



Holly Springs Town Council
7:00 PM **Tuesday, October 17, 2023**

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

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Invocation
4. Adjustment and approval of October 17, 2023 meeting agenda

REQUESTS AND COMMUNICATIONS

5. N.C. House Representative Erin Paré Presentation
6. Yard Waste Leaf Zone Collection

CONSENT AGENDA

7. Approve the minutes of the September 12, 2023 Workshop meeting and the September 19, 2023 business meeting.
8. Fiscal Year 2023-24 Budget Additions and Monthly Budget Amendment Report
9. Asset Inventory Assessments (AIA)
10. 1328 Piney Grove Wilbon Rd. - Voluntary Annexation A23-04
11. 12532 Holly Springs New Hill Rd. - Voluntary Annexation A22-08
12. Amendments to Bond Orders for the Issuance of Water and Sewer Revenue Bonds
13. Condemnation Resolution for Main St. Right Turn Lane (Bond) Project
14. Approve Consent Judgment for George Heelan Irrevocable Trust Condemnation- Friendship Force Main Project
15. Approve Contracts with Piedmont Service Group and CMS Controls for Town HVAC systems

PUBLIC HEARINGS

16. Friendship Innovation Park Rezoning 22-REZ-17 - Legislative Public Hearing
17. Friendship Innovation Master Plan Major Amendment - 21-MAS-04-A02 - Quasi-Judicial Public Hearing
18. Cass Holt Crossing Rezoning 22-REZ-15 - Legislative Public Hearing
19. Holly Springs-Cary Annexation Boundary Agreement Renewal - Legislative Public Hearing
20. Semi-Annual UDO Amendments 23-UDO-03 - Legislative Public Hearing

NEW BUSINESS

21. Yard Waste Ordinance Update and Cart Procurement

PUBLIC COMMENT PERIOD

Each speaker may speak up to 3 minutes, and the total comment period will be 15 minutes or less. Citizens should sign up with the Town Clerk to speak prior to the start of the meeting. Although the Council is interested in hearing your concerns, speakers should not expect Council action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate town officials or staff and may be scheduled for a future agenda. Thank you for your consideration of the Town Council, staff, and other speakers.

OTHER BUSINESS

MANAGER'S REPORT

CLOSED SESSION -

ADJOURNMENT

In accordance with ADA regulations please contact the Town Clerk's office at least 48 hours before the meeting to request an auxiliary aid or service needed to participate in this meeting:

linda.mckinney@hollyspringsnc.gov 919-557-3900



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, October 17, 2023. 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 Berry, Council members Aaron Wolff, Shaun McGrath, Timothy Forrest, and Danielle Hewetson.

Council Members Absent: none.

Staff Members Present in Chambers: Randy Harrington, *Town Manager*; Scott Chase, *Assistant Town Manager*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Mathew Mutter, *IT*; Kathy White, *Deputy Clerk*; Corey Petersohn, *Budget and Sustainability*; Cassie Hack, *Director, Communications and Marketing*; Kendra Parrish, *Executive Director of Utilities and Infrastructure*; Paul Liquorie, *Police Chief*; Lindsay Goldstein, *Legal*; Tina Stroupe, *Finance Director*; Chris Hills, *Director of Development Services*; Aaron Prichard, Cheryl Caines, Elizabeth Goodson, and Sean Ryan, *Development Services*; Paige Scott, *Director, Public Works*; Freddie Rodriguez, *Public Works*; LeeAnn Plumer, *Director, Parks & Recreation*.

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

4. Agenda Adjustment: The October 17, 2023, meeting agenda was adopted with changes, if any, as listed: none.

Motion: Berry
Second: McGrath
Vote: Unanimous

REQUESTS AND COMMUNICATIONS

6. Yard Waste Leaf Zone Collection

Freddie Rodriguez, Public Works, gave an overview of the seasonal yard waste collection schedule. He reminded Council and the public of the benefits of the Sweep Zones and the collection schedule that began last year. He said it provides built-in periods for equipment maintenance to reduce equipment downtime and improve reliability throughout the leaf season. He said that the zones are broken down into anticipated volumes in order to meet service obligations and that this was shown by a decrease in complaints from residents last year. He reminded Council and the public that residents will receive monthly leaf collection services from November to January with communication being sent to notify residents of the updated collection schedule and zones. He showed a map of the town with the four zones and explained that the smaller geographic zones were areas with more mature trees (and thus heavier leaf fall) and larger zones had fewer mature trees.

Mr. Rodriguez said that the Yard Waste Convenience Center had opened on September 13th. It is being utilized by residents and staff anticipates lower volume of yard waste on the streets due to this usage. Resident feedback has been positive, and the number of users is growing each

week. He said residents can call 311 for information on the Convenience Center, the Sweep Zone, or any other public works questions.

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:

7. Minutes – Council approved the minutes of the September 12, 2023 Workshop meeting and the September 19, 2023 business meeting.

8. Fiscal Year 2023-24 Budget Additions and Monthly Budget Amendment Report – The Council approved budget amendments to appropriate state grant funds and fund balance, and adopted Town Building Capital Project, Water Capital Project, and Grants and Special Revenue Fund Ordinances.

Copies of Ordinances 23-37, 23-38, and 23-39 are attached to these minutes.

9. Asset Inventory Assessments (AIA) – The Council adopted Resolution 23-28 to accept funding offers for Water and Wastewater AIA studies, approved Water Asset Inventory Funding Offer and Acceptance with NC Dept. of Environmental Quality (NCDEQ) \$200,000 grant; approved Wastewater Asset Inventory Funding Offer and Acceptance with NC Dept. of Environmental Quality (NCDEQ) \$200,000 grant; and approved Water Asset Inventory and Wastewater Asset Inventory contracts with WithersRavenel.

A copy of Resolution 23-28 is attached to these minutes.

10. 1328 Piney Grove Wilbon Rd. Voluntary Annexation A23-04 – The Council adopted Resolution 23-25, Resolution of Sufficiency for Annexation A23-04.

A copy of Resolution 23-25 is attached to these minutes.

11. 12532 Holly Springs New Hill Rd Voluntary Annexation A22-08 – The Council adopted Resolution 23-18, Resolution of Sufficiency for Annexation A23-04.

A copy of Resolution 23-18 is attached to these minutes.

12. Amendments to Bond Orders for the Issuance of Water and Sewer Revenue Bonds – The Council amended the 2008 bond order and the 2020 supplemental bond order for water and sewer revenue bonds and approved the General Trust Indenture.

13. Condemnation Resolution for Main St. Right Turn Lane (Bond) Project – The Council adopted Resolution 23-27 authorizing the Town to proceed with condemnation proceedings for the unobtained right-of-way/easements needed to complete the Main St. Right Turn Lane project and authorized the Town Attorney to file condemnation proceedings against six parcels.

A copy of Resolution 23-27 is attached to these minutes.

14. Consent Judgment for George Heelan Irrevocable Trust Condemnation – Friendship Force Main Project – The Council approved the settlement amount of \$260,000 and approved a Consent Judgment for Partial Taking to be filed with Superior Court – Wake County, and authorized the Town Manager and Town Attorney to execute the same on behalf of the Town.

15. Contracts with Piedmont Service Group and CMS Controls for Town HVAC Systems – The Council authorized the Town Manager to execute a contract in the amount of \$81,085 with Piedmont Service Group relating to the physical maintenance and repair of the Town's HVAC systems for one year through June 30, 2024 and authorized the Town Manager to execute a

contract with CMS Controls in an amount of \$21,810 for off-site electronic monitoring of the Town's HVAC systems for one year through June 30, 2024.

PUBLIC HEARINGS

16. Friendship Innovation Park Rezoning 22-REZ-17

Cheryl Caines, Development Services, said that this item was to consider a zone map change for an undeveloped portion and two additional parcels for the Friendship Innovation Park. She showed the location of the property between US 1 and Friendship Road and the border of the existing Master Plan area and the additional parcels.

Ms. Caines said that Council approved the Master Plan in September of 2021 and rezoned the parcel to Research & Technology and Community Business in October of 2021. In November 2021, the Development Plan for Amgen was approved. And in March of 2022, the zoning was reassigned with the adoption of the new UDO from Research & Technology to Business & Research Technology (BRT), with Community Business remaining the same.

Ms. Caines said the existing Master Plan is for 349.47 acres and applicant is adding additional parcels of 149.16 acres. This rezoning request is for the undeveloped parcel and the new parcels. She showed the designation of Business & Industrial and Innovation Village on the Land Use and Character Plan, and the current zoning of the affected parcels. The request is for three subareas in the Innovation Village Mixed-Use Conditional District. The largest subarea would be Employment Hub, the area closest to US 1 would be mixed-use amenity, with the third area, closest to existing development, being a transitional area. The parcel to the west would be BRT, and not proposed as a Conditional District.

Ms. Caines outlined the proposed standards for the Conditional District Development & Design Manual, including no maximum number of square feet per building, and requirements for 20,000 square feet of adjacent non-residential space to receive a Certificate of Completion before up to 425 multi-family residential units receive the certificate of completion. After which, each additional 1,000 sq. ft. of non-residential will allow for an additional 20 multi-family units beyond the initial 425. She said the proposed density standard would be 600 units in Area 2, 600 units in Area 3 with 1200 units total for a density of 3.67 units per acre, transferable between Areas 2 & 3. She said that Area 1 would have unrestricted parking in Area 1. Building height proposals include 100 ft. for a standalone hotel in Area 1 or 2; 45 ft. for standalone retail in Area 1, 2 and 3; 100 ft. for manufacturing/distribution/office space in Area 2; 75 ft. for mixed-use or standalone apartments in Area 2 and 3; 75 ft. for a hotel or manufacturing, distribution, office mixed-use in Area 3. She outlined the guidelines for a Conditional District.

Elizabeth Goodson, Development Services, said that sewer and water studies were revised, given the additional parcels being added. She said the parcels would be served by water and sewer with three to four new pump stations required. Reclaimed water is already available in that area.

Ms. Goodson said that Friendship Road would be widened to four-lane median divided through the property. In addition, two new roads will be built, one a fourth leg of the intersection of Friendship and Holly Springs New Hill Rd and one a new interchange with New Hill Holleman Rd. She said the Transportation Hot Spot Study identified several alternatives for a future crossing/interchange at US 1 and has narrowed the choices down to one of two. The developer is working with the Town, NCDOT, and CAMPO on this interchange. She outlined the study intersections from the Traffic Impact Analysis, which was updated with the additions to this project.

Chris Deshazor, Planning Board Representative, said that the Planning Board recommended approval with a vote of 6 – 1. He said the one vote against was from a member with property in the area. He said the Planning Board was excited about the pump station and living areas close to employment.

MPT Berry asked about the transferability of the residential units between Area 2 and 3 and if they could all be in the area against Holly Springs New Hill Rd and Ms. Caines said yes.

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

Jon Keener, representing the applicant, said this project meets the goals of the Town staff and Council. He said the Innovation Village Mixed Use zoning would allow the project to meet Town and Council's goals for live-work areas. He said that this would allow the Town to balance the tax base which helps not just this area, but all areas of the Town. He said the current zoning would not allow the transition between the employment centers and existing residential.

Mr. Keener said that changes included NCDOT had completed a study relocating a future interchange southward, from the upper edge of their property to closer to the Amgen site. He said that companies want supportive uses and amenities throughout the park and additional land had become available to complement the park.

Mr. Keener outlined how the project complies with the UDO by meeting applicable development standards of the UDO and conditional zoning; providing employment uses near neighborhoods; and providing adequate perimeter buffer and screening. He said the IVMX zoning would allow the project to be in compliance with the Comprehensive Plan. Mr. Keener outlined how the project followed the UDO by matching the Future Land Use & Community Character plan, matching the long-range transportation plan, providing open space parks, and community facilities, expanding infrastructure and preserving natural resources. He said the Master Plan would create a live-work village. He pointed out that there would be no multi-family in subarea 1, reducing the potential of 3,700 apartments if the zoning were left as-is. He outlined how they have reduced heights in order to transition to adjacent areas. He said the intent of transferability between Areas 2 and 3 was to move housing from 3 to 2, if needed due to terrain.

He outlined the infrastructure improvements the applicant would make to transportation and said that the Traffic Management Agreement (TMA) was included, which means if new improvements are needed in the future they are covered under that agreement. He spoke of the infrastructure including the water mains, force mains, and pump stations. He outlined the buffers and open space activity nodes as well as preserved open space, greenway connectors and internal bike and pedestrian pathways. He said that they are trying to preserve the natural environment of the site as much as possible, including making existing ponds part of the amenities.

Mr. Keener then showed a Concept Site Plan with the subareas delineated, and concepts of what could be built suggested. He suggested that a second major site could provide 6,000 new jobs.

Mr. Keener said the goals of the project were to expand the business park to create additional positive employment growth, add new connectivity and infrastructure to support the surrounding region, create natural and commercial amenities throughout the project and balance the overall tax base of the town.

Roger Bess said he lives at 12409 New Hill Holly Springs Rd. adjacent to Subarea 3. He said the long-range plan for this area used to be Business/Commercial. He said the residential aspect being added and the high-density nature of it was concerning. He said traffic is already bad, and the TMA plan gives recommendations but he is not sure if they are requirements. He said there needed to be triggers for traffic improvements before this type of zoning goes through. The 600 units per area, which could be 1200, seems excessive to him. Subarea 3 being a transition – with 9 buildings, he is not sure how 600 units would fit. He said he did not see a mixed variety of housing represented, just apartment buildings. No single family. He said the traffic is already bad, winding road with hills, and new buildings will not help that.

Greg Bosley of 701 Rambling Oaks Lane in 12 Oaks said when he first moved here there wasn't a lot to do in downtown Holly Springs and Helix and Trustwell built Town Hall Commons for a place of fellowship. Across the street Oakview Innovation is being built and he is excited to have new stores, restaurants, and jobs. From what he has seen with Friendship, it is bringing more to help the community grow. He is here to show support for what Council, Trustwell, and Helix are doing.

Debra Bess, 12409 New Hill Holleman Rd., said people came last month to express their concerns. They expressed their concerns with traffic. As many as 60 cars are waiting in line to leave during rush hour. It creates problems for everyone in the area. The business park will worsen the situation, but the apartments will make it worse. She said they were told that there will never be

Town money to improve these roads, because they are DOT roads. But she said Council could refuse the rezoning and help the traffic not get worse. She asked Council to consider the traffic problems and the transferable housing clause. She said that there has been a lot of discussion about the new interchange but DOT has no plans or money and the earliest it could happen is 2030.

Elizabeth Stitt, 3113 Friendship Rd., said 3 minutes was not enough time for her to address the rezoning problems. Friendship Rd. was not built to support this amount of traffic. It is a failing road as detailed in the petition delivered to the Mayor. She said the TIA uses data from September 2022. She said it was not provided to the public soon enough, and the data is 18 months old. She said the rezoning asked for unlimited square footage, but the TIA is based on 1.2 million sq. ft. She asked how they account for the difference. The current TIA left out the daily trips. She said that pages 36,39 and 42 of the TIA did not allocate enough cars during the AM rush hour. They only increased it by 75 cars. She said the PM rush hour only increased by 3 cars. She said the TIA is not OK. She asked the Council to vote to continue this to a later date so the public can have their concerns addressed.

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

MPT Berry asked what is being done with the \$10 million from Amgen and Ms. Goodson said it was anticipated to go to improvements to realign Friendship Rd and improve the bridge. Staff is still working with DOT but it is outside the Town's jurisdiction, so we are working with DOT on it.

Council member McGrath asked if any of the funding was to be applied to the US 1/Friendship Road area or the bridge. Ms. Goodson said the funds needed for the improvements in this area exceed the amount available.

Council member McGrath said that we heard discussion about meeting the UDO standards, and he read from 7.1.a.1 of the UDO regarding timely provision of streets. He said he thinks this is premature and there is no way we can meet that UDO requirement for residents who are trying to navigate New Hill Holly Springs Rd and trying to get to US 1. He would like to make a motion to Table. Council member Wolff asked for how long he would table it. Council member McGrath said until the Town can put in the necessary streets. Council member Wolff said that would be indefinitely. Council member McGrath asked Mr. Harrington about current plans in that area. Mr. Harrington said that discussions on the US 1 NC 751 area with NCDOT are pretty far along. He said if other Economic Development projects came in that could accelerate that funding.

Action: Motion to table Rezoning Ordinance RZ23-07 to a time within the next 6 months to come back with a plan to meet the transportation needs put upon by the rezoning of this property.

Motion by: McGrath

Second by: Hewetson

Vote:

Aye: McGrath, Hewetson, Berry

Nay: Wolff, Forrest

The motion passed.

Representative Pare arrived at this point and made her presentation.

5. NC House Representative Erin Paré Presentation

Representative Erin Paré said that the budget passed by the General Assembly included \$15.4 million to Holly Springs to support a water conveyance line construction partnership with Fuquay-Varina to carry water from Sanford, and \$400,000 for technology upgrades to the Town's emergency 911 call center.

17. Friendship Innovation Park Master Plan Major Amendment

Town attorney John Schifano said that this would also need to be tabled, due to the tabling of the previous item.

Mayor Mayefskie instructed the audience, for future reference, on the process of a quasi-judicial hearing.

Mayor Mayefskie opened the public hearing and asked if anyone wanted to present now. Most who signed up said they would wait until the next hearing.

Elizabeth Stitt, 3113 Friendship Rd, handed out 26 pages to be part of the record. She said everything is footnoted as to what document it came from and where it can be found. She said on page 4 there is a summary of the traffic problem. On page 10, she said there is a development not included in the TIA, on the Apex side of US 1. The table shows only developments on the Holly Springs side. She said she included traffic studies from Apex in this document. She said she wanted all the data on the record to support her opinion that the TIA has gaps.

Jon Keener asked a procedural question as to whether he can speak, understanding that two of the Council members will not be on the next council who decides this issue.

Mr. Keener said he wanted to address the concerns, including that TIA and the TMA be included for the record because they address many of the concerns heard. He said the TMA obligates the developer to find the funding for these traffic problems, and without our development it will not happen. He said the funding for the interchange is triggered by the creation of new jobs in the area, which will not happen without this development. He said the funding is committed by the project for the desired improvements. He wants that entered into the record as these are their commitments to the community. Additionally, we have an expert witness who conducted the TIA, Mr. Jeff Hockendel from Timmons Group.

Jeff Hockendel, 5410 Trinity Rd., Raleigh, said he was a registered professional engineer. He gave his CV and said he has completed over 300 TIAs in the last eight years. He said the TIA was scoped with the Town and NCDOT and went back and forth to be sure all appropriate study area intersections and approved area developments were looked at. They did conduct traffic counts in September of 2022. The project was sealed August 4th 2023, which is within the year. The TIA was completed within the appropriate timeframe. He said they collected count data at the agreed upon intersections. He said they looked at 11 approved area developments, and a 5 % annual growth rate, which should account for those projects not required by DOT. Everyone had a chance to review and provide comments. Trip generation followed standard DOT approved practices. They looked at local area data for research and development. They looked at multi-family, industrial, hotels, and retail. The study was extensive. He understands that some data might be overlooked or misunderstood. It was all reviewed by DOT and the town. Numerous recommendations were required with specific build-out triggers. The funding is not there for the interchange, but the way DOT does prioritization, is that the demand in that location will increase the prioritization for that interchange, so the development would raise the level of priority.

John Schifano, Town Attorney, asked for an expert opinion, within a reasonable amount of certainty, that the TIA adequately addresses the needs of the project. Mr. Hockendel said that it does.

MPT Berry asked for the background growth assumption. Mr. Hockendel said 5%, compounded exponentially. MPT Berry asked for the trip assumptions of the 3 proposed uses - Standalone Commercial, Mixed Use w/residential, Standalone residential – what are the average daily trips. Mr. Hockendel said the way we generated trips for manufacturing were focused on AM/PM peak hour as required by DOT. They don't have daily/Sunday. MPT Berry said if I take the number of square feet and the number of cars, separated by uses, what would be the daily trips. Mr. Hockendel said they looked at 3 different phases, but it is not broken down the way MPT Berry was asking for it.

Mayor Mayefskie asked for a motion to table the item.

Action: Motion to table consideration of the Master Plan Major Amendment to a date uncertain.

Motion by: Forrest

Second by: Hewetson

Vote: unanimous

18. Cass Holt Crossing Rezoning 22-REZ-15

Mayor Mayefskie said that this item was continued from the September meeting, but that it was going to be continued to the November 21st meeting.

Mayor Mayefskie opened the public hearing and asked for a motion to continue.

Action: Motion to continue public hearing to the November 21, 2023 meeting.

Motion by: Berry

Second by: Forrest

Vote: unanimous

19. Holly Springs – Cary Annexation Boundary Agreement Renewal

Aaron Prichard, Development Services, said the current Annexation Boundary Agreement with Cary, adopted in 2003, is set to expire at the end of 2023. These agreements create predictable long-range planning for both towns. Staff has been talking to their counterparts in Cary and agreed to renew the agreement with no change to the boundary line. The proposed clarifications in Section 4. Notice of Adjacent Annexations include specifying that notice of adjacent annexations must contain a map and must go to the Planning Director and Town Clerk, and specifies that the Town Manager may waive the 60-day objection period resulting from said notice.

Council member McGrath asked if this changes anything at Sunset Lake Rd and Stephenson Rd. area where three towns intersect. Mr. Harrington, Town Manager, said it did not.

Mayor Mayefskie opened the public hearing and the following input was received: none.

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

Action: Motion to adopt Ordinance 23-25, renewing the Holly Springs – Cary Annexation Boundary Agreement through 2043.

Motion by: Forrest

Second by: Hewetson

Vote: unanimous

20. Semi-Annual Unified Development Agreement Amendments

Sean Ryan, Development Services, said this item was to consider amendments to the Unified Development Ordinance (UDO). He said there were 17 total amendment sections. The first four were things Council asked for including limiting building height in the Downtown DMX district; lowering density to 15 units per acre in the MXR, RMX, and CB districts; removing “unlimited” density by Conditional District in the DMX, RMX, CB, and IVMX districts with the option for Council to consider higher density on a case-by-case basis. Additionally, the amendments provide standards for quasi-judicial decisions, consolidate and reorganize Building Material standards, and make technical corrections and clarifications.

Mr. Ryan showed where the areas of town are that Council indicated would allow for consideration of higher density on a case-by-case basis along the NC 55 Corridor and the two NC 540 Interchanges. He showed the current building height restrictions of a maximum of four stories and 60 feet, with a provision to allow six stories within that 60 feet if the top two floors were set back from the façade. The amendment would propose a maximum of three stories and 45 feet on Main St. with consideration of grade to allow an additional story on the back side of the building, with an increase to 60 feet and four stories with Conditional District zoning, which would require a rezoning by Council.

Planning Board representative Chris Deshazor said the Planning Board recommended approval with a vote of 7 – 0. Their major discussion was around the motivation for lower density.

MPT Berry thanked the team for their effort to get this to where it is today.

Mayor Mayefskie opened the public hearing and the following input was received: none.

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

Action: Motion to adopt Ordinance 23-24 to adopt the statement of compatibility and approve UDO Text Amendments.

Motion by: Berry

Second by: Forrest

Vote: unanimous

NEW BUSINESS

21. Yard Waste Ordinance Update and Cart Procurement

Paige Scott, Director of Public Works, and Lindsay Goldstein, Legal presented. Ms. Scott said the purpose of this item was to consider changes to the yard waste ordinance and to authorize the Town Manager to execute a contract for the purchase of yard waste carts. She outlined the benefits of the new yard waste model in complying with our stormwater permit, reducing stormwater debris clogging storm drains, and improving customer service. She said the model was safer for employees, required less labor, was better for equipment, and was sustainable and adaptable for the growth of the town.

Ms. Scott said that the ordinance was last updated in 2007. Recommended updates include adding language around the cart model, revising definitions for clarity, service level changes, inclusion of fees, fines, and penalties for improper disposal, and information on the convenience center. She said one clarification was to define the collection point for yard waste – on the parking strip, not in the street – and the definition of a residential customer. There are guidelines for the cart program and how to opt out, as well as language specific regarding contractors, and specifying the responsibility of the resident to ensure contractors working for them dispose of yard waste appropriately.

Ms. Scott said that vacuum trucks will collect leaves only and other yard waste types would be collected in the cart. Anything that is not in the cart will be subject to an Excessive Load fee, and residents would need to call 311 to schedule that collection. She said that during leaf season collections would be approximately every 4 weeks, and residents should put their leaves at the collection point before 7:00 am on the Monday of their collection week.

Ms. Scott said residents out of compliance will be notified by door tags, and that fines for noncompliance would be \$50, plus the excessive load fee on the first offense in a calendar year, \$75 plus the fee for a second offense within a calendar year, and \$100 plus the excessive load fee and civil penalties up to \$25 per day until the violation is corrected for a third violation in a calendar year. She said that Raleigh and Cary have similar cart models, but their fees and fines are higher.

Freddie Rodriguez, Solid Waste Manager, showed a model cart and Ms. Scott said the Town had negotiated CoOp purchasing of 15,000 carts. The cost includes town-wide delivery of the initial order. Carts will be delivered in late January through early February.

Action 1: Motion to adopt Ordinance 23-26, amending the Town Yard Waste Collection Ordinance.

Motion by: Forrest

Second by: Hewetson

Vote: unanimous

A copy of Ordinance 23-26 is attached to these minutes.

Action 2: Motion to authorize the Town Manager to execute a contract with Otto Cart for the procurement of yard waste carts and delivery services in an amount not to exceed \$1,058,719.

Motion by: Forrest

Second by: Hewetson

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 thanking Council for the amendments to the Parking Ordinance.

The following public comments were received in person:

Jack Turnwald, said they were a resident of Sunset Ridge and were speaking to the Council and the residents. They said they had asked that Council join the Wake County Nondiscrimination Ordinance. In the past they were told that we don't need an NDO because we don't have discrimination in Holly Springs. They asked Council to consider their experience running for Council – were you sent threatening emails, stalked, had your picture taken and have adults post bullying comments? Did your opponents hold a fund raiser and suggest that if you were elected the town would experience issues with pedophilia and that you would make the Police soft on crime? Were slanderous comments posted claiming you were a freak, you hated white people and families? Did your spouse have to worry that you would be attacked because of the ways violence can be incited by hateful online rhetoric? How many of you had your house vandalized? If that was not your experience, I am happy for you. I have experienced all of these things. If these *were* your experiences, and the people who enacted them upon you were elected officials or local business owners, how safe would you feel? If you were black or gay and currently on our Police Force how would you feel about a platform saying that you could not be an effective officer because of that? They said that if you do not value the public safety of people like them, you are refusing to see the world beyond your own limited perspective. If you do not value safety for people like them, you do not value safety. They said that for some safety has involved remaining silent about harm, and that is not safety, that is fear.

Edwin Ward said he was here as an advocate for the parks bond. Our families need it, children need it. The location of the new park, across from the high school, could not be a better location. Parks and Greenways are the best use of taxpayer money. He urged everyone to vote for the parks bond. Please look at everything involved in the bond and vote yes. And he thanked CM Wolf and McGrath for their service.

Donna Friend said she was here to talk about an email sent by Oxana Sharapova, the Wake County Chair of the Wake GOP, which was discussed in detail in the News & Observer. The key points were that if certain candidates were elected the Police Department would be soft on crime, and allowing affordable housing would negatively impact our property values. These are unwarranted attacks on candidates and violate the code of ethics that candidates and council members sign on to. We've heard time and again that this is a town that accepts and protects all of its citizens and therefore we don't need an Ordinance. You've been asking for proof about discrimination; now you have it. Current members of Council need to step up and denounce this attack. Those running for Council need to denounce it. And Town Council needs to adopt the NDO to send the message that discrimination is not tolerated in Holly Springs.

Marissa Elijah, 205 Cabbot Dr., said she was here about the parking ordinance. She said as far as she understands there were serious problems in Honeycutt and Council acted quickly. She's glad that is possible, but she thinks this ordinance doesn't account for everyday life for the rest of us in the neighborhood. She has five kids that she homeschools, and now other people who homeschool can't join her family who during school hours. The upcoming holidays are also a problem. We either don't have family and friends over, or risk them getting tickets. Council said you were open to tweaking the ordinance. She wants to add an amendment that includes an exception for neighborhood residents and guests who could challenge a ticket with proof of not being a high school student.

Jesse St. Cyr, said he was here to talk about the parking ordinance. Since August they have not been able to use their home the way everyone else in Holly Springs can. Council says that Holly Springs Police Department knows that they can use discretion not to ticket Amazon and other commercial vehicles. But we cannot as residents, have guests over or park in front of our homes. Our sole complaint is that it does more than Council intended it to do. We wanted to address the problem with high school students parking, and instead we said no one parks. It may be administratively easier, but it makes it difficult for residents. He wants Council to restrict the ordinance to those you want to prohibit; not restrict everyone. He said Holly Springs Police Department has told him that they can ticket lawn services Amazon etc. He asked how he can have people over during the week without being illegal.

Cy Elijah, 205 Cabot Dr., said last time he was here he couldn't get MPT Berry to look at him. It rubbed him the wrong way. So in that spirit, he wanted to go easy since we are neighbors, and he doesn't want to cause friction. But the first time he met the police chief was on the first day of high school. His daughter was sick with nerves, and he couldn't get out and comfort his daughter, because he was getting a talking to from the police chief. A few weeks later, pool guys show up outside MPT Berry's house and the police get called. Mr. Berry comes out and no citation was issued. Why are we passing a law that cannot be enforced and could be weaponized against neighbors? Why are we passing a law that is not being enforced? Why was it not enforced on MPT Berry when it was enforced on him?

OTHER BUSINESS

Mayor Mayefskie said that he has gotten several calls texts and emails questioning why he hasn't made a comment as the Mayor of Holly Springs. He's now speaking for himself about what happened in Israel. It was evil. He said he stands with Israel and its people. He hopes the hostages are released and brought home, and he prays for all the innocent victims in the middle east. He hopes those who left him messages with no way to return their calls, now know where he stands.

Then he wished MPT Berry Happy Birthday.

Council member Forrest thanked UNC SOG for classes over the past years. He recently attended a class on Affordable Housing. He thanked the Village District Area Plan committee for their work. Moving into Parks and Rec, we have a teen advisory committee and more teens have joined this year, they are helping out around the parks. They will be at the Tree Trail this December. With that said, Parks Bond is coming up on Nov. 7th. It will benefit the Town long term. It has a cost,

but it won't get any cheaper, and it is a benefit for the entire town. He asked residents to check out the information on the Parks Bond.

Finally, this Council sees a lot of development projects, but even more come through Development Services and don't make it to the Planning Board or Town Council. By the time they make it to Council they have been in the pipeline for 12 to 18 months. When we see these projects, they are years of work. It is important that the residents and Council all understand the costs and funding and what we can expect from the state. He asked all the residents to remember this. He also supports the Mayor's comments on Israel.

Council member Wolff said he had two things. First, thanks to the residents who came to speak on Friendship. He has great sympathy for the things those residents are dealing with. There is not a resident who is not dealing with the growing pains. He wanted to clarify that he never said the Town would never invest in the Friendship area roads; what he said was it would take a long time because we have more pressing needs. He said what he has learned in his four years on Council is that if we wait for the infrastructure to precede the growth, it won't happen. Those infrastructure improvements have to be done by the developer and we come in later, with the help of the General Assembly to fill in the gaps. If we wait until the "right time" that will be decades. He said he is now hoping it will wait months, but it will not wait decades or years.

Secondly, before MPT Berry speaks, with regards to the parking, he said we had the Police Department go back and review how this has been enforced and they said there had not been a single ticket; just lots of warnings. Chief Liquori said that after that update there was one ticket issued. Council member Wolff said we were told the ordinance was working and we should not make changes. We have also received feedback outside of this room that it is working. He said he takes the opinions of staff very seriously, especially the police, and he will take their recommendations. This job is hard. He said he wanted to remind everyone that every law we make, every fee we impose, it is imposed upon us as much as on any other resident. And no one makes a decision by themselves – it takes at least three of us. Though MPT Berry lives in proximity to this, it was a decision we all made. He said he is being blunt because he thinks the public deserves it. If things change Council will be notified of it. He recommends they continue to have conversations with their neighbors and the HOA because if they can come up with a solution that is administratively workable, Council will listen.

Council member McGrath said Council member Wolff brings up great points, especially that over four years you learn a lot about serving up here. There is a lot more public engagement than there was 4 years ago. It is encouraging because it makes us think more deeply and make sure we go through the cognitive process to see what the impact could be on all of us. That goes to the decision this evening. What it hopefully helps is to entice people with different perspectives and the ability to influence those infrastructure projects to come to the table and provide solutions. If you look at the areas where that developer was going to provide improved roads, that was a small area when there is a large area of infrastructures that is cross-jurisdictional and needs cooperation across jurisdictions. We have met the tax base mix we aimed for and now we want to choose what is right. He said on the Consent Agenda were condemnations – we condemned properties to widen Holly Springs Rd. We know that those impact property owners and residents and these decisions are not taken lightly just because we didn't talk about it tonight; we've been talking about them for a long time. He said Veteran's Day is coming up and he asked that we consider those actively serving, especially in the middle east. He said that was a terrorist attack in Israel.

MPT Berry thanked Council member Wolff for his support. He said that since his private life has become a point of public interest, I will indulge. He told Mr. St. Cyr that there is an ordinance requiring dogs be leashed, and the four or five times his dog entered his property he never called the police. Mr. Elijah, he said that you live pretty far away from my house so it is befuddling that you are interested in what is going on at his house. He asked that they quit stalking him.

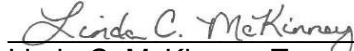
MANAGER'S REPORT

Randy Harrington, Town Manager, said HollyFest is coming on October 28th at Sugg Farm and everyone should come out on Saturday the 28th.

CLOSED SESSION: none.

Adjournment: Council member McGrath made a motion to adjourn at 9:34 pm. It was seconded by MPT Berry and passed with a unanimous vote.

Respectfully Submitted on Tuesday, November 21, 2023.



Linda C. McKinney, Town Clerk

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