



Holly Springs Town Council
7:00 PM **Tuesday, September 1, 2020**

Regular Meeting
Holly Springs Town Hall Council Chambers
128 S. Main Street, 2nd Floor

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, September 1, 2020 in person and via video conferencing. Mayor 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: Mayor Sears, Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, Shaun McGrath and Aaron Wolff, and Councilwoman Christine Kelly.

Council Members Absent: none.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Daniel Weeks, *Assistant Town Manager*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director IT*; Gina Clapp, *Director of Planning & Zoning*; Melissa Sigmund, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Patty Dressen, *Interim Director of Finance*; Elizabeth Goodson, *Engineering*; Jessica McMillan, *Interim Police Chief*; Paul Liquorie, *Incoming Police Chief*; Mathew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; Cassie Hack, *Director Communications and Marketing*;

Staff Members Present via video conferencing: Tamara Ward, *Communications and Marketing*; Kendra Parrish, *Executive Director, Utilities & Infrastructure Services*; Irena Krstanovic, *Director Economic Development*; and Leroy Smith, *Fire Chief*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Pastor Emeritus Horace Ferguson of Holly Springs United Methodist Church.

4. Agenda Adjustment: The September 1, 2020 meeting agenda was adopted with changes, if any, as listed: move item 8 to the September 15, 2020 agenda.

Motion: Berry

Second: Wolff

Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: 211 comments in favor of passing Ordinance 20-04; 85 comments opposed to passing Ordinance 20-04. *Copies of these comments are attached to these minutes.*

5. Introduction of Police Chief Paul Liquorie

Randy Harrington, Town Manager, said he was thrilled to announce that Paul Liquorie was chosen as the new Holly Springs Police Chief. He gave an overview of the search process for the new Chief of Police, which resulted in 130 applicants. He outlined Incoming-Chief Liquorie's qualifications. He has deep experience in working with neighborhoods and businesses, strong policing partnerships and commitment to community policing. Also he demonstrated a high commitment to the community he lived in. He is a strong family man with a wife and four children. Mr. Harrington said the Town would normally do a large community gathering to introduce a new

Chief, which we cannot do with COVID restrictions, but he will be introduced to the community in the ways we can. He invited Mr. Liquorie to speak to the Council.

Paul Liquorie thanked the Mayor and Council. He spoke about how well-run the search process was, and how attracted to the community of Holly Springs he was, and felt his family could be happy here. He said he wants to work hard to reach out to all parts of the community, being transparent and inclusive. He is excited about working with the Officers and Command Staff of the HSPD.

The Mayor welcomed him and said he was joining the best Police Department in NC.

Randy Harrington recognized interim chief Jessica McMillan for the work she has done this summer. He also thanked Erika Phillips, HR Director, and Daniel Weeks, Assistant Town Manager, for their work in the search process.

6. Public Hearing: Annexation A20-04 Cass Holt Road Town Park Property

Melissa Sigmund, Planning and Zoning, said this annexation was for land recently purchased by the Town of Holly Springs for a park. Staff has requested feedback from all departments and there were no issues with this annexation. The property meets all statutory requirements for annexation. Annexation is being requested at this time in order to have Holly Springs Police be the service provider to the parcel instead of the Wake County Sheriff's Office to better address public safety response.

Mayor Sears opened the public hearing and the following input was received: none.

Mayor Sears closed the public hearing.

Action: Motion to adopt Annexation Ordinance A20-04, annexing 55.0 +/- acres, PIN #0648239301 and #0648333740, owned by the Town of Holly Springs.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda, with the exception of Item 8, which was moved to the September 15, 2020 agenda. The motion carried following a motion by MPT Berry, a second by Councilman McGrath and a unanimous vote. The following actions were affected:

7. Minutes – The Council approved minutes of the Council Business meeting held August 18, 2020.

UNFINISHED BUSINESS

9. Ordinance 20-04

John Schifano, Town Attorney, said that at the August 18, 2020 meeting Council tabled the consideration of this Ordinance to allow staff to make amendments. The changes to the draft of Ordinance 20-04 eliminate "greenways" as regulated spaces for open carry of weapons, and specifically lists Town facilities to which the Ordinance applies. It would prohibit the open carry of weapons in any Town building (Town Hall, Public Works facility, Police Station, Fire Stations, etc). It would also apply to listed Town parks, recreational facilities, athletic facilities, playgrounds or any

athletic field. It does not include a prohibition against lawful concealed carry of handguns by persons permitted under N.C.G.S. 14-415.11.

Mayor Sears said that he received an outpouring of emails on this subject and thanked everyone for participating.

Councilman Wolff said that there was a lot of discussion during the workshop during which it became clear that there was a distinction in how Council was discussing open carry and concealed carry. During the last meeting Council discussed the difficulties in enforcing a concealed carry ban on Town owned property. Those difficulties do not apply to open carry. This Ordinance does not stop people from defending themselves. It stops intimidation. There are many instances nearby that involve people carrying weapons openly with the intent of intimidation. A couple of months ago we had armed protestors who didn't want to wear masks showing up at our Legislature, open carrying in Raleigh, and carrying a rocket-launcher into a downtown Subway. There is no need for that and there is no need for that on Town property. He said he had heard from many people in town who do not feel comfortable with open carry being allowed near their kids, in Town parks and facilities. Recently armed protestors have completely shut down legislatures in Michigan and Idaho. We are being proactive and practical here. The proposed Ordinance would not taking away anyone's rights, it would remove the threat of intimidation.

Councilman Villadsen said that he appreciates all the feedback Council has received. Many of the arguments on both sides were well thought out and compelling. But in the end, the common thread is that people need to feel safe. This is not a Second Amendment restriction. There seems to be some confusion about this, based on the emails I received. Holly Springs' residents can continue to purchase guns. This is also not exactly about safety. Holly Springs has been one of the safest towns in NC. For him this is about a healthy and comfortable workplace for our employees. Many of us work in an office or building that does not allow weapons. He did not think it is right for Town employees who interact with the public to not have the same work environment. They should not have to deal with strangers carrying weapons. People in parks should not have to deal with the intimidation and distraction of people openly carrying a gun. For many it would diminish their experience, to the detriment of the Town. Finally, the Parks and Recreation Advisory Committee unanimously recommended this Ordinance. They are a nine-member nonpartisan citizen committee, appointed by Council. The Committee serves as a liaison between the Town and the citizens. If an individual has a legitimate need to protect themselves, they can get a concealed carry permit and legally carry a gun. But in light of the pandemic and the delays in getting permits, he asked that the effective date of the ordinance, if passed, be delayed six months to allow people time to get a concealed carry permit.

MPT Berry said that topics like this take the joy away from serving on Council. He is convinced that this is a non-issue and it feels like political theater. There is no middle ground on this issue. He is disappointed that Council is even discussing this, but he was elected to make tough decisions. He feels that the Parks and Recreation Advisory Committee asked that Council investigate an Ordinance. Council has done that for four months now. He thinks this Ordinance has grown in scope and is too broad. He thinks it is impossible to say what constitutes a greenway and what constitutes a park. He supports the Constitution, including the right to protest and the right to bear arms. He has concerns about the signage element. And he would like to defer the effective date of the Ordinance if it passes.

Councilwoman Kelly said she had done a lot of research and had many discussions with residents. She agrees with MPT Berry that it is a difficult subject. But she believes she is supporting the Constitution and not taking any rights away by supporting this Ordinance. What Council is considering is listening to the Parks and Recreation Advisory Committee and Town staff who feel intimidated by open carry. Since the last meeting she has had many people contact her, perhaps because she is the lone woman on Council, and also because she has lived here a long time. When

she first moved to Holly Springs the Town was 95% black. Now the percentage is around 11-12%, but those people are still here. Some of them feel that it is not as safe for them as it is for others. They asked her to support this Ordinance. She saw it as an opportunity to talk to people that hadn't reached out before. She appreciated all the comments from both sides, and felt she learned a lot along the way. She said it is Council's job to listen to all sides. She didn't tally the emails, but she did read them all. Her decision is based on the Parks and Recreation Advisory Committee's recommendation, the employees, and residents, and she supports this.

Councilman McGrath said we are back to where we started with a comment on safety. We are all charged with making this a very safe place to live and work. We still have not gotten to the basic question about why this was raised. What was the specific incident? He said this wasn't brought to Council through proper channels. He asked what changed in our Town to drive this as an issue of safety. If there is an overwhelming safety issue he would be the first to say that something needs to be done, but he has not heard that evidence. Holly Springs Law Enforcement said that this will not change the safety of our community. Pieces of paper aren't going to make our community more safe. He said he has no evidence that it will make us more safe, but he thinks it will add to confusion. He said he appreciated all the emails, but stopped counting. There is a lot of misunderstanding out there. NC has the background checks right for concealed carry. To get a permit to open carry also requires a background check, which are currently being delayed by the Wake County Sheriff's office. He said he called the number on their web page for concealed carry applications this morning, and did not get an answer or a voice mail. He agrees with the idea of delaying any action until the Wake County Sheriff's office can process concealed carry and open carry permits in a reasonable time frame. There is already legislation to prohibit people from brandishing a weapon. Right now residents are not able to get the training they need because the weapons training center is closed and has not been reopened. He said there was rioting going on in Raleigh. He can understand why people are fearful and want guns. He said he understands both sides. He asked if anyone in the room was carrying a weapon other than law enforcement. He said no one would come to a Council meeting armed because we are a law abiding society. He says most people aren't going to do it, so we don't need an Ordinance to prevent it. He finds it confusing because people can't even understand the Governor's mask order, so how would they understand this. He has not changed his position since June.

Councilman Wolff said that when the Sheriff made the decision to close the firearms training center, he thought it was a bad decision. If we're going to have people with guns they should be well trained. It is closed, but that is not because of the Sheriff. Now the center is owned by the County and under new management, and is closed due to COVID. He heard from many people who told him they had seen people open carrying at soccer games. It has happened, and it does make people uncomfortable. He feels safer having LEO carrying in the Chamber, but not someone he doesn't know. He has heard from many residents telling him they would feel safer. A WRAL investigative report from August shows the backlog to receive a permit is 5 weeks, not 6 months. There is a big delta there. He is comfortable delaying the Ordinance until the citizens can be educated, staff can create signs, and people can get used to them. We don't need to have this go into effect tomorrow, but six months seems too long given the current delay.

He said that at the last meeting he asked our Town Attorney if this Ordinance made him worry about litigation, or think it was unlawful, and he said unequivocally no. People say we're bringing up other towns because we feel a need to copy. That is not the case. He said he brought up the other towns to show that it can be done, and that a lawsuit is a frivolous threat. They would have to sue multiple municipalities. He said he trusts staff to educate the community and he trusts Holly Springs PD to educate first and to use their discretion in filing charges. People might not be paying attention to every Council meeting, and so giving them time to come to an understanding is fine. Our citizens are more than capable of understanding what they can and can't do, and our staff is more than capable of educating the public and crafting clear signs.

Mayor Sears asked if there was a desire to postpone making a decision on the Ordinance at this time. Councilman Wolff asked Town Manager Randy Harrington what can be expected as turn-around to get signs drafted, created, and in place. Mr. Harrington said staff was already working to revise and update all park signage, and the timeframe is 2-3 months. Councilman Wolff said he was comfortable moving forward with a 3 month delay in implementation or 2 weeks after the signs go up.

Councilman Villadsen said the 6 month request was from a resident who is going through the permitting process. He wants to stick with 6 months. That will give people time to get their permits if they want them.

Councilman McGrath said the 5 week delay is in getting an application appointment. But the entire process takes 6 months. He said he is not concerned about litigation. But it comes down to safety, and he still believes that this Ordinance is too broad. Look at Womble Park, Bass Lake Park, when you talk about facilities other than Town Hall, he doesn't think people can understand. Fixed buildings are easy to understand. But when you talk about the parks, some of these parks are just as threat prone in the hours of unscheduled time. If there was a scheduled event, it is unsavory to carry your weapon. He can't support it the way it is written right now. He thinks things that are not well defined make the Town less safe. He is against voting on this Ordinance as it is written tonight. In his mind if the field is not a scheduled event, it is just like a greenway.

Councilman Wolff said he doesn't think that it would be less confusing to make it subject to certain times.

Councilman McGrath said that if it's a scheduled event you put the onus on the person scheduling to put temporary signage up during the event. You put less of the onus on our staff, and less dollars on changing signage if we use temporary signage.

Councilman Wolff said that pragmatically it doesn't make sense to him. We are a unique Town in many ways, which is why we get such wonderful candidates such as our new Chief. But we are not unique in having greenways that run through parks. This Ordinance is drafted in a way that is consistent with many municipalities that have similar parks and do not have any of the problems or confusion his colleague is describing. He is willing to put a 6 month delay on the implementation of the Ordinance, to give staff time to draft signs and educate the public.

Councilwoman Kelly asked Mr. Harrington if Council moves to delay 6 months, what that means for the sign rewrite. Would it delay all the signs for six months?

Mr. Harrington said staff would leave the current signs up and wait to put the new signs up in six months, unless Council directed otherwise. The interest in new signage was providing updates that the Council made earlier.

MPT Berry said to address the permitting issue, the delay is what it is, and it is not just concealed carry permits. You have to have a pistol purchase permit to buy a handgun. You can buy a rifle or a shotgun. But the handgun permit is also delayed. He did not think in the next 2 months the permit requests are going to go down. Six months might allow the Sheriff to get caught up. A few numbers that were not mentioned, the signage has a cost of \$2,000 which was not budgeted. Parks and Recreation revenues are 1/3 of what they were last year. There are a lot of priorities that have been "parked" due to COVID, and now Council is talking about pushing them back for something that wasn't budgeted for. He thinks the signage is a concern. Maybe there is enough time to educate the public. But he does not support the Ordinance as written today.

Councilman Wolff said that property tax revenue is trending ahead. Half a million more. The Town can handle \$1,000 to \$2,000 for signs. He offered to pay it out of his own pocket, if that would make a difference.

There was further discussion about the cost of signage, the fact that the signs were already going to be replaced, and that decals would be placed on doors and windows.

Mayor Sears suggested Council could discuss this further at an October workshop if this was not the Ordinance they wanted to vote on. Council indicated that they were ready to vote with the six month delay in implementation.

Action: Motion to adopt Ordinance 20-04, amending Chapter 12 of the Town Code to create Sections 12-353 & 12-354 regulating weapons on Town property, with the amendment that the implementation be six months from now.

Motion by: Wolff

Second by: Kelly

Vote:

Aye: Kelly, Villadsen, Wolff

Nay: McGrath, Berry

The motion passed, and will go for a second reading on September 15, 2020.

There was discussion over whether the Ordinance could be amended at the next vote. Town Attorney John Schifano said that technical amendments could be made, if the Ordinance was substantially the same.

NEW BUSINESS

10. Water Source and Capacity Analysis Update

Elizabeth Goodson, Engineering, said the purpose of this item was to discuss an option for additional water supply to meet the expanded future needs identified in the Future Land Use Plan update. She outlined where the Town's water comes from now, our current capacity, and future needs. She showed where a proposed water line from Sanford to Fuquay-Varina and Chatham County is being discussed, and discussed partnering with those jurisdictions on a Preliminary Engineer's Report (PER) for the Sanford Water Treatment Plant expansion and a water main from the Water Treatment Plant to Holly Springs. Ms. Goodson said the PER would provide the scale and cost of the Water Treatment Plant expansion. Staff would bring the results of the PER back to Town Council for decision on further partnership in construction improvements or purchasing water. This is a study, at this phase, to get information.

Councilwoman Kelly asked if anything had changed since this topic was presented at the workshop. Ms. Goodson said that the need is still the same, staff have just discussed the proposal in more detail with the other jurisdictions. At this time staff does not anticipate pursuing the Harnett County Booster Pump project and there are funds in that account to cover this PER.

Action 1: Motion to approve a Memorandum of Understanding with the City of Sanford for cost sharing associated with a Preliminary Engineers Report for the expansion of the Sanford Water Treatment Plant.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

Action 2: Motion to approve the budget amendment to reallocate \$200,000.00 from Harnett County Booster Pump Station Project to Utility Fund Operating Account.

Motion by: Kelly

Second by: Villadsen

Vote: Unanimous

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

11. Tree Advisory Committee Mid-Term Appointment

Linda McKinney, Town Clerk, said that on May 19, 2020 Jill Kerr was appointed to fill the remainder of a term ending June, 2021. On June 9, 2020 Ms. Kerr informed the Planning and Zoning Department that she was resigning due to family obligations. The Clerk's office advertised

the position on the Town's website and through social media and received two applications, from Amber Duerbig and Kenneth Henke.

The Mayor asked for a show of hands for who wished to appoint Ms. Duerbig. Councilmen McGrath, Villadsen, and Berry raised their hands.

Action: Motion to appoint Amber Duerbig to the Tree Advisory Committee for a one-year term ending June 30, 2021.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

12. Stephens Tract Developer's Agreement

John Schifano, Town Attorney, said that the proposed Developer Agreement would obligate the developer of Stephens tract to participate in the costs associated with the Basal Creek pump station expansion and Avent Ferry widening at Ralph Stephens Road. Council approved a 292 unit townhome community in February 2019. The development flows into the Basal Creek pump station which is being upgraded by Lowes. This agreement requires the developer to contribute \$399,416 to the expansion to accommodate for their use, and to contribute \$92,000 to the widening of Avent Ferry.

MPT Berry said that the agreement states that they don't need to do sewer improvements for the first phase, and asked where they would connect for that phase, and what would happen if they stop development after Phase 1.

Mr. Schifano said that Phase 1 would connect somewhere else, and he would have to ask Engineering which pump station that would be. But the developers are going to grade the side for all four phases at the same time, so if they are taking on the expense of that, it is not a big risk to the Town that they will not finish.

Action: Motion to approve Developer Agreement and authorize Town Manager and staff to execute.

Motion by: Berry

Second by: Villadsen

Vote: Unanimous

OTHER BUSINESS

Mayor Sears said that Wake County has had 14,387 COVID cases with 197 deaths. In Holly Springs's zip code, he is proud that people are wearing masks, and staying socially distanced. Our zip code had 309 cases and 1 unfortunate death.

Councilwoman Kelly said that it was with sadness that she announced that Martha Leach passed away over the weekend. We just celebrated her 105th birthday and she was well loved. The funeral is Thursday morning.

Mayor Sears said Ms. Leach was a remarkable lady and he would be there.

Councilwoman Kelly said that on the COVID map, our zip code is up to 330 cases. She said that in talking to medical professionals, she knows that the numbers are probably higher, because they are listed for the zip code where the people were tested, or where they died. It is still a low number, but this does not reflect what is actually happening. Please continue to wear your masks.

She said that Holly Springs is doing well in the Census, but there are 30 more days and people should continue to fill it out. She finished by saying that Council members all want the best for Holly Springs, and are passionate about what they do, but it is important to be respectful of each other's points of view. She said she looks forward to the September workshop.

Councilman Wolff said that today was the second full day of online instruction for students. He gave a major shout out to parents who have readjusted their lives to help their children with school, and to the teachers, who are saints, to adapt to this new way of teaching. He asked

everyone to continue to do what we need to do to get COVID behind us and get our kids back in school. He echoed Mr. Harrington's comment that we have several employees who have stepped into bigger roles this summer. Interim-Chief Jessica McMillan and Interim Finance Director Patty Dressen stepped in at a time when we did not know the difficulties ahead. They have handled it beautifully and he thanked them. He said that regarding the United Bank lot, when they cut down landmark trees, they were fined, but then they decided not to develop and the Town is down two beautiful oak trees, and has no recourse to collect the fine. Moving forward he would like a more enforceable development rule, and he hopes that developers will be better community partners.

Councilman Villadsen said that in those circumstances, Council's hands were tied. The fine was negotiated, with the understanding that the lot would be developed, but then that bank was purchased and the Town is in this position. He said that he also would like better tools to deal with situations like that in the future.

MPT Berry said that the Tree Ordinance sets the Town up to be in a better position. But if a charter amendment would put us in an even better position, he would entertain that. He is thrilled that the Governor is opening gyms and some other facilities at a reduced capacity. And he is very glad that the playgrounds will be reopening. He asked Mr. Harrington what the plan was for Town playgrounds.

Mr. Harrington said that the plan is not fully fleshed out, and he would like to follow up with Council later. Daniel Weeks and Parks and Recreation department are going to talk tomorrow on what the department will do based on the Governors' announcement.

Councilman McGrath said he went to Triangle J meeting last week. One item of interest was the regional economic development. They are looking for additional ideas from a regional perspective. There is a link from TJCOG for feedback if you have something to provide. He said it was nice that some more businesses will be opening up for Labor Day weekend. The holiday weekend is a constant reminder that we have been in a non-normal state for 5 months. He said that the onus is on all of us to ask people if they are ok if we notice someone out of sorts to practice suicide awareness.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had three items to mention.

1. The Parks and Recreation master plan process is underway with a lot of community engagement. He asked if Council could meet with the consultant on Tuesday Sept 29th, in person if they were comfortable with that, or by Zoom if not. Consensus was to meet in person at the Law Enforcement Center on the 29th at 6:00 pm for about an hour and a half.
2. Solid Waste Management Plan that the County has been working on. He said he was notified that at the work session Sept 14th at 2pm via Webex they will be talking about management plan as well as odor mitigation. Tune in if you are interested. We will.
3. Joint public hearing with Planning Board at the October 6th meeting.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(5) to discuss land acquisition in the downtown area, and pursuant to N.C.G.S. 143-318.11(a)(6) to discuss the Town Manager's annual evaluation.

Motion by: Berry

Second by: Villadsen

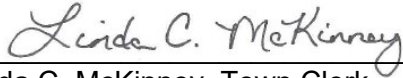
Vote: Unanimous

Council authorized negotiations for the purchase of office condos in the Village District. Council conducted the annual review of the Town Manager.

Motion to leave closed session was made by Councilman McGrath, seconded by Councilman Berry and passed with a unanimous vote.

Adjournment: Councilman Berry made a motion to adjourn at 10:00 pm. It was seconded by Councilman Wolff and passed with a unanimous vote.

Respectfully Submitted on Tuesday, September 15, 2020.

A handwritten signature in cursive script that reads "Linda C. McKinney". The signature is written in dark ink and is positioned above a horizontal line.

Linda C. McKinney, Town Clerk

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