



**August 3, 2010**

**MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, Aug. 3, 2010 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and all five council members were present as the meeting opened.

**Council Members Present:** Councilmen Jimmy Cobb, Parrish Womble, Chet VanFossen and Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

**Council Members Absent:** None.

**Staff Members Present:** Chuck Simmons, assistant town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Linda Harper, deputy town clerk; Drew Holland, finance director; Len Bradley, director of parks and recreation; Gina Clapp, director of planning and zoning; Jeff Jones, senior planner; Erika Phillips, human resources director; Jennifer Mizelle, economic development director; Daniel Weeks, project analysis; Mark Andrews, public information officer; and Stephanie Sudano, director of engineering.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Horace Forgason of Holly Springs Methodist Church.

**4. Agenda Adjustment:** The Aug. 3, 2010 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Cobb

**Vote:** Unanimous

**Items added to Agenda:** None.

**Items removed from Consent Agenda:** Item 8b., police station programming contract; and 8d., amendments to the personnel policy.

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

**Other changes:** None.

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

Most speakers recorded opposition to the potential for a local ordinance that would prohibit the use of recreational devices such as basketball, soccer and hockey goals in public streets. On July 20, a resident requested during Public Comment that the Council consider adoption of an ordinance to prohibit such devices to address what that resident feels is a safety issue for children and a driving hazard for motorists.

News reports that the Council had asked the town attorney to provide options for consideration sparked a lot of public concern. Most of the speakers echoed the same sentiments about their love of a community where children can play freely in residential streets, particularly on cul-de-sacs.

Speakers asked the Council, instead of adopting an ordinance, to allow parents to police

their children and if parents see a problem with children in streets that they address the problem with the parents of those children.

From some comments, it appeared that some believed the Council intended to prohibit outdoor recreation entirely. Some voiced frustration because they were not sure exactly what the Council would be considering.

Speakers going on record as being opposed to any possible ordinance that would not allow children to play in the streets were: Beth Nathison, Robert Goldsobel, Kim Peppers, Maureen Ptasinski, Ty Busbice, Crystal Allis, Ian Walorz, Bob Allis, Karen Brown, Ryan Hawkins, Lisa Needham, Barrie Baker and Rosanne Lissow.

Jessica Sulzen - Ms. Sulzen said she felt that if the Council is being told that recreational devices allowed in streets is a safety issue, she would like to see statistics that would bear this out, and she would like the Council to consider those statistics before adopting an ordinance.

Ms. Sulzen went on to say that she wanted to go on record as being opposed to the Council's increase of the mayor's salary compensation.

**6a. Farmers Market Week** – Mr. Jones said the week of Aug. 1 - 7 is National Farmers Market Week. The Holly Springs Farmers Market, now in its fourth season, has grown from eight vendors in 2007 to 20 vendors this year. The Farmers Market has been a catalyst for bringing locally-grown produce and products to the residents of Holly Springs and the surrounding area. In addition to the great produce and farm products available at the Market each week, the Market with its location downtown has become a destination that brings residents to the downtown each and every week.

He said this year, along with the proclamation for National Farmers Market Week, HSTV 11 has developed a 20-minute video about the Farmers Market that will begin running on HSTV 11 in the month of August.

Also, a new Farmers Market Coordinator has been hired. Suzanne Christiana began work on July 17 and will have both market hours and office hours Monday through Thursday. We were able to hire Suzanne because of the great support the market has seen for the sponsorship program that has brought in enough funds to cover the market expenses and a small salary for Suzanne, Mr. Jones said.

Ms. J. Powell introduced HSTV-11 interns Tom Babb and Chris Moffitt. The students then played a video trailer of their farmers market feature.

**Action:** None.

**6b. 2010 L.E.A.D. Academy** - Mr. Weeks said for the second year, the Holly Springs L.E.A.D Academy was a success. The Academy took place from April 14 to June 23. Participants learned about a wide range of governmental activities, both general in nature to the public sector and those specific to a Holly Springs government. Through hands-on exposure, the participants gained knowledge about our operations, policies, facilities and staff. Each department within the Town played a role, and many presented to the group at various locations around Holly Springs.

Mr. Weeks recognized the group and presented each participant with a certificate of graduation.

**Action:** None.

**7a. Board Dismissal Policies** – Mr. Mark Shank, a former Planning Board member addressed the Council to gain a better understanding of the Planning Board dismissal policies and to determine if the decision the Council made in January to remove him from the Planning Board was fair and justified.

Mr. Shank said he was shocked when he was notified that he had been removed from the Planning Board. At the time of his dismissal, Mr. Shank pointed out, he was not in violation of the attendance policy in place at that time which stated that a planning board member is

removed after three consecutive unexcused absences.

He said he had excused absences and did not think the Council should have removed him.

Councilman Sack said Mr. Shank was correct in noting that the policy was changed after he had been removed; however, Councilman Sack noted that the Council was faced with the situation that it had a member who was not able to fully commit to the duties expected of him, excused or not, and he was replaced. The policy was amended in April to reflect that sentiment of the Council so that it would be in the form of official policy.

Councilman Cobb added that he felt that excessive absences did not necessarily translate into literally three "consecutive" absences or "excused" or "unexcused." He said he felt absences of any kind and any amount were an indication a board member was not able to perform his or her duties.

Mr. Shank maintained that he did not think he should have been removed from the Planning Board and he alleged that the Council had political motivations.

**Action:** None.

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

8a. Minutes – The Council approved minutes of the Council's regular meeting held July 20, 2010.

8b. Police Station Programming Contract – This item was removed during agenda adjustment.

8c. Resolution 10-22 – The Council adopted Resolution 10-22 declaring certain personal property to be surplus. *A copy of Resolution 10-22 is incorporated into these minutes as an addendum page.*

8d. Personnel Policy - This item was removed during agenda adjustment.

8e. Methodist Church Parking Lot Change Order #6 - The Council received a report of construction contract Change Order No. 6 in the downtown Methodist Church parking lot project.

8f. WWTP Expansion Project Change Order #10 – The Council received a report of construction contract Change Order No. 10 in the wastewater treatment plant expansion project.

8g. Friendship Project – The Council approved a contract amendment to add to the scope of work in utility line design and platting for the Friendship site.

8h. Harris Lake Monitoring Contract Amendment – The Council approved a Harris Lake monitoring contract amendment in the amount of \$24,061 to continue monitoring for another year.

8i. Twelve Oaks Golf Course Project – The Council approved a major user agreement to allow 12 Oaks Golf Course to begin using reclaimed water for irrigation.

**8b. Police Station Programming Contract** – Councilman Womble said he had talked with Chief Herring and feels more assured that the consultant will make good recommendations. He said the town's public safety is his primary interest, and he wanted to make sure the company selected would provide adequate services.

**Action:** The Council approved a motion to enter into a contract for programming of a possible new police station.

**Motion by:** Sack

In discussion, Councilman VanFossen asked if there would be programming meetings. The Town Attorney said that the contract calls for three programming meetings.

**Second by:** Cobb

**Vote:** Unanimous.

**8d. Personnel Policy** – Councilman Womble asked if the hiring of relatives was a conflict of interest.

Mr. Simmons said changes in the policy were written to reflect what management has directed to be done in practice.

Ms. Phillips explained that the former policy allowed the hiring of relatives within separate departments. For the past few years, however, the practice has been that no relatives are hired. The fact that this was not written in policy has been a problem, Ms. Phillips said. That is why she prepared the amendment.

She said in small organizations, the hiring of relatives can be an issue when departments have to work together when in larger organizations that may not be the case. She said some problems that arise with the hiring of relatives includes pressure on supervisors and relatives watching out for each other.

Councilman Womble said he was not happy with the policy change.

**Action:** The Council approved a motion to approve modifications to the personnel policy as presented in agenda packets.

**Motion by:** VanFossen

**Second by:** Sack

**Vote:** The motion carried, following a 4-1 vote. Councilmen Cobb, VanFossen and Sack and Councilwoman Williams voted for the motion. Councilman Womble voted against.

**9a. Ballenridge Outfall Project** – Ms. Sudano said recently when the Town was conducting location work on the gravity sewer system, severe structural degradation and damage due to system gases was discovered along the Ballenridge outfall.

She said the discovery has precipitated an immediate need for repair and rehabilitation of this major outfall.

Ms. Sudano presented the Council with a proposal for engineering assistance to inspect, investigate, and prepare a repair/rehabilitation plan by Diehl and Phillips. The Public Works Department, Ms. Sudano said, would assist with the inspections using the Town's sewer camera and other equipment.

**Action:** The Council approved a motion to retain the firm of Diehl and Phillips in the amount of \$40,100 for preparation of a repair plan for the Ballenridge outfall.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**10. Other Business:** Councilman Sack reported that the traffic light at Bass Lake Road and Holly Springs Road is blocked by trees and bushes on Holly Springs Road.

Councilman Cobb asked if there were signs at Womble Park posting the park hours “during daylight hours.” He said residents would appreciate it.

**11. Manager’s Report:** Mr. Simmons had no report.

**12. Closed Session:** The Council entered in Closed Session, pursuant to N.C.G.S. 143-318.11(a)(4) to receive a report of economic development activities.

**Motion By:** VanFossen

**Second By:** Sack

**Vote:** Unanimous

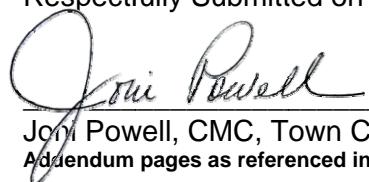
#### **General Account of Closed Session, Aug. 3, 2010**

In Closed Session, the Council received an update from Ms. Mizelle on businesses that have indicated an interest in locating in Holly Springs.

No action was taken in Closed Session, other than the motion to return to Open Session.

**13. Adjournment:** There being no further business for the evening, the Aug. 3, 2010 meeting of the Holly Springs Town Council was adjourned.

Respectfully Submitted on Tuesday, Sept. 7, 2010,



Joni Powell, CMC, Town Clerk

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

