



## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, July 7, 2009, 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 five council members were present as the meeting opened.

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

**Council Members Absent:** None.

**Staff Members Present:** Carl Dean, town manager; John Schifano, town attorney; Joni Powell, town clerk (recording the minutes); Chuck Simmons, assistant town manager; Linda Harper, deputy town clerk; Gina Clapp, director of planning and zoning; Kendra Parrish, senior engineer; John Herring, police chief; Drew Holland, finance officer; Daniel Weeks, project analyst; Mark Andrews, public information officer; and Michelle D'Antoni, publications specialist.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Bishop Mark Savoldi of Church of Jesus Christ of Latter Day Saints..

**4. Agenda Adjustment:** The July 7, 2009 meeting agenda was adopted with changes, if any, as listed below.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

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

**Items Removed from the Agenda:** Item 7a., a request from Devil's Ridge Golf Club.

**Consent Agenda Items Moved to New Business:** Item 9b., building inspections in Lillington.

**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: None

**6a. Holly Springs Citizens L.E.A. D. Academy Graduation** – Mr. Weeks said the Holly Springs L.E.A.D. Academy has just completed its four-month inaugural program in which participants learned about all aspects of local government. Topics covered in this inaugural academy ranged from budget formulation to wastewater treatment plant expansions to demonstrations of equipment used to ensure public safety.

Mr. Weeks said the goals of the program are in the L.E.A.D. acronym:

**Learn** – for participants to **learn** as much as they can about their local government

**Educate** – for graduates to **educate** their fellow residents on topics about which they have learned

**Awareness** – for the graduates to become more **aware** of community issues; and

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Direction – for graduates to utilize the knowledge they gain and provide direction for the town

Mr. Weeks presented diplomas to the graduating group that included Brian Adornetto, Mary Babbitt, Tracey L. Goodwin, Scoop Green, Debbie Whitaker Mann, Will Quick, Marco R. Ramirez, Janet A. Swank and Linda Hunt Williams.

**Action:** None.

**7a. Devil’s Ridge Golf Club** – This item was removed during agenda adjustment.

**Action:** At this time, the Council approved a motion to recuse Councilman VanFossen from the meeting due to his professional association as architect with topic applicants.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

**8a. Public Hearing: Downtown Development Incentives for Leslie-Alford-Mims House** –

Ms. Clapp said the Town is in negotiations with Mr. Brian Barber, owner of the Leslie-Alford-Mims House, regarding Downtown Development Incentives. The Public Hearing for the proposed DDI Agreement was advertised for the July 7 meeting; however, Mr. Barber is out of town and unable to attend.

She said staff suggests that the Town Council not consider an agreement with Mr. Barber until he is able to attend and present his request.

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

**Action:** The Council approved a motion to continue the public hearing on the proposed Leslie-Alford-Mims House Downtown Development Incentives agreement to resume on July 21, 2009.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous.

**8b. Public Hearing: Ordinance 09-12 (09-UDO-03) Amendment** – Ms. Clapp said that this amendment was developed in association with the Mims House renovations special exception use request that appears later on this agenda. She said at the June 16 Council meeting the applicant asked the Council to open and continue the public hearing to resume on July 7, 2009. She said the applicant is now requesting the Council continue the public hearing to resume on July 21, 2009.

With that explanation completed, Mayor Sears opened the public hearing to accept input. None was offered.

**Action:** The Council approved a motion to continue the public hearing on Ordinance #09-12, UDO Amendment #09-UDO-03 to resume on July 21, 2009.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous.

**8c. Public Hearing: Special Exception Use Petition, 09-SEU-03, Mims and Wright House Renovations** – Ms. Clapp said the applicants has requested a UDO amendment, Special Exception Use and also a Downtown Development Incentive (DDI) request.

She said due to applicant delays, the DDI request was not able to move forward with

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necessary legal advertisement requirements; therefore, staff is requesting that this agenda item, 09-SEU-03, be tabled until the July 21, 2007 Town Council meeting so that the DDI final determination can be in place prior to the special exception use plans' being considered for approval.

With that explanation completed, Mayor Sears opened the public hearing to accept sworn testimony. None was offered.

**Action:** The Council approved a motion to continue the public hearing on Special Exception Use Petition, 09-SEU-03, Mims and Wright House Renovations to resume on July 21, 2009.

**Motion By:** Womble

**Second By:** Sack

**Vote:** Unanimous.

**Action:** The Council approved a motion to readmit Councilman VanFossen into the meeting.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

**9. Consent Agenda:** The Council approved all items on the Consent Agenda following a motion by Councilman Dickson a second by Councilman VanFossen and a unanimous vote. The following actions were affected:

**9a. Minutes** - The Council approved minutes of the Council's regular meeting held on March 3, 2009.

**9b. Lillington Building Inspection Service Interlocal Agreement** – This item was removed from the Consent Agenda for discussion during agenda adjustment.

**9c. Resolution 09-24** – The Council adopted Resolution 09-24 directing the town clerk to investigate the sufficiency of annexation petition A08-04 and setting a public hearing on the question of annexation for Tuesday, July 21, 2009. *A copy of Resolution 09-24 is incorporated into these minutes as an addendum page.*

**9d. Water Reclamation Facility Expansion Change Order #6** - The Council approved contract Change Order #6 extending the construction contract completion date on the Water Reclamation Facility Expansion. *A copy of Change Order #6 is incorporated into these minutes as addendum pages.*

**9e. FY 2009-10 Audit Contract** – The Council entered into a contract with Christopher K. Abbot, CPA, P.A. in an amount not to exceed \$26,527 for auditing of the town's FY 2008-09 finances. *A copy of the audit contract is incorporated into these minutes as addendum pages.*

**9f. Methodist Church Parking Lot** – The Council endorsed design of the Methodist Church parking lot project.

**9g. Parks and Recreation Advisory Committee Appointment**– The Council appointed Peter Koutroumpis to fill a vacancy on the Parks and Recreation Advisory Committee.

**9b. Lillington Building Inspection Service Agreement** – Councilman DeBenedetto asked how many inspectors of the Town are involved in the contract. Mr. Dean said it was less than one, as it represented about 40 percent of one person.

Councilman DeBenedetto asked if that means the Town has a surplus of inspectors that it can farm them out to other municipalities.

Mr. Dean said no because the timing works out because the work load in Holly Springs has lightened, but will probably pick up very soon because of non-residential projects that have brought in plans. He said those projects should be starting construction within a few months; in the meantime, this contract would provide a means for keeping hours filled out in the

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department.

**Action:** The Council approved a motion to enter into a modified interlocal agreement with the Town of Lillington to provide Lillington with building inspections services at a rate of \$31,500.

**Motion By:** Sack

**Second By:** Womble

**Vote:** Unanimous

*A copy of the interlocal agreement is incorporated into these minutes as addendum pages.*

**10a. Ethic Policy Amendment** – Councilman Dickson said the Mayor and Councilmen, through their service to the town, are often members of civic, political, religious and social clubs and organizations. There have been instances, he said, when Council members have voted to allocate funds to organizations in which they hold membership (ie Holly Springs Chamber of Commerce, Rotary International, Kiwanis and the Golden Hawks Club.)

Councilman Dickson said that in the spirit of full disclosure and transparency, it is appropriate that the mayor and council members list all the civic, religious, political and social organization and club memberships on their annual ethics disclosure form. In addition, they should also verbally disclose their membership when public council deliberations involve any of their listed organization affiliations.

In discussion, Councilman DeBenedetto asked if the suggested amendment could be changed to read that instead of on the disclosure on the form that prior to action verbal disclosure. He said he was bothered by religious and political affiliations being included.

Councilman Dickson clarified that he meant religious clubs like Knights of Columbus, etc.

Mr. Schifano was consulted, and he responded that it might be problematic for the Town to require disclosure of religious or political affiliations from a Constitutional rights standpoint.

**Action:** The Council approved a motion to amend Policy Statement PS-021.2, Code of Ethics and Conduct for Town Officials, to add in Disclosure Required, Section A., “3) the names of all social and civic clubs in Wake County in which the Council member has membership.”

**Motion By:** Dickson

**Second By:** Sack

Councilman DeBenedetto offered an amendment to the motion that it be changed to require only verbal disclosure in public meetings.

The motion on the amendment failed following a 2-3 vote. Councilmen DeBenedetto and Womble voted for the amendment. Councilmen VanFossen, Sack and Dickson voted against.

**Vote:** The vote on the original motion carried following a 4-1 vote. Councilmen DeBenedetto, Womble, Sack and Dickson voted for the motion. Councilman VanFossen voted against.

*A copy of Policy Statement P-21.2, Code of Ethics and Conduct for Town Officials as amended, is incorporated into these minutes as addendum pages.*

At this time, Councilman VanFossen said he wanted to clarify that he voted against the motion because he feels he lives by a code of ethics and does not need a written policy to govern his behavior.

**10b. Main Street Enhancement Project** - Ms. Parrish said the engineering department completed an in-house design for the Main Street Enhancement project. The limits of the project are along Main Street from Center to Raleigh Street. She said the scope of work included is decorative sidewalk, underground utilities, decorative street and pedestrian lighting, benches, trash receptacles, bike racks, cross walks, tree grates, and landscaping. The project was publicly advertised for three weeks, and bids were opened on June 17.

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Ms. Parrish said that staff recommends adoption of a resolution to commit the Town to a conditional award to Narron Construction in the amount of \$300,730, inclusive of contingency.

**Action:** The Council approved a motion to adopt Resolution 09-25 to formally approve the Main Street Enhancement Project and to conditionally award the contract for construction of the project to Narron Contracting in the bid amount of \$273,392.20 – or \$300,730, inclusive of contingency – subject to NCDOT approval.

**Motion By:** Dickson

**Second By:** Sack

**Vote:** Unanimous.

*A copy of Resolution 09-25 is incorporated into these minutes as an addendum page.*

**11. Other Business:** Councilman Dickson said he enjoyed the Independence Day celebration; Councilman VanFossen agreed.

Councilman Womble asked what was up with the BFI landfill property. Mr. Schifano responded that he had contacted BFI / Allied Waste attorneys who have not called us back. He said he would revive the request.

Councilman Sack explained that there are certain parts of the town that are getting sporadic HSTV-11 coverage like in Holly Glen and Sunset Oaks. Ms. J. Powell said she would advise Time Warner Cable about the outages.

**12. Manager's Report:** Mr. Dean pointed out the budget brochures; commented on the Center Street ceremonial opening; that the Town's ISO rating is now 4, down from a 6, which means any business that is not sprinkled should be getting a reduction in their insurance rates.

**13. Closed Session:** The Council approved a motion to enter into Closed Session, pursuant to N.C.G.S. 143-318.11(a)(5) to discuss the acquisition of real property in the Bass Lake sidewalk project, and pursuant to N.C.G.S. 143-318.11(a)(6) to discuss a personnel issue.

**Motion By:** Sack

**Second By:** Dickson

**Vote:** Unanimous

#### **General Account – Closed Session July 7, 2009**

In Closed Session, the Council discussed the acquisition of Bass Lake Road sidewalk right of way, and the consensus was that the Town should settle with the property owner for \$1,500.

In the personnel issue, Mr. Schifano reported that a matter of litigation in which a former employee of the Town had sued the Town was closed. He said the judge in the case ruled that the case should be dismissed.

#### **-- End of General Account**

In Closed Session, no action was taken and the Council returned to Open Session.

**14. Adjournment:** There being no further business for the evening, the July 7, 2009, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman Womble, a second by Councilman VanFossen and a unanimous vote.

Respectfully Submitted on Tuesday, Feb. 16, 2010.



Joni Powell, CMC, Town Clerk

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

