

# Holly Springs Town Council Minutes

## Regular Meeting April 4, 2006

The Holly Springs Town Council met in regular session on Tuesday, April 4, 2006, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:07 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Chet VanFossen, Peter Atwell and Hank Dickson and Mayor Sears. Councilman Womble arrived at 7:10 p.m.

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Gina Bobber, director of planning and zoning; Jeff Jones, planner II; Scott Hammerbacher, planner I; Stephanie Sudano, director of engineering; Jenny Mizelle, economic development director; Daniel Weeks, project analyst; Mark Andrews, public information officer; Drew Holland, finance director; and Elizabeth Goodson, development review engineer.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Lewis Gentry.

**4. Agenda Adjustment:** The April 4, 2006 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.

**Agenda Items Removed:** Items 7c., a request for reconsideration of parks and recreation fees due on Twisted Creek, was removed from the agenda until further notice at the request of the applicant; and item 7d., a request by a developer for permission to delay widening at 5432 Sunset Lake Road, also was removed from the agenda until further notice at the request of the applicant.

**Other Changes:** None.

**5a. Public Hearing: Holly Springs Scattered Site Housing Rehabilitation** – Mr. Weeks said the Town was notified that it was eligible to receive a Scattered Sites Housing (SSH) Program grant in the amount of \$400,000 from the North Carolina Department of Commerce, Division of Community Assistance, which administers the North Carolina Small Cities Community Development Block Grant (CDBG) Program. [Note: After this meeting, the State notified the Town of an error and corrected the grant amount to \$100,000.]

Mr. Weeks said these grants are made on a non-competitive basis every three years and that the primary objective of the CDBG SSH program is to improve the housing conditions of very low-income households with incomes at or below 50% of area median income.

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

There being no comments, the public hearing was closed.

**Action:** None.

**5b. Public Hearing: Avent Ferry Road Widening Installment Financing** – Mr. Holland said that in order to borrow funds for construction of road widening on Avent Ferry Road, the Town must first obtain approval from the Local Government Commission. He said the first step in that application process is to hold a public hearing to receive comments from citizens on the question of whether or not the town should seek installment financing, as opposed to other financing.

Following the hearing, Mr. Holland said, the Council will be asked to consider adoption of Resolution 06-17, which states that the Town Council has determined certain findings of fact, including that installment financing is more desirable than other types of financing. He said the resolution also authorizes the filing of the LGC application.

With that explanation completed, Mayor Sears 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 Resolution 06-17 authorizing the filing of an application with the Local

Government Commission for approval of a financing agreement to fund the construction of Avent Ferry Road widening.

**Motion by:** Dickson

**Second By:** Atwell

**Vote:** Unanimous

*A copy of Resolution 06-17 is incorporated into these minutes as addendum pages.*

**5c. Public Hearing: Ordinance 06-06, UDO Amendment 06-UDO-02** – Mr. Jones explained that Stafford Land Company is requesting an amendment to UDO Section 3.03, Town Village District, to allow for waivers of development standards within the Town Village District.

Mr. Jones said that the reason why this amendment is being requested by a developer and not being processed by the Town is that the proposed amendment is not an amendment that the Town normally would have considered. He said that staff did not make a recommendation for this UDO amendment to the Planning Board.

He said that staff suggested an additional option for the applicant with which staff is more comfortable and with the additional findings of fact recommended by the Planning Board, would make the UDO amendment stronger.

With that explanation completed, Mayor Sears opened the public hearing. The following comments were recorded:  
Don Mizelle, 5429 Shoreline Ct. and representing Stafford Land Company – Mr. Mizelle said the Town Village District zoning district is very comprehensive when it comes to addressing mixed uses fronting on Main Street; however, the district does not address residential uses.

Through the process of devising a townhome plan for the downtown area, the developer felt the ordinance needed to provide for waivers of development standards, given certain findings of fact, he said.

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

**Action:** The Council approved a motion to adopt Ordinance 06-06 to approve UDO Amendment 06-UDO-02 amending UDO Section 3.03 Town Village and 9.09 Decision Matrix to provide for waiver options in the TV District.

**Motion By:** VanFossen

**Second By:** Womble

**Vote:** Unanimous

*A copy of Ordinance 06-06 is incorporated into these minutes as addendum pages.*

**6. Consent Agenda:** All items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman Womble and a unanimous vote. The following actions were affected:

6a. Resolution 06-18 - The Council adopted Resolution 06-18, a reimbursement resolution for the Avent Ferry Road project. *A copy of Resolution 06-18 is incorporated into these minutes as addendum pages.*

6b. Budget Amendment - The Council adopted an amendment to the FY 2005-06 budget to account for bond refunding. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6c. Budget Amendment, \$15,000 - The Council adopted an amendment to the FY 2005-06 budget in the amount of \$15,000 to cover additional landfill fees. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6d. Budget Amendment, \$18,000 - The Council adopted an amendment to the FY 2005-06 budget in the amount of \$18,000 to cover the purchase of additional water meters. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6e. Budget Amendment, \$15,000 - The Council adopted an amendment to the FY 2005-06 budget in the amount of \$15,000 to supplement the engineering professional services line item. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

6f. Flint Point Lane Fire Station Contract Change Order and Budget Amendment - The Council approved change order no. three for Flint Point Lane fire station project and adopted a budget amendment in the amount of \$7,750 to the Fire Station Project Fund. *Copies of the contract change order and budget amendment are incorporated into these minutes as addendum pages.*

6g. Western Wake Regional Wastewater Project and Budget Amendment - The Council approved amendment no. three to the Western Wake Regional Wastewater project scope of work and adopted amendment to the FY 2005-06 budget in the amount of \$41,450 to the WWRF Project Fund. *A copy of the budget amendments are incorporated into these minutes as addendum pages.*

6h. Resolution 06-19 - The Council adopted Resolution 06-19 directing the Town Clerk to investigate the sufficiency of Annexation Petition A06-06 filed by James and Addie Yarborough for Holly Springs Retail Investment, LLC, for the annexation of 51.438 acres and fixing the date of a public hearing on the question of annexation for April 18, 2006. *A copy of Resolution 06-19 is incorporated into these minutes as addendum pages.*

6i. Resolution 06-20 - The Council adopted Resolution 06-20 directing the Town Clerk to investigate the sufficiency of Annexation Petition A06-07 filed by Mabel Holland for the annexation of 44.11 acres and fixing the date of a public hearing on the question of annexation for April 18, 2006. *A copy of Resolution 06-20 is incorporated into these minutes as addendum pages.*

**7a. Hobby Tract, 05-MAS-04-A01** – Mr. Hammerbacher said the town had received subdivision plan amendment application 05-MAS-004-A01 for the Hobby Tract. He said the amendment proposes to add an additional 25 lots to the previously-approved 123 single-family residential development of Hobby Tract phase 1. He said the plan is proposing to add approximately 8.4 acres to the existing 47.77 acre development for a total of 148 single-family lots.

Mr. Hammerbacher said the zoning for this property is R-10 Conditional Use with the following conditions:

1. No more than 20% of the lots shall be developed slab on grade. All other lots shall be developed incorporating either foundations with crawl spaces or stem wall construction.
2. Street trees shall be planted along both sides of street right of way. Such trees shall be 2.5" caliper (minimum) at intervals of 50'.
3. The size of each developed lot shall be no less than 10,000 square feet.

Mr. Hammerbacher said the Planning Board discussed the following concerns: the access for lot 131 is unusual and questioned whether the design was appropriate for a residential home; and the developer's intentions for construction of greenways and potential recreational amenities.

Mr. Hammerbacher said both staff and the Planning Board recommend approval with conditions. He pointed out that the Planning Department had received a number of inquiries about the plan. In response to those inquiries, staff is recommending the addition of a condition restricting construction traffic from Sycamore Creek Drive.

Resident Bob Blake had asked Mr. Hammerbacher to mention that the proposed roadway appears to go through his current lot. Councilman Atwell asked if that would be a concern.

Ms. Goodson explained that the actual functional alignment of the roadway would determine how much – if any – of Mr. Blake's lot would be needed.

In discussion, the Council clarified points with staff and the engineer for the project. They addressed an odd-shaped lot that has an awkward access, greenway trails, confusion over a stream crossing and construction traffic.

During the framing of the motion, a condition was added to ensure that the developer would obtain any easement or right of way (i.e. from Mr. Blake) prior to construction drawing approval. The Council also deleted condition No. 12 that would have required Lot #131 to be used as open space if a greenway trail is constructed.

**Action:** The Council approved a motion to approve preliminary plan Hobby Tract, phases I and II, 05-MAS-04-A01 as submitted by Withers & Ravenel, project 205237.1, revised 3/13/06, with the following conditions:

1. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation (temporary or permanent).
2. This subdivision is in the Triassic basin. If these soils are present, you will be required to do a roadway cross section that will include some combination of fabric, extra stone, tensar, binder. The combination that will be required will be determined by the Town of Holly Springs. Special care with achieving proper compaction using acceptable material and having a testing firm on site, insuring density, will be required also.
3. Fee-in-lieu of downstream pump station upgrades and related improvements will be required.
4. Prior to Final Plat, the following must be completed:
  - a. Payment of fees-in-lieu of land dedication in the amount of \$874/unit.
5. A TIA for this project has been submitted and reviewed as required for this project. Off-site road improvements for this project will include a turn lane constructed at the Hollymont Road entrance to Holly Glen. This will be further memorialized in a developer agreement for this project which will provide for street fee credits for this off-site improvement. Excess street fee credits due for this development shall be used toward the Cass Holt Road/Avent Ferry Road intersection realignment.
6. Prior to 1st submittal of construction drawings submittal, the following items need to be addressed:
  - a. A Flood Study is required for this project and has been submitted for review. There are significant comments from 1st review of the Flood Study. Note that documentation of no rise up or down stream will be required via the study. FYI-A separate memo will be transmitted (via Planning Department) including the complete set of 1st review Flood Study comments for your use in beginning revisions to the study.
  - b. First review checklist comment #17 about graphically showing location and labeling 100 yr flood plain still needs to be fully addressed. Resolution to this comment is complex due to this project being surrounded by several others and the availability of both draft FEMA and various local flood studies for the surrounding projects. A meeting will need to occur to discuss how to address this comment.
7. The following items are to be addressed with the first set of construction drawings for this project:
  - a. All environmental permits for the entire project will be required with the first set of construction drawings.
  - b. The Hobby Tract Flood Study will need to be updated to reflect the additional area included in this amendment.
  - c. Provide impervious surface calculations for the Town's information. This information is being collected to assist with implementation of the stormwater rules. Please note sites with 30% or greater impervious surface may be required to have a stormwater management plan to NCDWQ with issuance of 401 certifications.
8. Prior to construction of Phase 2, Avent Meadows Lane must be constructed.
9. Greenways should follow along the stream (not along the sidewalks) unless otherwise approved by Len Bradley, Director of Parks & Recreation.
10. Prior to Town Council Action, revised plans are to be submitted and must be sealed by an architect, landscape

architect, surveyor, and/or professional engineer registered in NC (as required).

11. The Planning Board voted that the proposed greenway shall be constructed and shall not be permitted to utilize sidewalks within the development.
12. Within ten business days of Town Council action, revised plans shall be submitted to the Department of Planning & Zoning which eliminate note #6 from sheet 5 (Landscape Plan).
13. The entrance to Sycamore Creek Drive shall remain closed for all construction traffic and access until 85% of COs (certificate of occupancy) have been obtained.
14. All off-site right of way or easements must be obtained before construction drawing approval.

**Motion By:** Atwell

**Second By:** VanFossen

**Vote:** Unanimous

At this time, Councilman VanFossen asked to be excused from discussion and deliberation on Item 7b., and the Council approved the motion to do so.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous

**7b. Twelve Oaks, 06-MAS-01** – Mr. Hammerbacher explained that 06-MAS-01 proposes Phase 1 of the Twelve Oaks Planned Unit Development (PUD) to be composed of approximately 131 acres to accommodate 286 single-family lots and 66 townhome units. He said access would be off New Hill Road.

Mr. Hammerbacher said the elevations have not been provided for the townhome units, which will require architectural review by the Planning Board and Town Council at a later date.

He went on to provide a narrative of other highlights of the Phase 1 plan.

Councilman Dickson asked why the townhomes are proposed internally to the project.

Developer Tom McKay explained that the idea was to locate the townhomes close to the golf course clubhouse.

Councilman Atwell pointed out that the plan featured an entrance road that would be long and straight -- potentially a roadway on which there would be speeders.

Project engineer Tom Spaulding addressed the comment, explaining that in the list of conditions of approval, it is stated that a secondary access point will be required prior to any lots north of Street I being platted. He said the project team would request that the secondary access point not be required until prior to CO to give them a little more time to get that designed and built.

Staff members said they would be supportive of that request since the objective is simply to get the roadway in service before people begin moving in to the area.

**Action:** The Council approved a motion to approve preliminary plan 06-MAS-01 for Twelve Oaks Phase 1 as submitted by Spaulding & Norris, PA, Project Number 410-02, revised March 10, 2006, with the following conditions (including an amendment to Condition 7a as agreed to during discussion):

1. All previously approved conditions for the PUD will apply to this plan as well.
2. A UDO permit for sign installation in addition to all other applicable permits will need to be secured prior to any sign installation.
3. A revised landscape plan which includes semi-opaque buffer detail as approved within the Twelve Oaks PUD shall be submitted to the Department of Planning & Zoning within ten business days of Town Council action.
4. Prior to construction drawing submittal,
  - a. The Developer Agreement shall be revised to reflect changes in regards to land dedication or the PUD Master Plan shall be amended to relocate this land in accordance with the direction of the Department of Parks & Recreation
  - b. For townhome Lots 1-66, elevations for the proposed townhomes shall require Development Plan approval by Town Council for compliance with architectural requirements.
5. The following items are to be included with 1<sup>st</sup> submittal of construction drawings (later in the approval process):
  - a. Show and label backwater easements (to be recorded) at stream crossings and storm drainage inlets. Provide 100 year calculations accordingly.
  - b. Provide a drainage area map and supporting calculations.
  - c. All environmental permits for the entire project will be required.
  - d. A local flood study will be required with 1<sup>st</sup> construction drawing submittal. The following items will need to be addressed once flood study is complete:
    1. Show FEMA floodplains and local flood plain (both 100 & 500 year flood plains) for this site.
    2. No fill is permitted in the flood plain for any residential development.
    3. Minimum lot square footages must be provided outside the flood plain areas (per flood plain ordinance – section 9-6020(1) without fill placement to achieve them.
    4. Provide minimum FFE 2' above 100-yr floodplain or backwater elevation for all lots adjacent to the floodplain.
  - e. Portions of this project within the FEMA floodplain are adjacent to the FEMA floodplain for which a study has not been

approved. Based on the information provided that shows the FEMA line as it is anticipated to be located, the lots that are adjacent to the FEMA flood plain can remain in this phase as requested. However, the construction drawings containing these lots cannot be submitted for construction drawing review until all FEMA issues have been resolved.

- f. There have been several discussions with the staff engineer on the size of new lines. Engineering believes it is necessary to provide a hydraulic analysis for the reuse lines in order to determine the appropriate sizing. The Engineering Department is researching the requirements for reuse. It would be helpful to have a list of questions that you have as we are researching this.
- g. There are still a few outstanding concerns on the hydraulic waterline analysis from the Twelve Oaks PUD. Please update the Town on the status of this report from recent conversations.
6. The following items are to be address prior to construction drawings approval (later in the approval process):
  - a. All offsite easements that are necessary to construct utilities for this phase will need to be obtained.
7. Prior to Final Plat, the following must be completed:
  - a. A secondary access point will be required prior to issuance of CO. This will be accomplished with the extension of Street I to New Hill Road.
  - b. Land must be dedicated to the Town for Public Park or Greenways or Payment of fees-in-lieu of land dedication be paid as specified in the Developer Agreement.
  - c. All off-site utilities and roadway improvements (water, sewer, and road improvements) will need to be completed prior to any lots on this plan being platted.
  - d. Recorded Homeowner's Association covenants (documenting maintenance of open space, private streets, street trees, etc.) will be required during the plat process. These must be submitted for Town review and approval prior to recordation.
  - e. An as-built flood study will be required once grading has been complete.

**Motion By:** Womble

**Second By:** Atwell

**Vote:** Unanimous

At this time, the Council approved a motion to readmit Councilman VanFossen to the meeting.

**Motion By:** Atwell

**Second By:** Dickson

**Vote:** Unanimous.

**7c. Twisted Creek Park and Recreation Fees** – This item was removed from the agenda by request of the applicant during agenda adjustment.

**7d. 5432 Sunset Lake Road Widening Delay Request** – This item was removed from the agenda by request of the applicant during agenda adjustment.

**7e. Forest Springs Developer Agreement Terms** – Ms. Sudano said that at the December 6, 2005 Town Council meeting, preliminary terms of an infrastructure reimbursement agreement were approved by the Town Council for the Forest Springs development project.

She said the agreement included credits for waterline over-sizing, credits for off-site downstream sewer installation and over-sizing, and the Town's handling some easement acquisition. Since that time, and before the final agreement was completed, the developer approached the Town about some changes to the sanitary sewer portion of the proposed agreement that are necessitated by the construction schedule for the downstream Twelve Oaks gravity sewer outfall and pumping station.

Ms. Sudano said the downstream gravity sewer line and pumping station will not be available until after the development of Phase 1 of the Forest Springs development.

Ms. Sudano reviewed the new terms of the agreement the Council Members as follows: 1. Two phases of sewer installation required for project and how that will work:

- a. Developer to design and construct off-site gravity sewer line to serve phase 1 of project (156 units) into the existing Oakhall pump station – developer's estimated cost \$150,000;
  - i. No credits from town;
  - ii. Town to get easements from Wake County at developer's cost;
  - iii. No pump station upgrades needed (to be verified);
- b. Developer to design and construct offsite oversized gravity sewer line to serve phases 2 and 3 of project (104 units) westward to proposed Twelve Oaks outfall – to be constructed with phases 2 and 3 of this project; developer's estimated cost \$895,000
  - i. Total sewer related fees to be collected from developer for this project as noted below (includes enough funding to cover estimated cost of downstream offsite sewer:
    1. sewer acreage fees 260units @ \$300 = \$78,000

2. sewer capacity fees 260units @ \$3,000 = \$780,000
  - ii. Developer to pay for half of cost of offsite outfall "b" up front;
  - iii. Town to pay developer for half of cost of offsite outfall "b";
  - iv. During phase 1 development, developer places sewer acreage and sewer capacity fees for all 156 units in escrow account (as they become due) for future outfall "b" sewer installation – this will total \$514,800 and shall be used to fund the developer's portion of "b" as noted in "iii" above;
  - v. All other fees, with exception of those escrowed above and those credited for waterline over-sizing, will be paid when they become due;
  - vi. A time line for completion of "b" will be established in the agreement to meet the Town's needs (October 2007);
  - vii. Upon request from the Town, the Developer will oversize the offsite gravity line;
2. Waterline: Developer to design and construct off-site waterline and town to credit for over-sizing from an 8" to 12"; (estimated cost by developer's engineer presently at \$67,100);
3. Town to secure sewer easements using condemnation if necessary.

Ms. Sudano said the financial summary would be:

- Estimated cost construction sewer line "b" approx \$895,000;
- Developer to design and pay for construction of ½ of sewer line "b" up front from an escrow account established and funded by sewer acreage and capacity fees from phase 1 of the project;
- Town will need to up front half of construction cost of sewer line "b" and recoup via fees as development occurs;
- Developer designs and constructs 12" waterline and receives credits against water acreage fees in estimated amount of \$67,000.

**Action:** The Council approved a motion agreeing to the basic components of an infrastructure reimbursement agreement as noted above, and authorize the preparation of the final agreement by the engineering director and town attorney.

**Motion By:** Womble

**Second By:** VanFossen

**Vote:** Unanimous

**7f. Somerset Stream Developer Agreement Terms** – Ms. Sudano said that this request is for consideration of terms of an infrastructure reimbursement agreement for Somerset Stream development.

She said the most significant component's being providing credits for an outfall to be installed from the existing Somerset Farms pump station southward to the Bass Lake Road pump station. She said this outfall will provide opportunity for further development of the drainage basin that is tributary to the existing pump station, which is at capacity.

Ms. Sudano said the agreement provides for - up front payment of sewer development fees for construction of the sewer line by the developer (along with Town funding of part of the line), credits against those fees as the project develops, Town acquisition of both sewer easements for the gravity sewer line and a right of way for the entrance to the development, and various other more minor matters.

Ms. Sudano reviewed with the Council Members the following terms of the infrastructure reimbursement agreement:

1. Developer to design and construct approx 6000' of sewer outfall to take the existing Somerset Farms pump station off line, down to the existing Bass Lake outfall. Engineer's construction estimate currently at \$807,000 plus design costs (partially eligible for credits as noted below.) Developer will up front all sewer fees and receive credits for those fees when they are normally due (estimated at \$3300 x 109 lots = \$359,700 at current fee schedule rate).
2. Town to secure sewer easements using condemnation if necessary.
3. Town to secure ROW to Grigsby using condemnation if necessary, with developer paying for ROW acquisitions costs (no credits).
4. Developer will pay downstream fee in lieu of pump station upgrade when such fee is normally due (per development approval condition). Any necessary upgrades will not hold up certificates of occupancy for this project.
5. Developer to pay proportionate share of flood study costs per plan approval condition (Town undertaking this study).
6. Developer to commit to custom lot subdivision.
7. Developer shall be allowed to pull building permits prior to completion of the sewer outfall with the understanding that they may not go beyond plumbing final prior to the outfall being completed.
8. Town will participate in the cost of the outfall, paying approximately half of the cost based upon the engineer's estimate as noted above.

Financials:

- Estimated portion sewer line construction costs eligible for credit – approx \$676,248 (\$807,000 less cost of 8" line (\$130,752))

- Credits available:
  - Sewer capacity 109 lots x 3000=\$327,000
  - Sewer acreage 109 x 300=\$32,700
  - Water capacity 109 lots x 3000=\$327,000
  - Water acreage 109 x 300=\$32,700
  - Total available utility fee credits for the entire project \$719,400 (half to be “up fronted”)

**Action:** The Council approved a motion to agree to the stated terms of the infrastructure reimbursement agreement and authorized the preparation of the final agreement by the engineering director and town attorney.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

**7g. Reuse Water Elevated Storage Tank Site** – Ms. Sudano explained that the Town needs to select a site for the reuse water elevated storage tank. She said Davis-Martin-Powell Associates, Inc. is designing the Town’s reuse effluent project, and she reviewed the proposed sites recommended by the consultant. She said the recommended factors of consideration for the site are primarily: aesthetics and height (and additional height equals additional money). She said the consultant has confirmed that all sites are of adequate size – in general a 200’ by 200’ site, with minimal grading needed.

She noted that staff would recommend site A, located on the corner of New Hill Road and Irving Parkway; however, Mr. Dean said he has reservations about the site because he does not the highest and best use for this property would be for a storage tank.

He asked the council to take the information in the packet for review and defer action until he provides another recommendation.

**Action:** The Council approved a motion to defer action on this issue.

**Motion By:** Atwell

**Second By:** DeBenedetto

**Vote:** Unanimous.

**7h. Comprehensive Growth Plan and Master Parks Plan Consultants** – Ms. Bobber explained that, as directed by the Town Council at the 2006 Winter Retreat, staff requested proposals from consulting firms to update the Town’s Comprehensive Plan and prepare a Parks Master Plan.

Ms. Bobber reported that two consultant teams submitted joint proposals for both the Comprehensive Plan and the Parks Plan; three teams submitted proposals for the Parks Master Plan only; and two consultant teams submitted proposals for only the Comprehensive Plan.

Ms. Bobber said staff interviewed all responding consultant teams and both the Planning and Zoning and the Parks and Recreation Departments independently determined that Design Based Planning (Peter J. Smith & Company), who submitted a joint proposal, is the best qualified and experienced team to complete both plans. She said by selecting this team for both, the company is reducing its service expenses by 8% for each project. The total cost of completing both plans without this discount is \$193,990 and the discounted total cost is \$179,620.

Ms. Bobber said staff recommends the Town Council authorize staff to negotiate a contract for professional services for the Comprehensive Plan with Design Based Planning in an amount not to exceed \$110,760 and authorize the Town Manager to sign the contract when contract negotiations are finalized.

Ms. Bobber said also that staff recommends the Town Council authorize staff to negotiate a contract for professional services for the Parks Master Plan with Design Based Planning in an amount not to exceed \$68,860 and authorize the Town Manager to sign the contract when contract negotiations are finalized.

**Action #1:** The Council approved a motion to authorize staff to negotiate a contract for professional services with Design Based Planning for development of the Comprehensive Plan in an amount not to exceed \$110,760 and authorize the Town Manager to sign the contract when contract negotiations are finalized.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous

**Action #2:** The Council approved a motion to authorize staff to negotiate a contract for professional services with Design Based Planning for development of the Parks & Recreation Master Plan in an amount not to exceed \$68,860 and authorize the Town Manager to sign the contract when contract negotiations are finalized.

**Motion By:** VanFossen

**Second By:** Dickson

**Vote:** Unanimous

**8. 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. None.

**9. Other Business:** Councilman DeBenedetto reported on his attending a regional NCLM meeting in Charlotte. Councilman Womble pointed out that there is a pothole on New Hill Road that is dangerous.

**10. Manager's Report:** Mr. Dean asked council members to provide comments prior to the next meeting on his memo about mid-year positions. The fire department position can be funded, he said, and the other two positions are growth-driven. Council consensus was that all three positions would be justified at this time.

**11. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(4) to discuss matters relating to economic development and pursuant to 143-318.11(a)(3) to discuss matters with legal counsel regarding potential litigation in the matter of *New Hill Community Center vs Western Wake Partners*.

**Motion By:** VanFossen

**Second By:** Atwell

**Vote:** Unanimous

**General Account of Closed Session – April 4, 2006**

In Closed Session, the town manager updated Council members on a proposed economic development prospect, and the town attorney updated the Council on matters related to the New Hill Community Association lawsuit. The Council also discussed the legal requirements of annexation, should residents of the New Hill area request voluntary annexation.

**-- End General Account**

The Council approved a motion to return to Open Session. The motion was made by Councilman Atwell, seconded by Councilman Dickson and carried unanimously.

**12. Adjournment:** There being no further business for the evening, the April 4, 2006, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Atwell, a second by Councilman Womble and a unanimous vote.

Respectfully Submitted on Tuesday, May 16, 2006.

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Joni S. Powell, CMC, Town Clerk

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