



**March 17, 2015**

## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, March 17, 2015 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the mayor and four council members were present as the meeting opened.

**Council Members Present:** Mayor Sears, Councilmen James Cobb, Tim Sack and Hank Dickson and Councilwomen Linda Hunt-Williams and Cheri Lee.

**Council Members Absent:** None.

**Staff Members Present:** Charles Simmons, town manager; John Schifano, town attorney; Joni Powell, town clerk, (recording the minutes); Linda Harper, deputy town clerk; Daniel Weeks, senior projects manager; Jeff Wilson, information technology director; Len Bradley, parks and recreation director; Adam Huffman, assistant parks and recreation director; Gina Clapp, planning and zoning director; Leroy Smith, fire chief; Aaron Levitt, senior engineer; Tamara Ward, communications specialist and Mark Andrews, public information officer.

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

**4. Agenda Adjustment:** The March 17, 2015 meeting agenda was adopted with changes, if any, as listed below.

**Motion by:** Sack

**Second by:** Dickson

**Vote:** Unanimous

**Items added to Consent Agenda:** None.

**Items added to Agenda:** None.

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

**Other changes:** None.

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

Dorothy Leslie – 101 W. Maple Ave. – Ms. Leslie addressed the Council to explain that she has heard that residents have been talking to the Council and in social media, claiming that she mistreats her dog. She said she takes good care of her dog. He has shelter, food, fresh water every day and is contained in her yard. There have been residents who have driven by and seen her dog tethered, but she said the dog is on a dog-friendly cable that is long enough to let him walk around but short enough so he doesn't get tangled. She said she loves her dog and he gets exercise every day.

She said she heard residents recently appeared before Council to complain. She asked for people to leave her alone and let her take care of her dog. She was upset that people would think she was mistreating her dog and she said they don't know her and should leave her alone and stop talking about her that way.

**6a. Public Hearing: FY 2015-16 Budget** – Mr. Simmons said the citizens have been invited to provide input as to what they feel are important programs, facilities or services.

He said the purpose of this pre-budget preparation hearing is to give folks a chance to have input before the budget process actually begins instead of having to wait until the end of the process when it may not be feasible to make adjustments.

This hearing is being held in addition to – and not instead of – the public hearing that is required by law later in the budget process. That hearing will be held in May or June.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded:

Peter Villadsen, 213 Crissmill Lane – Mr. Villadsen asked the Council to dedicate resources to creating a citizens committee on traffic. He said the committee could alert Town officials to traffic hot spots and become educated about what the Town can and cannot do and help share that information with the community. He also asked if the Town could codify the Unified Development Ordinance in such a way that it would be enforceable. In example, he read from the section on trees that went on at length about how valued trees are to the community but developers are allowed to clear-cut property to build subdivisions.

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

**Action:** None.

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

7a. Minutes – The Council approved minutes of the Council's meetings held in February, 2015

7b. Optic Fiber Ordinance 15-03 – The Council adopted Ordinance 15-03 amending Chapter 16 of the Holly Springs Town Code. *A copy of Ordinance 15-03 is attached to these minutes.*

7c. Budget Amendment, Middle Creek Force Main Project -- The Council adopted an amendment to the FY 2014-15 budget for land acquisition costs in the Middle Creek force main project. *A copy of budget amendment is attached to these minutes.*

7d. North Main Athletic Complex Change Orders - The Council approved construction contract change orders in the North Main Athletic Complex project.

7e. Budget Amendment Report – The Council received monthly report of amendments to the FY 2014-15 budget approved by the town manager. *A copy of the budget amendment report is attached to these minutes.*

7f. Budget Amendment, \$359,161 - The Council adopted an amendment to the FY 2014-15 budget in the amount of \$359,161 to make funds available for debt payment. *A copy of the budget amendment is attached to these minutes.*

7g. Resolution 15-13 – The Council adopted Resolution 15-13 declaring certain personal property surplus to the needs of the town. *A copy of Resolution 15-13 is attached to these minutes.*

**8a. Golf Cart Ordinance** - Mr. Schifano said that North Carolina law prohibits the operation of unlicensed motorized vehicles (including golf carts) on public roads. There is a recent change to allow for local regulation by ordinance to allow golf carts on town-maintained roads. The attached new ordinance would allow those owners of golf carts to register them with the town and be allowed to operate them on town roads where the posted speed limit is 25 miles per hour or less. These roads would be primarily neighborhood roads. Only those licensed drivers 18 years of old or older would be allowed to operate golf carts on the roads and public vehicular areas. The police department would be responsible for the annual registration process, he said..

Councilman Cobb asked if the seatbelt requirements in other towns had caused pushback from citizens. Chief Herring said it did not come up in conversations.

Councilman Cobb asked if there should be an exception in the ordinance for golf carts involved in a golf game since not all golf carts will be intended for regular street use but may be used in a shotgun start for a golf tournament, for instance.

Mr. Schifano said an exception in the ordinance would not be necessary since it might be abused. He said police officers could use discretion in individual cases.

In discussion, Council consensus was that the ordinance should be effective July 1 following an education period for citizens, and the fee should be \$50.

**Action:** The Council approved a motion to adopt Ordinance 15-02 amending the town code to add a new Division 7 to Chapter 12, Article VII to include a \$50 registration fee, effective July 1, 2015.

**Motion by:** Dickson

**Second by:** Cobb

**Vote:** Unanimous.

*A copy of Ordinance 15-02 is attached to these minutes.*

**8b. 2015 Street Improvement Project** - Mr. Levitt said the 2015 street improvement project was sent out for bid with bids received and opened on March 11, 2015. The low bidder will be announced at the Council meeting. Staff will recommend awarding the contract. All work will be completed by June 30, 2015. Prior approval was given on the street listing for this contract. The certified bid sheet will be provided to Council at the meeting for reference.

**Action:** The Council approved a motion to award paving contract to Barnhill Contracting Company and adopt a \$1,512,928 amendment to the FY 2014-15 budget to cover the cost of the 2015 street improvement project.

**Motion by:** Cobb

**Second by:** Dickson

**Vote:** Unanimous.

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

**9. Other Business:** None other requiring Council action.

**10. Manager's Report:** Mr. Simmons asked the Council to consider an additional agenda item.

Mr. Bradley addressed the Council to explain that the original bid for the North Main Athletic Complex had an alternate for a second set of restrooms. With the apparent grant award from Wake County hotel/motel tax funds, there is the opportunity to add that second restroom building through a change order for \$379,000. Mr. Bradley asked the Council for approval to borrow the funds from the General Fund Fund Balance and pay it back after the grant is received.

**Action:** The Council approved a motion to approve a construction contract change order for \$379,000 to add a second set of restrooms for North Main Athletic Complex Phase 2 project with funding to be covered by a budget amendment

**Motion by:** Sack

**Second by:** Dickson

**Vote:** Unanimous

None other requiring Council action.

**11. Closed Session:** The Council approved a motion to enter Closed Session, pursuant to North Carolina General Statute 143-318.11(a)(3) to discuss with the town attorney a contract matter regarding construction in the North Main Athletic Complex Phase 1 project.

**Motion by:** Sack

**Second by:** Cobb

**Vote:** Unanimous

**General Account of Closed Session – March 17, 2015.**

In general, Council received an update from the town attorney on two mounds of dirt that were created by the contractor on the worksite. One of the mounds is on top of what is called for in

the plan to be tennis courts. The other mound of dirt does not effect construction, but would be unsightly as the center opens in May.

The rub is that the contractor wants to charge the Town extra for moving the dirt and the Town's position is that the contract calls for Phase 1 to be completed according to plans, which do not depict two huge mounds of dirt. The Town's position is that the moving of the dirt should be covered in the contract price.

The contractor, however, is attempting to charge the Town extra to the tune of \$750,000.

The Council discussed available options for solving the problem.

The Council then approved a motion to return to open session.

**-- End of General Account**

**12. Adjournment:** There being no further business for the evening, the March 17, 2015 meeting of the Holly Springs Town Council was adjourned.

day, April 21, 2015.



These minutes follow and are a part of the official record.

