MINUTES

The Holly Springs Town Council met in regular session on Tuesday, October 18, 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, Council members Aaron Wolff, Timothy Forrest, and Kristi Bennett.

Council Members Absent: Mayor Pro Tem Dan Berry, Council member Shaun McGrath.

Staff Members Present in Chambers: Daniel Weeks, *Assistant Town Manager;* Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Mathew Mutter, *IT;* Corey Petersohn, *Budget and Sustainability;* Chris Hills, *Director*, *Development Services*; Elizabeth Goodson, *Development Services*; Cheryl Caines, *Development Services*; Bronwyn Redus, *Development Services*; Rachel Jones, *Development Services;* Catherine Jacobs, *Development Services;* LeeAnn Plummer, *Director, Parks and Recreation*; Matt Beard, *Parks and Recreation;* Aaron Levitt, *Utilities and Infrastructure;* Seann Byrd, Utilities and Infrastructure; Kimberly Keyes, *Utilities and Infrastructure;* LeRoy Smith, *Fire Chief*; Cassie Hack, *Director, Communications & Marketing*; Antwan Morrison, *Director, Finance;* Brent Quick, *Purchasing Manager;* Irena Krstanovic, Director, *Economic Development;* Jaime Joyner, *Director, Human Resources;* Paige Scott, *Director, Public Works;* Paul Liquorie, *Police Chief*; Kathy White, *Deputy Clerk*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by the Reverend LaVerne Cofield, of Holly Springs United Church of Christ.

4. Agenda Adjustment: The October 18, 2022 meeting agenda was adopted with changes, if any, as listed: none.

Motion: Wolff
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 comments were received in writing: one comment expressing concern about investors buying up properties; one comment regarding a senior center; and one comment about a Town Motto.

The following comments were received in person:
Linda Hewitt said she continued to be dismayed that no action has been taken on the Nondiscrimination Ordinance (NDO). She said that Holly Springs is in a tiny minority of towns in the County who have not done anything. She fears that as businesses, developers, and new residents look at Holly Springs, and we are going to become known as “the town that didn’t pass the NDO” She listed the protections the NDO offers, and said that all of us belong to one or more of those

categories, or have a family member, friend or colleague who does. It has been said that “Actions speak louder than words” but inaction speaks extremely loudly. It says that Council will govern for some of the people, but not all of them. When one group’s rights are taken away, the chances increase that it will happen to others of us. She asked if any council member had spoken to any other towns to see how their process went and whether any problems were discovered. She said that would at least show a good faith effort.

RECOGNITIONS

5. Breast Cancer Awareness Month Proclamation

Mayor Mayefskie proclaimed October as Breast Cancer Awareness month in Holly Springs and presented the proclamation to Marge Morena, founder of Marge “Madness” for 3D Mammograms.

Consent Agenda

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

6. Minutes – Council approved the minutes of the October 4, 2022 business meeting.

7. Utley Creek Water Reclamation Facility Dewatering Press Upgrade – The Council authorized the Town Manager to approve the purchase of equipment in the amount of $234,500 to increase biosolids dewatering capacity at the Utley Creek Water Reclamation facility (UCWRF) and authorized him to approve any change orders or additional contracts that are necessary for the dewatering project at the UCWRF that are within the Town Council approved project budget.

8. Ting Stadium Concrete Repair Project – The Council approved a change order from Baker Restoration to replace the concrete slab at Ting Stadium concourse area and authorized the Town Manager to approve any appropriate and necessary change orders within the approved project budget and Council actions.

9. Purchasing Policy Update – The Council approved updates to the Town Procurement Policy, effective October 1, 2022.
A copy of the policy is attached to these minutes.

10. Personnel Policy Revisions – Merit Pay Process – The Council approved amendments to Article III, Section 5 Merit Pay of the Personnel Policy, clarifying when employees receive merit pay increases.
A copy of the policy is attached to these minutes.

11. Utley Creek Water Reclamation Facility 6 to 8 MGD Upgrade Preliminary Engineering Report and Alternatives Analysis contract – The Council authorized the Town Manager to approve a contract with Hazen and Sawyer in the amount of $925,333 for the preparation of a Preliminary Engineering Report and Alternative Analysis for the Utley Creek Water Reclamation Facility 6 to 8 million gallon per day upgrade project.

PUBLIC HEARINGS

12. E-52 Rex Road Elementary Rezoning – Legislative Hearing

Cheryl Caines said this item and item 13 would be discussed together, but the hearings held separately. She said it was a request to rezone the property at 6125 Rex Road from RR Rural

Residential to RR CD Rural Residential Conditional Zoning District, to consider a request for a Developer Agreement, and to consider a request for a Development Plan.

Ms. Caines showed the location of the property and said that it was designated as Conservation Neighborhood on the Land Use and Character Plan, and is currently zoned Rural Residential. She said that Conditional District Rezoning is tied to a conceptual master plan, and allows flexibility in order to develop unique and creative designs. She said it is not intended to relieve hardship, which is a different process. She outlined the ten design goals of a Conditional Zoning District. She said the proposed development standards were to allow a school, which is a permitted use; to alter parking locations to accommodate carpool and bus lanes; and to alter building design to allow a wider area between façade variations. Ms. Caines said that the development plan for the nearly 41 acres included 43.2% open space, a 134,698 square foot building, a playfield and other outdoor spaces, and carpool and bus areas.

Rachel Jones, Development Services, said that there is will be a connection to and extension of public water on Rex Road. The developer will build a private sanitary sewer pump station and acquire public utility easements for future extension. She said that due to NC General Statute 136 the town is limited in its authority to enforce certain transportation improvements. The Comprehensive Transportation Plan has the ultimate buildout of Rex Road to a thoroughfare. She outlined improvements that the CTP identified for this area. She said the Traffic Impact Analysis covered the intersections of Rex Road with Buckhorn Duncan and with Cass Holt, as well as the two site drives with the understanding that this was to be a 716-student elementary school with no plans for expansion. The developer will design, construct, and pay for right and left turn lanes at the two site drives. They will also dedicate right of way for an ultimate road widening. However, per the general statute, the actual construction of those improvements would be contingent on Town reimbursement.

Matt Beard, Parks and Recreation said that under the UDO a 10-foot sidepath across the frontage would be a requirement, but state statutes do not allow municipalities to require schools to construct road improvements. Wake County Public Schools is offering to construct a 10-foot sidepath across their frontage and extending east to an existing sidewalk stub at Bridgeberry if the Town will reimburse them for the cost of construction and acquire any needed off-site rights of way. He showed where the sidepath would run and how it would connect to the existing sidewalk at Bridgeberry. He said the funds for a reimbursement would come from the Parks and Recreation Fee-in-lieu account, as this falls under the category of a greenway. He said that the numbers Council is about to hear are draft numbers and if Council so directs, staff would continue working with Wake County Public Schools. He said the Developer estimates the cost of the sidepath at $60,878, which is a massive savings, so staff is recommending this connection to provide safe pedestrian connection from front doors to the school.

Ms. Jones outlined the draft costs of about $1,652,766 for the road widening and $61k for the sidepath. The cost of additional rights-of-way and easements for the off-site sidepath has not yet been determined. Mr. Beard said that with the off-site sidepath the town would be responsible for any right-of-way or easements that are required for it.

Council member Bennett said she appreciates the information about the sidepath, and given the sad things that have happened recently, she is grateful for the opportunity to partner to make this happen. She thinks safety makes it worth the expense.

Council member Forrest said he believes we need to have the sidepath put in and agrees that it is worth the expense. There needs to be a safe walking path to all our schools.

Josh Prizer, Planning Board, said that the Planning Board was excited to have a new school coming. They voted to approve both the rezoning and the development plan with votes of 7 - 0 - 2 in each case. He said that Planning Board also recommended that Council fund the construction of the sidepath to provide a safe way for students to walk to school.

Mayor Mayefskie opened the legislative public hearing and the following input was received.

Ms. Betty Parker, Wake County Public Schools, showed the location of the property. She said it is a challenging site, although it is where they need it to be given where the growth in the town is. She said they were happy to help with acquiring easements or rights-of-way, subject to reimbursement. She showed the plan for siting the building and the landscaping. She explained the road improvements that they would undertake. She said they included the wireless technology as a condition in order to best position themselves to support the schools. In terms of the parking locations, there is a small amount of parking between the building and the road. The site has some unique features that they are trying to preserve. The school will be placed away from disturbances of natural features. The limitations of the site limit where the parking can be placed. There will be more than half a mile of "stacking" space for carpools, with some amount of parking for disabled students or students who are not quite ready when the bell rings. She said the elevation changes between the road and the parking will help to shield the parking from the road. She said the cost of the turn lanes was close to $1.75 million, but they believe it is needed for the safety of the children. She said that when they submitted the TIA to NCDOT, there were no recommendations. She said that DOT has done that since NCGS 136 was passed, because they cannot afford to construct them.

Ms. Parker said that the reason they did not offer to pay for the near-term improvements is because they have talked with the Bridgeberry developer who has said that they were intending to make those improvements with future phases. She said the condition on vertical variations and roof expression were requested because of the architectural plan that has wings that break up the façade and therefore meets the spirit of what the UDO is trying to accomplish. She said with the school's placement on the site, these variations would not violate the spirit of the UDO. She said that they have committed to working with the developers on either side to look at additional pedestrian connectivity, if it is possible, but the site makes that difficult. She said the security of the site is paramount.

Council member Bennett asked where a pedestrian would go from the sidepath to the front door. Ms. Parker showed the pathway, away from the busses and carpool, to reach the front door.

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

Action: Motion to adopt Rezoning Ordinance RZ22-05 rezoning 6125 Rex Road from RR Rural Residential to RR CD Rural Residential Conditional Zoning District.

Motion by: Bennett
Second by: Forrest
Vote: unanimous

Action: Motion to direct staff to negotiate a developer agreement for completion and reimbursement of the 10' sidepath along Rex Road and to connect to Bridgeberry.

Motion by: Bennett
Second by: Forrest
Vote: unanimous

13. E-52 Rex Road Elementary Development Plan – Quasi-judicial Hearing

Mayor Mayefskie opened the quasi-judicial public hearing and the following sworn testimony was received.

Mr. Kenneth Haywood, attorney for Wake County Public Schools, spoke for the applicant. He listed the team members who were present to help answer questions. He said, for the record, they request that the application, the PowerPoint presentation, the staff report, and the material being discussed be entered into evidence in support of their application for the development plan.

Renee Pfeifer, CLH designs, said that the development plan was for an elementary school with a 716-student capacity serving grades K-5, with 20 Pre-K students in two pre-K classrooms. She said that there would be 43% open space, with preservation of stream and wetland buffers, and the required landscape and streetscape buffers. There will be separate carpool and bus entries into the site. Carpool stacking of 2,660 linear feet on site is included, and 121 parking spaces including 6 EV and 18 EV ready spaces. A ten-foot asphalt sidepath along the Rex Road frontage and extended east to the People Road intersection with Rex Road will be constructed with the understanding that the Town reimburse the school system for that.

Ms. Pfeifer said that they are working within the environmental constraints of the site. She outlined the carpool and drop-off sites. She said that cars would exit via the west drive onto Rex Road. The west site drive would accommodate staff parking and the busses. There is a service drive to the back of the building, which is where the dumpsters and mechanical sites would be, as well as a fire lane. She showed the various play areas, and outdoor classroom areas.

Ms. Pfeifer said that a 12" water line along Rex Road will be extended to serve adjacent properties to the west and east of the school property as well as the school property itself. Sanitary Sewer easements are provided to adjacent properties for future sewer extension. The developer will construct right and left turn lanes along Rex Rd. into the site, per the Traffic Impact Analysis. Stormwater control measures on-site will comply with the Town of Holly Springs' stormwater requirements, and overhead Duke Energy powerlines along the school property frontage will be replaced with underground electrical lines.

Frank Jackson, licensed architect, showed an elevation of what the school building would look like from the front and the rear. He said the building is mostly brick with a small metal accent. He said the idea was to make this an elegant building that will stand the test of time and be around for a very long time. He said that the building bay length and height variation was being requested to extend from 100 feet to 141 feet 8 inches, as a result of the wings, which allow natural light into the classrooms.

Mr. Haywood said that they contend that they have met the requirements under the UDO and request approval of the motion before Council.

Council member Bennett asked about planned spots for mobile classrooms and whether that was still a consideration, as most schools in the area outgrow their space rapidly. Ms. Pfeifer said that the site was very steep. Mobile classrooms need to be close to the building, but the only place they would reasonably fit on this site would be far from the building or would impact the play areas. Therefore this was a school where they decided that it would not have mobile classrooms.

Mr. Haywood said that this is a difficult site, but it is the site where a new school is needed. They have planned to build to capacity in terms of what they can, but must look at the fact that an elementary school is not several stories like a high school, so it limits the size. Ms. Parker said that if there was not class size limitations this would be an 800 student school. But the statute lowering class size took up the capacity they had built. She said that schools are sized for optimal student learning, and building a "mega school" would not be equitable to those students. She spoke of the dearth of sites that were flat and had access from two roads. She said that Holly Springs' success is their challenge. But it's a challenge they are happy to address.

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

Action: Motion to make and accept the Findings of Fact for consideration and approve Development Plan 22-DP-06 for E-52 Rex Road Elementary for the property located at 6125 Rex Rd., Wake County PIN 0637389732 as submitted by CLH Design PA with the conditions listed in the agenda packet.

Motion by: Bennett
Second by: Forrest
Vote: unanimous

NEW BUSINESS

14. Rhamkatte Plaza Detailed Master Plan 22-MAS-02

Bronwyn Redus, Development Services, said this item was to consider a request for a Detailed Master Plan/Major Subdivision Plan for the Rhamkatte Plaza at 601 Holly Springs Road.

The request is to subdivide the plot so individual plots could be sold to different owners. The property is designated Neighborhood Center on the Land Use and Character Plan and is zoned Planned Unit Development. The reason for this change is that the developer has proposed to subdivide the 5.36-acre commercial area into five lots, with the interior access to each, with a common lot with common maintenance. There are no other changes requested to the approved development plan.

Josh Prizer, Planning Board, said that the Planning Board voted to recommend approval with a vote of 7-0-2.

Tom Spaulding, Spaulding Group, speaking for the applicant, said there are three lots now. They wanted to go to five lots, one of which would be a common lot owned by the HOA so that there would be well kept grounds, rather than each individual keeping up their own.

Action: Motion to approve Detailed Master Plan 22-MAS-02 for Rhamkatte Plaza for the properties located at 601 Holly Springs Rd., Wake County PINs 0659135417, 0659139511, and 0659136418, as submitted by The Spaulding Group with the conditions listed in the agenda packet.

Motion by: Forrest
Second by: Bennett
Vote: unanimous

15. Parks & Recreation Fees & Charges Policy / Cost Recovery Philosophy

LeeAnn Plumer, Director of Parks and Recreation, said this item was to approve the Parks and Recreation Fees and Charges Policy. This supports Initiative 3.1 of the Engaged, Health, & Active Strategic Plan area: Analyze the cost of service for functional areas and develop a policy for cost recovery goods. The policy would provide efficiency, accountability, and equity in pricing. It was also a recommendation in the Parks, Recreation, and Greenways Master Plan, and approval was recommended by the Parks and Recreation Advisory Committee.

Ms. Plumer said that this policy does not set fees, but defines the methodology and philosophy around pricing and would be the basis for fees requested as part of the annual budget process. The Policy uses direct and indirect costs by program or cost center, and is a best practice which provides structure, but is adaptable based on changes in the market, demand for services, and operational expenses. Ms. Plumer shared the current cost recovery for each of the Town facilities, and said that the overall recovery rate is 42%, which is higher than the typical park and recreation agency recovery rate of 22.9%. She said the target pricing strategy would be to increase cost recovery as programs move from a community benefit to an individual benefit, so services with a wide community benefit, such as parks, trails, festivals, etc. would have a cost recovery target of 0-45%, core services such as instructional programs, track out camps, etc. would have a cost recovery target of 45-85%, and specialized services such as advanced and private instruction, special facility rentals, and retail operations would have a cost recovery target of 85-100%.

Ms. Plumer said that special considerations for variances would include benchmarking/market comparisons; new program start-up costs; and special facility rentals that provide economic impact benefits. She said there is a scholarship program that provides up to a 50% fee reduction, not to exceed $200 per year per participant to make programs available to all.

Action: Motion to approve P- 50, Parks and Recreations Fees and Charges Policy.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

16. Town Facility Naming Policy

LeeAnn Plumer, Director of Parks and Recreation, said that this item was to establish a process and policy for naming public facilities in the Town of Holly Springs. She said that this applies to Town-owned facilities (not just parks and greenways) going forward and would not affect those things that are already named. It would establish Town Council as the formal authority on naming, and shall be consistent with Town values and help enhance a sense of community, as well as recognizing the investment of businesses related to naming rights. Ms. Plumer said that naming should follow one or more of the following categories: geographic/locational; indigenous, cultural, or historic reference; native flora/fauna or natural feature; individual, family or organization who has made a significant contribution, financial or personal, over many years; businesses, pursuant to naming rights terms; and other factors supported by Council.

Ms. Plumer said that the process would allow a temporary name to be used during acquisition and development, but when possible, a permanent name should be identified prior to the award of the construction contract. Names may be presented by a Council member, a Council-appointed board or committee, or the Town Manager or staff, for recommendation to the Council for consideration and action during a public meeting. The Town Clerk's office will maintain the official registry of named facilities, including any naming rights terms. Ms. Plumer said that naming rights shall be considered for facilities or components of a facility. Naming rights for events shall be reserved for large events with a value of $25,000 or more and all naming rights shall have a separate agreement with defined terms approved by Town Council.

Council member Wolff said he wanted to reiterate what he said at the workshop, that he is uncomfortable with including people's names, as he thinks no one is above controversy and the criteria of 'significant contribution' is subjective. But it is not worth throwing out the whole policy.

Action: Motion to approve P-29.1 Town Facility Naming Policy.

Motion by: Forrest
Second by: Bennett
Vote: unanimous

Ms. Plumer said that, now that the policy has been approved, she would like to presented naming recommendations for four greenway projects:

- Utley Creek Greenway;
- Middle Creek Greenway;
- Oak Leaf Greenway; and
- Morgan Park Greenway Connector.

Ms. Plumer said that the Parks and Recreation Advisory Committee reviewed these names and recommended adoption with a vote of 7-0-2.

Action: Motion to approve the following names for town greenway facilities: Middle Creek Greenway; Utley Creek Greenway; Oak Leaf Greenway; and Morgan Park Greenway Connector.

Motion by: Bennett
Second by: Forrest
Vote: unanimous

<u>OTHER BUSINESS</u>

Council member Forrest said it was not lost on him how much hard work Ms. Plumer and her staff did to be inclusive and to provide opportunities for all. He thanked the whole department for their hard work.

Mayor Mayefskie said that last week he met with someone who had watched a Council meeting. He said that this person said he noticed that no one made any response after the Public Comment section and he said that it was not Council's practice to do so. But Mr. Mayefskie said that maybe he needed to address these comments on the NDO. When he first read the NDO he was almost offended by being told how to run his business. But the further he got into it, he decided that the NDO doesn't have anything to do with the major employers in town, or the Town staff. It affects the small business owners, putting into law a policy for those businesses to follow. He said he has heard that it has no cost, but there is a cost. Small businesses don't have staff attorneys.

They would have to go out and hire attorneys. That would cost those businesses. Policies and service brochures would also have to be modified. This would be an exorbitant expense. He said he has met with the people requesting this, and he told them to come to him if they found anyone who had been discriminated against, bring them to him and he would go to the Town attorney and find a solution. He said no one has come to him. He doesn't believe that discrimination is happening in Holly Springs and the NDO would by symbolism over substance.

Mayor Mayefskie said that three weeks ago he walked into a local business and they told him they got an email asking them to support the NDO. They responded and received a reply saying that they would not support their business if the business didn't support the NDO. He said that happened again at a different business. He asked people to come to town and shop at locally owned businesses and eat in local restaurants. He doesn't take kindly to people threatening local businesses.

Council member Wolff said he agrees that we shouldn't be threatening our small businesses. But it's not just the NDO. He said he received threats at his own business in Garner when he put up a sign saying firearms weren't allowed, or when masks were required. He has received threats against his business for his work on the Town Council. That is never ok. There are other ways to garner support. But, he said that Garner, where his business is located, has adopted the NDO, and he has not felt the need to "lawyer up" and it has not added a cent to his business expenses or his taxes. That is his experience as a business owner in a town that has adopted the NDO.

Council member Bennett said that no matter what the issue is, bullying is never OK and not supporting, or actively trying to hurt a business, is not something she would support no matter what the issue.

Council member Forrest said, to finish their thought, this is anti-bullying month, and this is something our society does not approve of. So when he hears that livelihoods are being threatened, he doesn't agree with that. He would say it is not about forcing your right or your wrong on someone. Let's have a discussion and look for common ground; not tear down or destroy. We have to have a point where we continue the practice of building consensus. He said he has not heard from anyone who falls into the other categories on the NDO, just the one. He hasn't heard from any of his friends or family in the area that fall into one of those categories. This is a values-based town. This is about who we are together, not one special interest over another. It's about working together. He has never run into anything but friendly smiles. He is against bullying.

MANAGER'S REPORT

Daniel Weeks, Assistant Town Manager, said he was glad to be here tonight. He has 6 items. The first three are fall activities through Parks & Recreation and will be held at Sugg Farm – Spooktacular Oct 21st from 4 pm – 7 pm (ages 3 – 11); Oct. 22nd from 7 pm – 11 pm Haunted Trail, recommended for ages 12 and up; and Holly Fest on October 29th from 10 to 4.
He said that on October 20th there will be a candlelight vigil at the Law Enforcement Center for victims of domestic violence; and on Oct 29th the Dare to Scare 5k Walk Run and Ruck will start at the Law Enforcement Center to raise funds for the Special Olympics.

Finally, our thoughts and prayers are with Raleigh and Knightdale who experienced the recent tragedy. The funeral for the officer who lost his life is Saturday and the Holly Springs Police Department will backfill Raleigh PD so that Raleigh officers can go to that funeral.

CLOSED SESSION: none.

Adjournment: Council member Wolff made a motion to adjourn at 8:40 pm. It was seconded by Council member Forrest and passed with a unanimous vote.
Respectfully Submitted on Tuesday, November 1, 2022.

Linda C. McKinney

Linda C. McKinney, Town Clerk
Addenda pages as referenced in these minutes follow and are a part of the official record.