

Holly Springs Town Council Minutes

Regular Meeting Jan. 2, 2007

The Holly Springs Town Council met in regular session on Tuesday, January 2, 2007, in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. Mayor Dick Sears presided, calling the meeting to order at 7:00 p.m. A quorum was established as the mayor and five council members were present as the meeting opened.

Council Members Present: Councilmen Vinnie DeBenedtto, Parrish Womble, Chet VanFossen, Peter Atwell and Hank Dickson and Mayor Sears.

Council Members Absent: None.

Staff Members Present: Carl Dean, town manager; Charles Simmons, assistant town manager; John Schifano, town attorney; Linda Harper, deputy town clerk (recording the minutes); Joni Powell, Town Clerk; Gina Clapp, planning and zoning director; Mark Andrews, public information officer; Drew Holland, finance director; and Len Bradley, director of parks and recreation.

2 and 3. The Pledge of Allegiance was recited, and the meeting opened with an invocation by Rev. Otis Byrd of Holly Springs First Baptist Church.

4. Agenda Adjustment: The January 2, 2007 meeting agenda was adopted with changes, if any, as listed below.

Motion By: Dickson

Second By: Atwell

Vote: Unanimous

Items Added to the Agenda: None.

Items Removed from the Agenda: None.

Consent Agenda Items Moved to Regular Business: None.

Other Changes: None.

5. The Village Church Long-Term Lease Request – Mr. Bradley explained that Rev. Don Brown of The Village Church is requesting that the church be allowed to enter into a year-long lease agreement with the Town for rental space at the Holly Springs Cultural Center for Sunday morning services.

Mr. Bradley said that the Town's Parks and Recreation Policy Manual, adopted by the Town Council, does not allow for long-term leases, stating that no facilities will be rented by the Town for more than one month at a time. He said long-term facility leases have proven in the past to be problematic in a number of ways, which precipitated the policy. He said when these types of requests are presented, staff relies on adopted policies, ordinances and other standards approved by the Town Council. He said that in this case, policy dictates that the request for a long-term lease – even on a “trial basis” -- be denied. Only the Town Council can amend policy or make decisions that are at odds with Town policy.

Mr. Bradley said the Village Church currently leases space at Holly Springs Elementary School, a facility that, by its nature, is not used on Sundays. The Cultural Center, however, is geared for weekend use, which may present scheduling challenges if the facility is committed to an every-Sunday-morning tenant.

Councilman Womble asked staff why they would not be in favor of a long-term lease with the church.

Mr. Bradley explained that in past experiences with long-term lease agreements with churches or other agencies, one of the main concerns has been that there were staffing problems on Sundays when there are not enough staff on duty.

Councilman Womble and Mr. Bradley discussed the fact that the Cultural Center or the library generally will not be open on Sundays, but would be used for occasional rentals and occasional scheduled events.

Rev. Don Brown, pastor of The Village Church, explained that the church wishes to rent the Holly Springs Cultural Arts Center for its regular Sunday morning services. He said that he and Mr. Bob Klaus have been working over the past several months in discussing the details involved with such a rental.

Mr. Brown explained that it is the church's intent to utilize the "Special Weekend Conference/Seminar Package" of the Town's fee schedule. He said the package allows for renting the Cultural Arts facility from 8 a.m. to noon for a non-profit rate of \$600 per week. Mr. Brown said that the church is flexible and would be willing to consider a shorter contract agreement or even a "trial period," if the length of the contract is a concern.

Councilman DeBenedetto asked who gave the church the price quote of \$600 per week. Mr. Brown said the rate of \$600 per week is the non-profit weekend package, and this price was given to the church by Mr. Klaus prior to approval of the fee schedule.

Councilman Womble asked how many members are in attendance in the Sunday morning services. Mr. Brown said from 100 to 150 members on normal Sundays and 200 members on holidays.

Mr. Schifano said the Town does not own the facility, and the Town is under a lease agreement with Wake County, which prohibits the Town to enter into long-term lease agreements with other agencies that are not associated with Town functions. He said it was the intent of Wake County that the building be used for arts, theater and town functions. He said that it would be in the best interest of the Town to meet with Wake County and work out a license agreement before entering into a long-term agreement with the church.

Councilman Dickson asked the time frame of the church's contract with Wake County Public School System for rental of the elementary school.

Mr. Brown said the contract is for a year lease with Wake County and is renewed annually.

Mayor Sears asked how soon construction will begin on the new church site.

Mr. Brown explained that the church has completed a master plan for 10 acres of land located at 724 West Holly Springs Road, and hopes are that the church will be in the new building soon.

Jeremy Carver of 5024 Allenbrooke Lane, Fuquay-Varina, presented the church's master plan. He said that the church is in the preliminary stages of planning and will be starting the capital funding campaign this year. He said it could be possible for the church to break ground within two years.

There was discussion of a shorter rental period, such as rental from week-to-week or on a month-to-month basis. Mr. Bradley said staff schedule changes would be needed for staffing the facility to accommodate Sunday rentals. He said it would take one to two employees per Sunday.

Mr. Brown said that he needed an answer by the end of the month.

Mr. Schifano restated what he had said earlier to seek permission from Wake County before entering into a long-term agreement.

Action: The Council approved a motion to table action on The Village Church request until Jan. 16, 2007.

Motion By: Womble

Second By: Atwell

Councilman VanFossen requested that the next meeting presentation include Mr. Klaus (who was not present on Jan. 2 due to vacation.)

Vote: Unanimous

6. Consent Agenda: All items on the Consent Agenda were approved following a motion by Councilman Atwell, a second by Councilman Womble and a unanimous vote. The following actions were affected:

Minutes - The Council approved the minutes of the Council's regular meetings held on Nov. 21 and Dec. 5, 2006.

7a. Abandoned Cemetery in the Holly Springs Business Park – Mr. Schifano explained that the Town currently has a contract and option to purchase the remaining portion of the Novartis property for

development of the business park. He said the Town is to purchase this property in January from G & G Properties, and on the property is an abandoned cemetery known as the Wesley Jones Cemetery.

Mr. Schifano said that the Of Grave Concerns Archeological Company report shows the location and a brief description of the cemetery. He said staff recommends adoption of Resolution 07-01 that authorizes the town to proceed with the removal and reinterment of remains in the town cemetery.

Councilman Womble said he thinks a member of the family may be living on Raleigh Street across from Sylvian Brooks at 117 Raleigh Street and to contact her on the relocation of the cemetery.

Action: The Council approved a motion to adopt Resolution 07-01 authorizing the Town to proceed with the removal and relocation of graves in an abandoned cemetery known as the Wesley Jones Cemetery located in the Holly Springs Business Park.

Motion By: Womble

Second By: Atwell

Vote: Unanimous

A copy of the Resolution 07-01 and the Of Grave concerns Archeological Company report are incorporated into these minutes as addendum pages.

9. 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.

Otis Byrd, 705 S. Main St. Rev. Byrd asked the Town Council to consider waiving the rental fees for the use of the Holly Springs Cultural Center facility for a Martin Luther King, Jr. Day Celebration and to consider making the celebration a Town-sponsored function.

Councilmen and Mayor Sears reported that other towns generally support MLK Day celebrations by providing venues, but they do not sponsor the celebrations as town events.

Action: The Council approved a motion to approve Rev. Byrd's request to support the Martin Luther King, Jr. Day Celebration by providing the Cultural Center free of charge for the event.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

10. Other Business: Councilman Womble requested the town manager research the budget for funds for restoration of the Town's first town truck.

He said there are pot holes located within the turning lanes on Avent Ferry Road that need filling with asphalt or gravel.

Mr. Dean said he would research the budget for funds that might be used for restoration of the old town truck; he added that he would contact the public works department to report the road repairs needed on Avent Ferry Road.

11. Manager's Report: Mr. Dean said staff has researched the prices of several locations to hold the Council's winter retreat. He said Pine Needles is the cheapest and closest of the facilities. It was the consensus of the Council to hold the Council's 2007 winter retreat at Pine Needles Friday, Feb. 16 through Sunday, Feb. 18, 2007.

12. Closed Session: The Council approved a motion to enter into Closed Session, pursuant to G.S. 143-318.11(a)(3) to discuss with the town attorney matters of land acquisition for parks and recreation facilities and pursuant to G.S. 143-318.11(a)(4) to discuss matters of a civil suit regarding parks and recreation tangible property.

Motion By: Atwell

Second By: Womble

Vote: Unanimous

General Account of Closed Session – Jan, 2, 2007

In Closed Session, the Town Council gave the town attorney direction to move forward with the parks and recreation land acquisition and on filing of a civil law suit on a former coach for taking and not

returning town property. The town manager updated the Council on the progress of the Novartis Vaccines and Diagnostics, Inc. project.

-- End General Account.

The Council approved a motion to return to Open Session. The motion was made by Councilman VanFossen, seconded by Councilman Dickson and carried unanimously.

13. Adjournment: There being no further business for the evening, the Jan. 2, 2007, meeting of the Holly Springs Town Council was adjourned following a motion by Councilman VanFossen, a second by Councilman Atwell and a unanimous vote.

Respectfully Submitted on Tuesday, Jan. 16, 2007.

Linda R. Harper, CMC, Deputy Town Clerk

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