



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, July 19, 2022. Mayor Mayefskie presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and three 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, and Kristi Bennett.

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

Council Member Absent Timothy Forrest

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); Mathew Mutter, *IT*; Irena Krstanovic, *Director, Economic Development*; Anna Johnston, *Economic Development*; Kendra Parrish, *Director, Utilities and Infrastructure*; Michael Leonas, *Utilities and Infrastructure*; Carrie Kennedy, *Utilities and Infrastructure*; Dirk Siebenbrodt, *Utilities and Infrastructure*; Elizabeth Goodson, *Development Services*; Sean Ryan, *Development Services*; Corey Petersohn, *Administration*; Cassie Hack, *Director, Communications*; Kathy White, *Deputy Clerk*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Mark Savoldi of the Church of Jesus Christ of Latter Day Saints.

4. Agenda Adjustment: The July 19, 2022 meeting agenda was adopted with changes, if any, as listed: none.

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 comment was received: one comment requesting that the Council sign on to the Wake County Nondiscrimination Ordinance (NDO).

The following comments were received in person:

Kristen Williams said she was a resident of Holly Springs and a clergy person. She said, to all LGBTQA + people listening, you are beloved children of God, as are all humans. She told Council that she works in leadership and personal development, and much of her work involves identifying and confronting biases. She said it appears that confirmation bias is replete in the Town and especially the Council regarding the NDO. She said unchecked confirmation bias has been present in this room surrounding what the Bible says about human worth and human dignity. She then

removed her stole and speaking as a citizen, not clergy, said she has a problem with listening to Christian rhetoric on this or any topic in this room and in the course of doing government business.

Donna Friend said that she was here to ask the Council to reconsider their decision on the NDO. She said she met with the mayor for 90 minutes and it was a cordial meeting. But the reasons he gave for saying that the NDO is not needed was that it would be a burden on businesses. He said he talked to 13 businesses who told him it would be too costly and onerous. She said that Apex businesses would tell you that it is not a burden and they believe it is good business. She said the Mayor said he didn't believe there was discrimination because he didn't know of any cases and asked her to bring him examples. She explained that it was difficult for people to speak out without the protections of an NDO behind them. She said that her conversation with the Mayor, she shared her problem with those speaking against the ordinance used religious arguments, not a business argument. She said it was appalling to her that Councilwoman Bennett used social media to recruit constituents to speak against an ordinance that protects the rights of all the residents of Holly Springs. She said the Mayor said the ordinance would only be a piece of paper, but the Constitution is also a piece of paper. She asked the Council to consider how it looks to be the only town, with maybe one other, not to sign the NDO. Does it really make our town look inclusive or diverse?

Nikita Noël said that she was a neighbor of Mayor Mayefskie's and she wanted to speak, because on June 21st she was too afraid to speak. She thought that others would be able to say things she wouldn't be able to say. She listened to her neighbors and community members hide behind their faith to say that discrimination should be allowed. It was hurtful, and something she wasn't prepared for. After the meeting she approached some of those who had spoken out against the NDO thinking that if they met someone like her they could see her as a person and realize that everyone deserves fairness, everyone deserves to live peacefully. What she was told was that they shouldn't have to embrace her; that if she didn't like it here she could leave and she should go somewhere else where she was accepted. To be told that we are an inclusive town and we don't need this, she can say that this is not an inclusive town. She was told, on the steps of Town Hall, to leave. She tries to live with compassion and doesn't begrudge people their beliefs, but this town needs to serve every resident. Everyone needs to feel safe.

Jackie Turnwald said that there was a specific tactic used by people in power when issues are brought to their attention that impact excluded groups: STD Stall, Talk, Divert. They stall, saying they need more information, asking for data that already exists; they talk around the issue looking for minute details to hang an objection on, and often ask for yet more information; and ultimately, they divert, trying to focus people's attention elsewhere. They hope that those historically excluded groups will not have the resources to continue showing up. The issue is that our town needs a non-discrimination ordinance. As a non-binary person who has the resources, Mx. Turnwald said they would continue to show up. From what they have learned, Council is saying we don't need an ordinance, but hasn't collected any data on discrimination in Holly Springs. They said that town employees have had diversity training, but the Council has not done any equity work. She asked Council to stop the Stall, Talk, Divert, tactics, and fill the gaps in the state and federal protections. Pass the NDO for Holly Springs because it is the right thing to do for our town.

Lesslie Corner said she was not here to present further arguments in favor of adopting the Wake County NDO. You have heard the arguments on both sides. And by refusing to pass the NDO this body is clearly stating that you wish to reserve the rights for yourselves and businesses to discriminate. That is not the kind of town I wish to live in. We need for you to do this today. Please do the right thing and adopt the NDO.

Leo Brown said that he was 16 and has lived here his entire life, and is in favor of the NDO. It would protect people like him who want to support small businesses. But when he knows there are places in town that will not accept him, because he is transgender, it makes it difficult. The NDO would

help protect everyone and would not hurt anyone. The only thing it would take away is the right to discriminate. He said he read the entire thing and it baffles him that Council doesn't want to pass it. He said that he had heard how people at this very podium spoke about people like him, comparing them to horrible things, and telling them they shouldn't have the same rights, and that they are unnatural. To him that is ridiculous. He said that his family is very supportive, but he has had people go out of their way to disrespect him as a person, refuse to acknowledge who he is and only acknowledge who he used to be. He knows people who go through much worse. The NDO would allow people to feel safe in public. You never know who owns a business you want to patronize and having the NDO would give people a sense of safety and security that they might not have anywhere else, which is something everyone needs. He ended by thanking Council member Wolff for his support in this matter.

Stacy Burns said she was the area coordinator for the Holly Springs Democrats. The last time she came to Council she listened to a man try to fit more vile hate into a three-minute speech than she had ever heard. She sat helplessly as the people around her shook with emotion, tears streaming down faces. As the emotion bubbled out, with sobs of anguish, the Mayor stopped him. She thought he was going to tell him that his hate speech has no place here. But instead of stopping him, you turned to the audience, your neighbors, community members that you have sworn to protect, and told them they needed to show respect to this man and his diatribe of hate. This man who compared the trans community to serial killers. They needed to show him respect or they would be removed from the building. That, she said, is when she realized he had no interest in fighting for us. And what a completely disappointing realization that was, to a proud Holly Springs resident. She said that she hopes that he will change his mind. But realizing that he will not fight for us, means that we must fight ourselves. She said, to everyone listening who has been made to feel unworthy by the recent words and actions of the majority of the Council and the Mayor, you are not alone. You are safe with her and with many members of this community. She said they will not stop or be silent and they will never respect hate.

Tessa Yamamoto said that she has respect for everyone who lives here and she doesn't feel that her opinions are more important than others. She said that Holly Springs is divided right now and she thinks the NDO will further divide the community. She said that she trusts that the Council will do everything in its power to keep the town safe and functional for all citizens. She said that she had received attacks online from those who do not agree with her opinion. She asked that Council save further division by not signing the NDO.

Amon Atwater said he was here to talk about the sewer being inadequate. He said he had spoken to the Mayor. He said there is an odor, and nothing had been done. He said he was speaking about toxic water and this that and the other. Down at Camp Lejeune people are filing suit. He said he will be under the situation if it continues to be the way it is. He said he is a Republican, but it doesn't matter where he is registered, he will act on what a fella is about. He wants the problem to be corrected. He said he was better off on a septic tank than he is on the sewer system the way it is now.

REQUESTS AND COMMUNICATIONS

5. Seqirus Update

Mayor Mayefskie introduced Dr. Dave Segal, Vice President of Manufacturing and Site Head for Seqirus. Dr. Segal gave a brief history of Seqirus and their work combating influenza, and the Holly Springs location specifically. He said that they are the largest cell-based manufacturing facility worldwide. He said they have a joint partnership with the US Government for pandemic preparedness. He spoke of the recently completed expansion of the Holly Springs facility and the more than 80 additional jobs created.

6. FUJIFILM Diosynth Biotechnologies Partnership Development Grant

Mayor Mayefskie introduced Sarah Gaskill, Head of Sustainability and Environmental, Social, and Governance for FUJIFILM Diosynth Biotechnologies. Ms. Gaskill said she was here to talk about the Partnership Development Grant with the NCBiotech Center and Holly Springs. She explained how the grant worked to partner with the Wake County Public Schools to support students and teachers in middle and high school in learning the life sciences, including STEM and sustainability. She said the exposure would give students a chance to know about careers they might not otherwise have heard of. She said that collaboration will begin in July of 2022 with a program launch late summer 2023 and continued support through 2024 and 2025. She explained the variety of support and engagement opportunities, how the funding would be split between teachers and students, and the timeline for the program moving forward. She asked the Council to share this information with their network to help get teachers and students excited about the program. She said they would be focusing on this at the Salamanders Game next week on Teacher Appreciation Night.

7. Regional Transportation Alliance

Mayor Mayefskie introduced Joe Milazzo, Executive Director of the Regional Transportation Alliance (RTA). Mr. Milazzo said that the RTA was a metropolitan private-public partnership that drives consensus and action on transportation, through focus and cooperation between the business community and elected and transportation leaders. He said the organizations join RTA for influence, insights, impact, recognition, relationships, and results. He outlined some accomplishments from the last twenty years, and explained their strategy for accelerated metropolitan mobility.

MPT Berry asked what were some of the reasons businesses had for joining the Alliance. Mr. Milazzo said that they were part of the Raleigh Chamber of Commerce. Businesses want to be part of the conversation when things are happening in order to recruit and retain talent. Mayor Mayefskie asked why a municipality should join. Mr. Milazzo said for the same reasons as businesses, but also so that they could hear what the business community is saying and the long-view that businesses can take because they don't have elections. Council member McGrath asked about RTA's engagement with CAMPO, specifically on the North-South corridor. Mr. Milazzo said that CAMPO is a member of RTA along with the counterpart in Durham. He said they have been in conversation on these issues. It will fit together as a system.

8. Pavement Condition Survey Results

Michael Leonas, Utilities and Infrastructure, said that the purpose of this item was to provide Council with an overview of the results of the 2022 Pavement Condition Survey and Asset Lifecycle Modeling. He said that in the 2021 Community Survey, the maintenance of Town streets was the number 4 community priority, and for 31% of respondents it was the most important item. He said that the Town has spent about \$500,000 per year on street maintenance since 2016. All of this is funded by the Powell Bill, and this was proposed to be increased to \$1 million per year. The methods used to maintain town streets ranges from crack sealing and patching to rehabilitation and reconstruction. He introduced Steven Lander, Director of Pavement Management with WithersRavenel, who conducted the 2022 Pavement Condition Survey.

Mr. Lander said that the Federal Highway Administration (FHWA) recommends a survey every 2 to 3 years, to give an unbiased perspective on the conditions of roads in a jurisdiction. WithersRavenel used software analysis to provide predictive modeling and optimized work plans. He explained the methodology of the Pavement Condition Survey that was done on about 156 miles of asphalt pavement streets in town. The survey was completed in April 2022 and seven common pavement surface distresses were observed: fatigue cracking; transverse cracking; block cracking; patching/potholes; surface defects; rutting/roughness; and reflective cracking.

Mr. Lander said that Holly Springs' streets have a Pavement Condition Index (PCI) of 80, which is on the border between Good and Fair. He showed where Holly Springs ranked considering both centerline miles of street and PCI with other North Carolina municipalities, and said that the remaining asset value of the Town's street system is \$86 million.

Mr. Lander said that Holly Springs is growing fast, with forty miles of new streets added since the last survey in 2016, and that those new streets skew the PCI for the town. If only the streets that were in existence in 2016 were considered, the PCI would go from 81 to 75. He showed the percentage of streets that were in each category of Very Good, Good, Fair, Poor and Very Poor, and how that had changed since 2016. Mr. Lander discussed how various maintenance activities could add life to the streets without complete repaving.

Mr. Landers said that, models were run, assuming those pavement maintenance activities were taking place. If the current funding of \$1 million per year is allotted to street maintenance over the next ten years the PCI would drop from 81 to 65. If that funding were increased to \$1.5 million, the drop would only be to 70, and if funding were increased to \$2 million per year the drop would be to 75. He said their recommendation would be to increase annual roadway funding as the budget allows, complete regular Pavement Condition Surveys every two to three years, and utilize the full toolbox to preserve, prevent, and correct pavement condition.

Council member Wolff asked Randy Harrington, Town Manager, what the Powell Bill funding was for this budget cycle. Mr. Harrington said we anticipate receiving \$800,000. What the town has done over the past few years was bundle two years of Powell Bill funding to get economies of scale out of the Powell Bill money.

MPT Berry asked if there was a dollar amount recommended to maintain the streets. Mr. Lander said it would probably take \$3 million to keep it even.

Council member McGrath asked about using technology to evaluate the pavement condition, particularly overhead ways. Mr. Lander said he keeps his eye on the latest technologies, but the best picture from a drone won't show the best information. He has tried using phones on a windshield mount while he did the survey and found the data did not correlate and was not useful information. Council member McGrath asked if there was a database to leverage information about where roads have held up better in some parts of town than others. He asked if there was there any data about that that we could use as new development comes on line. Mr. Lander said that would be great in an ideal world. But most of the time that information is scattered. So he recommends that the Town keep this pavement system live, so when you know the soil type in an area, you can make decisions accordingly and keep the system updated.

Council member Wolff asked about the change in Powell Bill that gave us more funding. Mr. Leonas said that as new streets come into the system, the Town's share of the money increases.

Mr. Harrington said we use this information to find which roads are in the worst condition to prioritize. Also we anticipate increased Powell Bill funding, but there might there be some money in the general fund that can be used so that we don't get behind. We will work on that this year, and bring it back to you for more information. Mayor Mayefskie asked what streets were included in that 156 miles. Mr. Leonas said it was mostly residential streets in subdivisions as other roads were DOT roads.

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 Wolff and a unanimous vote. The following actions were affected:

9. Minutes – Council approved the minutes of the June 14, 2022 workshop and the June 21, 2022 business meeting.

10. Green Oaks Tech Center Voluntary Annexation A22-01 – The Council adopted Resolution 22-26, resolution of sufficiency, and setting the public hearing for August 16, 2022.

A copy of Resolution 22-26 is attached to these minutes.

PUBLIC HEARINGS

11. Unified Development Ordinance Technical Corrections and Development Notifications 22-UDO-02

Sean Ryan, Development Services, said that the purpose of this hearing was to consider amendments to the Unified Development Ordinance (UDO). He said that these amendments were to correct technical errors or unintentional omissions, to help clarify requirements and standards, and to ensure that the UDO remains a user-friendly document. He said that 83% of the amendments were clarifications or corrections. An additional 13% were minor changes, with 2% each being major changes or changes required for legal compliance.

Mr. Ryan said that changes Council asked for were expanding the required notification for neighborhood meetings to 500 feet from a property and changing the public hearing notification from 300 feet to 500 feet. The requested change for Tobacco/Vape stores would remove them from Commercial/Mixed-Use Districts and add them to Business and Research Technology District (BRT) as a Conditional Zoning District (CD). There are also text changes regarding pedestrian connections.

Chris Deshazor, Planning Board, said that Planning Board recommended approval with a vote of 8-0-1. They made an additional motion to request that Council investigate the size of riparian buffers, which passed 8-0-1.

MPT Berry asked if we were preempted by the State on the riparian buffer issue. Mr. Ryan said that the issue came up because of a typo that was being corrected, but Planning Board wished them to look at larger buffers, which would present some legal challenges.

Mayor Mayefskie opened the public hearing.

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

Action: Motion to adopt Ordinance 22-29 to adopt the statement of compatibility and approve the UDO Text Amendments.

Motion by: Wolff

Second by: Berry

Vote: unanimous

A copy of Ordinance 22-29 is attached to these minutes.

NEW BUSINESS

12. Friendship Innovation Park Utilities

Aaron Levitt, Utilities and Infrastructure, said that the purpose of this item was to provide an update on the Friendship Utilities Design-Build project, and Council would be asked to consider approval of the construction contract with Southern Cross Timmons Group. He reminded the audience that in August of 2021 Amgen announced that it would build a facility at the Friendship site. The Town, the state, and the developer committed to serving the site with utilities. This included \$8 million in state Economic Development funds with the remainder to be shared by the developer and the Town. The cost of oversizing the utilities would be the Town's responsibility. He said there have been some challenges to the schedule due to the previous utility extension design needing revision, current demand modeling, oversizing the utilities for future development and material procurement issues due to COVID impacts. He showed the path for water, wastewater, and reclaimed water from the Utley Creek Water Reclamation facility to the Amgen site, and how much larger an area can be covered with the oversizing of the utilities.

Mr. Levitt said that the design has been finalized. State permits for water, reclaimed water, and land disturbance have been approved, as has the Environmental 401/404 permit. The State sewer permit and NCDOT permits are under review. The majority of pipe and pipe fittings are on hand or in transit as are the pump station generator and pumps, and land acquisition is in progress.

He said that the grand total project cost is \$29,669,373. The state economic development funds will cover \$7.76 million, the developer, Helix, will cover \$9.3 million, with the Town cost share equaling \$6.5 million. The cost of the utility oversizing will be \$6.1 million. He explained the infrastructure added value from this project would be a pump station to initially serve about 400 acres, which could be expanded to serve over 900 acres with additional pump installation. The Town will have no contribution for water and reclaimed water oversizing. Future phases of Fujifilm and Amgen have been accommodated, and enhanced screening provided at the pump station.

Mr. Levitt then outlined the next steps and a timeline to anticipate having construction completed on water by January 2023, with sewer and reclaimed water anticipated to be completed by summer of 2023.

MPT Berry thanked staff for their work on this. He said it was a good team effort, and he thanked the partners, both state and development partners. Council member McGrath said he echoed the Mayor Pro Tem's comments on the great partnerships to get the funding. He said that we continue to see these increasing costs and asked if we were trying to "bake in" some of these rising costs as we consider the System Development Fees (SDF). He said that this was another indicator that we need to follow a reasonable model. Mr. Levitt said that staff forecasts upcoming projects based on completed projects. And as the next SDF discussion comes up, this will become an actual cost.

Randy Harrington said that to reiterate MPT Berry's comments, he wanted to recognize Mr. Keener and Helix Ventures. This project has had extreme cost pressures and great time pressures. He thanked Aaron Levitt and the staff team who have worked so hard on this project.

Action 1: Motion to award the Friendship Innovation Park Utility contract (Phase 2 Construction) to Southern Cross Timmons Group in the amount of \$29,622,373 to serve the Friendship Innovation Park area with potable water, reclaimed water, and sewer.

Motion by: Berry

Second by: Bennett

Vote: unanimous

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

Motion by: Berry

Second by: Bennett

Vote: unanimous

Action 3: Motion to approve the revised funding arrangement and adopt the Water Capital Project Ordinance 22-30.

Motion by: Berry

Second by: Wolff

Vote: unanimous

A copy of Ordinance 22-30 is attached to these minutes.

OTHER BUSINESS

Council member McGrath said that as we talk about long term planning and sustainability, we need to consider sustainability of our infrastructure. He said he would like to hear at next year's retreat how we can look at the sustainability of large infrastructure projects and life-cycle costs of this infrastructure.

Council member Wolff said he wanted to comment on the mandatory allocation that is coming out of our Powell Bill funds. This recent budget we received \$800k but there is a condition that \$100k has to go to Pine Springs for the traffic light they installed. Part of the condition for

approval of the Pine Springs project was the installation of the signal. We heard no objection from Pine Springs. And then we learned that the Board of Pine Springs had hired a lobbyist to get the General Assembly to require that we give \$100,000 to Pine Springs. That's 1/8 of our Powell Bill funds. We heard tonight that there is already a large gap between the funding we receive and what is needed. He asked for clarification of what projects Powell Bill funds can be used for. Mr. Harrington said they could be used for street maintenance, sidewalk maintenance, and in some conditions, snow removal. John Schifano, Town Attorney, said the key condition is that it needs to be town-owned roads, not NCDOT roads. Council member Wolff said there seems to be a contradiction in statutes here. The funding of Pine Springs development is done by a private entity. Now the Town is being instructed by the General Assembly to take public funding that is meant for our street maintenance, and give it to a private company. He said he is not happy with the way this happened, but it has been done. He said now he wants to be sure that we are acting in a statutorily correct way before we give this money to a private company.

MPT Berry congratulated Council member McGrath and his wife on their recent wedding anniversary.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had three items. First the NC Department of Environmental Quality recently announced that we are the recipients of three different grants: a \$400,000 grant related to asset management work on water infrastructure, and a similar \$400,000 grant for similar work on the waste water side. He gave credit to the staff in Utilities & Infrastructure for applying for these grants. On top of that, we also received a \$6 million grant for our portion of the Sanford Water Expansion project.

Secondly, upcoming Parks & Recreation events over the next month including August 5th Summer in the Springs with Joe Hero; and *Darshana: A Glimpse into Hindu Civilization* exhibit on August 13th at the Cultural Center.

Finally, he said that there are no more Council meetings until August 16th.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss two Economic Development matters; pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the Town Attorney on a litigation matter of *John Doe v. Holly Springs*; and pursuant to N.C.G.S. 143-318.11(a)(6) to discuss the process of the Town Manager's annual review.

Motion by: Berry

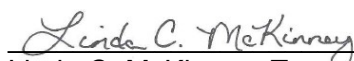
Second by: Wolff

Vote: Unanimous

Motion to seal the closed session minutes and leave closed session was made MPT Berry, seconded by Council member Wolff and passed with a unanimous vote.

Adjournment: MPT Berry made a motion to adjourn at 10:21 pm. It was seconded by Council member Wolff and passed with a unanimous vote.

Respectfully Submitted on Tuesday, August 16, 2022.



Linda C. McKinney, Town Clerk

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