



**TOWN OF FUQUAY-VARINA  
BOARD OF COMMISSIONERS REGULAR MEETING  
AUGUST 16, 2016**

**CALL TO ORDER**

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on August 16, 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:             Assistant Town Manager Mark Matthews  
                                  Town Clerk Rose Rich  
                                  Town Attorney Mark Cumalander

*Note: Town Manager Adam Mitchell was absent due to surgery.*

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

Dwayne Eury, coach for the 8U Girls Softball Team led the Pledge of Allegiance and Commissioner Wunsch offered the invocation.

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**APPROVAL OF THE MINUTES**

The August 1, 2016, minutes of the regularly scheduled Town Board of Commissioners meeting were presented for approval consideration.

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

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**PRESENTATIONS**

**Agenda Item No. 4.A:           Tournament Winners – Girls 8U All Stars Softball  
and Boys 10U All Stars Baseball**

Assistant Town Manager Matthews and Mayor Byrne introduced the coaches and players of the Girls 8U All Stars Softball team and the Boys 10U All Stars Baseball team. Both teams were presented with a certificate of recognition for winning championship titles in their division.

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**PUBLIC COMMENTS**

Commissioner Wunsch introduced foreign exchange high school student Sina Hofslie from Trondheim, Norway, who will be residing with his family for this school year.

Van Dunn, 2613 Fleming Road, spoke regarding ANX-2016-05 and the impact to the surrounding properties and the probability of increased traffic on Fleming Road. This matter will be heard during a public hearing later in the meeting.

Elaine Ray, 22 Morehead Drive, Willow Spring, raised a question about the additional candidates running for the 2016 General presidential election. Mayor Byrne referred her to the Wake County Board of Elections to obtain ballot information.

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**ITEMS TABLED FROM PREVIOUS MEETING**

There were no items tabled from previous meetings.

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**PUBLIC HEARINGS**

**Agenda Item No. 7.A:           Historic Landmark Designation – Lewis-Mitchell House  
– Capital Area Preservation, Inc. – 707 Holland Road**

Purpose – To consider a request by Capital Area Preservation, Inc. to designate the Lewis-Mitchell House as a Historic Landmark.

Staff Comments – Assistant Town Manager Matthews advised that Wake County Historic Preservation Commission has investigated and recommended the request by the property owner that the Lewis-Mitchell House be designated as a historic landmark, which has subsequently been determined as eligible by the NC Department of Cultural

Resources. The two-story brick house with a prominent portico was built for Roscoe and Fiorrie Lewis on a sixty-five acre parcel around 1929 by local builder A.Y. Hairr. The owner may apply for an annual deferral of fifty percent of the property taxes for as long as the property is designated and retains significance and integrity. The current tax value of the property is \$355,072. Should the owner apply for an annual deferral of fifty percent of the property taxes, the fiscal impact to the town would be \$768.

Jeremy Bradham, Preservation Specialist for Capital Area Preservation, presented further detailed historic information regarding the proposed landmark designation. He stated that the Lewis-Mitchell House, on its 5.15-acre site, meets the criteria for local designation for its architectural significance as one of a group of prominent Colonial Revival-style dwellings built by A.Y. Hairr in Fuquay Springs in the 1920's and 1930's. Although the Lewis-Mitchell House has several alterations, it retains integrity of design, setting, workmanship, materials, feelings and association.

Board Member Discussion – Mayor Byrne made reference to his current residence at 333 South Main Street that was also built by A.Y. Hairr, as well as other historic properties in the area.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the proposed historic designation. Mr. Jeff Hastings spoke in favor of the proposed historic designation for the Lewis-Mitchell House. Mayor Byrne asked if anyone wished to speak in opposition to the historic designation. No one chose to speak in opposition to the proposed historic designation. Mayor Byrne declared the public hearing closed.

Recommendation - Adopt the ordinance for historic designation of the Lewis-Mitchell House as presented and recommended.

MOTION: Commissioner Gardner

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

**Ordinance No. N-16-39**

**Agenda Item No. 7.B: Voluntary Annexation Petition - RWC Land II, LLC – Pulte Group – 0 Purfoy Road – PINs 0665849465 and 0665746312 – ANX-2016-03**

Purpose – To consider an ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of 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.

Staff Comments – Assistant Town Manager Matthews advised that the properties contain a combined 60.355 acres and have road access on Purfoy Road. At the August 1, 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 for August 16, 2016. Water service and sewer is available to these properties and the present total value of the properties is \$1,129,008. He stated

that the petitioner is requesting that the matter be postponed until the September 6, 2016 meeting.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the Voluntary Annexation petition. Mr. Randy Keen spoke in favor of the annexation petition on behalf of Pulte Group, and he stated that they are requesting that this matter be postponed so that the annexation and rezoning can be considered on the same night.

Board Member Discussion – There were no comments from members of the Town Board.

Recommendation – Continue the public hearing and to consider subsequent action on the matter at the September 6, 2016, Town Board meeting as requested.

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

**Agenda Item No. 7.C: Voluntary Annexation Petition – Cozart Farm, LLC/Rick Edwards – 2525 Fleming Road – PIN 0646852334 – ANX-2016-05**

Purpose – To consider an ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of 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.

Staff Comments – Assistant Town Manager Matthews advised that the property contains 9.62 acres and has road access at 2525 Fleming Road. At the August 1, 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 for August 16, 2016. Water is available to this property, but not sewer. The petitioner has signed a Declaration of Annexation and Agreement, and intends to develop the property with all municipal services except public sewer. The present total value of the property is \$162,592.

Assistant Town Manager Matthews reiterated that this is a voluntary annexation petition, and not a forced annexation.

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 voluntary annexation petition for ANX-2016-05. No one chose to speak in favor of, or in opposition to the proposed annexation. Mayor Byrne declared the public hearing closed.

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

Recommendation - Adopt the ordinance extending the corporate limits of the Town of Fuquay-Varina to include the Cozart Farm, LLC property as presented and to approve the declaration of annexation agreement as recommended.

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

**Ordinance No. N-16-40**

**Agenda Item No. 7.D: Zoning Petition – Danny Norris – 2525 Fleming Road – PIN 0646852334 – REZ-2016-16**

Purpose – To consider a request to zone a total of 9.04 acres at 2525 Fleming Road from the Wake County R-30 Zoning District to the Town of Fuquay-Varina R-20 Zoning District.

Staff Comments – Assistant Town Manager Matthews advised that the subject property is currently undeveloped and is located in the 42 West Preferred Growth Area (PGA). The property is located in the Town’s Short-Range Urban Services Area (USA) and is zoned Wake County R-30. The applicant’s request is to zone the property to the Town of Fuquay-Varina R-20 Residential-Agricultural Zoning District. A Town water line is located approximately 480 feet to the east of the subject property along Fleming Road. The nearest Town sewer line is located approximately  $\frac{3}{4}$  of a mile to the northeast along NC 42. Fleming Road is a dead-end, two-lane 60’ right-of-way with two vehicle travel lanes. The Community Transportation Plan (CTP) classifies Fleming Road as a local street and does not recommend any changes to the existing right-of-way or street section. The Land Use Plan calls for Low Density Residential (LDR) future land uses at the subject property and the petition is consistent with the Land Use Plan. Staff recommends approval of REZ-2016-16 for the following reasons:

1. The requested R-20 Residential-Agricultural Zoning District is classified as a low density residential land use, and is consistent with the LDR designation in the Town’s adopted Land Use Plan.
2. The R-20 Zoning District will allow single family residential development, which is compatible with the Pine Ridge Estates Subdivision to the north. Furthermore, the subject property is bordered by properties owned by Harnett County and Duke Energy. Each of those properties features existing utility buildings, so development of the subject property will be physically separated from existing subdivisions.
3. Although Town utilities are not located immediately adjacent to the subject property, extension of water is possible to serve future development. Additionally, the R-20 Zoning District has a minimum lot size of 20,000 square feet, and in some cases larger lots may be required by Wake County to accommodate on-site septic systems in compliance with Wake County Environmental Services regulations.
4. The zoning request is 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-2016-16 to zone 9.04 acres at 2525 Fleming Road from the Wake County R-30 Zoning District to the Town of Fuquay-Varina R-20 Residential-Agricultural Zoning District.

Board Member Discussion – Commissioner Adcock asked about the water connection to the property. Public Utilities Jay Meyers stated that the property would be served by the Town’s waterline that comes from the Harnett County water tank.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the proposed zoning petition. No one chose to speak in favor of the zoning petition. The following spoke in opposition to the proposed zoning: Mr. Kyle Vega, 2508 Fleming Road, Ms. Brenda Carroll, 2613 Fleming Road, Mr. Thomas Doty, 2512 Fleming Road, David Doncaster, 621 Lakehurst Road and Mr. Van Dunn, 2613 Fleming Road. Those speaking in opposition to the proposed zoning request raised the following concerns:

1. That their homes would be de-valued
2. Did not want duplexes to be built for the proposed project
3. That there would be increased traffic on a road that already has speeding issues
4. Requested that the property be zoned R-30 to be consistent with the surrounding properties
5. Potential negative impact on the environment in the area
6. Need for traffic signs in the area

Board Member Discussion – Mayor Pro-Tem Massengill if duplexes are allowed in R-20 and R-30 zoning districts. Assistant Town Manager Matthews stated that duplexes were not allowed in either zoning district. Mayor Pro-Tem Massengill also stated that there is not much difference in the density of properties zoned R-20 to R-30. Commissioner Wunsch stated that he does not feel that the proposed zoning would hurt property values of the surrounding properties. Commissioner Adcock stated that he would be in favor of the proposed zoning because the developer would be limited by the size of the lot, and they would take water to the project.

Recommendation – Approve REZ-2016-16 to zone a total of 9.04 acres at 2525 Fleming Road, Wake County PIN #0646852334 to the Town of Fuquay-Varina R-20 Residential-Agricultural Zoning District for the reasons presented by staff and as recommended. The zoning request is reasonable and in the best interest of the public.

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

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**CONSENT AGENDA**

**Agenda Item No. 8.A: Declaration of Surplus Property – Unit 113 – 1995 Freightliner Rescue Truck**

Purpose – To consider approval of the surplus and sale of Unit #113 – 1995 Freightliner Rescue Truck.

Recommendation – Approve the surplus and sale of Unit #113 - 1995 Freightliner Rescue Truck.

**Agenda Item No. 8B: Fee Schedule Amendment – Damage to Water Meter Yoke Assembly and/or Lock Fee – Utilities Department**

Purpose – To amend the FY 2016-2017 fee schedule by amending the Damage to Water Meter Yoke Assembly and/or Lock Fee.

Recommendation – Approve the fee schedule amendment for the "Damage to Water Meter Yoke Assembly and/or Lock Fee" as presented and recommended.

**Ordinance No. N-16-41**

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

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

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**ITEMS REMOVED FROM CONSENT**

There were no items removed from the Consent Agenda.

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**ADMINISTRATIVE REPORTS**

**Agenda Item No. 10.A: Project Agreement – NC Department of Transportation – US 401, NC 55 and 42 (N Main Street, Purfoy and Sunset Lake Road) LAPP Grant**

Purpose - To approve a Locally Administered Project Agreement with the North Carolina Department of Transportation (NCDOT) for the design and construction phases of the US 401, NC 55 and NC 42 (N Main Street, Purfoy and Sunset Lake Road intersection) operational improvements project.

Staff Comments – Assistant Town Manager Matthews advised that the US 401, NC 55, and NC 42 (N Main Street, Purfoy and Sunset Lake Road intersection) Operational Improvements is one of three highway improvement projects awarded to the Town under the Local Administrated Projects Program administered by the Capital Area Metropolitan Planning Organization. The scope of the project includes restriping, median reconfiguration, and other related improvements within the existing right-of-way to alleviate congestion while improving safety and mobility in the immediate vicinity of the intersection. Bona fide road widening and improvements to and beyond the rail crossing (similar to the current project at NE Judd Parkway/Main Street) are programmed for improvements for this intersection as part of the 2015 Transportation Bond, but are not included in the current LAPP project. Approval of a Locally Administered Project Agreement with NCDOT is required to receive LAPP funding. The Project Manager for this project is the Director of Engineering, and he will ensure compliance to the requirements for the Federal funding. The agreement has been reviewed by the Engineering Director and Town Manager, and both recommend approval of the agreement, which will allow the Town to leverage \$686,400 in grant funding for this important transportation project. The total project estimated cost is \$858,000 that will be \$686,400 (80%) funded by STPDA Federal Aid Funds matched by \$171,600 (20%) from the Town. While cost savings are anticipated as a result of the work recently completed as part of NCDOT's recent resurfacing contracts, the exact cost savings will not be known until remaining work is bid and completed. Both the LAPP program and the Town will share in the anticipated project savings, and the Town's cash match responsibility will be 20% of the final LAPP project cost.

Board Discussion – Mayor Byrne complemented staff for working with our partners at NCDOT and CAMPO to coordinating the first leg of the project.

Assistant Town Manager Matthews stated that the public would see immediate relief with the traffic signal cueing.

Recommendation – Approve the Locally Administered Project Agreement for the design and construction phases of the US 401, NC 55, and 42 (N Main Street, Purfoy and Sunset Lake Road intersection) operational improvements with the North Carolina Department of Transportation as presented.

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

**Agenda Item No. 10.B: Project Agreement – NC Department of Transportation – N Judd Parkway NE LAPP Grant - \$1,686,000**

Purpose – To approve a Locally Administered Project Agreement with the North Carolina Department of Transportation for the construction phase of the N Judd Parkway NE highway widening project.

Staff Comments – Assistant Town Manager Matthews stated that this will be the third LAPP Grant that the Town Board will be approving this year. He advised that Project Manager for this project is the Director of Engineering, and he will ensure compliance to the requirements for the Federal Aid funding. Recommendation is for approval of this agreement, which will allow the Town to leverage \$1.686 million in grant funding for this important transportation project. The agreement has been reviewed by the Engineering Director and Town Manager, and both recommend approval of the agreement. The fiscal note to report is that the total project estimated cost is \$2,810,000, which breaks down to \$1,686,000 (60%) funded by STPDA Federal Aid Funds matched and \$1,124,000 (40%) funded by the Town. The federal funds will be made available after October 1, 2016.

Board Discussion – Mayor Byrne stated that this Board spent \$1.3 million about a year ago to move forward with this project.

Recommendation – Approve the Locally Administered Project Agreement with the North Carolina Department of Transportation for the construction phase of the N Judd Parkway NE highway widening project as presented.

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

**Agenda Item No. 10.C: Preliminary Plat – Avery Crossing Open Space Development Subdivision – SUB-PR-2016-04**

Purpose – To consider a proposed subdivision submitted by Dan Ryan Builders named Avery Crossing for a total of 57 single family lots located at 1301 Phelps West Road on a site consisting of 19.393 acres. The site is zoned R-10 (CZD) Residential Single and Two Family Conditional Zoning District, the condition being that no duplexes are allowed.

Staff Comments – Assistant Town Manager Matthews advised the proposed Preliminary Subdivision Plat submitted meets the conditions established in R-10 (CZD) Residential Single and Two Family Conditional Zoning District and the standards and provisions of the Town of Fuquay-Varina. Management and staff recommend approval. He stated that the only condition for this preliminary plat is that no duplexes are allowed. This subdivision is proposed using open space development subdivision standards. The subdivision, being located in the R-10 (CZD) zoning district requires a minimum lot area size of 6,000 square feet with 25% reserved as open space area in the subdivision. The subdivision smallest lot size is 6,094 square feet. The average lot size is 7,120 square feet. Primary access will be one proposed public street known as Avery Glenn Way from Phelps West Road. The subdivision is currently not within the Town Limits, but will submit for voluntary annexation prior to construction plan approval. The subdivision will be served by public water and sewer services to be installed by the developer. The Fuquay-Varina Community Transportation Plan identifies Phelps West Road for future road improvements and right-of-way dedication for a 70-foot right-of-way and 49-foot back-to-back curb, three lane highway with sidewalk that the developer will install on the western side from the centerline of road to the subdivision side of the road. The Fuquay-Varina Community Pedestrian Master Plan identifies installation of a side path along the eastern side of Phelps West Road, which doesn't apply to this subdivision. At the July

18, 2016 Planning Board meeting, the Planning Board voted unanimously to recommend approval of SUB-PR-2016-04, Avery Crossing Open Space Development Subdivision Plat for 57 single family lots. Given that this proposed subdivision meets Town standards, management and staff recommend approval.

Board Discussion – Commissioner Adcock asked if a stub out street is required to connect to the property that was just annexed. Assistant Planning Director Johnson stated that the project would not require a stub out due to the environmental feature.

Recommendation – Approve the proposed Avery Crossing, SUB-PR-2016-04 preliminary subdivision plat for 57 open space development single-family lots as presented.

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

**Agenda Item No. 10.D: Cash Escrow/Letter of Credit In Lieu – Sunset Lake Road Sidewalk Associated with Generations II Commercial Subdivision - \$26,225**

Purpose – To consider acceptance of a cash escrow or letter of credit in lieu of construction of sidewalk along the west side of Sunset Lake Road from the northern boundary of the Generations II property to the entrance of Smith Farms subdivision.

Staff Comments – Assistant Town Manager Matthews advised On February 16, 2016 the Town Board granted a request by Generations II and the citizens living in the Smith Farms Subdivision to forego the proposed street connection between the Generations II commercial subdivision that is normally required for interconnectivity. The Town Board agreed that this was a unique situation of a possible interconnection from a newly developed commercial subdivision to an established residential subdivision street, but asked that the developer of the Generations II project provide a pedestrian connection along Sunset Lake Road across two adjoining properties. The agreement with Generations approved by the Town Board was that Town Staff would obtain the easements necessary from the two adjoining property owners and Generations would build the sidewalk in conjunction with their completion of Products Road. At that time, Town Staff had discussed this approach with the property owners and had received reasonably positive responses from the property owners to feel that the easements could be obtained without expending Town funds. The property owners Mary Olive Johnson and Robbie Lane Jackson would see a benefit by having the developer of Generations complete improvements that would normally be required of the property owner and/or developer should their property develop in the future. Subsequent to Town Board action, Town Staff has continued to follow up with both property owners and has been unsuccessful in obtaining easement documents. At present, Town Staff has made progress with one property owner but has had no success with the other. At this time, Generations II is prepared to obtain bids and construct the remaining portion of Products Road that would included a traffic signal on Sunset Lake Road and Products Road. As a part of this work, the contractor hired by Generations II would be responsible for ancillary improvements required by NCDOT at Products Road and NE Judd Parkway, which is

the main outstanding item required for NCDOT to accept maintenance responsibility for NE Judd Parkway from the Town. In order to avoid a delay in construction for an item off the property and outside the control of Generations II, Town Staff proposes that the Town accept a cash escrow or letter of credit in the amount of \$26,225 in the form required by the Town Attorney and with an underlying agreement. Staff proposes that the cash be held until such time that Generations II completes their Products Road project. If Town Staff cannot come to an agreement with the property owners on the easement before Generations II completes their project, then the Town would retain the cash escrow/bond and complete the sidewalk at such time as the easement can be obtained. If the property owners agree in time for the Products Road project, the Town would refund the amount or return the surety to Generations II. The Town Board has the authority to accept either a cash escrow or letter of credit as a guarantee for incomplete improvements based on §9-3151 (b) of the Town Code of Ordinances. In the opinion of management, there is a public safety and mobility benefit associated with the completion of Products Road, and it is not feasible or practical to complete the sidewalk connection across the adjacent properties without an available easement from adjoining property owners. Therefore, management recommends acceptance of a cash escrow/letter of credit in a form agreeable to the Town Attorney. The Town would accept a Cash Escrow or Letter of Credit in the amount of \$26,225, which represents 125% of the cost estimate of the sidewalk from the northern boundary of the Generations II Property to the entrance of Smith Farms subdivision. The cash escrow of 125% of the improvements is in accordance with the Town's Ordinances and North Carolina General Statute.

Board Discussion – Mayor Byrne advised that Town staff keep watch on the letter of credit so that it does not expire. Town Attorney Cumalander advised that this matter is covered under the new contract.

Recommendation – Approve the acceptance of cash escrow or letter of credit from Generations II group in a form acceptable to the Town Attorney as surety for construction of sidewalk along the Robbie Lane Jackson/Mary Olive Johnson Properties on Sunset Lake Road, and to refund the surety at the time construction is completed by Generations II.

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

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## **OTHER BUSINESS**

- A. Manager's Report – *(Matthews)*
- B. Meet Casey Verburg – Downtown Coordinator – Aviator Smoke House – August 23, 2016 from 5:00 – 7:00 pm
- C. Town Office Closed – September 5, 2016 for Labor Day – Town Board Meeting will be held on Tuesday, September 6, 2016 at 7:00 pm

D. FM2FV Concert – Centennial Square – September 8, 2016 – Love Tribe

Assistant Town Manager Matthews stated that he had spoken to Town Manager Mitchell and he reported that he is recovering and should be able to return to work in a week or so.

Assistant Town Manager Matthews commended Police Department, Fire Department and Parks and Recreation staff for an outstanding job at the “All-In” Community Cookout on this past Saturday.

He also stated that Celebrate Fuquay-Varina will be held on October 6 and 8, 2016 and the Landshark Band will be performing in Varina on October 6, 2016. He also presented the Celebrate Fuquay-Varina website with all the information for the festival.

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**TOWN BOARD MEMBER COMMENTS**

**Mayor Pro-Tem Massengill** stated that the Fuquay-Varina Junior Women’s Club will be donating a handicap swing to the Town of Fuquay-Varina for South Park on Sunday, August 28th at 4:00 pm.

**Commissioner Adcock** – No comments

**Commissioner Harris** – No comments

**Commissioner Wunsch** – No comments

**Commissioner Gardner** made positive comments regarding the new audience cushioned chairs in the Town Board room. She also invited everyone to come out to the Chamber Business After Hours on September 8th at 5:30 pm to celebrate 35 years in business for Century 21 Becky Medlin. She stated that the office ranks monthly in the top 10 Century 21 real estate offices across North Carolina.

**Mayor Byrne** commended Chris Kizer; the organizer of the “All In” Community Cookout, for his efforts in working with Police Chief Fahnestock to bring together well over 1,000 citizens for food and fun activities. The event was held at Falcon Park this past Saturday, August 13, 2016. He also stated that the “Pokemon Go with Mayor Byrne” was well attended on Saturday morning.

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**CLOSED SESSION**

A motion was made for the Town Board to enter into closed session at 9:24 p.m. pursuant to N.C.G.S. 143-318.11 (a) (3) – Attorney Client Privilege.

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

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**OPEN SESSION**

The Town Board returned to open session at 9:52 p.m. with nothing to report out of closed session.

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**ADJOURN**

A motion was made to adjourn the meeting at 9:52 p.m.

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

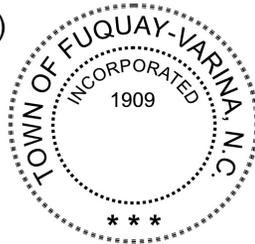
Adopted this the 6<sup>th</sup> day of September 2016 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

\_\_\_\_\_  
John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)



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Rose H. Rich, Town Clerk