



Holly Springs Town Council
7:00 PM **Tuesday, August 16, 2022**

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

MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 16, 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 Timothy Forrest, and Kristi Bennett.

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

Council Member Absent: Council member Aaron Wolff.

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*; LeeAnn Plumer, *Director, Parks and Recreation*; Antwan Morrison, *Director, Finance*; Kendra Parrish, *Director, Utilities and Infrastructure*; Michael Leonas, *Utilities and Infrastructure*; Sara Emig, *Utilities and Infrastructure*; Chris Hills, *Director, Development Services*; Bronwyn Redus, *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 the Rev. LaVerne Cofield of Holly Springs United Church of Christ.

4. Agenda Adjustment: The August 16, 2022 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry
Second: Forrest
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 public comment was received in writing: one comment from Gina Clapp asking Council not to pass the Resolution of Condemnation for Holly Springs Road Widening – East.

The following comments were received in person:

Diane Whetsel said everyone deserves respect and dignity. She said she had spent her life in service in various capacities, but had faced discrimination her whole life. She said she must constantly be on the alert for those who would do her or her wife harm. She said those who have not experienced discrimination are fortunate. She said Council has the duty to represent all Holly Springs residents. She asked them to do their duty and sign the nondiscrimination ordinance (NDO).

Kathy O'Dette said she was here to ask the Mayor and Town Council to sign on the Wake County NDO. She said is proud of the LGBTQ+ community and their allies, and the work they have done since June to try to get these protections. She said she believes the Mayor when he says he's never been discriminated against, but asked that he not discount the experiences of those who have spoken up requesting the NDO. She said it will do no harm to families that look like his, but will make a difference to those who look like hers. She asked that they sign on to the Wake County NDO.

Donna Friend said she was back to give Council an update on the NDO. She has attended four Council meetings, hearing people speak on both sides. Those opposed to the NDO did not offer business argument, but their personal religious beliefs. This made it clear that the issue was not who was excluded, but who was included. She said that religious beliefs have no place in a Town Council meeting. She said she met with the Mayor and was told that the NDO was too expensive for small businesses. She has since met with 20 business owners in Holly Springs who all support the NDO. She will continue to meet with every business in Holly Springs to understand their position on the NDO. She has also met with representatives at the Chamber of Commerce who expressed fears that it would be too expensive and require training. She said both fears are groundless. She said her committee reached out to Commissioner Matt Calabria. They have started a petition and have over 500 signatures. She asked Council to take the time and take another look at the NDO.

Chuck Tryon said he was here to urge the Town Council to sign on to the Wake County NDO. It was unanimously adopted by the county Commissioners to protect county residents from discrimination. He said that most people want their communities to be inclusive and to make sure that people are treated fairly. He said they have been told that it will cost business owners money. He said he had an email from Wake County assuring him that businesses will not have any costs related to the NDO, and that business owners would not have to undergo any kind of special training. Most businesses are supportive of the NDO, because they would only have to continue what they are already doing. There is clear evidence that many businesses want this NDO to be put in place. But this is not just about money; it's about morality and doing the right thing, even when it is not popular with some of your constituents. Please sign the NDO.

Linda Hewitt said her husband and she chose Holly Springs out of every place in Wake County to buy a retirement home. She said they had been charmed by the town. And then she became aware of the controversy over the NDO, and her heart fell to her feet. She thought this was a place where she would feel comfortable. She said she's not comfortable when other people are being discriminated against. She is glad that women's rights were put into writing and they didn't just say "trust us." She said her husband is also in favor of the NDO but couldn't be here tonight because of medical reasons. She said she was shocked and astonished that Holly Springs would think it good business practice not to sign the NDO. She said it is going to be harder for the town to go into the future, because this is all about the past. We said earlier "with liberty and justice for all." You are the Mayor of all, not just your favorite people. Do your jobs and sign the NDO.

Ann Bono said she was astonished that she had to be speaking here tonight. She can't believe that she has to remind this Council that inclusion is important, and that discrimination needs to be addressed with policies and consequences, and that we don't live in a utopia. She asked Council to look back on past actions. She said that one council member solicited opposition to the NDO on Facebook. She said residents compared the trans people to serial killers and pedophiles. She had people say to leave Holly Springs is they were refused services here. She asked Council if they still believed that the community doesn't need protection. She asked if it was because Council doesn't want to have to be held to account. She is lucky to work for a firm that has excellent diversity and inclusion initiatives that protect her. She wonders what other large global corporations that are choosing to make their home here would think if they knew that non-white, non-male, gay talent they attract would run the risk of discrimination without consequence. She asked Council to back

their empty words of “this doesn’t happen in our town” with policies that ensure that it actually doesn’t.

Jackie Turnwald said she was here to once again remind Town Council that they have not yet done the right thing about the NDO, but they still can.

William Franklin Ball III said he was here on behalf of Holly Springs United Church of Christ and the MLK Jr. committee. He came to talk about diversity on the City Council. In the past we have had one community to comprise the entire council and he thinks it is because of lack of districting. Districting would not guarantee diversity on Council, but it would ensure complete representation of the Town’s entire people. An all-white Council does not give a fair representation of the Town of Holly Springs. He said he would like to know this administration’s position on districting, so we can have a more inclusive Council that would administer fair treatment to all.

Richard K. Ford said he attended a meeting last Thursday to talk about housing affordability which is important to him. He wants to put a progressive voice into Council to talk about “workforce housing,” because “affordable housing” has a negative connotation. He said that workforce housing addresses three populations: young people graduating high school and College who should be able to return to their home town and find affordable housing; those exiting the workforce who want to transition to smaller housing and be able to stay in Holly Springs; and for police, fire, and teachers who provide services to Holly Springs but find it impossible to find housing here. He wants to be sure Holly Springs is considering workforce housing without the stigma of calling it “affordable housing.”

RECOGNITIONS

5. Community Satisfaction Award

Cassie Hack, Director of Communications and Marketing, reminded Council and those present of the Community Survey which was done last year, and pointed out areas where the town scored very highly on community satisfaction compared to other municipalities nationwide. She said the entire survey is on the website for those who want to dig deeper into the data. She played a video of Jason Morado, Vice President and Director of Community Research at ETC Institute congratulating the town on winning the Leading the Way Award, given to those in the top 10% nationwide.

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 July 12, 2022 workshop and the July 19, 2022 business meeting.

7. NC DEQ Division of Water Infrastructure Fall 2022 Grant and Loan Funding Applications
– The Council adopted Resolution 22-28 for the Clean Water State Revolving Fund (CWSRF) Application for the Utley Creek 6 to 8 million gallons per day Upgrade Project.

A copy of Resolution 22-28 is attached to these minutes.

8. Position Reclassifications for Office of Customer Care – The Council approved the positions of Customer Service Representative (Grade D) and Administrative Assistant (Grade E) to be reclassified as Customer Service Specialist (Grade E) within the Office of Customer Care.

9. Surplus of Boom Truck – The Council authorized the sale of a surplus 2007 Grapple Boom Truck.

PUBLIC HEARINGS

10. Voluntary Annexation A22-01, Green Oaks Tech Center

Bronwyn Redus said this was a request for voluntary annexation of 120+/- acres of the remaining unannexed property of the Green Oaks Tech Center PUD at the intersections of Green Oaks Parkway, Holly Springs New Hill Road, and Thomas Mill Road. She showed where the properties are and said that it was the area referred to by the applicant as The Yield 2.0.

Mayor Mayefskie opened the public hearing.

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

Action: Motion to adopt Annexation Ordinance A22-01.

Motion by: Bennett

Second by: Forrest

Vote: unanimous

A copy of Annexation Ordinance A22-01 is attached to these minutes.

NEW BUSINESS

11. Future Cass Holt Road Park Policy Direction

LeeAnn Plumer, Director of Parks and Recreation, said that the purpose of this item was to receive direction on funding considerations for the Cass Holt Road park. She showed an overview map of the park concept and talked about how the conceptual plan was created, and what the community priorities were for the new park. She talked about specific considerations for the proposed Recreation Center including a tech lobby/snack bar; four multi-use court gymnasium; three classrooms/meeting rooms; and a warming kitchen to support them; and indoor play and exercise space. She gave some preliminary construction estimates, stressing that the construction is very volatile at this time. Because this is former farm land, it requires bringing in electricity and utilities, as well as roads. She outlined a possible timeline for funding and constructing the park. Antwan Morrison, Director of Finance, gave a summary of past events leading up to this point and outlined possible funding options to raise the funds needed to complete the park. He said the last park bond referendum was in 2011 when the population was only 25,000. Land for a park was purchased in January of 2020 for the first park west of NC 55, and the Parks and Recreation master plan was adopted about a year later. The Cass Holt Park concept plan was approved in March 2022, and the town's financial advisor updated Council on preliminary financing scenarios.

Mr. Morrison outlined funding considerations, with the bulk being funded by a bond, but with six other options that could contribute to funding the park. He said that staff recommends proceeding with holding a bond referendum in November 2023. He said this would allow the tax payers to be heard. He said there are a lot of steps that go into issuing a referendum, which is about an 8 month process. He outlined the preliminary tax rate projection for FY2025, after the next revaluation of property, explained that the Bond Reimbursement resolution does not obligate Council to have a bond referendum or to issue bonds, it merely provides authorization to get the process started. He then outlined the calendar of events needed if a referendum were going to be held.

Mayor Mayefskie asked, in a perfect world, when would the completion of the park be. Ms. Plumer said 15-18 months for design and permits, then another 18 for construction once financing is available. Depending on the construction environment and other issues we are looking at about 5 years out.

Council member Bennett asked what the reimbursement resolution would mean if the bond referendum did not pass, in terms of funds already spent. Mr. Morrison said they could be reimbursed from Parks and Recreation reserves, or staff could look at other options. This resolution just grants authorization.

MPT Berry said that he is concerned about the impacts to tax payers, when families are already dealing with inflation. He said Council has made other financial decisions that are worthwhile but expensive. All of these limit our ability to leverage existing debt capacity. Perhaps this is growing pains, but we shouldn't shrug at making this decision. He said Council needs to look at where we can tighten our belts and take a hard look at cost-recovery in some of our programs. He wants this park and will support it, but requested selling points. The Town needs to take a hard look at all of the options and limit the need to "go back to the well." He said there was plenty of time to do this before having a referendum.

Council member McGrath said he echoes MPT Berry's comments. He thinks it merits more discussion. Our residents are looking for this park, but they are also looking for other things. We need to make sure that investments are in line with fiscal priorities and what the community wants.

Action 1: Motion to direct the Town Manager to begin efforts to design and construct a new park on Cass Holt Road through a future General Obligation bond referendum in November 2023.

Motion by: Forrest

Second by: Bennett

Vote: unanimous

Action 2: Motion to adopt Reimbursement Resolution 22-29 to reimburse expenditures for the park on Cass Holt Road from the future park bond funding.

Motion by: Forrest

Second by: Berry

Vote: unanimous

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

12. Condemnation Resolution – Holly Springs Road Widening East Right-of-Way and Easements

John Schifano, Town Attorney, said the purpose of this item was to consider adopting a resolution authorizing him to initiate eminent domain proceedings to acquire rights-of-way and easements necessary for road construction for the Holly Springs Rd. Widening – East project. The bridge is under construction, and in order to keep the project on schedule, the Town needs to acquire these other rights-of-way. The Town engaged an agency called Telics which has been working hard to acquire these easements and rights-of-way. The Town has used a licensed appraiser, whose work was reviewed by a second licensed appraiser. He said he has been in talks with the property owners, but owners of 11 of the 80 identified parcels have been unwilling or unable to accept voluntary settlement and require the initiation of legal action in order to proceed with construction. One of them is an HOA, which will be a "friendly" condemnation because that HOA doesn't have the authority in their covenants to convey property. He explained the condemnation process and how the fair market value is deposited with the Clerk of Superior Court before the lawsuit is filed. He said he would continue to engage in negotiation and attempt settlement of claims prior to and subsequent to filing any suit, but this Resolution would give him that ability. He showed where the project is, and how the finished cross section would look.

Action: Motion to adopt Resolution 22-27 to authorize eminent domain action to acquire right-of-way and easements from various property owners for the Holly Springs Rd. Widening East Transportation Bond project.

Motion by: Berry

Second by: Forrest

Vote: unanimous

A copy of Resolution 22-27 is attached to these minutes.

13. Franchise Ordinance for Public Service Company of North Carolina

John Schifano, Town Attorney, said that this item was to renew an existing franchise with PSNC Gas for the operation of a public utility in the Town. He said that North Carolina law allows a municipality to regulate certain public utilities by way of a non-exclusive franchise. Rates and operation of the utility are regulated by the North Carolina Utilities Commission. The Town regulation is limited to town rights of way, requiring the company to relocate lines at their expense in the event of a change in the right of way. This franchise was originally enacted in 1988.

Action: Motion to adopt Franchise Ordinance 22-31.

Motion by: Forrest

Second by: Berry

Vote: unanimous

A copy of Ordinance 22-31 is attached to these minutes.

Mr. Schifano explained that state law requires that a franchise ordinance be heard at two meetings, so Council will see this on the Consent agenda at their September 6th meeting.

14. Condemnation Resolution for Friendship Utility Lines

John Schifano, Town Attorney, said the purpose of this item was to consider adopting a resolution authorizing him to initiate eminent domain proceedings to acquire rights of way and easements necessary for the Friendship utilities project. He said this project was a major trunk expansion of water, force main sewer, and reclaimed water to the western-most town limits. The project is principally located in the existing right of way, however the design deviates slightly due to the bridge that will be rebuilt in the near future, and some other areas where the right-of-way is not wide enough, and requires additional rights of way from eight property owners, all on vacant tracts. He said he believes we will be able to acquire these voluntarily, but is requesting the condemnation authority to allow him to proceed on an aggressive time frame.

Action: Motion to adopt Resolution 22-30 authorizing Eminent Domain for easement acquisition for the Friendship utility lines.

Motion by: Bennett

Second by: Berry

Vote: unanimous

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

OTHER BUSINESS

Council member McGrath said he was pleased with the Leading the Way Award, which shows that we are meeting the primary needs of our residents.

Council member Bennett congratulated town staff and previous council members for all the work that got us the award. She said there are kinks to work out financially, but growing pains are good things to figure out and she is excited about these things that the community wants us to be addressing.

Council member Forrest said he attended a great meeting on affordable housing/workforce housing. It's obvious we have a lot of work to do, but the report coming out in November will put us in a good policy place. Engaging with the Community Advisory group to create the policy is one recommendation that he would like to explore. There are obstacles in the form of increasing land and construction costs. We need to explore ways to make sure people who work here can afford to live here. He thanked the residents who came out for the meeting and came up with good ideas. It won't be a quick thing, but we can make it a thorough thing and make good policy.

Mayor Mayefskie said that last week he went out to Amgen with Irena Krstanovic and Chris Hills and got to tour the site. It's a great site and is going to be fantastic when it is finished. He said that he and Mr. Harrington had a meeting at the Cultural Center with Rev Ball and others that was very well attended. They were there for 3 hours and got a lot out of it. He said it looks like there will be another meeting at the end of October. He said that he has been meeting every other month with the Mayors of Apex and Fuquay Varina to connect regionally and build relationships. Finally, he received a call from former mayor Jim Hancock who sat down and talked with him for a while. He talked about the history of the Town and the things that were going on in the late 1970s and early 1980's and it was fun to talk with someone about the early days of Holly Springs.

MANAGER'S REPORT

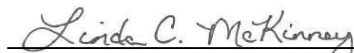
Randy Harrington, Town Manager, said he had two items. First, as part of the effort to enhance engagement with youth and particularly teens, there is an event coming up this Friday. Teens from 13 to 18, are invited to a Party in the Field beside Hunt Recreation Center, from 6:30-8:30. There will be many varied activities. Cost is ten dollars for residents and \$15 for nonresidents. Secondly, school is coming back in session for traditional schedules. He asked people to remember to be patient those first couple of days when traffic picks up. He applauded the police department and the SROs on fine tuning and managing the traffic during those days.

Council member Forrest said he had one other things. Speaking of back to school, as a parent of a high school student, he attended the welcome ceremony by the principal at Holly Springs High School and the principal spoke highly of the SROs and town police officers. He thanked Chief Liquorie for his team's work.

CLOSED SESSION: none.

Adjournment: MPT Berry made a motion to adjourn at 8:16 pm. It was seconded by Council member Forrest and passed with a unanimous vote.

Respectfully Submitted on Tuesday, September 6, 2022.



Linda C. McKinney, Town Clerk

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