is simply to bring attention to dangerous situations in order to prevent a child's from being abducted, hurt or lost.

Lt. Patterson explained that when it's activated, the watch emits a 115-decibel trademarked alert signal that can be heard from over a football field away. The watch also has bright LED lights that flash rapidly and can easily be seen day or night.

Lt. Patterson said that the watch sells for \$29.95 and nets a \$10 profit per watch sold, which could be used by the police department for unbudgeted department needs and community programs.

The Council members all expressed support and enthusiasm for the program. They all were in consensus to endorse the AmberWatch program.

5b. 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.

Judy Bleahner, 5909 Lake Edge Drive – Mrs. Blehner addressed the council to express concern about speed limit zones in Holly Springs, specifically on Holly Springs Road and Bass Lake Road. She said she felt there is confusion between which agencies have jurisdiction over state-maintained roads, and she urged the Council to support NCDOT recommendations for these roadways.

Susan Smith, 237 Kingsport Road – Mrs. Smith expressed support and appreciation for the addition of speed hump installation on Kingsport Road to the Crossway Lane traffic-calming project as will be presented later in the meeting.

6. 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:

6a. Minutes - The Council approved minutes of the Council's regular meetings held on Dec. 19, 2006 and Jan. 2, 2007.

6b. Moravian Church – The Council approved a 6-month extension of expiration date for development plan 05-DP-03 for the Moravian Church.

6c. Parks and Recreation Salary Grade Assignment Modifications – The Council approved to modify salary grade assignments for positions in the parks and recreation department.

6d. Holly Springs Cultural Center Rental Rates Amendment – The Council approved amendments to theater rental rates at the Holly Springs Cultural Center. *A copy of the amended rental rates is incorporated into these minutes as addendum pages.*

6e. Right-of-Way Purchase – The Council approved the Town's role in road rights-of-way purchase between Woodcreek subdivision developer and the Town of Cary.

7e. 1999 American LaFrance Ladder Fire Truck Purchase – Chief Parker said requested Council approval of funding and purchase of a ladder fire truck from Pattonville Fire District, Pattonville, MO. He said this fire truck would meet the needs for incoming industry.

He described the truck as a 1999 American LaFrance model, which would meet not only our current residential and industrial needs, but the needs of future committed industry in Holly Springs.

Chief Parker said staff conducted a site visit and worked with the truck to ensure that it would meet the town's needs. He said the price is approximately \$380,000 and that a new truck meeting these same specifications would cost the town in excess of \$1,000,000 if purchased today.

Mr. Holland reviewed with the Council the funding options that the Town could use to purchase this truck in the most cost-effective manner. He recommended a budget amendment for this year's budget in the amount of \$190,000 with a funding appropriation from Fund Balance, together with \$190,000 in bank loan proceeds. He said the bank loan would be for only one year, so the truck would be paid for in full in the next fiscal year.

He reported that five banks responded to the town's request for proposals. RBC Centura offered the best rate, 3.83%.

Action #1: The Council approved a motion to adopt Resolution 07-06 authorizing the Town to enter into an installment financing agreement with RBC Centura to borrow \$190,000 for one year at an interest rate of 3.83% for the purchase of a ladder fire truck.

Motion By: Womble

Second By: DeBenedetto

Vote: Unanimous.

Action #2: The Council approved a motion to adopt an amendment to the 2006-07 budget in the amount of \$380,000 from Fund Balance (\$190,000) and installment financing (\$190,000) to purchase a ladder fire truck.

Motion By: Womble

Second By: DeBenedetto

Vote: Unanimous.

Action #3: The Council approved a motion to authorize the purchase of a 1999 American LaFrance ladder fire truck from Pattonville Fire District in Missouri.

Motion By: Womble

Second By: DeBenedetto

Vote: Unanimous.

7a. Crossway Lane Speed Humps – Mrs. Stephenson reported that at the Jan. 16 Council meeting, staff was directed to move forward with the installation of speed humps along Crossway Lane. She said the locations of the speed humps were evaluated in relation to distance from intersections, the overall effectiveness on speed control, constructability, drainage and driveway locations.

Ms. Stephenson said staff recommends installation of 5 speed humps on Crossway Lane and one on Kingsport Road. The number of humps, she said, is what would be needed in order to consistently keep the speed of cars to the posted 20 mph limit on Crossway.

She pointed out that the Town may receive complaints from motorists because they will have to slow down to 5 to 10 miles per hour in order to cross over the humps.

Mayor Sears asked Assistant Fire Chief Kevin Ashworth to address the issue of speed humps from the emergency services perspective. Mr. Ashworth noted the potential for damage to apparatus suspensions and plumbing. He also pointed out that response times for both fire and emergency medical services would be drastically reduced on Crossway with five humps over which vehicles would have to slow down to 5 to 10 miles per hour. When a patient in an ambulance depends on critical minutes, the humps could pose a particularly dangerous situation, he said.

Councilman Dickson pointed out that he feels Crossway is designed to collect traffic, and he has not seen much of a problem on the times that he has been out there.

Councilman Atwell asked how did the town go from recommending nothing to recommending five humps. He said he thought that was a high number.

Mrs. Stephenson said staff recommendation was for no 4-way stop signs. The number of speed humps, she said, would be needed if the goal is to keep traffic moving at no more than 20 miles per hour.

Mrs. Sudano explained that staff felt direction was that Council wanted humps to achieve speed reduction, irrespective of policy.

Councilman Atwell agreed that it was, but was surprised that there are five proposed.

Both Councilmen VanFossen and Atwell agreed that the town needs to apply the policy and if the existing policy does not work, then the Council needs to change it and reapply it.

Councilman DeBenedetto suggested that a case-by-case treatment of such requests might be appropriate.

Mrs. Stephenson suggested that if the Council wanted to reduce the number of speed humps, then she would recommend that D and E on the map could go. A, B, C and F would cure speeding in those areas, she said.

Action #1: The Council made a motion to endorse the proposed speed hump locations and project budget amendments in the amount of \$15,000.

In discussion, Councilman Atwell stressed that he does not want to give the impression that the Council is unbendable. He asked about temporary speed humps. He said he would not support the motion until temporary options are tried.

Councilman Dickson said the town would receive an influx of speed hump requests.

Mrs. Stephenson said she would recommend the installation of Ballentine Street type humps (4" vertical) at locations to control speed to 20 mph.

Motion Amendment: Councilman Womble amended his motion to include the description of humps to be 4" vertical (Ballentine Street type)

Motion By: Womble

Second By: DeBenedetto

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

Councilman VanFossen said that before taking action, he wanted to hear from residents regarding the potential of temporary measures.

Councilman Atwell said he liked the temporary humps and thought they would be a good investment because they can be used in different places and never permanent.

Residents were yielded the floor, and they voiced support of the temporary speed humps.

Action: The Council approved a motion directing staff to vigorously and thoroughly explore temporary humps and report results to the Council at its next meeting.

Motion By: Atwell

Second By: Dickson

Vote: The motion carried following a 5-1 vote. Councilmen DeBenedetto, VanFossen, Atwell and Dickson voted for the motion. Councilman Womble voted against.

7b. McDonald's USA, LLC, 06-DP-14 – Mr. Zawadski said the town had received proposed development plan 06-DP-14 for McDonalds which proposes to construct a 4,995-square-foot building on a 1.34-acre out-parcel located within the Shoppes at Holly Springs commercial development.

He said the site plan includes a fast food restaurant with a drive-through with two side-by-side ordering stations along the east side of the building. He said there are 51 proposed parking spaces including three handicapped spaces for this site. The interior pedestrian plan would connect the site with the pedestrian circulation plan for the rest of the shopping center.

Mr. Zawadski explained that the project is located within a Gateway Corridor and is therefore subject to a higher degree of architectural standards. He said this project is also located within the approved Shoppes at Holly Springs integrated center and is required to use similar colors and building materials as the primary building in the development. He said the building would be constructed primarily with a brown colored brick, cream EIFS, and stone accents that would match the approved Wal-Mart building elevations. Architectural elements such as multiple building materials, columns, metal awnings, and façade and roofline variations are incorporated into the building design.

Brian Salts, design engineer for the McDonald's project was yielded the floor. Mr. Salts responded to concerns expressed about the Dumpster enclosure. He said he has an alternative plan that would rotate the Dumpster and tweak the area around it so as to provide a few more feet for vehicle navigation. He said the double lane service areas do improve traffic flow through the property.

This adjustment to the plan could be done, Mrs. Goodson said, during the construction drawing stage.

Mr. Zawadski said that staff and the Planning Board are recommending approval with conditions.

Action: The Council approved a motion to approve Development Plan #06-DP-14 for McDonald's as submitted by Commercial Site Design, project number MCD-0615, dated revised 1/8/2006 with the following conditions:

- 1) All approval conditions from the Shoppes at Holly Springs master plan approval will also apply to this project.
- 2) Fee-in-lieu of pump station upgrade will be required for this site.
- 3) The following items will need to be submitted with 1st construction drawing submittal:
 - (a) A comprehensive drainage area map and supporting calculations.
- 4) The Land Disturbance Permit for McDonald's cannot be issued until the sediment basin is removed from this site.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

7c. The Overlook at Holly Glen Amendments – Mr. Brent Niemann representing McCar Homes asked the Town Council to consider modifications to a condition of approval (Condition No. 4) for the preliminary plan for The Overlook at Holly Glen, which was approved on Nov. 15, 2005.

Mr. Niemann said the preliminary plan was approved with a condition stating: "Construction of project must be accomplished from the one access to Avent Ferry Road with the connection to Holly Meadow Drive constructed last."

He said that he would like to request the approval to plat the access to Holly Meadow Drive and lots 77-79 first for the purpose of a model home/sales center and then constructing the access to Avent Ferry Road for the remaining time of build-out. He proposed that the company would barricade Holly Meadow Drive; place the model home on Lot 78; and a parking on Lot 77. Traffic would be limited to sales agents

and potential buyers, he pointed out.

Mrs. Sudano said the barricade would need to be a permanent-type barricade because people would just knock over or move over the temporary types.

Councilman Atwell said he supports the developer's request, but stressed that he still expects an acceptable grading plan for the development.

Action: The Council approved a motion to modify Condition No. 4 of approval for the preliminary plan for The Overlook at Holly Glen (05-DP-08) to allow the developer to proceed to plat and construct the access from Holly Meadow Drive to lots 77, 78 and 79 for the expressed purpose of locating a model home/sales center and parking area on the lots with the caveat that a substantial barricade(s) will be placed to allow zero traffic access to the development from Holly Meadow Drive other than sales traffic to Lots 77-79 and that construction of the project must be accomplished from the one access to Avent Ferry Road, pursuant to the original condition.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

[Note: Prior to making his motion, Councilman Atwell clarified with staff the following: that a barricade allowing zero traffic from Holly Meadow Drive would be placed at Holly Meadow Drive during construction of the model home and sales center. Upon completion, the barricade would be moved to Lot 77, which would allow sales agent and potential buyers to access the sales center. Construction traffic for the development, however, would access the project by way of Avent Ferry Road.]

7d. Farmers' Market – Mr. Weeks and Mr. Jones explained that over the past several months, staff has developed criteria for a Farmers' Market in downtown Holly Springs. He said during the months of October and November, a survey was placed on the Town's website and at various Town-owned buildings. He said over 600 residents responded to the survey with an overwhelming 97 percent of those filling out the survey indicating that they would shop at a Farmers' Market in Holly Springs.

Mr. Weeks said that staff has met with local cooperative extension agents to further develop rules and regulations for the Farmers' Market.

Mr. Weeks said the agents also assisted in drafting a job description for a new Farmers' Market coordinator for the town. This position would be under the direction of the Planning and Zoning department and would be funded through the end of this fiscal year with funds previously set aside for an intern.

Mr. Jones said that the Farmers' Market coordinator would work approximately 10 to 15 hours a week, with the majority of the hours being set aside for Saturdays between 8 a.m. to noon when the Market would be open in the parking lot of Town Hall.

Action #1: The Council approved a motion to approve rules and regulations for the Holly Springs Farmers' Market.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

Action #2: The Council approved a motion to authorize the Department of Planning & Zoning to add the position of a part-time Farmers' Market Coordinator.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

7f. Extension of Water Service Request – Ms. Sudano said a property owner of a parcel at the intersection of Old Holly Springs-Apex Road and Woods Creek Road is requesting water service from the Town.

Ms. Sudano said this property is adjacent to 3732 Old Holly Springs-Apex Road, which – by special permission from the Town Council several years ago - was annexed and had a 2-inch water service along Old Holly Springs-Apex Road extended to it for service due to a failed well.

She said staff would support this request, contingent upon annexation of the whole piece of

property within 90 days of council action.

Action: The Council approved a motion to approve an extension of the Town's water service to the property located at the intersection of Old Holly Springs – Apex Road and Woods Creek Road, contingent upon the owners' beginning voluntary annexation process within 90 days of approval (on or about Monday, May 7, 2007.)

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

10. Other Business: Councilman Atwell reported that on the bypass there are several sunken areas that need to be reported to NCDOT.

Councilman Womble, on behalf of the Lions Club, requested use of the Cultural Center for a low-vision screening program that would be conducted for two hours the afternoon of the third Thursday in March. By consensus, the Council agreed that this would be all right.

Councilman DeBenedetto reported that Wake County Board of Commissioners had taken action on the town's request for host fees from the South Wake Landfill and that no one from Holly Springs was present at the meeting at which the question was heard.

No one from Holly Springs was aware that the topic was going to be discussed.

The vote was 6-1 against the town's request with only Commissioner Kenn Gardner voting in favor of the town's receiving compensation.

There was heated discussion as to why no one from the town was aware of the agenda item.

11. Manager's Report: Mr. Simmons reminded the Council of its Feb. 16 – 18, 2007 winter retreat. He asked if members would forward to him any items to be added to the town's legislative agenda by Feb. 8.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(5) to discuss with the town attorney a matter regarding real estate acquisition.

Motion By: Atwell

Second By: Dickson

Vote: Unanimous

General Account of Closed Session – February 6, 2007

In Closed Session, the Town Council discussed with the town attorney and gave him direction regarding the acquisition of right of way property.

-- End General Account

The Council approved a motion to return to Open Session.

13. Adjournment: There being no further business for the evening, the February 6, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Dickson, a second by Councilman Atwell and a unanimous vote.

Respectfully Submitted on Tuesday, March 6, 2007.

Joni Powell, CMC, Town Clerk

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