



MINUTES

The Holly Springs Town Council met in a workshop session on Tuesday, April 13, 2021 at the Holly Springs Law Enforcement Center and via video conferencing. Mayor Sears presided, calling the meeting to order at 6:00 p.m. A quorum was established as the Mayor and five Councilmembers were present as the meeting opened.

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

Council Members Absent: none.

Staff Members Present in the room: Randy Harrington, Town Manager; Linda McKinney, Town Clerk (recording the minutes); Daniel Weeks, Assistant Town Manager; Scott Chase, Assistant Town Manager; Jeff Wilson, IT Director; John Schifano, Town Attorney; John Mullis, Public Works; Sean Ryan, Development Services; Elizabeth Goodson, Development Services; Cassie Hack, Director of Communications and Marketing.

2. Workshop Overview

Mr. Harrington gave an overview of the items on the agenda.

3. Affordable Housing RFP

Sean Ryan, Development Services, said that the purpose of this item was to give an overview of a potential affordable housing study and receive feedback from Council. He said this advances the Strategic Priority of Responsible and Balanced Growth goal of leveraging Town and regional partners to mitigate resident housing displacement from NCDOT and Town infrastructure projects. An affordable housing study will forward initiative 5.2 by helping to identify partnerships to create affordable housing; initiative 5.3, by making policy recommendations including permitting and development requirements; and initiative 5.4 by completing a housing study and creating a citizens affordable housing committee.

Mr. Ryan said that an affordable housing plan will outline recommendations to ensure that the Town's affordable housing policies and investments are aligned with the community's vision. The plan would include market analysis, analysis of needs and the gaps in those needs, developing housing goals, identifying barriers to affordable housing, recommending policies and strategies, and evaluating current policies and strategies. He said that neighboring municipalities are either starting a housing study, or have completed one recently.

Mr. Ryan said that next steps include funding through the FY22 budget, and issuing an RFP in the summer of 2021. In the fall of 2021 the study will begin and a steering committee/Citizen Advisory Committee will be formed, with adoption of the plan forecasted for the summer or fall of 2022.

Council discussed the value of having a study, whether the cost was worth the results, and how it could be narrowly tailored to provide Holly Springs specific results. There was discussion about whether study results would be a valuable point of discussion for Council. It was asked if other municipalities had found their studies to be valuable. There was discussion of whether doing the study in phases, with each phase dependent on the previous one would be helpful, or more expensive in the long run.

Randy Harrington, Town Manager, said that he was hearing a majority of Council members say they would like to move forward with the study, recognizing concerns of certain members around tailoring the study to get results that are unique to Holly Springs.

4. Landfill Sub-Committee Update on Metrics Analysis & Development

Councilwoman Kelly said the purpose of this agenda item was to share data analysis progress and potential odor metric categories that the Town might propose for measurement and further analysis by Wake County, and get some feedback on what to do from here. She said that we have momentum with Wake County now. The people who know about the problem, the people who have the money and the people who have the authority are now meeting monthly. She showed a map of the landfill showing that Phases 1A and 1B are closed, Phase 2A is currently open and Phase 2B will be open this spring. Wake County is sharing their monthly reports on how many days there is an odor, whether it is valid or invalid, and using proximity radius to see how many households they expect to be affected. She showed the results of the survey from Wake County on how best to communicate with residents.

Councilwoman Kelly said the sub-committee has been looking at data from a different way. They went back to 2016. The data was enriched with neighborhoods, and business tags to try to find out who is impacted by the malodor. There is an opportunity to improve data collection as there are months of missing data from most years, and the type of information collected from emails, Survey Monkey, and Envirosuite are different. She showed trends over the four years, which show that more complaints are being filed. She then showed how the data was coded by neighborhood and where the trends for problems are and how they have changed over the past four years. She showed that the odor complaints are shifting to a broader area of town. She said that since March 2020 Wake County is classifying complaints as “valid” or “invalid” but did not define how they decide that distinction. She said there is some science to deciding whether a complaint is valid, but also some subjectivity, and the valid complaints still greatly outnumber the invalid.

Councilwoman Kelly then showed a scatter graph of where the odor complaints came from during the period March 2020 to January 2021 and it is the entire town, not just ½ mile from the landfill. She said the committee has a lot of questions about the data. The collection was spotty, there are trends that need to be discovered and the Town should not be doing this work. Putting the burden on the citizens is not reasonable. There is “eNose” technology and we need Wake County to use more of that to show the odor issues. She said she would ask Wake County to enrich the data for better analysis, and find a way to capture the personal impact of the landfill odor. She said, for example, that no one has defined what the middle point of the landfill is to accurately measure a half mile out. They need to look at frequency of odor complaints by area, day, location, etc. She said that Commissioner Calabria was talking about a dashboard to show what is being done that is working. That would need to look at it from a Holly Springs perspective. There are questions still about why complaints have risen, with GFL saying the closed areas may not be capped well, and Wake County saying GFL needs to do a better job with the open areas. They need to explain how they determine whether a complaint is valid or invalid, and we need to know what Wake County will do if the metrics are not met.

Mayor Sears asked if there had been any discussion of a timeline and what will be done. Councilwoman Kelly said no, they tried to spend time talking about other things rather than the landfill odor.

Councilwoman Kelly said there are other factors that need to be considered, including wind, rain, temperature, land topography, and trees. A NE to SW wind is predominant from August through November and complaints go up during that time. We are getting more rain which they say is a factor as is temperature. We cannot do anything about these things. Land topography also enters into it. Landfill management says that trees are not a factor, but we do not know that. We need someone who can tell us. She showed the graph that is sent to people

who complained and explained why it was difficult to understand, and not accurate. The County is hiring a communications person who should improve this.

John Mullis, Solid Waste Manager, said that Council has pushed Wake County and he applauds them for the work they have done which has improved the landfill odor situation. The Town now has three levels of engagement with Wake County: elected officials, management; and staff. He said it was more of a quality of life issue than an odor issue for the people who are affected. Council has been able to get work done on how that landfill is operated. He thinks they are doing a good job in maintaining the open face under an acre. Additionally, the odor neutralizing system was working well when he was there. They have improved over last year. That being said, the working face is one of the single largest factors. There may be other odor sources that we do not know about, and a consultant to pin that down would quiet the deflection points. Personal stories convey something that big data doesn't. He shared stories he received yesterday from an Arbor Creek resident who at 6:33 am could not watch the sunrise with his coffee because the odor made him sick to his stomach. Mr. Mullis said he went to the address. It was in a valley, the wind was still, and an hour after the complaint, he could still detect the odor. It is impacting people's quality of life. He received another complaint from Arbor Creek where a home was up on a knoll. The landfill towers above the town. When the wind is just right, the odor goes all over town. He received an email from a resident who made a complaint in the morning, got a response from the landfill in the afternoon saying it was "probably the landfill" and emailed him at night to say "but what are they going to do about it?" which shows that people are thinking about this all day long. It is impacting their lives.

The subcommittee wants the landfill to keep the odor within their perimeters. Is that possible? Probably not. But there may be some ways to mitigate the odor. They also want to fast track Wake County's thinking about the future, as they started to address in an appendix to the report. We need to try to push that agenda a little further. In the past eight weeks, he has driven past the landfill on the way to work, and most days he smells it. That's the time of day when the landfill opens. And that's when residents want to be outside with their coffee. It doesn't matter how long or how strong the odor is, it is a non-natural odor and it's repulsive. John Roberts has been helpful, courteous and professional. He encourages Council to continue pushing Wake County to make improvements, whatever they might be. But you may need to have some professional advice. Maybe an eNose sensor at Ting Park. If there is an air quality device that could be brought into this mix that would be great, too. But they might need to be spread around Town to the locations that are experiencing the most odor.

Mayor Sears expressed 20 years of frustration, during which time this problem has not been fixed, and said the Town should push hard for a timeline issue. Since Commissioner Calabria did say that if they can't fix it, it might be time to do something drastic. He said Wake County should have had a burn unit 15 years ago.

Councilman Wolff said that two years ago the landfill managers came to town and met with residents and said they needed to know what type of garbage was causing the smell before they could fix the problem. He asked if they have made that determination, or were they just trying to hide the smell.

Councilman McGrath said that there are another ten years before the agreement is over. But the eleven municipalities who use the landfill have the lowest dump fees in the entire state. Their fee is a tenth of what Charlotte pays, for example. If the fees were raised to be equivalent with other dump fees in the state, they would have enough money for an incinerator and other odor control measures. We need to advocate to get Wake County to actually do these things, because the other 11 municipalities will see it as a detriment. But they have been being subsidized by our residents for all these years.

Councilman Wolff said we need to put pressure on them to show the scope of the problem. He asked if the Town should hire a consultant to come in and look at the location, because if an expert looks at it and says that it is not fixable, then it is time for drastic action.

Council discussed that Wake County needs to be collecting accurate data and analyzing it and that this is not a burden Holly Springs residents should bear. A more objective way of gathering the data is need to show if the odor is getting better or worse. John Mullis said that there is such technology at the landfill, but not around town. Councilman McGrath said that could be the first thing the County invests in to help the problem. Councilman Villadsen said we also need to study the issue of whether or not trees affect the odor. We have anecdotal stories, but no data. This odor is impacting development decisions, so the Town needs to know the facts.

5. Political Activity on Town Property

Randy Harrington, Town Manager, said that the purpose of this item was to review a draft policy around political activities on Town property to receive feedback and direction from Council and discuss whether Council wished to consider adoption of the policy at a future meeting. He said that Council had reviewed potential elements of a policy at their February 9th workshop, where they directed the Manager and Attorney to prepare a draft policy that could provide clarity on what types of political activity were permissible and not permissible on Town property, within First Amendment protections. Mr. Harrington went through the proposed policy.

Council asked for clarification on the Farmers Market section, since some vendors have given out political material in the past. Mr. Schifano said that the Town can regulate what they sell, but needs to be careful about regulating speech. The rental agreement can specify that they are there to sell their agricultural products, but we do not want to be in a position to take enforcement action against political speech.

Councilman Villadsen suggested that items relating to “chat” functions and camera access during Zoom meeting might be better addressed elsewhere. It was agreed to move those to the Electronic Meetings Policy.

There was a concern about clarifying the fundraising prohibition to say that there could be no price of admission to attend a political meeting and no solicitation would take place.

Mr. Harrington said this would probably be put on the first meeting in May, with the requested changes.

6. American Rescue Plan

Randy Harrington, Town Manager, said the purpose of this item was to inform the Mayor and Council about what the recent American Rescue Plan approved by the US Congress could mean to Holly Springs, and get feedback on possible paths forward to determine allocation of the expected \$11.07 million allocation. He outlined the eligible uses of funds as belonging to four large areas:

1. Respond to the COVID-19 emergency and address its economic effects;
2. Provide premium pay to essential employees or grants to their employers;
3. Provide government services affected by a revenue reduction resulting from COVID-19; and
4. make investments in water, sewer, and broadband infrastructure.

Mr. Harrington said that other stipulations include a prohibition on using funds for pensions or to offset revenue resulting from a tax cut. Funds can be transferred to private, nonprofit groups, public benefit corporations involved in passenger or cargo transportation, and special-purpose units of state and local governments, but only as allowed under state law and state constitutional provisions. Additional guidance is expected from the U.S. Treasury Department in mid-May. The first disbursement of \$5.5 million is expected May or June of 2021 with the second half arriving in June of 2022. Mr. Harrington outlined three options for how to allocate the funds:

1. Council directs the Town Manager to recommend expenditures for the first \$5.5 million as part of the FY21-22 budget;

2. Council allocates \$5.0 million to water and sewer infrastructure as part of the FY21-22 budget recommendation and keeps \$0.5 million available for future allocation in FY21-22;
3. Hold \$5.5 million pending further review and discussion by Mayor and Council.

Consensus was to follow Option 2. Mr. Harrington said that he would let Council know once he received more guidance from the Treasury Department.

7. Town Clerk & Town Attorney Updates

Town Clerk, Linda McKinney, gave an update on activities in the Clerk's office in the first quarter of 2021. She outlined progress on the indexing project, the revision of the electronic meetings policy, and board nominations. She outlined the changes in the management of the Cemetery and the outlook for re-starting the Volunteer Greeter program. She gave highlights of recent educational offerings she and Deputy Clerk White have attended and plan to attend. Finally, she brought up for discussion the changes in receiving public comment, including the purchase of a new timer and the outlook for continuing to receive comments in writing as well as in person.

Council asked that there be a note in the Friday Briefing when board applications are posted and when grant applications go live. There was also a request to check the meeting schedule on the website and make sure it aligned with the adopted Council meeting schedule.

John Schifano, Town Attorney, said he had some things to discuss in open session and others that needed to be in closed session. He said that the economic development agreement with FUJIFILM Diosynth Biotechnologies (FDB) had many different components and there is a lot of transactional work he is shepherding. FDB is requesting sewer line relocation and there are two active condemnation cases with Carolina Springs.

He said that FDB, at the last minute found that they needed clearance from the Committee on Foreign Investment in the United States (CFIUS) because the site is within 99 miles of Fort Bragg and FDB is wholly owned by a foreign country. He said he was working with an attorney in Washington DC on this, and he thinks it will go smoothly because FDB has properties in other places that are within the range that requires CFIUS approval. But there is a series of checks that must be gone through.

He said that for the Arbor Creek greenway, there is discussion about the Flintom property, and where the line is relative to Wood Creek. The planned greenway route was originally further away from Wood Creek owners' land, but Ms. Flintom objected because it was cutting off so much of her property. She asked that it be moved closer to the northern boundary of her property. That moves the line closer to Wood Creek. There is no taking on their property; the taking is still on Ms. Flintom's property. If Council wants to have more discussion on this, it should probably be in closed session because it could result in litigation.

He said he is working with the Town of Cary over their closed landfill. The Town might want to acquire that old landfill property. He is working on a possible brownfield agreement that would limit the Town's exposure to environmental liability. The Town is buying this land a little bit at a time for greenways, pump stations, etc. and it might make good open space in the future. There are some areas of that property that can be used. Coming to Council soon is an MOU on the Holly Springs half marathon for the rental and use of Ting Park, and a policy on memorial gifts that LeeAnn Plumer has put together.

He said he has done site visits for Holly Springs Road Phase 2. NCDOT wanted to know how many contacts we have had with land owners and he produced 26 pages of telephone calls, emails, site visits, and contacts with property owners. Four have been settled, but staff is still working on others. The big issue is not the Town's take, but that the road east of Linksland requires Duke lines to be moved into some large pine trees and some of that vegetation doesn't meet Duke standards. The Town will probably get complaints from homeowners who back up to Holly Springs Rd on the Sunset Ridge side.

He then said that there were four things to update Council on in closed session.

He said he had hired a new staff member, Deiondria Moore, and said she is very organized, smart, and dedicated paralegal. This is a different type of practice than what she has done previously, but she has a lot of potential and is a quick study.

8. Open Discussion: moved to after the Closed Session.

9. Closed Session: The Council entered into closed session, pursuant to N.C.G.S. 143-318.11(a)(3) and (4) to discuss two economic development issues and consult with the Town Attorney.

Motion by: McGrath
Second by: Villadsen
Vote: Unanimous

General Account of Closed Session:

Irena Krstanovic gave an update on two economic development projects. John Schifano gave updates on potential litigation and other legal matters.
No action was taken in closed session.

-End of General Account

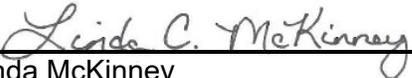
Motion to return to open session was made by Councilman Wolff seconded by Councilwoman Kelly and passed with a unanimous vote.

8. Open Discussion: Councilwoman Kelly asked about progress of the bill in the General Assembly regarding municipal tree ordinances, and asked if Council wanted to take formal action. Consensus was to watch its progress carefully and act if it seemed the bill was gaining traction.

10. Adjournment:

Motion to adjourn was made by Councilman Villadsen seconded by Councilman McGrath, and passed with a unanimous vote. The April 13, 2021 workshop meeting of the Holly Springs Town Council was adjourned at 9:05 pm.

Respectfully Submitted on Tuesday, April 20, 2021.



Linda McKinney
Town Clerk