



## **MINUTES**

The Holly Springs Town Council met in regular session on Tuesday, December 15, 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 in the Chamber as the meeting opened.

**Council Members Present physically:** 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*; John Schifano, *Town Attorney*; Linda McKinney, *Town Clerk* (recording the minutes); Cassie Hack, *Director Communications and Marketing*; Mark Andrews, *Communication and Marketing*; Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Kathy White, *Deputy Town Clerk*; Andrew Rubely, *Development Services*.

**2. and 3.** The Pledge of Allegiance was recited followed by an invocation by Pastor Jamal Brown, of Holly Springs United Church of Christ.

**4. Agenda Adjustment:** The December 15, 2020 meeting agenda was adopted with changes, if any, as listed: none.

**Motion:** Berry  
**Second:** McGrath  
**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: one comment requesting Wildwood Way be open to Highway 55.

### **Recognitions**

#### **5. Introduction of NC District 37 Representative-Elect Erin Paré**

Mayor Sears introduced Ms. Paré who is the representative-elect to the General Assembly for NC House District 37. Ms. Paré recently served on the Holly Springs Board of Adjustment. He invited Ms. Paré to say a few words.

Ms. Paré thanked the Mayor and Council for inviting her to introduce herself. She said she looks forward to working with Council, as an opportunity to work together for this part of Wake County and to give us a voice in the state house. She looks forward to getting to know them better and to working with them. She said that her door, cell phone, and email were open to the people of Holly Springs and she wants to hear from them. She wished everyone a happy holiday.

### **Requests and Communications**

#### **6. Holly Springs Police Department Annual Report for 2020**

Police Chief Paul Liquorie said he wanted to acknowledge the men and women of the HSPD who put in hard work to produce this report, particularly Captain Jay Bruner. He said that the

purpose of this report was to present information to Council on the activities of the Holly Springs Police Department from September 2019 to September 2020. He gave a snapshot of the department including number of officers and other staff with various certifications and degrees, and highlighted some achievements and awards won in 2020. He reported on the improved use of technology including the benefit to residents of utilizing GPS to dispatch the closest police units, and the department's progress on implementing a Body Worn Cameras system.

He showed trends in calls for service over the last five years in comparison with the Town's population growth. He then gave statistics on specific activities including Animal Control services, violent crimes, property crimes and arrest data. Holly Springs violent crimes are 10 times less than the national average; property crime rates are 3 times less than the national average. Chief Liquorie gave a breakdown on arrests and traffic stops by race and said that the Department needs to look at the reasons for disparity between town demographics and arrest demographics. He said that there had been only three use of force incidents out of 61,390 calls for service, and zero vehicle pursuits. He gave data on motor vehicle crashes by month. Finally, Chief reported on some of the many community engagement activities the department engaged in over the past twelve months. He said that the department continued to expand its efforts under COVID, as community engagement is very important to the Department. He said the full report would be shared on the Town webpage Transparency Portal after this meeting.

Councilman McGrath asked if, since he was new, there was anything in the report that surprised him, compared to what he expected. Chief Liquorie said there was not, that he had done his research before he applied for this position, and Holly Springs is really one of the safest communities in the country. He was not surprised, but very pleased by the community engagement the department does. He said that traffic was a concern, but not surprising.

## **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 Councilwoman Kelly and a unanimous vote. The following actions were affected:

7. Minutes – The Council approved minutes of the Council business meeting held December 1, 2020 and the workshop meeting held December 8, 2020.

8. Janitorial Services Contract for COVID Day Porters - The Council approved the janitorial services contract for Town Hall, Holly Springs Fire Station No. 1, Public Works facility, and Utle Creek Water Reclamation facility through June 30, 2021 and to continue COVID day portering activities for multiple facilities through March 2021. Council authorized the Town Manager to extend COVID mitigation day portering activities at pricing consistent with the current contract past March 2021 if warranted by COVID conditions in the community and Town workplace.

## **NEW BUSINESS**

### **9. Resolution Authorizing Eminent Domain to Acquire Utility Easements for the Carolina Springs Forcemain**

John Schifano, Town Attorney, said that this item is to acquire land for a sanitary sewer line from the pump station serving the entire residential and nonresidential area north of Woods Creek, including a future town park and town fire station, and a few schools. The resolution would authorize the Town Attorney to initiate condemnation proceedings to acquire necessary easements for sewer line installation and right of way. He said that the Town entered into a development agreement with Carolina Springs which obligates the developer to install a sanitary sewer force main. The Developer successfully negotiated the voluntary acquisition for 16 out of 20 properties.

Four property owners are unwilling to convey easements after more than 20 attempts at negotiation and a town hall meeting.

Councilwoman Kelly asked if the appraisal took into account fences, big trees or other things owners would want the Town to consider. Mr. Schifano said that three of the four properties are not owner-occupied, and the one that is has no landscaping. The house is set far back from the road on a 5-acre property. He said that the Town doesn't usually compensate for plants and trees that have grown naturally. Fencing or planted landscaping would be replaced, but not volunteer growth.

**Action:** Motion to adopt Resolution 20-46 to Authorize Eminent Domain to Acquire Utility Easements, Rights of Way, and Temporary Construction Easements for Four Property Owners.

**Moved by:** Berry

**Second by:** Wolff

**Vote:** Unanimous

*A copy of Resolution 20-46 is attached to these minutes.*

## **UNFINISHED BUSINESS**

### **10. Minimum Housing Standards Compliance**

Andrew Rubley, Development Services, said the purpose of this item was to review the progress of the repairs to the subject home at 405 Bass Lake Road, and to consider extending the time for the owner to comply with the minimum housing standards. NC General Statutes 160A-441 grants municipalities the authority to cause dwellings that do not meet minimum housing standards to be repaired, closed, or demolished. He outlined the timeline of engagement with the homeowner from January 2020 to the present.

The home was last inspected this afternoon. The homeowner has made substantial progress on items that are considered immediate hazards, including fixing unsafe electrical issues in the interior; fixing roof and siding that allowed water intrusion; repairing the living room ceiling; installing smoke alarms; and closing access to dilapidated exterior porches to prevent their use. Mr. Rubley said that minor minimum housing violations remain, including fixing eaves and fascia to prevent rodent and water intrusion; electrical covers on the interior and exterior; front porch balusters; fixing holes in walls throughout the interior; and bathroom ventilation. However, staff believes full compliance can be achieved within sixty (60) days with action by the homeowner.

Scott Chase, Assistant Town Manager, said that there are still important issues, but he believes the deferral is the right action. He said that he will engage with the homeowner during that sixty days.

**Action:** Motion to defer Resolution 20-26 for a period of sixty additional days.

**Moved by:** Wolff

**Second by:** Villadsen

**Vote:** Unanimous

## **OTHER BUSINESS**

Mayor Sears said that the new Aldi just off Highway 55 is now open. He said there have been 999 cases of COVID 19 in our zip code, and 3 deaths. He commends the people of our zip code for following the 3 W's – Wear a Face Covering; Wash Your Hands; Wait 6 feet apart. As of Thursday, Rex Hospital will start inoculations and they have 2,900 doses of the vaccine. It will be primarily given to health workers who work with COVID patients. We are waiting for approval on the other two vaccines.

Councilman Villadsen said he encouraged listeners "of a certain age" to get a colonoscopy because these types of cancer are curable if caught early.

Councilwoman Kelly said the events staff has been putting on for the holiday season have been spectacular. To come up with innovative and cheerful events in this time of COVID is wonderful. She congratulated Communications, Parks & Recreation, the Fire Department, Public Works, everyone is doing the best they can in this circumstance. Merry Christmas, Happy Chanukah, Happy Kwanza.

MPT Berry thanked Mr. McConnell's civics class for inviting him to join them. He fielded a lot of questions from the kids, most of whom asked if we were getting a Bojangles in town, and he was happy to tell them we are. There were lots of interesting questions and many bright minds over at the high school.

There was discussion about the County and our zip code going in the wrong direction as far as COVID19 cases, and the Governor's request that municipalities pass ordinances to add civil penalties to violations of the Executive Order on mask wearing and gathering sizes. It was agreed that putting the onus on businesses to enforce matters was unfair to the business owners and front-line workers, but the majority felt that the Police Department had enough to do without enforcing the mandate. The Town has not had a need for citations yet, but the Holly Springs Police Department is making visits to businesses when asked. Mayor Sears asked people not to travel or go to parties. Council agreed that another communications and education push to the Town, residents and businesses, would be a good thing, to encourage people to follow the guidelines and to encourage people to enjoy a more private, virtual, holiday to slow the spread. It was discussed that, if there was a need seen in the future for such an ordinance, they could discuss it again at that time.

#### **11. Council Committee Report on Landfill Odor Mitigation Efforts**

Councilwoman Kelly and Councilman McGrath gave reports on the activities of the Landfill Odor Mitigation committee. Councilwoman Kelly reported on the activities of the Alternative Solutions Sub-Committee. She said that the Council passed Resolution 20-04 in February 2020 to request action by the county on the malodor problem at the South Wake Landfill. The subcommittee focused on the first and fourth requests in that Resolution, which concern efforts that can be taken to assess alternatives, and to complete the odor reporting and resident engagement mobile app. She shared a history of the South Wake Landfill and the county's relations with the Town on the subject, saying that with new Commissioners on the Wake County Board of Commissioners, it was important to bring them current on the problem. She said that issues residents have with the landfill include environmental concerns, litter on local roads, negative impacts to businesses and residents, and, most concerning, odor issues. She said the subcommittee is looking into Industry Best Practices; what has been tried so far that has worked, or has not worked; odor complaint analysis, and what metrics would best serve Holly Springs.

Councilman McGrath said he concurs with Councilwoman Kelly about the concern for how we capture the odor problem. The challenge is what to communicate to residents and how it is communicated to the Commissioners and the partners in the ILA that we are not a party to. At this point it is 10 ½ years before those agreements can be renegotiated. He said he wants to figure out what can be done between now and 2031. There is language in the ILA that says that the landfill should be in use until 2050. He said therefore, there are short term (to 2031) and longterm (to 2050) actions to consider. He said the committee has had some good conversations with the landfill leadership and GFL. They reported on things that they have tried to do, including spending \$2 million dollars in additional equipment to put dirt over the open face each evening. He said there is agreement that they had some poor management in the past at the landfill management level, and they replaced that manager last summer. The new manager is very atuned to having a landfill in a municipality. He has worked in that environment and understands how to operate in it. They are being proactive. The design for Phase 2B is above and beyond the environmental standards required by the EPA. He said it was encouraging to see that additional investment by GFL. The landfill management are trying to get cause and effect by going back to see what is going on with weather, etc. when a malodor problem is reported. He empathizes with people who are frustrated, but thinks we need to figure out how to coexist with the landfill. He said he thinks GFL and Wake County Board of Commissioners are reasonable partners. He said the committee wants to come up

with measures that are meaningful and can be tracked back to the cause. In the contract, the responsibility for odor control is born by Wake County, not GFL. The Town has to convince six people. If there is any change in the ILA, the Town would have to convince 11 other municipalities. There is work to do, but there is the potential for progress. The next step is, even if we agree on what is a reasonable odor, what do we do. There is no way to breach the contract for cause; only if they don't perform according to the contract. We need to continue to be sure we have a good joint message from the Town as we address the commissioners and the broader audience.

Mayor Sears thanked them for their efforts and said now we have the Commissioners' attention, so we are on the right track. If we continue to talk, we will get there.

Councilman Wolff said that when he proposed this committee, he envisioned it as a way to act as a facilitator to connect residents with Commissioners. That has been sideswiped by COVID. It is a way to educate, which you have done tonight, but that has also been made difficult by COVID. Another goal was that we have a unified voice to the Commissioners. With the subcommittees, do we have a unified message; do we have those action items to bring to them? There was discussion about what the message Council wished to bring to the Commissioners would be. Mayor Sears said Commissioner Matt Calabria supported the need for a timeline. If we all support that as a big piece of this action. We have never had a timeline. If we can all get together and support a timeline of what the options are at the end of that timeline, it would be a positive step in that direction. It was discussed that the tipping fees are below the state average, so there was room to increase those in order to have the funds to work on the problem. John Schifano, Town Attorney said that the contract with the county requires GFL to use good industry standards as observed in the Southeast region of the United States. Council could hire a consultant to see if what they are doing meets that standard. There is probably a consultant you could hire to get that information. The danger is that the consultant might come back and say that they are meeting those standards. Councilman McGrath said that GFL should be required to hire the consultant. Council is trying to articulate that this is a county problem. The expense of a consultant should come from their budget. Councilman Wolff suggested that this would be a good option to put at the end of the potential timeline.

It was agreed that it is important to gather those metrics and stick to a timeline so that external factors are not delaying addressing this problem. It was also agreed that, the Town is finally getting the attention of the County, and that, since this has been an issue since 1995, it is not going to be quickly solved, but progress is being made.

## **MANAGER'S REPORT**

Randy Harrington, Town Manager, said the intent of the Resolution on Landfill Malodor was to build momentum, and Council and the Committee have built a lot of momentum. Everyone has articulated that. David Ellis, Manager at the County, recognizes it and has been a good partner.

He said he had 3 items to report tonight.

1. Tomorrow evening from 6:30- 8:00, there is a Parks and Recreation Master Plan meeting via Zoom and the link is available on the calendar on the Town website;
2. He reminded the public, that due to rising COVID cases in the area, in January Council meetings will be going to a hybrid format, where only the Council and Mayor and minimal staff will be in the Chamber. The public will not be allowed in the chamber but are encouraged to use the Zoom link in the calendar to follow those meetings. Public Comments will be received as they have been since March, in writing by email to the Clerk or left in the drop box in Town Hall parking lot.
3. Finally, echoing comments Council has made about holiday events he wanted to recognize Tamara Ward for her coordination of many events and particularly the Ting Tree Trail. The Town has gotten great feedback on these events. He also wanted to recognize Chief Smith for his great relationship with Santa, and for bringing him down from the North Pole and taking him around town.

With that, Happy Holidays to everyone.

**CLOSED SESSION:** The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(4) to discuss an economic development matter.

**Motion by:** Berry  
**Second by:** Kelly  
**Vote:** Unanimous

*General Account of Closed Session:*

Economic Director Irena Krstanovic gave Council an update on recent activity in potential Economic Development projects, and then shared a new project that the Town is in competition for, and asked for guidance. Council's consensus was for Ms. Krstanovic to continue in negotiations with the company along the lines presented to them in closed session.

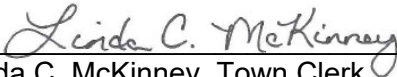
No official vote or action was taken by the Town Council in closed session.

*-End of General Account*

Motion to return to open session was made by Councilman Wolff, seconded by Councilman Villadsen and passed with a unanimous vote.

**Adjournment:** Councilman Villadsen made a motion to adjourn at 9:50 pm. It was seconded by Councilwoman Kelly and passed with a unanimous vote.

Respectfully Submitted on Tuesday, January 5, 2021.



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Linda C. McKinney, Town Clerk

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