

Mayor and Council Workshop

6 p.m. July 14, 2020

Law Enforcement Center and ZOOM Virtual Meeting



1. **Welcome / Call Meeting to Order** - Mayor Sears

2. **Workshop Overview**

Staff Resource: Randy Harrington, Town Manager

3. **Potential Weapons Ordinance on Town Property**

Staff Resource: John Schifano, LeeAnn Plumer, Jessica McMillan

Synopsis: In March 2020, the Parks and Recreation Advisory Committee passed a motion recommending that Town Council adopt an ordinance prohibiting all firearms (both concealed and open-carry) at Town athletic facilities. At a May Council meeting, Council member Wolff proposed consideration of prohibiting dangerous weapons at all town facilities. The Town Council directed the Manager to place the topic of weapons on Town properties on the July Workshop Agenda for discussion. Staff will provide background information on this subject including the Parks & Recreation Advisory Committee recommendation, legal considerations, current weapons restrictions in other Wake County local governments, and other historical Police data to assist in Council's discussion.

4. **Transportation Projects Update**

Staff Resource: Kendra Parrish, Aaron Levitt, and Tim Athy, Engineering

Synopsis: At the June 16 Council meeting, Council requested a progress update on the Transportation Bond projects. Staff also plans to share updates on other non-bond projects and outline challenges and potential considerations and strategies to advance non-bond transportation projects.

5. **Open Discussion**

6. **Adjourn**



MINUTES

The Holly Springs Town Council met in a workshop session on Tuesday, July 14, 2020 at the Holly Springs Law Enforcement Center and via video conferencing. Mayor Sears presided, calling the meeting to order at 6:00 p.m. A quorum was established as the mayor and five councilmembers were present as the meeting opened.

Council Members Present: Mayor Sears, Councilmen Dan Berry, Peter Villadsen, Shaun McGrath, and Aaron Wolff, and Councilwoman Christine Kelly

Council Members Absent: none

Staff Members Present in the room: Randy Harrington, Town Manager; Linda McKinney, Town Clerk (recording the minutes); Daniel Weeks, Assistant Town Manager; Scott Chase, Assistant Town Manager; Patty Dressen, Interim Finance Director; LeeAnn Plumer, Director, Parks & Recreation; Kendra Parrish, Executive Director, Utilities & Infrastructure Services; Aaron Levitt, Engineering; Tim Athy, Engineering; Irena Krstanovic, Economic Development Director; Patty Dressen, Interim Finance Director Jessica McMillan, Interim Police Chief; Jeff Wilson, IT Director; John Schifano, Town Attorney; Paul Allen, Assistant Town Attorney.

Staff Members Present by Zoom: Gina Clapp, Planning and Zoning Director; Cassie Hack, Communications and Marketing Director; Leroy Smith, Fire Chief; Dirk Siebenbrodt, Engineering; Mike Patterson, Police.

2. Workshop Overview

Staff Resource: Randy Harrington, Town Manager

Mr. Harrington gave an overview of the items on the agenda.

3. Potential Weapons Ordinance on Town Property

Staff Resource: John Schifano, LeeAnn Plumer, Jessica McMillan

LeeAnn Plumer, Parks and Recreation Director, said that after being informed of the Parks and Recreation Advisory Committee's vote to request consideration of an ordinance restricting weapons on Town property, Council asked to have a discussion on the subject at the July workshop. In December of 2019, there was a discussion with the Parks and Recreation Advisory Committee (PRAC) regarding Park ordinances. In March of 2020, the PRAC made a motion to recommend to Town Council to pass the park ordinance with the possibility of prohibiting all firearms (both concealed and open-carry) at town athletic facilities. The discussion was specifically around "competitive venues." The support of the PRAC for an ordinance was unanimous.

John Schifano, Town Attorney, reviewed the General Statutes authorizing municipalities to prohibit the carrying of handguns on Town owned property. Municipalities can prohibit open and concealed carry in buildings and defined athletic fields, etc., but not on sidewalks, open areas, or greenways. He outlined what other municipalities in Wake County prohibit, both in regards to Town Facilities, and Parks and Recreation Facilities. Zebulon is the only other municipality in Wake County with no restrictions. Wake Forest allows open carry in Town facilities, but prohibits concealed carry there, and prohibits open and concealed carry on Parks and Recreation facilities. Knightdale prohibits open carry and concealed carry at Town facilities,

but not at Parks and Recreation facilities. Fuquay-Varina prohibits concealed carry but allows open carry at both. All other municipalities (Raleigh, Cary, Apex, Garner, Wendell, Rolesville, and Morrisville) prohibit open carry and concealed carry at both Town facilities and Parks and Recreation facilities. Wake County prohibits open and concealed carry in County facilities, and prohibits open carry at Parks and Recreation facilities, but allows concealed carry at Parks and Recreation facilities. Mr. Schifano said the issue had come up in Holly Springs 3 or 4 years ago. Bringing an ordinance to Council was discussed, but management at that time elected not to go forward with it.

There was discussion about how specifically the General Statutes are applied, that the areas where weapons can be regulated include buildings and outdoor areas that have scheduled activities, parades, or other events where the public right of way is closed.

Interim Police Chief Jessica McMillan said that since 2009, Holly Springs Police have responded to two calls involving weapons on Town property. One was a landscaping crew at Ting and one was juvenile case with BB guns. Neither of them resulted in charges being filed. The first had no credible evidence; in the second the juveniles were referred to their parents since they were not pointing the BB guns at anyone; they were playing. She said that Apex, Cary, and Fuquay-Varina police departments have said that they do not keep statistics on local ordinance violations.

Discussion continued around the reasons for holding this discussion in the first place, and what the goal of such an ordinance would be, should Council decide to proceed. There was discussion around why the PRAC wanted this ordinance, and whether there had been a precipitating incident. The differences between open carry and concealed carry were discussed, as well as the inclusion of “dangerous weapons” other than firearms. There was discussion about enforcement, and the existence of “brandishing” and “discharge” ordinances. The amount of training required for a concealed carry permit was discussed. There was some discussion about the paths of communication which initiated the ordinance discussion, and Council agreed to discuss that issue more after finishing the ordinance discussion. Council discussed whether being an “outlier” in the County, as one of two municipalities without an ordinance was confusing to the public, and whether to separate the issue of concealed carry versus open carry or include both in one ordinance.

Staff asked for direction on whether Council was interested in a single ordinance that covered open carry and concealed carry, or whether to separate the two; and whether to cover all Town owned facilities where the Town has the authority to regulate weapons, or only specific places. Mr. Schifano also informed Council that a public hearing was not required for this type of ordinance, but that Council could hold one if it was their desire to do so.

Action: Motion to direct staff to draft two ordinances, one for open carry including “dangerous weapons” and one for concealed carry, that would apply to all Town owned facilities, and to include a public hearing prior to voting on the ordinances.

Motion by: Wolff

Second by: Kelly

Vote:

Aye: Villadsen, Wolff, Kelly

Nay: Berry, McGrath

The motion passed.

MPT Berry then returned to his concerns about the procedure and how it was handled. He asked Councilman Wolff where he heard about the PRAC discussion and why he was the one to bring it forward. Councilman Wolff said that two members of the PRAC brought it to him as a topic of discussion. He said that both liaisons to the committee were at the meeting where this was discussed. MPT Berry asked if he was aware that the Chair of PRAC bringing this to him, rather than following channels, was a violation of P-032, Communications Protocol.

There was discussion of the details of the Communications Protocol, the training of members of the appointed boards and committees as regarding this policy, and whether this violation deserved discipline or retraining. Consensus was that all existing boards should have a remedial training on the Communications Protocol, and that Department Heads would be sent a copy of the Policy to facilitate this training.

4. Transportation Projects Update

Staff Resource: Kendra Parrish, Aaron Levitt, and Tim Athy, Engineering

Kendra Parrish said that the purpose of this item was to update Council and discuss options to advance transportation projects.

Ms. Parrish said that four transportation bond projects are in progress and on schedule: Avent Ferry Road re-alignment, Main Street right turn lane, NC 55 right turn lane, and Holly Springs Road Widening Phase II. She showed a design concept for the Avent Ferry re-alignment and said that a public meeting would be held soon on the project. She updated Council on the progress of the Holly Springs Road Widening, Phase II. She gave a projected timeline for the four projects.

Ms. Parrish said that the Grigsby Avenue improvements and Estes Lane connection were on hold, pending further review due to cost escalations. Sunset Lake Road widening and W. Holly Springs Road Widening Phase III are pending continued partnership exploration with NCDOT. She said that the delay in reimbursements is causing potential delays in non-bond projects. Avent Ferry Road Widening Phase 1 is on track because the DOT reimbursement was already received. Holly Springs Rd. Phase 1, Main St. to Flint Point Way, the costs were escalating. Due to the number of parcels that need rights of way, costs were escalating and staff was going to go back to DOT for future funding, but now DOT can't commit because they are in a funding freeze.

Ms. Parrish then gave an update on the current transportation project environment. There is currently \$17.6 million of Transportation Bond projected funding availability for projects beyond the four current active projects. The 2020 NCDOT spending freeze on grant projects has delayed reimbursement and there is high uncertainty about future NCDOT partnership capacity. There are funding reductions due to COVID, but also construction costs are coming down due to the current situation.

She then spoke of other large non-bond transportation projects and their funding challenges, including the Avent Ferry Road widening project, Phase II. She outlined current project cost estimates and said that based on current conditions future bond and non-bond projects will need to be evaluated and prioritized with available funding. The second issuance of bond proceeds is 3-4 years away and allows time for evaluation and adjustments to address Council and community strategic transportation priorities.

There were questions about how long the Town would have to wait for DOT funds, whether they were 100% guaranteed, and how many other projects are in line ahead of Holly Springs.

Ms. Parrish said that at the July 21st business meeting Council would be asked to consider a project budget to begin Avent Ferry Phase I project. Given the expected time frame for the next bond issuance, there is flexibility to evaluate transportation improvements for the future. Staff will continue to monitor and pursue NCDOT funding partnerships. Future Town Council strategic planning could include discussions on future transportation priorities.

At this point the meeting recessed for 7 and a half minutes.

5. Open Discussion:

There was discussion around the issue of the South Wake landfill odor problem, and the problems with the Envirosuite software, that does not do what was promised.

Randy Harrington, Town Manager, gave an update on where the Town was relating to COVID-19. He said that we are starting to get to a point where spouses of employees have tested positive. It is probably not too long before we get to a point where an employee tests positive. Staff is thinking and planning for what would happen if a counselor or employee is infected. There may be a situation where a facility has to have a special heavy-duty cleaning, perhaps closing for twenty-four hours to do so. Staff is also working on an opportunity for testing, including for employees and Council. This might happen in the August time frame.

6. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss two Economic Development issues, and potential litigation with 242 Main LLC, pursuant to N.C.G.S. 143-318.11(a)(3).

Motion by: Berry

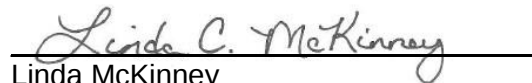
Second by: McGrath

Vote: Unanimous

7. Adjournment: Motion to seal the minutes of the closed session and return to open session was made by Councilman Wolff, second by Councilman McGrath, and passed with a unanimous vote.

Motion to adjourn was made by Councilman Wolff, second by Councilman Villadsen, and passed with a unanimous vote. The July 14, 2020 workshop meeting of the Holly Springs Town Council was adjourned at 9:40 pm.

Respectfully Submitted on Tuesday, August 18, 2020.



Linda McKinney

Town Clerk