MINUTES

The Holly Springs Town Council met in regular session on Tuesday, December 20, 2022. Mayor Mayefskie presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and five 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, Shaun McGrath, Timothy Forrest, and Kristi Bennett.

Council Members Absent: none.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; 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;* Antwan Morrison, *Finance Director*; Chris Hills, *Director*, *Development Services*; Sean Ryan, *Development Services;* Cheryl Caines, *Development Services;* LeeAnn Plummer, *Director, Parks and Recreation*; Tim Athy, *Utilities and Infrastructure;* Aaron Levitt, *Utilities and Infrastructure;* LeRoy Smith, *Fire Chief*; Cassie Hack, *Director, Communications & Marketing*; Paul Liquorie, *Police Chief*; Irena Krstanovic, *Director, Economic Development*; Kathy White, *Deputy Clerk*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Sandy Byrne, of Oasis Church.

4. Agenda Adjustment: The December 20, 2022 meeting agenda was adopted with changes, if any, as listed: move item 6 before item 5, and Public Comment after item 5.

> **Motion:** Berry
> **Second:** Forrest
> **Vote:** Unanimous

RECOGNITIONS

6. Recognition of Happy Holly Days Parade Workers and Volunteers

LeeAnn Plummer, Director of Parks and Recreation, said that this item was to recognize the many volunteers and staff members who worked to make a safe and successful Happy Holly Days Parade, as well as support for Santa's mailbox. She said over 1700 letters were received from five states in addition to North Carolina. There were 32 volunteer elves who made sure children received replies to their letters. She thanked ASI Signs, who donate the mailbox, as well as the Holly Springs Run Club and Endurance Fence Solutions.

Ms. Plummer said the Happy Holly Days Parade 10 days ago was very successful and safe. She thanked the public safety members, both police and fire, who took extra precautions to secure the parade route and assure the safety of the crowd. She thanked the Public Works employees who assisted with the barricades, signage, and other parade facilities. She said the parade could not happen without the help of the Kiwanis Club and their high school group, the Key Club, as well as the new Teen Recreation Advisory Council (TRAC). She also thanked Tim Congleton, Don Schwenneker of ABC 11, and Tommy Pope, for announcing the parade.

5. Community Welcome and Introduction of NC General Assembly members

Mayor Mayefskie welcomed Senator Sydney Batch, Representative Julie Von Haefen, and Representative Erin Paré and gave each a brief introduction. He said that Representative Allison Dahle was unable to attend tonight due to a conflict. He gave the audience brief biographies of each and then invited each of them to say a few words to the residents of Holly Springs, and presented them with a token of our appreciation.

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 asking Council to revisit the ordinance banning open carry of weapons on Town property.

The following comments were received in person:
Donna Friend said she was here to talk about adopting the Wake County NDO. She called Council's attention to the Homeland Security advisory bulletin that she had presented to them at the last meeting. She referenced a resident who spoke at the last meeting about the fear of her daughter's safety at school. She pointed out that the girl is still attending school virtually for fear of her safety. She recognized that Council cannot fix that particular issue, but she brought it up to point out that there is discrimination in Holly Springs. She said a student brought a gun to school in Fuquay-Varina, and that all forms of discrimination are coming closer to Holly Springs. While Council may feel that Holly Springs is inclusive and accepting, we are seeing signs that indicate otherwise. The level of anti-Semitism in North Carolina appears to be running rampant. She said she has never seen a rabbi or other non-Christian give the invocation at any of the many meetings she has attended. She thinks it is time to set a tone to change. Council's decision to ignore these incidents sets the tone that discrimination is ok or even welcome in Holly Springs. She asked what had to happen before Council takes this seriously. She asked that they take another look at the NDO.

William Ball thanked the Mayor for setting up a line of communication between town leaders and black clergy. But he was here to say that we are in a critical place in the history of Holly Springs. Years ago the town was 99% African American. And the Council was 100% African American. They would go out and look for other ethnicities for fair representation of Holly Springs. He said he was here to advocate for the application process in selecting the new Council member. He asked for diversity on Council and said that the African American community and others feel unrepresented in Holly Springs. He talked about how the new police chief has expanded diversity on the Holly Springs Police Department. He said that since they have worked with the Police Department, things have improved. But there are a lot of things that Council may be unaware of that point to discrimination. When the people of Holly Springs see a council with one ethnicity, it makes people feel unrepresented. He asked them to consider that in their process of choosing a new Council member. He also asked that Council protect historical sites, in particular the Pack House and the historic churches.

Consent Agenda

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

7. <u>Minutes</u> – Council approved the minutes of the December 6, 2022 business meeting.

8. Samet Pre-Construction Contract – Fire Station #3 – The Council selected Samet Corporation as Construction Manager at Risk and approved the pre-construction services contract in the amount of $124,710 for Fire Station #3.

9. Engineering Design & Construction Standards Supplement #7 – The Council approved Supplement 7 updates to the Engineering Design and Construction Standards.

10. Main St. Sidewalk Connector Design Contract – The Council approved a total project budget of $1,200,000 (including contingency) for the sidewalk connector linking existing 5' wide sidewalk from Arbor Creek Dr. to Trellis Pointe Dr., and authorized the Town Manager to sign and execute a design contract with RK&K for a flat fee of $264,169 plus $26,500 in contingency for a total of $290,669 for the Main Street Sidewalk Connector project.

11. Cass Holt Road Park Schematic Design and Design Development Agreement – The Council authorized the Town Manager to enter into an agreement with CLH Design for Schematic Design and Design Development for the amount of $1,977,300 for the Cass Holt Road Park project.

12. 4113 Deer Path Road Voluntary Annexation A22-07 – The Council adopted Resolution 22-38 directing the Town Clerk to investigate the sufficiency of annexation petition A2-07 and setting the public hearing for January 17, 2023.

A copy of Resolution 22-38 is attached to these minutes.

PUBLIC HEARINGS

13. Northeast Gateway Master Plan Comprehensive Plan Amendment 22-CPA-02

Sean Ryan, Development Services, said the purpose of this item was to consider a Comprehensive Plan Amendment for the Northeast Gateway Master Plan. He gave an overview of the plan and said it would guide land use, development, and community investment around the future interchange of Holly Springs Road and NC 540. He outlined the scope of the project and said that it was driven by community engagement, examples of which he enumerated. He said that this amendment would allow Council to guide development in this "front door" to Holly Springs. He said the area was two square miles, and so to manage the large area it was divided into functional subareas, each with a distinct character, mix of uses, and development pattern. He shared how the process progressed from descriptive text to more specific and visual examples.

Mr. Ryan said that Subareas 3 and 4 were the more dense areas and went into more detail on the Gateway Core and the Commercial Center. The plan is not concrete requirements, but targets or guides to development. He explained that the plan would provide a regulatory framework for roadway improvements, placemaking improvements, design guidelines and potential funding sources. The plan would ensure development compatibility with existing neighborhoods and businesses.

Joanna Holder, Planning Board, said that the Planning Board recommended approval with a vote of 7 – 0, with two members absent. She said there were two pieces they wanted to call attention to. The first was the affordability piece. There are parts of the plan that offer funding sources for affordable housing. The second piece was ensuring that roadways and pedestrian ways keep up with the development and that transportation is prioritized.

Mayor Mayefskie opened the public hearing and the following input was received:

A written comment was received from Pat Johnson objecting to the plan because of the lack of sewer capacity for the high-density mixed-use plan.

Matthew Carpenter said he was here on behalf of Jayco, the developer of the 76 acre assemblage in Subarea 3. He asked Council to delay the adoption of the plan for several reasons. He said there needed to be more time for stakeholder input, because the plan changed over the previous three months and it shows more commercial. He said they had talked to neighbors who were unaware of the new plan. Secondly, he pointed out that Council member McGrath raised a concern about the proscriptive nature of the plan which would result in the lack of infrastructure improvements needed. He said Jayco has experience with office development and if this plan is approved, that concern would come to fruition. Finally he asked that if Council does approve the plan, he would ask that they use flexibility in reviewing rezoning applications, because he believes his clients have creative solutions for the sewer problem and the completion of Edwards Drive.

Raaid Abdel-Ghani said he moved here from Raleigh in 2013. His family has owned property in Holly Springs since the mid-1990s. He said there is a lack of sewer capacity and a lack of funding to get the sewer capacity. This hits him personally because his family has been trying to sell their property for 20 years. For 18 years they dealt with the MAP Act, which has been deemed unconstitutional. Now that the highway is being built they are dealing with another problem. They've been under contract several times, but the Town not deciding how this area should look has been an obstacle. Now the land is under contract but the developer cannot make traction with the town. There is a sewer capacity problem, which isn't due to be upgraded until '27 or '28. He is afraid that that will keep his land in limbo unfairly for five to seven years. He asked that they meet with all the people who have interest in the problem and come up with a solution and / or funding.

Mayor Mayefskie closed the public hearing.

Council member McGrath said that the comment was brought up about this being proscriptive, and he clarified that his intent was to make sure we didn't do something that would prevent getting the needed infrastructure. We have had a development that was denied because the developer didn't want to provide the needed infrastructure. We do have infrastructure challenges. With that in mind, he asked Mr. Ryan to remind people that this is land use, and is intended to be descriptive, not proscriptive. Any individual zoning request would be considered individually to see how closely it matches the intended use.

Mr. Ryan said that was correct. The Plan is a visionary statement. It doesn't say that you must do "ABC" to do that, but it gives Council a structure to evaluate projects. The reason for subareas was to avoid locking down uses on particular pieces of property. It is written clearly in the plan that this is a guide to allow Council to evaluate proposals on a case-by-case basis. There are targets, which keep us monitoring our progress. If we do not meet them, it gives us an opportunity to reflect on whether those targets work for us still.

Council member Wolff said just so all residents know, Council is not unaware of sewer capacity issues. We talk about it weekly and would like to move as quickly as possible. There are two issues on this specific parcel. One is our overall capacity, and the other is the process of providing sewer out to that site because there is no sewer line directly there. This is not a problem we are ignoring, we are pushing as hard as we can towards that. He said the plan is not proscriptive. Projects are judged on a case by case basis, but there is no point in having this process if we aren't going to use the product. We all believe in this plan. This is an incredibly important strategic part of the town. We do these small area studies because when you develop without a plan you get disjointed development that does not provide the residents with the best possible value for their land and quality of life for residents. Finally, to those who are looking to develop their land, he said he understands their frustration. But we needed to wait for this process to be complete. Now we have a plan and he encourages everyone looking in this area to work with the Town's Development Team. They are excellent and will guide you every step of the way.

Council member Forrest said that for the developer side of the house, phased processes are a possibility. You may not get it as fast as you want, but you can start with one piece and continue as the infrastructure is there. Development Services would be happy to work with developers on a phased plan.

MPT Berry said that from a history standpoint, in 2019 this was an area the Town identified as needing a separate small area study. What we are considering tonight is not that different from what was in the Comprehensive Plan of 2019. There are some changes, but not a large departure from the 2019 plan. It is an important area of the Town. The plan went through a number of changes, with lots of stakeholder and community feedback. The Council has been clear in our belief in mixed-use and the types of use we want to see in this area. The Turnpike Authority has said repeatedly that this will be the busiest interchange along 540. This is a big opportunity for the Town and we want to get it right. He said he thinks this plan is the right one to get us there. Now we have a vision and will continue to engage with development partners on this. He said that one of the frustrating factors is that the plan output may not reflect any individual proposal. And we cautioned about this in every meeting, saying we do not want to see any development plans until we get the plan complete. But now we have a vision and he hopes we can find partners to work with to establish this vision going forward.

Action: Motion to adopt Resolution 22-37 adopting the statement of compatibility and approving the Comprehensive Plan Amendment.

Motion by: Wolff
Second by: Forrest
Vote: unanimous
A copy of Resolution 22-37 is attached to these minutes.

14. Goodwin Major Subdivision 22-MAS-03

Sean Ryan, Development Services, said that the applicant in this matter was unable to be present tonight due to illness and requested that Council postpone the public hearing until their January meeting.

Action: Motion to open the public hearing and continue to January 17, 2023.

Motion by: Wolff
Second by: Forrest
Vote: unanimous

NEW BUSINESS

15. Holly Springs Road Widening (Central) Design Contract Amendment

Aaron Levitt, Utilities and Infrastructure, said this item was to provide a project update on the Holly Springs Road Widening – Central project and request approval for a design completion contract amendment. He showed the location on Holly Springs Road from Flint Point Lane to Main Street, how it connects to the East and West projects, and the order in which the projects were commenced. Holly Springs Road Widening - East is under construction and should be complete in about two years. The Central section is what we are discussing tonight. The West Section is being worked on with design consultants and should come back to Council next year.

Mr. Levitt showed the existing conditions on parts of Holly Springs Road and the proposed cross section and design. He said this should double the capacity of Holly Springs Road. He said that the design began for this project in 2018, but was paused when NCDOT had a spending freeze that halted the project in mid-2020. Council indicated that they wanted to resume work on this project and design will be completed in 2023. Right of way acquisition is expected to begin in January 2023 and continue through mid-2024, with construction starting in mid-2024 and being completed in 2026. He said that next steps include completing final design plans, continued public outreach, right-of-way acquisition, and advertising for construction bids.

Mr. Levitt said that because the Central section was designed to be completed first there may some “match” problems but staff will work with CAMPO to try to alleviate those problems.

Council member McGrath asked about the additional right of way acquisition and asked why the wide median was required, as that might require we purchase additional property. He also asked if there was there any latitude to limit the median width. Mr. Levitt said we are trying to take a fresh look at how we do things. This is a DOT road and they have very specific requirements. The median is there to allow the construction of a turn lane. But that is a good suggestion and he will look into it.

Council member Forrest said that Holly Springs has a big traffic problem. He asked if there were any functions that can happen in parallel to speed up construction. Tim Athy, Utilities & Infrastructure, said that staff always looks at ways to speed up the process and see if there are ways to work two or more processes at the same time. The issue is that we are receiving federal funds. That means we have to produce the product, plans, environmental documents, etc. in the DOT's order. It is a very strict process. There are minor ways to speed things up, like starting public outreach and speaking to property owners about rights-of-way while we are getting things ready. Chad Beck with Kimley Horn said there are ways that we can jump ahead, but there is some risk with that. If you get too far ahead with one spot you may have to go back and redo to make it match another part of the project. Randy Harrington, Town Manager, said that we have a lot of great partners to work with on a road project like this. And we are dependent upon partners' timelines, - utilities etc. – to get things done. Mr. Levitt said that on the Holly Springs Rd. East project they were able to speed some things up, and as the project continues staff would keep their eyes open for those opportunities.

Action 1: Motion to approve total project design budget of $425,000 (including contingency.)

Motion by: McGrath
Second by: Forrest
Vote: unanimous

Action 2: Motion to award and authorize the Town Manager to sign and execute the Kimley-Horn design contract in the amount of $386,200.

Motion by: McGrath
Second by: Berry
Vote: unanimous

16. 2023 Local, State, and Federal Legislative Agenda

Mayor Pro Tem Berry and Council member Aaron Wolff, members of the Council's Legislative Action Committee, presented a proposed list of advocacy priority areas to Council at the workshop. This item is for formal adoption of that legislative agenda. MPT Berry said that at the county level the priorities were to reduce landfill malodors and to explore partnerships for expansion of workforce housing. He said that much progress has been made on the landfill issue, but they want to keep that momentum. The affordable housing piece was to explore the many programs that the County has to get our fair share of the tax dollars there spent in Holly Springs.

At the state level, MPT Berry said the priorities were to find funding partnerships for water/wastewater/reuse infrastructure projects, to preserve local authority, and to support investment in transportation infrastructure. He said that one of the barriers to getting these water infrastructure projects done is money. He invited interested parties in the NE Gateway area to join them in seeking funding. He said that in NC the state tells municipalities what they can and can not do, and we need to partner with our representatives in the General Assembly to get things done.

And at the federal level, MPT Berry said the goals were to pursue funding partnerships for water/wastewater/reuse infrastructure and to seek investment in the US Post Office facility in Holly Springs. The water/wastewater piece is a huge project and we want to explore all possible funding. The Post Office facility is inadequate for the size of Holly Springs. Even if we cannot get a new facility they will advocate for a kiosk.

Council member Wolff said this was the third iteration of this agenda. He is not sure many municipalities our size use this. Sen Batch said we were easy to work with, and this is one of the reasons for that. There is a lot of work involved in this, including many meetings with other governmental representatives. But it really makes a difference to the Town. And he said he was excited about meeting with each of our legislative representatives in 2023.

Council member McGrath said he agreed that the Post Office was woefully small for what we need.

Action: Motion to adopt the Town Council's 2023 Legislative Agenda.

Motion by: Forrest
Second by: McGrath
Vote: unanimous

RECOGNITION

17. Recognition of Council Member Bennett

Mayor Mayefskie recognized outgoing Council member Kristi Bennett for her year of service to the Town, and presented some tokens of the Town's appreciation. CM Bennett said a few words about her time serving the Town.

OTHER BUSINESS

Mayor Mayefskie said that over the past month he has received a lot of emails about speeding and about trash around town. He said he wanted residents to know that he heard them and asked that people slow down and put trash in its proper place.

18. Discussion of the Open Council Seat

Mayor Mayefskie said he checked with the UNC School of Government and was told that there were two ways forward – nominate and vote, or appointments. He asked for clarification from John Schifano, Town Attorney on what the statutes say.

Mr. Schifano said that the general statute does not specifically describe how Council is to appoint someone. It just says that the Council shall appoint a successor. It doesn't say how to do it, other than choosing someone who would otherwise be eligible to hold office: lives in the corporate limits of the town, is registered to vote, and is not a felon. You can have an application process, or you can just pick someone. It has been done both ways in Holly Springs in the past. Historically, Councils have chosen someone from one of its subservient boards – Board of Adjustment, Planning Board, Parks and Recreation Committee, or Tree Advisory Committee. He clarified that this appointed person would not fill the remainder of Ms. Bennett's term but only until the next election, at which time the voters would choose a two-year replacement. He said he spoke with the Board of Election Supervisor who said that the ballot in 2023 would have two 4-year seats and one 2-year seat on it and candidates would have to choose which seat to run for when they file. But a candidate for one seat could be written in for the other seat. They just can't run for both. We will need to get the word out on how that works when the time comes.

Mayor Mayefskie said he received several emails from people asking to be considered.

Council member Wolff said he asked staff to look into what Apex and Cary were doing. And he learned that Fuquay-Varina also has a vacancy. He said we have to recognize that appointing someone to this position is about the least democratic thing we do as a Council. It is therefore important to do it as transparently as possible, and with as much public input as we can manage. Cary and Apex are using a similar process where applications are received and made public, the public can comment on those applications, and then the finalists are being interviewed publically. So the public gets as much input as possible. Our public deserves to know who is representing them and have some input. We talked about getting someone in time for the retreat in February. And that would be ideal, but he doesn't think we should rush it. We need to make the right decision. If the timeline can be managed so that that happens, great. But that should not prohibit us from being as thorough as possible with our due diligence.

Council member McGrath said it is a challenge, just like we go through with our advisory board appointments. Some of those people give us resumes and some just short emails. We have gotten interest from a swath of people in town to serve for one year. To each of them he said "I will evaluate individuals who have expressed interest in the ensuing days. As this will only be an appointment until the next election, my primary criteria will likely focus on what the electorate considered in the election just a year ago when they elected Council woman Bennett." He said that the electorate at that time told us what values and philosophy they wanted. He thinks "undemocratic" would be to reverse an election from a year ago and place someone who doesn't mirror Ms. Bennett. He said we have public input occurring and it was stated 12-13 months ago. There will be an opportunity next year for the voters to be heard again.

Council member Forrest said he ran at the same time as Ms. Bennett. He said that Council member McGrath hit on many things. He said that they have a short timeline. After the retreat it will only be 9 months until the election. After the next election the town will speak again. He said he wants someone appointed sooner rather than later. He said that Holly Springs is under a different kind of pressure than Apex and Cary. He said that when he looks at former Council member Bennett, he sees her family values, a humble servant, and integrated into parts of the community that he is not. He said she had an understanding of government that was multi-disciplinary. He said he believes Council needs its fifth member sooner rather than later. Someone on a current board or committee is necessary. They have a proven record in the spotlight already.

Action: Motion to nominate Danielle Hewetson, to the Holly Springs Town Council open seat replacing Kristi Bennett. She is currently serving on the Board of Adjustment.
Motion by: Forrest
Second by: Berry

MPT Berry said, before they vote, he wanted to say that this wasn't perfect no matter how you do it. But we have a robust process in evaluating our board positions. We have a "good bench" of people who have been vetted and stated an interest. He said he received a half dozen expressions of interest in the past week, and the majority were from those boards. He has reviewed each of them and responded to them. He is thankful for the people serving on the board to give them a good bench to pull from. He could argue that 1-year term is a good thing or a bad thing. It is going to be confusing for the voters. He said he doesn't think waiting does the Council any favors. He doesn't want a long drawn out process, and if they have the right candidate he is ready to move forward.

Council member Wolff said he would also like to speak before a vote was taken. He said he was absolutely gob smacked. He said they have not discussed this a group, or at least no one in the group has included him in any discussions. He said he hadn't had a chance to sit down with Ms. Hewetson. He asked if anyone in the audience knew anything about her. (The response was negative.) He said that the notion the Town will be at a disadvantage by going through a thorough due diligence process to choose who will represent residents for a year is ludicrous. But not quite as ludicrous as having the hubris to think that we as five people could decide why people voted for Kristi Bennett. It is an absurd assumption to think that we can say what values they saw in her that made them vote for her. The fact that we aren't even going through a process where we announce the seat and allow people to email us, but only considering those who have emailed over the last week? He's said he was fully in favor of only considering someone who serves on a board or who had served on a board. He can think of at least two people, off the top of his head, who are more qualified that Danielle Hewetson, and he would love to make the case for them and allow the residents to hear about them. But there have been no open discussions. This is undemocratic. Instead of doing everything to make sure that we do the next best thing to the people voting, we're going to make a motion, seven days after the resignation with no discussion? It is a disrespect to our residents.

Council member McGrath said that was hyperbole. And then he asked for Council member Wolff's suggested process, as long as it was not the same as Apex or Cary's process.

Council member Wolff asked for the clerk to do a one- or two-week application process. Collect resumes. Take a week to review them. Each Council member and the Mayor can choose their top five candidates, scored 1 through 5. Then the top five candidates will sit down for interviews the next week, and we choose someone a month from now. It's a four-week process. We might even get someone before the retreat. But the notion that this has to be rushed - we functioned as a board of five people, when Council member McGrath was not able to vote for a year when he was in Germany. We can do it again for four weeks.

Council member McGrath asked if he was suggesting a process close to the Board selections. Council member Wolff said it would be more thorough than that process. They discussed the various ways they have made board selections in the past. MPT Berry said other boards have made a mockery of the process. Council member Wolff said he was glad not to have to defend other boards' processes and hoped he wouldn't have to defend theirs.

Council member McGrath said he was happy to consider moving forward with a process similar to the selection of the board members. MPT Berry asked if Council member Forrest wanted to reconsider his motion and he said he didn't. MPT Berry said he was happy to go with the pleasure of the board, but did not think a long drawn out process was necessary. Council member Forrest said he didn't want a long process either. Council member McGrath said he would be happy to talk to any of the candidates about how they represent what the electorate elected Ms. Bennett to do. He would like to have a process, short enough to appoint someone on January 17th. Council member Wolff said that was a minimum amount of time to make this decision. Mayor Mayefskie asked Council member Forrest if he wanted to amend his motion. Council member Forrest said he could amend the motion.

Mayor Mayefskie said what he was hearing was that an expedited process with applications with the decision made on January 17th seemed to be what was preferred. Council member Wolff suggested a 2-week application period and a 2-week review period. This would be asking people to do this during Christmas and New Year's. It gives us time to meet with applicants and narrow our list down. If that is OK with the board, he suggests that it be open to public comment on January 17th so that the voters have an opportunity to speak within the rules set out for public comment.

Mayor Mayefskie asked the Town Attorney if appointments had been opened up for public comment in the past. John Schifano said that to his recollection it has not been done here before. He cautioned Council to meet with candidates one on one to avoid an illegal meeting. Council member Wolff said he was OK with removing that requirement because people could speak at public comment on any subject. He asked about email correspondence following the open meetings law. Mr. Schifano said that email was different from a meeting, as it's not exactly instantaneous. But they need to avoid instantaneous conversation or it becomes more of a meeting.

Mayor Mayefskie asked the Clerk to repeat back the process they were agreeing on. Ms. McKinney said it would be a two-week application period, with applications sent to the Clerk's office. Those would then be sent to Council who would have two weeks to review potential candidates before discussing candidates and making a decision on January 17th. Council agreed that was the process they were discussing.

Randy Harrington, Town Manager, asked if they had any core questions to be on the application. Council member Wolff added the condition that they not be related to a town employee, because of the Town's nepotism policy. He would also add a condition requiring current or former service on a board or committee. Council member McGrath said the same questions as are asked of applicants for Board of Adjustment or Planning Board.

Council member Forrest asked if staff could get someone up to speed by the retreat if they were appointed on January 17th. Mr. Harrington said that whatever timeline Council chooses, staff will make sure the new person is up to speed.

Council member Forrest said he wanted to vote. MPT Berry asked what would happen if there was a tie. Mr. Schifano said the second could be withdrawn, and it would have to be seconded by someone else. But that if there was a tie, the Mayor would have to break it. MPT Berry said he was prepared to vote on it, but he did not think that this could end with the Mayor breaking the tie, at which point Council member Forrest amended his motion.

Mr. Schifano clarified that he was amending his motion to follow the procedure outlined by the Clerk. He said he was. Mr. Schifano asked if MPT would second that motion. He said he would not. Council member Wolff seconded the motion.

Action: Motion to direct the Clerk to advertise for applicants to fill the portion of Kristi Bennett's term until the next municipal election. The application period to last two weeks, with applications forwarded to Council for a two-week review, followed by discussion and a decision at the January 17, 2023 Council meeting.

Motion by: Forrest
Second by: Wolff
Vote:
Aye: Wolff, Berry, McGrath, Forrest
Nay: none

The motion passed.

MANAGER'S REPORT

Randy Harrington, Town Manager, said in 2021 NC General Assembly designated 2023 as the Year of the Trail. We will start on January 1st with NC First Day Outdoors, with a guided walk on the Oak Leaf Greenway. Meet at Oakview Elementary at 9:00 am. Coffee and Hot Chocolate provided at the end of the trail. MLK Day of Service will be January 18th and will involve mulching the trail at Bass Lake Park. You must register so there are enough supplies. There is more information on the website. Also we will be making valentine cards for Seniors No registration is required for this event. The Holly Springs Police Department will help deliver those.

He wished the Mayor and Council a safe and relaxing holiday.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) to discuss *Meritage v. Town of Holly Springs* with the Town Attorney.

Motion by: Wolff
Second by: Forrest
Vote: Unanimous

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

Council signed the audit letter in open session.

Adjournment: Council member McGrath made a motion to adjourn at 9:45 pm. It was seconded by MPT Berry and passed with a unanimous vote.

Respectfully Submitted on Tuesday, January 17, 2023.

Linda C. McKinney

Linda C. McKinney, Town Clerk

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