



# Town Commission Agenda Results

Monday, February 1, 2016  
7:00 PM

Location: 401 Old Honeycutt Road, Fuquay-Varina, NC 27526

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## BOARD OF COMMISSIONERS – REGULAR MEETING

Call to Order – *Mayor John W. Byrne*

Invocation – *Commissioner Marilyn Gardner*

Pledge of Allegiance – *Mayor Pro-Tem Blake Massengill*

### Approval of Minutes:

1. Approval of the minutes for the January 19, 2016 regular Town Board meeting.  
*Approved unanimously (5-0)*

### Presentations:

2. Fuquay-Varina County Library Update

*Mr. Jim Horton, Wake County Deputy Director of Community Services, presented information regarding the site recommendation for the construction of a new library facility in Fuquay-Varina. He stated that after considering potential sites, including a site in the downtown area with road frontage on Main Street, it was determined that a site located off Judd Parkway and Bramble Hill Drive was best suited for the proposed facility. The proposed site would lend for expansion to a regional library facility in the future. The proposed site is adjacent to the Wake County Southern Regional Center on Judd Parkway.*

## Public Comments:

3. **Mayor Byrne invited members of the audience who wished to address the board about any matter, which is not the subject of a public hearing, to come forward. Comments would be limited to three minutes in order that all who wish to speak may be heard in a timely manner. – *Former Mayor Bob Barker and Ms. Karen Rowe expressed their disappointment that the downtown location was not chosen for the site of the newly proposed library in Fuquay-Varina.***

4. **Voluntary Annexation Petition – Hattie A. Mims Living Trust (James Kenney) Property – 6513 Mims Road – PIN 0636936275 – ANX-2015-16**

The purpose of this item was to further continue a public hearing and table an item from a previous Town Board meeting held January 4, 2016, whereby the Board will be asked to eventually consider an ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for Volunteer Annexation of property owned by James F. Kenney, Trustee (Hattie A. Mims Living Trust) (PIN 0636936275) containing 10.53 acres and having access on Mims Road. *The Board tabled consideration and continued the public hearing for ANX-2015-16 until such time as water service to this property is resolved, but to a date no later than April 4, 2016 (5-0).*

5. **Rezoning Petition – Duke Energy Progress, LLC – 4821 Wade Nash Road – PIN 0657496260 – REZ-2015-13**

The purpose of this agenda item was to consider the deferral of a rezoning petition submitted by The John R. McAdams Company, Inc. on behalf of Duke Energy Progress, LLC for 12.28 acres of property located at 4821 Wade Nash Road from the Downtown Fringe Commercial II (CDFII) zoning district to Industrial (I) conditional zoning district. The request is specifically to defer the public hearing and rezoning petition consideration to the April 4, 2016 Town Board meeting. *The Board motioned to defer the public hearing and rezoning petition for REZ-2015-13 as recommended (5-0).*

## **PUBLIC HEARINGS**

**6. Town Code Amendment, Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article N: Signs, §9-4145: Flags – CTA-2015-07**

The purpose of this agenda item was to conduct a public hearing and consider a text amendment to Article N: Signs §9-4145 (A), 5: Flags as requested by Weeks Turner Architecture to allow for an increase to the maximum allowable height of a flagpole. This item was tabled on December 7th with direction provided to staff, and is now being presented to the Town Board with revisions. **Approved unanimously (5-0) Ordinance No. PZ-16-03**

**7. Rezoning Petition – The Nau Company, PLLC – J. Michael Edwards Property – 1301 Phelps West Road – PIN 0656166615 – REZ-2015-21**

The purpose of this item was to hold a public hearing and consider a petition to rezone a total of 19.393 acres along Phelps West Road from the R-20 Residential Agricultural Zoning District to R-10 (CZD) Residential Single and Two Family Conditional Zoning District. The zoning condition is proposed as single-family homes only (no duplexes). **Approved unanimously (5-0)**

**8. Resolution Ordering the Abandonment of Public Right of Way – Portion of Kite Drive – SC-2015-03**

The purpose of this agenda item was to hold a public hearing and then adopt a Resolution Ordering the Abandonment of the Eastern portion of Kite Drive measuring approximately four-hundred and ninety (490.82) linear feet from the intersection of Sunset Drive to the intersection of West Spring Street. **Approved unanimously (5-0) Resolution No. 16-1400**

## Consent Agenda

### 9. What is the board's pleasure on the items on the consent agenda?

*All Items on the Consent agenda were approved unanimously (5-0) as follows:*

- A. Utility Allocation – Meridian at Broad Street Market Apartments – Phase 1 – 26,828 gpd sewer & 26,828 gpd water.
- B. Budget Amendment 2016-21– Fund Balance Appropriation - Professional Services/Legal - \$95,000.00
- C. Voluntary Annexation Petition – Resolution Instructing the Town Clerk to Investigate a Voluntary Annexation Petition and Setting a Public Hearing for February 16, 2016 – Ransdell, LLC, Cumalander Co., LLC and Brennan Way, LLC – 6437 Sunset Lake Road – PINs 0668538807, 0668535684 and 0668534844 – ANX-2015-18 **Resolution No. 16-1401 & 16-1402**

**ITEMS REMOVED FROM CONSENT AGENDA** - *None*

### Administrative Reports:

#### 10. Development Agreement – Judd Plantation Subdivision

The purpose of this agenda item was to consider approval of a Development Agreement between Fish Brothers, Inc. and the Town of Fuquay-Varina for the development of the Judd Plantation Subdivision. *The Board motioned to approve the Development Agreement between Fish Brothers, Inc. and the Town for the reimbursement of \$14,080 related to the oversizing of a waterline serving the Judd Plantation Subdivision located along Kennebec Road. Approved unanimously (5-0)*

#### 11. Contract Award – UNC School of Government Development Finance Initiative – Downtown Pre-Development Services - \$45,000

The purpose of this agenda item was to approve a services agreement for the UNC School of Government Development Finance Initiative (DFI), a department of the University of North Carolina at Chapel Hill School of Government that partners with local governments in North Carolina in an effort to encourage private investment for transformative projects by providing specialized finance and development expertise. *Approved unanimously (5-0)*

## **Other Business** (Town Manager)

### **Manager's Report**

#### **Project Status Report (February 2016)**

**Coffee with a Cop** – Wednesday, February 17, 2016 – Stick Boy Bread Company – 8:00am to 10:00am

**Rezoning Petition – Ransdell, LLC, Cumalander Co., LLC and Brennan Way, LLC – PINs 0668538807, 0668534844, and 0668535684 – REZ-2015-20 – (First Reading)** *Town Manager Mitchell read a letter addressed to the Town Board dated February 1, 2016, from Town Attorney Mark Cumalander regarding his recusal on discussion and legal advice due to the fact that he has a direct financial interest in the property in question. Town Attorney Cumalander referred the Board to his assistant attorney James S. Adcock, III for any legal questions and discussion as it relates to this matter.*

**Rezoning Petition – Hattie A. Mims Living Trust Property – 6513 Mims Road – PIN 0636936275 – REZ-2016-01 – (First Reading)**

## **Other Business (Mayor and Town Board)**

**Mayor Pro-Tempore Massengill** stated that he enjoyed a very productive Town Board Retreat

**Commissioner Adcock** commended former Boards and stakeholders for their keen insight and wisdom to donated property for the current library located on South Fuquay Avenue, and for negotiating a provision in the contract with Wake County that would require that the property revert back to the Town if it is no longer used for a public library.

**Commissioner Harris** stated that the Strategic Planning Retreat was well prepared, and he learned a lot.

**Commissioner Wunsch** echoed what had been said about the Town Board Retreat, and he stated that he especially enjoyed the venue for the Retreat that offered a great place to be able to focus on the issues.

**Commissioner Gardner** stated that she was enjoyed Town Board Retreat, and was inspired by the possibilities and ideas presented and discussed.

**Mayor Byrne** commended everyone for the part they played and the work product of the Town Board Retreat. He also thanked reporter Will Doran for attending the Retreat in Pinehurst.

**Closed Session** - The Board did not call for a closed session meeting.

## **Adjournment**