



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, April 20, 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, Tim Sack and Councilwoman Linda Hunt Williams and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; 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; Josh Olmeda, IT technician; Mark Andrews, public information officer; Stephanie Sudano, director of engineering; Jenny Mizelle, director of economic development; Cecil Parker, fire chief; Daniel Weeks, project analyst; Sabrina Thompson, Bass Lake Park manager; 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 20, 2010 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Sack

Second By: VanFossen

Vote: Unanimous

Items added to Agenda: None.

Items removed from Consent Agenda for discussion: None.

Items removed from the agenda: None.

Other changes: None.

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

George Mizer, 421 Cottonwood Lane – Mr. Mizer addressed the Council to ask why take-home town vehicles are so routine. He noted that an assistant fire chief wrecked his vehicle on his way home from work recently, and the vehicle was totaled by the insurance company. Mr. Mizer said the Town of Apex has done away with take-home vehicles and he said that Apex has realized a savings of \$16,000 per month. He said he understood and agreed with the home fleet policy when the town was smaller because it served a purpose. Now, he said, he feels the home fleet is no longer a “need” but a “want” of the Town.

Rose DeBuysscher, 6004 Misty Ridge Road – Ms. DeBuysscher addressed the Council members to ask that they reconsider their individual positions on the issue of an animal control

ordinance amendment that would allow backyard hens.

She said she supported her neighbors who wanted to raise backyard hens.

She said that backyard hens should be allowed in limited numbers in residential zones.

6a. Tick-Borne Diseases Awareness Month Proclamation – Mayor Sears presented a proclamation designating May as Tick-Borne Diseases Awareness Month and warning residents to take precautions against tick bites to prevent contracting the diseases ticks can carry.

Action: None.

6b. Helping Hands and Linking Arms Day Proclamation – Mayor Sears presented a proclamation declaring Saturday, April 24, 2010 Helping Hands and Linking Arms Day. The day is a day of service that is observed in 10 southern states and surrounding areas in Texas, Indiana, Illinois and Virginia.

He explained this 2nd annual Day of Service provides thousands of volunteers in community organizations, faith-based groups and local government agencies the opportunity to link arms and lend a helping hand to those in need.

Mayor Sears presented the proclamation to representatives of the Church of Jesus Christ of Latter Day Saints since LDS congregations are partnering with city, county, business, humanitarian and faith-based organizations to donate thousands of hours of volunteer service to help heal America from the economic trials faced by so many.

Action: None.

7a. Public Hearing: Ordinance 10-04, UDO Amendment – Mr. Jones said that internet gaming is a business where someone buys “internet time” in order to play / win sweepstakes prizes including cash pay-outs. At least two trial court judges have held that this is not gambling in North Carolina, because the gaming that is taking place is akin to a sweepstake game that one might play at McDonalds or other businesses of the like.

He said these recent rulings have held also that “internet gaming” is not a game of chance but a game of odds. As in, you have a 1 in 100 chance to win \$5 and that the player has knowledge of the odds system and that playing more doesn’t improve the chances in winning.

Across the state where these businesses operate, these businesses have the appearance of a gambling operation and act very much like video poker and video slots. Their hours of operation are up to 24 hours a day, and the amount of traffic and increased policing needs are why staff feels that regulations need to be put into place.

Mr. Jones reported that the Planning Board had reviewed the draft ordinance. He said the Planning Board voted 5-3 to recommend approval of the draft ordinance.

He said it was his impression that those who voted against the motion to recommend approval were of the mind that they did not want to support a law that might prohibit traditional non-gambling computer cafes.

With that explanation completed, Mayor Sears opened the public hearing. The following input was recorded: None.

There being no comments, the public hearing was closed.

In discussion, the Council agreed that the ordinance should define “internet café” and “internet sweepstakes café.”

Councilman Sack said he would be in favor of limiting internet sweepstakes cafes only in the General Industrial district as a Special Exception Use, but not in both GI and General Business.

Action #1: The Council approved to accept the following statements as true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Comprehensive Plan Policies for Community Character. The proposed UDO Amendment allows for regulations of uncommon uses that by their very nature are not consistent with the Community Character of*

the Town of Holly Springs.”

Motion By: Sack

Second By: Cobb

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 10-04 to approve and enact UDO Text Amendment #10-UDO-01 to add UDO Section 8.04 Special Regulations for Electronic Gaming Operations, amended to allow them only in General Industrial as a Special Exception Use.

Motion By: Sack

Second By: Womble

Vote: Unanimous

A copy of Ordinance 10-04, as amended, is incorporated into these minutes as addendum pages.

7b. Public Hearing: Ordinance 10-05, UDO Amendment – Ms. Clapp said that the Planning Board and Board of Adjustment are citizen boards appointed by the Town Council and who are responsible to the Town Council for their performance. Therefore, Sections 9.02 Planning Board and 9.03 Board of Adjustment of the Unified Development Ordinance (UDO) are written for the Town Council in its administration of these boards.

Ms. Clapp said staff was directed by the Town Council at the winter retreat to prepare amendments to the UDO to clarify the Council’s expectations regarding the attendance requirements for members of these boards.

Currently, “unexcused absences” are informally defined as meaning an absence by a member who provides no notification to the Department of Planning & Zoning prior to the meeting. Council input at the retreat was, however, that absences should not be designated as “unexcused” or “excused.”

A secondary amendment is being proposed to eliminate Section 9.02, F. Annual Report from the Planning Board as such report has not been completed and is not necessary as the Planning Board does not have any final action authority or financial responsibilities necessitating an Annual Report to the Town Council.

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.

In discussion, Council concurred that it does not want to impose punitive measures, but it does want to stress that the Town has a lot of citizens who want to participate. Attendance is important, members said.

Action #1: The Council approved a motion to accept the following statement as true: *“The requested UDO Text Amendment is consistent with the Vision Holly Springs Executive Summary regarding the goals of adopting and implementing the plan.”*

Motion By: VanFossen

Second By: Sack

Vote: Unanimous

Action #2: The Council approved a motion to adopt Ordinance 10-05 to approve and enact UDO Text Amendment #10-UDO-02 to modify the text of UDO Section 9.02 Planning Board and 9.03 Board of Adjustment.

Motion By: VanFossen

Second By: Womble

Vote: Unanimous

A copy of Ordinance 10-05 is incorporated into these minutes as addendum pages.

8a. Holly Springs Farmers Market – Mr. Jones said as the 2010 season of the Farmers Market approaches with the opening date of May 1, 2010, Department of Planning & Zoning staff would like to give Town Council an update on the upcoming season and share all the events planned.

He said the Farmers Market started in 2007 as a way to promote the Village District and to promote locally-grown produce and products. The Farmers Market limits sellers participating in the Market to a 50-mile zone from Holly Springs. This way, we are assured that the produce and products are locally-grown and not brought in from elsewhere in the state or country.

This year, the Farmers Market is being run by the entire staff of the Department of Planning and Zoning with each person in the department's doing his or her part of making the Farmers Market the best that it can be. As part of the Market, staff has made a big push in securing corporate sponsors this year, and with these sponsorships we will be able to plan bigger and better events at the Market and cover the expenses of the Market.

He said the Farmers Market has a corporate sponsor for the first time - The Go Team, a local handyman/builder. Other sponsors on board as of this writing are Capital Bank, Crescent State Bank, Gillooly & Associates Realty, Curves, and Cumbee Appraisals with additional sponsors to come.

The goal of the Market this year is to promote and obtain more produce and food vendors for the 2010 season. It is our thought that this market can become a great place for the residents of Holly Springs to come and buy locally-grown farm products and to truly make the Market a focal point of the community, Mr. Jones said.

Action: None.

8b. Town Council Elections/Representation Structure – Mr. Ken Martin, 5244 Lake Edge Drive, addressed the Council saying electoral districts are on the minds of a lot of people in Holly Springs. He requested that the electoral membership of the Council be changed to represent districts or wards. This has been a topic of discussion among the Council, including for a time at the winter retreat.

At the retreat, the consensus of the Council was that dividing voters into groups would have a negative effect on the community since now all residents – whether registered to vote or not – can call upon any of five elected officials for representation; however, districts would limit their representation on the Council to only one member.

Mr. Martin said there are those in the community who disagree and would feel better represented by a single member of the Council with whom they identify.

Councilman Sack said he was offended by the allegation that the Council represents only Sunset Ridge residents, and he said it was not true. He added that districts would be a disservice to the minority community because they can vote in a block to support a candidate of their choice, but districts would split them up.

Right now, he stressed, the five individuals on the Council all represent every citizen in town, regardless of where they live.

Mr. Ralph Joyner, 117 E. Hickory Ave. – Mr. Joyner addressed the Council saying he thought districts would work best for some people. He said, looking at the board, he does not see the representation. Despite what Council members say, he said, he does not feel he is represented by anyone on the Council besides Councilman Womble.

He asked, when Councilman Womble retires his seat, what assurance would his community have that it would be able to elect someone to represent them.

He said he feels it will be difficult for a minority to be elected without districts. He said he feels his community is neglected.

Councilman Sack said he feels the disconnect is communication. He said he would urge residents who feel under-represented to approach Council members.

Rev. Otis Byrd – Rev. Byrd addressed the Council to explain that he, too, supports the concept of districting. He said he agreed that some of the arguments against have merit, but he

comes back to the thought that a minority candidate is going to feel like he or she can get elected from neighborhoods in which they live. He said that some people in town will talk to elected officials with whom they feel comfortable and feel they are supported.

He said he doesn't feel that districting would preclude Council members from hearing from and representing all districts. He said his comments were not just for minority citizens, but for all segments of town.

Mr. Martin asked the Council to direct staff to research what would be involved in changing the Town's electoral style and to report back to the Council.

Instead, Mayor Sears said he would gather input from the Council and other agencies and write a position paper, and he would get back with citizens on the matter in roughly 30 days.

Action: Mayor Sears said he would provide a position paper on the issue in approximately a month.

9. 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 Councilwoman Williams and a unanimous vote. The following actions were affected:

9a. Minutes – The Council approved minutes of the Council's regular meetings held on March 16, and April 6, 2010.

9b. Budget Amendments Report - The Council received a monthly report of amendments to the FY 2009-10 budget approved by the town manager. *A copy of the budget amendment report is incorporated into these minutes as addendum pages.*

9c. Quarterly Financial Report – The Council received its quarterly financial report. *A copy of the quarterly financial report is incorporated into these minutes as addendum pages.*

9d. Ralph Stephens Loop Road Survey Contract– The Council approved to enter a surveying contract for the extension of Ralph Stephens Loop Road.

9e. Ordinance 10-06- The Council adopted Ordinance 10-06, a concurrence ordinance with the North Carolina Department of Transportation, establishing a 25 mph speed limit on a portion of Main Street through downtown. *A copy of Ordinance 10-06 is incorporated into these minutes as addendum pages.*

9f. Budget Amendment, \$500 – The Council adopted an amendment to the FY 2009-10 budget in the amount of \$500 to receive insurance proceeds to repair a police department vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9g. Budget Amendment, \$32,275 -- The Council adopted an amendment to the FY 2009-10 budget in the amount of \$32,275 to receive insurance proceeds to replace a fire department vehicle. *A copy of the budget amendment is incorporated into these minutes as an addendum page.*

9h. Budget Amendment \$64,000 – The Council adopted an amendment to the FY 2009-10 budget in the amount of \$64,000 to fund the Harris Lake discharge environmental assessment. *A copy of the budget amendment is incorporated into these minutes as addendum pages.*

10a. Bass Lake Park Rental Rates and Policy Amendment – Ms. Thompson addressed the Council saying that the Parks and Recreation Department requests consideration of rental rate and policy amendments so that the rental of facilities at Bass Lake Park would be more in line with similar facilities in the area and there would be established more clear deadlines for the serving of alcohol and when rentals are over.

The changes denoted in red text below are requested, she said.

Alcoholic Beverages

Existing:

An off-duty Holly Springs Public Safety Officer must be hired at the rate of \$30 per hour to be present during your entire rental. The Officer must be paid upon arrival. It is your responsibility to contact Public Safety directly to schedule staffing. The contact number is (919) 552-7110.

Change to and add:

An off-duty Holly Springs Public Safety Officer must be hired at the rate of \$30 per hour to be present from the start of serving alcohol until the end of your rental. The Officer must be paid upon arrival. It is your responsibility to contact Public Safety directly to schedule staffing. The contact number is (919) 552-7110. Serving of alcohol will stop one hour prior to the end of rental.

No Alcohol may be served after 10 p.m.

(Justification: Establish a deadline to stop serving alcohol to assure that the room can be cleaned and vacated on time.)

General

Existing: (Bullet 5)

Rental times may begin any time after 8 a.m. and end any time before 12 midnight. (With the exception of Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Day when the park is closed for the holiday.) All rentals must allow set up and tear down/clean up time within the rental hours. There is no early or late access to the facility.

Change to and Add:

Rental times may begin any time after 8 a.m. and end any time before 12 midnight (with the exception of Thanksgiving Day, Christmas Eve, Christmas Day, and New Year's Day when the park is closed for the holiday.) All rentals must allow set-up and tear-down / clean-up time within the rental hours.

You may not arrive prior to the start of your rental, and you must vacate the facility prior to the end of your rental. In the event that you do not adhere to contracted rental times, you will forfeit all of your deposits.

(Justification: Establish and make part of the contract to assure that renters know they are subject to additional fees if the contracted rental times are not observed.)

Rental Rates: (Changes or additions in red)

Note: R = Residents and NR = Non-Residents

Rate:	Present:	Change to:
Room Damage Deposit	\$100	\$300
Alcohol Deposit	\$100	\$300
Security Officer must remain on-site until the end of your rental		
Hourly Room Rate	\$62 R / \$75 NR	Same
Hourly Deck Rate	\$25 R / \$30 NR	Same
Business Package Deposit	None	\$100
Business Package (8 a.m. to 5 p.m.)	\$150 R / \$180 NR	\$175 R / \$210 NR
In order to be eligible for a Business Package, you must be a licensed business. Licensed businesses located within the Holly Springs Town limits are eligible for the Resident Business Package. Individuals are not eligible for the Business Package rate.		
Wedding Package	\$1,000 R / \$1,200 NR	\$1,500 R / \$1,800 NR
Deposits and Afterhours Staffing REQUIRED, if applicable		
After-Hours Staffing (Starts at Park close and is per hour. If group wants facility from 7 to 10 p.m., and park closes at 5 p.m., rental begins at 5 p.m.)	\$20 R / \$24 NR	\$25 R / \$30 NR
Holly Springs Public Safety Officer – REQUIRED if alcohol served <i>(Separate payment made directly to Officer upon arrival. 919-552-7110)</i> (Renter's Responsibility) Officer must remain on-site until the end of your rental.		

Justification: Currently charges are slightly more than ¼ of what the hourly rate charge would be for the Business Package Rental. Business Package Rental is per day, 8 a.m. to 5 p.m. Monday through Friday only. Currently, charges are slightly higher than 1/3 of what the hourly rate charge would be for the Wedding Package Rental. Wedding Package Rental is 12 noon to 12 midnight on Friday, 8 a.m. to 12 midnight on Saturday, and 8 a.m. to 12 noon on Sunday. Additional After-hours fees still apply. These rate changes will bring us more in line with comparable facilities in the area. Increasing deposits will allow the recovery of the cost for damages/extra hours/after-hours in the event it is necessary to recover these charges.)

Boat Rentals:

Note: R = Residents and NR = Non-Residents

Rate:	Present:	Change to:
Canoe	\$4 / hour	\$5 / hour
Boat without motor	\$3 / hour	\$5 / hour
Boat with motor	\$8 / hour	\$10 / hour
Canoe half-day (4 hours)	None	\$15 / half day (4 hrs.)
Canoe all day (8 hours)	None	\$30 / day (8 hrs.)
Boat without motor half-day (4 hours)	None	\$15 / half day (4 hrs.)
Boat without motor all day (8 hours)	None	\$30 / day (8 hrs.)
Boat with motor half-day (4 hours)	None	\$25 / half day (4 hrs.)
Boat with motor all day (8 hours)	None	\$50 / day (8 hrs.)

Justification: To bring rental charges more in line with what other municipalities and Wake County Parks charge for boat and canoe rental, increases are necessary. Current charges by other facilities are as follows: Boat w/o motor \$4-5/hr. Boat w/motor \$10-14/hr. Canoe \$5-7/hr.)

Councilman VanFossen said he felt the rates should be increased if the Town needs the increase in order to cover expenses, but if the Town is covering it costs then he would not be in favor of increasing rates.

Councilwoman Williams agreed.

Councilman Womble asked if the Town is covering its costs.

Ms. Thompson said rental rate increases would help to not only cover costs but pay for new program and the expansion of existing ones. She said the department is particularly interested in the policy changes that would address the serving of alcohol and when it is to cease.

Action: The Council approved a motion to table a decision until budget preparation time.

Motion By: Womble

Second By: Cobb

Vote: Unanimous.

10b. Emergency Medical Services - Mr. Dean explained that he has discussed Council concerns with Wake County Manager David Cooke, particularly as to the Council’s request that Holly Springs be designated as a key station for Emergency Medical Services. According to Mr. Cooke, Holly Springs would not be guaranteed designation as a key station, but would be considered only as part of the Peer Review Process and would be evaluated on a regular basis by determining the number of calls for service.

Further, even if the Town of Holly Springs were to maintain the EMS service under the Town as we currently do, our ambulance could still be assigned to a station outside of Town, based on service needs, Mr. Dean said.

He said under the County-Operated Option₁, recurring annual revenue will be \$6,000 following Year #1 with no significant budgeted expenditures. This revenue stream is projected to be stable and predictable, since it is derived from fixed monthly utility reimbursements.

In comparison, the Town-Operated Option₁ retains the current revenue stream and estimated expenses as described in a Council hand-out. He said the net difference in cost between the County-operated option and the Town-operated option is roughly \$208,000 in the first year and an estimated \$48,000 in the second year based upon present policies and information. It should also be noted that we will lose approximately \$200,000 in revenue no matter which option is selected, Mr. Dean said.

In closing, based upon the contract language, communications with the County Manager and our budget projections we have made the following determinations, Mr. Dean said:

- Under either scenario the County will ultimately control where ambulances are based and there are no safeguards or commitments by the County to guarantee that Holly Springs will always be a base for a rescue unit.
- County policies dictate how ambulances are dispatched and under both scenarios the level of service for citizens would essentially be the same.
- The Town-operated option is anticipated to be the more costly alternative, when compared to the County-operated alternative which actually yields a limited positive revenue stream.

After much discussion, the Council was split between keeping EMS as much of a Town-provided service as possible and having the County assume the service, its revenue and responsibility.

Action: The Council approved a motion to enter an agreement with Wake County for the provision of emergency medical services.

Motion By: Sack

Second By: VanFossen

Vote: The motion carried following a 3 to 2 vote. Councilmen Cobb, VanFossen and Sack voted for the motion. Councilman Womble and Councilwoman Williams voted against.

A copy of the EMS contract is incorporated into these minutes as addendum pages.

11. Other Business: Councilman Womble asked if Main Street crosswalk signs in middle of street could be installed like the ones in the Varina section of Fuquay-Varina.

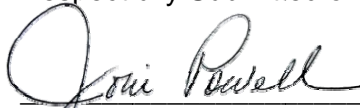
Councilman Sack reported on the Certificate of Need for operating rooms for Wake County. He said representatives of Holly Springs spoke in support of Rex Healthcare's application.

12. Manager's Report: Mr. Dean advised the Council on the legislative agenda for the North Carolina League of Municipalities; that Green Oaks Parkway is open; that on April 27 the Chamber of Commerce is sponsoring a State of the Town and County meeting; and that the second Citizens LEAD Academy has begun.

13. Closed Session: None.

14. Adjournment: There being no further business for the evening, the April 20, 2010 meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Womble, a second by Councilman Sack and a unanimous vote.

Respectfully Submitted on Tuesday, May 18, 2010,



Joni Powell, CMC, Town Clerk

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

