



September 3, 2019

## MINUTES

The Holly Springs Town Council met in regular session on Tuesday, September 3, 2019 in the Council Chambers of Holly Springs Town Hall, 128 S. Main Street. 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, Councilmen Tom O'Brien, Peter Villadsen, and Dan Berry, and Councilwomen Cheri Lee and Christine Kelly.

**Council Members Absent:** None.

**Staff Members Present:** 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); Latisha Butler, *Deputy Town Clerk*; Gina Clapp, *Director of Planning and Zoning*; Mathew Mutter, *IT*; LeeAnn Plumer, *Parks and Recreation Director*; Mark Andrews, *Communications and Marketing*; Kendra Parrish, *Director Engineering*; Aaron Levitt, *Engineering*; Seann Byrd, *Director of Water Quality*; John Herring, *Police Chief*; and Leroy Smith, *Fire Chief*.

**2 and 3.** The Pledge of Allegiance was recited, and the meeting opened with an invocation by Pastor Jonathan Sherrod of the Kirk of Holly Springs.

**4. Agenda Adjustment:** The September 3, 2019 meeting agenda was adopted with changes, if any, as listed: None.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous

**5. Public Comment:** At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council on any variety of topics not listed on the night's agenda. The following comments were recorded: none.

## **6. Requests and Communications: Sugg Farm Picnic Shelter Update**

LeeAnn Plumer, Director of Parks and Recreation, said that Town Council approved the Sugg Farm Shelter project in January of 2018 with an \$800,000 budget. In the fall of 2018, the Town entered into a contract for design and engineering services with Bass, Nixon, and Kennedy, Inc. Consulting Engineers. Triangle Land Conservancy approval was received in February 2019. The project scope includes a 7,035 sq. ft. shelter with a warming kitchen, fireplace, ceiling fans, and men's, women's, and family restrooms. The site design includes accessible parking and a small gravel parking lot.

The Sugg Farm Master Plan includes a variety of park amenities including a dog park, mountain bike trails/pump track, community gardens, natural play area, ropes course, bouldering, picnic shelters, amphitheater, platform camping, restrooms, and loop trails.

She said that staff updated Town Council on this project in May 2019, prior to seeking bids for construction. Two rounds of bids were required, as no bids were received during the first round. Three bids were received on August 21, 2019 in the approximate amounts of \$1.9M, \$1.9M, and \$1.4M. The project budget was set at \$800,000, and the available balance is \$747,039. This leaves a short fall of approximately \$652,961, if the lowest bid is accepted.

Given the large difference between budget and bids, staff is evaluating next steps. Possible courses of action are:

1. Accept the low bid in the amount of \$1.4M and request additional funds from the Parks & Recreation Reserve fund to cover the difference.
2. Reduce the scope of work to decrease the cost. This may still exceed the original budgeted amount of \$800,000. Possible considerations include removing the catering kitchen, eliminating the fireplace, and/or changing wood & stone finishes to metal & concrete standard finishes.
3. Keep restrooms and accessible parking, and remove the shelter from the project. Consider an alternate amenity from the Sugg Farm Master Plan to serve the community. Possibilities include adding one of the following features: dog park, mountain bike trail, or natural play area.
4. Only construct restrooms and the accessible parking portion of the project. Return unused project funding, if any, to Parks & Recreation Reserve fund.

Ms. Plumer said that staff is still collecting financial information from the construction company and will bring it to the Parks & Recreation Committee for consideration, and then back to Council at a later date. Council asked questions about how much money fees might bring in to offset any of these costs.

Councilwoman Lee asked if the scope, was reduced could these things be added back later. Ms. Plumer said it would depend on which options were eliminated. The fireplace would cost more to add later, but the space for the catering kitchen would be left as an empty shell and could be finished out at a later date.

There was discussion about timelines, which options could be done, and how it would interact with other projects.

**Action:** None.

## **7. Consent Agenda**

The Council approved a motion to approve all items on the Consent Agenda. The motion carried following a motion by Councilman O'Brien, a second by Councilman Berry, and a unanimous vote. The following actions were affected:

7a. Minutes – The Council approved minutes of the Council business meeting held August 20, 2019.

7b. Town Hall HVAC Controls and Software Update – The Council awarded a contract to Piedmont Service Group to install new controls and update software for the aging HVAC system at Town Hall.

## **8. NEW BUSINESS**

### **8a. Wake County Groundwater Resource Study**

LeeAnn Plumer, Director of Parks and Recreation said that Parks and Recreation said she was contacted by Wake County Environmental Services on July 22, 2019 seeking inactive groundwater wells for a study to assess and characterize the county's groundwater availability. The area east of Hwy 55 and south of Holly Springs Rd. was identified as a gap in a countywide

network. Since no inactive wells were identified, Wake County has requested to drill a well for the purpose of studying ground water availability. A site visit to Womble Park was conducted to assess suitability in terms of access for drilling and monitoring, and general safety and security of the well and equipment from intentional or accidental tampering.

Nancy Daly, Wake County Water Resources Manager, presented an overview of the groundwater resource study which is anticipated to assess and characterize the county's groundwater availability and the county's ability to plan for a sustainable supply of drinking water for all residents of Wake County. As part of the study, Wake County and USGS are developing a groundwater monitoring network and have identified a location at Womble Park as a part of that network. She said that they are requesting permission to drill a 6" diameter well, approximately 200 feet in depth at Womble Park, at no cost to the Town. The Town will have access to the data. The well would be equipped with automated water level monitoring equipment and be checked quarterly by USGS. Information obtained by the monitoring well network will develop a groundwater flow model to support water resource planning within the county. The monitoring will occur over a five-year period. The agreement when fully executed shall remain in full force for five (5) years unless terminated earlier by USGS upon sixty (60) days written notice. Additionally, the USGS or the landowner may terminate the agreement at any time with six (6) months written notice to the other party. The well can be drilled in a day or two, with a week to install the monitoring equipment.

Benefits to the Town include access to long-term data, the opportunity for public education and outreach, and the chance to contribute to water resource planning for future generations.

**Action:** Motion to authorize the request to utilize Womble Park as a monitoring site for Wake County & the United States Geological Survey (USGS) groundwater resource study.

**Motion by:** Lee

**Second by:** O'Brien

**Vote:** Unanimous.

#### **8b. Board of Adjustment Mid-term Appointment**

Linda McKinney, Town Clerk, said that Tom McKay resigned from the Board of Adjustment on August 6, 2019 creating a vacancy for an in-town alternate member, for a term ending February 29, 2020. The vacancy was advertised in accordance with the Board Appointment Policy Statement and two applications were received. Council reviewed the applications and voted by ballot. Deputy Clerk Latisha Butler tabulated the ballots and the applicants received the following number of votes:

Jayson Greene - 5

Andrew Hartman - 0

**Action:** Motion to appoint Jayson Greene as in-town alternate member of the Board of Adjustment for a term ending February 29, 2020.

**Motion by:** O'Brien

**Second by:** Lee

**Vote:** Unanimous.

*A copy of the ballots cast are attached to these minutes.*

#### **8c. Civil Emergency Ordinance**

Randy Harrington, Town Manager, said that N. C. General Statutes 166A-19.22 and 166A-19.31 authorize local governments to declare states of emergency, when needed, provided there is an authorizing ordinance. The statute defines "emergency" as "any occurrence or imminent threat of widespread severe damage, injury, or loss of life or property resulting from any natural or man-made accidental, military, paramilitary, terrorism, weather-related, public health, explosion-

related, riot-related cause, or technological failure or accident, including, but not limited to, a cyber incident, an explosion, a transportation accident, a radiological accident, or a chemical or other hazardous material incident." This ordinance is required in order to issue a State of Emergency. Certain federal (FEMA) assistance is predicated upon having a State of Emergency issued at the time of the event.

He said that North Carolina General Statutes allow local governments to declare civil emergencies in the event of significant natural or man-made disasters. In many North Carolina cities/towns, this authority is delegated to the Mayor by the city/town council. The Holly Springs Town Council has not formally delegated this authority to the Mayor. The Ordinance will give authorization to the mayor to make an emergency declaration when he or she receives a written recommendation to do so by the town manager (following the town manager's consultation with the Police and Fire Chiefs). The ordinance allows the declaring of a curfew, mandatory evacuation, or other actions necessary to maintain safety and order during an emergency. The Ordinance streamlines the ability for the Town to ensure public safety and order that may be required during a State of Emergency.

There was discussion about the ability of a mayor pro tem to act in the absence of the mayor, and the Council having a special meeting if neither was available. Mayor Sears pointed out that this was similar to the statutes in neighboring towns.

**Action:** Motion to adopt Ordinance 19-09, authorizing a Mayor to issue a declaration of Civil Emergency.

**Motion by:** Berry

**Second by:** Lee

**Vote:** Unanimous.

*A copy of Ordinance 19-09 is attached to these minutes.*

#### **8d. Carolina Springs Developer Agreement Partial Assignment**

John Schifano, Town Attorney, said the Town Council approved the Carolina Springs reimbursement agreement, dated June 1, 2019, on May 7, 2019. The reimbursement agreement provides certain infrastructure reimbursements for the 340,000 to 1,020,000 square feet of non-residential and 1700 units of residential, provides for the dedication of a new 25 acre park, and provides land for a new town fire station (to be purchased by the town). The request for assignment from the developer does not change the infrastructure reimbursement provisions of the original agreement.

He said that this request is for a partial assignment of the developer's infrastructure reimbursement agreement for the residential portion of Carolina Springs Planned Unit Development to Lennar. The current developer, Shenandoah Homes is proposing to allow Lennar to develop the residential portion and retain for itself the commercial portion. Shenandoah would still handle reimbursements and credits due under the agreement and the Town would not need to administer more than one developer agreement. The parties agree that the town would not be responsible for any allocation between Shenandoah and Lennar, and the parties would hold the town harmless in the event of a dispute.

Councilwoman Lee asked if Shenandoah was passing along the information about Council's requests to Lennar. David Stallings from Shenandoah said that every promise they made to Council would be performed by Lennar. He said that the Master Plan is still in the process of being approved and the Town would have "many bites of the apple" left. Once the site plans are approved, then they will divide which properties will be built by Lennar and which by Shenandoah. He said they have had many meetings with Lennar discussing what their vision is for this development and that they understand the things the Town wants. Mr. Stallings outlined the current status of the ice plex, the plan for beginning the project, and how the ownership will be divided between Shenandoah and Lennar.

**Action:** Motion to approve partial development agreement assignment.

**Motion by:** Villadsen

**Second by:** O'Brien

**Vote:** Unanimous.

## **9. OTHER BUSINESS**

Mayor mentioned crosswalk safety.

Councilwoman Lee mentioned that the Council Policy and Procedure Manual needs to be updated. She also said there may be a quorum at the September 12<sup>th</sup> candidate forum.

Councilman O'Brien thanked staff, and members of the public who came to the Landfill meeting and said he is looking forward to next steps. The Town will continue to work with the County Commissioners on this. Councilwoman Kelly said that Commissioner Matt Calabria told her he would like to have a workshop to discuss the landfill odor issue, and that he feels like he understands the scope of the problem now. The county is looking at new technologies and may perhaps move more aggressively to address the odor.

Councilman Berry reported on a breakfast he attended at Duke Energy with representatives of other municipalities.

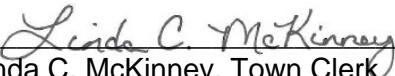
## **10. Manager's Report:**

Randy Harrington, Town Manager gave an update on preparations town staff are making for the possibility of Hurricane Dorian. In an emergency is when you most need your government to be organized and step up be ready. He said staff hopes that Dorian does not make landfall, but if it does the Town wants to be prepared. Holly Springs could get 1-3" of rain, and possibly tropical force wind gusts. Department Heads met this afternoon to discuss preparations. The Fire and Police Departments have been testing and readying equipment and supplies. Public Works has worked with the police on prestaging of barriers in case of flooding. Engineering is partnering with HOA's particularly with Sunset Lake residents, in case water needs to be released from Bass Lake. Public Works is making sure chain saws are working and that catch basins and storm drains are clear. Parks & Recreation has removed or secured loose items in case of wind. Staff will continue to do more work and preparation in case we get more effects from the storm than we expect.

Mayor said Thursday would be 23<sup>rd</sup> anniversary of Hurricane Fran.

**11. Adjournment:** Councilman Berry made a motion to adjourn at 8:09 pm. It was seconded by Councilwoman Lee, and passed unanimously.

Respectfully Submitted on Tuesday, September 17, 2019.

  
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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.**