

# Holly Springs Town Council Minutes

## Regular Meeting May 6, 2008

The Holly Springs Town Council met in regular session on Tuesday, May 6, 2008, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and three council members were present as the meeting opened.

**Council Members Present:** Councilmen Vinnie DeBenedetto, Parrish Womble and Tim Sack and Mayor Sears.

**Council Members Absent:** Councilmen VanFossen and Hank Dickson (Councilman Dickson arrived at 7:45 p.m.).

**Staff Members Present:** Carl Dean, town manager; Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, (recording the minutes); town clerk; Drew Holland, finance director; Jenny Mizelle, director of economic development; Alison Huffman, planner I; Gina Clapp, director of planning and zoning; Jeff Jones, senior planner; Mark Zawadski, planner I; Stephanie L. Sudano, director of engineering; Elizabeth Goodson, development review engineer; Heather Keefer, environmental specialist; Kendra Stephenson, senior engineer; Len Bradley, parks and recreation director; Eric Tayler, IT manager; Drew Holland, finance director; Police Chief John Herring; Police Lt. Anthony Revels; Amy Moore, interim director of water quality; Daniel Weeks, project analyst; Luncie McNeil, director of public works; 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, pastor of Southwest Wake Baptist Church.

**4. Agenda Adjustment:** The May 6, 2008 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous

**Items Added to the Agenda:** None.

**Items Removed from the Agenda:** None.

**Consent Agenda Items Removed for Discussion:** Item 9m., contract for auditing services for the town's FY 2007-08 finances.

**Other Changes:** None.

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following input was recorded:

Robert Padalino, 4205 Barkton Way, Fuquay-Varina – Mr. Padalino addressed the Council, urging leaders to cooperate with the Town of Fuquay-Varina in formalizing an annexation boundary line. Mr. Padalino explained that the Town of Fuquay-Varina was in the process of an involuntary annexation that includes his property, together with more than 1,000 acres. He said Fuquay-Varina officials had said that the town would drop its annexation plans if Holly Springs would agree to a boundary. He said he was not sure who to believe, but he would hope that both towns would settle their boundary issues without involving those in the unincorporated areas between the two towns.

**6a. Youth Gang Awareness and Prevention Month** – Mayor Sears proclaimed the month of May to be Youth Gang Awareness and Prevention Month. He presented the proclamation to Shenekia Weeks of the Wake County Southern Regional Center. Ms. Weeks coordinates gang awareness programs in this portion of the county, including Holly Springs.

**Action:** None.

At this time, Mayor Sears announced he also would be proclaiming May 17 at Kids Appreciation Day in Holly Springs.

**7a. FY 2008-09 Budget** - Mr. Dean distributed his recommended FY 2008-09 Town budget for the Council's review. The proposed budget General Fund is balanced at \$21,267,000, and the Utility Fund is balanced at \$8,200,000. The ad valorem tax rate after Wake County's revaluation of property is a revenue-neutral 41.5 cents. The budget is based on an assumption of a 97.5% collection rate applied to a tax base value of \$2.5 billion.

Mr. Dean said that in order to accommodate the Council members' questions and suggestions for revisions to the budget plan, a budget workshop needs to be scheduled in May. He said that this workshop would give time for Council members to review the budget document and still allow time for changes to be made before formal adoption during the month of June.

In his annual budget message, Mr. Dean said Holly Springs continues to be a great place to live as the Town maintains positive growth

that enhances the Town's ability to improve services provided to citizens and to invest in the Town's future through transportation projects, water and sewer infrastructure and parks and recreation facilities.

**Action:** The Council approved a motion to set a budget workshop for 5:30 p.m. Wednesday, May 21, 2008, in the Holleman Room of Holly Springs Town Hall, 128 S. Main Street.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**8a. Public Hearing: Annexation Petition A08-01, Blalock and Koeppen Property** – Ms. Clapp explained the Town has received a petition for voluntary annexation of 123.67 acres located at 4101 Friendship Road. The petition meets all the statutory requirements for satellite annexation.

She said the public hearing for this annexation was opened on April 15 and was continued to resume on May 6.

Ms. Clapp said pursuant to the 1993 annexation boundary line agreement between the Town of Holly Springs and the Town of Apex, the Town of Holly Springs sent notice to the Town of Apex of this (and all) annexations. Apex requested that Holly Springs apply a 60-day waiting period prior to the adoption of the annexation ordinance.

She said the request from Apex notwithstanding, staff and the Town Attorney are of the opinion that this parcel does not lie within the designated boundary of the annexation agreement and is, therefore, not subject to the requirements of the agreement. The Town originally delayed action on the annexation request because staff was awaiting the legal description of the property, which has been provided. In the interim it is clear that the subject property cannot be annexed by Apex as it is closer to the contiguous corporate limits of the Town of Holly Springs, she noted.

Ms. Clapp said the town manager also feels the property is not subject to the annexation agreement, but suggests that the Council make the effective date of the ordinance May 13, 2008 in the spirit of interlocal cooperation.

With that explanation completed, Mayor Sears reopened 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 Annexation Ordinance A08-01 annexing approximately 123.67 +/- acres owned by Brenda W. and Dewey R. Blalock Jr., and Teresa W. and Paul G. Koeppen, and more particularly described as Wake County PINs: 0720.04-70-0500 and 0629.02-99-0816, into the corporate limits of the Town of Holly Springs, effective May 13, 2008.

**Motion By:** DeBenedetto

**Second By:** Sack

**Vote:** Unanimous.

*A copy of Annexation Ordinance A08-01 is incorporated into these minutes as addendum pages.*

**8b. Public Hearing: Rezoning Map Change Petition 08-REZ-04, Blalock and Koeppen** – Mr. Jones said this item also was tabled at the April 15 meeting until May 6, 2008.

He said the Town has received a petition requesting that the Town rezone approximately 123.7 acres from R-30 upon its annexation to Light Industrial. The parcel is located along Friendship Road and US Hwy 1 in the western part of the Town's future planning area.

He said the parcels are designated as Business Park in the Vision Holly Springs plan. The Business Park designation is intended to set aside areas of town that encourage "clean" industry that would not adversely affect the quality of life of residents. Business parks should be concentrated to a general location in order to achieve the maximum benefit when providing infrastructure to prospective and existing business park clients. Business parks should be located adjacent to major transportation routes with easy access to major highways and existing facilities.

Mr. Jones said the Town, together with the property owner, is trying to achieve a certified site designation through the State of North Carolina, and the Town intends to market the property as such to potential industries in the future.

He reported that the Planning Board had reviewed the petition and recommends approval.

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 #1:** The Council approved a motion to accept the following statement as true: "The requested zone map change from R-30 to LI: Light industrial is consistent with Vision Holly Springs Comprehensive Plan since the Future Land Use Plan Map indicates this property as Business Park and the Light Industrial district allows for the development of business park type development."

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to adopt rezoning ordinance R08-04 to approve Zone Map Change Petition #08-REZ-04 to change the zoning of 123.7 acres of Wake County PIN(s) 0720-70-0500 and 0629-99-0816 from R30: Residential upon annexation on May 13, 2008, to LI: Light Industrial as submitted by Dewey Blalock.

**Motion By:** Sack

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Rezoning Ordinance R08-04 is incorporated into these minutes as addendum pages.*

**8c. Public Hearing: Annexation Petition A08-02, Ransdell Heirs Property** – Mr. Zawadsky said the Town has received a petition for voluntary annexation of approximately 145.91 +/- acres located along G.B. Alford Highway, north of New Hill Road. The petition meets all the statutory requirements for annexation.

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 Annexation Ordinance A08-02 annexing approximately 145.91 +/- acres owned by the heirs of N.F. Ransdell, and more particularly described as Wake County PIN: 0649.02-67-1163, into the corporate limits of the Town of Holly Springs.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous.

*A copy of Annexation Ordinance A08-02 is incorporated into these minutes as addendum pages.*

At this time, 7:45 p.m., Councilman Dickson arrived.

**8d. Public Hearing: Annexation Petition A08-03, Sasser Property** – Mr. Jones said that in efforts to fill in doughnut holes within its city limits, the Town has received a petition for voluntary annexation of approximately .24 +/- acres located at 401 Kingsport Road. The petition meets all the statutory requirements for annexation.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded: There being no comments, the public hearing was closed.

**Action:** The Council approved a motion to adopt Annexation Ordinance A08-03 annexing approximately .24 +/- acres owned by Travis P. & Joy S. Sasser, and more particularly described as a portion of Wake County PIN: 0659.02-55-2689, into the corporate limits of the Town of Holly Springs.

**Motion By:** DeBenedetto

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Annexation Ordinance A08-03 is incorporated into these minutes as addendum pages.*

**8e. Public Hearing: Green Oaks Parkway and Holly Springs Business Park** - Mr. Holland said in order to borrow funds for the construction of the Town's portion of Green Oaks Parkway and to provide other development in Holly Springs Business Park (Novartis incentives), the Town of Holly Springs must first obtain approval from the Local Government Commission. A 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).

He said following the public hearing, the Council is asked to adopt Resolution 08-17, which states that the Town Council has determined certain findings of fact, including that installment financing is more desirable than other types of financing. The resolution also authorizes the filing of the LGC application.

Mr. Holland said upon this authorization, the Town Council also is asked to consider financing terms proposed by RBC Bank. With figures for the entire project provided, RBC Bank offers an interest rate of 3.79% and a loan term of 18 (eighteen) years. Adoption of the resolution is a required step in the process of obtaining financing. The resolution sets out the terms of the loan: the Town will borrow a principal amount not to exceed \$6,366,000 and repay it within 18 years at an annual interest rate of 3.79%. Annual payments would be from the General Fund. The resolution also would give the finance director and town manager authority to process the loan documents on behalf of the Town.

He said in addition, staff is requesting that Council adopt a reimbursement resolution in case the Town expends funds on the project before installment financing is received. The resolution allows the town to reimburse itself from installment proceeds once they are received.

Councilman Womble asked if any other banks were contacted.

Mr. Holland said that RBC Bank financed the other two portions of this project, and the understanding was that RBC Bank would also provide the third loan in this process.

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 #1:** The Council approved a motion to adopt Resolution 08-17 making findings of fact and authorizing application to the Local Government Commission.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

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

**Action #2:** The Council approved a motion to adopt Resolution 08-18 approving financing terms with RBC Bank for the Green Oaks Parkway / Holly Springs Business Park development project: \$6,366,000 at 3.79% for 18 years.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Resolution 08-18 is incorporated into these minutes as addendum pages.*

**Action #3:** The Council approved a motion to adopt Resolution 08-19 authorizing reimbursement to the Town of any funds expended on the project prior to the town's receiving loan proceeds.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of Resolution 08-19 is incorporated into these minutes as addendum pages.*

**8f. Public Hearing: Bass Lake Outfall and Holly Springs Business Park Pump Station** – Mr. Holland said this item is similar as the previous that in order to borrow funds for the construction of the Bass Lake Outfall and the Holly Springs Business Park pump station, the Town of Holly Springs must first obtain approval from the Local Government Commission. A 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).

He said following the public hearing, the Council is asked to adopt Resolution 08-20, which states that the Town Council has determined certain findings of fact, including that installment financing is more desirable than other types of financing. The resolution also authorizes the filing of the LGC application.

Mr. Holland said upon this authorization, the Town Council also is asked to consider financing terms proposed by RBC Bank. With figures for the entire project provided, RBC Bank offers an interest rate of 3.65% and a loan term of 15 (fifteen) years. Adoption of the attached resolution is a required step in the process of obtaining financing. The resolution sets out the terms of the loan: the Town will borrow a principal amount not to exceed \$3,634,000 and repay it within 15 years at an annual interest rate of 3.65%. Annual payments would be from the Utility Fund. The resolution also would give the finance director and town manager authority to process the loan documents on behalf of the Town.

Mr. Holland said in addition, staff is requesting that Council adopt a reimbursement resolution in case the Town expends funds on the project before installment financing is received. The resolution allows the town to reimburse itself from installment proceeds once they are received.

Councilman DeBenedetto asked what the rate would be if the Town were to use general obligation bonds.

Mr. Holland said he was not sure what the current GO rates were, and this project amount probably would be cost-prohibitive to use GO bonds. Additionally, he said, the projects would have to be pushed back in their schedules by a full year in order to fulfill all the requirements of doing a bond referendum.

With that explanation completed, Mayor Sears opened the public hearing to accept input. The following comments were recorded:

David Hathaway, 108 Clay Ridge Way – Mr. Hathaway asked if the two financings were for a one-time \$10 million amount, or was the Town talking about borrowing \$10 million per year over a number of years. Mr. Holland explained that the Town would be making a one-time loan in two financing packages totaling \$10 million, which would be paid off over the terms of the loans.

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

**Action #1:** The Council approved a motion to adopt Resolution 08-20 making findings of fact and authorizing application to the Local Government Commission.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Resolution R-20 is incorporated into these minutes as addendum pages.*

**Action #2:** The Council approved a motion to adopt Resolution 08-21 approving financing terms with RBC Bank for the Bass Lake Outfall / Holly Springs Business Park pump station projects: \$3,634,000 at 3.65% for 15 years.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of Resolution 08-21 is incorporated into these minutes as addendum pages.*

**Action #3:** The Council approved a motion to adopt Resolution 08-22 authorizing reimbursement to the Town of any funds expended on the project prior to the town's receiving loan proceeds.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of Resolution 08-22 is incorporated into these minutes as addendum pages.*

**8g. Public Hearing: Community Development Building Grant (CDBG) Project** – Mr. Weeks said the Town is completed with the rehabilitation of Ms. Laura Utley's house located at 332 Bass Lake Road. Ms. Utley has moved back into her home and is enjoying her new improvements. Rehab work ranged from a new roof, front steps, back porch and railings, vinyl siding to new floors and painted walls and ceilings inside the home. A new washing machine and oven (with dials on the front to better allow her to access them from her wheelchair) have been recently installed with remaining funds.

He said this public hearing is required by the Division of Community Assistance in order to properly close-out the grant.

Councilman Womble asked how much funding was provided for the project from grant funds. Mr. Weeks said \$79,000.

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.

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

9a. Minutes – The Council approved minutes of the Council's regular meeting held on March 4, 2008.

9b. Resolution 08-23 – The Council adopted Resolution 08-23 authorizing an exchange of real property. *A copy of the Resolution 08-23 is incorporated into these minutes as an addendum page.*

9c. 127 N. Main Street Property – The Council authorized staff to begin the advertisement process and the Manager to enter into a contract to sell the Town's property located at 127 N. Main Street.

9d. Resolution 08-24 – The Council adopted Resolution 08-24 directing the town clerk to investigate the sufficiency of annexation petition A08-06 and setting a public hearing for Tuesday, May 20, 2008. *A copy of the Resolution 08-24 is incorporated into these minutes as an addendum page.*

9e. Reclaimed Water System EPA Grant – The Council ratified the Town's acceptance of \$750,000 in EPA grant funding for the town's reclaimed water system.

9f. Budget Amendment – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$6,750 for the rain barrel program. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9g. Resurfacing Project Report – The Council received a report of the town's pavement resurfacing projects.

9h. Stonemont Subdivision IRA – The Council entered into an infrastructure reimbursement agreement with the developers of Stonemont Subdivision with terms set out on April 15, 2008. *A copy of the Stonemont Infrastructure reimbursement agreement is incorporated into these minutes as addendum pages.*

9i. Bass Lake Outfall Project Budget – The Council adopted an amendment to the Sewer Projects Fund in the amount of \$1,640,000 to add the Bass Lake Outfall project and establish the Bass Lake Outfall project budget. *A copy of the Sewer Project Fund amendment is incorporated into these minutes as addendum pages.*

9j. Budget Amendment, \$15,000 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$15,000 for the repair of a fire truck. *A copy of budget amendment is incorporated into these minutes as an addendum page.*

9k. Budget Amendment, \$1,490 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$1,490 to cover costs associated with equipment replacement. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9l. Budget amendment, \$75,400 – The Council adopted an amendment to the FY 2007-08 budget in the amount of \$75,400 for the Main Street sidewalk project approved at the April 15 Council meeting. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9m. Audit Contract – The Council removed this item from the Consent Agenda for discussion during agenda adjustment.

9n. Green Oaks Parkway Street Lighting – The Council approved the lighting plan and one-time charge of \$13,795.82 and the monthly reoccurring charge of \$1,627.30 to Progress Energy for street lighting on Green Oaks Parkway.

9o. Business Park Development Fund – The Council adopted an amendment to the Business Park Development Project Fund in the amount of \$1,859,000 to add the Green Oaks Parkway project. *A copy of the Business Park Development Project Fund amendment is incorporated into these minutes as addendum pages.*

**9m. Town's FY 2007-08 Audit Contract** – Councilman DeBenedetto had asked if this item could be removed from the Consent Agenda. He said he would like to delay action so that the Town could issue requests for proposals. He said he wanted a member of the Council to be on a selection committee.

He said he did not have any problems with the subject auditing firm.

Mr. Holland explained that the Town does do an RFP when selecting a firm to do financial auditing services. He said this contract would be the fourth year of a four-year agreement and that the Town is preparing to do an RFP in January for the next four-year period.

Councilman Dickson noted that it is good business management to retain a financial auditor for multiple-year terms for the continuity that a single firm would offer.

Councilman DeBenedetto asked if the Town's contract originally was with Duke and Abbott and now Abbott is out on his own, would the contract continue.

Mr. Schifano said the contract is a professional services agreement with a professional, and it is the same professional. Partnership changes would not be material to the bidding process or to the RFP process.

**Action:** The Council approved a motion to enter into a contract with Christopher K. Abbott, CPA, P.A. in an amount not to exceed \$26,500 for auditing services of the town's FY 2007-08 finances.

**Motion By:** Mayor Sears

**Second By:** Dickson

**Vote:** Unanimous.

*A copy of the Christopher K. Abbot, CPA, P.A. contract is incorporated into these minutes as addendum pages.*

**10a. Green Oaks Business Center Elevations, 07-DP-14-A01** – Ms. Huffman said on September 4, 2007 the site plan for Green Oaks Business Center was approved with a condition that the elevations were to come back to Town Council for approval.

She said the building proposed in September was brick on the front and the two sides, and the rear of the building was of metal panels. There was concern about the rear elevations' lack of masonry and the visibility from Premier Drive. To address these concerns, the applicant was willing to revise the elevations.

She said the applicant has revised the elevations to address those concerns. The applicant is proposing no metal on the rear of the structure, but masonry brick, and stucco. A waiver is being requested since Section 4.05 B. 2. c. (1) of the UDO requires the structure to provide 60% masonry material on all four sides of the building. The waiver requested is for the rear of the building allowing for approximately 40% masonry instead of the required 60%.

Ms. Huffman said the applicant's position is that the total percentage masonry required is 240% masonry (4 sides at 60%). The proposed masonry on the larger building being provided is 237%, only 3% short of meeting the UDO requirement. The smaller building on the north of the parcel is providing 234% masonry material, only 6% short of meeting the UDO requirement.

Mike Discala, 5461 Georgiana Drive – Mr. Discala showed Council member examples of the brick finishes being proposed.

Councilman Sack and Mayor Sears asked if EFIS would be reconsidered as a masonry material in the UDO. Ms. Clapp said it would be included in a review of the UDO.

**Action #1:** The Council approved a motion that it made and accepted the findings of fact necessary to grant a waiver of UDO Section 4.05, B. 2., Building Materials, Colors, Textures, Architecture and Façade Modulation for Petition #07-DP-14-A01 for Green Oaks Business Center.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to approve elevations with a waiver of regulations of UDO Section 4.05, B. 2. Building Materials, Colors, Textures, Architecture and Façade Modulation for Petition #07-DP-14-A01 for Green Oaks Business Center as submitted by Thompson and Associates, project number: 07-DP-14 dated revised 04/14/2008 with the following condition:

1. All previous conditions of plan approval associated with Green Oaks Business Center Development Plan (07-DP-14) shall still apply.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**11a. Forest Springs IRA** – Ms. Sudano explained that the Town Council approved an infrastructure reimbursement agreement with Forest Springs developers on March 23, 2007. The agreement provided for reimbursements and fee credits to the developer of this project in order to construct a downstream offsite sewer outfall to take the Oakhall pumping station off line and to serve other areas for future development. The outfall is on the Town's long-range sewer master plan.

She said the Town Council recently approved an amendment to this same agreement to further oversize some of the gravity lines to serve a new upstream development; monies for this amendment are to be reimbursed to the Town by the upstream developer.

She said this request is for the Council to consider an amendment to the agreement to provide additional participation in the project including development fee credits in the amount of \$125,250 and cash contribution in the amount of \$125,250. This participation is to reimburse for additional expenses of outfall construction as described in the "Forest Springs Infrastructure Agreement (Developer Agreement) Modification Request" dated "April 2, 2008 revised."

**Action:** The Council approved a motion to approve amendments to the Forest Springs infrastructure reimbursement agreement to provide additional participation to include development fee credits in the amount of \$125,250 and cash contribution in the amount of \$125,250.

**Motion By:** Womble

**Second By:** DeBenedetto

**Vote:** Unanimous.

*A copy of the Forest Springs infrastructure reimbursement agreement amendment is incorporated into these minutes as addendum pages.*

**11b. Town's Reclaimed Water Project** – Ms. Stephenson reported that Davis-Martin-Powell & Associates completed the design for the Town of Holly Springs Reclaimed Water System. Bids were formally solicited, and bids were opened on April 16.

Ms. Stephenson explained that the scope of the work includes:

Contract 1 Distribution System – Construction of 9,500 feet of reclaimed water main, duplex pumping station.

Contract 2 Elevated Tank -- Construction of a 500,000 gallon elevated water storage tank, including site work.

She said Contract 2 was broken into a base bid with a spheroid tank style and an alternate bid with a composite tank style. These two styles were chosen because they both provide an enclosed base and tower, providing an area to house piping, flow meter, control valves, and electrical gear. All ladders are inside the locked structure, providing a secondary barrier to unauthorized access to the tank, she added.

a. Spheroid Style - all welded steel fabrication (bowl and tower), with a narrow tower curving out into a bowl structure.

b. Composite Style - a welded steel bowl, which is supported by a cast-in-place concrete tower (similar to the Avent Ferry Road water tank.)

Ms. Stephenson said maintenance cost on the two styles was priced, and according to the tank maintenance contractor, the difference would be negligible.

Mr. Dean said, from a maintenance standpoint, he would recommend the composite tank style.

Councilman DeBenedetto asked who would benefit from the distribution system.

Ms. Stephenson said to get the project off the ground, the Town sought a large end-user, and the developers of 12 Oaks subdivision and golf course agreed to participate. Eventually, she added, reclaimed water would be available to more and more customers as the system is enhanced and expanded.

Councilman DeBenedetto asked if reclaimed water would qualify for funding through the Town's remaining authorized water bonding capacity.

Mr. Holland said he had asked the Local Government Commission, which said the Town's bond counsel would determine the eligibility.

Mr. Holland added that the Town's bond counsel had said the project would qualify.

**Action #1:** The Council approved a motion to award Contract 1 for the construction of the distribution system to low bidder T.A. Loving in a contract amount of \$1,228,300 plus a 10% contingency of \$122,830 for a total project of \$1,351,200 (rounded to the highest \$100), subject to review of Division of Water Quality Construction Grants & Loans Section, the U.S. Environmental Protection Agency, and the Local Government Commission.

**Motion By:** Dickson

**Second By:** Womble

**Vote:** Unanimous.

**Action #2:** The Council approved a motion to select the Composite tank style for the Town's overhead storage of reclaimed water.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

**Action #3:** The Council approved a motion to award Contract 2 for construction of the composite overhead storage tank to low bidder Caldwell Tanks in a contract amount of \$1,392,901 plus a 10% contingency of \$139,291 for a total project of \$1,532,200 (rounded to the highest \$100), contingent and subject to review of the Division of Water Quality Construction Grants & Loans Section, the U.S. Environmental Protection Agency, and the Local Government Commission.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

**11c. Green Oaks Parkway Construction** – Ms. Stephenson said Kimley Horn & Associates has completed a design for the 4-lane Green Oaks Parkway, from the Bypass to New Hill Road. Bids were advertised formally March 17, 2008 and opened at Town Hall on April 10, 2008.

She said a pre-bid meeting was held on March 27, at which contractors were permitted to ask questions in a public forum.

Ms. Stephenson said the scope of the work includes clearing, grading, paving, curb and gutter, storm drainage, and erosion control for 1.5 miles of roadway widening.

She said the apparent low bidder is Triangle Grading & Paving. The next apparent low bidder is Barnhill Contracting.

**Action:** The Council approved a motion to award construction contract for Green Oaks Parkway to Triangle Grading & Paving in the amount of \$4,783,600 contingent upon MBWE requirements set forth by NCDOT, and Local Government Commission (LGC) approval of the financing for this project.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous.

**11d. Green Oaks Parkway Slope Project** – Ms. Sudano said in order to meet the schedule needed by Novartis for permanent power, the Town

must accelerate construction of a fill slope that would have been constructed in the Green Oaks Parkway four-lane widening project. This work must be completed by May 31.

She said the contractor on site constructing the GOP two-lane project is in the best position to complete this work, as he completes the two-lane construction.

She said the Town secured a quote for this work from the on-site contractor Fowler Contracting in the (maximum) amount of \$154,279.65. Approval of this proposal is requested so that Fowler Contracting can undertake this work and complete it by May 31, 2008.

Ms. Sudano said a specific condition will be added to the proposal that requires the work to be done by this date.

**Action:** The Council approved a motion to approve a contract with Fowler Contracting in an amount not to exceed \$154,279.65 for construction of a fill slope on Green Oaks Parkway by May 31, 2008.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

*A copy of Fowler Contracting contract is incorporated into these minutes as addendum pages.*

**11e. Solid Waste Collection Bids** – Mr. Weeks said the Town's solid waste services contract with Waste Industries expires June 30, 2008. Therefore, staff initiated the Request for Proposal (RFP) process for the Town's solid waste services contract a couple of months ago. The Town is not legally obligated to seek bids from multiple contractors, but did so in order to increase the competition and consequently receive lower bids for citizens, Mr. Weeks said.

Mr. Weeks said the Town solicited bids for four different scenarios – vendor-supplied bins for three years (Bid A) and five years (Bid B) and Town-supplied bins for three years (Bid C) and five years (Bid D.)

He said an advertisement was published in the News & Observer notifying potential solid waste companies in March. In addition to this, staff sent the RFP directly to four large companies in the area who are known to frequently bid on solid waste contracts (Waste Management, Waste Industries, Republic Services and Allied Waste.)

The bid opening date was April 18 at 2 p.m. By 2 p.m., the Town had received two bids, from Waste Management and Waste Industries. Waste Industries was the low bidder. At 2:45 p.m., a third bid arrived at Town Hall, from Republic Services. The bid was late, but not being required to undergo formal bidding, staff reviewed the numbers provided by Republic Services, and Republic Services' bid was lower than Waste Industries.

Mr. Weeks said with a better knowledge of what the bids should come in at and realizing that the Town would receive more favorable bids with the longer-termed contracts, staff decided to reject all initial bids and request that interested parties resubmit following different guidelines on Thursday, April 24 at 2 p.m.

In doing so, Mr. Weeks said, we have been able to provide our citizens with exceptional service at a lower rate. We shared all initial bids received with all parties so everyone was on the same page, he added.

Mr. Weeks explained that for the second RFP, staff asked for bids on: vendor-supplied bins for *five* years (Bid A) **and seven years** (Bid B) and Town-supplied bins for *five* years (Bid C) **and seven years** (Bid D).

He said two bidders resubmitted at the second bid opening – Waste Industries and Republic Services.

He said this time, Waste Industries came in as the low bidder at (A) \$11.48, (B) \$11.32, (C) \$9.77 and (D) \$9.63.

He said the town has computed the numbers on what it would cost the Town to purchase its own containers (i.e. Town-supplied bins scenario,) and this option is not as cost-effective as allowing the contractor to keep doing so. This is especially true when you take into consideration the costs associated with purchasing 8,000 garbage bins for existing homes; 8,000 recycling bins for existing homes; supplying bins to new homes; dealing with damaged or stolen bins; and the opportunity costs of not being able to use these monies on other projects, etc.

Therefore, Mr. Weeks said, staff is recommending scenario B from above: vendor-supplied bins for the seven-year option by Waste Industries.

Mr. Weeks said when compared to the Town's current rate, the monthly savings of Option B are \$1.18 per household, or \$13.50 currently versus \$12.32 beginning July 1. He added that it is noteworthy that the savings of going with this option are also greater than the potential rebate to Holly Springs residents of \$1.04 per month that was estimated by Wake County if Holly Springs had entered into the Wake Partnership.

Mr. Weeks said staff recommends a seven-year contract with vendor-supplied bins with Waste Industries.

Councilman Dickson asked if there would be any financial benefit of retaining the 18-gallon box for recycling rather than switching to the larger 48-gallon roll-out containers, which he said he feels are unwieldy.

Brent Kirchoff, Waste Industries – Mr. Kirchoff said the larger recycling bins are a growing trend, but that his company had anticipated that there may be some level in retaining the 18-gallon boxes. He said Waste Industries figures the difference in cost would be about 50 cents per household per month.

For what it is worth, he said, the larger bins seem to be successful in increasing recycling.

Councilman Sack said he feels the Town has a policy and goal of increasing its recycling, and the larger bins would be helpful in meeting that goal. He said he feels the bins, if nothing else, would be easier for people to manage because they are roll-out containers, and they have lids, which will reduce blow-away trash from littering the streets.

Councilman DeBenedetto asked where the garbage was going.

Mr. Kirchoff said the garbage collected in Holly Springs is now and will continue to be deposited in the South Wake Landfill.

Councilman DeBenedetto asked if the Town were to enter the contract and also then join the partnership, would the town get additional



savings.

Mr. Kirchoff said he did not know because he does not know what the county has projected as the actual cost savings.

Mr. Dean said the rate reduction represented in the bids is a sure thing for Holly Springs citizens, effective July 1, and not an unknown that cannot be determined until the South Wake Landfill is open independent of the North Wake Landfill and completion of the Raleigh transfer station. Cost of the transfer station keeps getting higher, and the completion date keeps getting pushed out until later, so the cost to be born by partners keeps increasing. The rate provided to Holly Springs independent of the partnership is a definite savings.

As discussion wrapped up, Councilman Dickson said he felt it would be worth the extra 50-cent savings if people would compact the contents of their recycling bins so that the Town could retain the 18-gallon containers.

Councilman Sack said he maintains that the larger recycling bins would promote recycling and that the Town should provide the larger bins.

**Action:** The Council approved a motion to award a seven-year contract for the Town's solid waste collection services to Waste Industries, which will supply the bins, at a monthly rate for citizens of \$12.32 per month beginning July 1, 2008.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

**11f. Graham Woods Condemnation Resolution** – Mr. Schifano said the town is installing a traffic signal and temporary sidewalk at the intersection of Cass Holt & Avent Ferry Roads. It is necessary to install poles on all four sides of the property, including on the property of Graham Wood for the traffic signals, as well as the sidewalk in the location. He said he is still in the process of negotiation and may resolve this without litigation; however, the contractor needs the ability to proceed and enter the property to make improvements.

**Action:** The Council approved a motion to adopt Resolution 08-25 authorizing condemnation proceedings against Graham Wood to acquire easements for a traffic signal and sidewalk.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous.

*A copy of Resolution 08-25 is incorporated into these minutes as addendum pages.*

**11g. New Hill Place, 08-MAS-01** – Mr. Zawadski said the Town has received a request for a master subdivision plan located at the intersection of New Hill Road and GB Alford Highway. The project would be mixed-use and designates approximately 46 acres for residential uses and approximately 120 acres for commercial uses.

He said the applicant has chosen to follow the schematic master plan option and not include specific lot details and internal circulation systems with this plan since much of the information is undetermined at this time. This information would be included with a more detailed subdivision plan as well as other information such as specific lot lines, utility connections, and internal access, which would be submitted to and reviewed by staff at a later date.

He said the final step for approval requires a detailed development plan to be submitted for each phase, to include pedestrian circulation, parking and building layout, landscaping, building elevations, etc. The detailed development plan follows the traditional process that includes review by staff, Planning Board recommendation and Town Council consideration.

Cara Lacey, a planner with the John R. McAdams Company – Ms. Lacey addressed the Council with an extensive presentation highlighting her company's analysis of the site and its plans for a mixed-use integrated center. She said it would be a mix of residential and commercial development with both pedestrian and vehicular connectivity that would promote the village atmosphere desired by the town.

David George with Kite Realty Group of Indianapolis, IN – Mr. George said this proposed project is his company's third in this area. He said the developer's vision for the property is to have one or two major anchor retailers, and restaurant and bank out-lots in an integrated center, all surrounded by residential uses.

Mayor Sears asked how big of a development was being planned. Mr. George said 700,000 square feet of retail space is being planned.

Mike Hunter, W.W. Partners, the development company -- Mr. Hunter addressed the Council to report on what the controlled access committee of NCDOT has approved. He said the company originally had submitted plans that included a super street design at the northernmost entrance to the property, a new roadway to be built with access from GB Alford Highway. The plan also featured super street design at both the New Hill Road and Green Oaks Parkway intersections with GB Alford Highway.

NCDOT's controlled access committee, however, are requiring a square interchange – or traditional “jug handle” interchange – at the northernmost access, and super street design at New Hill and Green Oaks Parkway, he said.

**Action:** The Council approved a motion to approve Preliminary Plan #08-MAS-01, including the NCDOT-approved interchange and super street locations, for New Hill Place Schematic Master Plan as submitted by John R. McAdams, Project Number KRG-08000, dated Revised 4/22/2008 with the following conditions:

1. A detailed preliminary plan must be reviewed and approved by Staff prior to the first development plan submittal for each phase.
2. The following items are to be included with the first non-residential development plan submittal:
  - a. The location and design of the open space required per UDO § 3.08,B.,7.
  - b. Master Plan amendment that includes the following:

- i. Detailed architectural and site design guidelines for the development.
  - ii. Master Sign Plan and sign waiver (waiver is optional).
3. All new traffic signals are required to be Decorative Monocurve Mast Arm signals for this project.
4. Green Oaks Parkway plans are complete and bids have been opened therefore will not be revised to reflect the superstreet intersection at this intersection at this time. If NCDOT requires such changes in the future, all cost associated with such a change must be paid by the developer.
5. A fee-in-lieu of upgrade will be required for this project for the downstream oversized Twelve Oaks Pump Station, Force Main and Outfall.
6. Reimbursement of the cost of gravity sewer line upsizing through Forest Springs will be required for this project as memorialized in a letter from the developer.
7. This project and all related development plans will be required to meet the new Town of Holly Springs Post Construction Stormwater Ordinance.
8. If the downstream offsite sewer lines are not constructed at the time of first construction drawing approval associated with this plan, the construction of those lines will be the responsibility of the developer with this project
9. The following items are required with each development plan associated with this Master Plan:
  - a. An Industrial Sewer Permit Short Form
  - b. A Grease Trap Form
  - c. Update the draft flood study update for the downstream Forest Springs Flood Study and demonstrate that the development of each internal site will not raise established flood levels.
  - d. The site plan must show that no building area is located within a BMP easement.
10. The following items are required with the first development plan or construction drawing associated with this Master Plan.
  - a. A detailed engineer's sealed hydraulic waterline system analysis documenting fire flow in accordance with Town Standards is required for this project. Additional waterline connections may be required upon approval of the report by the Town. Any revisions to waterlines shown on this plan will require an amendment to be submitted by the developer for review and approval.
11. The following items are required with the first construction drawing submittal associated with this Master Plan:
  - a. This project is located in an area that is subject to the Town's policy on flood studies. It is located in a basin where the Town has an approved flood study (Forest Springs) that will need to be updated to reflect this project and will need to demonstrate that development of the site will not raise established flood levels. Retention or detention may be required to accomplish this.
  - b. NCDWQ Stream determination
  - c. Provide a draft PCN (for the site) with all supporting documentation including but not limited to buffer determinations, written concurrence of the location of jurisdictional features from the applicable agencies and impacts to jurisdictional features.
12. The following items are required prior to the 1<sup>st</sup> construction drawing approval of any development plan or preliminary plan for this project.
  - a. All off site sewer easements for the whole project must be recorded.
  - b. All environmental permits for the entire project will be required.
  - c. Offsite right-of-way dedication will be required to be recorded for required transportation improvement for the whole project.
13. The following items are required prior to the construction drawing approval for each phase:
  - a. An Environmental Development Permit will be required
  - b. This project will be required to meet the Town's new TN requirements for stormwater and pay a stormwater fee-in-lieu for any TN reduction requirements not met on the site. The Final Stormwater Management Plan must be approved and stormwater fee-in-lieu paid.
14. The following items have not yet been fully addressed due to difficulty of resolving transportation related issues with NCDOT. The developer has been working with NCDOT for over a year to resolve some of the issues, however they are not resolved as of this date of staff report preparation. Therefore, condition of plan approval for this plan is that the transportation improvement plan for this project must be completed, including information below and go before the Town Council at a later date for approval.
  - a. The Transportation Improvement Plan will need to be updated to include the following information.
    - i. Update this plan sheet with approved TIA recommendations – include lane dimensions and storage lengths for each intersection. The following items still need to be addressed related to this report:
      1. Documentation provided to the Town of Holly Springs of NCDOT's approval of the TIA.
      2. Note that the Town's approval of the TIA and any associated required improvements will be subject to change to be consistent with NCDOT's approval
      3. Confirm with NCDOT if any additional right-of-way width will be needed for GB Alford Highway in excess of what is currently provided.
      4. Update the TIA to analyze beyond the build out of the project (to a projected date of 2025) for Holly Springs and New Hill Road intersections with GB Alford.

5. The access points shown on the TIA do not match the Master Plan. The TIA will need to be revised to match the Master Plan if that is what is to be built including right-in/right-out intersections.
  - ii. Driveway locations are not being approved with this plan. The driveway locations will need to be included on the revised Transportation Improvement Plan and brought back to the Town Council for approval.
- b. The Town Council has approved the concept of superstreets at the retreat in February with the requirement that the developer conduct a public information meeting. This meeting must occur prior to the Town Council meeting. It has been scheduled for May 1<sup>st</sup>.
- c. All NCDOT approvals including driveway access, superstreets, control of access break, TIA, etc.
- d. A ROW/access break must be secured from NCDOT ROW access committee for the extension of the thoroughfare east of GB Alford Highway. This should be approved to a level that requires no further work or money from the Town to achieve. This should be reflected on the Transportation Improvements Plan.
- e. Provide documentation from NCDOT as to who will maintain the new thoroughfare and collector road (include a map), including maintenance of signals.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous.

**Action:** The Council approved a motion to recuse Mayor Sears from discussion and deliberation on this item due to his professional association with the developer of Twelve Oaks Subdivision.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

Mayor Pro Tem Sack presided over this portion of the meeting.

**11h. Twelve Oaks Subdivision Flood Variance** – Ms. Keefer explained that this is a request for a variance to the Flood Damage Prevention Ordinance to place fill in the 100-year floodplain on two single-family residential lots located in the 12 Oaks Subdivision, Phase 1, 104 Ambler Ct. and 109 Ambler Ct.

Ms. Keefer explained that the Town of Holly Springs Flood Damage Prevention Ordinance prohibits new construction in the floodplain, substantial improvements to any residential structure located in the floodplain, and the placement of fill material inside floodplain limits. In addition, the ordinance requires that a minimum buildable area be located outside of the floodplain limits for any lot. In this case, Twelve Oaks Subdivision is in a PUD, and the minimum area required for each lot is equivalent to the minimum lot size for lots based on the PUD approved plan.

She added that, in addition to the Town ordinance requirements summarized in the preceding paragraph, the following specific conditions of approval were made for each development plan associated with these two lots. Bold notations specifically address the request for these 2 lots.

- PUD Amendment Approval: approved on 8/17/06 (then amended 3/7/06 and 8/17/06). Written condition of approval: “1a This project shows non-residential development in the floodplain. **Note that all town, state and federal floodplain requirements must be met. This will include; providing flood studies for Town-regulated (local) streams** throughout the project, modeling encroachment into the FEMA floodplain for the golf course construction (with the FEMA model) to demonstrate no rise, and supplying a LOMR after the golf course construction. The FEMA flood study will need to be submitted and approved prior to any grading and/or construction activities in the FEAM floodplain. **Flood studies for the Town regulated (local) streams will need to be submitted for approval with the first construction plans submitted (with the exception of the golf course plan). Note that there is a risk doing it this way – a risk of the actual flood study limits when determined impacting your preliminary layout.** “
- Preliminary Plan: approved on 4/4/06 Written condition of approval: “5d A local flood study will be required with the 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 floodplain (both 100 and 500 year floodplains) for this site. **2.) No fill is permitted in the floodplain for any residential development.** 3.) Minimum lot square footages must be provided outside of the floodplain areas (per floodplain ordinance – section 9-6020(1)) 4.) Provide minimum FFE 2’ above 100-yr floodplain or backwater elevation for all lots adjacent to the floodplain.”
- Erosion Control Plan: approved on 7/13/06 with floodplain line shown graphically on the plan.
- Construction Drawings: approved on October 23, 2006. The 100-year floodplain elevation and limits reflecting the amount of buildable area outside of the floodplain and was shown for these two lots to meet Town ordinance (see attachment)
  - o Plat: 12 Oaks Phase 1, recorded on 6/29/07 with plat review comment “1c An as-built flood study will be required once grading has been complete. (Confirm that flood plain is shown on all adjacent lots per the flood study) – (The as-built flood study has still not been completed and submitted to the Engineering Department for review and approval at this time. It is my understanding that the grading has not been completed to be able to complete the flood study yet. Per Stephanie Sudano, the as-built flood study will not be required prior to this plat being recorded).”

- As-built Flood Study: This document is currently in still review; final approval pending the result of this variance determination. Flood study review time line has been included in the attachment.

Ms. Keefer said that staff is recommending the following:

Staff does not recommend approval of the variance to place fill in the floodplain in 12 Oaks Phase 1 lots 122 & 123 because

- the Town's Flood Damage Prevention Ordinance clearly prohibits use of fill to create buildable residential lots
- the approval conditions clearly stated on PUD, preliminary, plat, and other plan approvals associated with these lots – from the earliest parts of the development process - that the ordinance prohibits use of fill to create buildable lots. The applicant could have easily and early on revised street and utility layouts to avoid this situation.
- The petitioner has not presented sufficient evidence to show that they satisfy the following specific findings of fact (see above for entire list):
  - The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - The relationship of proposed use to the comprehensive plan and floodplain management program for that area;
- The petitioner has not presented sufficient evidence to meet the following specific required conditions (see above for entire list) for a variance of:
  - Showing good and sufficient cause
  - Showing that the granting of a variance will not result in .....conflict with existing local laws or ordinances
  - Showing that failure to grant the variance would result in exceptional hardship

Ms. Keefer then provided the Town Council with the applicant's responses to the findings of fact.

Tom Spaulding of Spaulding and Norris, representing the applicants/owners of the lots – Mr. Spaulding said the application was submitted two months ago, and since then he and the applicants have been trying to figure out how there became two different flood plain lines.

When the lots were designed, he said, there were no FEMA flood areas in the area.

The original flood study established a line, which is beyond the back property lines of the lots. Then they had to do an as-built flood study, and the line moved from the original to the new location, making the lots unusable. He said he was at a loss as to how the line changed.

He said that if the builder is going to put custom homes with side-loaded garages on these lots, the house has to be pushed back on the lot.

He added that a theory is that golf course construction pulled fill from these lots. He said he understands he has to follow the rules, but no one would have thought that construction of the golf course and streets would affect the floodplain line on these lots.

He also said he feels the intent of the ordinance is "flood damage prevention" with objectives to minimize damage and threats to public and private property. He said he feels like there is nothing upstream or downstream from these lots except golf course. He asked the Council to not to let the ordinance get in the way of a good product.

Tom McKay – Mr. McKay, representing the developer of 12 Oaks, addressed the Council saying that he is one of few people who have seen the property before and after the flood studies, and he suspects the floodplain actually lies somewhere in the middle of the two lines. He asked that the Council consider the original flood line.

He said the owner of the lot could live with the conditions that would go along with it if the council were to do so.

Mr. McKay pointed out that the Town's rules were written to avoid flooding of homes built where they should not be. He said this would not be the case with these lots. He said the builder bought the lot thinking that the far line was the actual line.

He added that the developer developed and sold the lots thinking the line was to the rear of the property. Now that it appears the line has changed, based on flood studies conducted after improvements, the only damage that could result downstream from flooding of the lot would be the developer, who owns the golf course.

Randy Smith, Wakefield Development – Mr. Smith addressed the Council in support of the builder/owner. He said his company is not asking for something that would jeopardize life or property. He said the Council has the ability to allow fill, and it would have no impact on anyone else.

Jason Galearno, lot owner – Mr. Galearno addressed the Council and said he would not be able to build the type of house that is designed for this area of the subdivision if he is restricted by the new floodplain line. He added that he agreed that no properties downstream would be adversely affected by fill's being placed in the floodplain on these two lots.

**Action:** The Council approved a motion to table action on this request until the June 17 meeting to give the petitioners time to present alternative lot layouts.

**Motion By:** Womble

**Second By:** Dickson

**Vote:** Unanimous

**Action:** The Council approved a motion to readmit Mayor Sears into the meeting.

**Motion By:** DeBenedetto

**Second By:** Dickson

**Vote:** Unanimous.

**12. Other Business:** Councilman Womble said that since the Council adopted a resolution earlier in the year following a split vote, he has

learned more about the I-540 project and the possibility of its being a toll road. He said he felt it would help as a much-needed evacuation route and now he supports the construction I-540, even if the only way to pay for it is by tolls.

Councilman Sack reiterated his earlier support for keeping the project from being tabled until 2032 due to lack of funding.

Councilman DeBenedetto said his position had not changed and he is still opposed to the use of tolls to fund the construction.

Councilman Dickson said he was still against the imposition of tolls to pay for the roadway.

**Action:** The Council approved a motion to rescind Resolution 08-04 dated Feb. 19, 2008 and replace it with Resolution 08-26 dated May 6, 2008 supporting the construction of the roadway, using tolls only as a last resort to avoid a delay in the construction and calling for the elimination of the tolls upon full payment of the project.

**Motion by:** Mayor Sears

**Second by:** Sack

**Vote:** The motion carried following a 3-2 vote. Councilmen Womble and Sack voted for the motion. Councilmen DeBenedetto and Dickson voted against. Mayor Sears broke the 2-2 tie by voting for the motion.

*A copy of Resolution 08-26 is incorporated into these minutes as an addendum page.*

**13. Manager's Report:** None.

**14. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss potential settlement amounts for pending property acquisition via potential condemnation proceedings against Graham Wood and owners involved in the Bass Lake Outfall project.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous

#### **General Account of Closed Session – May 6, 2008**

In Closed Session, the Town Council provided direction to the Town Attorney as to how to proceed, setting limits of compensation for property acquisitions for a traffic signal and temporary sidewalk at Cass Holt Road and Avent Ferry Road and along the Bass Lake Outfall. Action was taken to set specific settlement amount limits, and those minutes were sealed until the properties are acquired. The Council returned to Open Session.

**-- End General Account**

**15. Adjournment:** There being no further business for the evening, the May 6, 2008 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, July 1, 2008.

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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.**