



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JANUARY 16, 2018

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on January 16, 2018 at 7:00 p.m.

Commissioners Present: Blake Massengill (Mayor Pro-Tem)
Charlie Adcock
Bill Harris (*arrived at 7:15 p.m.*)
Jason Wunsch
Marilyn Gardner

Commissioners Absent: None

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Byrne provided the invocation and Adelynn (age 10) and Harrison Mitchell (age 6) led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The January 2, 2017, minutes of the regularly scheduled Town Board of Commissioners meeting, were presented for approval.

MOTION: Mayor Pro Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULT: Passed Unanimously (4-0)

PRESENTATIONS

Agenda Item No. 4.A: Introduction of Police Department K-9 - Dash

Chief Fahnestock introduced K-9 Officer Dash and his handler Officer Taylor Callas. Chief Fahnestock provided background on Dash and his 14-week training with Officer Callas as well as profession K-9 trainers in Cary, NC. Mayor Byrne then administered the oath of office to K-9 Officer Dash and presented him with his badge.

Following the Oath of Office Ceremony, Mayor Byrne announced that he is taking the steps to authorize the declaration of a State of Emergency in Fuquay-Varina in conjunction with Wake County ahead of the pending winter storm expected on January 17, 2018.

PUBLIC COMMENTS:

There were no comments from the public.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Zoning Map Amendment - Corporation for Educational Partnerships - 5202 Spence Farm Road - PIN 0657360697 - REZ-2017-30

Purpose – To consider a requested zoning map amendment for a total of 20.05 acres, located at 5202 Spence Farm Road, from the Residential Agricultural (RA) Zoning District to the Office & Institutional Conditional Zoning District (O&I-CZD).

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the subject property and advised that petitioner is requesting that the Town Board continue the public hearing and table consideration of the zoning map amendment petition until the February 5, 2018 Town Board meeting to allow the petitioner more time to consider conditions and so as to address the concerns identified by the Planning Board and Town staff.

Public Hearing – The public hearing was opened. No one from the public chose to speak in favor of or against the zoning map amendment petition.

Board Member Discussion – Commissioner Wunsch reminded the Board that at the last meeting he had requested to be recused from discussion and consideration of this matter due to a legal representation conflict of interest. He recalled that he was in fact recused by the Town Board.

Recommendation – Continue the public hearing and table consideration of REZ-2017-30, a zoning map amendment at 5202 Spence Farm Road, from the Residential Agricultural (RA) Zoning District to the Office & Institutional Conditional Zoning District (O&I-CZD) to February 5, 2018.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (4-0)

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - Barbara S. Cummings & Royal Mark David King Property (Royal Creek) - 8020 Daddy Road, 7700 Ten Ten Road, 7512 Ten Ten Road, 0 Gelder Drive and 0 Daddy Road - PIN 0689762851, 0689763862, 0689764863, 0689765864, 0689766875, 0689872552, 0689873734, 0689874930, 0689875970, 0689873748, 0689873863, 0689873877, 0689871260, 0689873272, 0689873142, 0689778086, 0689873157, Portion of 0689776508, Portion of 0689884196, Portion of 0689784626 - ANX-2017-14

Purpose – To consider opening and continuing the public hearing to the March 5, 2018 Town Board meeting, following the receipt of a petition for voluntary annexation of property owned by Barbara S. Cummings and Royal Mark David King located at 8020 Daddy Road, 7700 Ten-Ten Road, 7512 Ten-Ten Road, 0 Gelder Drive and 0 Daddy Road, containing approximately 66.317 acres - ANX-2017-14

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the subject property and advised that the voluntary annexation petition was certified by the Town Clerk as being sufficient and meeting the requirements prescribed by the North Carolina General Statutes. He further advised that the petitioner was requesting consideration of the voluntary annexation be tabled to allow for additional time to fully develop their form base code plan and zoning document with the hopes of having the Town Board consider annexation and zoning concurrently. The petitioner is requesting that the Planning Board table consideration of their zoning petition until the February Planning Board meeting.

Public Hearing – The public hearing was opened. No one from the public chose to speak in favor of or against the voluntary annexation petition.

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

Recommendation – Continue the public hearing and table consideration of the the voluntary annexation petition for property owned by Barbara S. Cummings and Royal Mark David King (ANX-2017-14) until the March 5, 2018 Town Board meeting as presented and recommended.

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

Agenda Item No. 7.B: Voluntary Annexation Petition - Calvary Baptist Temple Church - 7900 Ten-Ten Road - portion of PIN 0689878532 - ANX-2017-22

Purpose – To open and continue the public hearing and table consideration to the March 5, 2018 Town Board meeting, following the receipt of a petition for voluntary annexation of property owned by Calvary Baptist Temple Church located at 7900 Ten-Ten Road, containing .721 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the subject property and advised that the voluntary annexation petition was certified by the Town Clerk as being sufficient and meeting the requirements prescribed by the North Carolina General Statutes. He further advised that the petitioner was requesting consideration of the voluntary annexation be tabled as it is related to the previous annexation petition (ANX-2017-14). The petitioner is requesting that the Planning Board table consideration of their zoning petition until the February Planning Board meeting.

Public Hearing – The public hearing was opened. No one from the public chose to speak in favor of or against the voluntary annexation petition.

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

Recommendation – Continue the public hearing and table consideration to the March 5, 2018 meeting for the voluntary annexation petition of property owned by Calvary Baptist Temple Church (ANX-2017-22) as presented and recommended.

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

Agenda Item No. 7.C: Voluntary Annexation Petition - Walters, Johnston and Bailey Property - 8816 Purfoy Road and 1501 Angier Road - PIN 0665578802 and 0665377006 - ANX-2017-21

Purpose – To open and continue the public hearing to the February 5, 2018 Town Board meeting, following the receipt of a petition for voluntary annexation of property owned by Kenneth R. Walters, Christopher D. Walters, Nancy B. Johnston, Kenneth B. Bailey III and Jennifer R. Bailey, located at 8816 Purfoy Road and 1501 Angier Drive, containing a total of 162.491 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the subject property and advised that the voluntary annexation petition was certified by the Town Clerk as being sufficient and meeting the requirements prescribed by the North Carolina General Statutes. He further advised that the annexation petition is pacing ahead of the zoning for this property and therefore he is recommending that the voluntary annexation petition be tabled until February 5, 2018 so that the annexation and zoning may run concurrently and to not put the Town Board in a compromised position to have to apply zoning under a compressed time restriction.

Public Hearing – The public hearing was opened. No one from the public chose to speak in favor of or against the voluntary annexation petition.

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

Recommendation – Continue the public hearing and table consideration to the February 5, 2018 meeting for the voluntary annexation petition of property owned by Kenneth R. Walters, Christopher D. Walters, Nancy B. Johnston, Kenneth B. Bailey III and Jennifer R. Bailey (ANX-2017-21) as presented and recommended.

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

Agenda Item No. 7.D: Voluntary Annexation Petition - I Am Revealed, LLC -
7005 Kennebec Road - PIN 0687011299 - ANX-2017-24

Purpose – To open and continue the public hearing to the February 5, 2018 Town Board meeting, following the receipt of a petition for voluntary annexation of property owned by I Am Revealed, LLC, located at 7005 Kennebec Road, Willow Spring.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the subject property and advised that the voluntary annexation petition was certified by the Town Clerk as being sufficient and meeting the requirements prescribed by the North Carolina General Statutes. He further advised that the annexation petition is pacing ahead of the zoning for this property and therefore he is recommending that the voluntary annexation petition be tabled until February 5, 2018 so that the annexation and zoning may run concurrently and to not put the Town Board in a compromised position to have to apply zoning under a compressed time restriction.

Public Hearing – The public hearing was opened. No one from the public chose to speak in favor of or against the voluntary annexation petition.

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

Recommendation – Continue the public hearing and table consideration to the February 5, 2018 meeting for the voluntary annexation petition of property owned by I Am Revealed, LLC (ANX-2017-24) as presented and recommended.

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

CONSENT AGENDA

Town Manager Mitchell entered the agenda abstracts and supporting documents for Consent Agenda Items 8A-8F into the official record of the Town.

Agenda Item No. 8.A: Budget Amendment - Police Department - Walmart Grant
- Police Explorers - BA-2018-20 - \$2,500

Purpose – To consider the adoption of a budget amendment that recognizes funds from a grant awarded by Walmart for the Police Department's Police Explorer's Post.

Recommendation – Approve Budget Amendment BA-2018-20 as presented and recommended.

Agenda Item No. 8B: Budget Amendment - Lauren Burgess - Non-Resident
Scholarships - Parks, Recreation & Cultural Resources
Department - BA-2018-19 - \$100

Purpose – To consider approval of budget amendment BA-2018-19, recognizing funds from Lauren Burgess in the amount of \$100.00 for non-resident scholarships within the Parks, Recreation and Cultural Resources Department.

Recommendation – Approve budget amendment BA-2018-19 as presented and recommended.

Agenda Item No. 8.C: Budget Amendment - Recognize Funds - Insurance
Proceeds - Damage by Sub Contractor for Spectrum
Communication - Street Department - BA-2018-21 -
\$3,830.00

Purpose – To recognize funds from insurance proceeds paid by Nationwide Insurance Company for roadway damage caused by a sub contractor for Spectrum Communication at 801 Bluff Creek Drive in the Morgan Creek Subdivision.

Recommendation – Approve Budget Amendment BA-2018-21 for \$3,830.00, recognizing funds from Nationwide Insurance Company on behalf of Spectrum Communications for roadway damage at 801 Bluff Creek Drive as presented and recommended.

Agenda Item No. 8D: Budget Amendment - Recognize Funds - Hail Damage - Public Works Department - BA-2018-23 - \$3,422.00

Purpose – To consider recognizing funds from insurance proceeds due to hail damage that occurred on 9-1-2017 that damaged vehicles in the Public Works Department, Street Division.

Recommendation - Approve Budget Amendment BA-2018-23, recognizing funds from The NC League of Municipalities for storm hail damage as presented and recommended.

Agenda Item No. 8.E: Fiscal Year 2018-2019 Budget Development Schedule

Purpose – To consider approval of a budget development schedule for the fiscal year 2018-2019 budget process.

Recommendation – Approve the Fiscal Year 2018-2019 Budget Development Schedule as presented and recommended.

Agenda Item No. 8F: Facade Grant - 332 South Main Street - Piedmont Pottery, Inc. - \$2,500.00

Purpose – To consider approval of funding for a Façade Grant request submitted by Piedmont Pottery, Inc. located at 332 S. Main Street in the amount of \$2,500.00.

Recommendation – Approve the facade grant request for Piedmont Pottery, Inc. located at 332 S. Main Street in the amount of \$2,500.00 as presented and recommended.

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Project Ordinance Amendment - NE Judd Intersection Project \$247,000

Purpose – To consider a Project Ordinance Amendment to the NE Judd Intersection Project in the amount of \$247,000.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then explained the need for the Project Ordinance Amendment as being to adjust to total project budget to account for previously approved expenses that were not accounted for in the prior Project Ordinance Amendment in the amount of \$247,000. He then explained that the proposed action is for proper financial accounting of the project and to allow for full expenditures on the project to occur. He additionally explained that the adjustment is proposed to come from 2015 bond proceeds. Town Manager Mitchell concluded his comments by informing the Board that the Town has requested an additional \$1,000,000 in federal grant funds from CAMPO on the project and is awaiting a decision.

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

Recommendation – Approve the Project Ordinance Amendment for the NE Judd Intersection Project in the amount of \$247,000.

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

Agenda Item No. 10.B: Agreement for Purchase and Sale of Real Property Agreement, Budget Amendment and Project Ordinance - TE Connectivity Property - 0 Purfoy Road and 0 Purfoy Road - PINs 0666669612 and 0666764212

Purpose – To consider the approval of an Offer to Purchase and Sale of Real Property Agreement for the TE Connectivity Corporation property located at 0 Purfoy Road and 0 Purfoy Road. The Town Board is also asked to consider approval of a Budget Amendment and Project Ordinance.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then advised the Board that the proposed Offer to Purchase and Sale of Real Property Agreement involves the purchase of approximately 35 acres of industrial zoned property located to the north and adjacent to the TE Connectivity Office and Manufacturing site. He advised that the terms of the agreement were that the property be sold to the Town for \$50,000 per acre and includes a 120-day due diligence period for the Town to perform pre-development services on the property to include surveying, environmental assessments, and engineering evaluations. He estimated that the cost of pre-development services will be \$25,000 and will position the site as being “shovel ready”. Town Manager Mitchell then shared that the Town will be aggressively marketing the property to site selectors and specific advanced manufacturing sectors.

He explained that the Town does not intend to own the property long-term but rather will look to attract one or multiple advanced manufacturing businesses to the site to grow the Town's industrial tax base and create jobs. Town Manager Mitchell concluded by informing the Board that the Project Ordinance Amendment is for a total of \$1,775,000, which includes \$1,750,000 for the purchase of land and \$25,000 for the predevelopment services. He further advised that the funds are proposed to come from General Fund Balance Reserves and Debt Service Fund Balance Reserves.

Board Discussion – Mayor Byrne stated that this was a huge opportunity for the Town to compete for new business and job opportunities and credited the relationships established by Town Manager Mitchell and Economic Development Director Seymour with TE Connectivity for the reason the opportunity was brought before the Town Board for consideration. Mayor Byrne stated that he highly recommends that the Town Board approve the purchase of the property which is in line with the Town's adopted Economic Development Strategy.

Recommendation – 1) Approve the Agreement for Purchase and Sale of Real Property for the property described as TE Connectivity Corporation - 0 Purfoy Road and 0 Purfoy Road (PINs 0666669612 and 0666764212) under certain terms and conditions as presented and recommended; 2) Approve Budget Amendment BA-2018-22; and 3) Approve Town Business Park Project Ordinance.

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

OTHER BUSINESS

A. Manager's Report

- > Provided information about water leaks and utility cut patches repaired and performed by the Public Utilities and Public Works Departments since December 28th. 21 in total and over 500-man hours. Commissioner Adcock asked that the Town advise the public as to why the Town does not issue boil water advisories.
- > Provided update on the most recent Board of Adjustment meeting
- > Provided update on the closing of the Bob Barker Corporate Office (January 5, 2017) and advised that the Town received 13 proposals for design services of the Government Facilities Project. Also advised that several financial institutions have expressed interest on the lending of the project.
- > Provided update on Phase 2 of the Town's fiber network project. Advised that installation of fiber around SE Judd Parkway and downtown is expected to begin in the next 7 to 10 business days.
- > Provided update on schedules for several transportation projects: Judd/Main Intersection, Sunset/Main Intersection, NE Judd Parkway Acceptance, SW Judd Parkway Acceptance, NW Judd Parkway, and Sunset/Hilltop-Needmore/Bass Lake Intersection.
- > Provided update on Art Center Project stating that renovation work on the existing building is advancing with walls having been primed. Advised

further that the roof and decking on the theater should be installed by the next 7 business days.

- > Advised that dates for budget workshops will be discussed in the coming weeks.
- > Advised that the Fire Department has submitted their FY 18-19 budget proposal to the County.
- > Advised that the Police and Fire Explorers will soon be traveling to Gatlinburg, TN to compete at Winterfest.
- > Provided information on the installation of new gateway signage.
- > Reported that January 10, 2017 was the largest recycle collection day on record for the Town; 90,360 pounds (45 tons) of material was collected.

B. Quarter Report – 2nd Quarter FY 2018

C. FVEDC – Appreciation Event – Aviator – Wednesday, January 17, 2018 – 5:30 pm

D. Law and Finance Committee Meeting – January 18, 2018 – 8:30 am – Town Hall

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill congratulated Commissioner Adcock on his 19th wedding anniversary.

Commissioner Adcock had no further comments.

Commissioner Harris congratulated Commissioner Adcock on his 19th wedding anniversary.

Commissioner Wunsch congratulated Commissioner Adcock on his 19th wedding anniversary.

Commissioner Gardner congratulated Commissioner Adcock on his 19th wedding anniversary and advised that the Fuquay-Varina Questors, Chapter #1134 will be celebrating their 30th anniversary in the month of February.

Mayor Byrne congratulated Commissioner Adcock on his 19th wedding anniversary and advised that the FVEDC Business Appreciation event for January 17, 2017 has been rescheduled to January 24, 2017.

CLOSED SESSION – There was no closed session meeting recommended by management for this meeting

ADJOURN

A motion was made to adjourn the meeting at 8:26 p.m.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Adcock

MOTION RESULTS: Passed Unanimously (5-0)

Adopted this the 5th day of February 2018 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

