



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
FEBRUARY 5, 2018

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on February 5, 2018 at 7:00 p.m.

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

Commissioners Absent: None

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Attorney John Adcock provided the invocation and Police Chief Laura Fahnestock led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The January 16, 2018, minutes of the regularly scheduled Town Board of Commissioners meeting, were presented for approval.

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

The January 26, 2018, minutes of the Law and Finance Committee meeting, were presented for approval.

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

PRESENTATIONS

Agenda Item No. 4.A: State of Veterans in the Community Update - American Legion Post #116

Derric Grimes, Commander of the American Legion Post #116, reported that the state of the Legion is strong, having 818 members, which firmly ranks the Post as the largest in North Carolina. He stated that they have fostered a wonderful working relationship with the Town and the Police Department. He reported that this year the American Legion Post #116 selected Sergeant Brett Walsh as Law Enforcement Officer of the Year, and he will go on to compete at the National level this month. The American Legion Post #116 remain dedicated to serving the community through providing scholarships to high school and college age students and by providing assistance to military families throughout the community.

Agenda Item No. 4.B: Recognition – Fuquay Springs Questers Chapter # 1134 – 30th Anniversary

Recommendation – Adopt the resolution recognizing and congratulating the Fuquay Springs Questers Chapter #1134 on their 30th Anniversary.

MOTION: Commissioner Gardner
SECOND: Commissioner Wunsch
MOTION RESULT: Passed Unanimously (5-0) **Resolution No. 18-1513**

Mayor Byrne asked members of the Fuquay Springs Questers to come forward. He, along with Commissioner Gardner; who is an active member of the Questers presented them with a resolution recognizing their dedicated service to the Town and their 30th Anniversary, which will be on March 9, 2018.

Mayor Byrne then asked Commander Derric Grimes and the American Legion Post #116 to lead the Pledge of Allegiance for a second time acknowledging that he had invited them to lead the Pledge of Allegiance and there was a miscommunication earlier in the meeting when Police Chief Fahnestock led the Pledge.

Agenda Item No. 4.C: Recognition – Captain Bob Adams – Completing the Leading for Results Fellowship Program – UNC School of Government – Local Government Federal Credit Union

Mayor Byrne and Police Chief Laura Fahnestock recognized Captain Bob Adams for completing the Leading for Results Fellowship Program at UNC School of Government. This program is sponsored by the Local Government Federal Credit Union. Police Chief Fahnestock stated that Captain Adams was among 50 individuals from across North Carolina identified as an emerging leader in local government and was selected in a competitive process from 135 applicants to the program. Police Chief Fahnestock also referred to a handout of information on the Police Department’s Citizen’s Police Academy and she thanked Captain Adams for his hard work to initiate the program.

The program will start February 22, 2018. Captain Adams thanked the Town Board for the opportunity to attend the Fellows Program at the School of Government. Mayor Byrne and the Town Board thanked Captain Adams for his hard work.

PUBLIC COMMENTS:

Mr. Rafael Rivera of 2107 Braedenfield Lane; in the Springhill Subdivision, spoke in regard to a proposed site plan submitted by Duke Energy and a previous zoning map amendment approved for Duke Energy. Mr. Rivera had questions regarding the location of the proposed substation that Duke Energy will be placing on the property and the location of the berm. He also wanted to know about the timeframes for the construction of the project. Mr. Rivera was instructed to follow-up discussions with the Town Manager regarding his questions.

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 with respect to zoning, surrounding uses, the Town’s land use plan, utilities, transportation, the required neighborhood meeting, a land use plan amendment, additional facts, and a staff recommendation. Town Manager Mitchell specifically reviewed the list of voluntary conditions offered by the applicant with respect to use of the property and transportation improvements responsibility (both of which were entered earlier into the official record of the Town by the Town Manager).

Public Hearing – The public hearing was opened. Attorney John Adcock spoke in favor of the zoning map amendment on behalf of Southern Wake Academy. Mayor Byrne asked if anyone wished to speak in opposition to the proposed zoning map amendment. No one from the public chose to speak in favor of or against the zoning map amendment petition. The public hearing was closed.

Discussion – Town Attorney Cumalander noted for the record that the recusal for Commissioner Wunsch from previous meetings would carry over to discussion and action on this matter during the Town Board meeting on February 5, 2018; due to a conflict of interest, as Commissioner Wunsch is a legal representative for Southern Wake Academy. The Town Board concurred.

Recommendation – Approve 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) and to include the entire menu of voluntary conditions offered by the applicant. Although the proposed zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan, it is reasonable and in the best interest of the public for the reasons identified by management and staff. This motion includes approval of the requested amendment to the 2035 Land Use Plan to Civic and Institutional.

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

Agenda Item No. 6.B: 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 following the receipt of a voluntary annexation petition for 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. He specifically cited that water and sewer utilities are available to serve the subject properties.

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. The public hearing was closed.

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

Recommendation – Adopt the voluntary annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include 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: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-18-05

Agenda Item No. 6.C: Voluntary Annexation Petition - I Am Revealed, LLC - 7005 Kennebec Road - PIN 0687011299 - ANX-2017-24

Purpose – To open and continue the public hearing following the receipt of a petition for voluntary annexation of property owned by I Am Revealed, LLC, located at 7005 Kennebec Road, Willow Spring, PIN 0687011299, and to approve the annexation agreement as it relates to the provisions of Town services.

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. Specifically he cited that water utility services were available to serve the subject property but sanitary sewer service was not yet available.

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. The public hearing was closed.

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

Recommendation – Approve an annexation agreement and adopt the voluntary annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by I Am Revealed, LLC (ANX-2017-24) as presented and recommended.

MOTION: Commissioner Harris
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-18-06**

PUBLIC HEARINGS:

Agenda Item No. 7.A: Zoning Map Amendment - Withers and Ravenel - 1501 Angier Road and 8816 Purfoy Road - PIN 0665377006 and 0665578802 - REZ-2017-35

Purpose – To consider a requested zoning map amendment for a total of 161.419 acres, located 1501 Angier Road and 8816 Purfoy Road, from the Wake County R-30 Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD). The subject properties are more particularly known as Wake County PINs 0665377006 and 0665578802.

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 with respect to zoning, surrounding uses, the Town’s land use plan, utilities, transportation, the required neighborhood meeting, and a staff recommendation. Town Manager Mitchell specifically reviewed the list of voluntary conditions offered by the applicant with respect to open space and density.

Public Hearing – The public hearing was opened. Attorney John Adcock spoke in favor of the zoning map amendment on behalf of CalAtlantic Homes (the developers). Mr. Bill Wilkerson, 7917 Twin Pines Way, in the Old Waverly Subdivision stated that he would rather see the zoning map amendment with only 2.5 homes per acre versus the 3.1 homes per acre being proposed, and he expressed his concerns about traffic

congestion and outdated electrical power supply to the subdivisions in that area. The public hearing was then closed.

Board Member Discussion – Commissioner Adcock stated that he feels that the zoning map amendment is reasonable.

Recommendation – Approve REZ-2017-35, a zoning map amendment at 1501 Angier Road and 8816 Purfoy Road, from the Wake County R-30 Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD). The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.B: Zoning Map Amendment - I Am Revealed, LLC - 7005 Kennebec Road - PIN 0687011299 - REZ-2017-36

Purpose – To consider a requested zoning map amendment for a total of 7.464 acres, located at 7005 Kennebec Road, from Wake County R-30 to the Residential Agricultural Conditional Zoning District (RA-CZD). The property is also known as Wake County PIN 0687011299. The petitioner has also requested a land use plan amendment for the subject property.

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 with respect to zoning, surrounding uses, the Town’s land use plan, utilities, transportation, the required neighborhood meeting, a land use plan amendment, and a staff recommendation. Town Manager Mitchell specifically reviewed the list of voluntary conditions offered by the applicant with respect to use of the property.

Public Hearing – The public hearing was opened. Andy Petty of Curry Engineering, 205 S. Fuquay Avenue, spoke in favor of the zoning map amendment on behalf of the petitioner. No one from the public chose to speak in opposition to the voluntary annexation petition. The public hearing was closed.

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

Recommendation – Approve REZ-2017-36, a zoning map amendment at 7005 Kennebec Road, from the Wake County R-30 Zoning District to the Residential Agricultural Conditional Zoning District (RA-CZD). Although, the proposed zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan, it is reasonable and in the best interest of the public for the reasons identified by management and staff. This motion includes approval of the requested amendment to the 2035 Land Use Plan to Large Lot Residential.

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

Agenda Item No. 7.C: Voluntary Annexation Petition - Beverly S. Dupree - 1286
Phelps West Road - PIN 0656271098 - ANX-2017-26

Purpose – To open and continue a public hearing and consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition and to adopt a resolution resetting a public hearing for February 20, 2018, following the receipt of a petition for voluntary annexation of property owned by Beverly S. Dupree located at 1286 Phelps West Road, containing 0.750 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 explained that following the advertisement, it was discovered by staff that the petitioner’s application contained an error with respect to utilities serving the property and therefore the agenda item was pulled from the January 16, 2018 agenda creating the absence of specific protocol for the voluntary annexation process. Town Manager Mitchell advised that the recommended actions for the February 5, 2018 meeting correct the issues identified.

Public Hearing – The public hearing was opened. Wayne Mauldin of Mauldin and Watkins Surveying spoke in favor of the proposed annexation petition on behalf of the property owner. No one from the public chose to speak in opposition to the voluntary annexation petition. The public hearing was closed.

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

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition, continue the public hearing until February 20, 2018, and adopt the resolution resetting the public hearing for a voluntary annexation petition on February 20, 2018, for property owned by Beverly S. Dupree (ANX-2017-26) as presented and recommended.

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

Resolution No. 18-1514
Resolution No. 18-1515

CONSENT AGENDA

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

Agenda Item No. 8.A: Voluntary Annexation Petition - Kevin R. and Francene G. Figg - 2016 Herbert Akins Road - PIN 0668004437 - ANX-2018-02

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition and to adopt a resolution setting a public hearing for February 20, 2018, following the receipt of a petition for voluntary annexation of property owned by Kevin & Francene Figg located at 2016 Herbert Akins Road, containing approximately 4.172 acres, PIN 0668004437.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition, and adopt the resolution setting the public hearing for a voluntary annexation petition on February 20, 2018, for property owned by Kevin R & Francene G Figg (ANX-2018-02) as presented and recommended.

Resolution No. 18-1516
Resolution No. 18-1517

Agenda Item No. 8B: Temporary Street Closure – Band on the Run 5K – Band Boosters of Fuquay-Varina – February 24, 2018

Purpose – To consider a temporary street closure for the Band Boosters of Fuquay-Varina for the Band on the Run 5K scheduled for Saturday, February 24, 2018.

Recommendation – Approve a temporary street closures for the 2018 Band on the Run 5K sponsored by the Band Boosters of Fuquay-Varina scheduled for Saturday, February 24, 2018 as presented and recommended.

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Design Firm Selection - Governmental Facilities Project

Purpose – To authorize the design firm consultant selection for the Governmental Facilities Project and approve the conceptual layout for the Town Hall facility as presented and recommended.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He explained the RFQ process and described the selection criteria evaluated to determine the recommended consultant for design services. Town Manager Mitchell advised that the

team of Cline Design and Bass Nixon Kennedy were being recommended because of their direct experience working on municipal and law enforcement facility projects and complete understanding of the unique challenges associated with the Town's relocation and renovation scope and timeline.

Board Discussion – Mayor Pro-Tem Massengill stated that he believes the revisions on the conceptual layout achieves the goals that were recommended by the Law & Finance Committee. Both Mayor Byrne and Commissioner Adcock acknowledged that the modifications to the conceptual layout were preferred.

Recommendation – Approve the selection of and enter into scope and fee negotiations with Cline Design & Bass Nixon Kennedy for the design and engineering of the Governmental Facilities Project and approve the conceptual layout of the Town Hall as presented and recommended.

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

Agenda Item No. 10.B: Mural Designs for the Fuquay-Varina Arts Center

Purpose – To review, discuss, and choose a mural design to be installed on the S. Fuquay Avenue side of the Fuquay-Varina Arts Center.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He further explained that a group of stakeholders were asked to review submittals of mural proposals and provide thoughts about design elements and style. Town Manager Mitchell reviewed the group's comments and shared their recommendation of Design No. 3.

Board Discussion – Commissioner Adcock asked for an explanation of Design No. 2 as it relates to the Town's history. Arts Center Director Daly stated that the artist gleaned from the Sippihaw Indian's history of the Town, based on the design of a wampum belt. She stated that the wampum was handmade clay or glass beads that the Indians used to make belts, necklaces and articles of clothing. Commissioner Gardner stated that she likes the village look and the small town feel that Design No. 3 represents, and she recommends that brighter colors are used in Design No. 3. Mayor Pro-Tem Massengill thanked the Review Group for their recommendation.

Recommendation – Approve selection of mural design No. 3 to be installed on the S. Fuquay Avenue side of the Arts Center.

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

Agenda Item No. 10.C: Selection of Contractor and Contract Award - SEPI Engineering - Construction Engineering and Inspection (CEI) Services - NE Judd Intersection Project

Purpose – To consider the selection of SEPI Engineering for CEI services and award contract for CEI services with SEPI Engineering for the NE Judd Parkway Intersection Improvements Project.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He further explained that the use of federal funds on the project requires the Town to use an approved third party contractor to perform construction management services and materials testing. Town Manager Mitchell explained that the Town used a RFQ process approved by NCDOT and based on specific qualifications are recommending SEPI Engineering to perform the work. He additionally explained that staff negotiated the scope and fee of the contract to \$199,915.42, down from the original quote submitted of \$308,000. He advised that the negotiated contract amount can be managed within the project budget.

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

Recommendation – Approve the selection of SEPI Engineering and a contract for CEI services for the NE Judd Parkway intersection project in the amount of \$199,915.42, subject to NCDOT approval and Town Attorney approval as to form.

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

OTHER BUSINESS

A. Manager’s Report

- Reported that the Police Department Citizen Police Academy starts in February
- Reported an update on the schedule of the Fiber Installation Project
- Reported that the Town will host a Blood Drive, February 14th at Town Hall
- Reported that the Public Works Department received the new knuckle boom truck
- Reported that the Art Center contractor is to pour the stage slab and roof deck within the next week
- Reported that the Town is being recommended by CAMPO staff to receive a LAPP Grant of \$913,000 for the Purfoy Road/Old Honeycutt Road Intersection Project
- Reported that the Fire & Police Explorers will be leaving for Gatlinburg on Thursday to compete at Winterfest
- Reported that the Strategic Planning Retreat is scheduled for March 3-5
- Reported on the schedule for gateway sign installation

- B. Project Status Report – (February 2018)
- C. Financial Quarter Report – 2nd Quarter FY 2018
- D. Fundraising Event - Never Forget 911 Foundation - K9 Dash's Ballistic Vest - Thursday, February 22, 2018 - Aviator Smokehouse - 4:00 - 9:00 pm
- E. State of the Town Address – March 20, 2018 - Town Hall Board Room - 6:30 pm

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill had no further comments.

Commissioner Adcock had no further comments.

Commissioner Harris had no further comments.

Commissioner Wunsch had no further comments.

Commissioner Gardner had no further comments.

Mayor Byrne reported on upcoming meetings that he will be attending.

CLOSED SESSION – Pursuant to N.C.G.S. 143-318.11(a)(3) – Attorney Client Privilege.

A motion was made to enter a closed session meeting at 9:30 p.m.

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

OPEN SESSION – There was nothing to report out from the Closed Session meeting.

Town Manager Mitchell reported that he received a request from Daniel Rice to do a power washing and staining of the ramp at the Johnson play house at the Museums at Ashworth park as part of his Eagle Scout Project. He will also stain two additional ramps and research the site and make educational markers for trees and flora at the park. The Town Board agreed by general consent.

ADJOURN

A motion was made to adjourn the meeting at 9:53 p.m.

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

Adopted this the 20th 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

