



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 18, 2020 in person and via video conferencing. Mayor Sears presided, calling the meeting to order at 7 p.m. A quorum was established as the Mayor and five Council members were present as the meeting opened.

Council Members Present: Mayor Sears, Mayor Pro Tem Dan Berry, Councilmen Peter Villadsen, Shaun McGrath and Aaron Wolff, and Councilwoman Christine Kelly.

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); Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director IT*; Kendra Parrish, *Executive Director, Utilities & Infrastructure Services*; Rachel Jones, *Engineering*; Sean Ryan, *Planning & Zoning*; LeeAnn Plumer, *Director Parks and Recreation*; Justin Burcham, *Parks and Recreation*; Matt Beard, *Parks and Recreation*; Patty Dressen, *Interim Director of Finance*; Mathew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; and Leroy Smith, *Fire Chief*.

Staff Members Present via video conferencing: Cassie Hack, *Director Communications and Marketing*; Tamara Ward, *Communications and Marketing*; Gina Clapp, *Director of Planning & Zoning*; Irena Krstanovic, *Director Economic Development*;

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

4. Agenda Adjustment: The August 18, 2020 meeting agenda was adopted with changes, if any, as listed: none.

Motion by: Berry

Second by: Kelly

Vote: Unanimous

Public Comment: Public Comment was requested in writing prior to the meeting. The following number of comments was received and provided to the Council prior to the meeting: A request for a street light at the intersection of Green Oaks Parkway and New Hill Road; a request that the Town join the SolSmart program; 2 comments in favor of the weapons ordinances; and 58 comments in opposition to the weapons ordinances
Copies of these comments are attached to these minutes.

5. Proclamation Declaring Senior Citizen's Day in Holly Springs

LeeAnn Plumer, Director of Parks and Reation, introduced Justin Burcham, Hunt Center Recreation Programs Manager. Mr. Burcham said that Senior Citizen's Day was established as a national day by President Ronald Reagan in 1988. It is a way to support, honor, and show appreciation to our seniors and to recognize their lifetime achievements. She said approximately 13% of Holly Springs' population is 55 years old or older, and that percentage is growing. The Parks and Recreation Department is planning COVID-safe activities for seniors for the week of

August 17th-21st and would like to recognize Senior Citizen's Day in Holly Springs. Mayor Sears proclaimed August 21, 2020 Senior Citizen's Day in Holly Springs.

6. Public Hearing: Calvert Sports Academy and Development Center 20-DP-06 / 20-SEU-04 / 20-VART-03 / 20-VART-04

Sean Ryan, Planning & Zoning said that this was the continuation of the Public Hearing that was begun on July 21st to consider the Development Plan, Special Exception Use, and Variance for Calvert Sports Academy and Development Center. There will be two suggested actions. He reviewed where the project would be located inside the Carolina Springs PUD and that it meets the current zoning status. In the Land Use Plan this area is marked as a Regional Center. He outlined the steps that had been taken to get to this point in the process. The Development Plan is for a 272,000 square foot facility, with a Special Exception Use for an indoor sports training facility, and some requested variances.

Rachel Jones, Engineering, showed the location of new roads, Ice Barn Road and Carolina Springs Boulevard, and the road improvements within the site. She outlined the road improvements to Old Holly Springs Apex Road, and the intersection at Carolina Springs Boulevard. There will be sidewalks connecting to greenways along that road. She identified three intersections which are not warranted today for traffic signals, but are being monitored for when they would warrant signals. A traffic report indicated that there would be improvements needed at Carolina Springs Blvd. and Old Holly Springs Apex Rd. with a westbound right turn lane, eastbound left turn lane, egress turn lanes and fee-in-lieu toward future traffic signals.

Ms. Jones said that the project will connect to sewer outfall, water main, and reclaimed water main as approved with the Master Plan. She said that the hearing was continued from the July 21st meeting because the fire flow report was not completed. New fire flow test data has been received that is accurate and has been incorporated into the analysis. Staff expects the final report this week, and a Hydraulic Report will be required to be finalized prior to construction drawings submittal. Any changes identified in that report will be reflected in those plans.

Planning Board Recommendation:

Chris Deshazor, Planning Board, said that the Planning Board recommended approval with a vote of 6-0-3. He said that a few questions were asked at Planning Board about solar panels and electric vehicle charging stations.

Mayor Sears asked John Schifano, Town Attorney what authority the Town has regarding these items. Mr. Schifano said that right now the General Assembly has not given municipalities the authority to require these.

Councilwoman Kelly asked if the Developer voluntarily says that they are going to do that, can the Town put it into writing that they will. Mr. Schifano said that there is no reason that Council couldn't ask them, but the Town does not have any authority to deny something based on that fact alone.

Councilman Wolff asked if the reason for that question from Planning Board was because of the developer's presentation. Mr. Deshazor said that it was brought up, and discussed, and the Planning Board discussed that there is no current authority to require it.

Mayor Pro Tem Berry asked Ms. Jones if the applicant was going to monitor for installation of the traffic signals, or were they only going to pay the fee-in-lieu, and what is their percentage of traffic impact. Ms. Jones said the developer will not be monitoring. The Town will collect the fee-in-lieu. They are still working with the traffic engineer, but the range of impact is from 3% to 14% impact and staff will work with them to finalize that percentage and the cost to determine their fee.

Councilman McGrath asked Ms. Jones about Old Holly Springs Apex Rd. and the phasing of those improvements. Ms. Jones said the portions highlighted on the screen are required for this project. There are additional improvements triggered by the first phase of residential development, which Council will get a chance to review later. MPT Berry asked if they are only paying a 3 to 14% proportion, how the Town would install those signals. Ms. Jones said that these signals aren't meeting warrants with their traffic volume right now. The next phase will trigger higher percentages

of impact. That phase is still within the PUD and the developer would be responsible for that impact also.

With that explanation given, Mayor Sears opened the public hearing. The following input was received:

Brian Dautel with ClarkNexen, presented the program goals of the Calvert Sports Academy (development of the athlete; partnership between athletes, families, and coaches; and attracting nationwide talent) and the facility goals (design excellence; pervasive, integrated technology; high performance energy and water efficiency; amenity-rich; safe and secure). He said that the footprint of the building was only 165,000 square feet, and the additional square footage was vertical. He showed the location of the Sports Academy within the Carolina Springs PUD, and then showed the site plan and a site concept, orienting the green space to the building. There is a bus lane and bus drop off between the parking area and the building. The building has two entrances. It is pedestrian-oriented, and there is a possibility of public art.

Albert McDonald with ClarkNexen said that their architectural principals are oriented to prioritizing the pedestrian, minimizing the impact of the automobile, providing variation in building facades and massing, and using high quality materials. He said that the large masses would be the ice areas, connected by administration and public spaces, in an attempt to keep the building more interesting looking.

Mr. McDonald said that the following variances were being requested:

1. Reduce from 50% to 33% the visible building façade facing a street at the maximum 20 foot setback along the east frontage (Ice Barn Rd.);
2. Reduce from 50% to 22% the visible building façade facing a street at the maximum 20 foot setback along the south frontage (Carolina Springs Blvd.);

He said that the maximum building elevation is roughly 72 feet tall. Along Ice Barn Rd. the elevation is approximately 722 feet in length. Along Carolina Springs Blvd. the elevation is approximately 216 feet in length. The overall size of the building is approximately 250,000 square feet. These variances would allow an otherwise large building to be broken down and made more visually interesting, creating a more welcoming and friendly pedestrian experience. It would provide a welcoming entry appropriate for an icon building and create various outdoor public spaces. These areas will be thoughtfully planted and lighted to be welcoming public spaces.

Mr. McDonald said that approving the SEU Request would allow creation of a community asset and a preferred destination for ice related sports on the east coast. He said it would enhance property values within the development and Holly Springs in general, meets all PUD requirements, does no harm to the health and well-being of the general public, and would have no adverse impacts to the community.

Mr. McDonald responded to the Planning Board comments on energy conservation strategies by saying that they are evaluating a variety of sustainable strategies including, but not limited to, solar energy capture, water conservation, passive energy, and car charging stations. He said that charging stations are of particular interest, with the number of electric cars on the road.

Mr. McDonald said that parking will be located out of view of the rest of the development and that there would be adequate queueing and parking for teams' busses, individual athletes, and visitors onsite, such that impact to surrounding traffic patterns would be minimal. He said that during special events, Calvert has agreed to coordinate traffic control with the Town to reduce impacts to surrounding traffic patterns.

Councilwoman Kelly said she was happy he mentioned solar panels and charging stations because that has been the spirit of the project. She asked about parking for tournaments and what the strategy is for parking overflow. Mr. McDonald said that there is on-street parking on Ice Barn Road, but also adequate parking based on the square footage, according to code, and within the development there will be other parking within a block or two.

Councilwoman Kelly asked about recycling. Mr. McDonald said he assumed that would be part of the operational plan for the facility.

Councilman Wolff asked if the bus lane would be available for car drop off as well. Mr. McDonald said yes, there would be through traffic, with parking for busses. Councilman Wolff thanked them for looking into solar and other energy efficiency strategies.

MPT Berry said that usually at this stage we see detailed drawings. He asked if they were just looking “to get shovels moving” and would come back with drawings at a later time. Mr. McDonald said that yes it was a big building and they were trying to get the corresponding infrastructure started, and would come back with detailed drawings. MPT Berry asked about onsite boarding or dormitories for the educational programs which were presented in the original PUD review. Mr. McDonald there will be short term lodging for teams during tournaments, but there will not be housing for the academy. Students will live off campus and there will be no boarding element.

MPT Berry said that he generally thinks it meets the requirements, but would like to see more thought in the impervious area. It’s a big parking lot. Within this PUD it is ripe for a parking structure and that would have provided benefits for everything else that is in there as well. Some of those innovative features were missed by just meeting the letter of the UDO. He thinks they missed an opportunity.

Councilman McGrath said he would like them to look at all the sustainability measures, not just the building itself as they move forward.

Mayor Sears then closed the public hearing.

Action: Motion to adopt Resolution 20-20 and make and accept the Findings of Fact for consideration of and to approve SEU and Variances.

Motion by: Wolff

Second by: Kelly

Vote: Unanimous

A copy of Resolution 20-20 is attached to these minutes.

Action: Motion to approve Development Plan for Calvert Sports Academy and Development Center.

Motion by: Villadsen

Second by: McGrath

Vote: Unanimous

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

7. Minutes – The Council approved minutes of the Council workshop meeting held July 14, 2020 and the business meeting held July 21, 2020.

8. Monthly Administrative Budget Amendment Report – The Council received a report of monthly administrative budget amendments approved by the Town Manager. *A copy of the budget amendments is attached to these minutes.*

9. Avent Ferry Road Realignment LAPP Grant Review & Oversight Agreement – The Council approved NCDOT Review & Oversight Agreement for the Avent Ferry Road Realignment Transportation Bond project in the amount of \$7,500, and approved a budget amendment transferring \$7,500 from interfund loan 22 95.04 to project account 48 620 12.01. *A copy of the budget amendment is attached to these minutes.*

10. Interlocal Agreement with Town of Cary for Water Supply Mutual Aid - The Council authorized the Town Manager to enter into an interlocal agreement with the Town of Cary for Water Supply Mutual Aid.

11. Annexation A20-04 Intent to Annex – The Council approved Resolution 20-22 directing the Town Clerk to investigate the sufficiency of annexation petition A20-04 and set the public hearing for September 1, 2020. *A copy of Resolution 20-22 is attached to these minutes.*

12. Clay Ridge Storm Drain Repair Project – The Council awarded a contract to Precision Earth and Pipe LLC in the amount of \$73,507.24 and a budget amendment transferring funds in the amount of \$100,000 to stormwater project account and contingency.

13. Refinancing of the W. E. Hunt Recreation Center – The Council approved Resolution 20-25, Approving Financing Terms for the W. E. Hunt Recreation Center. *A copy of Resolution 20-25 is attached to these minutes.*

14. Property Tax Payment for New Town Park Land west of NC 55 – The Council approved an appropriation to pay Property Taxes on new community park land purchase.

15. Holly Springs Road Widening – Phase 2 NCDOT Municipal Agreement – The Council approved the NCDOT Municipal Agreement for the Holly Springs Road Widening – Phase 2 Bond project.

NEW BUSINESS

16. UNC Rex Hospital – Development Plan Major Amendment 10-DP-06-A08

Sean Ryan, Planning and Zoning, said the purpose of this item was to consider a major Development Plan amendment for UNC Rex Healthcare. The property is in the Village District, located at G B Alford and Main St. and Avent Ferry Rd. The approved Development Plan included white tube light along the stone façade of the building. The applicant has requested the use of a color changing luminous tube light instead. The light would normally be blue, but could be changed to red, green or other colors for special holidays or occasions. He said the other item was the focal point art, which requires Council's approval. The art is a moving sculpture, about 10 feet tall, and would be placed at the S. Main Street entrance to the property.

Chris Deshazor of the Planning Board said that the Planning Board recommended approval 5-1-3. There were questions about how the lights would be used to highlight local events. The one dissenting vote was because the building was already taller than anything else in town and this light would emphasize it more.

Matthew Waldrop of UNC Rex Hospital gave a presentation. He said the light was not to be a beacon, or a guiding light, but a decoration. He said the light could change color after a Hurricanes win or a State win, or other events and/or holidays. He showed what the light would look like in different colors and from different points of view. The light will not change quickly or pulsate, and will change color no more than once per hour. It can make rainbow colors. He then showed where the focal point sculpture would be installed, landscaped and lit. He said the sculpture looks like a leaf, and moves with the breeze. The sculpture is approximately 11 feet tall. It has a base and two top pieces, which move independently of each other. The light feature shines on that and gives it a color aspect.

Councilwoman Kelly said she is very excited about the hospital. She then asked if these big lights would be dimmable. They're very close to a neighborhood on Maple, and she wanted to know, if neighbors complain, could the lights change. Mr. Waldrop said there is a baffle, and the lights are directionalized, and they will be tied into the hospital light control system so they can dim it and change its direction if there are problems. The lights will be on at the hospital, even if they go

out in the rest of the Town, so people will know where they can come in the event of a power outage emergency.

Action: Motion to approve Development Plan Major Amendment for UNC Rex Healthcare.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

17. Deadly Weapons Ordinances – Ordinances 20-04 and 20-05

John Schifano, Town Attorney, said that after the Council workshop on July 14th he had been asked to draft two ordinances regarding restricting weapons on Town property. There are two separate ordinances, one regulating open carry and display of weapons, and one limiting concealed carry. He said that NCGS § 160A-089 authorizes cities to regulate the display of firearms on streets, sidewalks, alleys, or other public property. He said the proposed Ordinance 20-04 regulates bringing all weapons (including open-carry of firearms) on Town-owned property. This includes facilities, parks, greenways, picnic areas, open play areas, athletic fields, etc. It does not regulate open carry on streets, sidewalks or alleyways.

Mr. Schifano said that NCGS § 14-415.23 limits the ability of a town to regulate the concealed-carry of handguns. Towns are not allowed to prohibit a concealed carry permit holder from carrying on greenways and open play areas. Proposed Ordinance 20-05 regulates the concealed carry of permit holders on all Town property excluding greenways and open play areas. He said that the penalty for both proposed ordinances would be a Class 3 criminal misdemeanor (the lowest misdemeanor) and/or a fine, or, at the discretion of the charging officer, under Sec 12-352 of the Town code, a violator may be charged with a Town civil citation instead.

Councilman Wolff asked if there were any parts of these ordinances that are in conflict with state law. Mr. Schifano said no, state law is very expansive. The Second Amendment is a constitutional right. But the government can regulate constitutional rights if there is a compelling government interest and the ordinance is narrowly tailored. Both of these ordinances are narrowly tailored to that compelling interest.

Councilman Wolff asked if there was anything that would prevent Law Enforcement from doing their duty. Mr. Schifano said, no sir. Councilman Wolff asked if there was anything in these ordinances significantly different from other municipalities' ordinances. Mr. Schifano said no.

Mayor Sears asked Mr. Schifano to speak to the NCGS 14-269(b), exceptions to the law against carrying concealed weapons, such as retired Law Enforcement. Mr. Schifano said this ordinance would not speak to those people, it would regulate everyone else.

Councilman McGrath said that the state statute NCGS § 14-409.40 talks about uniformity in ordinances. There seems to be a difference in interpretation between the open carry and concealed carry statutes. Mr. Schifano said there are two statutes relating to guns that have the title state wide uniformity, one referring to concealed carry, and one to guns in general. NCGS § 14-409.40, in subsection (f) says that cities can regulate on their property. It says nothing in this section affects that right. If one town wanted to take a more expansive view and push the constitutional threshold, then that is not the type of uniformity. The uniformity they are talking about here is in reference to gun manufacturers, and gun shows. Municipalities cannot sue gun manufacturers; only the State can. Regulations of gun shows cannot be different from regulations for other types of shows. In his legal opinion, he said, Council does have the authority to regulate open carry in scheduled and non-scheduled fields, but not the authority to regulate concealed carry in non-scheduled fields.

Mayor Sears announced that he would call people to make public comments, giving each three minutes to speak, and alternating positions as long as possible. The following people spoke:

1. Andrew Stevens, 157 Old Garner Drive, King, NC in Stokes County, speaking on behalf of Gun Owners of America and Grassroots NC, and said he spoke for scores of residents of Wake County and Holly Springs. He asked that the ordinance to impose restrictions on concealed carry

be dismissed. He accused members of Council of belonging to “Astroturf organizations” and said that Grassroots NC would sue the Town if the ordinance were passed. His full comments are attached.

2. Susan Smith, 237 Kingsport, Holly Springs, said she serves on several boards in Holly Springs and in her neighborhood, but she is here tonight as a concerned citizen. She supports the Second Amendment, but also supports both these ordinances. She has great concerns about guns brought in to places where children are playing games or taking classes. She has lived here for 20 years and her entire family has participated in Parks and Rec programs. All that time she thought these were gun-free zones. She offered some statistics: yearly, around 36,000 Americans, an average of 100 a day, are killed by gun violence in the US; each year nearly 1500 minors are killed by guns; 3 million children are exposed to gun violence. Combine this with the increase in rage incidents at sporting events, and we have a problem. She said that gun free zones are intended to eliminate the risk of unintentional fire arm injuries, violent incidents, and suicides. This is true for schools, including their extra-curricular activities. Why wouldn't those same restrictions apply to Parks and Recreation areas?

Ms. Smith said that carrying a concealed weapon is for the defense of yourself. It is a different level of expertise and training to protect others. Only about 1 in 5 rounds fired by a Law Enforcement Officer responding to a mass shooting actually hits its target. At the Walmart shooting in El Paso, TX, so many good Samaritans had their guns drawn that Law Enforcement couldn't determine who was the shooter and who were the good guys. As to whether or not signs make a difference, she said that if we believe that, why have a stop sign or a traffic light? Most people abide by this law and are in support of gun free zones. Do we want to tell the children that we had the opportunity to do the right thing and chose not to do so? We are #1 safest community in NC. Let's continue to lead by example. Our neighboring communities have already passed such ordinances. The potential for sports rage and guns are not a good combination. Please vote in favor.

3. Don Burlingham, 212 Mystic Courts Lane, Holly Springs, said he had lived here for 19 years and he appreciates the community respecting his rights. He does not think this is a narrow ordinance. He said he could inadvertently cross an invisible line and be in violation. We are the safest town and he thinks that it is because he has the right to protect himself and his family. Protecting others is not the point. He joins his children for sports events and doesn't have to worry about breaking the law because he has something in his pocket. He goes to My Way Tavern where it is legal to carry, but if he entered Town Hall he would be breaking the ordinance. He is concerned that he and others will inadvertently, or by choice, not obey this ordinance. Please vote no.

4. Laila Haddad, 6237 Hilbert Ridge, Holly Springs, said she was 7 years old and in 2nd grade. She said there should not be guns close to kids like her. If people bring guns to parks kids could get hurt or be scared. Kids should not have to worry about getting shot. Miss Haddad said please do not have guns in parks. She thanked Council for their time.

5. Jeremy Merrill, 201 Airedale Drive, thanked Council for the time to speak. He has concerns over the issue, less around the topic, but more about the process. There was a push in May to get the ordinance drafted and moved on quickly. During that meeting there was a mention that there was widespread concern on this issue. He made a public record request and found 1 comment. He said his concern over fast-tracking of issues is not reserved to this topic. He mentioned the COVID grant process. He mentioned the vehicle fee increase and said it was not brought to the attention of residents. Too much is being done because “neighboring towns” are doing it. He thinks that people moved to Holly Springs in order to have it different from other municipalities. During the May meeting where these ordinances were brought up, it was stated that it was “not political.” But the facts do not agree with this. He asked them to review the organizational chart and remember who they, as elected officials, represent.

6. Hank Dickson, 504 Sandy Point Way, Holly Springs, thanked the Holly Springs PD and other police departments around the country who protect us. He said he is against both ordinances because he said solutions were being proposed to problems that don't exist. He said the VA Tech tragedy, which occurred in a gun free zone, is being used for anti-gun activism. He said it could have been avoided or casualties have been less if there had been armed students or citizens near the shooter. He said voting against the ordinances was the only logical option and voting for them would just add to a liberal councilman's resume.

7. Gerard Falzom, 114 Gratiot, Morrisville, said he was a candidate for the NC Legislature, House District 40. He supports the brandishing ordinance and intends to build upon it at the state level, but is concerned about the gun-free zone ordinances and plans, if elected, to repeal state laws that provide the legal basis for this proposed ordinance. He expressed his support for the Second Amendment and said that people should be allowed to carry at all times. He said there should not be a two tiered Second Amendment that allows the Governor and other politicians to be protected, but not private citizens. He said that gun-free zones are killing fields. He said that Holly Springs would have a high probability of having a mass shooting if these ordinances passed.

8. Harry Parrish, 5401 Leopards Bane Court, said that he echoed the comments of his predecessors, then read the emails he sent to Council previously, which are attached to these minutes. He said he opposes both ordinances. He said he couldn't find the ordinances on the web page and wants to look at them, but he is opposed to them. He is put off by the timing of the issue and thinks it shouldn't be "sandwiched between other issues."

9. Andrea Dillon, 401 Cayman Ave., Holly Springs said she has lived here for 11 years. Up until now there has been consensus, harmony and authentic civic activity from this Council and she has been proud to live here, but over the last six months to a year there has been more political activity that she considers partisan. She is opposed to both the ordinances. She is a gun owner, a believer in the Second Amendment. She thinks the persecution of gun owners has to stop. Stop punishing us for what bad actors do. She asked what are these ordinances supposed to be about if everyone has no problem. The last incident was in 2009. She said she feels safer seeing people wearing a gun. She said there are real issues facing this town, but gun issues are not among them. None of them are woke activities issues. She said if a law suit was invoked she would sign up.

10. Michael Hale, 7125 Ashway Drive, Holly Springs thanked Council. It has been interesting to see the care they put in to running the Town. He's never been to a meeting before. He's lived here since 2001 and enjoys spending time at various Town properties. He said guns save lives. He referenced AmericanGunFacts.com for statistics to support his opinion. He said guns are used by women to prevent sexual assault. The state does permit these ordinances to be put in place, but just because it is allowed doesn't make it right. He asked what compelling state interest makes this ordinance necessary, and said he doesn't think there is one. And if there is no compelling reason, you do not have a reason for the government to overweigh the rights of individuals.

Mike Poole was called, and said he would pass.

11. Diana Gallagher, 118 Bower Bank Lane, thanked Council for their service. She said she supported "all the against" that she heard. She said she was personally offended and feels attacked when there are people who want to regulate guns. She would like the Town to confiscate guns from criminals. Law abiding people with licenses aren't the problem. You should worry about confiscating guns from criminals who are walking into gun free zones. We are all afraid. Don't take away our protection. She said she perceived this as a trend which leads to things like defund the police. Don't go there. Don't start it. She moved here from Florida and picked this place out. She said all gun owners are peaceful people. She said don't push us around. She is against the ordinance.

12. Erin Paré, 5300 Lake Edge Drive, Holly Springs, said she is a candidate for the State House and the vice chair of the Board of Adjustment. She is a military spouse and gun owner. Holly Springs has been ranked the safest city in NC for the last 3 years. And ranked several times as safest city in the country, without a ban on lawful concealed or open carry. She asked for a round of applause. She said gun-free zones create soft targets. She said some residents would feel safer seeing a sign saying guns are not allowed, but she thinks many residents would feel less safe with such signs. A 2018 analysis that focused on mass public shootings reported that 97.8% of incidents took place in gun free zones. Also, she said enforcement would have a giant price tag. Perhaps as problematic is the argument that we are the only one who hasn't moved to ban open carry and concealed carry. She said that this is deferring your duties to other elected officials from other towns. She doesn't remember anyone running on this issue. She said there is no mandate by the public. She said this is a solution in search of a problem. She claimed they would make residents more vulnerable and less safe.

Mayor Sears asked if anyone else was present who wished to speak and no one answered.

MPT Berry said Council is considering two ordinances. He asked if they could be considered on their individual merits, starting with the concealed carry ordinance, then the open carry ordinance. Council agreed.

Councilman McGrath said he has not heard anyone speak too much in favor, except about what happened in Texas. He said the concealed carry permits in TX are different from NC. To receive one here is fairly involved. You have to go through significant training, know the rules, and prove proficiency at shooting at a target. A recent study has shown that the most wanted thing is background checks, and NC already does that for concealed carry permits. He does not see a good reason for this. He asked Councilman Wolff to converse with him about this. He knows Dr. Wolff has a business in Garner with stickers on the door. He asked what else they do to protect their employees. Councilman Wolff said they conduct active shooter training once a year, and for all new employees. Councilman McGrath asked what the training taught. Councilman Wolff said that his colleague is correct that he does not believe a sign will stop a madman with a gun. If that is the Town's level, we are going to fail time and time again. Councilman McGrath said that in that type of training people are taught to run, hide, fight. Councilman Wolff asked what the pertinence of this questioning was to the issue at hand. Councilman McGrath said that after you run and hide, what are you left with but to fight? And what are you going to fight with if you don't have guns? NC requires extensive background checks. People should never know that you are carrying. If you brandish your weapon, it is grounds to lose your permit. If you tell someone as a threat that you have a permit, you could lose your permit. To prohibit concealed carry in these areas, is folly. If we're really after the safety of our children and our employees, then let's be uniform. Single point access, pat people down, metal detectors.

Councilwoman Kelly said she does not own a gun but knows that many of her friends do. She asked many questions of her constituents. She said that there is a misconception about what started this discussion. It came up in December at the Parks and Recreation Advisory Board. They were updating their ordinances and brought up the desire to have these ordinances, unanimously. The members of the Parks and Recreation Advisory Board represent all different areas of the Town and different political leanings, and it was unanimous that they wanted these ordinances. That is a compelling reason. A Board in its entirety asked us to consider it. Since Council discussed the issue at the workshop, she went out to learn about it. She did not hear much objection to banning open carry. She heard people from different political backgrounds. She heard conceal carry permit holders say that they had no objection to locking their weapon in the car before entering Town Hall. Out at the farmers market and around town, employees who work on the first floor of the building voiced that they would prefer there be no concealed guns in town property. Employees with concealed carry permits said that they would prefer having the ban. There is nothing stopping people from coming in downstairs Town Hall with a weapon. They would be happy not to bring their

own, if others didn't. The sticker might sound simplistic, but even the sign asking people to watch their language worked, so this would help. She finds these things compelling and they make her support these ordinances.

MPT Berry said this is the third month in a row we have spent time discussing this issue. He said he doesn't think it is a problem because there have only been two incidents on Town property since 2009. He said Council should have spent time talking about the pandemic and its effect on businesses, and families with school children instead. The data doesn't support it being a problem in Town. Concealed carry permit holders go through the course, the background check, the fingerprinting. You can lose your permit over various issues and you have to reapply every five years and go through some of these things again. These people are following the letter of the law according to the state legislature. If you're doing it right no one will ever know. If the police are five minutes away, maybe you can help if there is a problem. He mentioned a Texas church incident where a security guard shot an assailant. He said women need to carry on greenways to protect themselves. He said domestic violence abuse victims might have a permit to protect themselves. On the issue of how it was raised, he thinks Councilman Wolff made it about himself and his agenda instead of waiting for staff to bring it to them. At the end, for him concealed carry is a regulated process. Everyone who goes through that process has to follow the law, and those people want to follow the law. Taking those rights away doesn't make our town any safer. If we want to make it safer, let's get police stationed in the building and metal detectors.

Councilman Villadsen said the issue of guns carried by law abiding residents on Town property is not an issue of safety. One faces a more significant risk of dying in a car accident or from the flu than by a mass shooting. He said we have discussed the training but wanted to touch on the other requirements to get a concealed carry permit, including mental capacity, lack of violent misdemeanors, and other disqualifying criminal offences being discharged less than honorably from the armed forces, and other regulations. We have discussed that in the last 11 years there were only two calls to the HSPD. Concealed carry holders are our friends and our neighbors and are statistically more law abiding than the general public. Holly Springs is safe and will continue to be safe no matter what we do tonight.

Councilman Wolff said there have been a lot of fantastical stories about his motivation in bringing this to Council. He hopes it is clear that the only reason he did this is because he believes it to be the best thing for the Town. It will not prevent mass shootings, and if that is our measurement, we will fail every time. But it can eliminate or lessen accidental discharge, misplaced firearms, escalating arguments in public settings, and it can provide a more comfortable work environment for our employees. He said that the ban on weapons at his business, made three years ago, has not caused them to be a target. It has given his employees peace of mind, but has not put a bullseye on them. Holly Springs PD has said that passing these ordinances would not make us less safe. If they said it would, he would not be supporting these ordinances. He appreciates the variety of opinions from residents and interest groups, from our area and around the state, and thanked people for being mostly respectful in their correspondence on this potentially volatile issue.

Mayor Sears asked for the proposed motion to be displayed, then asked for any additional comments from Council.

Councilman McGrath repeated his opinion that posting signs would not have any effect. He said he has been in the position of having to protect people from insider danger. When he was given that responsibility, he changed things to have a single access point and other measures. A nearby facility had the paper but not the measures and they suffered a tragedy. He thinks it is ill advised.

Mr. Schifano, Town Attorney, reminded Council that by state statute, the first introduction of an Ordinance must be passed by a 2/3 vote. If this passes 3 to 2, it would have to come up as unfinished business at the next meeting and be voted on again. A unanimous or 4-1 vote would be

effective immediately. A 3-2 vote must go to the next meeting where a simple majority would suffice.

Action 1: Motion to deny adoption of Ordinance 20-05, creating a new section 12-354 & 12-355 of the Town Code of Ordinances regulating the concealed carry of handguns on Town property.

Motion by: Berry

Second by: McGrath

Vote:

Yay: McGrath, Berry, Villadsen

Nay: Kelly, Wolff

The motion to deny passes.

Mayor Sears opened the open carry ordinance discussion:

Councilman Wolff said he felt there was more consensus around this at the workshop, which was why it was separated into two ordinances, so he had nothing to add.

Councilman Villadsen said this is not an issue of safety. People open carrying are at best a distraction, and at worse cause fear and anxiety. It is not fair or right to put our employees into the position of dealing with someone who is openly carrying a gun, regardless of their demeanor. Even if it is not intended as a threat, it can be intimidating. Nor does he think it is right for children and families who are enjoying events on Town property to have to deal with the distraction, uneasiness, or fear of dealing with an individual openly carrying a gun. It diminishes their experience to the detriment of the Town. As the ordinance is written though, he does have a problem with banning open carry on greenways. Holly Springs' greenways are expansive, disjointed, some are isolated. He doesn't think it is feasible to ban open carry on greenways, many of which connect to sidewalks which then connect back to greenways. He would like to address revising the proposed ordinance to remove greenways.

Councilman Wolff said he would be fine with amending the Ordinance to exclude greenways. Councilwoman Kelly said she would too.

MPT Berry quoted the NC statute for open carrying. He said we do prohibit the discharge of weapons in the Town. The second phrase says municipalities may "regulate" firearms. He said this was a looser interpreted way of saying that we must define the compelling event and be sure it is narrowly enough tailored. He said the ordinance as written is too broad. He feels this ordinance pushes the boundary of a constitutional issue too far. He wants to strike the entire last sentence of the proposed ordinance about parks, greenways, athletic facilities. He said the open carry statute conflicts with the concealed carry statute. If this moves forward he would urge the Council to remove not only greenways, but the entire last sentence, to reduce the risk of litigation.

Councilman Wolff asked Town Attorney for his legal opinion on the potential litigation issue. Mr. Schifano said the Town is on solid constitutional grounds as it is written; however, reasonable minds can differ. Councilman Villadsen brings up a good point that there may be confusion over what is a greenway and what is a sidewalk in town. In a building you are either in or out, but a greenway can be less clear. So there might be a notice issue on greenways. It is clear that you can regulate buildings, and athletic fields, scheduled and unscheduled. The General Assembly made a difference between scheduled and unscheduled only in the concealed carry statute. That distinction does not exist in the regulation of display of weapons/open carry authority. He was confident that from a state law perspective the Town is OK. At the federal level, that changes from time to time and Court to Court. If the state statutes were challenged in federal court, there's nothing unique about our ordinance, it would affect a lot of jurisdictions in North Carolina.

Councilwoman Kelly asked if the Motion could amend the Ordinance to omit greenways. Mr. Schifano said that he would leave it to whoever made the motion to decide which places Council would like to strike. He would recommend taking out greenways because the notice provision. Councilwoman Kelly asked if the Town was able to put signs on picnic areas. Mr. Schifano said that the thought is a Town owned picnic shelter. Councilwoman Kelly asked Town

Manager, Mr. Harrington, about notification and how the Town would handle that at picnic areas and play areas. Mr. Harrington said staff would start by looking at other areas and what they have done. Staff would look at ingress and egress areas and various types of signage. Councilwoman Kelly asked if adequate notice could be provided if Council just struck greenways from the ordinance. Mr. Harrington said he thought notification could be made adequately at other areas. Mr. Schifano said the Town does not have to put signs on everything. A person just needs to be able to know whether they are in or out of a place.

MPT Berry said the state statute is silent on posting notice, and there is no direction in this document to say that we are going to post signs on these areas. If this ordinance goes forth, if someone is open carrying in those places, you call the police and it would be handled. Signs wouldn't help or change anything. Mr. Schifano said you are correct. There's nothing in the law that says you can't enact an ordinance without posting a sign. There are many things that can be regulated without a sign. The statewide uniformity for concealed carry is what requires a sign. They did not say that for open carry. The constitutional requirement of due process just means that you need to be able to know what is illegal. MPT Berry said that putting signs up for open carry could be confusing to concealed carry permit holders. He thinks signage is misleading if they don't know what it means. Councilwoman Kelly said she was not asking for the Town to spend money. She was trying to see who has the discretion to post any notices. MPT Berry likes the way the ordinance is written - there is no direction for posting anything. He supports that. Posting would create confusion in the general public.

Councilman McGrath said that if one were to go look today at the parks and recreation masterplan and the greenway master plan, one would see many sidewalks included. So greenways should not be included. He would like the verbiage from 20-05 be used in 20-04 to call out the actual identifiable park facilities by name, and make it even more specific. Veterans Park, for example, has sidewalks. Which parts of the park are included? Is it just the pavilions? There is enough to drill down on, so he would like to table this ordinance to clean up the language. We need to discuss whether signage confuses or clarifies. He concedes that the people who work in this building would feel better if there was no open carry in Town Hall. Most people are not going to bring an AR15 to Town Hall, or their kids' soccer game, just because they can. Because their neighbors are going to look at them funny. We have ordinances and NC legislation that prohibits brandishing a weapon. We have a means to deal with that. Between the signage, and trying to specify where we would prohibit if we went forward, we need to delay this and have more discussion. There needs to be more specificity. Short of tabling, the other concern he had is that Council has heard from a lot of people. Is it appropriate to put this on the ballot for November and let the citizens decide? Mr. Schifano said no, municipalities are not allowed to do that. Councilman McGrath said OK, he will stick with his desire to table this to get more specificity.

Councilwoman Kelly asked if we put this forward, with the greenways removed and the places named exactly like in the concealed ordinance, and it passes 3-2, when it comes back as unfinished business can it could have amendments or would it need to be the same. Mr. Schifano said there can be minor amendments, made by the prevailing side. Or Council can make their amendments now and vote on it tonight.

MPT Berry said he thinks we need to be very specific. For example Bass Lake Park has a greenway all around the lake. Would open carry be banned in the whole park, or not the greenway? He said he thinks it needs to be more specifically defined.

He thanked everyone who came out. He hopes the process made sense and everyone understood what happened. He said that the mask requirement was the only thing over the last couple of months that received this much comment. That issue was pretty evenly split. But this one was very heavily one sided. It may be only one data point for making decisions for 40,000 people, but it is an indication of what constituents want.

There was discussion as to whether to amend the ordinance in the Motion, or to send it back to be amended and brought back to the September 1st meeting. Consensus was to bring it back.

Mr. Harrington asked for clear direction on expectations around signage if this is going to come back.

Councilman Villadsen asked if adding signing requirements to the ordinance itself endangers the ordinance. Mr. Schifano said adding anything can limit the ordinance. You can leave signage to the discretion of the Manager, rather than writing it into the ordinance that signage is required.

Councilwoman Kelly said she thought striking greenways and not adding park names, puts us in a better place.

Action 2: Motion to defer adoption of Ordinance 20-04, creating a new section 12-353 & 12-355 of the Town Code of Ordinances regulating deadly weapons on Town property, to allow staff to incorporate suggested amendments.

Motion by: Wolff

Second by: Villadsen

Vote:

Aye: McGrath, Kelly, Villadsen, Wolff

Nay: Berry

The motion passes.

A 10 minute recess was called at 10:08 PM.

**18. Avent Ferry Commercial Development Plan 19-DP-23, and
19. Avent Ferry Commercial Developer Agreement**

Sean Ryan, Planning & Zoning said the presentations for these items will be combined because the projects are very closely related. The purpose of the item is to approve a Development Plan for a 24,827 square foot commercial integrated center located at 1201 Avent Ferry Road and to approve a developer agreement. The site is at the corner of Avent Ferry Road and Ralph Stephens Road and is currently zoned LB Local Business and designated Mixed Residential Neighborhood on the Future Land Use Plan. The zoning district sets the standards for the development, which is why staff is presenting a commercial project.

Rachel Jones, Engineering, said that the developer would extend and connect to sewer installed with the Stephens Tract Townhome project, and connect to public water main installed with the Stephens Tract project. A TIA was completed with this project that studied 55 to Ralph Stevens and Avent Ferry to Main. The site would have right in right out access from both Avent Ferry Rd. and Ralph Stephens Rd. and the developer would pay a fee-in-lieu of intersection improvements at Avent Ferry at Ralph Stephens, Main Street at Ralph Stephens, and Avent Ferry at Cass Holt Rd. At Cass Holt and Avent Ferry Rd. there will be restriping and signal modification requirements. At Avent Ferry Road and Ralph Stephens Road there will be a future northbound left turn lane and at S. Main Street, Ralph Stephens and Piney Grove Wilbon there will be a future through right turn lane and signal modifications and upgrade.

Ms. Jones said the road widening across the site on both Avent Ferry and Ralph Stephens would occur with the project and the road widening across Lot 2 on Avent Ferry Rd. would be governed by the Developer Agreement, which is Item 19 on tonight's agenda and being considered concurrently. With the building of Autumn Park there was an agreement that with the development of these projects the road would be widened. Lot 2 will not be developed for two years. Road widening there would be subject to a completion bond for two years after the execution of that Agreement and the bond is good for 3 years. A cost estimate for the widening will be included with the construction drawings.

Councilwoman Kelly asked if the Town was widening the road. Ms. Jones said the developer is developing Lot 1 first, because Lot 2 has a lot of environmental features and challenges so it will be developed later. It is the same owner. Staff agreed to accepting the completion bond for two years to allow him to evaluate that property and submit a Development Plan that includes the road widening.

Mr. Schifano said that the Avent Ferry widening that we are doing ends at Ralph Stephens Rd., so it doesn't touch this piece of property. In this particular event we are looking to require the developer to widen where he is developing right now, and he is agreeing to widen the frontage of Lot 2 within 2 years with a completion bond, which is like an insurance policy. If he doesn't widen it after two years, we can call in that bond and widen it ourselves. Councilwoman Kelly said that in two years we may not have the money to do it. Ms. Jones said that the bond is for 125% of the estimated cost, which should cover cost increases.

Councilman McGrath said if the development is only going on Lot 1, why are we considering Lot 2 right now. Mr. Schifano said it is two parcels, but a condition of the Autumn Park development from 2005 was that if one part was developed it would all get widened. The developer asked for the two year delay.

MPT Berry asked about the sewer being dependent on Stephens Tract, and whether that would keep them from moving forward. Ms. Jones said if they want to move forward before the Stephens Tract they would have to develop it themselves, get the easements, and move forward. MPT Berry said if there are delays, because of the Stephens project, it might go together, but the projects might not move at the same speed. Ms. Jones said that there are conditions that construction drawing approval will not be issued if there is not the ability to connect to utilities. And additional conditions could be added.

Chris Deshazor of the Planning Board said that the Planning Board recommended approval of the development plan 9-0-0. They did not see the developer agreement.

Tom Spaulding of the Spaulding Group said they represent the applicants. Chris Barnes, the architect, was present as was the traffic engineer. He said he would skip the presentation and just answer questions. He said that Mr. Chatterjee did not know about the requirement attached to the property to widen the road. He did know about the sewer connection, right turn lanes, road widening on Lot 1, etc. What the delay on widening allows him to do is put up this really nice building, get it leased so that he can get some income to cover the extra \$500,000 expense that he didn't know about. He does have agreements with Mungo Homes where he is going to pay them to bring sewer to him to do it more quickly. So it will come sooner but will not cost the Town.

Chris Barnes, architect with ORA on Martin St. in Raleigh, said he was very familiar with Holly Springs' requirements. The challenge has been to create a building that meets all those guidelines and creates a building the owner would like.

Councilwoman Kelly asked what kind of tenants he foresaw in the space.

Mr. Spaulding said it would be a neighborhood commercial building with businesses like insurance, retail sales, sandwich shop, that type of thing.

MPT Berry said he thinks this use is something that would add to the land use plan and increase the commercial tax base. He said he has some hesitation on the agreement part. *Caveat emptor* - the buyer should do their due diligence. In this situation, Avent Ferry is not the place to put an hour glass shaped road. It will be a pretty short stretch of road. So that part is tough for him to digest, but he is 100% behind the use and what the applicant is trying to do.

Councilwoman Kelly said she wants to weigh the risks to the Town. If the clock runs out, then what? She asked if there was a way to change the timing on the bonds.

Mr. Harrington, Town Manager, said it is preferable for a developer to do the work, but in this case the Town would have protections in place with the bond.

Mr. Schifano said that the Town is in the design process right now on the widening from Ralph Stephens Rd. to 55. It is better not to have two contractors out there doing the work. This portion could be turned into a fee-in-lieu if the stars align. If they do not, Mr. Chatterjee can do the widening himself and pay the money. These roadway requirements are constitutional exactments. And exactments have to be proportional to the use. Since he is just developing the one parcel we might run into an issue. That was the genesis of the delay. He can develop the corner, receive some income from the property and then make the improvements on Lot 2.

Councilwoman Kelly asked, with two years on the bond, how long it would be until the building on Lot 1 is constructed. Mr. Spaulding said it will take about 4 to 6 months. Councilman

McGrath asked if that meant the start time for the bond is two years after completion of the project. Mr. Schifano said it was two years from the execution of the agreement, which would be within thirty days from tonight.

Councilman McGrath said we need to communicate to everyone who lives off Avent Ferry south of 55, that that Avent Ferry Road will be under construction for the next three years from 55 to Cass Holt Road. We need to get that word out.

Councilwoman Kelly asked if the Town was under risk of having to cover the cost overruns on this if the stars do not align. Mr. Harrington said if the developer does not develop within two years the Town would call the bond, and would manage that project. In the current environment construction inflation is softening. At 125% of cost estimate, the Town would probably be in good shape.

Action (item 18): Motion to approve Development Plan for Avent Ferry Commercial with the conditions listed in the agenda packet.

Motion by: Wolff

Second by: Berry

Vote: Unanimous

Action (item 19): Motion to approve Developer Agreement for Avent Ferry Commercial.

Motion by: Villadsen

Second by: McGrath

Vote:

Aye: McGrath, Kelly, Villadsen, Wolff

Nay: Berry

The motion passed.

MPT Berry explained that his Nay vote was because of the intersection that he spoke about. He doesn't think it's the right place to have that sort of gap in road construction, but he understands the comments around the three years of construction.

Councilman McGrath asked Mr. Harrington to direct the Communications and Marketing Department to communicate to the public that Avent Ferry will be under construction for the next three years.

20. Utley Creek Greenway Phase 2 Design Contract

Matt Beard, Parks and Recreation, said this item was to consider awarding a contract for professional consulting services for Utley Creek Greenway Phase 2. This project supports Strategic Priority 2.1 - expanding greenways. He showed on a map where the Utley Creek greenway Phase 1 is, crossing under GB Alford to the Morgan Park stub. The preferred path would be to follow the creek, which is more aesthetically pleasing and less in the way of future development. The path would connect to Holly Glen sidewalks, and thus to Braxton Village.

Funds (\$300,000) were allocated for project design on June 22, 2020. An additional \$24,602 is being requested because of an expansion of scope due to topography: the length of the project was originally less than one mile, but is now estimated to be 1.2 miles. The length is needed due to topography of the land and to keep the grade ADA compliant. Fourteen proposals were received and a selection team made up of members of Engineering and Parks and Recreation interviewed the top four firms. The criteria for selection included experience in greenway planning and design, strong greenway analysis skillset, emphasis on community engagement, and financial and revenue strategies. The team selected Alta Planning + Design, who will be supported by Three Oaks Engineering and Summit Design and Engineering Services. He said the next steps will be design and permitting which will be completed by September 2021 with funding from Parks and Recreation

Reserves. Construction is expected to be bid in the fall of 2021 with construction to begin in the spring of 2022, with funding from the 2011 Parks and Recreation Bond.

MPT Berry said that Phase 1 already funded, so this is specific to Phase 2. The additional funding is for the increase in length. Staff needs to engage with residents to find the best place to connect. There is Duke land that runs along behind that has trails and people tend to recreate, so the tie-in point would be important to consider.

Mr. Beard said a future thought would be to consider expanding this along behind the neighborhood towards, the west to be a further greenway off the streets.

Councilman McGrath asked about the path and why the connections were shown as they were. Mr. Beard said that there was a steep drop off that prevents the connection being further south and that they are trying to follow the path of the creek as much as possible.

Action 1: Motion to approve budget amendment in the amount of \$24,602 to increase design budget for the Utley Creek Greenway Phase 2.

Motion by: Berry
Second by: Villadsen
Vote: Unanimous

Action 2: Motion to approve design contract in the amount of \$324,601.86 for Alta Planning + Design, Inc. for the design of approximately 6,200 linear feet of greenway.

Motion by: McGrath
Second by: Berry
Vote: Unanimous

21. Force Main Replacement for Avent Ferry Pump Station

Kendra Parrish, Executive Director of Utilities and Infrastructure, said the purpose of this item was to outline the proposed Avent Ferry Force Main Phase 2 Upgrade Construction Project. Improvement of the sanitary sewer infrastructure is required to meet future build-out demand in this basin. The line is 1.6 miles long. The upgrade will be from the current 8-inch line to an 18-inch line from the location of the former Braxton Pump Station to the Utley Creek Wastewater Treatment Plant. The project was advertised and various proposals were received. Staff recommends awarding the contract to the low bidder. An innovative technique allows the line to be replaced in place, thus saving the cost of getting additional easements and still letting the town upgrade to 18" line.

In 2019 meetings were held in Town Hall and presentations made at a Braxton Village HOA meeting. In 2020 survey staking is underway, postcards and other mailings are being sent to affected property owners, and the Engineering Department is coordinating with Communications on a social media campaign. Ms. Parrish outlined the proposed budget of \$2,963,155, which includes contingency. Revenues would come from previously allocated funds from Waste Water Reserves, and installment financing of \$2,963,155.

Councilwoman Kelly asked if any negative comments were received in the outreach. Ms. Parrish said there are some people who have fences on their easements. The Town gives them adequate time to relocate the fence outside of the sewer easement. If they are not able to do that our contractor will disassemble that portion of fence and leave it on the property. Staff got questions about road closings, and they shared with them that we are using directional drilling and would not close an entire street. Also there were questions about noise. The Contractor will not work outside of permitted hours.

Councilman McGrath asked about differences in line item costs from contractor to contractor. Ms. Parrish said the approved plans and permit from the state outlines what has to be done. Sometimes if a contractor has to sub out to a subcontractor it may cost them more. If they do it themselves it can cost less. What staff watches out for is if someone bids high on a line item you

might need to watch out. It doesn't mean that they will do a less careful job - they have to meet the standards. Councilman McGrath said he has heard a lot about erosion lately. Ms. Parrish said we have been having a lot of storms and hearing about problems and staff is trying to stay on top of those.

MPT Berry asked if the Town will still be taking out the higher amount we have gotten approved on for the loan, since the bids are lower than the projected budget. Mr. Harrington said we will take out the lower amount. That was more to protect us for going to the LGC. It was an "up to" amount, but we will take the lower amount.

Action 1: Motion to approve project budget, contingent on LCG loan approval of installment financing) and transfer of funds to the project account in the amount of \$2,863,500.

Motion by: Villadsen

Second by: Kelly

Vote: Unanimous

A copy of the budget amendment is attached to these minutes.

Action 2: Motion to award the Aventura Ferry Force Main Project Contracts for a total of \$2,858,500 as detailed in the agenda packet, and authorize the Town Manager to sign and execute said contracts.

Motion by: Kelly

Second by: Wolff

Vote: Unanimous

Action 3: Motion to approve Resolution 20-23, Approving Financing Terms and Documents for Aventura Ferry Force Main Project.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

A copy of Resolution 20-23 is attached to these minutes.

22. Fire Truck Installment Financing and Bid Award

Chief LeRoy Smith, Fire Department, said staff is looking at the purchase of a Tiller Fire Truck. When he arrived here his goal was to get to an ISO rating of 2. He had no idea he could get to a 1. They award points for different types of equipment. The standard is 2.5 miles from a ladder truck. If there are 5 buildings of 5 stories or more outside of the 2.5 mile range for a ladder truck the department doesn't get full points. Apartment buildings have sprinklers, but townhomes do not. Firefighters need to be able to access the front and the back of the building. Right now the Town is in a point of our growth where a second ladder truck is needed. The benefits of a tractor drawn aerial or Tiller Fire Truck are enhanced maneuverability, and a further reach from the road. The 107 foot main aerial increase reaches to the top floor of occupancies. It has a lot of compartment space for equipment like portable ladders, in many lengths. Traffic is getting heavier, and roads are tight. There are places where a truck cannot get in and fire fighters need portable ladders.

Councilwoman Kelly asked where this truck would reside. Chief Smith showed the coverage map and discussed what the coverage would look like with the new station at Carolina Springs. The ultimate goal would be two trucks out of each fire station. He said Tiller trucks have been around since the 1800s. They went out of style in the '80s and '90s, but with things becoming more dense these trucks have the advantage of being able to get into places where we can't now.

MPT Berry asked for clarification that the need to staff the truck is not just to get people who know how to drive it, it's tied to how many people are required to staff shifts for 24 hours a day. Chief Smith said that hiring twelve people would give us people to drive the truck 24 hours a day seven days a week.

Patty Dressen, Interim Finance Director, said our Financial Advisor worked closely on this. The winning bidder was JP Morgan Chase at 1.32% over 10 years. At one point we had a bid for 1.9%, and we thought 1.32% was better. MPT Berry asked why we want the no prepayment clause. Ms. Dressen said we would have had to pay 1.9% over 7 years to avoid the prepayment clause. Councilwoman Kelly asked Mr. Harrington if he was confident that the Town could afford the new staff. Mr. Harrington said Council is making a commitment to staff, but is not appropriating money at this time. The delivery time on this truck is 345 days. It will probably bridge two budget cycles. Staff may be added in phases, not all at one time, to add 12 to 15 firefighters. Councilman McGrath said the Town already didn't fund 9-10 law enforcement officers this year, and now we're asking for another 12, so we've got about 20 positions to staff next year. Mr. Harrington said, going back to the budget workshop, he did foreshadow this. Over the next 1 or 2 years the Town will have some budgetary pressure in the public safety arena.

Action 1: Motion to reject the lowest bid for being unresponsive.

Motion by: Villadsen

Second by: Berry

Vote: Unanimous

Action 2: Motion to award bid for Fire Tiller Truck to Atlantic Emergency Solutions.

Motion by: McGrath

Second by: Kelly

Vote: Unanimous

Action 3: Motion to adopt Resolution 20-04 awarding bid to JP Morgan Chase Bank for financing terms of Fire Tiller Truck.

Motion by: Kelly

Second by: Wolff

Vote: Unanimous

A copy of Resolution 20-24 is attached to these minutes.

Action 4: Motion to approve budget amendment for \$1.2 million to Fire Capital Outlay for the purchase of a Tiller Truck.

Motion by: Berry

Second by: McGrath

Vote: Unanimous

OTHER BUSINESS

Mayor Sears said as of Friday there have been 261 cases of COVID 19 and only 1 death in the Holly Springs zip code.

MPT Berry said that one of the things that has gotten lost over the last few months are the finance actions. He wanted to thank the Finance staff, Patty Dressen, and Randy Harrington for these finance actions to bring huge savings to our taxpayers. He said it was really strong work. The move to the new Financial Advisor is bringing us dividends. Secondly, he thanked Chief Smith for the COVID testing. Last week there were COVID tests for employees, and today there was testing for residents.

Councilwoman Kelly also thanked staff for all the money they are saving the Town. Also Holly Springs has reached 82% response rate for the Census and that is big. She called out teachers and scholars, and their parents for figuring the 2020-21 school year out and being flexible with the new requirements due to COVID. We have a lot of teachers who show their love to the

children in the Town. Today, 100 years ago, the 19th amendment was ratified recognizing women's right to vote. And after that, the fight continued with the Voting Rights Act of 1965 ensuring the right to vote regardless of race. August 6th was the 50th anniversary of that Act. She told citizens to honor the people who worked for these by exercising your right to vote, in person or by absentee ballot. She said she has ballot applications in a box outside her house for people to pick up.

Councilman McGrath said the second landfill workgroup meeting was tonight. In positive news, GFL has taken some constructive and positive measures towards the operations side, including investment in a new dozer pusher and two fill trucks that are completely covering the open face daily. New management is coming in who have turned other landfills around. The posi-shell study will be finishing at the end of this month and they will put a report out for that. He also had a meeting today on exploring creating a task force with Pastor Brown, Rev Cofield and Chanel Wilkins, and the Mayor and MPT Berry came for a few minutes each at different times. He said they generated multiple ideas in that hour and a half. He wants to branch that out to include more people.

Councilwoman Kelly asked for more explanation on what this involves, because she hadn't heard about this meeting. Councilman McGrath said this was a follow-up exploratory meeting to see how we could bring this forward. He said it was not anything official or Town sanctioned at this time. Councilman Wolff asked if it was still centering on the pandemic and its effects. It sounds more wide-reaching. Councilman McGrath said it was all of that. Figuring out what are the gaps in coverage, and what are the organizations that can assist in bridging those gaps. At some point he would like to make this a larger discussion in an open meeting. Councilwoman Kelly said she wants to make sure what the scope of this is, and whether he would bring it back to Council. Councilman Wolff said it feels like the goals and scope have become less defined than the original proposal, perhaps broader. The original proposal was in response to COVID and the economic impacts, and it feels like it has moved to broader topics. Councilman McGrath said some of the broader topics were brought up by other individuals. This is bringing people together to find intersecting circles of influence and problems. If that is what he can define, it is bringing people together to solve common problems.

MANAGER'S REPORT

Randy Harrington, Town Manager, said he had a few items. First, for Council's information, the Planning Board Chair Dana Rybak had requested to have their August meeting virtually rather than in person. She received feedback that the group would feel more comfortable with that. He recognized Patty Dressen and her team for all their work on the audit and refinancing to save the Town money. The DEC Associates, our new Financial Advisor, will be here at the October meeting to make a presentation.

Since our last Council meeting, Paul Liquorie has been named as Holly Springs' new Police Chief. His first day is September 7th. He said that staff is thinking about innovative ways to introduce him to the community, given the current environment. He is very excited about moving to Holly Springs and when we introduce him formally there will be more information about the process.

Finally, he said that under the current mass gathering restrictions in the state there is no way to hold HollyFest in the way the Town has done it in the past. There is a lot of uncertainty on what restrictions will be in place then. Parks and Recreation is getting close to presenting ideas to him on how to hold HollyFest this year and he will get back to Council when he has heard their ideas.

CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(5) to discuss a real estate matter, N.C.G.S. 143-318.11(a)(3) and to consult with the Town Attorney on potential litigation involving developer of the 241 Main St. Project.

Motion by: Berry
Second by: Villadsen
Vote: Unanimous

Motion to leave closed session was made by Councilman Villadsen, seconded by Councilman McGrath and passed with a unanimous vote.

Back in open session, Town Attorney, John Schifano informed Council about progress with the Lowe's Pump Station, which is necessary for progress on several other projects in the area. The pump station came in around \$600,000 above the engineer's estimate. The Engineering department was able to value engineer it to the point where it was only \$300,000 above the estimate. Staff negotiated with the developer to amend the developer agreement to indicate the Town would pay \$120,000 of the overage and the developer would pay \$180,000 of the overage, and other concessions. Mr. Schifano asked Council's openness for him to bring this amended agreement to them at their September 1, 2020 meeting, and the consensus was for him to do that.

Adjournment: Councilman Villadsen made a motion to adjourn at 12:21 am. It was seconded by Councilman McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, September 1, 2020.



Linda C. McKinney, Town Clerk

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