

EXHIBIT 7

CK

From: Christine Kelly cckelly201hs@gmail.com
Subject: Re: Public Comments question for tonight's meeting
Date: October 11, 2017 at 3:59 PM
To: John Schifano john.schifano@hollyspringsnc.us
Cc: Christine Kelly Christine.Kelly@sas.com, Joni Powell joni.powell@hollyspringsnc.us, Charles Simmons charles.simmons@hollyspringsnc.us, Town Council TownCouncil@hollyspringsnc.us, cwKellyiii@gmail.com, Jeff Wilson jeff.wilson@hollyspringsnc.us

John,
Message received.
I continue to go through old town minutes and documents, I will try to further reduce the scope of my request for a future followup.
I will retrieve my drive this week.

Thank you
Christine

On Wed, Oct 11, 2017 at 3:48 PM, John Schifano <john.schifano@hollyspringsnc.us> wrote:

Ms. Kelly,

I have attempted to extract all the town's emails based on your keyword search. The result was about 90 gigabytes of data, on over 100 different email boxes. Those emails boxes contain various non public data (for example police internal communication). I would have to individually go through all 100 email boxes and go line by line on all entries. I am going to say right now that your request is far too broad for the town to comply with. I am returning your external device to the front desk where you can get it when it is convenient for you.

I'm sorry that the result did not yield what you desired.

John Schifano
Town Attorney
Town of Holly Springs, NC
[919-557-2917](tel:919-557-2917)
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Oct 6, 2017, at 8:38 AM, John Schifano <john.schifano@Hollyspringsnc.us> wrote:

Ms. Kelly, As you haven't specified email address to search, I ran a query on all town emails based on the key words you provided. It resulted in about 140 gigabytes of return. I have been downloading these results for 2 days from the office 365 server, and it may hopefully be done shortly. After that, I have to sort through these emails to see if there are any non public records (i.e., personnel data, law enforcement data, or anything in the attorney-client context). That will likely take the next week of my time.

I will leave it up to the town council as to whether they will bill you for my time.

John Schifano
Town Attorney
Town of Holly Springs, NC
[919-557-2917](tel:919-557-2917)
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Oct 3, 2017, at 1:55 PM, John Schifano <john.schifano@Hollyspringsnc.us> wrote:

Please specify the email addresses you want the query run from. Thank you.

On Oct 2, 2017, at 12:22 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

00183

Hi John,

No problem, happy to do that.

This email below was a question for Joni, she said I could reach out to her if I had a question on the documents she gave me. I copied everyone because I like transparency, if you would prefer me to not copy you for any on my town staff communications, I can.

I included you and Chuck on all the text email requests out of curtesy and transparency. I sent the request to you, Chuck, Joni, Kendra, Daniel, Elizabeth, Aaron, Hank, Cheri, Pete, Jimmy, Tom and Dick. I have received responses from Elizabeth, Pete, Joni, Jimmy, Daniel, Tom, Dick. I believe I'm am still waiting to get a response from you, Chuck, Kendra, Aaron, Hank and Cheri. The only action for you here is for your reply.

The only other outstanding request for you was to have you pull a new query with these fields per my attached email :
VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th 2017, NCGS 160A-299, parking deck, car wash

Please let me know if you have any concerns on these terms. For example Oct 17 2017 could provide information outside the scope I'm looking for so feel free to not include.

As you noted in the email, you were declining my request for those questions pertaining to how the town was going to follow the statute for § 160A-299.

So, to summarize, for you all I'm waiting for is the response to the text message request and to run a new query with the terms above. I dropped off a drive at the town hall office on Friday, it was formatted and empty so I hope this helps minimize you needing to find a drive to put the information on.

Let me know if you need me to clarify anything else at this time.

Christine

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Monday, October 02, 2017 9:45 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Joni Powell <joni.powell@Hollyspringsnc.us>; Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; cwkellyiii@gmail.com; Christine Kelly <cckelly@nc.rr.com>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

00184

CALENDAR

Mrs. Kelly, can you resend the request that you have outstanding that you reference below. I have to admit that I am confused with the flurry of request on what is outstanding. I also had computer issues last week and I might have missed something.

On Sep 28, 2017, at 3:58 PM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

Hi Joni,
I'm copying everyone because I want to be fully transparent. If you prefer for me just to ask you questions, let me know. Happy to comply.

As I stated, I'm trying to build the back story on the VDAP plan. My goal is to make the case that the Town Council consider updating the VDAP plan before making any road changes.

My neighbor gave me a copy of a bound VDAP plan dated September 2005
The files you gave me have the VDAP final with a date of Jan 2006.
The Maps are dated Nov 2005.
I've looked at the minutes but only Dec 2005 is online and after. A search for VDAP returns a mention in the Jan 2008 minutes.
So I'm left wondering what version of the plan was actually adopted by town council.

Are there paper files I can go through to find the town council minutes where the VDAP was adopted and the attachments that were included in that motion?
I'm taking tomorrow off so I can come by and look through these if that's convenient for you.

I will also be dropping off a drive so that Mr. Schifano can put all the data on I requested last week.

Let me know what works for you.

I'm tried to attach the files but they are too large for email. I will provide paper copies for anyone who would like to see these files.

Thanks
Christine

<image001.png>

From: Christine Kelly
Sent: Wednesday, September 20, 2017 12:20 PM
To: John Schifano <john.schifano@Holly Springs NC>

To: John Schifano <john.schifano@hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com; 'Christine Kelly' <cckelly@nc.rr.com>
Subject: RE: Public Comments question for tonight's meeting

John,

To answer your question, I'm trying to build a timeline on the work that has gone on regarding the Master Plan, Town Hall Commons, the proposed closing of Raleigh Street in preparation for participating in any public forum to discuss this proposed action. Also, the closing of that section of Raleigh Street is town business so I feel my emails asking questions are appropriate and timely since this work has been discussed in the last 2 town council meetings and it appears will be also discussed in upcoming town council meetings as well.

I am fine with you giving me the public records. Let me know if I need to supply a drive for you to put the information on. Happy to do that.

I do understand your reply on generating responses will take time. I did not request that you answer all these questions today, nor did I expect you to be the only person answering them. From Elizabeth's discussion with me, she said that the town is very familiar with following NC Gen Statute 160A-299 so I did not think that getting answers to these questions was a big request. I can wait for the answer but would prefer to have them before the Oct 17th agenda is put together.

Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 11:44 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
[919-557-2917](tel:919-557-2917)
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 11:09 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad.

From the NC Gen. Statute referenced in this schedule

00187

Per the NC Gen Statute referenced in this schedule,

§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?

What is an description for an example an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

<http://www.ncleg.net/EnactedLegislation/Statutes/>

§ 160A-299. Procedure for permanently closing streets and alleys. (a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

“The statute calls for the publishing once a week for four successive weeks prior to the hearing. “

1) Where will that publishing take place?

“Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records.”

2) Is our property included in this?

“a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley”

3) What will these notices look like, say and where will they be placed?

“At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the

or whether or not the closing would be detrimental to the public interest, or the property rights of any individual”

4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 9:51 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no “filtering out” of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public

hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
[919-557-2917](tel:919-557-2917)
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings.

If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano
<john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council
<TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>

Subject: RE: Public Comments question for tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields: VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell
<joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano
<john.schifano@Hollyspringsnc.us>; Town
Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for
tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.
My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda. <https://vimeo.com/album/1551244/video/232836382>

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall

Regarding the Public Hearing for the Town Plan
Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access.

All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council.

The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity around Raleigh Street and correspondence about it.

On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan

“Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to

inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting.”

Here are some quotes from the communications sent directly to me and my husband:

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

“have asked John Schifano to respond to this inquiry. In the interest of clarity and consistency, I would recommend that no one else responds. Thanks.”

Sept 7th 9:54 am I received an email from the Town Attorney. It’s longer so I will just highlight a few sentences

“From my observations, the town council does very well to hear and respond to evidence that is presented directly relating to whether a proposed use offends “the community moral standards, convince, or general welfare” or otherwise doesn’t meet our development regulations.

Tuesday, the evidence did not seem to go that way, as much evidence was presented that downtown development such as the use being proposed is favorable for the town as a whole.”

“The bulk of the negative testimony, from my observation, seemed to center around a discomfort with the decision-making process regarding closing the portion of Raleigh street behind the existing car wash”

“As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. “

“I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us

information please do not hesitate to contact us.
“

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “
and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others

“The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group

“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?

2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John,
cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am. Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:
Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks. His beginning sentence was
“I have no intention of supporting this politically charged effort for her to gain votes”

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.
>>> based on existing counts and the closing of short section of Raleigh and with the build out of TownHall Commons This is very simple and Chuck told Christine that we would do that at the public meeting.
>>> I have requested an estimate for this work and I could probably have it completed within 4 weeks.
>>> \$12,000-\$18,000 range and no staff time involved.
>>> I recommend doing this.

For a comprehensive Plan
use -build out -routing traffic through downtown
-factoring in
>>> historical places -landscape/streetscape -
lots of public input
>>>
>>> All of this sounds like an update to the VDAP.
>>> Gina has wanted to do this for a couple of years but with their staffing issues and the vacancy of Sr Planner this has been difficult to get completed.
>>> This type of update will be costly and probably take 12 months. Gina would need to become part of this conversation to help us better understand cost and time.
>>> Also the question of future development opportunities in the VDAP while the study goes on.... I do not recommend a ban on rezonings,
etc (like SADD)

etc (like SAR1).

>>>

>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k to \$125k, likely on the higher end. A firm with transportation expertise would probably work underneath the umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the total cost for everything she is requesting.

>

> Again, I would not want us to embark on anything which provides
> political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. It makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is “Council Continues to Focus On Downtown Development”

Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I’m aware of.

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rRl9e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gO_i7zkXpl9umWzaSUMho5Iopcm6Ae_KliFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

“We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes.”

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman:

Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is

not public service nor effective leadership.
Unfortunately, this has been happening too often
the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWLTvWUY4OegbRS-pvl4yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan
My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th. Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:
making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if their plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building. Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination. We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve.

At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VMAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure.

The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter.

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per

That they will strictly follow processes per town statutes and North Carolina statutes. The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on. That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly
Sent: Tuesday, September 19, 2017 3:07:01 PM
To: Joni Powell
Cc: Charles Simmons; John Schifano; Town Council
Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell [<mailto:joni.powell@Hollyspringsnc.us>]
Sent: Tuesday, September 19, 2017 2:56 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there
The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda

while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Regards,

<image003.png> *Joni Powell,*

NCCMC | Town Clerk and Director,

Department of Public Affairs &

Communications | Town of Holly Springs

PO Box 8 | 128 S Main Street | Holly Springs,
NC 27540

Office: [\(919\) 557-3900](tel:9195573900) | Cell: [\(919\) 218-5165](tel:9192185165) |

Email: joni.powell@hollyspringsnc.us

Town Website: www.hollyspringsnc.us

<image004.png>

Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly

00204

[mailto:Christine.Kelly@sas.com]

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell

<joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano

<john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

<Mail Attachment.eml>

00205



From: John Schifano john.schifano@Hollyspringsnc.us
Subject: Re: Public Comments question for tonight's meeting
Date: October 11, 2017 at 3:48 PM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Joni Powell joni.powell@Hollyspringsnc.us, Charles Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, cwkellyiii@gmail.com, cckelly201hs@gmail.com, Jeff Wilson jeff.wilson@Hollyspringsnc.us

Ms. Kelly,

I have attempted to extract all the town's emails based on your keyword search. The result was about 90 gigabytes of data, on over 100 different email boxes. Those emails boxes contain various non public data (for example police internal communication). I would have to individually go through all 100 email boxes and go line by line on all entries. I am going to say right now that your request is far too broad for the town to comply with. I am returning your external device to the front desk where you can get it when it is convenient for you.

I'm sorry that the result did not yield what you desired.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Oct 6, 2017, at 8:38 AM, John Schifano <john.schifano@Hollyspringsnc.us> wrote:

Ms. Kelly, As you haven't specified email address to search, I ran a query on all town emails based on the key words you provided. It resulted in about 140 gigabytes of return. I have been downloading these results for 2 days from the office 365 server, and it may hopefully be done shortly. After that, I have to sort through these emails to see if there are any non public records (i.e., personnel data, law enforcement data, or anything in the attorney-client context). That will likely take the next week of my time.

I will leave it up to the town council as to whether they will bill you for my time.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Oct 3, 2017, at 1:55 PM, John Schifano <john.schifano@Hollyspringsnc.us> wrote:

Please specify the email addresses you want the query run from. Thank you.

On Oct 2, 2017, at 12:22 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi John,

No problem, happy to do that.

This email below was a question for Joni, she said I could reach out to her if I had a question on the documents she gave me. I copied everyone because I like transparency, if you would prefer me to not copy you for any on my town staff communications, I can.

00209

I included you and Chuck on all the text email requests out of curtesy and transparency. I sent the request to you, Chuck, Joni, Kendra, Daniel, Elizabeth, Aaron, Hank, Cheri, Pete, Jimmy, Tom and Dick. I have received responses from Elizabeth, Pete, Joni, Jimmy, Daniel, Tom, Dick. I believe I'm am still waiting to get a response from you, Chuck, Kendra, Aaron, Hank and Cheri. The only action for you here is for your reply.

The only other outstanding request for you was to have you pull a new query with these fields per my attached email :
VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th 2017, NCGS 160A-299, parking deck, car wash

Please let me know if you have any concerns on these terms. For example Oct 17 2017 could provide information outside the scope I'm looking for so feel free to not include.

As you noted in the email, you were declining my request for those questions pertaining to how the town was going to follow the statute for § 160A-299.

So, to summarize, for you all I'm waiting for is the response to the text message request and to run a new query with the terms above. I dropped off a drive at the town hall office on Friday, it was formatted and empty so I hope this helps minimize you needing to find a drive to put the information on.

Let me know if you need me to clarify anything else at this time.

Christine

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Monday, October 02, 2017 9:45 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Joni Powell <joni.powell@Hollyspringsnc.us>; Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; cwkellyiii@gmail.com; Christine Kelly <cckelly@nc.rr.com>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Mrs. Kelly, can you resend the request that you have outstanding that you reference below. I have to admit that I am confused with the flurry of request on what is outstanding. I also had computer issues last week and I might have missed something.

On Sep 28, 2017, at 3:58 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi Joni,
I'm copying everyone because I want to be fully transparent. If you prefer for me just to ask you questions, let me know. Happy to comply.

As I stated, I'm trying to build the back story on the VDAP plan. My goal is to make the case that the Town Council consider updating the VDAP plan before making any road changes.

My neighbor gave me a copy of a bound VDAP plan dated September 2005
The files you gave me have the VDAP final with a date of Jan 2006. The Maps are dated Nov 2005.
I've looked at the minutes but only Dec 2005 is online and after. A search for VDAP returns a mention in the Jan 2008 minutes.
So I'm left wondering what version of the plan was actually adopted by town council.

Are there paper files I can go through to find the town council minutes where the VDAP was adopted and the attachments that were included in that motion?
I'm taking tomorrow off so I can come by and look through these if that's convenient for you.

I will also be dropping off a drive so that Mr. Schifano can put all the data on I requested last week.

Let me know what works for you.

I'm tried to attach the files but they are too large for email. I will provide paper copies for anyone who would like to see these files.

Thanks
Christine

<image001.png>

From: Christine Kelly
Sent: Wednesday, September 20, 2017 12:20 PM
To: 'John Schifano' <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com; 'Christine Kelly' <cckelly@nc.rr.com>
Subject: RE: Public Comments question for tonight's meeting

John,
To answer your question, I'm trying to build a timeline on the work that has gone on regarding the Master Plan, Town Hall Commons, the

proposed closing of Raleigh Street in preparation for participating in any public forum to discuss this proposed action. Also, the closing of that section of Raleigh Street is town business so I feel my emails asking questions are appropriate and timely since this work has been discussed in the last 2 town council meetings and it appears will be also discussed in upcoming town council meetings as well.

I am fine with you giving me the public records. Let me know if I need to supply a drive for you to put the information on. Happy to do that.

I do understand your reply on generating responses will take time. I did not request that you answer all these questions today, nor did I expect you to be the only person answering them. From Elizabeth's discussion with me, she said that the town is very familiar with following NC Gen Statute 160A-299 so I did not think that getting answers to these questions was a big request. I can wait for the answer but would prefer to have them before the Oct 17th agenda is put together.

Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 11:44 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

00212

On Sep 20, 2017, at 11:09 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad.

Per the NC Gen Statute referenced in this schedule,

§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board,

council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?

What is an description for an example an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-299.pdf

§ 160A-299. Procedure for permanently closing streets and alleys. (a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing

and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

“The statute calls for the publishing once a week for four successive weeks prior to the hearing. “

1) Where will that publishing take place?

“Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records.”

2) Is our property included in this?

“a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley”

3) What will these notices look like, say and where will they be placed?

“At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual”

4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano

00215

[mailto:john.schifano@Hollyspringsnc.us]

Sent: Wednesday, September 20, 2017 9:51 AM

To: Christine Kelly <Christine.Kelly@sas.com>

Cc: Charles Simmons

<charles.simmons@Hollyspringsnc.us>; Town Council

<TownCouncil@Hollyspringsnc.us>; Joni Powell

<joni.powell@Hollyspringsnc.us>

Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no "filtering out" of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano

00216

Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings.

If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano
<john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>;
Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the

00217

search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields: VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell
<joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>;
Town Council
<TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.
My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda.

<https://vimeo.com/album/1551244/video/232836382>

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access.

All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town

Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council. The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity around Raleigh Street and correspondence about it.

On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan “Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting.”

Here are some quotes from the communications sent directly to me and my husband:

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

“have asked John Schifano to respond to this inquirv. In the interest of clarity and consistency.

I would recommend that no one else responds.
Thanks.”

Sept 7th 9:54 am I received an email from the
Town Attorney. It’s longer so I will just highlight
a few sentences

“From my observations, the town council does
very well to hear and respond to evidence that is
presented directly relating to whether a proposed
use offends “the community moral standards,
convince, or general welfare” or otherwise doesn’t
meet our development regulations. Tuesday, the
evidence did not seem to go that way, as much
evidence was presented that downtown
development such as the use being proposed is
favorable for the town as a whole.”

“The bulk of the negative testimony, from my
observation, seemed to center around a
discomfort with the decision-making process
regarding closing the portion of Raleigh street
behind the existing car wash”

“As I stated in the meeting, there will need to be a
separate process, with a public hearing, on the
actual road closure procedure. It would be
consistent with the master plan that was approved
if the town council were to close that portion of
Raleigh street, however the town council is under
no legal obligation to do so, and in my opinion
would likely not if there is compelling evidence
of some sort against the wisdom of this closure. “
“I hope that this write-up serves to clarify and not
further confuse the issue. If I, or any other town
employee, can provide additional information
please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps
somewhat. I am still unclear to what road
intentions/plans/decisions have been done. “ and
I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others
“The town will follow NCGS 160A-299 for the
road closure.”

On Sept 12 at 12:10pm I sent an email to John and
copied group

“1) What happens to the motions that were
passed at the town council meeting for Town Hall
Commons?

2) Will Town Hall Commons still move ...

forward without the Raleigh Street closure?’”

On September 12, 2017 12:18 PM From John, cc: Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:

Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks. His beginning sentence was “I have no intention of supporting this politically charged effort for her to gain votes”

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.
>>> based on existing counts and the closing of short section of Raleigh and with the build out of

short section of Raleigh and with the build out of
TownHall Commons This is very simple and
Chuck told Christine that we would do that at the
public meeting.

>>> I have requested an estimate for this work
and I could probably have it completed within 4
weeks.

>>> \$12,000-\$18,000 range and no staff time
involved.

>>> I recommend doing this.

For a comprehensive Plan
use -build out -routing traffic through downtown -
factoring in

>>> historical places -landscape/streetscape -lots
of public input

>>>

>>> All of this sounds like an update to the
VDAP.

>>> Gina has wanted to do this for a couple of
years but with their staffing issues and the
vacancy of Sr Planner this has been difficult to get
completed.

>>> This type of update will be costly and
probably take 12 months. Gina would need to
become part of this conversation to help us better
understand cost and time.

>>> Also the question of future development
opportunities in the VDAP while the study goes
on.... I do not recommend a ban on rezonings, etc
(like SAPI).

>>>

>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below
we could be looking at \$75k to \$125k, likely on
the higher end. A firm with transportation
expertise would probably work underneath the
umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the
total cost for everything she is requesting.

>

> Again, I would not want us to embark on
anything which provides

> political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the

actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. I makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development" Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I'm aware of.

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KliFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

“We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes.”

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pvl4yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan

My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th. Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney

September 12, 2017 12:18 PM was not part of the

September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:
making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building.

Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination
We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve

At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure
The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information

presented by the town seems to be going through a “not be taken seriously as valid concerns on the project” filter .

The negative comments on Councilman Dickson’s FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly

Sent: Tuesday, September 19, 2017 3:07:01 PM

To: Joni Powell

Cc: Charles Simmons; John Schifano; Town Council

Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell

[<mailto:joni.powell@Hollyspringsnc.us>]

Sent: Tuesday, September 19, 2017 2:56 PM

00228

Sent: Tuesday, September 19, 2017 2:30 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; John
Schifano <john.schifano@Hollyspringsnc.us>;
Town Council
<TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for
tonight's meeting

EXTERNAL

Hey there

The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Regards

00229

regards,

<image003.png> *Joni Powell, NCCMC | Town Clerk and Director,*

Department of Public Affairs & Communications | Town of Holly Springs
PO Box 8 | 128 S Main Street | Holly Springs, NC 27540
Office: (919) 557-3900 | Cell: (919) 218-5165 |
Email: joni.powell@hollyspringsnc.us
Town Website: www.hollyspringsnc.us

<image004.png>

Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly
[\[mailto:Christine.Kelly@sas.com\]](mailto:Christine.Kelly@sas.com)
Sent: Tuesday, September 19, 2017 10:17 AM
To: Joni Powell
<joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>
Subject: Public Comments question for tonight's meeting

Joni,
I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

<Mail Attachment.eml>

00230



From: John Schifano john.schifano@Hollyspringsnc.us
Subject: Re: Public Comments question for tonight's meeting
Date: October 6, 2017 at 8:38 AM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Joni Powell joni.powell@Hollyspringsnc.us, Charles Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, cwkellyiii@gmail.com, cckelly201hs@gmail.com, Jeff Wilson jeff.wilson@Hollyspringsnc.us

Ms. Kelly, As you haven't specified email address to search, I ran a query on all town emails based on the key words you provided. It resulted in about 140 gigabytes of return. I have been downloading these results for 2 days from the office 365 server, and it may hopefully be done shortly. After that, I have to sort through these emails to see if there are any non public records (i.e., personnel data, law enforcement data, or anything in the attorney-client context). That will likely take the next week of my time.

I will leave it up to the town council as to whether they will bill you for my time.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Oct 3, 2017, at 1:55 PM, John Schifano <john.schifano@Hollyspringsnc.us> wrote:

Please specify the email addresses you want the query run from. Thank you.

On Oct 2, 2017, at 12:22 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi John,

No problem, happy to do that.

This email below was a question for Joni, she said I could reach out to her if I had a question on the documents she gave me. I copied everyone because I like transparency, if you would prefer me to not copy you for any on my town staff communications, I can.

I included you and Chuck on all the text email requests out of courtesy and transparency. I sent the request to you, Chuck, Joni, Kendra, Daniel, Elizabeth, Aaron, Hank, Cheri, Pete, Jimmy, Tom and Dick. I have received responses from Elizabeth, Pete, Joni, Jimmy, Daniel, Tom, Dick. I believe I'm still waiting to get a response from you, Chuck, Kendra, Aaron, Hank and Cheri. The only action for you here is for your reply.

The only other outstanding request for you was to have you pull a new query with these fields per my attached email :
VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th 2017, NCGS 160A-299, parking deck, car wash

Please let me know if you have any concerns on these terms. For example Oct 17 2017 could provide information outside the scope I'm looking for so feel free to not

00234

include.

As you noted in the email, you were declining my request for those questions pertaining to how the town was going to follow the statute for § 160A-299.

So, to summarize, for you all I'm waiting for is the response to the text message request and to run a new query with the terms above. I dropped off a drive at the town hall office on Friday, it was formatted and empty so I hope this helps minimize you needing to find a drive to put the information on.

Let me know if you need me to clarify anything else at this time.

Christine

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Monday, October 02, 2017 9:45 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Joni Powell <joni.powell@Hollyspringsnc.us>; Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; cwkellyiii@gmail.com; Christine Kelly <cckelly@nc.rr.com>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Mrs. Kelly, can you resend the request that you have outstanding that you reference below. I have to admit that I am confused with the flurry of request on what is outstanding. I also had computer issues last week and I might have missed something.

On Sep 28, 2017, at 3:58 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi Joni,
I'm copying everyone because I want to be fully transparent. If you prefer for me just to ask you questions, let me know. Happy to comply.

As I stated, I'm trying to build the back story on the VDAP plan. My goal is to make the case that the Town Council consider updating the VDAP plan before making any road changes.

My neighbor gave me a copy of a bound VDAP plan dated September 2005

The files you gave me have the VDAP final with a date of Jan 2006. The Maps are dated Nov 2005.

I've looked at the minutes but only Dec 2005 is online and after. A search for VDAP returns a mention in the Jan 2008 minutes.

So I'm left wondering what version of the plan was actually adopted by town council.

Are there paper files I can go through to find the town council minutes where the VDAP was adopted and the attachments that were included in that motion?

I'm taking tomorrow off so I can come by and look through these if that's convenient for you.

I will also be dropping off a drive so that Mr. Schifano can put all the data on I requested last week.

Let me know what works for you.

I'm tried to attach the files but they are too large for email. I will provide paper copies for anyone who would like to see these files.

Thanks
Christine

<image001.png>

From: Christine Kelly
Sent: Wednesday, September 20, 2017 12:20 PM
To: 'John Schifano' <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyjiii@gmail.com; 'Christine Kelly' <cckelly@nc.rr.com>
Subject: RE: Public Comments question for tonight's meeting

John,
To answer your question, I'm trying to build a timeline on the work that has gone on regarding the Master Plan, Town Hall Commons, the proposed closing of Raleigh Street in preparation for participating in any public forum to discuss this proposed action. Also, the closing of that section of Raleigh Street is town business so I feel my emails asking questions are appropriate and timely since this work has been discussed in the last 2 town council meetings and it appears will be also discussed in upcoming town council meetings as well.

I am fine with you giving me the public records. Let me know if I need to supply a drive for you to put the information on. Happy to do that.

I do understand your reply on generating responses will take time. I did not request that you answer all these questions today, nor did I expect you to be the only person answering them. From Elizabeth's discussion with me, she said that the town is very familiar with following NC Gen Statute 160A-299 so I did not think that getting answers to these questions was a big request. I can wait for the answer but would prefer to have them before the Oct 17th agenda is put together.

Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 11:44 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 11:09 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be

00237

information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad. Per the NC Gen Statute referenced in this schedule,

§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?

What is an example of an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-299.pdf

§ 160A-299. Procedure for permanently closing streets and alleys. (a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

“The statute calls for the publishing once a week for four successive weeks prior to the hearing. “

1) Where will that publishing take place?

“Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records.”

2) Is our property included in this?

“a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley”

3) What will these notices look like, say and where will they be placed?

“At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual”

4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano

[mailto:john.schifano@Hollyspringsnc.us]

Sent: Wednesday, September 20, 2017 9:51 AM

To: Christine Kelly <Christine.Kelly@sas.com>

Cc: Charles Simmons

<charles.simmons@Hollyspringsnc.us>; Town Council

<TownCouncil@Hollyspringsnc.us>; Joni Powell

<joni.powell@Hollyspringsnc.us>

Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs

relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no "filtering out" of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings. If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that

to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano
<john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; Town
Council <TownCouncil@Hollyspringsnc.us>; Joni
Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for
tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields: VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive is one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall

00242

closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell <joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.
My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information but only pieces of what turns out is a

...information, but only pieces of what takes out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda.

<https://vimeo.com/album/1551244/video/23283638>

2

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access.

All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council.

The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity

around Raleigh Street and correspondence about it. On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan "Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting."

Here are some quotes from the communications sent directly to me and my husband:

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

"have asked John Schifano to respond to this inquiry. In the interest of clarity and consistency, I would recommend that no one else responds. Thanks."

Sept 7th 9:54 am I received an email from the Town Attorney. It's longer so I will just highlight a few sentences

"From my observations, the town council does very well to hear and respond to evidence that is presented directly relating to whether a proposed use offends "the community moral standards, convince, or general welfare" or otherwise doesn't meet our development regulations. Tuesday, the evidence did not seem to go that way, as much evidence was presented that downtown development such as the use being proposed is favorable for the town as a whole."

"The bulk of the negative testimony, from my observation, seemed to center around a discomfort with the decision-making process regarding closing the portion of Raleigh street behind the existing car wash"

"As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. "

"I hope that this write-up serves to clarify and not

I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “ and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others “The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group

“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?

2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John, cc: Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John

that I have found the following:
Regarding my first email about the presentation
which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread
with Kendra, Chuck and Daniel Weeks.

His beginning sentence was
“I have no intention of supporting this politically
charged effort for her to gain votes”

He then proceeded to ask questions about
consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.

>>> based on existing counts and the closing of
short section of Raleigh and with the build out of
TownHall Commons This is very simple and Chuck
told Christine that we would do that at the public
meeting.

>>> I have requested an estimate for this work and
I could probably have it completed within 4 weeks.

>>> \$12,000-\$18,000 range and no staff time
involved.

>>> I recommend doing this.

For a comprehensive Plan

use -build out -routing traffic through downtown -
factoring in

>>> historical places -landscape/streetscape -lots of
public input

>>>

>>> All of this sounds like an update to the VDAP.

>>> Gina has wanted to do this for a couple of
years but with their staffing issues and the vacancy
of Sr Planner this has been difficult to get
completed.

>>> This type of update will be costly and probably
take 12 months. Gina would need to become part of
this conversation to help us better understand cost
and time.

>>> Also the question of future development
opportunities in the VDAP while the study goes
on.... I do not recommend a ban on rezonings, etc
(like SAPI).

>>>

>>>

Email from Daniel Weeks, Sent 7 8:24 am

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k to \$125k, likely on the higher end. A firm with transportation expertise would probably work underneath the umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the total cost for everything she is requesting.

>

> Again, I would not want us to embark on anything which provides

> political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting

period before the quick claim deed can be recorded.
From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. It makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development" Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other

resident input has been requested with regards to this Master Plan that I'm aware of.

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rRI9e4xOwN35c7iKGAAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KiFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

“We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes.”

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pv14yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan
My last email correspondence about what was discussed at the meeting was with regards to

making plans with Joni and John on Sept 12th. Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:

making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building.

Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination
We could use the same process as they are using for SAPI to have dialog to make it the plan the

residents of Holly Springs deserve
At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure
The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter .

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly

Sent: Tuesday, September 19, 2017 3:07:01 PM

To: Joni Powell

Cc: Charles Simmons; John Schifano; Town Council

Subject: RE: Public Comments question for

00252

Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell
[mailto:joni.powell@Hollyspringsnc.us]
Sent: Tuesday, September 19, 2017 2:56 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there

The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes

minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Regards,

 *Joni Powell, NCCMC | Town Clerk and Director,*

**Department of Public Affairs & Communications
| Town of Holly Springs**

PO Box 8 | 128 S Main Street | Holly Springs, NC
27540

Office: (919) 557-3900 | Cell: (919) 218-5165 |

Email: joni.powell@hollyspringsnc.us

Town Website: www.hollyspringsnc.us



Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly

[\[mailto:Christine.Kelly@sas.com\]](mailto:Christine.Kelly@sas.com)

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell <joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons

<charles.simmons@Hollyspringsnc.us>; John

Schifano <john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

00254



Wanted to make sure I know the procedure.

Thanks
Christine

<Mail Attachment.eml>

From: John Schifano john.schifano@Hollyspringsnc.us
Subject: Re: Public Comments question for tonight's meeting
Date: October 3, 2017 at 1:56 PM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Joni Powell joni.powell@Hollyspringsnc.us, Charles Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, cwkellyiii@gmail.com, cckelly201hs@gmail.com



Please specify the email addresses you want the query run from. Thank you.

On Oct 2, 2017, at 12:22 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi John,

No problem, happy to do that.

This email below was a question for Joni, she said I could reach out to her if I had a question on the documents she gave me. I copied everyone because I like transparency, if you would prefer me to not copy you for any on my town staff communications, I can.

I included you and Chuck on all the text email requests out of curtesy and transparency. I sent the request to you, Chuck, Joni, Kendra, Daniel, Elizabeth, Aaron, Hank, Cheri, Pete, Jimmy, Tom and Dick. I have received responses from Elizabeth, Pete, Joni, Jimmy, Daniel, Tom, Dick. I believe I'm am still waiting to get a response from you, Chuck, Kendra, Aaron, Hank and Cheri. The only action for you here is for your reply.

The only other outstanding request for you was to have you pull a new query with these fields per my attached email :
VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th 2017, NCGS 160A-299, parking deck, car wash

Please let me know if you have any concerns on these terms. For example Oct 17 2017 could provide information outside the scope I'm looking for so feel free to not include.

As you noted in the email, you were declining my request for those questions pertaining to how the town was going to follow the statute for § 160A-299.

So, to summarize, for you all I'm waiting for is the response to the text message request and to run a new query with the terms above. I dropped off a drive at the town hall office on Friday, it was formatted and empty so I hope this helps minimize you needing to find a drive to put the information on.

Let me know if you need me to clarify anything else at this time.

Christine

From: John Schifano [mailto:john.schifano@Hollyspringsnc.us]

Sent: Monday, October 02, 2017 9:45 AM

To: Christine Kelly <Christine.Kelly@sas.com>

00258

TO: Christine Kelly <Christine.Kelly@sas.com>

Cc: Joni Powell <joni.powell@Hollyspringsnc.us>; Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; cwkellyiii@gmail.com; Christine Kelly <cckelly@nc.rr.com>

Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Mrs. Kelly, can you resend the request that you have outstanding that you reference below. I have to admit that I am confused with the flurry of request on what is outstanding. I also had computer issues last week and I might have missed something.

On Sep 28, 2017, at 3:58 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi Joni,

I'm copying everyone because I want to be fully transparent. If you prefer for me just to ask you questions, let me know. Happy to comply.

As I stated, I'm trying to build the back story on the VDAP plan. My goal is to make the case that the Town Council consider updating the VDAP plan before making any road changes.

My neighbor gave me a copy of a bound VDAP plan dated September 2005. The files you gave me have the VDAP final with a date of Jan 2006. The Maps are dated Nov 2005.

I've looked at the minutes but only Dec 2005 is online and after. A search for VDAP returns a mention in the Jan 2008 minutes.

So I'm left wondering what version of the plan was actually adopted by town council.

Are there paper files I can go through to find the town council minutes where the VDAP was adopted and the attachments that were included in that motion?

I'm taking tomorrow off so I can come by and look through these if that's convenient for you.

I will also be dropping off a drive so that Mr. Schifano can put all the data on I requested last week.

Let me know what works for you.

I'm tried to attach the files but they are too large for email. I will provide paper copies for anyone who would like to see these files.

Thanks

00259

Christine

<image001.png>

From: Christine Kelly
Sent: Wednesday, September 20, 2017 12:20 PM
To: 'John Schifano' <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com; 'Christine Kelly' <cckelly@nc.rr.com>
Subject: RE: Public Comments question for tonight's meeting

John,

To answer your question, I'm trying to build a timeline on the work that has gone on regarding the Master Plan, Town Hall Commons, the proposed closing of Raleigh Street in preparation for participating in any public forum to discuss this proposed action. Also, the closing of that section of Raleigh Street is town business so I feel my emails asking questions are appropriate and timely since this work has been discussed in the last 2 town council meetings and it appears will be also discussed in upcoming town council meetings as well.

I am fine with you giving me the public records. Let me know if I need to supply a drive for you to put the information on. Happy to do that.

I do understand your reply on generating responses will take time. I did not request that you answer all these questions today, nor did I expect you to be the only person answering them. From Elizabeth's discussion with me, she said that the town is very familiar with following NC Gen Statute 160A-299 so I did not think that getting answers to these questions was a big request. I can wait for the answer but would prefer to have them before the Oct 17th agenda is put together.

Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 11:44 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information

00260

request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 11:09 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni

00261

shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad. Per the NC Gen Statute referenced in this schedule,

§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?

What is an description for an example an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-299.pdf

§ 160A-299. Procedure for permanently closing streets and alleys.
(a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

“The statute calls for the publishing once a week for four successive weeks prior to the hearing. “

1) Where will that publishing take place?

“Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records.”

2) Is our property included in this?

“a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley”

3) What will these notices look like, say and where will they be placed?

“At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual”

4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 9:51 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no "filtering out" of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings. If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano
<john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons
<charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you

00265

used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields: VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell <joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.
My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda.

<https://vimeo.com/album/1551244/video/232836382>

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access. All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council.

The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity around Raleigh Street and correspondence about it.

On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan “Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting.”

Here are some quotes from the communications sent directly to me and my husband:

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

“have asked John Schifano to respond to this inquiry. In the interest of clarity and consistency, I would recommend that no one else responds. Thanks.”

Sept 7th 9:54 am I received an email from the Town Attorney. It’s longer so I will just highlight a few sentences

“From my observations, the town council does very well to hear and respond to evidence that is presented directly relating to whether a proposed use offends

“the community’s moral standards, customs, or

...the community moral standards, convince, or general welfare” or otherwise doesn’t meet our development regulations. Tuesday, the evidence did not seem to go that way, as much evidence was presented that downtown development such as the use being proposed is favorable for the town as a whole.”

“The bulk of the negative testimony, from my observation, seemed to center around a discomfort with the decision-making process regarding closing the portion of Raleigh street behind the existing car wash”

“As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. “

“I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “ and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others

“The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group

“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?

2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John, cc: Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly

so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:

Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks.

His beginning sentence was

"I have no intention of supporting this politically charged effort for her to gain votes"

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.

>>> based on existing counts and the closing of short section of Raleigh and with the build out of TownHall Commons This is very simple and Chuck told Christine that we would do that at the public meeting.

>>> I have requested an estimate for this work and I could probably have it completed within 4 weeks.

>>> \$12,000-\$18,000 range and no staff time involved.

>>> I recommend doing this.

For a comprehensive Plan

use -build out -routing traffic through downtown - factoring in
>>> historical places -landscape/streetscape -lots of public input
>>>
>>> All of this sounds like an update to the VDAP.
>>> Gina has wanted to do this for a couple of years but with their staffing issues and the vacancy of Sr Planner this has been difficult to get completed.
>>> This type of update will be costly and probably take 12 months. Gina would need to become part of this conversation to help us better understand cost and time.
>>> Also the question of future development opportunities in the VDAP while the study goes on.... I do not recommend a ban on rezonings, etc (like SAPI).
>>>
>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k to \$125k, likely on the higher end. A firm with transportation expertise would probably work underneath the umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am
> Thanks, I would ultimately want to know the total cost for everything she is requesting.
>
> Again, I would not want us to embark on anything which provides
> political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of

regarding my email chain about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically
Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. It makes me wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development"
Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I'm aware of.

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUmho5Iopcm6Ae_KliFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

"We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes."

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18
It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it

political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWLTvWUY4OegbRS-pvl4yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan

My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th.

Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It’s unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:

making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the

Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building. Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination
We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve

At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure
The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter .

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on

decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly
Sent: Tuesday, September 19, 2017 3:07:01 PM
To: Joni Powell
Cc: Charles Simmons; John Schifano; Town Council
Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell
[\[mailto:joni.powell@Hollyspringsnc.us\]](mailto:joni.powell@Hollyspringsnc.us)
Sent: Tuesday, September 19, 2017 2:56 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there
The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined to be more flexible and to allow a few extra

I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Regards,

 *Joni Powell, NCCMC | Town Clerk and Director,*

**Department of Public Affairs & Communications |
Town of Holly Springs**

PO Box 8 | 128 S Main Street | Holly Springs, NC
27540

Office: (919) 557-3900 | Cell: (919) 218-5165 |

Email: joni.powell@hollyspringsnc.us

Town Website: www.hollyspringsnc.us



Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly

[\[mailto:Christine.Kelly@sas.com\]](mailto:Christine.Kelly@sas.com)

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell <joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons

<charles.simmons@Hollyspringsnc.us>; John

Schifano <john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of

00277

Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

<Mail Attachment.eml>

From: John Schifano john.schifano@Hollyspringsnc.us
Subject: Re: Public Comments question for tonight's meeting
Date: October 2, 2017 at 9:45 AM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Joni Powell joni.powell@Hollyspringsnc.us, Charles Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, cwkellyiii@gmail.com, Christine Kelly cckelly@nc.rr.com



Mrs. Kelly, can you resend the request that you have outstanding that you reference below. I have to admit that I am confused with the flurry of request on what is outstanding. I also had computer issues last week and I might have missed something.

On Sep 28, 2017, at 3:58 PM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Hi Joni,

I'm copying everyone because I want to be fully transparent. If you prefer for me just to ask you questions, let me know. Happy to comply.

As I stated, I'm trying to build the back story on the VDAP plan. My goal is to make the case that the Town Council consider updating the VDAP plan before making any road changes.

My neighbor gave me a copy of a bound VDAP plan dated September 2005
The files you gave me have the VDAP final with a date of Jan 2006. The Maps are dated Nov 2005.

I've looked at the minutes but only Dec 2005 is online and after. A search for VDAP returns a mention in the Jan 2008 minutes.

So I'm left wondering what version of the plan was actually adopted by town council.

Are there paper files I can go through to find the town council minutes where the VDAP was adopted and the attachments that were included in that motion?

I'm taking tomorrow off so I can come by and look through these if that's convenient for you.

I will also be dropping off a drive so that Mr. Schifano can put all the data on I requested last week.

Let me know what works for you.

I'm tried to attach the files but they are too large for email. I will provide paper copies for anyone who would like to see these files.

Thanks
Christine

<image001.png>

From: Christine Kelly
Sent: Wednesday, September 20, 2017 12:20 PM
To: 'John Schifano' <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyiii@gmail.com; 'Christine Kelly' <cckelly@nc.rr.com>
Subject: RE: Public Comments question for tonight's meeting

00281

John,

To answer your question, I'm trying to build a timeline on the work that has gone on regarding the Master Plan, Town Hall Commons, the proposed closing of Raleigh Street in preparation for participating in any public forum to discuss this proposed action. Also, the closing of that section of Raleigh Street is town business so I feel my emails asking questions are appropriate and timely since this work has been discussed in the last 2 town council meetings and it appears will be also discussed in upcoming town council meetings as well.

I am fine with you giving me the public records. Let me know if I need to supply a drive for you to put the information on. Happy to do that.

I do understand your reply on generating responses will take time. I did not request that you answer all these questions today, nor did I expect you to be the only person answering them. From Elizabeth's discussion with me, she said that the town is very familiar with following NC Gen Statute 160A-299 so I did not think that getting answers to these questions was a big request. I can wait for the answer but would prefer to have them before the Oct 17th agenda is put together.

Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 11:44 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>; cwkellyjii@gmail.com
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

00282

On Sep 20, 2017, at 11:09 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad.
Per the NC Gen Statute referenced in this schedule,

§ 132-1.1. Confidential communications by legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of

proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?
What is an description for an example an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-299.pdf

§ 160A-299. Procedure for permanently closing streets and alleys. (a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

"The statute calls for the publishing once a week for four successive weeks prior to the hearing. "

1) Where will that publishing take place?

"Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records."

2) Is our property included in this?

"a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley"

3) What will these notices look like, say and where will they be placed?

"At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual"

4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 9:51 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to

specify a time frame?

There was no “filtering out” of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council’s agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly
<Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings. If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I’d also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>

cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>, Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields:
VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell <joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>;

00287

John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.

My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda. <https://vimeo.com/album/1551244/video/232836382>
To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access. All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to

As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. “

“I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “ and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others

“The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group

“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?

2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:

Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks.

His beginning sentence was

“I have no intention of supporting this politically charged effort for her to gain votes”

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.

>>> based on existing counts and the closing of short section of Raleigh and with the build out of TownHall Commons This is very simple and Chuck told Christine that we would do that at the public meeting.

>>> I have requested an estimate for this work and I could probably have it completed within 4 weeks.

>>> \$12,000-\$18,000 range and no staff time involved.

>>> I recommend doing this.

For a comprehensive Plan

use -build out -routing traffic through downtown -factoring in

>>> historical places -landscape/streetscape -lots of public input

>>>

>>> All of this sounds like an update to the VDAP.

>>> Gina has wanted to do this for a couple of years but with their staffing issues and the vacancy of Sr Planner this has been difficult to get completed.

>>> This type of update will be costly and probably take 12 months. Gina would need to become part of this conversation to help us better understand cost and time.

>>> Also the question of future development opportunities in the VDAP while the study goes on.... I do not recommend a ban on rezonings, etc (like SAPI).

>>>

>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k to \$125k, likely on the higher end. A firm with transportation expertise would probably work underneath the umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the total cost for everything she is requesting.

- >
- > Again, I would not want us to embark on anything which provides
- > political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions.

I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. I makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development"

Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I'm aware of.

[https://l.facebook.com/l.php?](https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rRI9e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KiFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k)

[u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rRI9e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KiFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k](https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rRI9e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KiFaKsN9C3TWE0D0RXKvxsx2T5BPk99d7vWXFyhTgbXJDOt51k)

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

"We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes."

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWLTvWUY4OegbRS-pv14yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan

My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th.

Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:

making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral.

The Town was the one pushing for the street closures. They told

THE TOWN WAS THE ONE PUSHING FOR THE STREET CLOSURES. They told me they could still move forward with their building. Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination

We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve. At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure

The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter .

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly

Sent: Tuesday, September 19, 2017 3:07:01 PM

To: .Ioni Powell

00295

FOR COMMENT ONLY

Cc: Charles Simmons; John Schifano; Town Council
Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell [<mailto:joni.powell@Hollyspringsnc.us>]
Sent: Tuesday, September 19, 2017 2:56 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there

The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Boards

negatus,

<image003.png> *Joni Powell, NCCMC | Town Clerk and Director,*

Department of Public Affairs & Communications | Town of Holly Springs

PO Box 8 | 128 S Main Street | Holly Springs, NC 27540

Office: (919) 557-3900 | Cell: (919) 218-5165 | Email:

joni.powell@hollyspringsnc.us

Town Website: www.hollyspringsnc.us

<image004.png>

Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly [<mailto:Christine.Kelly@sas.com>]

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell <joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>;

John Schifano <john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics. If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

00297

From: John Schifano john.schifano@Hollyspringsnc.us

Subject: Re: Public Comments question for tonight's meeting

Date: September 20, 2017 at 11:43 AM

To: Christine Kelly Christine.Kelly@sas.com

Cc: Chuck Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, Joni Powell joni.powell@Hollyspringsnc.us, cwkellyiii@gmail.com



Just reading these emails is monopolizing my time today. I am not exactly sure what you are trying to accomplish here, except maybe keep me and others from working on other matters. Aside from the public information request, I am counting 9 questions here, that I would like to answer, but I will decline.

I will produce the public records you have requested for the times requested.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 11:09 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

John,

Thank you for your quick response. What would be the cost for those 8 to 10 hours? I have several Raleigh Street longtime residents of Holly Springs who may want to help fund this with me. If we end up paying the town this fee, what accounting general ledger entry will this payment be associated with?

I understand that my emails are causing work for several members of the town staff and council I appreciate your quick response however the closing of a section of street is an important decision. I want to make sure I understand all the information behind that initiative to determine how I will be responding in any public hearing either for or against this closure.

The scope I am looking for is October 2014 to the date you run the query. The November 2014 is 3 months before the February 2015 retreat. I'd like to capture any emails around this project in preparation for that Feb meeting.

Thank you for the information regarding requesting text messages. I will proceed and do that with those who attended the last 2 town council meetings. I will copy you and Chuck on each request.

Can you also help me understand if you are using Town of Holly Springs council emails, what would not be considered public record.

From the Records Retention and Disposition Schedule that Joni shared dated Sept 10, 2012 page viii section A it appears to me that the definition of public record emails is fairly broad.

Per the NC Gen Statute referenced in this schedule,

§ 132-1.1 Confidential communications by legal counsel to public board or agency: State

00300

§ 160A-299. Confidential communications of legal counsel to public board or agency; State tax information; public enterprise billing information; Address Confidentiality Program information.

(a) Confidential Communications. - Public records, as defined in G.S. 132-1, shall not include written communications (and copies thereof) to any public board, council, commission or other governmental body of the State or of any county, municipality or other political subdivision or unit of government, made within the scope of the attorney-client relationship by any attorney-at-law serving any such governmental body, concerning any claim against or on behalf of the governmental body or the governmental entity for which such body acts, or concerning the prosecution, defense, settlement or litigation of any judicial action, or any administrative or other type of proceeding to which the governmental body is a party or by which it is or may be directly affected. Such written communication and copies thereof shall not be open to public inspection, examination or copying unless specifically made public by the governmental body receiving such written communications; provided, however, that such written communications and copies thereof shall become public records as defined in G.S. 132-1 three years from the date such communication was received by such public board, council, commission or other governmental body.

Please clarify as I want to be clear on what is public records and what is not. Has there been any attorney-client relationship efforts or litigation around the words I requested as part of my query?

What is an example of an email sent/received/deleted using a Town of Holly Springs email using the query words that I gave you that would not be considered a public record?

Also, if the motion is slated for Oct 17th, will it be to adopt a resolution declaring its intent to close the street or alley?

As you confirmed in an earlier email, and Elizabeth confirmed in our discussion last Wednesday night at the Candidates event, the town will follow the NC General Statute for NCGS 160A-299

http://www.ncleg.net/EnactedLegislation/Statutes/PDF/BySection/Chapter_160A/GS_160A-299.pdf

§ 160A-299. Procedure for permanently closing streets and alleys. (a) When a city proposes to permanently close any street or public alley, the council shall first adopt a resolution declaring its intent to close the street or alley and calling a public hearing on the question. The resolution shall be published once a week for four successive weeks prior to the hearing, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or alley as shown on the county tax records, and a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley. If the street or alley is under the authority and control of the Department of Transportation, a copy of the resolution shall be mailed to the Department of Transportation. At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual. If it appears to the satisfaction of the council after the hearing that closing the street or alley is not contrary to the public interest, and that no individual owning property

00301

in the vicinity of the street or alley or in the subdivision in which it is located would thereby be deprived of reasonable means of ingress and egress to his property, the council may adopt an order closing the street or alley. A certified copy of the order (or judgment of the court) shall be filed in the office of the register of deeds of the county in which the street, or any portion thereof, is located

“The statute calls for the publishing once a week for four successive weeks prior to the hearing. “

- 1) Where will that publishing take place?

“Also, a copy thereof shall be sent by registered or certified mail to all owners of property adjoining the street or ally as shown on the county tax records.”

- 2) Is our property included in this?

“a notice of the closing and public hearing shall be prominently posted in at least two places along the street or alley”

- 3) What will these notices look like, say and where will they be placed?

“At the hearing, any person may be heard on the question of whether or not the closing would be detrimental to the public interest, or the property rights of any individual”

- 4) When will the hearing take place? Will it be part of a town council meeting?

Thank you
Christine Kelly
201 Grigsby Avenue

From: John Schifano [<mailto:john.schifano@Hollyspringsnc.us>]
Sent: Wednesday, September 20, 2017 9:51 AM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

EXTERNAL

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this

data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no "filtering out" of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings.

If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano <john.schifano@Hollyspringsnc.us>

00303

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

John

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields:

VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell <joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

00304

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.

My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda.

<https://vimeo.com/album/1551244/video/232836382>

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access.

All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council. The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity around Raleigh Street and correspondence about it.

On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan

“Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting.”

Here are some quotes from the communications sent directly to me and my husband:

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

“have asked John Schifano to respond to this inquiry. In the interest of clarity and consistency, I would recommend that no one else responds. Thanks.”

Sept 7th 9:54 am I received an email from the Town Attorney. It’s longer so I will just highlight a few sentences

“From my observations, the town council does very well to hear and respond to evidence that is presented directly relating to whether a proposed use offends “the community moral standards, convince, or general welfare” or otherwise doesn’t meet our development regulations. Tuesday, the evidence did not seem to go that way, as much evidence was presented that downtown development such as the use being proposed is favorable for the town as a whole.”

“The bulk of the negative testimony, from my observation, seemed to center around a discomfort with the decision-making process regarding closing the portion of Raleigh street behind the existing car wash”

“As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. “

“I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “ and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others

“The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group
“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?
2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John, cc:
Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:

Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks.

His beginning sentence was

“I have no intention of supporting this politically charged effort for her to gain votes”

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.

>>> based on existing counts and the closing of short section of Raleigh and with the build out of TownHall Commons This is very simple and Chuck told Christine that we would do that at the public meeting.

>>> I have requested an estimate for this work and I could probably have it completed within 4 weeks.

>>> \$12,000-\$18,000 range and no staff time involved.

>>> I recommend doing this.

For a comprehensive Plan
use -build out -routing traffic through downtown -factoring in
>>> historical places -landscape/streetscape -lots of public input
>>>
>>> All of this sounds like an update to the VDAP.
>>> Gina has wanted to do this for a couple of years but with their staffing
issues and the vacancy of Sr Planner this has been difficult to get completed.
>>> This type of update will be costly and probably take 12 months. Gina
would need to become part of this conversation to help us better understand
cost and time.
>>> Also the question of future development opportunities in the VDAP
while the study goes on.... I do not recommend a ban on rezonings, etc (like
SAPI).
>>>
>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k
to \$125k, likely on the higher end. A firm with transportation expertise would
probably work underneath the umbrella of a larger land use planning
consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the total cost for everything she is
requesting.
>
> Again, I would not want us to embark on anything which provides
> political capital

These emails did not include other town council, or staff members.
Additionally, an email sent before my presentation from Hank to Chuck, Joni
and Town Council.

The information also revealed that Hank after Joni had sent me email at
12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would
think her comments could be part of the public hearing as opposed to another
agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.
In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of
Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay
to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their
business but the potential financial burden the Town could possibly incur

00308

business, but the potential financial burden the town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. I makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development"

Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I'm aware of.

<https://l.facebook.com/l.php?>

[u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KIiFaKsN9C3TWE0D0RXKvxsx2T5Bpk99d7vWXFyhTgbXJDOt51k](https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KIiFaKsN9C3TWE0D0RXKvxsx2T5Bpk99d7vWXFyhTgbXJDOt51k)

Councilman Dickson has posted the following on his Holly Springs Watch

blog:

Sept 12

“We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes.”

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook “likes” or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pv14yOoHNxE&fref=nf

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan

My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th.

Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing.

I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as:

making trouble

acting solely for political purposes.

“quite unfortunate and amazing what people with political aspirations will do to get noticed”

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me

00310

the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth

I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building.

Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination

We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve

At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI.

The town is on a path to fast track the road closure

The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter .

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly

Sent: Tuesday, September 19, 2017 3:07:01 PM

To: .Ioni Powell

00311

Cc: Charles Simmons; John Schifano; Town Council

Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell [<mailto:joni.powell@Hollyspringsnc.us>]

Sent: Tuesday, September 19, 2017 2:56 PM

To: Christine Kelly <Christine.Kelly@sas.com>

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>

Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there

The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

Regards,

 *Joni Powell, NCCMC | Town Clerk and Director,*
Department of Public Affairs & Communications | Town of Holly Springs

PO Box 1100, Holly Springs, NC 27540 | Phone: 919.328.2754

00312

PO Box 8 | 128 S Main Street | Holly Springs, NC 27540
Office: (919) 557-3900 | Cell: (919) 218-5165 | Email:
joni.powell@hollyspringsnc.us
Town Website: www.hollyspringsnc.us

<image004.png>

Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly [<mailto:Christine.Kelly@sas.com>]

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell <joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments

Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

00313



From: John Schifano john.schifano@Hollyspringsnc.us
Subject: Re: Public Comments question for tonight's meeting
Date: September 20, 2017 at 9:51 AM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Chuck Simmons charles.simmons@Hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us, Joni Powell joni.powell@Hollyspringsnc.us

On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business.

The queries you have requested from your first email are possible, however it may take a lot of time and storage space. I believe the town council may want to recoup some costs relating to my time as it looks like it would take about 8 to 10 hours to parse through this data to make sure some of what is returned is not a public record. Also, I'm not sure the breadth of this search would fit on anything less than a dedicated server. I am not sure. Would you care to specify a time frame?

There was no "filtering out" of anything from your first wave of public information requests. The query was run from the date of your request backwards in time.

From my standpoint, there is no need or benefit for you to restate or correct anything from your statement.

With respect to the road closure, you asked me about the timing of when the matter would be brought for public hearing. I stated that I believed the resolution of intent to close would be the first meeting in November, and then the action would be 30 days after that. I do not control the town council's agenda. If you have information about it being on October 17, then you are more informed than me.

Please let me know if you would like to specify a time frame for your public information request.

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 9:26 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

John,
One follow up request, and I realize this may take more time.

I was told there was texting during my presentation. If there was texting on town devices or using town contact, can you get the text logs from those devices during the time span of the Sept 5th and Sept 19th council meetings. If there is an official social media policy for emails/text outside of the Records Retention and Disposition Schedule (Sept 10, 2012) I'd also like to see that.

Thank you
Christine Kelly
201 Grigsby Ave

From: Christine Kelly
Sent: Wednesday, September 20, 2017 8:04 AM
To: John Schifano <john.schifano@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>; Joni Powell <joni.powell@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

John

00315

I may need to make a correction to my public comment script. When I met with you, you told me you took half a day to compile the emails. That's why my observation was that some emails were left out. Last night, you said you ran a query which is a different process. My assumption is the values you used for the search may have caused the filtering out of the September 12, 2017 12:18 PM email to me.

Can you confirm that this is the case? If so, I will make the correction to my public comment script and make sure that I restate that observation. If that part was mentioned in the public comments video, I will also make the correction in the next public comments.

Also, can you rerun the email query for all town staff folders containing the following fields:

VDAP, Comprehensive Traffic, Raleigh Street, Grigsby Avenue, Rogers Street, Master Plan, Town Hall Commons, road closure, Christine Kelly, Kimley-Horn, SAPI, political capital, gain votes, downtown development, October 17th, NCGS 160A-299, parking deck, car wash

I will be happy to supply a thumb drive if one is not available. Let me know when it is convenient for me to pick up at Town Hall.

Also, when we met, you mentioned that the road closure was to be brought forth on the town hall council meeting in the beginning of November, with the final vote occurring in December after the new town council is in place. Does putting the road closure on the agenda for October 17th mean that the road closure vote will occur when this current council is in session?

Thank you
Christine

From: Christine Kelly
Sent: Tuesday, September 19, 2017 7:40 PM
To: Joni Powell <joni.powell@Hollyspringsnc.us>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: Re: Public Comments question for tonight's meeting

Hi Joni and others,

Here is the full text to my and Chips public comments. I would be happy to provide full details behind each point.

I will send a PDF tomorrow that's easier to read. Wanted you to have this now for the record.

I look forward to hearing the responses to my requests.

00316

Cheers
Christine

Christine Kelly, 201 Grigsby Avenue.

My public comments are in reference to what I experienced in the Sept 5th Town Council meeting and afterwards. Prior to Sept 5th, I did have communications with the town regarding work done at the corner of Raleigh and Grigsby Avenue. That experience prompted me to meet with the town and discuss some of the concerns I had about this project, particularly how I was getting information, but only pieces of what turns out is a larger story. At the last town council meeting, I was approved to present as part of the Requests and Communications section of the agenda.

<https://vimeo.com/album/1551244/video/232836382>

To have the needed context for what I am going to share tonight, you need to watch around 37:19 when I presented under agenda item 7b. Later in the meeting, at 48:44, you will see the portion regarding the Public Hearing for the Town Hall Commons Master Plan.

Unfortunately, since I have very limited time, I really can't summarize what I presented but would be happy to provide the full timeline to anyone who wants to know. All the information I am presented is public information and anyone could have access.

All the information I am sharing from here on has occurred in the last 2 weeks.

On Sept 6th I send email requests to Town Council, Mayor Sears, Town Manager, Dir of Engineering, and Dir of Public Affairs and Communications, and copied Charles Kelly, my husband.

The first email was a follow-up to my presentation from Sept 5th, where I attached my slides and requested to have a follow-up on my request for a new updated Downtown plan. I have yet to receive a response from town council.

The second email, sent on Sept 6th at 11:09 am, started a chain of communications regarding the Public Hearing that occurred on Sept and questions about the Town Plan packet. My question was

“what exactly did you approve last night as it pertains to any changes in the roads around this project?”

Since I had just learned about the meeting the town referred to happening on Nov 2015 and the retreat before it in Feb 2015 making the point that this plan was in the works for a long time, I watched that Nov 2015 video and because there was little supporting information on the website, I requested through the Freedom of Information Act to have any background information regarding the activity around Raleigh Street and correspondence about it.

On Sept 6th 12:18pm, I also sent Freedom Of Information Act Request - Downtown Traffic Plan

“Under the North Carolina Public Records Law, G.S. §132-1., I am requesting an opportunity to inspect or obtain copies of public records that pertain to the agenda item 8b. Downtown Transportation Plan discussed in the November 2015 town council meeting.”

Here are some quotes from the communications sent directly to me and my husband:

00317

Sept 7th 8:58am

Chuck Simmons sent email, copying town council, myself and my husband and the Town Attorney

“have asked John Schifano to respond to this inquiry. In the interest of clarity and consistency, I would recommend that no one else responds. Thanks.”

Sept 7th 9:54 am I received an email from the Town Attorney. It's longer so I will just highlight a few sentences

“From my observations, the town council does very well to hear and respond to evidence that is presented directly relating to whether a proposed use offends “the community moral standards, convince, or general welfare” or otherwise doesn't meet our development regulations. Tuesday, the evidence did not seem to go that way, as much evidence was presented that downtown development such as the use being proposed is favorable for the town as a whole.”

“The bulk of the negative testimony, from my observation, seemed to center around a discomfort with the decision-making process regarding closing the portion of Raleigh street behind the existing car wash”

“As I stated in the meeting, there will need to be a separate process, with a public hearing, on the actual road closure procedure. It would be consistent with the master plan that was approved if the town council were to close that portion of Raleigh street, however the town council is under no legal obligation to do so, and in my opinion would likely not if there is compelling evidence of some sort against the wisdom of this closure. “

“I hope that this write-up serves to clarify and not further confuse the issue. If I, or any other town employee, can provide additional information please do not hesitate to contact us. “

On Sept 7, 11:39 I responded:

“Thank you for your response. This helps somewhat. I am still unclear to what road intentions/plans/decisions have been done. “ and I proceeded to ask for clarification.

On Sept 8 9:34 am from John Schifano and others

“The town will follow NCGS 160A-299 for the road closure.”

On Sept 12 at 12:10pm I sent an email to John and copied group

“1) What happens to the motions that were passed at the town council meeting for Town Hall Commons?

2) Will Town Hall Commons still move forward without the Raleigh Street closure?”

On September 12, 2017 12:18 PM From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 13th, I spoke to Chuck about these exchanges.

On Sept 13th 5:30pm I attended the Candidates Meet the Staff meeting. At the end of the meeting I spoke to Kendra, Elizabeth, and Joni about my request for information.

On Friday Sept 15th I met with John Schifano. While the session was not recorded I do have some notes. It was at that time that I received a thumb drive with the information I

00318

requested. His export file had a log that showed that I received information up to Sept 15th 8:57 am.

Also on Sept 15 I met with Joni who gave me access to any information I wanted, I was able to copy folders of content pertaining to the Downtown plans, VDAP and other comprehensive plans.

It was with this info I received from Joni and John that I have found the following:
Regarding my first email about the presentation which I have not had any response -

On Sept 7th at 6:31am, Hank began an email thread with Kendra, Chuck and Daniel Weeks.

His beginning sentence was

“I have no intention of supporting this politically charged effort for her to gain votes”

He then proceeded to ask questions about consultants and costs to look at the traffic angle.

On Sept 7th Kendra replied at 6:47am.

>>> based on existing counts and the closing of short section of Raleigh and with the build out of TownHall Commons This is very simple and Chuck told Christine that we would do that at the public meeting.

>>> I have requested an estimate for this work and I could probably have it completed within 4 weeks.

>>> \$12,000-\$18,000 range and no staff time involved.

>>> I recommend doing this.

For a comprehensive Plan

use -build out -routing traffic through downtown -factoring in

>>> historical places -landscape/streetscape -lots of public input

>>>

>>> All of this sounds like an update to the VDAP.

>>> Gina has wanted to do this for a couple of years but with their staffing issues and the vacancy of Sr Planner this has been difficult to get completed.

>>> This type of update will be costly and probably take 12 months. Gina would need to become part of this conversation to help us better understand cost and time.

>>> Also the question of future development opportunities in the VDAP while the study goes on.... I do not recommend a ban on rezonings, etc (like SAPI).

>>>

>>>

Email from Daniel Weeks Sept 7 8:24 am

Hank, for a major plan update as described below we could be looking at \$75k to \$125k, likely on the higher end. A firm with transportation expertise would probably work underneath the umbrella of a larger land use planning consultant.

Hank replied on Sept 7th at 8:28am

> Thanks, I would ultimately want to know the total cost for everything she is requesting.

- >
- > Again, I would not want us to embark on anything which provides
- > political capital

These emails did not include other town council, or staff members.

Additionally, an email sent before my presentation from Hank to Chuck, Joni and Town Council.

The information also revealed that Hank after Joni had sent me email at 12:55pm saying Chuck suggested I could present.

I would be interested to get the staff report on these interactions. I would think her comments could be part of the public hearing as opposed to another agenda item...on the same topic?

Regarding my other email thread about the timing of closing Raleigh Street.

In terms of Raleigh Street specifically

Sept 7, 10:22 am Kendra sent email to John, Chuck and other town staff:

When do you recommend having the public hearing for the actual closure of Raleigh St from Grigsby to Main St?

I am concerned that if this is denied, for some reason, it will cause great delay to the 242 and Malbec projects.

While I support these projects, my concern is not for the delay of loss to their business, but the potential financial burden the Town could possibly incur.

Chuck sent a reply 10:33 am

When would we typically take action?

Joni sent email 11:13 am to same group.

The fastest road closing track with legal notices, etc. would put a public hearing Oct. 17 and action could follow. Then, there is a 30-day waiting period before the quick claim deed can be recorded.

From Sean Ryan on Sept 7, 11:22

The public hearing for the development plan for the road improvements / road removal and parking deck will be on October 17th. Those plans clearly show the road closure. Since it is possible to have the road closure on the 17th with the proper legal notifications, I think we should have both items on the same night. It will only confuse the residents to see a development plan approved showing the closure and then having the actual hearing on the road closure some day in the future. Perhaps the hearing on the closure could go first, and if TC does not approve it a condition on the development plan for our project could be added to revise the plans to remove the road closure – that way nothing is held up.

Outside these correspondences, I have also observed the following:

The email below from John Schifano On September 12, 2017 12:18 PM was not included in my email request but as it is part of the dialog, should have been. I would have expected to see it in John's sent folder but it wasn't. I makes we wonder what else is missing from my request.

From John, cc:

Ms. Kelly, I understand that you have several public information requests pending with various employees at town hall. I really have no desire to create more and more records through responses to your emails that will later need to be produced with subsequent

records requests. I am happy to speak to you directly so that a public record won't need to

records requests. I am happy to speak to you directly so that a public record won't need to be created where I may need to stop what I am doing throughout the day and produce it for you.

On Sept 8th, Civic Alert Title is "Council Continues to Focus On Downtown Development"

Mentions the downtown development as a continued focus for the town council. The first public hearing was Sept 5th. The town approved a Master Plan with a significant amount of road changes. While this alert mentions other agenda items, it does not mention that I presented.

Besides this Sept 5th Public Hearing, no other resident input has been requested with regards to this Master Plan that I'm aware of.

[https://l.facebook.com/l.php?](https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KIiFaKsN9C3TWE0D0RXXvxsx2T5Bpk99d7vWXFyhTgbXJDOt51k)

[u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KIiFaKsN9C3TWE0D0RXXvxsx2T5Bpk99d7vWXFyhTgbXJDOt51k](https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.hollyspringsnc.us%2FCivicAlerts.aspx%3FAID%3D755&h=ATPKV5Fv9LV6k8UE5rR19e4xOwN35c7iKGAtLBJe4zRNw1ZgGr2Lk4wJH2gOi7zkXpl9umWzaSUMho5Iopcm6Ae_KIiFaKsN9C3TWE0D0RXXvxsx2T5Bpk99d7vWXFyhTgbXJDOt51k)

Councilman Dickson has posted the following on his Holly Springs Watch blog:

Sept 12

"We have waited a long time for some more good, solid downtown investment. This appears to be the plan which will help prompt more downtown activity. Citizens have been wanting a quaint downtown similar to Fuquay or Apex for a long time and we are well in our way. Hopefully our efforts will receive the public's support. I do feel that anyone who tries to put forth hurdles or impediments to delay this progress is doing so solely for political purposes."

<https://hollyspringswatch.blogspot.com/2017/09/downtown-development-planning.html>

Words from Hank Dickson for Councilman: Sept 18

It is quite unfortunate and amazing what people with political aspirations will do to get noticed. Whether it is to accumulate Facebook "likes" or just get people unnecessarily stirred up, it does not serve a good public purpose. Doing this is not public service nor effective leadership. Unfortunately, this has been happening too often the past few months.

[https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-](https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pvl4yOoHNxE&fref=nf)

[572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pvl4yOoHNxE&fref=nf](https://www.facebook.com/Hank-Dickson-for-Holly-Springs-Councilman-572968179434109/?hc_ref=ARSqf5Zp0H263sBJWGsJdM-LomokaFaxOT9APvIHfWltVwUY4OegbRS-pvl4yOoHNxE&fref=nf)

Summary:

Facts:

I never got a response to my Sept 6th email asking about updating the downtown plan
My last email correspondence about what was discussed at the meeting was with regards to making plans with Joni and John on Sept 12th.

Important conversations were happening about my requests that only included Councilman Dickson, Chuck, Kendra and other town staff but not other town council members.

An updated VDAP plan was in the works, but due to unfortunate staff circumstances, it was not started and the money was diverted for SAPI.

My request for an updated VDAP has gone unanswered

The email I received from Town Attorney September 12, 2017 12:18 PM was not part of

00321

the information shared on my meeting with John on Sept 15th. The export summary that was part of the information was dated Sept 15 8:57am. I would have expected to see that as part of the emails I requested. It's unclear what other emails may be missing. I have been mischaracterized in the last two weeks on the web or to me personally by town staff or by Councilman Dickson on his Councilman Watch Blog and FB page as: making trouble acting solely for political purposes. "quite unfortunate and amazing what people with political aspirations will do to get noticed"

The timeframe to discuss the Master Plan in town council meetings was set by the town, not by me.

When I declared my candidacy, I did not know that this project was going to be put forth I have spoken to one of the developers attached to the Master Plan. They were very receptive to working with residents, welcomed ideas. When asked if there plans were tied to the closure of Raleigh Street, their response was they were neutral. The Town was the one pushing for the street closures. They told me they could still move forward with their building.

Only through my request for the Freedom of Information Act could I show some of this very important information.

My Observations:

We have a great opportunity to develop the downtown area to be a real exciting destination We could use the same process as they are using for SAPI to have dialog to make it the plan the residents of Holly Springs deserve

At this time, the town staff has been set on only one plan for years, and that has had little to no recent input from residences along the way.

The need for an updated VDAP did not go away, the money was just diverted to SAPI. The town is on a path to fast track the road closure

The communications from the town appear to be singularly focused on supporting this plan and filtering out residents' comments and sentiments.

While there has been one public hearing so far, and some mandated future ones, information presented by the town seems to be going through a "not be taken seriously as valid concerns on the project" filter .

The negative comments on Councilman Dickson's FB page and blog about someone trying to put hurdles or having political aspirations are about me, an observations supported by his emails with town staff.

Councilman Dickson is putting his re-election efforts above the needs of the town and residents and is not performing his duties responsibly as it pertains to any component of the Master Town Plan.

My Requests:

The town work closer with residents in the spirit of cooperation, transparency and engagement.

That they town strictly follow processes per town statutes and North Carolina statutes.

The town find the funds and move forward with this very important VDAP plan update before any road changes, street lights, and other traffic related decisions are made and voted on.

That Councilman Dickson be recused from any votes pertaining to motions associated with the Master Plan or elements in it because he has demonstrated he is no longer objective

the master plan of elements in it because he has demonstrated he is no longer objective and serving the interests of residents, and because evidence presented has shown him to be prejudiced in this matter.

From: Christine Kelly
Sent: Tuesday, September 19, 2017 3:07:01 PM
To: Joni Powell
Cc: Charles Simmons; John Schifano; Town Council
Subject: RE: Public Comments question for tonight's meeting

Perfect, I will work with you on that then. I appreciate you letting me know. I want to be respectful of the process and the time.

Cheers
Christine

From: Joni Powell [<mailto:joni.powell@Hollyspringsnc.us>]
Sent: Tuesday, September 19, 2017 2:56 PM
To: Christine Kelly <Christine.Kelly@sas.com>
Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano <john.schifano@Hollyspringsnc.us>; Town Council <TownCouncil@Hollyspringsnc.us>
Subject: RE: Public Comments question for tonight's meeting

EXTERNAL

Hey there

The answers to your questions depend on how many people sign up to speak tonight under Public Comment.

We have simple guidelines to allow business meetings to progress for items on the agenda while giving the public a chance to speak on items that are NOT on the agenda. The total Public Comment period is 15 minutes, to be generally shared among all speakers on all topics. If a lot of people sign up tonight, that means each speaker will have less time in the 15-minute pie. If we have few speakers signed up, the mayor will be inclined I'm sure to be very flexible and to allow a few extra minutes for a single speaker with several topics.

The timer will be going just to help keep things from getting too out of hand, but I have never seen the mayor demand that someone stop speaking because they were "over." He will try to keep the meeting moving toward the agenda (it's his job as chairman); however, I believe you and anyone in your group will have adequate time to communicate your concerns. No worries. Just sign up once... it's only so I can get the information after the meeting to put in the minutes.

Sign up once. Speak as you like, but just be respectful of other speakers who also may want to have the Council's ears on other topics. If there are no other speakers, then you can feel free to take more time with your messages. See you tonight.

00323

Regards,

<image003.png> *Joni Powell, NCCMC | Town Clerk and Director,*

Department of Public Affairs & Communications | Town of Holly Springs

PO Box 8 | 128 S Main Street | Holly Springs, NC 27540

Office: (919) 557-3900 | Cell: (919) 218-5165 | Email: joni.powell@hollyspringsnc.us

Town Website: www.hollyspringsnc.us

<image004.png>

Note: Subject to the North Carolina public records law, this email may be archived and made available for public inspection upon request.

From: Christine Kelly [<mailto:Christine.Kelly@sas.com>]

Sent: Tuesday, September 19, 2017 10:17 AM

To: Joni Powell <joni.powell@Hollyspringsnc.us>

Cc: Charles Simmons <charles.simmons@Hollyspringsnc.us>; John Schifano

<john.schifano@Hollyspringsnc.us>

Subject: Public Comments question for tonight's meeting

Joni,

I have 3 topics I'd like to discuss tonight as part of Public Comments.

- 1) Tree City USA
- 2) Consent Agenda Item 7f
- 3) Comments post my Sept 5th comments


Can I sign up for 3 times, or do I need to cover all in one section. 3 minutes will not be able to cover all three topics.

If I have others to present with me, can we extend the time for 3 mins each?

Wanted to make sure I know the procedure.

Thanks
Christine

00324

From: John Schifano john.schifano@Hollyspringsnc.us 
Subject: Re: Request for Public Record text messages during town council meetings Sept 5 and Sept 19
Date: October 3, 2017 at 2:24 PM
To: Christine Kelly Christine.Kelly@sas.com
Cc: Charles Simmons charles.simmons@Hollyspringsnc.us, cwkellyiii@gmail.com, Kendra Parrish kendra.parrish@hollyspringsnc.us, Daniel Weeks daniel.weeks@hollyspringsnc.us, Town Council TownCouncil@Hollyspringsnc.us



Ms. Kelly, the attached is a text exchange between myself, Chuck Simmons, Kendra Parrish, and Daniel Weeks that took place during the stated time period on 9/5/17. There was no such text exchange during your requested periods on 9/19.

I understand that Daniel Weeks responded from his vacation in Italy that he did not have any texts that could be considered public records for that time period. He returned to work yesterday. When I inspected his phone this morning, I showed him this string. He inadvertently only looked at the date field and did not go deeper into the text message to see that these texts were there.



Sept 5 2017 text
Simmo...ish.xlsx

John Schifano
Town Attorney
Town of Holly Springs, NC
919-557-2917
john.schifano@Hollyspringsnc.us

Warning: This email is subject to disclosure under the North Carolina Public Records Law.

On Sep 20, 2017, at 11:21 AM, Christine Kelly <Christine.Kelly@sas.com> wrote:

Dear John Schifano,

I am making a formal request to have a log of your text messages associated with any phone number of email that may have used to perform Town of Holly Springs correspondence.

The scope of my request is for Sept 5th from 7pm to 10pm and Sept 19th from 7pm to 8pm. Basically for the time during then the town council meeting was called to order and when it was adjourned.

The request is in this format as I am following the direction provided by me in email from John Schifano on Sept 20th, 9:51 am on how to make this request.

“On the last issue regarding texting, you will have to make an individual public information request to anyone you have suspected of this texting activity during your presentation. Personally, I was not texting during your presentation. You would be entitled to any non personal texts that were related to town business. “

The format is anything that is most convenient to you. Screen shot, log, print is all fine. If you did not use your phone for texting during this time, please ignore this request.

Thank you
Christine Kelly
201 Grigsby Avenue

00326

