



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, February 1, 2022. Mayor Mayefskie presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and four Council members were present in the Chamber as the meeting opened.

Council Members Present: Mayor Mayefskie, Mayor Pro Tem Dan Berry, Council members Aaron Wolff, Timothy Forrest and Kristi Bennett.

Council Members Present by Electronic Means: Council member Shaun McGrath.

Council Members Absent: none.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Scott Chase, *Assistant Town Manager*; Daniel Weeks, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Kendra Parrish, *Executive Director of Utilities & Infrastructure*; Tim Athy, *Utilities and Infrastructure*; Chris Hills, *Director, Development Services*; Cheryl Caines, *Development Services*; Elizabeth Goodson, *Development Services*; Corey Petersohn, *Administration*; Cassie Hack, *Director, Communications*; Irena Krstanovic, *Director, Economic Development*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Jonathan Sherrod of Kirk of Holly Springs Presbyterian.

4. Agenda Adjustment: The February 1, 2022 meeting agenda was adopted with changes, if any, as listed: move the Parks and Recreation Ordinance Amendment to Unfinished Business.

Motion: Berry
Second: Wolff
Vote: Unanimous

Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council, and the Clerk was asked for any written comments received prior to the meeting.

The following written comments were received: none.

The following comments were received in person: Van Crandall, Salem Ridge Road, spoke against the planned merger of the Planning Board and Board of Adjustment.

REQUESTS AND COMMUNICATIONS

5. LaunchHOLLYSPRINGS Update

Robert Shimmel, LaunchHOLLYSPRINGS Program Manager, gave an overview of the history and purpose of the organization. He said the group was dedicated to supporting the underserved, including underfunded and/or minority-women entrepreneurs, to build successful businesses to support the overall local economy. The four-part program includes an intensive 10-week Business Skills & Strategies Training, networking opportunities, six months mentoring with an experienced entrepreneur, and access to microloan capital. He said Launch has expanded their

community networking. He gave highlights of the successes of past cohorts, and the activities of the current cohort. He described the partnerships between LaunchHOLLYSPRINGS and the Holly Springs Chamber of Commerce and thanked the Town of Holly Springs for being a Sustaining Sponsor.

Consent Agenda

The Council passed a motion to approve all items on the Consent Agenda. The motion carried following a motion by Mayor Pro Tem Berry, a second by Council member Forrest and a unanimous vote. The following actions were affected:

6. Minutes – Council approved the minutes of the workshop meeting held January 11, 2022 and the business meeting held January 18, 2022.

7. Adoption of Updated Records Retention Schedule – The Council adopted Resolution 22-01, adopting the NC Department of Cultural Resources General Records Retention Schedule and Program Records Retention Schedule.

A copy of Resolution 22-01 is attached to these minutes.

PUBLIC HEARINGS

8. D1 Training Special Exception Use 21-SEU-07

Cheryl Caines, Development Services, said the purpose of this item was to hold a quasi-judicial hearing to consider a request for a Special Exception Use (SEU) for an athletic training facility. She located the premises at 250 Premier Drive within the business park. The property is designated Business and Industrial on the Future Land Use Plan and is zoned RT: Research and Technology. In the RT zone athletic training facilities require a Special Exception Use. The previous tenant had a SEU for an athletic training facility but it was very specific to that business. No changes are proposed to the exterior of the site. Should this tenant leave, the new UDO would not permit this use.

Ernie Carpico, Planning Board, said that the Planning Board recommended approval with a vote of 8-0. The Planning Board discussed parking and noise. They were satisfied that the additional interior insulation would be sufficient as is the current parking.

Mayor Mayefskie opened the public hearing and the following sworn testimony was received:

Ms. Missy Adams, from D1 said that she, her husband, are 9 year residents of Holly Springs and are very involved in the athletic scene. She said that D1 Training is a membership-based gym and boutique fitness franchise that provides individual and group training classes in a state-of-the-art facility. She gave an overview of the business. She said that there are no proposed changes to the exterior of the building with the exception of the allowed signage. She said adequate parking and walkways are available for pedestrian safety, and popular D1 operating times are outside the core operating times for the adjacent businesses and no impacts on the adjoining properties are anticipated. She said that the facility has adequate operational and safety services in place and all staff will be trained in safety and have background checks done. She said the floor would not be concrete and there would be added insulation to reduce noise. She said there would be no impact to the other businesses in the area. She said the business would be family oriented. She said she expects 6-8 am to be adult training, 9-4 would be individual one-on-one training, and 4-9 would be small group training for student athletes. Most of that would occur after other businesses close so it would not impact other businesses.

There being no further input, Mayor Mayefskie closed the public hearing.

Action: Motion to adopt Resolution 22-02 to make and accept the Findings of Fact for consideration of an to approve the SEU, with the conditions listed in the agenda packet.

Motion by: Wolff

Second by: Forrest

Vote: unanimous

A copy of Resolution 22-02 is attached to these minutes.

NEW BUSINESS

9. Holly Springs Rd. Widening – Phase 2 (Transportation Bond) Project – Construction Contracts

Kendra Parrish, Executive Director of Utilities and Infrastructure, said the purpose of this item was to consider awarding construction contract for the Holly Springs Rd. Widening Phase 2. This is the flagship project of the transportation bond projects. The area is 1.5 miles of Holly Springs Road, from Flint Point Lane to Sunset Lake Road. Construction is anticipated to start in the first quarter of 2022 and to be complete by the first quarter of 2025. She outlined what makes this project stand out. She said this project would relieve congestion and thus improve safety. The coming of 540 to this area will bring more traffic to this area. This will enhance safety around the elementary school and middle school in the area for pedestrian and vehicle traffic. There are advanced technology crosswalks, and a roundabout to keep traffic moving and enhance pedestrian safety. The 8-foot sidewalks will allow for pedestrian and bicycle connections to neighborhoods and the new Arbor Creek Middle Creek Greenway. A new two-span bridge will alleviate flooding of Holly Springs Road at Middle Creek, which has required road closures. This is a main artery in and out of town.

She said the February 2020 total project cost estimate was \$18.7 million. With design, utility relocations, right of way acquisition, construction inspection services, permits, and recent bid opening, the updated total project cost is projected to be \$37.2 million, leaving a funding gap of \$18.5 million. She said this was discussed at Council's January workshop, where Council directed that the goal would be to close the funding gap with bond funds, while reserving remaining bond funds for three other active bond projects: Hwy 55 right turn lane, Main St. Right turn lane, and Downtown Avent Ferry Rd. realignment.

Council member Bennett asked how this would impact school traffic. Ms. Parrish explained that the contractor and transportation engineer were working closely with the schools and would provide real-time updates to school staff and parents through an online dashboard and other means. She said the work would start at the bridge location, but given that it is a three-year project, it would be impossible to avoid the school year entirely.

MPT Berry asked for an explanation of the reallocation of bond funds and how that would impact Phase 1. Ms. Parrish said staff would like to ask CAMPO to move grant funds but are uncertain of the result. She said at the retreat staff and Council would explore different funding scenarios for Phase 1.

MPT Berry asked about the breakdown of the funding, when the second bond issuance would be, and mileposts for invoicing. Randy Harrington, Town Manager, said that at this point we would stay with our current schedule. Portions would be pre-funded by the town and reimbursed with the second bond issuance. Ms. Parrish said that there would be periods of time when invoices go up or down, but the project is neither front loaded, nor back loaded. Mr. Harrington said he feels comfortable that the Town has the funds to move forward.

Council member McGrath said he wanted to be sure that there is a solid communications plan in place highlighting the strategic importance of this project and he felt that staff addressed that adequately. This is a major artery and with NC 540 coming, this will make it possible for traffic to get to downtown and to our business park. He said he was concerned about the cost inflation, but felt that that was out of our control at this point.

Council member Forrest thanked staff for working to fight rising costs and finding different funding sources to cover rising construction costs. He said the timeline coinciding with the 540 project makes this a “just in time” project and the safety issues along Holly Springs Road alone are worth seeing that this project gets done.

MPT Berry asked if there were contract locks on materials costs. John Schifano, Town Attorney, said that this is a publicly bid contract for a sum certain. Barring an Act of God they are required to deliver at those costs. There have been allowances within the costs for anticipated change orders.

There was discussion on whether materials could be pre-positioned to keep costs down. MPT Berry said that this was a critical project that was only possible because of prior years, or decades, of fiscal responsibility.

Mr. Harrington said that he would have Antwan Morrison, Finance Director, follow up by email with further answers to Council’s questions on the bond issuance timing. He thanked Kendra Parrish, Tim Athy, Aaron Levitt, John Schifano, and other staff who worked hard to get the town where it is on this project. It is a complicated project and there has been a lot of hard work to get us where we are today.

Action: Motion to approve Fred Smith Company construction contract in the amount of \$22,186,104.30.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

Action: Motion to approve Kimley-Horn Associates Construction Engineering & Inspections (CEI) and Contract Administration (CA) contracts in the amount of \$2,691,355.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

Action: Motion to authorize the Town Manager to request an additional \$2 million in Federal grant gap funding from the Capital Area Metropolitan Planning Organization (CAMPO) for Holly Springs Rd. – Phase 2.

Motion by: Wolff
Second by: Berry
Vote: unanimous

Mayor Pro Tem Berry asked if Council could table the motion regarding reallocation of funds by CAMPO until after the retreat if it does not affect the rest of the action. Randy Harrington, Town Manager said Council could table it and make the decision at the retreat after the discussion. Or they could approve it tonight and modify it after the retreat. Consensus was to not act on the proposed motion to request reallocation by CAMPO of the \$2 million State grant funds currently set aside for Holly Springs Road Phase 1 until after the retreat.

Action: Motion to authorize the Town Manager to negotiate, sign, and execute any other required agreements, amendments, or change orders necessary to deliver the Holly Springs Rd. Phase 2 project that are consistent with prior Council action, direction, and within the project budget and approved funding sources.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

Mayor Mayefskie spoke about attending the Transportation Summit, said it was a thought provoking event and he learned a lot. Also he and Council member Bennett and he attended the Essentials of Municipal Government class and were pleased with the thought provoking material presented, but felt they had been well prepared by staff.

UNFINISHED BUSINESS

10. Park Ordinance Amendment Regarding Professional Photography in Public Parks

LeeAnn Plumer, Director of Parks and Recreation, said that the purpose of this item was to consider amendments to the Parks and Recreation Ordinance to include provisions for an annual professional photography/videography permit and to update regulations regarding professional photography in public parks, and to amend the fee schedule to add an Annual Professional Photography/Videography Permit Fee in the amount of \$100. She said the current ordinance says that professional photography is permitted as long as areas are not restricted to general park users but that the use of equipment such as props, lights, screens, etc. is not permitted. Staff wanted to revisit the policy to ensure the preservation of inviting and clean park spaces while clarifying the language around photography props. She said there would be administrative rules around the specifics of the definition of “props” and on whether insurance would be required. The amended ordinance allows for administrative regulations on the use of props and the prohibition of certain items, which gives more flexibility. Proof of insurance will not be required as the risk level is low compared to the administrative costs of managing an insurance requirement.

MPT Berry asked why proof of insurance would not be required. John Schifano, Town Attorney, said the town would not be liable for a photographer injuring someone in a park under regular liability rules. The question would be could someone sue the town for “premise liability” and the answer is no. We did say that if a photographer is going to use more complex props, and the Parks and Recreation director were to allow that prop to be used, at that point the applicant would have to provide insurance with the Town named as an additional insured. Showing proof of insurance doesn’t do anything unless the Town is named as an additional insured. So that is left for more complex setups. MPT Berry asked if there were enough controls in the ordinance to make sure these situations do not occur. Ms. Plumer said that anything handheld or carried into the park would require additional permission in the process of applying for the permit, and at that time the regulations are clearly spelled out.

Action: Motion to adopt Ordinance 22-01 amending the Parks and Recreation Ordinance Section 10-9: Private for-Profit Activities.

Motion by: Forrest

Second by: Berry

Vote: unanimous

Action: Motion to amend the fee schedule to add an Annual Professional Photography Permit Fee in the amount of \$100.

Motion by: Berry

Second by: Forrest

Vote: unanimous

OTHER BUSINESS

Council member Forrest asked for a copy of the presentation on the merging of the Planning Board and Board of Adjustment. He went on to say that the Town has been contacted by the commander of the Cary American Legion Post 67 and on March 17th, 18th, and 19th they are holding a Veterans Benefits event to assist Veterans with new claims, appeals, and other questions about healthcare through the VA. For more information, contact Richard Spyrisson at

caryVEAC@gmail.com. Council member Forrest said he would encourage all who qualify to attend this event.

Council member Wolff thanked his colleagues for holding down the fort while he was on vacation. The Housing Affordability Committee had its first meeting. The consultant was excellent and the group of residents were engaged and they knew their subject. He said it was a pleasure to work with them and he expects good results from this.

MPT Berry said that Avent Ferry Rd. pavement condition is poor around Autumn Park, and he would like staff to put pressure on NCDOT to fix the potholes. They are patching, but the patches are not sustainable and the potholes reappear. He would like to engage with DOT to accelerate resurfacing or something better than the patching. Randy Harrington, Town Manager said there has been staff engagement with DOT. Originally that section was due for widening, but that got pushed out to 2029. Staff has reached out to DOT to see if they can do something more lasting about the surface before that time. Also, DOT has a place on their website that residents can reach out to DOT and it is helpful for DOT to get that feedback.

MPT Berry said the in the new UDO, one of the things that struck him, was the notification process for adjacent properties. He would like to enhance the notification requirement beyond statutory requirements, and he asked what the best forum to discuss that would be. Randy Harrington said that if it is Council's desire to discuss that in the upcoming retreat there is a time for discussing things that are not otherwise on the agenda and that could be an appropriate forum. There was general consensus to discuss it then.

Council member McGrath thanked staff for preparing him for CAMPO meetings and the discussions coming up. At the last meeting there was approval of LAPP grants. Unfortunately NC55 did not qualify but he tried to highlight the importance of NC55 not only for Holly Springs, but as a regional corridor. He would like to bring that back to CAMPO, given the current discussion. He said that Money Magazine said that Holly Springs was the best place to sell a home. And he highlighted the increases in real estate values in town. As we talk about growth, there is a high demand to live in our community. Council member Forrest said this is another great reason that housing affordability discussions need to continue as we move on.

MANAGER'S REPORT

Randy Harrington, Town Manager, said that the Town turned 145 on January 26th. So Happy Birthday to Holly Springs. He thanked the Holly Springs Food Cupboard which sent a certificate of recognition to the Town for donating 1,288 pounds of food to the Food Cupboard. He highlighted some events coming up at the Cultural Center: *Silvia*, a comedy, will be here this weekend; comedian Nancy Witter will be performing on Feb 11th; and on Feb 18th there is a celebration of the power of the spiritual, celebrating African American music. Recognizing Black History Month, staff has been working on an historical tour. Residents can go to the website to find the interactive tour www.hollyspringsnc.gov/blackhistorytour for a walking tour of the downtown area with audio clips. Finally he said that he and Assistant Town Manager Scott Chase are going to Winston-Salem for the annual winter conference for Town Managers and Mr. Chase will be a panelist for a discussion on housing affordability.

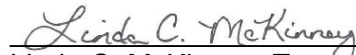
CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(6) to conduct the performance review of the Town Clerk and the Town Attorney.

Motion to leave closed session was made by Council member Forrest seconded by Council member Wolff and passed with a unanimous vote.

In open session, Council gave direction to the Town Manager to schedule quarterly updates with the Clerk and Attorney at future workshops to stay apprised of current topics, work engagements, and projects.

Adjournment: Council member Wolff made a motion to adjourn at 10:09 pm. It was seconded by Council member Forrest and passed with a unanimous vote.

Respectfully Submitted on Tuesday, February 15, 2022.



Linda C. McKinney, Town Clerk

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