



**September 18, 2012**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Sept. 18, 2012 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears and Councilmen Chet VanFossen and Tim Sack and Councilwomen Linda Hunt Williams and Cheri Lee.

**Council Members Absent:** Councilman James Cobb.

**Staff Members Present:** Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Laura Holloman, planner I; Eric Tayler, information technology technician; Stephanie Sudano, director of engineering; Rodney Campbell of the engineering department; Leroy Smith, fire chief; several members of the fire department; John Herring, police chief; Mark Andrews, public information officer; Drew Holland, finance director; and Len Bradley, director of parks and recreation.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Horace Ferguson, retired pastor of Holly Springs United Methodist Church.

**4. Agenda Adjustment:** The Sept. 18, 2012 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** VanFossen

**Vote:** Unanimous

**Items added to Agenda as New Business:** None.

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

**Items removed from the agenda:** None.

**Other changes:** None.

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

**6a. P.R.I.D.E. Program Presentation** - Chief Smith presented a brief presentation to the Town Council on the department's 2012 fire prevention initiative. Chief Smith explained the department would begin promoting public education and the importance of fire safety in the home through a program called P.R.I.D.E. (Proactive, Residential, Information, Distribution, Effort.)

**Action:** No Action.

**6b. Vantage Point Properties Request** - Mr. Kyle Granholm of Vantage Point Properties said the Village Homes on Raleigh Street is under construction plan review. He said the installation of underground pipe beneath sidewalk at Collins Street as requested by the engineering

department would be cost prohibitive. He said the housing project was approved last year with a waiver of road improvements, but the requirement for sidewalk remained.

He said grade issues and the need for an expensive drainage pipe make the project impossible to build and recoup the costs.

Mr. Granholm asked the Council to adopt a motion to have the sidewalk cost to be paid as a fee-in-lieu and the sidewalk installed when Collins Street is widened.

Mrs. Sudano said she had not seen the development plan and she feels a design could have been devised with other options.

**Action:** The Council approved a motion to table the item until the developer's engineer and town staff meet, and more options are determined.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**7. 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 Council woman Williams and a unanimous vote. The following actions were affected:

7a. Minutes - The Council approved minutes of the Council's regular meeting held Sept. 4, 2012.

7b. Budget Amendment Report - The Council received a monthly report of amendments to the FY 2012-13 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7c. Leaf Truck Bid Award - The Council awarded a bid to Virginia Truck Center in the amount of \$136,314.64 for a 2013 Freightliner M2 leaf truck.

7d. Budget Amendment, \$18,265 - The Council adopted amendments to the FY 2012-13 budget in the amount of \$18,265 to set up a project account and transfer funds from street reserves for the Old Holly Springs/Apex Road extension project. *Copies of the budget amendments are attached to these minutes.*

7e. Resolution 12-24 - The Council adopted Resolution 12- 24 authorizing submission of a North Carolina Governor's Highway Safety Program grant application and adopted a related budget amendment. *A copy of Resolution 12-24 is attached to these minutes.*

7f. Public Safety Software License Agreement - The Council approved to enter a license/services agreement with SunGard Public Sector, Inc. for public safety software.

**8a. Street Tree Maintenance and Enforcement Policy Statement** - Mrs. Holloman said the street tree policy was first brought before the Town Council at the Aug. 7 meeting. At that time, staff received much feedback suggesting staff rework the policy before the Town Council considered adopting it.

She said specifically, Council had mixed reactions to requiring property owners to maintain street trees that are located within the public right-of-way. However, the council was in agreement that property owners should not be charged for any work that the Town does and requested that those requirements be removed. Mrs. Holloman said that, through collaborative meetings with the town attorney and planning, engineering, and public works departments, staff has eliminated the language regarding charging property owners for work completed by the Town, and also has added language suggesting the Town create a street tree maintenance program as necessary to rectify the problems existing street trees are causing.

She said the policy is needed because of the existing street tree maintenance issues in many subdivisions in town since the Town did not previously have any regulations regarding the location, spacing, and specific acceptable species of street trees.

Mrs. Holloman said Council agreed with the majority of the policy but requested staff rework bullet number 2 under Street Tree Maintenance to clarify that property owners are not required to maintain street trees, but certainly are not prohibited from doing so. She said staff

has since reworked that language to state that property owners are encouraged to perform maintenance, but are not required to do so.

**Action:** The Council approved a motion to adopt Policy Statement P-039, Street Tree Maintenance and Enforcement.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

*A copy of Policy Statement P-039 is attached to these minutes.*

9a. Western Wake Partnership - Mr. Schifano said in 2005 the Town entered into the Western Wake Partnership with the Towns of Cary, Apex and Morrisville for sharing the construction of the effluent line to the Cape Fear River. He said the agreement has a withdrawal provision, and the town in 2010 exercised its right to withdraw. Since the withdrawal, the towns have been in negotiations to determine all the applicable costs that Holly Springs is legally responsible for under the agreement. The negotiations are not complete at this time, and the Town of Cary has asked for this agreement to give the parties additional time to negotiate.

He said the Town of Cary is of the opinion that the statute of limitations would prohibit any legal action by Cary to collect against the Town after the two-year anniversary of Holly Springs' withdrawal, and has proposed this agreement to give the parties additional time.

He said that he recommended that the council authorize the tolling agreement.

**Action:** The Council approved a motion to authorize the town attorney to enter into a tolling agreement with the Towns of Cary, Apex, and Morrisville regarding the Western Wake Partnership.

**Motion By:** Sack

**Second By:** Williams

**Vote:** Unanimous

**9b. Womble and Jones Parks, and Greenway Trail Extension -** Mr. Dean asked the Council to approve a professional services contract with McNeely and Associates for project management services of three recreation-related projects.

He said Dennis Pitts of McNeely and Associates primarily would be responsible for project management. Mr. Pitts has solid project management experience, Mr. Dean added.

Mr. Dean said the McNeely and Associates proposal covers three projects: Womble and Jones Park additions and expansions and greenway trail extensions.

He said utilization of a professional project manager who is accustomed to managing multiple projects will help to ensure that these projects are completed on schedule and within anticipated cost projections. In fact, the savings sometimes realized on a project where a project manager is involved are actually greater than the cost for the professional services contract itself, Mr. Dean added.

**Action:** The Council approved a motion to enter into a professional services contract with McNeely and Associates in the amount of \$62,880 for project management of the Womble and Jones Park and greenway trail extension projects and to adopt a budget amendment to cover the contract.

**Motion By:** VanFossen

**Second By:** Lee

**Vote:** Unanimous

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

**10. Other Business:** Mayor Sears presented Town Clerk Joni Powell and Deputy Town Clerk Linda Harper their recently-attained State of North Carolina certifications as municipal clerks. Ms. Powell and Ms. Harper are among the first professional city clerks in North Carolina to be certified by the state in the new program.

11. Manager's Report: none.

12. **Closed Session:** none.

13. **Adjournment:** There being no further business for the evening, the September 18, 2012 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, Oct. 2, 2012.



*Joni Powell* \_\_\_\_\_

minutes follow and are a part of the official record.