



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
MAY 7, 2018

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on May 7, 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
Town Clerk Rose Rich
Town Attorney Mark Cumalander

Absent: Assistant Town Manager Mark Matthews
(*Vacation*)

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Adcock provided the invocation and the Fuquay-Varina 8U Basketball All-Stars - State Champions led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The April 17, 2018, minutes of the regularly scheduled Town Board of Commissioners meeting, were presented for approval.

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

The April 17, 2018, minutes of the Law and Finance Committee Meeting, were presented for approval.

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

PRESENTATIONS

Agenda Item No. 4.A: Recognition – Fuquay-Varina 8U Basketball All-Stars
- State Champions

Parks & Recreation Director Jonathan Cox and Athletic Program Administrator Adam Hairr presented information regarding the SWAC basketball tournament that took place in Tarboro, NC. They commended the 8U All-Star team that consisted of boys, age 8 and under for winning the state championship and representing the Town of Fuquay-Varina. Mayor Byrne presented the 8U Basketball All-Stars - State Champions with a plaque, and he commended the team for their hard work and dedication to the sport. Mayor Byrne recognized team members: Paxton Coon, Clayton Baker, Cameron Chavis, Blondin Diop, Colby Harbin, Corey Kinard, Dillon Robinson, JyHaden Kizer, Nathan Miller, Sawyer Greene, Tylar Hodges and Warren Mountford. Mayor Byrne also recognized the coaches for the All-Stars team: Corey Coon, Doyle Fletcher and Corey Kinard. Coaches Corey Coon and Corey Kinard expressed their pride in the team and gratitude for the special recognition.

Special Presentation

Mayor Byrne introduced Monica Webb, Director of Marketing for Ting, which is a high speed fiber internet service provider that will be coming to Fuquay-Varina. Ms. Webb gave a brief presentation and thanked the Town Board and staff for welcoming the company to Fuquay-Varina. She stated that today the company has seven U.S. offices and six Ting internet cities with 500 employees of which most are based in Canada and the U.S. The company prides itself in delivering outstanding value and unparalleled customer service and support. She stated that along with internet service Ting will also provide TV service by the end of the calendar year. Construction in the Town of Fuquay-Varina will start in the next 4 to 6 weeks and the service will go live by the end of the

year. The Mayor and members of the Town Board expressed their excitement for the new internet service provider coming to Town.

Agenda Item No. 4.B: 2018-2019 Fiscal Year Operating Budget and Five Year Operating and Capital Plan Presentation

Town Manager Mitchell advised that on April 24, 2018 and May 1, 2018, the Governing Board heard a presentation regarding the proposed FY 2018-2019 operating budget for the Town. At those meetings, the Town Manager presented a balanced budget and five-year operating and capital plan and led discussion about the impacts of growth on human resource needs, facilities, and the prioritization of infrastructure projects.

It was reported to the Governing Board that a public hearing will be recommended for scheduling on the June 4, 2018 Town Board meeting as it relates to the proposed FY 2018-2019 Operating Budget.

The proposed FY 2018-2019 Operating Budget totals \$46.77-million. The proposed budget proposes no increase in the property tax rate which is recommended to remain at 43.25 cents for every \$100 in value. The proposed budget does include increases in water and sewer base rates and volumetric rates consistent with the Town's 2016 rate plan and to allow the servicing of debt associated with the expansion of the Terrible Creek Wastewater Treatment Plant. Additionally, the proposed budget recommends changes to various charges and fees.

The Five Year Operating and Capital Plan is balanced requiring the potential need for a two-cent tax rate increase in FY 2020 to offset rising construction costs associated with planned and bonded transportation improvement projects and a possible one-cent tax rate increase in FY 2023 to offset the expense related to the construction, personnel, and outfitting of a fourth fire station. The plan includes the addition of personnel, capital equipment and capital projects to match the pace of growth and is consistent with the direction set by the Town Board at the Strategic Planning Retreat. The Five Year Plan also takes into consideration the recommendation from various Town Master plans and studies. Additionally, the Five-Year Plan reflects the need for water and sewer base rate and volumetric rate increase in years two through four to offset the debt service and capital expenses associated with the Terrible Creek Wastewater Treatment Plant and various Preferred Growth Area infrastructure projects.

Board Discussion – Commissioner Harris recommended increasing the current fee of \$10 for the Peddling and Soliciting permit fee to \$50, instead of \$25 as recommended by the Town Manager. He stated that the additional fee cost would help offset Police Department staff time that is required to vet the

applications. The Town Board concurred and Town Manager Mitchell advised that he would make the change to the proposed fee schedule.

Recommendation – Schedule a public hearing on the FY 2018-2019 Operating Budget for June 4, 2018 with consideration of the recommended changes as proposed by Commissioner Harris.

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

PUBLIC COMMENTS:

There were no comments from the public.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Voluntary Annexation Petition - Christine Powell - David and Irene Baldwin - 5006 Pond Water, 5404 Old Powell Road and 0 Three Ponds Drive - PIN 0657235926, 0657149897 and 0657149593 - ANX-2017-13 - (ITEM TO BE TABLED)

Purpose – To continue the public hearing and table consideration of an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina, following receipt of a petition for voluntary annexation of property owned by Christine M. Powell and David and Irene Baldwin located at 5006 Pond Water Drive, 5404 Old Powell Road and 0 Three Ponds Drive, containing a total of 38.640 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 with respect to voluntary annexation to include that public utilities (water and sewer) are available to serve the property and the petition has been certified by the Town Clerk as meeting the requirements prescribed by statute.

Public Hearing – The public hearing was opened and continued to the July 2, 2018 Town Board meeting at the request of the petitioner to resolve outstanding matters related to the project.

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

Recommendation – Continue the public hearing and table consideration of annexation petition ANX-2017-13 to the July 2, 2018 Town Board meeting.

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

Agenda Item No. 6.B: Zoning Map Amendment - Smith Douglas, Morgan Bryan - 5006 Pond Water Road, 5404 Old Powell Road, and 0 Three Ponds Drive - PINs 0657235926, 0657149593, 0657149897 - REZ-2017-26 - (ITEM TO BE TABLED)

Purpose – To continue the public hearing and table consideration of a requested zoning map amendment for a total of 37.52 acres, located at 5006 Pond Water Road, 5404 Old Powell Road, and 0 Three Ponds Drive, from the Wake County R-30 Zoning District to the Residential Medium Density Conditional Zoning District (RMD-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 to include general property information, the zoning proposal, surrounding land uses, the land use plan, utilities, transportation impacts, the required neighborhood meeting, and staff recommendation.

Public Hearing – The public hearing was opened and continued to the July 2, 2018 Town Board meeting as requested by the petitioner to resolve outstanding matters related to the project.

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

Recommendation – Continue the public hearing and table consideration of REZ-2017-26, a zoning map amendment at 5006 Pond Water Road, 5404 Old Powell Road, and 0 Three Ponds Drive, from the Wake County R-30 Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD) to July 2, 2018.

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

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - David H. Cotton, Sr., Donna Cotton Hendricks, Ronnie Everette Cotton and David Harold Cotton, Jr.- 9315 and 0 Lake Wheeler Road - PINs 0688294874, 0688299845, 0689301653, and 0689314428 - ANX-2018-06

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following the receipt of a petition for voluntary annexation of property owned by David H. Cotton, Sr., Donna Cotton Hendricks, Ronnie Everette Cotton & David Harold Cotton, Jr., located at 9315 and 0 Lake Wheeler Road, containing 63.21 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 with respect to property location and value. He further advised that public water and sewer is available to serve the subject property. Town Manager Mitchell advised that the developer is requesting on behalf of the petitioner to continue the public hearing and table consideration to the May 22, 2018 hearing to allow consideration of additional conditions for the related rezoning and consultation with the property owners. He advised that town management concurs with the request.

Public Hearing – The public hearing was opened and continued to the May 22, 2018 meeting as requested by the petitioner.

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

Recommendation – Continue the public hearing to the May 22, 2018 meeting for ANX-2018-06 to allow consideration of additional conditions for the related rezoning and consultation with the property owners.

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

Agenda Item No. 7.B: Zoning Map Amendment - Pulte Group - 9315 & 0 Lake Wheeler Road - PINs 0688294874, 0688299845, 0689301653, 0689314428 - REZ-2018-03

Purpose – To consider a requested zoning map amendment for a total of 63.21 acres, located at 9315 and 0 Lake Wheeler Rd, from the Wake County R-30 Zoning District to the Residential High Density Conditional District (RHD-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 general property information, proposed zoning, surrounding land use, the town land use plan, utilities, transportation impacts, the required neighborhood meeting, and a staff recommendation. He further advised that the developer is requesting on behalf of the petitioner to continue the public hearing and table consideration to the May 22, 2018 hearing to allow consideration of additional conditions for the related rezoning and consultation with the property owners and that town management concurs with the request.

Public Hearing – The public hearing was opened and continued to the May 22, 2018 meeting as requested by the petitioner.

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

Recommendation – Continue the public hearing to the May 22, 2018 meeting for REZ-2018-03 to allow consideration of additional conditions for the zoning map amendment and consultation with the property owners.

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

Agenda Item No. 7.C: Town Code Amendment - Land Development Ordinance (LDO) Clean-Up Amendment #4 - CTA-2018-02

Purpose – To consider a proposed text amendment to the Town Code of Ordinance, Part 9 Land Development Ordinance, Clean Up Amendment #4 that addresses several areas for improvement.

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 Town Code Amendment to the Land Development Ordinance specifically citing the various sections and recommended changes. He advised that most of the changes to the code

primarily aimed to provide functional, clerical, and typographical corrections. Town Manager Mitchell reported that the Planning Board voted unanimously to recommend approval of the town code amendment finding it consistent with the land use plan, improving upon the Land Development Ordinance's intent to modernize, provide sustainability, and allow for ease of use and enforcement of regulations and that it is reasonable and in the best interest of the public.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed text amendment for CTA-2018-02.

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

Recommendation – Approve CTA-2018-02, an amendment to the Town Code of Ordinance, Part 9 Land Development Ordinance, as presented and recommended by management and staff. The text amendment is consistent with the Land Development Ordinance, and reasonable and in the best interest of the public for the reasons identified by the Planning Board and Town staff.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Gardner
MOTION RESULT: Passed Unanimously (5-0) **Ordinance No. PZ-18-03**

CONSENT AGENDA

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

Agenda Item No. 8.A: Fee Schedule Amendment

Purpose – To consider a fee schedule amendment to list the recreation fee amount in the fee schedule, versus in the Town's Land Development Ordinance, and to provide for equitable application of recreation fees to include a fee for multi-family residential uses.

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

Agenda Item No. 8B: Temporary Street Closure - Run the Quay Event - Fuquay-Varina Chamber of Commerce - Saturday, June 2, 2018

Purpose – To consider temporary street closures for the 2018 Run the Quay Event scheduled for Saturday June 2, 2018.

Recommendation – Approve a temporary street closure for Fuquay-Varina Chamber of Commerce's 2018 Run the Quay Event scheduled for Saturday June 2, 2018 as presented and recommended.

Agenda Item No. 8C: Declaration of Surplus Property - Unit 112 - 1995 Freightliner Fire Tanker

Purpose – To consider approval of the surplus and sale of Unit #112 - 1995 Freightliner Fire Tanker.

Recommendation – Approve the surplus and sale of Unit #112 - 1995 Freightliner Fire Tanker as presented and recommended.

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Agreement - Duke Energy - Army Corps of Engineers Permitting - Wade Nash Road Improvements

Purpose – To consider an agreement with Duke Energy with respect to Army Corps of Engineers permitting of the widening of Wade Nash Road by Duke Energy, as a part of development of an electrical substation.

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 that the Town's development requirements include improvements to adjacent public right-of-way with site development. He shared that in the case of the Duke Energy substation project, the U.S. Army Corps of Engineers made a determination that the wetlands impact would not be approved as part of site development because it supports the Town's

transportation network, not the substation project itself. Town Manager Mitchell advised that Duke Energy is committed to make the required CTP improvements and pay for said improvements, but it would require the Town to be the permit applicant to the Corps. He further advised that the Town and Duke Energy had worked to prepare an agreement for the Town Board's consideration that gives assurances that Duke Energy will do what is required of them if the Town agrees to be the permittee.

Board Discussion – Commissioner Adcock asked for a map showing where the wetlands are in that area. Town Manager Mitchell stated that he would provide a map for him after the meeting. Commissioner Harris asked if there were changes to the location of the substation on the property. Town Manager Mitchell stated that the substation will be located where Duke Energy proposed and where the Town Board of Adjustment approved as part of their site plan, which means there were no changes.

Recommendation – Approve the agreement between the Town of Fuquay-Varina and Duke Energy as presented and recommended.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed (4-1)
(Commissioner Harris voted in opposition.)

Agenda Item No. 10.B: Resolution - Property Condemnation - NW Judd Parkway - Right-of-Way

Purpose – To consider adoption of a resolution instructing the Town Attorney to begin condemnation proceedings for the NW Judd Parkway 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 then advised that timing to be under construction for this project so as to not jeopardize schedule or federal funding is quickly approaching. He further informed the Board that 53 properties were impacted by the project however none would require the entire taking of a property. Town Manager Mitchell stated that similar to the NE Judd Parkway Intersection Project, he and staff are advising that the Board adopt a resolution authorizing the Town Attorney to begin condemnation proceedings since it is not known which property owners will voluntarily accept purchase offers by the prescribed deadline to respond. He cited complex corporate ownership groups, disparity between third party appraised values and property owners' estimation of their own property values, and property owners facility to accept offers as possible causes for a delay in the project and jeopardizing schedule and funding.

Board Discussion – Mayor Byrne recommended moving forward with this process.

Recommendation – Approve the resolution instructing the Town Attorney to begin condemnation proceedings for the properties along the NW Judd Parkway as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0) **Resolution No. 18-1531**

OTHER BUSINESS

A. Manager's Report

- > Terrible Creek Valve Turning Ceremony – June 5, 2018

B. Project Status Report – (May 2018)

C. Appointment to the Planning Board – Chairman – Ed Ridpath

- > Mayor Byrne appointed Mr. Ed Ridpath to serve as the new chairman of the Planning Board upon the resignation of Chairperson Cindy Sheldon who recently relocated outside of the Town's corporate limits. The Town Board concurred with the appointment.

D. FM2FV Concert – Hip Pocket - Thursday, May 10, 2018 - 6:30 - 9:30 pm - Centennial Park

E. Wake Transit Work Plan Community Outreach - GoTriangle - FM2FV Concert - Thursday, May 10, 2018 - 6:30 pm - 9:30 pm - Centennial Park

F. Badge Pinning Ceremony - Fire Department - Wake Chapel Family Life Center - May 11, 2018 - 7:00 pm

G. Intergenerational Summer Feeding Program Kick Off Event - Pine Acres Community Center - May 19, 2018 - 11:00 - 2:00 pm

H. Freedom Balloon Festival - Fleming Loop Park - May 25-28, 2018

I. Fuquay-Varina Chamber - Run the Quay - June 2, 2018 - 7:00 - 11:30 am

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill had no comments.

Commissioner Adcock asked staff to follow-up to see if the lien has been paid back on the demolition of a condemned building on Jones Avenue. Town Manager Mitchell stated that he would check with the Finance Department on the matter. Commissioner Adcock stated that this past Saturday was a good day in downtown with the En Plein Air and the Ashworth Park Heritage Day events.

Commissioner Harris had no comments.

Commissioner Wunsch stated that Commissioner Gardner was a wonderful narrator at the Heritage Day event on Saturday at Ashworth Park.

Commissioner Gardner stated that Saturday was a beautiful day in Downtown for all the events that took place.

Mayor Byrne stated that the En Plein Air event went extremely well. He also stated that he attended an event hosted by David and Brie Arthur. He stated that Brie Arthur was party to a show that aired on national television.

Mayor Byrne then made the following appointments to the Inaugural Friends of the Arts Non-Profit Board:

- Bob Barker – Chair
- Pat Barker
- Don Curry
- Amy Rogers
- Elizabeth Edwards
- Robin Wellings-Loftus

He stated that there will likely be a 7th member appointed at the May 22, 2018 Town Board meeting. Terms for the appointed individuals will be assigned following their adoption of by-laws and articles of incorporation.

Mayor Byrne reported on the following events:

Past Events

4/18 – Attended CAMPO meeting

4/27 – Attended Jonathan Cox Graduation from Institute of Government

Up Coming Events

5/10 – American Legion Post 116

5/11 – Fire Department Badge Pinning Ceremony

5/22 – Fuquay-Varina High School Advisory Board

CLOSED SESSION – Pursuant to N.C.G.S. §143-318.11(a)(3) – Attorney/Client Privilege, N.C.G.S. §143-318.11(a)(5) – Contracts, and N.C.G.S. §143-318.11(a)(6) – Personnel.

A motion was made to enter a closed session meeting at 9:44 p.m.

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

OPEN SESSION – Town Attorney Mark Cumalander reported out that Town Manager Adam Mitchell’s employment contract was renewed.

ADJOURN

A motion was made to adjourn the meeting at 11:08 p.m.

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

Adopted this the 22nd day of May 2018 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

