



MINUTES

The Holly Springs Town Council met in regular session on Tuesday, August 17, 2021 in person and via video conferencing. Mayor Pro Tem Berry presided, calling the meeting to order at 7 p.m. A quorum was established as four Council members were present in the Chamber as the meeting opened.

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

Council Members absent: Mayor Sears and Councilwoman Christine Kelly.

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); Mark Andrews, *Communications and Marketing*; Jeff Wilson, *Director, IT*; Mathew Mutter, *IT*; Irena Krstanovic, *Director, Economic Development*; Elizabeth Goodson, *Development Services*; Sean Ryan, *Development Services*; Rachel Ingham, *Utilities and Infrastructure*; Tim Athy, *Utilities and Infrastructure*; Aaron Levitt, *Utilities and Infrastructure*; LeeAnn Plumer, *Director of Parks & Recreation*; Antwan Morrison, *Director, Finance*; Corey Petersohn, *Finance*; Kendra Parrish, *Executive Director of Utilities and Infrastructure*, Kathy White, *Deputy Clerk*.

2. and 3. The Pledge of Allegiance was recited followed by an invocation by Council member McGrath.

4. Agenda Adjustment: The August 17, 2021 meeting agenda was adopted with changes, if any, as listed: add New Business Item 17, COVID Employee Vaccination Incentive.

Motion: Villadsen

Second: McGrath

Vote: Unanimous

Public Comment: At this time, an opportunity was provided for members of the audience who had registered to speak to address the Council, and the Clerk was asked for any written comments received prior to the meeting.

The following written comments were received: three comments in favor of a mask mandate; one comment requesting the Town assist in getting the state law regarding provisional driver licenses extended into 2022.

The following comments were received in person: none.

Recognitions

5. Proclamation honoring Carlos Rodón

Mayor Pro Tem Berry read the proclamation honoring Carlos Rodón for his achievements in baseball, from the Holly Springs Hawks, to NC State, to Major League Baseball, and presented the proclamation to his parents, Carlos Rodón Sr., and Julie Rodón.

Public Hearings

6. Economic Development Agreement for Amgen, Inc.

Daniel Weeks, Assistant Town Manager, gave background information on Amgen Inc. He said Amgen plans to invest \$550 million to construct a new biomanufacturing facility at the Friendship Innovation Park with a projected opening in 2025. This project further cements Holly Springs as a leading global destination for the life science industry and opens up the Friendship Innovation Park near the interchange of US 1 and I-540. The facility will be built to rigorous environmental standards. A projected minimum of 355 new jobs will be created at an average wage of \$119,510.

He said that key terms of the Economic Development Agreement (EDA) are that the Town will provide a Business Investment Grant (BIG) of 50% of taxes back for 8 years, up to a maximum amount of \$9.5 million. The Town will provide Amgen with the Industrial Water and Sewer Rate classification and will install new public infrastructure to the site, including sanitary sewer force main, gravity lines, potable water lines, reuse lines, and a regional pump station. The estimated cost of \$15 million for the portion of this infrastructure just for Amgen, assumes partnership from the NC General Assembly of approximately \$8 million, \$5 million has been committed from Helix Ventures and \$2 million from the Town. Project costs in excess of \$15 million would be split 50/50 with Helix Ventures. The agreement with Helix Ventures will come back to Council in the future. He said that the Town shall provide all necessary rights-of-way and coordinate with NCDOT for the construction of road improvements identified in a Traffic Impact Analysis (TIA). NCDOT is committing up to \$10 million for road improvements identified in the TIA. The Town will waive legally permissible development fees and provide Amgen with a customized development review schedule. Mr. Weeks named the many partners from the state, Wake County, and the business community who assisted in recruiting Amgen to Holly Springs.

Kendra Parrish, Executive Director of Utilities and Infrastructure, then showed the location of the water and sewer lines to the property and discussed what next steps would be to get utilities to the site. A 24" water line will be extended to the Amgen site. That would serve Phase 1 & 2 demands for Amgen. For the buildout of this area, looking to the future, there a few other water line improvements that will go in. From Amgen, a water line will connect with the termination of the Carolina Springs water line, which provides redundancy and improves water quality. There is also a water line improvement from the Lee Street tank to the school tank to stabilize water supply for the future, as well as an additional tank in the northwest area. Staff is currently studying these projects in the master utility plan, and this will be brought to Council at a future time.

Mayor Pro Tem Berry opened the public hearing and the following input was received: none.

There being no input, MPT Berry closed the public hearing.

Council member McGrath asked Ms. Parrish if there was any possibility to combine the utility improvements with a road improvement. Ms. Parrish said that in conversations with DOT, there is a bridge project on their TIP Schedule, that looks like it will be going in about the same time as the utilities. She thinks that bridge would be replaced prior to the Certificate of Occupancy being issued for the site. There have been discussions about road rehabilitation also. There is no commitment from NCDOT, but it is a part of the discussion.

Council member Villadsen asked with regards to the DOT committed funding, they are committed to "up to \$10 million" so if the TIA indicates more than that, what is the funding plan. Ms. Parrish said that if it starts to look like the improvements are over that, staff would look at funding. We do have preliminary results on the TIA, and NCDOT thinks they will be able to keep it under \$10 million.

Action: Motion to approve Economic Development Agreement with Amgen.

Motion by: McGrath

Second by: Villadsen

Vote: unanimous

Consent Agenda

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

7. Minutes – Council approved the minutes of the Council Workshop meeting held July 13, 2021 and Business Meeting held July 20, 2021.

8. Holly Springs Business Park Pump Station Phase 2 Upgrades - Council approved a contract with HIGHFILL in the amount of \$467,000 plus 10% contingency for a total of \$513,700 for the design of upgrades needed at the Holly Springs Business Park Pump Station.

9. 2022 LAPP Grant Municipal Agreements – Selected Bond Projects – The Council approved NCDOT Municipal Agreements for Main Street Right Turn Lane (TOHS 19-001); NC 55 Right Turn Lane (TOHS 19-005); and Holly Springs Road widening – phase 2 (TOHS 19-009) Transportation Bond Projects.

10. United Arts Grant Award to the Holly Springs Cultural Center – Council accepted a grant of \$4,200 from the United Arts Council of Raleigh and Wake County and adopted the Grants and Special Project Ordinance, 21-37, to appropriate the additional \$4,200.

A copy of Ordinance 21-37 is attached to these minutes.

11. Avent Ferry Road Widening Project Change Order – Council approved the use of \$39,793.67 in previously allocated contingency funds for Change Order 2 (\$6,166.05 for Exploratory Excavation) Change Order 3 (\$32,580.96 for Town Fiber Relocation) and Change Order 4 (\$1,046.66 for additional 30” RCP Line Item) and authorized the Town Manager to approve future change orders as long as they can be funded with the remaining contingency funds.

12. Holly Springs Express Bus Route Re-appropriation of Reimbursable Funds – Council approved a budget amendment for \$38,727 in reimbursable funds for the Holly Springs Express Bus Route.

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

13. Amendment to the Wake County Multi-Jurisdictional Hazard Mitigation Plan – Council adopted the Amendment to the Wake County Multi-Jurisdictional Hazard Mitigation Plan.

A copy of the amendment is attached to these minutes.

NEW BUSINESS

14. Holly Springs Road Widening- Phase 2 – Duke Utility Relocation Contract (Transportation Bond Project 19-009)

Tim Athy, Utilities and Infrastructure, said the purpose of this item was to approve the Duke Energy Utility Relocation Agreement in the amount of \$1,897,670 for the Holly Springs Rd. Widening – Phase 2 bond project, and to update Council on the four active Transportation Bond projects. The agreement will allow Duke Energy to relocate their existing underground and above ground utilities as required for the road widening project. This is part of the project’s critical path.

Giving Duke a head start will allow them to get out of the way and give the construction contractor a much larger area to work in, and decrease on-site congestion.

Mr. Athy then gave an update on three other transportation bond projects. For Holly Springs Road Phase 2, staff is finalizing the Construction Bid Package and right-of-way acquisition. Next steps are final NCDOT construction authorization, bid advertisement, with project construction in the fall of 2021. Concurrently staff is working with NCDOT on the Pedestrian Safety LAPP Grant project.

Mr. Athy said the Avent Ferry Road Realignment is currently at 65% plan review, and environmental permits and studies are being completed. Next steps are 100% plan approval, begin right-of-way acquisition, and NCDOT construction authorization, with construction projected for the fall of 2022. The Main St. and NC 55 Right Turn Lane project is at 100% plan approval. Environmental permits and studies are being completed. Next steps include right-of-way acquisition, NCDOT construction authorization, and project construction in the summer of 2022.

Council member McGrath asked if there were any perceived areas of conflict in terms of acquiring easements. Mr. Athy said the process is always slow, but the Town has hired a third-party consultant who is speeding the process and no delay is expected. John Schifano, Town Attorney, said the Town has the right of eminent domain, which usually only causes a 30 to 45-day delay, which in terms of a road project is not an appreciable delay. Mr. Athy said the DOT has approved acquiring the rights-of-way in phases, and currently the Town has the rights-of-way for Phase 1, and basically a year to acquire the rights-of-way for Phase 2. Council member McGrath asked if there was a plan for a by-pass bridge or detour for that route when the bridge is being constructed, or would there be a 9-month closure of Holly Springs Road. Mr. Athy said there will not be a bypass or a detour. The bridge will be built in halves, using the existing road for the first half, and then moving the traffic over to the new road to build the second half.

Action: Motion to approve Duke Utility Relocation Agreement in the amount of \$1,897,670, utilizing Streets Capital Project Fund.

Motion by: Wolff

Second by: Villadsen

Vote: unanimous

15. Northeast Gateway Master Plan Consultant Contract

Sean Ryan, Development Services, said that the purpose of this item was to consider a Northeast Gateway Master Plan consultant contract. He explained that the project area is approximately 2 square miles around the NC 540 / Holly Springs Road interchange. This area is a “front door” to the Town and provides an opportunity to reinforce Holly Springs’ identity and provide a positive image of the Town. Nearly 60% of this area is either undeveloped or underdeveloped, which positions it well as I-540 is constructed and opened.

Mr. Ryan said that the 2019 Land Use and Character Plan identified this area among the places to transform. But this is not a new plan. It was identified in the late 1990s as a place to transform. It was designated as a Regional Center, a hub for employment and entertainment uses, which will serve as a magnet destination to surrounding towns and become a focal point.

A Master Plan establishes a vision for a specific area, guides land-use, development, and community investment decisions, and will be created through a robust community engagement process. An RFP was sent out and four responses were received. The top two of those companies were interviewed, and staff chose Houseal Lavigne Associates based on their innovative approach, their community engagement plan, and their modeling and data development.

Mr. Ryan said the project would kick off in September and would be a 12-month process with adoption anticipated in the fall of 2022, just ahead of the NC 540 opening, which is anticipated for 2023. He said the next steps are a kick off meeting and a tour with the consultant.

MPT Berry said he was concerned that this was late, given that projects in that area have already come to the Town. He said developers are trying to get in prior to the road opening. Also,

the amount funded in last years' budget carried over, so he wanted to know why this amount was higher. Finally, he said he doesn't recognize this firm, and asked for information on who they are and who else responded to the RFP. Mr. Ryan said Houseal Lavigne is able to perform the planning process within the allotted budget, however they have identified two optional tasks which Houseal Lavigne believes, and staff concurs, would be of value to the Town. One of those is a fiscal impact study, which would identify the impacts to the Town based on various scenarios that are put forward. This would be more accurate than the Market Study proposed in the RFP. To have the fiscal impact study would allow staff and Council to understand the impact of proposed development and make decisions based on more complete information. The second optional task was similar, but for utilities only. Using the modeling data, that comes out of the plan can better inform utility decisions. Mr. Ryan said that Houseal Lavigne has not submitted to the Town previously, but they are not unfamiliar with the area. They have worked in Knightdale and Morrisville, and they are familiar with towns in similar setting to Holly Springs – suburban areas that are feeling the impact of a major highway coming through their area.

Council member Villadsen asked what kind of guidance would Council need or staff use as projects come up without this plan in place. Mr. Ryan said that as the process goes along staff will get general recommendations from the consultant that will help Council make decisions if they want to take action prior to the Plan being adopted.

Council member Wolff asked about the status of any projects in this area. Mr. Ryan said staff has had initial meetings with a few projects, and one or two have been to the Technical Review Committee. As part of this process, staff is informing them of this process and reaching out to them to be part of the process. Those that are interested in developing need to be part of this process. Councilman Wolff said that for residents who might find a six-figure price tag for a study surprising, this area is going to be the largest interchange on the 540 loop, and a massive growth area in the Town in an area that is not currently growing very quickly. This is what smart growth looks like.

MPT Berry said he made it clear to the development team at TRC that he will not be looking to entertain any rezoning proposals before this plan is complete, because it's important to understand where we are going. He thinks it is very important to get a plan before we approve any rezonings.

Council member McGrath said he agrees that the Town is behind on creating this plan. He said there are a couple areas that are zoned correctly, with developments proposed for them. But he is concerned that something may go in before this plan is developed that is "by right" according to the current zoning, but is not preferred. He would like the plan to be done as quickly as possible because developers don't want to slow down.

Mr. Ryan said that staff can work with the consultant to find opportunities to consolidate the schedule if possible.

Action: Motion to authorize the Town Manager to negotiate and execute the contract for the Northeast Gateway Master Plan with Houseal Lavigne Associates and approve the project budget for a total not to exceed \$106,500.

Motion by: Villadsen

Second by: Wolff

Vote: unanimous

16. Condemnation Resolution for Oakview Innovation Park Gravity Sewer Line

John Schifano, Town Attorney, said that the Town, through a partnership with the development community, is installing a new regional gravity sewer line in the business park to open parcels up to development. One out-of-town property owner of a 12.5-acre tract cannot be located and does not respond to requests for voluntary sale of the easement. This action is a request for Council to authorize the Town Attorney to initiate eminent domain action to acquire a sewer easement on the Donnell tract. Mr. Schifano detailed his attempts to contact Mr. Mario Donnell. He showed where the tract is, and where the proposed sewer line easement would go across that tract.

Council member Wolff asked how long the Town has been trying to reach the owner. Mr. Schifano said that the Economic Development department has been trying to reach him for several years, and that he himself has been trying for the last two months. Council member McGrath asked if he was using certified mail. Mr. Schifano said that most people don't pick up certified mail. The letters have gone by US Mail and are not being returned, so he believes Mr. Donnell is getting the letters.

Action: Motion to approve Resolution 21-20 to Authorize Eminent Domain action to acquire easements for a new gravity sewer line.

Motion by: Wolff

Second by: Villadsen

Vote: unanimous

17. COVID Employee Vaccination Incentive

Randy Harrington, Town Manager, said that since March of 2020 the Town has worked closely with County and State health officials to mitigate the spread of COVID-19 in the community. The recent rise in the "Delta variant" COVID-19 virus has resulted in a strain that is 2.5 times more infectious than previous COVID-19 virus strains. Infection rates and hospitalizations are significantly rising in the County and State and the Centers for Disease Control now labels Wake County as a "high" community spread area. Scientific medical studies continue to show that COVID-19 vaccines continue to be the most effective strategy for reducing the spread of COVID-19 and avoiding hospitalizations and severe sickness if an individual does contract the virus. He said he does not know the percentage of employees who are vaccinated, but Wake County has a high rate of vaccination within the state.

This action would provide a 24-hour vacation leave incentive to full-time Town employees who can demonstrate proof of full COVID vaccination by September 30, 2021. If the vacation incentive hours go unused during 2021, employees would be allowed a one-time roll over into 2022.

Mr. Harrington said that, administratively, he plans to reinstate the COVID Administrative Leave bank option up to 80 hours in the event an employee has to miss work due to a COVID infection, high risk COVID exposure, or to care for an immediate family member with COVID. Only employees demonstrating proof of full COVID vaccination would be eligible for this leave bank.

Council member McGrath asked what would this equate to for the average Town employee in a dollar amount. Do we have an average salary amount? He said that people are already incentivized by the Governor with gift cards, so for a point of fairness, what will this cost, to make sure we are making good use of tax payer dollars? Mr. Harrington said an average salary is probably somewhere between \$45-53,000 for, so you can divide that to find the value for 24 hours. It is not a direct cost, but it is a cost. Council member Wolff said he thinks 24 hours of vacation would average about \$400-500 per employee. Council member McGrath said he wants to be considerate of tax payer dollars. He is fine with the 80 hours of COVID leave, but he doesn't like the monetary incentive, because getting vaccinated is a personal choice and the people who are going to be vaccinated are going to do it.

MPT Berry asked for clarification that the extended 80-hour COVID leave would only be for those who are vaccinated. Those who are not vaccinated would have to use their own sick leave. Mr. Harrington said that is correct. Mr. Berry said that between a direct incentive payment and doing nothing, he thinks this is a good compromise.

Council member Wolff said it was a generous amount and he thinks it is a good plan. Whatever it takes. Even if this only encourages a few people, it is a good thing. It is incredibly important, and important things deserve the dollar amount behind them. He has heard from residents that want to know that when they are dealing with Town staff, they are dealing with vaccinated individuals and they are protected. This is the carrot, not the stick of requiring vaccines as a condition of employment, and he is in favor.

Council member McGrath asked if this was something that would be offered to those already vaccinated as well. Mr. Harrington said yes. Council member McGrath said that this was not an insignificant amount.

Council member Wolff said he offered his staff an incentive of \$100 to get vaccinated, whether they were vaccinated already or not, and every employee took advantage of it, other than one who had a significant medical exemption. It is one scenario, and might be anecdotal, but it made a difference.

Council member McGrath said that was a private business decision; we need to pass the government purpose test.

Mr. Harrington said that part of his responsibility is to make sure that we can deliver services to our community. He has to think through all the risk mitigating factors that might be appropriate. We need to try to avoid cluster outbreaks that would interfere with delivering services. It is a risk evaluation. This variant is serious, and is spreading quickly, so that risk-mitigation is one of the things he has to consider.

Council member Villadsen said there is a cost to employees getting sick and not being able to perform their jobs. He thinks that it is important to provide the incentive to all, not just those who waited. If something like this happens again, it is important that we are not encouraging people to wait to see if they can get something out of it. Council member McGrath agrees but thinks the incentive is there in the 80-hour COVID leave, which he fully supports.

MPT Berry asked how vaccination would be verified. Mr. Harrington said that the CDC vaccination card would be the proof.

Action: Motion to authorize the Town Manager to amend the Town's personnel policy to provide a one-time 24-hour vacation leave incentive for full-time employees who demonstrate proof of full COVID-19 vaccination by September 30, 2021.

Motion by: Villadsen

Second by: Wolff

Vote:

Aye: Berry, Villadsen, Wolff

Nay: McGrath

The motion passed.

OTHER BUSINESS

MPT Berry said he wanted to publicly acknowledge that there is a lot of public engagement on the subject of face coverings. We see it, we hear it, and we understand it. Speaking for himself, he receives frequent updates from health experts that say that 90% of cases are among the unvaccinated. People are wearing face coverings voluntarily. In his opinion, it is ok for people to make that choice for themselves. Businesses are making these decisions for themselves, without adding an unenforceable mandate for the Town police to try to enforce. The last time we discussed this, the Governor issued a state-wide mandate. He said the Governor is not doing that now, and he would say that the Town should follow the Governor. There are other municipalities within Wake County who are not issuing mandates so we are not alone. At the end of the day we need to make decisions for the Town. There is a wide variety of opinions on this. He said he agrees with Mayor Sears on this issue and is happy to see voluntary compliance and he hopes other businesses will incentivize their employees to get vaccinated as we just did. Our emergency declaration policy spells out the requirements for declaring such an emergency, and we would need to go through that process to issue any such mandate.

Council member McGrath said he agrees with what MPT just said, for the most part. What is worth discussing is that part of our responsibility is to continue to help educate and discuss this with our public. We will never be able to ensure people's health, but if they are educated they can take personal responsibility. He said that looking at the CDC guidance, he recommends people look at those recommendations and follow them. We do not want to have the "neighborhood enforcer" out

there trying to berate someone they don't know, because there are legitimate medical exemptions. He said he doesn't want to make things less safe. He doesn't want to use hyperbole. The NCDHHS and the CDC provide good information. He recommends that, as a Council, they consider looking at their own policy on emergency declarations. In the past they were made for a single person to make an immediate decision. It was meant for a short-term situation, like a flood or a hurricane. What we have learned is that it is not helpful to have a single individual make decisions that are long term. He would like to look at the policy to require it to come back to the Council as a governing body to consider if it is worth continuing with an emergency declaration.

Council member Villadsen said he didn't think many minds would be changed by what was said from the dais. But he hopes that people recognize that a difference of opinion does not mean that people are out to get you. Everyone wishes for the health and well-being of their friends, family, and neighbors. Holly Springs is an overachiever and tries to do things better than our neighbors. He would rather think outside the box on how we can get vaccination rates up. That is more the key. Mandates are unimaginative and a one-size-fits-all non-solution. The current vaccination process is a bit stagnant and could use a boost. He doesn't see why local governments couldn't bring vaccinations to Town to make it more convenient. Why not bring vaccinations to Town Hall or Ting Stadium if we really want to get the vaccination rate up, which is the key to getting cases down. COVID is not just going to disappear. To better handle it in the future, we need the vaccinations to be more accessible and to have a higher rate than our already high vaccination rate.

Councilman Wolff said we have received a lot of input from citizens on this subject. There was a preponderance of parents of children at Pine Springs Academy, who are worried about sending their children into a building where masks are not mandated, because it is a charter school. Parents are worried about sending their kids into a school without a mask mandate. He is worried about sending his children into a school where masks are mandated. By the time he was told that there would be a discussion of a mask mandate, he was told it wasn't going to happen. He was the last one to be consulted and was told there would be no mandate, because there was no support for it. No debate; no discussion. Instead he was presented with a statement that said that Council did not support a mask mandate, but strongly supports and encourages masking and following CDC guidelines, and we strongly encourage folks to get vaccinated. He said that while they all agree on those last two things, but he doesn't understand the purpose of the statement. He does not support this statement and Council member Kelly told him she does not support it either, and not because of the last two parts, but because it says that he doesn't support a mandate, which he does support in some form. People have asked him what it would include, and he doesn't know because it hasn't been discussed. But the biggest reason, and let's be honest – no statement we put out is going to influence people's behavior. If we really want to make a difference we would be discussing some form of a mask mandate. If we took the virus seriously we would be discussing a mandate. Let's be clear, a statement is not action. He has been trying to think about this without his parent hat on, just as a representative. But he can't. We are already having clusters in schools, and businesses that cannot find staff. This statement is not action. This statement is an excuse. It is an excuse, so that when things get worse, we can pat ourselves on the back and say that we did something, when in reality we didn't. In the last 15 months, no one has changed their position. It's like ground hog day. We are all making the same points we made 15 months ago. We have this immense privilege, and the responsibility, to do something. And we are not. Wake County did something, Wake County School system, Raleigh, and Cary did something, but we are not. To be crystal clear, he said does not want his kids to get sick. He doesn't want anyone to get sick, but he really doesn't want kids to get sick. For just a second, forget the ideology, forget the principles and the platitudes, and just think about the consequences of what we do or don't do. We can talk about personal freedom and choice, but the consequence of not instituting a mandate is that it is more likely that people will get sick, and some will die. A statement won't change that. He said he thinks it is sad that the mandate won't happen. He hopes that people will take this seriously, and that those who are not voluntarily masking will start to. Because he really wants this to be the last time they discuss this.

MPT Berry said that next he wanted to talk about issues related to the State budget. The House approved their budget and moved forward with approval last week. The budget, in a lot of ways, does a lot of good things for Holly Springs and for southern Wake County. There is an

unprecedented level of funding for Holly Springs contained in the House budget: \$8 million related to some critical infrastructure needs, and also a bridge that was talked about earlier this evening. So there is over \$10 million dollars directly for Holly Springs contained in that budget. We are all very thankful for that. However, the budget was also passed with several policy stances that are incredibly detrimental to municipalities. So Councilman Wolff and I have been doing work with our legislative agenda that was adopted. Part of that work has led to getting that funding in to this budget. But in addition we have talked about a number of potentially hazardous policy stances at the state level that would be detrimental to us as a Town and our policy making ability on this dais. Some of the things that were acted upon in the House, but were not in the Senate budget, but have reappeared are:

1. A proposal to eliminate local stormwater rules that prevent flooding. That bill has not heard in the House or Senate but is in the budget;
2. A measure removing local authority to determine the location of relocated billboards. Again not heard in the House or Senate but in the budget;
3. A short-term rental regulation that could harm the ability of local governments to regulate short term rentals like Airbnb. This measure was approved in House but not considered by the Senate or any of their committees, but is in the House budget;
4. A measure eliminating local tree ordinances and only allowing local tree removal and protection rules by legislative act. This was approved in a separate House bill but has not been considered in any Senate committee.
5. A school zoning preemption, allowing schools to be located in any residential or commercially zoned area without consideration or appropriateness or infrastructure. This was also approved in a House bill but not considered in the Senate.
6. A small cell wireless measure that would limit fees for the placement of small cell wireless on taxpayer owned poles, forcing taxpayer subsidies to private companies and taking regulatory authority away from municipalities. There have been no committee hearings on this in House or Senate.

All six of these are now going to a House and Senate budget conference where they will be discussed to align. There is some significant detrimental impact to municipalities in some of these policy stances. He would like to see if there is consensus from Council on whether we should take a stand and have the legislative action committee work with our elected representatives at the state level and voice the potential dissatisfaction on these six matters.

Council member Wolff said that the the Metro Mayor Association and the NC League of Municipalities has asked for us to reach out on these issues. They all have a common theme - to limit municipal power. Doing it through the budget is not good practice or transparent and our legislators should know that. The tree issue is getting much public attention on social media. We do have tree preservation authority in our charter, but it is less than our Ordinance, so we would be affected by this. On the school zoning issue, we are already affected by schools not being responsible for infrastructure improvements, and this supersedes it. We would have no legal authority to affect where schools would be located. He is in full support of contacting Representative Paré and Senator Batch to oppose these.

Council member McGrath said he doesn't want to throw the baby out with the bathwater. There are things in the budget that are good for us. So he would like some clarity of language on what the actual impact would be. He said he thinks schools were recommended to be by-right in any zoning area in the proposed UDO. And he pushed back on that at the time. Elizabeth Goodson, Development Services, said there was initial discussion about the by-right zoning, but there was pulling back on that. This opens up further discussion on the matter of special exception use for schools. Council member McGrath asked if the Town Attorney could rearticulate for Council and residents what this legislation would do for our current tree ordinance. John Schifano, Town Attorney, said his understanding is that it would eliminate the ability, even in the Town charter, to regulate the cutting of trees on private property. But he would need to verify that in the actual language of the bill. Council member Wolff said one of the items on the legislative agenda was to update our charter to reflect the ordinance. Our charter authority is limited. His understanding is that charter authority would be preserved, but anything beyond that, in this version, 90% of our tree

ordinance is eliminated. Mr. Schifano said that is correct. Our charter only allows Council to regulate the first 50 feet at the roadway. The Town's tree ordinance does a good bit more than that. It requires a tree survey, requires maintaining stands of trees, and other things outside of that 50 feet. If this provision passes, your ability to regulate anything beyond that 50 feet perimeter buffer would disappear. MPT Berry said if it would help we could ask the Town Attorney to come back with a memo to clarify the impact of this provision so that we all have the same understanding.

Council member McGrath said he would appreciate that. Concerning the wireless, he is not a fan of how this is being rolled out, especially in private spaces. If that legislation goes into private residential areas, he would like to push back. If it is only on public right of way he would support it, but not in private neighborhoods. Mr. Harrington, Town Manager, said that could be how these get distributed, given the nature of cell service. MPT Berry said it is worded that broadly because even in residential areas there is right of way in people's front yards, and if there is a pole there you would have to allow it. So there is an impact in residential areas. Council member McGrath said that in that case he would support pushing back on this.

MPT Berry asked if there was consensus to work with our legislative delegation and voice the opinion of the Town that it is not best to have these in the budget. Council was in consensus with Council member McGrath asking for clarification from the Town Attorney.

MPT Berry said that Council member Kelly is out of town on personal business and he apologized for failing to acknowledge that at the beginning of the meeting.

Council member Wolff said that Amgen is such a win for the Town. We have two major biotech firms coming to Town. Staff has been working on these for months and he thanked them for their hard work.

Council member McGrath said he agreed that was a great win. He asked that people look out for their neighbors, specifically veterans who may have served in Afghanistan and be wondering if it was all worth it, concerning current events. Please reach out to your neighbors. You may help someone who needs help.

Council member Wolff said he was reached out to by residents who had been recently deployed in Afghanistan as part of the evacuation, and he agrees. Please keep them in your thoughts.

MANAGER'S REPORT

Randy Harrington, Town Manager, said Council member McGrath raised the Emergency Declaration policy, and he didn't hear any others respond. He asked if there was consensus to talk about it. Council said they were willing to discuss it. He said he believes there is a majority who support issuing the statement that was discussed. If that is the case, he will send it out tomorrow. MPT Berry said, with Council member Wolff's exception, there was consensus to issue that statement.

Mr. Harrington said that back to school traffic is coming back. He reminded residents to be patient. SRO's and police will be helping direct traffic. He said the Town is looking forward to a great start to the school year.

Regarding Amgen, he said that Council's comments are so on the mark. The staff that have been working on these projects are so dedicated to their work. There are a couple individuals who are the face, Irena Krstanovic, Daniel Weeks, and others, but with them are 20 or so staff members behind them, and they are the ones who make this work. The heavy lifting occurs with those daily engagements. He wanted to thank Mayor and Council for their hard work and guidance on this. He said he was very proud of the Town. He said he doesn't know of any municipality that has gotten two such announcements in 20 years, much less in the same year. And he wants to "keep that train moving."

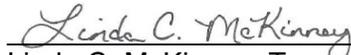
CLOSED SESSION: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) to consult with the attorney on two legal matters, and pursuant to N.C.G.S. 143-318.11(a)(9) to discuss cyber security plans and specifications not available to the public.

Motion by: Wolff
Second by: McGrath
Vote: Unanimous

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

Adjournment: Council member Villadsen made a motion to adjourn at 10:10 pm. It was seconded by Council member McGrath and passed with a unanimous vote.

Respectfully Submitted on Tuesday, September 7, 2021.



Linda C. McKinney, Town Clerk

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