



**TOWN OF FUQUAY-VARINA  
BOARD OF COMMISSIONERS REGULAR MEETING  
OCTOBER 18, 2016**

**CALL TO ORDER**

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on October 18, 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

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**INVOCATION AND PLEDGE OF ALLEGIANCE**

Commissioner Charlie Adcock gave the invocation and North Carolina Senator Tamara Barringer led the Pledge of Allegiance.

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**APPROVAL OF THE MINUTES**

The October 3, 2016, minutes of the regularly scheduled Town Board of Commissioners meeting and the January 30-February 1, 2016 Strategic Planning Retreat Meeting were presented for approval.

Board Member Discussion – Commissioner Gardner asked for more time to review the Retreat Meeting minutes, and possibly adopt them at the next meeting. Mayor Byrne stated that there has been a public records request for these minutes and he would prefer that they be adopted tonight in order to release them to the public upon adoption. Commissioner Harris recommended that the Board defer action on the Retreat minutes until later in tonight's meeting in order to give Commissioner Gardner time to review them.

Motion to approve the minutes of the October 3, 2016 regular Town Board meeting, and to defer adoption of the Retreat minutes until later in the meeting.

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

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## **PRESENTATIONS**

### **Agenda Item No. 4.A: Key to the City – Natalie Perkins – Clean Design**

Mayor Byrne read the true meaning of the “Key to the City”. He stated that the “Key to the City” is an honor bestowed upon esteemed residents and/or visitors. Giving the Key to the City is symbolic and dates back to medieval times when walled cities and gates would be guarded during the day and locked at night. The key symbolizes the freedom of the recipient to enter and leave the city at will, as a trusted friend of the cities’ residents. He then presented the “Key to the City” to Natalie Perkins, CEO of Clean Design, along with her staff. He stated that Ms. Perkins successfully led the charge in the design of the Town’s brand and logo/motto - “A Dash More”. He also thanked Communications Director Susan Weis and Economic Development Director Jim Seymour for their work with Clean Design on the new branding.

### **Agenda Item No. 4.B: Presentation of Check – North Carolina Senator Tamara Barringer – Fuquay-Varina Arts Center – \$50,000**

Mayor Byrne introduced North Carolina Senator Tamara Barringer, representing the 17<sup>th</sup> district. Senator Barringer presented the Town of Fuquay-Varina with a check in the amount of \$50,000 that was given upon a request by the Mayor to assist with the renovation of the Fuquay-Varina Arts Center. Mayor Byrne, Town Manager Mitchell and Arts Director Maureen Daly received the check on behalf of the Town. Senator Barringer stated that it is a pleasure for her to represent the Town of Fuquay-Varina in the State Senate, and to be able to advocate for the arts and better roads in Fuquay-Varina.

### **Agenda Item No. 4.C: Presentation of Fuquay-Varina Arts Center – Final Design – Szostak Design**

Town Manager Mitchell stated that the design phase for the Fuquay-Varina Arts Center is nearing completion, and the next phase of the project will be the bidding phase. He introduced Phil Szostak of Szostak Design who gave a presentation of the proposed design for the Arts Center. Mr. Szostak presented renderings showing Option 1 with a white brick art center and a red brick theater for the exterior. Option 2 was a white brick arts center and a white brick theater for the exterior. He recommends Option 2 with the painted white brick on the exterior with a glass type material connecting the new

auditorium to the existing building. The interior featured a lobby/gallery running along the length of the building and into the theatre. The first floor features a box office, concessions, a dance studio, administrative offices, restroom facilities, dressing rooms and a green room. The second floor features a painting room, classrooms, a music room and a digital media room. The auditorium features a balcony on the second level and seating on the first floor to provide a total of 296 seats. He also referred to the brick exterior wall facing S. Fuquay Avenue that can be used to display murals.

Board Discussion – Commissioner Gardner, Commissioner Wunsch and Commissioner Adcock stated that they liked the recommended option (Option 2) for the exterior, with the white brick covering the entire building. Commissioner Harris asked about provisions for parking at the facility. Town Manager Mitchell stated that the design includes a couple of parking spaces at the facility for staff parking, and parking would be along Vance Street, Raleigh Street and S. Fuquay Avenue. He stated that in the parking area is a proposed landscaped plaza that may feature a kiosk to advertise upcoming events. Commissioner Massengill asked questions about possibly making the mural on the exterior interchangeable. Mr. Szostak stated that the mural could be permanent or interchangeable. Commissioner Gardner asked if the lobby/gallery is wide enough for a reception area. Mr. Szostak stated that the lobby/gallery area would provide enough space for a reception area. Commissioner Adcock asked about the timeline for bids on the project. Mr. Szostak stated that the bids will go out around the first week in December and construction would begin in February or March, 2017.

Town Manager Mitchell stated that the rendering does not show the existing trees on S. Fuquay Avenue, so at some point streetscape work (including the possible removal of a utility pole) will need to be addressed.

Town Manager Mitchell recommended that the Board approve the final design for the Fuquay-Varina Arts Center by choosing Option 2 as recommended.

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

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**PUBLIC COMMENT**

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

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**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 CH Highway Commercial and R-20 Residential Agricultural Zoning Districts to the LI (CZD) Light Industrial Conditional Zoning District. 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”, and 4. The elevation rendering provided by the petitioner is offered as an additional zoning condition.

Staff Comments – Town Manager Mitchell advised the petitioner has requested that consideration and action on this matter (REZ-2016-03) be deferred to the November 7, 2016 meeting. No further public hearings are required for this matter.

Board Member Discussion – There was no discussion.

Recommendation - Defer consideration of rezoning petition (REZ-2016-03) to the November 7, 2016 meeting at the applicant's request.

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

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## **PUBLIC HEARINGS**

**Agenda Item No. 7.A: Rezoning Petition – Mauldin-Watkins Surveying, PA – 501 S. Main Street – PIN 0656956631 – REZ-2016-18**

Purpose – To consider a request to rezone a total of 0.442 acres at 501 S. Main Street from the R-10 Residential Single & Two-Family Zoning District to the R-4 Residential Multi-Family Zoning District. The subject property is more particularly known as Wake County PIN 0656956631.

Staff Comments – Town Manager Mitchell advised that the subject property is located in the Town corporate limits and currently features a single-family residential structure. All adjacent land parcels feature single-family residential structures, although several have been converted to multifamily use. Land to the north, east, and west are zoned R-10, and land immediately to the south is zoned O&I Office and Institutional. The subject property is located to the east of the Sunset Drive and S. Main Street intersection, and to the Southeast of the Town’s Administrative Office and the Fuquay Mineral Spring Park, which is zoned DC-2 Downtown Center-2 Zoning District. There are existing Town water lines and gravity sewer mains along S. Main Street and Sunset Drive, which can serve the subject property. S. Main Street is classified as a minor thoroughfare with an existing 60’ right-of-way with two vehicle travel lanes. The Community Transportation Plan (CTP) calls for a 60’ right-of-way and adding center turn lanes at key intersections, with the addition of sidewalks and bike lanes along both sides. There is currently a sidewalk on the east side of S. Main Street at this location. The Land Use Plan calls for

Commercial (COM) future land use on the subject property. The requested R-4 Zoning District is classified as a High Density Residential (HDR) land use, and the rezoning is therefore inconsistent with the current Land Use Plan. Staff recommends approval of the rezoning petition, REZ-2016-18, for the following reasons:

1. The R-4 Zoning District requested by the petitioner is inconsistent with the current COM land use classification recommended by the Town's adopted Land Use Plan. However, based on the surrounding single family homes, staff views a traditional commercial development as being at odds with the character of the surrounding residential uses that border the property to the north, east, and west. The abutting properties to the north and south feature residential structures that have

Request for Recusal – Mayor Pro-Tem Massengill stated that he has a financial interest in the rezoning request for REZ-2016-18 and requested to be recused from discussion and voting on the agenda item.

MOTION: Commissioner Adcock  
SECOND: Commissioner Wunsch  
MOTION RESULTS: Passed Unanimously (4-0)

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the rezoning request. Wayne Mauldin of Mauldin-Watkins Surveying, P.O. Box 444, Fuquay-Varina, spoke in favor of the rezoning petition on behalf of the property owner. Mayor Byrne asked if anyone wished to speak in opposition to the proposed rezoning request. No one chose to speak in opposition to the proposed rezoning for REZ-2016-18.

Board Member Discussion – Commissioner Adcock stated that he was excited to see older and dilapidated properties being brought back to life and seeing these positive things happening in downtown.

Recommendation – Approve the requested rezoning of 0.442 acres at 501 S. Main Street (PIN 0656956631) from the R-10 Residential Single & Two-Family Zoning District to the R-4 Residential Multi-Family Zoning District, and recommend approval to amend the Official Zoning Map to RHD Residential High Density Zoning District to correspond with the Land Development Ordinance. While not consistent with the land use plan, the requested zoning is reasonable and in the best interest of the public for the reasons identified by staff and the Planning Board.

MOTION: Commissioner Wunsch  
SECOND: Commissioner Gardner  
MOTION RESULTS: Passed (4-0)

**Agenda Item No. 7.B: Rezoning Petition – Dewberry Engineers – 1704 Old Honeycutt Road – PIN 0676841472 – REZ-2016-22**

Purpose – To consider a request to rezone a total of 57.793 acres at 1704 Old Honeycutt Road from the PD Planned Development Overlay and R-15 Residential

Single Family Zoning District to the O&I (CZD) Office and Institutional Conditional Zoning District. The subject property is more particularly known as Wake County PIN 0676841472. The petition calls for amending this portion of the South Lakes Planned Development from SF-9 Residential to “institutional use” as allowed by the list of permitted uses in the South Lakes Master Plan. The conditions requested by the petitioner include the following: “Permitted uses shall be limited to public education uses with related administrative and support uses/functions.”

Staff Comments – Town Manager Mitchell advised that the property is currently undeveloped except for a barn structure near the southern border. It is within the Town’s corporate limits and is owned by the Wake County Board of Education. Phase SF-7 of the South Lakes Subdivision is located to the west of the subject property and roadway/utility infrastructure is currently under construction. Properties located to the north, east, and south are within the Wake County planning and zoning jurisdiction. A 22 acre pond occupies the property to the south of the proposed rezoning. Two properties with single family homes adjoin the subject property near the southeast corner along Kennebec Road. Properties to the north and east feature a mixture of single family homes, agricultural uses, and undeveloped land. The subject property is bordered by Old Honeycutt Road to the north and Kennebec Road to the east. Old Honeycutt Road is an existing 60’ right-of-way (ROW) with two vehicle travel lanes. The Community Transportation Plan (CTP) identifies Old Honeycutt Road as a minor thoroughfare and requires widening to a 70’ ROW in the future. Additional improvements required by the CTP include a center turn lane at key intersections, with sidewalks and bike lanes in both directions. The segment of Kennebec Road adjacent to the rezoning area is an existing 60’ ROW that is also classified as a minor thoroughfare by the CTP. Future improvements include maintaining the two vehicle travel lanes but widening the ROW to 70’ with installation of sidewalks along both sides. Turn lanes are expected to be required based on traffic analysis by NCDOT. A 12” Town water line is located along Old Honeycutt Road and extends to the western edge of the subject property. Town sewer lines are located to the southwest within Phase SF-7 of South Lakes. The petition is inconsistent with the Land Use Plan, which calls for Medium Density Residential (MDR) future land use on the subject property because the O&I (CZD) Zoning District is considered an O&I Office and Institution land use. Town Manager Mitchell advised that he and staff recommend approval of REZ-2016-22 for the following reasons:

1. Although the requested O&I (CZD) Zoning District is inconsistent with the Medium Density Residential land use called for by the adopted Land Use Plan, staff feels that the conditions voluntarily imposed by the petitioner make the request reasonable and consistent with the “institutional use” category that is permitted by the existing Master Plan for South Lakes. Development of the property will be restricted to public education buildings and related support activities. A school would be compatible with the South Lakes subdivision, which is a PUD that already features areas of institutional uses. Staff views single family neighborhoods and public education sites as low-intensity uses, which complement each other in settings such as this.
2. The subject property is located in the 55 South – 42 East Preferred Growth Area (PGA). This PGA has seen significant residential growth in the past decade. Within a mile of the subject property, there are multiple subdivisions in the Town’s jurisdiction with lots still under construction, including the

following: Harrison Place, Partin Place, Judd Plantation, Rowland Meadows, South Lakes, and Willow Creek. New subdivisions may be approved or under construction nearby that are within the Wake County planning jurisdiction. The increase in residential growth, both inside the Town and in Wake County, requires construction of new public education facilities in order to alleviate overcrowding at existing schools. The need for new schools in this vicinity, and compatibility of this site with a future high school outweighs the petitioner's inconsistency with the adopted Land Use Plan.

3. Public utilities are located nearby, including a 12" water line, and are capable of serving the service demand generated at a school site.
4. The CTP requires improvements to be made to both roadways adjacent to the subject property, including sidewalks and center turn lanes at key intersections and driveways. NCDOT may require additional turn lanes or other traffic management measures based on the projected traffic volume at the school. The Town will coordinate with NCDOT during site plan review to ensure that traffic issues are minimized and the safety of the public is protected.
5. The rezoning request is reasonable and in the best interest of the public.

At the September 19, 2016 meeting, the Planning Board unanimously recommended approval of REZ-2016-22. While inconsistent with the land use plan, the Planning Board found the requested zoning 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 the proposed rezoning request for REZ-2016-22. Attorney Kenneth Haywood, (P.O. Drawer 1429, Raleigh, NC 27602) representing Wake County Public Schools spoke in favor of the rezoning petition on behalf of the petitioner. Dennis Pitts, Landscape Architect and Planning Consultant with Dewberry Engineers, Inc., spoke in favor of the request and he stated that the school facility, known as Willow Spring High School, will be used as swing space while renovations are being made at Fuquay-Varina High School.

Board Member Discussion – Mayor Pro-Tem Massengill stated that the Town is glad and excited about the new Willow Spring High School in the Fuquay-Varina area. Commissioner Adcock stated that he is looking forward to the first Fuquay-Varina High School versus Willow Spring High School football game. Mayor Byrne stated that this process has been ongoing and that the new facility will accommodate between 2,200 and 2,300 students.

Recommendation – Amend the South Lakes Master Plan to designate the property identified as SF-9 to institutional use, and rezone 57.793 acres at 1704 Old Honeycutt Road from the PD Planned Development Overlay and R-15 Residential Single Family Zoning District to the O&I (CZD) Office and Institutional Conditional Zoning District with the condition "permitted uses shall be limited to public education uses with related administrative and support uses/functions," and amend this portion of the South Lakes Planned Development from SF-9 Residential to "institutional use" as allowed by the list of permitted uses in the South Lakes Master Plan. While the rezoning is inconsistent

with the Town's current Adopted Land Use Plan, it is reasonable and in the best interest of the public for the reasons identified by staff and the Planning Board.

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

**Agenda Item No. 7.C: Voluntary Annexation Petition – James and Cristin Austin Property – 302 Wagstaff Road – PIN 0656711365 - ANX-2016-07**

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 James and Cristin Austin. The property is located at 302 Wagstaff Road (PIN 0656711365) containing approximately 2.404 acres.

Staff Comments – Town Manager Mitchell advised that the property contains approximately 2.404 acres and it has road access on Wagstaff Road. The property is contiguous to the Town's corporate limits where water and sewer is available. At the October 3, 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 for the October 18, 2016 Town Board meeting. The present value of the property is \$126,092.

Public Hearing – Mayor Byrne opened the public hearing and he asked if anyone wished to speak in favor of the annexation petition. Wayne Mauldin of Mauldin-Watkins Surveying, P.O. Box 444, Fuquay-Varina, spoke in favor of the request on behalf of the petitioners. Mayor Byrne asked if anyone wished to speak in opposition to the annexation petition for ANX-2016-07. No one chose to speak in opposition to the petition for annexation.

Board Member Discussion – There was no discussion regarding this matter by members of the Town Board.

Recommendation - Adopt an annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include the James and Cristin Austin Property (ANX-2016-07) as presented and recommended.

MOTION: Commissioner Wunsch  
SECOND: Commissioner Harris  
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-16-48**

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## **CONSENT AGENDA**

### **Agenda Item No. 8.A: Budget Amendment 2017-14 – Donation – Fuquay-Varina Volunteer Firefighter's Organization – \$10,580.00**

Purpose – To recognize funds received from the Fuquay-Varina Volunteer Firefighters Organization in the amount of \$10,580.00. These funds will be used to purchase a Respirator Fit Tester, which tests to ensure that the seal between the respirator's face piece and the firefighter's face is sufficient, thereby ensuring no contaminated air leaks.

Recommendation – Approve Budget Amendment 2017-14 as presented and recommended.

### **Agenda Item No. 8B: Budget Amendment 2017-15 – Wake County – Self Contained Breathing Apparatus – \$99,902.00**

Purpose – To consider the adoption of budget amendment 2017-15 recognizing a grant of \$99,902.00 from Wake County to assist with the purchase of 39 Self Contained Breathing Apparatus packs.

Recommendation – Approve budget amendment 2017-15, as presented and recommended.

### **Agenda Item No. 8.C: Budget Amendment 2017-16 – 2016 NCDOJ Bulletproof Vest Partnership Award – Police Department – \$4,697.00**

Purpose – To consider adoption of budget amendment 2017-16 that recognizes funds from the NC Department of Justice/Bureau of Justice Assistance FY 2016 Bulletproof Vest Partnership Grant as awarded to the Police Department.

Recommendation – Approve budget amendment 2017-16, as presented and recommended.

### **Agenda Item No. 8.D: Temporary Street Closure - SAVOR Fuquay-Varina - FV Chamber of Commerce - Saturday, November, 12, 2016**

Purpose – To consider a temporary street closure request on E. Jones St. between N. Main St. and N. Fuquay Ave. for the Fuquay-Varina Chamber of Commerce's "SAVOR Fuquay-Varina" event to be held on Saturday, November 12, 2016. The temporary street closure will take place from 10 a.m. to 7 p.m. The SAVOR event will occur from 2 p.m. to 6 p.m.

Recommendation – Approve the request for a temporary street closure on Saturday, November 12, 2016 for the Fuquay-Varina Chamber of Commerce's "SAVOR Fuquay-Varina" event as presented and recommended.

A motion was made to approve all items (“A” through “D”) listed on the Consent Agenda as recommended.

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

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**ITEMS REMOVED FROM CONSENT AGENDA**

There were not agenda items removed from the Consent Agenda.

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**ADMINISTRATIVE REPORTS**

**Agenda Item No. 10.A: Waiver – Competitive Bidding – G.S. 143-129(g) – Self Contained Breathing Apparatus**

Purpose – To consider a waiver of competitive bidding under G.S. 143-129(g) for the purchase of Thirty-Nine (39) Self Contained Breathing Apparatus units in the amount of \$211,926.00.

Staff Comments – Town Manager Mitchell advised that Wake County sent out Specifications for Bidding on September 28, 2015, Bid# 15-104, for the bulk purchase of Scott Air Packs. The bid was awarded to Rhinehart Fire Services on October 28, 2015. The Town of Fuquay-Varina Fire Department would like to piggyback this bid due to the cost savings in the bulk purchasing process involving multiple agencies from Wake County. Under G.S. 143-129(g), governing bodies may elect to waive all bidding requirements for the purchase of an apparatus or equipment from any entity; provided that within the last 12 months a formal public bid process and contract awarding for a substantially similar apparatus or equipment was conducted by a federal agency, a state agency, or any political subdivision of the state. A contract was awarded to Rhinehart Fire Services from Wake County on October 28, 2015 for the purchase of Scott Self Contained Breathing Apparatus units. Proper notice was given of the Town's intent to waive competitive bidding per statutory requirement.

Board Discussion – Mayor Byrne stated that using the piggyback method helped save money, and this method was used by the Town to purchase the last garbage truck.

Recommendation – Approve a waiver of competitive bidding under G.S. 143-129(g) for the purchase of 39 Self Contained Breathing Apparatus as presented.

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

**Agenda Item No. 10.B: Town Code Re-Codification – Town Code of Ordinances: Parts 1-8; and Town Code Amendment Part 8: Offenses, Chapter 9: Hazardous Materials, §8-9001: Hazardous Materials**

Purpose – To consider adoption of the re-codification of Parts 1-8 of the Town Code of Ordinances, as amended and presented by staff as the result of a comprehensive re-codification review performed in conjunction with Municode and the Town Attorney. Additionally, Town Board is asked to consider a text amendment to update the Town's Code of Ordinances, Part 8 Offenses, Chapter 9 Hazardous Materials.

Staff Comments – Town Manager Mitchell advised the Town engaged Municode, a provider and administrator of local government online Codes of Ordinances, beginning in August 2014. The purpose of the transition to Municode is to display the different regulations and standards, which the Town of Fuquay-Varina operates under in a more user-friendly manner for internal and external customers as well as the general public, compared to what was available under the previous portal offered by American Legal Publishing. There are six (6) additional municipalities in Wake County that utilize Municode for their services. Town staff, including legal counsel, has worked with Municode staff and their legal counsel via e-mail, conference calls and face-to-face meetings to identify and coordinate updates to portions of the Town Code based on changes to the General Statutes of North Carolina. Additionally, updates have been made to update the Town code with current departmental names and organizational practice. Once the Town Board re-codifies Parts 1-8, the updated Code will be available for public use online within 48 hours of adoption. Town Manager Mitchell advised that the recommended action does not include Part 9 Land Development Ordinance (LDO), which was under development in parallel with the re-codification process, and adopted October 3, 2016, and becomes effective December 30, 2016. Given the size of the recommended re-codified Town Code of Ordinances, Part 1-8, Town staff made the document available for review through providing a link for the document. Additionally, provided for review was a summary of substantive changes to Part 1 - 8 of the code of ordinances, which modernize the code, bring it into compliance with NC Statutes, and mirror current day operational practices. In addition to the changes proposed by Municode, management recommends adopting a text amendment to update the Town's Code of Ordinances, Part 8 Offenses, Chapter 9 Hazardous Materials. The changes included with this amendment are related to fire offenses and were intended to be included with the re-codification process. While undergoing review and update of the Town Code of Ordinances for the purpose of re-codification with Municode, the staff recommended changes related to Hazardous Materials that were inadvertently left out and were therefore not forwarded to Municode staff for inclusion in the update. The changes are proposed for the purpose of updating the Town Code to reflect current procedures of the Town and Wake County, and to comply with the North Carolina General Statutes. Management and staff recommend adoption of the re-codification of Parts 1-8 of the Town Code of Ordinances, as well as adoption of the text amendment to the re-codified Town Code of Ordinances Part 8 Offenses, Chapter 9 Hazardous Materials, effective December 30, 2016. This action will benefit the Town by providing a more consistent and user-friendly format to the Town Code of Ordinances, while eliminating inconsistencies resulting from changes over time to NC General Statutes as well as other parts of the Town Code.

Board Discussion – Mayor Byrne made reference to the portion of the amendment regarding hazardous materials, and he stated that these amendments give the Town tools to prepare the Town for hazardous incidents that may occur.

Recommendation – Adopt the re-codification of Parts 1-8 of the Town Code of Ordinances as amended and presented; and adopt the text amendment to amend Part 8 Offenses, Chapter 9 Hazardous Materials as presented and recommended, to become effective December 30, 2016.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

**Ordinance No. M-16-06**

**Agenda Item No. 10.C: Sidewalk Project Substitution – S. Judd Parkway vs W. Academy Street**

Purpose – To consider replacing the S. Judd Parkway Sidewalk Project programmed in the FY 17 operating budget with the W. Academy Street Sidewalk Project.

Staff Comments – Town Manager Mitchell advised that in FY 2017 Town Budget, the Town Board approved the design and construction of sidewalk along S. Judd Parkway as a pedestrian master plan programmed project. During the budget development process, Town Staff had considered a segment of sidewalk to provide a connection between existing sidewalks on W. Academy Street and Fleming Loop Park. Given associated road improvements involved with this project, the cost was higher than annual pedestrian plan expenditure that the Town Board and Town Staff had determined was appropriate. Given the success of and the long-term agreement with the WRAL Freedom Balloon Fest and the need for safety improvements for the walking public attending the festival, Town Staff re-evaluated the W. Academy - Fleming Loop sidewalk project to see where cost savings could be achieved. If major road improvements are avoided the cost of the connecting sidewalk can be completed within the budgeted amount for the S. Judd Parkway Sidewalk. In the opinion of staff and management, advancing the Academy Street sidewalk is appropriate because the existing properties that are along the sidewalk path are currently developed as single-family residential lots and are not likely to redevelop any time soon. The proposed sidewalk would not be in its final location, but will serve the public for a significant amount of time before it would be removed and replaced with sidewalk on the final street section. The relocation of sidewalk would not be needed until Academy Street undergoes a major roadway-widening project at some point in the future. The proposed Academy Sidewalk project addresses an immediate need, provides many benefits and safety improvements to the public, and is therefore recommended by management and staff. The substitution of this project will not require additional budgeted funds. Cost estimates for the two projects were provided in the agenda.

Board Discussion – Mayor Byrne stated that the greenway and sidewalks in this area will become important for resident who will walk from the downtown area to Fleming Loop Park.

Recommendation – Approve the W. Academy - Fleming Loop Sidewalk Project in lieu of S. Judd Parkway Sidewalk for the 2016-2017 fiscal year.

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

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At this time, Mayor Byrne recognized Fuquay-Varina High School student, Cameron Rowland, who was attending the meeting as part of an assignment for his civics class.

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Mayor Byrne declared a short break, and upon returning from the break, the Town Board considered the adoption of the January 30, 2016 – February 1, 2016 Strategic Planning Retreat minutes.

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

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**OTHER BUSINESS**

- A. Manager's Report – *(Town Manager Mitchell)*
  - Gave an update on prior and post conditions and work for Hurricane Matthew
  - Estimated damages from the hurricane came in between \$135,000 & \$145,000 for the Town of Fuquay-Varina
  - Stated that there were six swift water rescues that the Fuquay-Varina Fire Fighters responded to during the hurricane.
  - Stated that the Fuquay-Varina Police Department had a presence at the State Fair
  - Police Department is working on a retail coalition to prevent simple larcenies in the retail business around town.
  - Both events this past weekend, the Fire Department's Open House and the Parks & Recreation Haunted Trail were successful events.
  - Town Manager Mitchell stated that staff met Kimley-Horn to begin the process of formalizing the entire process of the Transportation Thoroughfare Plan.
  
- B. Quarterly Report – 3<sup>rd</sup> Quarter 2016

- C. Land Use Plan Charrette Meeting - Public Service Center - Tuesday, November 1 and Thursday, November 3 - 7:00 - 9:00 pm and Wednesday, November 2 and Friday, November 4 - 6:00 - 8:00 pm.
- D. Celebrate Fuquay-Varina – Rescheduled – Saturday, November 5, 2016 – 10:00 – 4:00 pm – Downtown Fuquay
- E. Downtown Parking Study Open House – Thursday, October 20, 2016 – 5:00 pm – 7:00 pm – FV Arts Center – 123 E. Vance Street
- F. Kids Safety Day – Fire and Police Department – Saturday, October 22, 2016 – 10:00 – 12:00 pm Williamson Insurance & Financial Services – 320 N. Judd Parkway

Commissioner Adcock asked about the number of permits issued this month. Assistant Town Manager Matthews stated that 49 permits were issued this month, and there have been 483 permits issued year-to-date.

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### **TOWN BOARD MEMBER COMMENTS**

Mayor Pro-Tem Massengill – stated that he appreciates everything that the staff has done during the hurricane, and all the exciting things happening in Fuquay-Varina.

Commissioner Adcock – asked about the status of the wastewater treatment plant expansion project. Public Utilities Director Jay Meyers stated that the concrete has been poured. Commissioner Adcock commended staff for their work on clean-up from the recent hurricane.

Commissioner Harris – stated that he was glad that everyone was safe during the storm, and he appreciates the work by staff to return things back to normal.

Commissioner Wunsch – stated that the Haunted Trail was very scary, and he thanked staff for their work during the storm and the great communication from the Town Manager on the status of the hurricane. He stated that he was excited about the progress with the Arts Center tonight, and with the rezoning for the new high school. He also stated thanked Mayor Pro-Tem Massengill for his investment in the downtown area.

Commissioner Gardner – expressed her appreciation for the clean-up work and great communications from Town Manager Mitchell and Communications Director Susan Weis during the recent storm. She enjoyed the Fire Department Open House that was held this past weekend. She then thanked Arts Director Maureen Daly, Assistant Town Manager Matthews, Town Manager Adam Mitchell and Finance Director Carla Morgan for working together to come up with a way to make a donation in-lieu of flowers for a relative that recently passed away, whereby \$675 was donated to the Arts Center. She reported that two women from our community have been honored this past week, Wanda Denning, who was honored as a Star of Education by Wake County Public

Schools, and Naomi Riley, who was named by Cary Living Magazine as one of the Five Women of Western Wake.

Mayor Byrne – stated that Hurricane Matthew was the third worst storm, after Hurricane Hazel and Hurricane Fran that he can remember. He expressed his appreciation to the Fire and Police Department for being extremely prepared for the storm. He also thanked IT Director Scott Clark for his work during the storm. He then stated that the last two musical groups, Landsharks and the Embers were very good. He also expressed staff should be extremely proud of the grants awarded this year to the Town that has totaled \$7.3 million. He also commended the Town Board for having the vision for taking advantage of these opportunities for grants.

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**CLOSED SESSION**

A motion was made for the Town Board to enter into closed session at 10:02 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)

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**OPEN SESSION**

The Town Board returned to open session at 10:03 p.m. with nothing to report out of closed session.

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**ADJOURN**

A motion was made to adjourn the meeting at 10:04 p.m.

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

Adopted this the 7th day of November 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

