



**TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
OCTOBER 3, 2016**

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on October 3, 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

Commissioner Jason Wunsch gave the invocation and Fire Chief Tony Mauldin led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The September 20, 2016, minutes of the regularly scheduled Town Board of Commissioners meeting, was presented for approval.

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

PRESENTATIONS

There were no presentation scheduled for October 3, 2016 Town Board Meeting.

PUBLIC COMMENT

No one chose to address the Town Board during the public comment period.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Rezoning Petition - Wayne Mauldin - 103, 109, 111, 113, and 117 E. Broad Street - PINs 0657933110, 0657933080, 0657935002, 0675925902, and 065792691 - REZ-2016-03

Purpose – To consider a petition to rezone a total of 2.369 acres along E. Broad Street from the Town of Fuquay-Varina Commercial Highway and R-20 Residential Agricultural Zoning Districts to the Light Industrial Conditional Zoning District. A public hearing was previously held on this rezoning on September 6, 2016. The conditions requested by the petitioner are as follows:

- 1. “Only Self-storage (Mini-warehouse).
- 2. Install black aluminum fencing along the right-of-way of E. Broad Street. The fence will extend back to the face of the first building.
- 3. Three (3) sides of the front building to be painted 4” split block.”
- 4. The elevation rendering provided by the petitioner may be offered as an additional zoning condition.

Staff Comments – Town Manager Mitchell advised he met with the applicant to discuss the improvements of the proposed architectural conditions and the applicant has since requested that the item be tabled until October 18 to further develop the proposal. He stated that last public hearing on the matter was closed, and the Board at that time may direct staff to hold another public hearing if needed.

Board Member Discussion – Mayor Byrne stated that it is important that the proposed rezoning be aesthetically pleasing to complement the proposed renovations at Fuquay-Varina High School, which is adjacent to the property in question. Commissioner Gardner asked if the changes to the proposal that the petitioner will present at the next meeting be a part of the Board’s deliberations. Town Manager Mitchell replied yes, changes that the petitioner proposes will be part of the Board’s deliberations.

Recommendation – Table consideration of REZ-2016-03 to October 18, 2016 at the applicant's request.

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

PUBLIC HEARINGS

Agenda Item No. 7.A: Voluntary Annexation Petition – Eunice Sorrell Lorbacher Revocable Trust – 8216 and 8220 Lake Wheeler Road – PINs 0689598036 and 0689680658 – ANX-2016-06

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 Eunice Sorrell Lorbacher Revocable Trust, located at 8216 and 8220 Lake Wheeler Road PINs 0689598035 and 0689680658, containing approximately 66.41 acres.

Staff Comments – Town Manager Mitchell advised that the property contains approximately 66.41 acres and it has road access along Lake Wheeler Road and Ten Ten Road. At the September 20, 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 a public hearing. Water and sewer service is available to the property, and the present total value of the properties is \$3,758,241.

Public Hearing – Mayor Byrne opened the public hearing and asked if anyone wished to speak in favor of, or in opposition to the proposed voluntary annexation petition. No one chose to speak in favor of, or in opposition to the proposed voluntary annexation petition for ANX-2016-06. Mayor Byrne declared the public hearing closed.

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

Recommendation – Adopt a voluntary annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include the Eunice Sorrell Lorbacher Revocable Trust property, ANX-2016-06, as presented and recommended.

MOTION: Commissioner Harris
SECOND: Mayor Pro-Tem Massengill
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-16-45**

Agenda Item No. 7.B: Zoning Petition – Eunice Sorrell Lorbacher Revocable Trust – Michael Stewart – 8216 and 8220 Lake Wheeler Road – PINs 0689598036 and 0689680658 – REZ-2016-23

Purpose – To consider a request to zone a total of 65.22 acres at 8216 and 8220 Lake Wheeler Road from the Wake County R-30 Zoning District to the Town of Fuquay-Varina R-15 Residential Single Family Zoning District. The subject properties are more particularly known as Wake County PIN 0689598036 (portion) and 0689680658.

Staff Comments – Town Manager Mitchell advised that staff recommends approval of REZ-2016-23 for the following reasons:

1. The requested R-15 Zoning District is consistent with the Town's adopted Land Use Plan as a Low Density Residential zoning district.
2. The subject properties are adjacent to two Wake County subdivisions, with the majority of the lots in the range of 0.5-0.8 acres. The R-15 Zoning District would ensure any future development on the subject properties would be similar in character and only slightly higher in density than the existing subdivisions nearby.
3. The annexation petition related to this zoning petition proposes to extend water and sewer to both subject properties. As mentioned earlier, the nearest water and sewer lines are located approximately 2,000 feet to the east and will be extended along Ten Ten Road to serve the subject properties. The boundary of the 401 North Preferred Growth Area (PGA) extends to the centerline of Lake Wheeler Road, immediately adjacent to the subject properties. Approval of the annexation and the zoning petition will result in the extension of Town water and sewer utilities in the 401 North PGA where they do not currently exist.
4. The Community Transportation Plan requires extensive improvements to be made along Ten Ten Road (major thoroughfare) and Lake Wheeler Road (minor thoroughfare) if the property is subdivided in the future. The roadway improvements will accommodate the increase in traffic volume at the intersection of Ten Ten and Lake Wheeler Roads resulting from an R-15 development.
5. The zoning petition is the highest and best use of the land and is reasonable and in the best interest of the public.

He stated that if the Town Board follows the staff recommendation to approve this rezoning petition, staff asks the Board by motion, also amend the Land Development Ordinance Official Zoning Map for this property. The motion should state that 8216 and 8220 Lake Wheeler Road be reclassified as RLD Residential Low Density Zoning District on the Official Zoning Map to match the Land Development Ordinance and requested R-15 Zoning District. This property was not included in the LDO Zoning Map due to being outside the Town's zoning jurisdiction. On September 19, 2016, the Planning Board voted 3-1 to recommend approval of REZ-2016-23, stating that it is consistent with the land use plan and reasonable and in the best interest of the public for the reasons identified by staff.

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. No one chose to speak in favor of, or in opposition to the proposed zoning request (REZ-2016-23).

Board Member Discussion – Mayor Byrne asked about the reason that there was one vote by a member of the Planning Board opposing the zoning petition. Town Manager Mitchell stated that it was due to the density of the zoning. Mayor Byrne, Commissioner

Adcock and Mayor Pro-Tem Massengill agreed that the proposed area is a good location for the town to grow in. Mayor Pro-Tem Massengill asked if any citizens voiced opposition to the zoning request during the Planning Board public hearing. Town Manager Mitchell stated that no one opposed the zoning petition at that time.

Recommendation – Approve the requested zoning of 65.22 acres at 8216 and 8220 Lake Wheeler Road from the Wake County R-30 Zoning District to the Town of Fuquay-Varina R-15 Residential Single Family Zoning District, and amend the Official Zoning Map to RLD Residential Low Density Zoning District to correspond with the Land Development Ordinance. The requested zoning is consistent with the land use plan and reasonable and in the best interest of the public for the reasons identified by staff and the Planning Board.

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

Agenda Item No. 7.C: Town Code Amendment – Part 9 Land Development Ordinance – CTA-2016-07; Zoning Change – Amendment of the Official Zoning Map of the Town of Fuquay-Varina – REZ-2016-25; and Town Code Amendment – Repeal Town Code of Ordinances, Part 9 Planning & Regulation of Development – CTA-2016-08

Purpose – To conduct a public hearing and consider: 1) Adoption of Town Code Amendment (CTA-2016-07) adopting Part 9: Land Development Ordinance (LDO); 2) Adoption of REZ-2016-25 to amend the Official Zoning Map of the Town; and 3) Adoption of Town Code Amendment (CTA-2016-08) repealing Part 9: Planning and Regulation of Development.

Staff Comments – Town Manager Mitchell stated that the Town began the Land Development Ordinance (LDO) project in 2013. In 2014 Town Staff began review of the draft with the Town Board's Law & Finance Committee and Planning Board, and in 2015 structured public outreach efforts began to support printed information provided throughout the project process. An LDO Stakeholder Committee was formed, public workshops held, and additional public outreach efforts facilitated, including a public input survey, in 2016. The Land Development Ordinance (LDO) replaces all of the Town's current development, zoning and subdivision regulations. Town Manager Mitchell advised that the LDO, which in totality completes Part 9 of the Town's Code of Ordinances, is not an update or amendment to the current Part 9 regulations; it is a completely new document. As such, repeal of the existing regulations contained in Part 9 is necessary. He also advised that the zoning map amendment is required to apply the zoning districts contained in the LDO to the Town's map. Where applicable, the amendment will include conditions as legally established by previous conditional zoning or conditional use zoning changes. Links were provided for access to the full body of ordinance text for repeal and adoption, as well as the zoning map amendment. Town Manager Mitchell advised that he and staff are recommending adoption of CTA-2016-07, REZ-2016-25, and CTA-2016-08 in totality; and, more specifically, to adopt CTA-2016-07, adding to the Town Code of Ordinances, Part 9 Land Development Ordinance; adopting REZ-2016-25, amending the Official Zoning Map of the Town of Fuquay-Varina

to reflect the zoning districts adopted in the Land Development Ordinance with staff recommended changes; and adoption of CTA-2016-08, to repeal the current Town Code of Ordinances, Part 9 Planning & Regulation of Development. All such recommendations are applicable to the Town's entire planning jurisdiction, including the Town's corporate limits and extraterritorial jurisdiction (ETJ) and shall become effective on December 30, 2016.

Town Manager Mitchell advised that the recommendation is being made for several reasons and described them as follows:

1. The Land Development Ordinance provides for ease of use and organization of the Town's development regulations by streamlining, replacing, updating and reformatting the entirety of the Town's development regulations.
2. The Land Development Ordinance will modernize the Town's requirements for a sustainable and attractive community, furthering the general health, safety and welfare of residents of the Town of Fuquay-Varina.
3. The Land Development Ordinance affords an improved method for the public to utilize, understand and work with the Town into the future.
4. The Official Zoning Map will provide for better comprehension of zoning districts and intended structure by the reduction in number of zoning districts and adoption of new zoning districts with clear and concise titles and classifications.
5. The specific and limited number of staff recommended zoning changes included in the amendment to the Official Zoning Map provide for an increased conformity of the use of those properties included with their designated zoning district classifications and are in compliance with the public health, safety and general welfare.
6. Repeal of Planning & Regulation of Development will eliminate development regulations that do not read well, are confusing and are structurally difficult to navigate due to formatting and contradictory content.

At the September 19, 2016 Planning Board meeting, the Planning Board voted unanimously to recommend adoption of CTA-2016-07, REZ-2016-25, and CTA-2016-08. While the rezoning is partially inconsistent with the land use plan, all three actions were considered by the Planning Board to be reasonable and in the best interest of the public for the reasons identified by staff.

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 Town Code Amendments. 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 adoption of the proposed amendments to the Town Code will help the Town to be able to better deal with the development community. Mayor Pro-Tem Massengill stated that there was a great amount of staff and public involvement and he asked Town Manager Mitchell to remind the Board and the public of some of the many ways that the public was given the

opportunity for input on the LDO. Town Manager Mitchell stated that September 2015, a blog was placed on the Town's website to provide information and updates on the LDO, three (3) public workshops were held in the month of May and June, 2016, and he stated that a public information survey on the LDO was distributed during the Town's concert series. The Manager proceeded to read from a list of numerous other ways the public was engaged in the process before Mayor Pro-Tem Massengill acknowledged that the LDO was heavily vetted, and he appreciates the staff's time and work on the document. Commissioner Wunsch thanked staff and the members of the Law and Finance Committee, which held great meetings on the matter. He stated that during this time, the Town Board was very engaged in this great accomplishment. Commissioner Adcock also stated that he appreciates the Town staff putting in the hard work. Commissioner Harris stated that this is a monumental step in reshaping our community, and he appreciates the hard work of all involved. He stated that this accomplishment opens the door for development to be streamlined without losing the soul of the community. Commissioner Gardner stated that she was here for the end part of the discussions and study of the LDO, and she feels that adoption of the LDO will put us in a good place.

Recommendation - Adopt CTA-2016-07, REZ-2016-25, and CTA-2016-08 in totality; and, more specifically, to adopt CTA-2016-07 – Town Code of Ordinances, Part 9 Land Development Ordinance; adopt REZ-2016-25 to amend the Official Zoning Map of the Town of Fuquay-Varina to reflect the zoning districts adopted in the Land Development Ordinance with staff recommended changes; and adopt CTA-2016-08 to repeal Town Code of Ordinances, Part 9 Planning & Regulation of Development. The recommended changes to the Official Zoning Map, while partially inconsistent with the current land use plan, are reasonable and in the best interest of the public for the reasons identified by staff. All such approvals are applicable to the Town's entire planning jurisdiction, including the Town's corporate limits and extraterritorial jurisdiction (ETJ) and shall become effective on December 30, 2016.

MOTION:	Mayor Pro-Tempore Massengill	
SECOND:	Commissioner Adcock	Ordinance No. PZ-16-09
MOTION RESULTS:	Passed Unanimously (5-0)	Ordinance No. PZ-16-10

Agenda Item No. 7.D: Town Code Amendment – Part 9: Planning and Regulation of Development, Chapter 4: Zoning, Article J: Development Standards, §9-4102: Site Specific Development Plan; Chapter 3: Subdivision Regulations, Article H: Guarantees, §9-3151: Construction Guarantees; Chapter 3: Subdivision Regulations, Article E: Design Standards, §9-3082: Street Layout and Minimum Right-of-Way; and Chapter 4: Zoning, Article C: General Provisions, §9-4030.1: Dedication of Street Rights-of-Way – CTA-2016-06

Purpose – To amend Part 9 of the Town Code of Ordinances to allow for exceptions related to certain thoroughfare improvements impacted by the North Carolina State Transportation Improvement Program (STIP).

Staff Comments – Town Manager Mitchell advised that currently the Town of Fuquay-Varina requires thoroughfare improvements on all thoroughfares based on the adopted Transportation Plan and Thoroughfare Right-of-Way Plan for the Town. Additionally, the Town allows an existing non-residential building to expand beyond its current footprint, up to 25%, without making any thoroughfare improvements, right-of-way dedication or on-site improvements, if not meeting the current standards of the Town Code. The purpose of this amendment is to encourage expansion and retention of existing businesses, specifically industry. The Manager advised that this is proposed by permitting on-site expansion of an existing facility greater than 25% without thoroughfare improvements when certain conditions are met. He advised that management and staff recommends approval of the proposed text amendment for the following reasons:

1. The proposed amendment will encourage future expansion of existing industrial facilities on the same property as the existing facility instead of expanding at other locations outside of Fuquay-Varina.
2. The proposed amendment provides that construction of infrastructure, specifically road improvements, is managed in a reasonable and efficient manner such that improvements are not constructed and then removed when final construction by NCDOT would be at a different standard based on final NCDOT design than what the Town would require.
3. This amendment creates an economic partnership working with industrial partners as well as other types of development to encourage economic growth while ensuring necessary transportation infrastructure is provided for.

On September 19, 2016, the Planning Board unanimously recommended approval of CTA-2016-06 for the reasons identified by management and staff. Town Manager Mitchell advised that the Town Board is being asked to consider adoption of the Town Code amendment (CTA-2016-06) for Part 9: Planning and Regulation of Development to become effective immediately upon adoption and Town Code amendment (CTA-2016-06A) for Part 9: Land Development Ordinance to become effective on December 30, 2016 along with the remainder of the full LDO.

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 amendments. No one chose to speak in favor of, or in opposition to the proposed amendments. Mayor Byrne declared the public hearing closed.

Board Member Discussion – Mayor Byrne stated that with the adoption of these amendments, it should facilitate growth and expansion of business.

Recommendation – Adopt Town Code Amendment CTA-2016-06, amending Part 9, Planning and Regulation of Development and adopt Town Code Amendment (CTA-2016-06A) amending Part 9: Land Development Ordinance to correspond with the December 30, 2016 effective date as presented and recommended by management and staff.

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

Ordinance No. PZ-16-11
Ordinance No. PZ-16-12

CONSENT AGENDA

Agenda Item No. 8.A: 2017 Town Board Meeting Schedule

Purpose – To consider setting the Town Board's regular meeting schedule for the calendar year 2017.

Recommendation – Adopt the 2017 Town Board Regular Meeting Schedule as presented and recommended.

Agenda Item No. 8B: Temporary Street Closure – FVHS Band Boosters – 5K Band on the Run Road Race – Saturday, November 12, 2016

Purpose – To consider a temporary street closure request for numerous streets in the vicinity of Fuquay-Varina High School for the 5K Band on the Run Road Race to be held on Saturday November 12, 2016. Street closures will take place from 7:30 AM to 11 AM.

Recommendation – Approve the request for a temporary street closure on November 12, 2016 for the FVHS Band Boosters 5k Band on the Run Road Race as presented and recommended.

Agenda Item No. 8.C: Budget Amendment – Rex Endowment Grant – \$21,813.02 – BA-2017-11

Purpose – To approve a budget amendment to the FY 2015-2016 Operating Budget to re-appropriate grant funds from Rex Endowment that were not completed at the end of FY 2015-2016 and require funding rollover to the FY 2016-2017 Operating Budget.

Recommendation – Adopt budget amendment BA-2017-11 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 October 18, 2016 – James and Cristin Austin Property – 302 Wagstaff Road – PIN 0656711365 – ANX-2016-07

Purpose – To adopt a resolution instructing the Town Clerk to investigate a voluntary annexation petition, and schedule a public hearing for voluntary annexation of property owned by James and Cristin Austin. The property is located at 302 Wagstaff Road, PIN 0656711365, containing approximately 2.404 acres.

Recommendation – Adopt a resolution instructing the Town Clerk to investigate the voluntary annexation petition and adopt a resolution setting the public hearing for

voluntary annexation on October 18, 2016, for the property owned by James and Cristin Austin (ANX-2016-07) as presented and recommended.

Resolution No. 16-1434
Resolution No. 16-1435

Agenda Item No. 8E: Supplemental Agreement – U-5118GB – Sunset-Purfoy-Main Street Intersection Improvements

Purpose – To authorize the Town Manager to execute a supplemental agreement to include engineering services as a use of funds for the U-5118GB - Sunset Lake Road / Purfoy Road / North Main Street Intersection Improvements project.

Recommendation – Authorize the Town Manager to execute a supplemental agreement for the U-5118GB – Sunset Lake Road / Purfoy Road / N. Main Street Intersection Improvements project.

Agenda Item No. 8.F: Fee Schedule Amendment – Town Branded Merchandise

Purpose – To consider a change in the fee schedule for hats and flags with the new Town branding.

Recommendation – Adopt the amended fee schedule as presented and recommended.

Ordinance No. N-16-46

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

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

ITEMS REMOVED FROM CONSENT AGENDA

There were no items removed from the consent agenda.

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Preliminary Plat – Sonoma Springs Open Space Development Subdivision, Phase 3 – SUB-PR-2016-07

Purpose – To consider a proposed subdivision submitted by Sonoma Springs, LLC called Sonoma Springs OSD, Phase 3 for a total of 14 open space development single-

family lots located at 5724 Hilltop Needmore Road on a site consisting of 6.47 acres. The site is zoned R-10 Residential Single and Two Family District.

Staff Comments – Town Manager Mitchell advised that this subdivision is proposed using open space development subdivision standards with 25% of required open space area provided. The subdivision being located in the R-10 zoning district requires a minimum lot area size of 6,000 square feet. The subdivision smallest lot size is 6,678 square feet. The average lot size is 9,879 square feet. Primary access will be extension of an existing street known as Annabel Drive in Sonoma Springs, Phase 1. The proposed Preliminary Subdivision Plat submitted meets the standards and provisions of the Town of Fuquay-Varina. As such, staff recommends approval. At the September 19, 2016 meeting the Planning Board unanimously recommended approval of SUB-PR-2016-07 as presented as it meets the standards of the Town of Fuquay-Varina.

Board Discussion – There were no comments from members of the Town Board regarding the proposed preliminary plat.

Recommendation – Approve the proposed Sonoma Springs, Phase 3, SUB-PR-2016-07 preliminary subdivision plat for 14 open space development single family lots as presented.

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

Agenda Item No. 10.B: Agreement – WRAL Freedom Balloon Festival Host City Sponsorship Agreement

Purpose – To consider a Host City Sponsorship Agreement for the 2017-2021 WRAL Freedom Balloon Festival.

Staff Comments – Town Manager Mitchell advised the 2017 WRAL Freedom Balloon Festival is planned for May 26 - May 29, 2017 in Fuquay-Varina, North Carolina at the Fleming Loop Park located at the corner of Fleming Loop Road, NC-42 (W. Academy Street) and SW Judd Parkway. He stated that as with the festival in 2016, the event organizer, Project Uplift USA, Inc., has requested that the Town provide services and one-time capital improvements to assist with the operations and success of the festival. In doing so, a Host City Sponsorship Agreement has been prepared for the Town Board's consideration that identifies certain responsibilities on the part of both the event organizer and the Town. Specifically, the expectations of the Town under the agreement are as follows:

1. Provide police services for public safety and traffic control purposes.
2. Provide fire services for public safety and balloon refueling purposes.
3. Provide access to Fleming Loop Park and the South Park parking lots during specific times for operational purposes.
4. Provide public information and notification services leading up to the start of the festival.
5. Provide water service connectivity to the Fleming Loop Park in specific locations.
6. Provide I.T. infrastructure for communication and public safety purposes.

7. Possibly provide sanitation accommodations for solid waste collection and removal in the event a corporate private entity is unable to be secured.
8. Improve the pedestrian access off SW Judd Parkway that was constructed in 2016 by widening a total of 20 additional feet to accommodate patrons of the festival.

The Host City Agreement includes certain concessions offered by the event coordinator. They are as follows:

- | | |
|---------------------------------|---------------------------------------|
| 1. Sponsor designation | 4. On-site display space during event |
| 2. Event website recognition | 5. Balloon team sponsorship |
| 3. On-site signage during event | 6. Other logo presentation |

Town Manager Mitchell advised that unlike last year's Host City Sponsorship Agreement, the agreement proposed for 2017 is a multi-year agreement. The term of the agreement is for five (5) years, going out through Memorial Day weekend of 2021. The event sponsor has indicated a commitment to wanting the WRAL Freedom Balloon Festival to stay in Fuquay-Varina for at least five years, with a strong desire that it go longer. The agreement does however acknowledge the Town's plans to re-develop Fleming Loop Park and the potential impact it could have on the Balloon Festival. Town Manager Mitchell reported that through conversation, the event sponsor has expressed an interest, and management believes it to be wise, to allow the event sponsor the opportunity to participate in the design phase of the Fleming Loop Park re-development in order to offer input for how the facility will best serve both Town athletic and recreation needs as well as festivals and events the Town may wish to host. The agreement does include a provision that in the event the Town designs and constructs the re-development of Fleming Loop Park that is no longer conducive to the Balloon Festival's operation, that subsequent year festivals shall be cancelled and the agreement terminated. The estimated in-kind and one-time capital improvement expenditures equal approximately \$65,000 with reoccurring expenses totaling (\$59,000) and one-time expenses totaling (\$6,000). The one-time capital expense involves widening the pedestrian access off SW Judd Parkway into the park. The Manager advised that both the re-occurring and one-time expense have been accounted for in the FY 17 operating budget with the exception of \$9,000 for sanitation services. Per the Host City Sponsorship Agreement, should the event coordinator be unsuccessful in securing a corporate sponsor/contractor for solid waste services, then the Town will provide the service and a budget amendment will be brought back to the Town Board for fund appropriation approval.

Board Discussion – Commissioner Adcock stated that it is great to negotiate a 5-year contract for this event and he thanked staff for a successful event last year. Commissioner Gardner stated that it is wise to have their input on the expansion of Fleming Loop Park. Mayor Byrne stated that the military component of this festival is important with the Town being in close proximity to the military base. Commissioner Wunsch stated that it is exciting to have such a big event in Fuquay-Varina.

Recommendation – Approve the WRAL Freedom Balloon Festival Host City Sponsorship Agreement as presented and recommended.

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

Agenda Item No. 10.C: Contract Award - White Oak Contractors - King Grant Commons Pump Station Abandonment - \$57,037.50

Purpose – To award the Kings Grant Commons Pump Station Abandonment contract to White Oak Contractors in the amount of \$57,037.50.

Staff Comments – Town Manager Mitchell advised that on September 22, 2016 the Town opened bids for the Kings Grant Commons Pump Station Abandonment. The Kings Grant Commons Pump Station was installed in 2005 to serve the Kings Grant Commons Shopping Center and development outparcels. The Town Manager reported that with the Cypress Meadows subdivision sewer system extending a manhole to the southern property line of Kings Grant Commons, the Town has the opportunity to abandon the Kings Grant Commons pump station by extending a sanitary sewer line from the pump station to the Cypress Meadow manhole. The Town received 5 bids on September 22, 2016, with bids ranging from \$57,037.50 to \$182,150, with the low bidder being White Oak Contractors from Raleigh, North Carolina. White Oak Contractors was the low bidder, and Town staff and management are comfortable recommending the contract award to White Oak Contractors based on a positive experience on past Town public utility projects. A Project Ordinance for Kings Grant Commons Pump Station Abandonment was established in FY 2015-2016 with an amount of \$92,250 for the construction costs. There are sufficient funds available to award this project to White Oak Contractors.

Board Discussion – Mayor Byrne asked if there were any parts of the abandoned pump station that can be sold or re-used. Public Utilities Director Jay Meyers stated that there are a couple items that can definitely be re-used. Commissioner Gardner then pointed out the large disparity between the bid amounts.

Recommendation – Award the Kings Grant Commons Pump Station Abandonment contract to White Oak Contractors in the amount of \$57,037.50 as recommended subject to review by the Town Attorney.

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

Agenda Item No. 10.D: Town Standard Specifications and Construction Details Update

Purpose – To consider approval of the updated Town Standard Specifications and Construction Details.

Staff Comments – Town Manager Mitchell advised that Town Staff has worked, along with consultant Withers Ravenel, to modernize and update the Town Standard Specifications and Construction Details so as to improve the materials available to the development community and to support Town projects. The update brings the Town Standards and Construction Details in line with current rules, regulations, and materials availability, adds detail to current Town standards for clarity during the development process, and aligns the standards with the requirements of the proposed Land Development Ordinance. The Manager reported that town staff has presented the draft standards to the Land Development Ordinance Stakeholder group and has addressed the comments they provided. Additionally, Town Staff has circulated the draft to relevant Town Departments for comment and input. The specifications book has also been reformatted to make it more user friendly for the development community/designers to understand what is required for their projects. Town Staff released the final draft of the Town Standard Specifications and Construction Details to the public and other LDO stakeholders for final review on September 21st. Since presentation to the Town Board and release of the final draft for public review on September 20, minor edits based on public and Town Board feedback have been evaluated and incorporated as appropriate. The Manager stated that specifically, clarification was added regarding annual inspection requirements as it pertains to residential backflow preventers. Minor updates were to add a base fire flow table to make the fire protection section more user friendly, and specifications have also been modified since the original presentation to allow additional material options for deep sewer. There were also minor adjustments to air release valve details within sewer. He further reported that no major requirements have changed since release of the final draft document on September 20. The Board was informed that a link to the Standard Specifications and Construction Details was provided for the Town Board to review. The Town Standard Specifications and Construction Details book has been developed with input from engineering firms, the stakeholder committee, town staff, the Town Board, and the general public. Town Manager Mitchell said that an updated and revised spec book will be a significant improvement over the current specification book which dates to 2001, and will also serve as a more user friendly and centralized reference document for Town requirements; therefore, he recommends approval.

Board Discussion – Mayor Byrne asked about the number of staff hours worked to put this document in place. Engineering Director Tracy Stephenson stated that he could not determine the number of hours, but staff has been working on it, on and off, since 2006, and it was intended to approve it after the Land Development Ordinance was put in place. He estimated hundreds of hours.

Recommendation – Adopt the proposed Town Standard Specifications and Construction Details with an effective date of December 30, 2016 to coincide with the Land Development Ordinance.

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

Agenda Item No. 10.E: Budget and Project Ordinance Amendments – Reimbursement for Sidewalk Installation to NCDOT – Replacement of Bridge 338 over Kenneth Creek on Wagstaff Road SR 1100 – \$12,324

Purpose – To appropriate additional funds and amend the project ordinance to reimburse NCDOT for the construction of sidewalk associated with the replacement of Bridge 338 over Kenneth Creek on Wagstaff Road, SR 1100.

Staff Comments – Town Manager Mitchell advised the Town of Fuquay-Varina entered into a design-build municipal agreement that was executed in April 2012 between NCDOT and the Town. NCDOT constructed a new bridge to replace the old bridge on Wagstaff Road that is identified in the Town's Community Transportation Plan for sidewalks to be built on both sides of Wagstaff Road. The Town entered into this agreement under a 70/30 match. NCDOT constructed a sidewalk on the north side of the bridge covering 100% of the cost. The cost of the sidewalk installed on the south side was split with NCDOT covering 70% and the Town being responsible for the remaining 30%. The original bridge length proposed was 50 feet, however the bridge had to be lengthened to 95 feet to prevent fill from entering the stream, which is the reason for the increased cost of the sidewalk. The original estimated participation by the Town was calculated at \$12,324.00 as its 30% match. The additional bridge length increased the Town's match to \$21,279.65, an increase of \$8,955.65. The fiscal note for this item is to appropriate \$8,956.00 from Powell Bill to add to the Wagstaff Road Bridge Sidewalk Project Ordinance.

Board Discussion – Mayor Byrne asked if the Wagstaff Road bridge project and sidewalk project were complete. Planning Director Sorensen stated that the projects were complete.

Recommendation – Approve the budget and project ordinance amendments to appropriate \$8,956.00 from Powell Bill and add to Project Ordinance Wagstaff Road Bridge Sidewalk in order to reimburse NCDOT in the amount of \$21,279.65 as recommended.

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

Ordinance No. N-16-47

Agenda Item No. 10.F: Contract Amendment – NW Judd Parkway Design Contract – Kimley-Horn and Associates – \$93,898.39

Purpose – The purpose of this agenda item is to consider a contract amendment for the NW Judd Parkway design contract with Kimley-Horn and Associates.

Staff Comments – Town Manager Mitchell advised the NW Judd Parkway Project design was funded by a LAPP grant and has continued since 2012. The design schedule has been long because the process required under the National Environmental Policy Act (NEPA) requires a great deal of investigation for this size project and at the onset, the Town had not identified how to fund a project of this size. As a result, a few additional

design requirements have arisen and some changes to the project scope were made that necessitate the addition of tasks and expansion of the project scope for the Town's Designer, Kimley-Horn and Associates. Town Manager Mitchell advised that this contract amendment addresses additional funding for Project Coordination and Administration (\$27,043.48) required because of the overall project schedule being longer than anticipated. It also addresses the addition of new DOT requirements for a Design Noise Report (\$21,709.85) and expanded Plans Checking Review (\$19,749.17). The contract amendment also includes additional final design work related to the switch from Longfellow Street to Washington Street as the primary connection to the Lincoln Heights Elementary School area (\$7,570.49). Finally, this includes bid phase services that were not included at the original scoping because the Town did not have construction funding (\$17,825.41). The original project grant for the design was \$1,500,000.00 of which the original contract with Kimley-Horn represented \$1,304,825.57 for the base contract, and \$26,357.82 approved in Amendment 1 (Preliminary Environmental Assessment for Washington Street). The total of all these additions is \$93,898.39 and would be covered by the current \$1,500,000 project ordinance, although this work would not be reimbursable under the grant agreement. Additional reconciliation of the project ordinance will be required once the ROW and construction costs are solidified. The Town Manager advised that he and the Town Engineer have reviewed and negotiated the proposed fee amendment and both feel the terms and conditions are fair and recommend approval. The recommended contract amendment in the amount of \$93,898.39 can be accommodated within the current project budget. This expense is not eligible for a LAPP grant. Additional project appropriation will be needed at a later date for right of way and construction funding.

Board Discussion – There were no comments or further discussion from members of the Town Board regarding this matter.

Recommendation – Approve Amendment #2 to the NW Judd Parkway Design Contract in the amount of \$93,898.39 as presented and recommended.

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

OTHER BUSINESS

- A. Manager's Report – *(Mitchell)*
- B. Project Status Report – October 2016
- C. Land Use Plan – Community Ideas Exchange Workshop – Tuesday, October 4, 2016- 5:30 – 7:30 pm – Town Hall Board Room
- D. Froyo with the Po-Po – Sweet Creations – Thursday, October 6, 2016 – 2:30 – 4:30 pm

- E. Celebrate Fuquay-Varina – Concert – Landsharks – Thursday, October 6, 2016 – 6:30 - 9:30 pm
- F. Celebrate Fuquay-Varina – Festival – Downtown Fuquay – Saturday, October 8, 2016 – 10:00 am – 4:00 pm
- G. Update – Splash Pad – Season 2016
- H. FM2FV Concert – Centennial Square – Thursday, October 13, 2016 – 6:30 – 9:30 pm – The Embers
- I. Fuquay-Varina Fire Department – Open House – Saturday October 15, 2016 – 10:00 – 3:00 pm
- J. Haunted Trail – 5:00 – 6:00 pm – Family Fright and 7:00 – 9:00 pm – Full Fright – Saturday, October 15, 2016 – CHEEJP Park
- K. Rezoning Petition – D. Watson Adcock – Mauldin-Watkins Surveying, PA – 6428 & 6432 Johnson Pond Road – PIN 0677260492 – REZ-2016-24 - (FIRST READING) - (Mitchell/Sorensen)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill reported that he represented the Mayor by attending the Suicide Prevention Walk this past weekend. He stated that the event had its greatest participation and raised more money than prior years.

Commissioner Adcock stated that he likes the new Town Brand logo that was recently placed on the wall directly behind the Mayor's seat in the Town Board room. He also stated that he was happy about the numbers for the splash pad and the great season that it had.

Commissioner Harris stated that he was glad he kept his vision of the Splashpad on the agenda. He reported that he attended the 150th year anniversary for Bazzel Creek Baptist Church this past weekend and represented the Mayor by reading a proclamation.

Commissioner Wunsch echoed the comments from Mayor Pro-Tem Massengill on the Suicide Prevention Walk, and he stated that tonight's Town Board resulted in great accomplishments. He stated that the "Sun shines bright in Fuquay-Varina".

Commissioner Gardner stated that she was out of Town during the Suicide Prevention Walk, and she thanked Mayor Pro-Tem Massengill for attending. She stated that the suicide prevention walk event is important to her because suicide has touched the lives of her immediate family. She then congratulated the Police Department on the popularity of the Coffee with A Cop events, and she enjoyed attending the one that was recently held at Carillon Assisted Living.

Mayor Byrne commended IT Director Scott Clark for his work on the new upgrades in the Town Board Room. He reported that The Fidelity Bank will sponsor a luncheon tomorrow for law enforcement. He also reported that he attended the Coffee with A Cop at Bojangles. Additionally he shared that he administered the Oath of Office for two new police officers, both of which graduated from Fuquay-Varina High School. He concluded by stating that he will be participating in the Walk to School event to Lincoln Heights Elementary School this coming Wednesday.

CLOSED SESSION

A motion was made for the Town Board to enter into closed session at 9:11 p.m. pursuant to N.C.G.S. 143-318.11 (a) (3) – Attorney Client Privilege, 143-318.11 (a) (4) – Economic Development, and 143-318.11 (a) (5) – Property Acquisition.

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

OPEN SESSION

The Town Board returned to open session at 10:29 p.m. with nothing to report out of closed session.

Town Manager Mitchell advised that there is no provision in the Host City Sponsorship 5-year agreement for the WRAL Balloon Festival for transportation and parking. He stated that this was no different than the previous year's agreement but that he wanted to bring it to the Board's attention. He advised that he would be meeting with the event organizer to plan for ways to encourage more parking in Downtown Fuquay-Varina.

Town Manager Mitchell also reported that staff has been exploring possible use of funds in the amount of \$250,000 that are currently set aside to construct sidewalks on Judd Parkway, to be used instead to build sidewalks on Academy Street, from Main Street to Fleming Loop Park since this path was heavily traveled by foot during the 2016 Balloon Fest and poses a safety concern. He stated that unless there is objection by the Board, he would place the matter on an agenda in the near future. There was no objection from members of the Town Board.

ADJOURN

A motion was made to adjourn the meeting at 10:34 p.m.

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

Adopted this the 18th day of October 2016 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)



Rose H. Rich, Town Clerk