



**TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
AUGUST 1, 2016**

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on August 1, 2016 at 7:00 p.m.

Commissioners Present: Blake Massengill (Mayor Pro-Tem)
 Charlie Adcock
 Bill Harris
 Jason Wunsch
 Marilyn Gardner

Commissioners Absent: None

Others Present: Town Manager Adam Mitchell
 Assistant Town Manager Mark Matthews
 Town Clerk Rose Rich
 Town Attorney Mark Cumalander

INVOCATION AND PLEDGE OF ALLEGIANCE

Attorney James Adcock gave the invocation and Police Chief Laura Fahnestock led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The July 5, 2016, minutes of the regularly scheduled Town Board of Commissioners were presented for approval consideration.

MOTION: Commissioner Adcock
SECOND: Mayor Pro-Tempore Massengill
MOTION RESULT: Passed Unanimously (5-0)

PRESENTATIONS

Agenda Item No. 4.A: Introduction of Assistant Finance Director –Kirk Medlin

Town Manager Mitchell introduced Kirk Medlin, the newly hired Assistant Finance Director. He also thanked finance staff member Nicole Stevens for her help and hard work while the Assistant Finance Director position was vacant.

Agenda Item No. 4.B: Presentation of Fuquay-Varina Arts Center 25% Design Options

Town Manager Mitchell reminded the Board that at a previous Town Board meeting, the Board of Commissioners authorized Szostak Design to proceed forward with 25% design development of two schematics; the first – to renovate the Arts Center building within its existing footprint and the second – to renovate the Arts Center building to include the addition of a theater on the back of the building. Town Manager Mitchell advised that Szostak Design has completed the 25% design on both concepts and then introduced Phil Szostak of Szostak Design to make a presentation.

Mr. Szostak gave a presentation on the 25% completion of the design for the Arts Center. He presented three options for the plan and two schedule options for completion of the project. Scheme 1 consisted of a 294 fixed seat theatre plan within the existing building's footprint, at an estimated cost of \$3,181,438.70 and a total area of 11,358 square feet. Scheme 2 consisted of a 294 fixed seat theater with 5,847 square feet added to the original footprint. The estimated cost for Scheme 2 is \$3,402,156.51 and the total area is 17,205 square feet. Scheme 2A consisted of a 294 fixed seat theater with an option to expand to 414 seats. The estimated cost for Scheme 2A is \$3,521,497.24 and the total area is 18,684 square feet. Mr. Szostak also reviewed a timeline option for traditional delivery for design development, construction documents, review by town agencies, the bidding phase, construction and completion of the project. The estimated completion for the traditional delivery is April 1, 2018 (within 600 days). He also reviewed a timeline option for non-traditional delivery with an estimated completion date of February 1, 2018 (within 540 days).

Board Discussion

Commissioner Gardner stated that she really likes the gallery space for visual arts as shown in Scheme 2 and 2A, and the ability to expand an additional 100 seats if there is a need; she favored Scheme 2A. Commissioner Adcock stated that seeing the options that add the theatre on the back end of the original footprint gives added value for the price per square foot. Mayor Byrne stated that he really likes Scheme 2A.

Staff Discussion

Town Manager Mitchell stated that Scheme 2A creates a passive plaza type feel on the back end of the building, although it only has a limited number of parking spaces. He recommends Scheme 2A because it adds flexibility and opportunity to add additional seating in the future. He stated that the cost for Scheme 2A would be above the Town's budget of \$3.1 million by about \$427,000, but the Town has the financial ability to appropriate the difference.

Board Discussion

Mayor Pro-Tem Massengill stated that although Scheme 2A provides only four parking spaces (for staff), he feels that it would be reasonable to choose Scheme 2A since it nearly doubles the space of Scheme 1 for only about 10% of an added cost. Commissioner Wunsch, Commissioner Harris and Commissioner Adcock agreed that Scheme 2A is the best option for the project.

Town Manager Mitchell then recommended that the Town go with a 100% design of Scheme 2A and follow the non-traditional delivery for the Arts Center renovation project's estimated completion date of February 1, 2018.

MOTION: Commissioner Adcock
SECOND: Commissioner Gardner
MOTION RESULT: Passed Unanimously (5-0)

PUBLIC COMMENTS

Robert Ainsworth, 2609 Fleming Road, raised concerns that he did not receive a notification for the annexation petition ANX-2016-05 that is being considered under Consent Agenda Item 8E on tonight's agenda. Planning Director Sorensen stated that his property was just outside the 100 foot requirement for receiving notification but that staff had sent the notice to him anyway and could not explain why he did not receive it.

Betty Lyn Walters-Eller stated that there should be some consideration for the proposed Arts Center to be ADA and handicap compliant. Mayor Byrne stated that it will be ADA compliant and handicap parking spaces would be taken into consideration in the planning.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Voluntary Annexation Petition – Parkway Properties Group, LLC – 6308 Mims Road – PINs 0646230404 & 0646225477 – ANX-2016-02

Purpose – To consider an ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for voluntary annexation by Parkway Properties Group, LLC, for property located at 6308 Mims Road, PINs 0646230404 and 0646225477, containing 57.753 acres and having access on Mims Road.

Staff Comments – Town Manager Mitchell advised that at the March 7, 2016, meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation and the Town Clerk certified at that time that the petition was sufficient and meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution on the same night scheduling the public hearing. Water service is available to this property; however sewer service is not

currently available. The property owner has signed a Declaration of Annexation and Agreement acknowledging that the Town will provide the land such municipal services it presently provides to other lands within the corporate limits, except sewer services. The estimated value of the property is \$1,382.061.

Town Manager Mitchell took a moment to explain how water service will be provided through the Town's existing annexation and water service agreement with Harnett County (adopted in 2003 and amended in 2007).

Public Hearing – Mayor Byrne opened the public hearing, and he asked if anyone wished to speak in favor of the proposed annexation. Hugh J. Gilleece, 875 Walnut Street, Suite 360, Cary, NC, spoke in favor of the proposed voluntary annexation. Mayor Byrne asked if anyone wished to speak in opposition to the annexation request. Matt Ratnesar, 6405 Pine Gardens Lane, Fuquay-Varina, spoke in opposition due to concerns for a rise in crime in the area, increased traffic, safety for the children in the area and excess run-off from new development.

Board Member Discussion – Commissioner Adcock stated that he feels that most of the issues raised in opposition to the proposed annexation request will be addressed during the zoning and/or site plan approval process.

Recommendation - Adopt the ordinance extending the corporate limits of the Town of Fuquay-Varina to include the Parkway Properties, LLC property located at 6308 Mims Road (PINs 0646230404 and 0646225477), ANX-2016-02, and associated Declaration and Annexation Agreement as presented and recommended.

MOTION: Commissioner Adcock

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-16-38

Agenda Item No. 6.B: Zoning Petition – Parkway Properties Group, LLC (Hugh J. Gilleece) – 6308 Mims Road – PINs 0646230404 and 0646225477 – REZ-2016-04

Purpose – To hold a public hearing and consider a request to zone a total of 56.20 acres located at 6308 Mims Road from Wake County R-30 Zoning District to the Town of Fuquay-Varina R-20 (CZD) Residential-Agricultural Zoning District. The subject property is more particularly known as Wake County PIN # 0646230404.

Staff Comments – Town Manager Mitchell advised that the property at 6308 Mims Road is currently undeveloped. Public water is available by way of a Harnett County water line located along Buckhorn Duncan Road, which is approximately 1,500 feet to the west. The Town of Fuquay-Varina has a joint agreement with Harnett County for connections and extensions of water service. No public sewer is available to serve the subject property at this time because the nearest sewer lines are located approximately 1.9 miles to the northeast. If the property is developed without sewer service, then the maximum lot size will be determined by the Wake County Water Quality Division that administers septic permits. The minimum lot size the Town will allow with one public utility is 20,000 square feet. The applicant originally submitted this rezoning request for R-10 Conditional Zoning District, with the condition that duplexes not be allowed. The applicant has since requested the rezoning request to be revised to R-20 based on

sewer not being available to the property, making the condition prohibiting duplexes moot, as duplexes are not allowed under R-20 zoning. Mims Road is an existing two-lane, 60' right-of-way. The Community Transportation Plan does not recommend any improvements for Mims Road because properties within the Long Range USA are outside of the CTP study area. R-20 zoning is consistent with the Town's adopted land use plan and therefore reasonable and in the best interest of the public

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the zoning petition. The petitioner, Hugh J. Gilleece, 875 Walnut Street, Suite 360, Cary, spoke in favor of the request on behalf of the property owners. Timothy Mandhardt, 5900 Rounder Lane, Holly Springs also spoke in favor of the zoning request and he stated that he was pleased to hear that the requested zoning is R-20 which better complements the homes in the surrounding area. He asked that NCDOT be encouraged to do traffic studies at the intersection of O.C. Hester and Piney Grove Wilbon Road. Mayor Byrne asked if anyone wished to speak in opposition to the zoning request. Matt Ratnesar, 6405 Pine Gardens Lane, Fuquay-Varina, spoke in opposition to the zoning request because of the increased burden on the infrastructure.

Board Member Discussion – After hearing the estimated traffic counts for roads in the proposed area for rezoning, Mayor Pro-Tem Massengill stated that the additional homes for this zoning would not impose a burden on the infrastructure in that area.

Recommendation - Approve the zoning petition (REZ-2015-04) by Parkway Properties Group, LLC to rezone the property located at 6308 Mims Road to the Town of Fuquay-Varina R-20 Zoning District as recommended, as it is reasonable and in the best interest of the public.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

Agenda Item No. 6.C: Rezoning Petition – Wayne Mauldin – 103, 109, 111, 113, and 117 E. Broad Street – PINs 0657933110, 0657933080, 0657935002, 00675925902 and 065792691 – REZ-2016-03

Purpose – To reopen and continue a public hearing, and table consideration of a petition to rezone a total of 2.369 acres along E. Broad Street from the Town of Fuquay-Varina CH Highway Commercial and R-20 Residential Agricultural Zoning Districts to the LI (CZD) Light Industrial Conditional Zoning District.

Staff Comments – Town Manager Mitchell advised that the applicant has requested further deferral of consideration of their rezoning petition until the September 6, 2016, Town Board meeting in order to continue evaluating their proposal for development of the property. He stated that staff will re-advertise the date and time for this rezoning petition.

Public Hearing – Mayor Byrne opened the public hearing. The Town Board agreed by general consent to defer public comment until the rescheduled public hearing on September 6, 2016 as requested by the petitioner.

Recommendation – To continue the public hearing and table consideration of the requested rezoning of 2.369 acres at 103, 109, 111, 113, and 117 E. Broad Street from the Town of Fuquay-Varina CH Highway Commercial and R-20 Residential Agricultural Zoning Districts to LI (CZD) Light Industrial Conditional Zoning District to September 6, 2016.

MOTION: Mayor Pro-Tempore Massengill
SECOND: Commissioner Harris
MOTION RESULTS: Passed Unanimously (5-0)

PUBLIC HEARINGS

Agenda Item No. 7.A: Zoning Petition – Scott Wippel – 8112 Fayetteville Road – PIN 0689865659 – REZ-2016-02

Purpose – To consider a zoning petition to zone 1.112 acres at 8112 Fayetteville Road from the Wake County GB (General Business) Zoning District to the Town of Fuquay-Varina CH Highway Commercial Zoning District.

Staff Comments – Town Manager Mitchell advised that the subject property was a convenience store and car wash, however the buildings have been demolished and the property cleared. The property is located in the Town Urban Services Area (USA) and is zoned Wake County General Business Zoning District. The request is to zone the property to the Town Commercial Highway Zoning District. He stated that staff recommends approval of REZ-2016-02 for the following reasons:

1. The requested CH Highway Commercial Zoning District is classified as a Commercial (COM) land use and is consistent with the Town’s adopted Land Use Plan.
2. All surrounding properties to the north, east, and south that are within the Town’s corporate limits are zoned CH Highway Commercial. The zoning request will create a contiguous area of CH zoning. The uses permitted at the subject property will be in character with existing developments nearby.
3. Public utilities are available to serve the subject property and any future development.
4. For the reasons presented above, the rezoning request is considered the highest and best use of the land and is reasonable and in the best interest of the public.

At the Monday, July 18, 2016 Planning Board hearing, the Planning Board voted unanimously to recommend approval of REZ-2016-02 to zone 1.112 acres at 8112 Fayetteville Road from the Wake County General Business Zoning District to the Town of Fuquay-Varina Commercial Highway Zoning District.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the zoning petition. Peter Bishop, 421 Fayetteville Street, spoke in

favor of the zoning petition on behalf of the applicant. No one chose to speak in opposition to the zoning petition.

Board Member Discussion – There was no further discussion from the Town Board.

Recommendation - Approve REZ-2016-02 to zone a total of 1.112 acres at 8112 Fayetteville Road, Wake County PIN #0689-86-5659, from the Wake County General Business Zoning District to the Town of Fuquay-Varina Commercial Highway Zoning District for the reasons presented and recommended.

MOTION: Commissioner Gardner
SECOND: Mayor Pro-Tem Massengill
MOTION RESULTS: Passed Unanimously (5-0)

Agenda Item No. 7.B: Zoning Petition – Town of Fuquay-Varina NC – 5028 Wade Nash Road – PIN 0658304164 – REZ-2016-17

Purpose – To consider a request to zone a 23.25 acre portion of the property located at 5028 Wade Nash Road. The subject property is currently undeveloped and has been added to the Town’s Urban Service Area (USA) and ETJ by the Wake County Board of Commissioners. The property measures a total of 47.2 acres, and is split into two tracts by Wade Nash Road.

Staff Comments – Town Manager Mitchell advised that staff recommends approval of REZ-2016-17 for the following reasons:

1. The R-10 Zoning District is not inconsistent with the current zoning classification of the southern tract of the property that is in the Town ETJ and zoned R-10. The proposed R-10 District is a Medium Density Residential Land Use, and the requested R-10 zoning District will not create inconsistency with the Land Use Plan because the two tracts of the portion of Wade Nash Road.
2. The proposed R-10 Zoning District is consistent with the zoning classification of other subdivisions, such as Springhill, which are located to the south and east of the subject property. Additionally, the proposed R-10 Zoning District will provide an area of transition from the existing industrial, commercial, and R-4 Zoning Districts to the east, and the low density R-30 Zoning Districts to the southwest.
3. Town utilities are located along Wade Nash Road to the east of the subject property and can be extended in the future. The Town sewer pump station is approximately 300 feet to the east, and existing Town water lines stop at the eastern boundary of the subject property. Therefore, public utilities are available to serve future development.
4. Half of the improvements required by the Community Transportation Plan will be required if the subject property is developed in the future. If both portions of the subject property are developed, improvements will be required along both sides of the right-of-way. This means approximately 1,100 linear feet of Wade Nash Road could be widened to a four-lane 100’ right-of-way with

sidewalks along both sides. Staff believes that having consistent R-10 Zoning on both tracts will create consistency for the development of both tracts, instead of having different zoning classifications on each tract.

5. The zoning request is considered the highest and best use of the land and is reasonable and in the best interest of the public.

At the July 18, 2016 Planning Board meeting, the Planning Board voted unanimously to recommend approval of REZ-2016-17 to zone 23.25 acres at 5028 Wade Nash Road from the Wake County R30 and General Business Zoning Districts to the Town of Fuquay-Varina R-10 Residential Single & Two-Family Zoning District.

Board Member Discussion – Mayor Byrne stated that the Town has been working on this matter for about 9 months, and it is a good step forward for future development.

Public Hearing – Mayor Byrne opened the public hearing, and he asked if anyone wished to speak in favor of, or in opposition to the proposed zoning request for REZ-2016-17. No one chose to speak in favor of, or in opposition to the zoning request. Mayor Byrne declared the public hearing closed.

Board Member Discussion – There was no further discussion from members of the Board.

Recommendation – Approve REZ-2016-17 to zone a total of 23.25 acres of the portion of the property at 5028 Wade Nash Road, Wake County PIN 0658304164, from the Wake County R-30 and General Business Zoning Districts to the Town of Fuquay-Varina R-10 Residential Single & Two-Family Zoning District for the reasons presented and explained by staff. The zoning is reasonable and considered in the public's best interest.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. PZ-16-08

Agenda Item No. 7.C: Town Code Amendment – Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article H: Conditions for Uses Permitted as a Right, 9-4084: Mobile Units – CTA-2016-03

Purpose – To consider an amendment to the Town Code by adding "temporary mobile medical unit" as an allowable use under §9-4084: Mobile Units.

Staff Comments – Town Manager Mitchell advised that the Town Code currently permits mobile units for specific purposes including mobile construction offices on a construction site, a mobile unit for security personnel quarters during construction of a facility, a mobile unit for physical catastrophes related to residential or nonresidential uses, and mobile units permitted at schools. The majority of these mobile units have specific time limits with the exception of schools where there is no time limit. Currently there are no regulations for a mobile medical unit listed in the Town Code. The Town has permitted a medical mobile unit for Wake Radiology at a commercial site once a week. There is now interest by other medical services to permit a mobile medical unit that, over time and need, may need more than one (1) day a week. For this reason the Town staff is

proposing to add mobile medical units as a use with conditions to the Town's zoning regulations. Under the proposal, temporary mobile medical units such as surgical-operating rooms, mobile medical imaging, laboratory testing or similar medical services without limitation of a time are permitted with the following standards:

- A. The mobile medical unit shall be located on property where a permanent medical service is established in a principal building, and the location of the mobile medical unit shall not reduce public parking below the minimum required parking in accordance with Article L: Off-Street Parking and Service Requirements.
- B. The mobile medical unit shall be located on the side or rear of the principal building utilizing the mobile medical unit and not adjacent to a public right-of-way.
- C. A reinforced concrete pad shall be installed to support the weight of the mobile medical unit, and striped with parking bays when the mobile medical unit is not located on the site.
- D. The use of a mobile medical unit for office space is prohibited.
- E. A mobile medical unit shall only be permitted in a commercial zoning district.
- F. All utility services, water, sewer, electrical, phone, cable or other similar services shall be installed at ground level or underground. Overhead wiring of any source is prohibited.

Board Member Discussion – Commissioner Adcock asked the reasons behind the proposed ordinance. Town Manager Mitchell stated that the Town is establishing a standard because we are getting more requests for these types of units and until now have not had standards in the Town Code to assist with regulation and approval.

Public Hearing – Mayor Byrne opened the public hearing, and he asked if anyone wished to speak in favor of, or in opposition to the Town Code amendment. No one spoke in favor of, or in opposition to the proposed amendment. Mayor Byrne declared the public hearing closed.

Board Member Discussion – Mayor Byrne stated that the proposed text amendment is a good idea and may help with the Town's efforts to recruit a variety of medical services to the Town.

Recommendation – Adopt the ordinance that amends the Town Code, Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article H: Conditions for Uses Permitted as a Right, 9-4084: Mobile Units, by adding provisions for Temporary Mobile Medical Units as proposed and recommended.

MOTION: Commissioner Wunsch
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. PZ-16-06

Agenda Item No. 7.D: Town Code Amendment – Part 9: Planning and Regulation of Development, Chapter 3: Subdivision Regulations, Article D: Procedure, 9-3063: Preliminary Plat, (d) (5): Extension of Preliminary Subdivision Plan Approval and (d) (6): Phase Amendment to Allow for Phase Changes to be Approved Administratively; and Chapter 4: Zoning, Article J: Development Standards, 9-4102: Site Specific Development Plan, (b): Staff Review Process, (4) Extension of Site Plan Approval – CTA-2016-04

Purpose –To consider an amendment to the Town Code that supports the transition of current development projects to the new Land Development Ordinance.

Staff Comments – Town Manager Mitchell advised that on August 8, 2016 at 8:00 a.m., the Law and Finance Committee will review the final draft of the Town's proposed Land Development Ordinance (LDO), and subsequently on October 3, 2016, the Town Board will hold a public hearing and consider adoption of the LDO. He stated that in order to facilitate implementation of Town Code of Ordinances, Part 9: Land Development Ordinance, which is anticipated to be adopted later this calendar year, the Town will transition away from use of the current regulations, Part 9: Planning & Regulation of Development. As part of this transition, some strategy is necessary in terms of when certain types of development have to comply with the new Land Development Ordinance. An outline of dates and how they apply to different plans, projects and development types was presented for consideration by the Town Board on July 5, 2016. In order to facilitate administration of the timeline and sunset provisions included in the adopted outline, it is necessary to make specific changes to the current Town Code so that the items considered do not interfere with the Town's implementation strategy or create unintended burdens on active development. Specifically, the Town Code amendment proposes to eliminate language related to Preliminary Plats that states that the "extension of the plan approval for a 6 month period may be requested in writing by the owner or developer and may be granted by the Planning Administrator for good cause when such extension will not violate the spirit of this Chapter or other Town regulations." It also adds language under the section pertaining to Preliminary Plats that specifies Phasing Amendments and states that "an amendment to change phasing only on a preliminary plat, in accordance with this Section, shall be approved administratively." Further, the Town Code Amendment rewrites the section in the ordinance pertaining to a Site Specific Development Plan by eliminating the language in the current Town Code pertaining to the period of validity for a site plan by removing "This period may be extended for a maximum of 12 additional months by the Planning Director upon written request. The extension shall not be granted if Town policies, standards, or ordinances have been changed in a way that would affect the site plan. Any sewer and/or water capacity associated with the approved project shall only be reserved until the end of the first 12 months or any extension granted."

Board Member Discussion – Mayor Byrne asked if approved phasing changes made by staff will be reported to the Board. Town Manager Mitchell affirmed that Town staff will notify the Board of phase changes.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of, or in opposition to the proposed text amendment. No one chose to

Speak in favor of, or in opposition to the amendment. Mayor Byrne declared the public hearing closed.

Board Member Discussion – There was no further discussion from members of the Town Board.

Recommendation - Adopt the Town Code Amendment, CTA-2016-04, as presented and recommended.

MOTION: Mayor Pro-Tempore Massengill
SECOND: Commissioner Adcock
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. PZ-16-07**

Agenda Item No. 7.E: Town Code Amendment – Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article G: Zoning Districts, 9-4066: Office and Institutional, (1) Permitted Uses – CTA-2016-05

Purpose – The purpose of this agenda item is to consider an amendment to the Town Code of Ordinances that allows schools, public or private, as a permitted use by right in the Office and Institutional Zoning District.

Staff Comments – Town Manager Mitchell advised that the Office and Institutional zoning district currently only allows a “business school”. Office and Institutional is typically a zoning district that would include schools in general since they fall under an institutional category. Schools, public or private, are currently limited to a residential zoning district and is a special exception use that must be heard before the Board of Adjustment. This amendment would add the option of schools in Office and Institutional zoning as a use by right. At the July 18, 2016 Planning Board meeting, the Planning Board voted unanimously to recommend the town Board of Commissioners approve the amendment to the Town Code, CTA-2016-05, thereby changing Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article G: Zoning Districts, 9-4066: Office and Institutional, (1) Permitted Uses, d. to delete “Business” and replace with “Schools, public and private, except not including heavy equipment/training truck operators.”

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of, or in opposition to the proposed text amendment. No one chose to speak in favor of, or in opposition to the amendment. Mayor Byrne declared the public hearing closed.

Board Member Discussion – There was no further discussion from members of the Town Board.

Recommendation - Adopt the amendment to the Town Code of Ordinances, CTA-2016-05, as presented and recommended.

MOTION: Commissioner Wunsch
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. PZ-16-08**

CONSENT AGENDA

Agenda Item No. 8.A: Budget Amendment – Recognizing Revenue – Wake County Government – Fuquay-Varina Fire Department - \$8,333.00 – BA-2017-04

Purpose – To consider a budget amendment to recognize funds from Wake County in the amount of \$8,333.00 for Fire Department equipment purchases.

Recommendation – Adopt budget amendment BA-2017-04 as presented and recommended.

Agenda Item No. 8B: Budget Amendment – Development Specifications Manual – Engineering Department – \$11,000.00 – BA-2017-05

Purpose – The purpose of this agenda item is to consider a budget amendment that reallocates funding from FY 16 retained earnings and places the funds in the FY 17 operating budget for the purpose of use by the Engineering Department for consultant services related to the Spec Book Update project.

Recommendation – Adopt budget amendment, BA-2016-05, as presented and recommended.

Agenda Item No. 8.C: Budget Amendment – Non-Resident Scholarship Donation – Fuquay-Varina Junior Woman’s Club – Park and Recreation Department – \$100.00 – BA-2017-06

Purpose – The purpose of this agenda item is to consider a budget amendment that recognizes funds from the Fuquay-Varina Junior Woman's Club for Non-Resident Scholarships within the Parks, Recreation, and Cultural Resources Department.

Recommendation – Adopt budget amendment, BA-2016-06, as presented and recommended.

Agenda Item No. 8.D: Voluntary Annexation Petition - Resolution Instructing the Town Clerk to Investigate a Voluntary Annexation Petition and Setting a Public Hearing for August 16, 2016 – RWC Land II, LLC – Pulte Group – 0 Purfoy Road – PINs 0665849465 and 0665746312 – ANX-2016-03

Purpose – The purpose of this agenda item is to consider a petition for voluntary annexation of property owned by RWC Land II, LLC, located at 0 Purfoy Road and having access to Purfoy Road, PINs 0665849465 and 0665746312, containing approximately 60.355 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition and adopt the resolution setting the public hearing for a voluntary annexation petition on August 16, 2016, for the properties owned by RWC Land II, LLC (ANX-2016-03) as presented and recommended.

Resolution No. 16-1426 & 16-1427

Agenda Item No. 8E: Voluntary Annexation Petition - Resolution Instructing the Town Clerk to Investigate a Voluntary Annexation Petition and Set a Public Hearing for August 16, 2016 – Rick Edwards – 2525 Fleming Road – PIN 0646852334 – ANX-2016-05

Purpose – The purpose of this agenda item is to consider a petition for Voluntary Annexation of property owned by Cozart Farm, LLC, located at 2525 Fleming Road (PIN 0646852334), containing a total of 9.62 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the sufficiency of the petition, and adopt the resolution setting the public hearing for a voluntary annexation petition on August 16, 2016, for the property owned by Cozart Farm, LLC (ANX-2016-05) as presented and recommended.

Resolution No. 16-1428 & 16-1429

Agenda Item No. 8.F: Town Property Use Request - South Park Walking Trail and Covered Shelter - Trinity Episcopal Church - Family and Community Empowerment Services Annual Walk - September 11, 2016

Purpose – The purpose of this agenda item is to consider a request to use South Park for the Trinity Episcopal Church / Family and Community Empowerment Walk.

Recommendation – Approve the request for use of Town property at South Park for the Walk-a-thon on September 11, 2016 as requested and presented.

A motion was made to approve all items A-F on the Consent Agenda as recommended.

MOTION: Mayor Pro-Tempore Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

NOTE: The order of the following Administrative items was changed upon general consent of the Town Board. Item 10.C was considered before Item 10.A as requested by Mayor Pro-Tem Massengill.

ADMINISTRATIVE REPORTS

Agenda Item No. 10.C: Town Code Amendment – Part 7: Motor Vehicles and Traffic, Chapter 1: General Traffic Regulations, Article F: Parking Regulations, 7-1159: Parking One-Hour Limit; and Appendices: Traffic, Section 134: Parking Limited to One Hour – Downtown Varina District – M-16-04

Purpose – To consider an amendment to the Town Code of Ordinances that modifies Part 7: Motor Vehicles and Traffic, Chapter 1: General Traffic Regulations, Article F: Parking Regulations, 7-1159: Parking One-Hour Limit; and Appendices: Traffic, Section 134: Parking Limited to One Hour as it pertains to the Downtown Varina District.

Staff Comments – Town Manager Mitchell advised the Town has recently been approached by Downtown Varina businesses that have expressed concerns over ample parking for their customers during normal merchant/retail business hours, Monday through Saturday, 8:00 AM – 6:00 PM. Several businesses in the Varina district have stated that their customers are unable to park in close proximity to their businesses and as a result are losing revenue and business opportunities. Given the nature of the concerns that have been raised by numerous property and business owners in the Varina District and the research by town staff, town management recommends the establishment of four (4) one-hour (1-hour) maximum parking limit spaces located adjacent to the central crosswalk on Broad Street. This location was selected for the four 1-Hour parking spots because of its close proximity to the central crosswalk and its proximity to shops located in the Varina business district. An estimated \$280 for materials and staff time to install signage is expected as a result of amending the Town Code per management's recommendation.

Kristen Farrington owner of Glittery Frog Boutique, and Kari Zollo, owner of Carolina Monogram & Company on Broad Street thanked the Town Board for considering the ordinance and stated that four spaces for permitting one hour parking with or without enforcement is a great start.

Board and Staff Discussion – Mayor Pro-Tem Massengill asked about the timeframe and the method to implement the ordinance. Public Works Director Arthur Mouberry stated that the ordinance would be enforced as soon as the one-hour signs are ordered and delivered, which would take no longer than two weeks. Police Chief Laura Fahnestock stated that the Police Department could use area video cameras to enforce the ordinance if needed. Commissioner Marilyn asked if the parking problem is caused by employees of the area businesses. Kristen Farrington, owner of The Glittery Frog Boutique stated that employees using the parking spaces are a big part of the problem. Town Manager Mitchell stated that the Town Board will discuss the Downtown Parking Study as part of tonight's agenda, and he offered that the two business owners who spoke tonight to get involved with the study. Mayor Pro-Tem Massengill stated that he appreciates the staff working with the business owners on this matter.

Recommendation – Adopt the amendment to the Town Code of Ordinances, Part 7: Motor Vehicles and Traffic, Chapter 1: General Traffic Regulations, Article F: Parking Regulations, 7-1159: Parking One-Hour Limit; and Appendices: Traffic, Section 134: Parking Limited to One Hour as presented and recommended.

MOTION: Mayor Pro-Tempore Massengill
SECOND: Commissioner Adcock
MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. M-16-04

Agenda Item No. 10.A: Harnett County Water District Map Amendment

Purpose – To consider an amendment to the Harnett County Water District.

Staff Comments – Town Manager Mitchell advised that the Town has received two requests for the following properties to be added to the Harnett County Water District and be allowed to connect to the Harnett County Water System pursuant to the Town of Fuquay-Varina and Harnett County agreement adopted in 2003 and later amended in 2007.

1. In a letter dated June 22, 2016 (see attached), Mr. Scott Brown of 4D Site Solutions requested that 1000 Wagstaff Road be allowed to connect to the Harnett County water system. The property is owned by the Victory Temple Ministries and a church is proposed to be constructed on the property. A copy of the request and the preliminary construction plans are attached.
2. In a letter dated July 7, 2016 (see attached), Mr. Jim Chandler of Timmons Group requested the proposed Copper Pond Subdivision, composed of 2421 Piney Grove Wilbon Road and 5820 Sand Star Drive, be allowed to connect to the Harnett County water system. The properties are owned by Copper Pond Developers, LLC and a 50 lot subdivision is proposed, for which a preliminary plat was previously approved by the Fuquay-Varina Town Board. A copy of the request and approved preliminary subdivision plan are attached.

Town Manager Mitchell explained how water service will be provided through the Town's existing annexation and water service agreement with Harnett County (adopted in 2003 and amended in 2007). Specifically, the terms of the agreement state that the developer of the property will work with Harnett County to build the necessary water infrastructure to Town of Fuquay-Varina specifications. At the completion of construction of the water line infrastructure and before authorizing the line to go into service, Harnett County will turn over the ownership of the water line to the Town of Fuquay-Varina. From there, the Town will lease back the water line infrastructure to Harnett County for \$1 and Harnett County will provide water to the development at the retail rate. This arrangement allows for the infrastructure to be owned by the Town of Fuquay-Varina and therefore establishes the authorization of voluntary annexation and utilization of Town zoning and for the water service to be provided by Harnett County within the Harnett County water service district. Harnett County has agreed to sell water to the end user at the same consumer rate as a Town of Fuquay-Varina customer so that there is no confusion about customers receiving different water rates. The agreement between the Town and the County further specifies that all waterlines, wastewater lines, expansions or upgrades, facilities or systems, leased to Harnett and District by Town shall be maintained and repaired and kept in good working order by Harnett and District at its sole expense without contribution from Town.

Board Discussion – Commissioner Adcock asked about a gap in a water line on the map showing the proposed Harnett County Water District Additions. Public Utilities Jay

Meyers stated that the gap is where the waterline is attached to a master meter for Harnett County.

Recommendation – Approve the addition of 1000 Wagstaff Road (subject to voluntary annexation and zoning) and 2421 Piney Grove Wilbon Road and 5820 Sand Star Drive to the Harnett County Water District for the purposes of being served public water under the Town of Fuquay-Varina's and Harnett County's Annexation Agreement (adopted 2003 and amended 2007) as presented and recommended.

MOTION: Commissioner Harris
SECOND: Commissioner Adcock
MOTION RESULTS: Passed Unanimously (5-0)

Agenda Item No. 10.B: Scope and Fee Agreement – Right-of-Way Services – NE Judd Parkway

Purpose – To consider approval of a contract with PPS, Inc. for the appraisal and negotiation of ROW to be acquired for the NE Judd Parkway Intersection Improvements Project.

Staff Comments – Town Manager Mitchell advised Town Staff solicited qualifications from numerous Right of Way (ROW) acquisition firms to provide services for appraisals (performed by an independent appraisal firm), negotiation, documentation, and acquisition of Right of Way for the NE Judd Parkway intersection project. These services are necessary to ensure that Right of Way is acquired in accordance with Federal requirements, North Carolina General Statute, and in a form that is acceptable to NCDOT Division 5. PPS, Inc. is staffed with former NCDOT employees who are well versed in the Uniform Act and NCDOT ROW requirements. These services will help ensure that no delays in approval by NCDOT will be encountered as a result of the methods for Right of Way acquisition, allowing the project to move forward into the construction phase. Town Manager Mitchell recommended that the Town enter into a contract that is based on cost per parcel for the level of effort that PPS expends as laid out in their contract proposal. Town Manager Mitchell advised that the Town Engineer has had extensive dialogue with the NCDOT ROW acquisition staff, as well as counterparts at other municipalities that have used similar firms to complete right-of-way acquisition for locally administered road widening projects subject to federal funding requirements. Based on this review the proposed cost per parcel is competitive. The proposed not to exceed amount of \$134,600 is anticipated to cover all work needed from the ROW firm to complete acquisition of portions of the 19 properties directly impacted by this project. The contract award for a not to exceed amount of \$134,600, which can be accommodated within the current project budget for the NE Judd/Main Street Intersection Project.

Board Discussion – Mayor Byrne asked if there would be a limit on the amount offered for the right-of-ways. Town Manager Mitchell stated that property owners will be offered the fair market value and further negotiations would be needed if there were a request for a higher amount. Town Manager Mitchell advised that if a reasonable acquisition price could not be agreed upon, then the Town could consider condemnation. Mayor Pro-Tem Massengill stated that he is glad to see that this project is moving forward.

Recommendation – Approve the contract with PPS, Inc. for an amount not to exceed \$134,600 subject to Town Attorney review as to form.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

Agenda Item No. 10.D: Contract Award – Downtown Parking Study – Carl Walker, Inc.

Purpose – To consider awarding a contract to Carl Walker, Inc., a parking consultant and engineering firm specializing in parking planning, functional design, structural engineering, parking structure design, and operations and management studies for the performance of a downtown parking study/plan for the Town of Fuquay-Varina.

Staff Comments – Town Manager Mitchell advised that as part of the Development Finance Initiative's (DFI) pre-development services recommendation, the Town is seeking parking consulting services to prepare a Downtown Parking Plan. These consulting services are necessary to provide an analysis of the downtown's current parking demand and how much parking will be needed to support new mixed-use development projects consisting of commercial, retail and residential uses. The procurement of a downtown parking analysis is one of the key strategic pre-development services recommended to support the recruitment of private sector mixed-use projects downtown. Carl Walker, Inc., (Charlotte, NC) in partnership with Calyx Engineering (Cary, NC) are proposing a scope of services that outlines a parking planning process that will help the Town identify and implement parking policies and practices that will support the Town in achieving its overall downtown parking goals. The consultants will prepare a Downtown Parking Plan as their final deliverable that will detail parking needs throughout the entire downtown footprint. The Downtown Parking Plan analysis will: a) Determine how much parking is needed in the downtown based on existing uses; b) Forecast how much parking will be needed in the future based on potential uses, in-fill mixed-use development, and rehabilitation of existing structures; c) Identify locations for additional parking during business operating hours, overnight, event parking, etc.; d) Incorporate downtown merchant business/residential need for parking that include safety, biking and pedestrian walking distances; and e) Provide recommendations to the Town on how existing/new parking should be managed and funded. The cost for the Carl Walker/Calyx team to perform the downtown parking consulting services is \$55,000. Funds for this work have been identified in the Town's Economic Development Department, Downtown Development Division under pre-development services. The downtown parking analysis will take approximately eight months to complete with a final Downtown Parking Plan report submitted to the Town Board by the end of March 2017.

Board Discussion – Mayor Byrne stated that this study will help DFI with their work on mixed use development in our downtown areas in the near future and is a positive step forward to achieving the Town's downtown goals.

Recommendation – Award the contract for a parking study and plan to Carl Walker, Inc. in the amount of \$55,000 as presented and recommended, subject to the Town Attorney's review as to form.

MOTION: Commissioner Gardner
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

OTHER BUSINESS

- 11.A Manager's Report
- 11.B Project Status Report (August 2016)
- 11.C Quarterly Report - 4th Quarter FY 2016
- 11.D Law and Finance Committee Meeting - Land Development Ordinance Update - August 8, 2016 - 8:00am
- 11.E Rezoning Petition - Stencil Builders, LLC - 1335 Bowling Road - PIN 0665093136 - REZ-2016-19 - (FIRST READING)
- 11.F Zoning Petition - RWC Land II, LLC - Pulte Group - 0 Purfoy Road - PINs 0665746312 and 0665849465 - REZ-2016-14 - (FIRST READING)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that Economic Development Director Jim Seymour was featured on the cover and in an article in Triangle Business Journal.

Commissioner Adcock stated that he enjoyed the Ice Cream Social.

Commissioner Harris stated that he had no further comments or business to discuss.

Commissioner Wunsch stated that he is looking forward to being a downtown resident in the morning, he is moving to 214 E. Spring Street.

Commissioner Gardner expressed her excitement about the progress on the Arts Center, and she recommended that information be placed at the Center for the proposed plans. She also thanked IT Director Scott Clark for his work on the new software for the agenda.

Mayor Byrne stated that Wake County Commissioners Matt Calabria and Sig Hutchinson will be attending a meeting at Becky Medlin Realty tomorrow morning at 8:00 am, sponsored by the Chamber of Commerce Governmental Affairs Committee to discuss the Wake County Transit plan. He stated that he will be attending an event for Wake County Sheriff Donnie Harrison. He stated that the "Coffee With A Cop" event will be held next week on August 12, 2016, at the Krispy Kreme. He encouraged everyone to attend the "All In Community Cookout" at Falcon Park on August 13, 2016, starting at 12:00 noon until 5:00 p.m. The purpose of the cookout is to thank law enforcement officers for their work with the community. He expressed his excitement about the improvements and the re-opening of the tennis courts at Action Park. He stated the he has been involved in playing the Pokemon Go game as a means to get people involved

in walking and using our downtown areas and parks and that he would be working with staff to plan a "Pokemon Go with Mayor Byrne" event one Saturday morning before the summer ends.

CLOSED SESSION

A motion was made for the Town Board to enter into closed session at 10:22 p.m. pursuant to N.C.G.S. 143-318.11 (a) (3) – Attorney Client Privilege.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0)

OPEN SESSION

The Town Board returned to open session at 10:36 p.m. with nothing to report out of closed session.

ADJOURNMENT

A motion was made to adjourn the meeting at 10:37 p.m.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0)

Adopted this the 16th day of August 2016 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST: (TOWN SEAL)

Rose H. Rich, Town Clerk

