



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
MAY 22, 2018

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on May 22, 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: Assistant Town Manager Mark Matthews
Town Manager Adam Mitchell
Town Clerk Rose Rich
Town Attorney James Adcock

Absent: Town Manager Adam Mitchell
(*attending work conference*)

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Harris provided the invocation and the Beth Macon (*an intern working with Commissioner Wunsch, and a student at UNC-Chapel Hill*) led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The May 7, 2018, 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 (5-0)

PRESENTATIONS

Agenda Item No. 4.A: There were no presentations for the May 22, 2018
Town Board meeting.

PUBLIC COMMENTS:

There were no comments from the public.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.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 and David Harold Cotton, Jr., located at
9315 and 0 Lake Wheeler Road, containing 63.21 acres.

Staff Comments – Assistant Town Manager Matthews 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. Mr. Jim Chandler of Timmons
Group and property owner/developer Mr. Randy King of Pulte Group both

spoke in favor of the proposed annexation. No one chose to speak in opposition to the annexation petition. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by David H. Cotton, Sr., Donna Cotton Hendricks, Ronnie Everette Cotton and David Harold Cotton, Jr. - ANX-2018-06.

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

Ordinance No. N-18-22

Agenda Item No. 6.B: Zoning Map Amendment - Pulte Group - 9315 and 0 Lake Wheeler Road - PINs 0688294874, 0688299845, 0689301653, and 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 Road, from the Wake County R-30 Zoning District to the Residential High Density Conditional District (RHD-CZD).

Staff Comments – Assistant Town Manager Matthews 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. Mr. Randy King of Pulte Group spoke in favor of the zoning map amendment for REZ-2018-03. No one chose to speak in opposition to the proposed zoning map amendment. The hearing was closed.

Discussion – Mayor Pro-Tem Massengill stated that he appreciates that the developer was willing to work out the conditions for this petition.

Recommendation – Approve zoning map amendment petition REZ-2018-03, a zoning map amendment at 9315 and 0 Lake Wheeler Road, from the Wake County R-30 Zoning District to the Residential High Density Conditional District (RHD-CZD), with conditions as submitted.

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

Agenda Item No. 6.C: Zoning Map Amendment - Cambridge Properties - 8020 Daddy Road, 0 Daddy Road, 0 Gelder Drive, 7700 Ten Ten Road, and 7512 Ten Ten Road - PINs 0689884196, 0689872552, 0689762851, portion of 0689776508, 0689766875, 0689873877, 0689873734, 0689874930, 0689873272, 0689765864, 0689763862, 0689871260, 0689873142, 0689764863, 0689778086, 0689875970, 0689873863, 0689873748, 0689873157, 0689784626, and portion of 0689878532 - REZ-2017-18

Purpose – To consider a requested zoning map amendment and master plan for a total of 66.26 acres, located at 8020 Daddy Road, 7700 Ten Ten Road, 7512 Ten Ten Road, 0 Gelder Drive, and 0 Daddy Road, from Wake County Zoning District R-30 to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts.

Staff Comments – Assistant Town Manager Matthews 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, the master plan, and staff recommendation.

Public Hearing – The public hearing was opened and consideration of the zoning map amendment for REZ-2018-18 was tabled to the June 4, 2018 Town Board meeting.

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

Recommendation – Table consideration of REZ-2017-18, a zoning map amendment at 8020 Daddy Road, 0 Daddy Road, 0 Gelder Drive, 7700 Ten Ten Road, and 7512 Ten Ten Road, from Wake County Zoning District R-30 to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts to June 4, 2018.

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

PUBLIC HEARINGS:

Agenda Item No. 7.A: There are no Public Hearings for the May 22, 2018 Town Board meeting.

CONSENT AGENDA

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

Agenda Item No. 8.A: Budget Amendment - United Arts Council - Arts for Municipalities Grant - Parks and Recreation & Cultural Resources - \$1,252.00 - Payment 3 of 3 - BA-2018-33

Purpose – To recognize the receipt of \$1,252.00 from the United Arts Council - Arts for Municipalities Grant Program. This award is the final of three installments this fiscal year totaling \$3,756.00.

Recommendation – Approve budget amendment BA-2018-33 as presented and recommended.

Agenda Item No. 8B: Budget Amendment - Fuquay-Varina Junior Woman's Club - Youth Athletic Scholarship Fund - Parks, Recreation, and Cultural Resources - \$50.00 - BA-2018-34

Purpose – To consider approval of budget amendment BA-2018-34, recognizing funds from the Fuquay-Varina Junior Woman's Club in the amount of \$50.00 for non-resident scholarships within the Parks, Recreation, and Cultural Resources Department.

Recommendation – Approve budget amendment BA-2018-34 as presented and recommended.

Agenda Item No. 8C: Order to Levy and Collect Taxes - Wake County

Purpose – To consider a resolution authorizing Wake County to levy and collect the real and personal property taxes on behalf of the Town of Fuquay-Varina for the FY 2018-2019 budget.

Recommendation – Adopt the resolution authorizing the Wake County Revenue Administrator to levy and collect real or personal property taxes on behalf of the Town of Fuquay-Varina for the FY 2018-2019 budget.

Resolution No. 18-1532

Agenda Item No. 8D: Budget Amendment - Recognize Funds - Fuquay-Varina Jr. Woman's Club and Wake County Small Capital Funding - 9,073.00 - BA-2018-35

Purpose – To recognize funds from the Fuquay-Varina Jr. Woman's Club in the amount of \$250.00 and Wake County, Small Capital Funding in the amount of \$8,823.00, for a total budget amendment of \$9,073.00.

Recommendation – Approve budget amendment BA-2018-35 as presented and recommended.

Agenda Item No. 8E: Voluntary Annexation Petition - The Ans Trust - Kathie Russell Trustee, Rudolph McLean, Akins LLC, and Karen Tidewell- 8116 Red Skelton Drive, 0 Galega Drive, 0 S NC 55 Hwy, 0 Horseman Creek Road and 8525 Purfoy Road - PINs 0665982183, 0665968722, 0675172458, 0675271608, 0675275371 and 0666705143 - ANX-2018-08

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 June 4, 2018, following the receipt of a petition for voluntary annexation of property owned by The Ans Trust - Kathie Russell Trustee, Rudolph McLean, Akins LLC, and Karen Tidewell, located at 8116 Red Skelton Drive, 0 Galega Drive, 0 S NC 55 Hwy, 0 Horseman Creek Road and 8525 Purfoy Road containing 155.721 acres.

Recommendation – Adopt a 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 June 4, 2018 for property owned by The Ans Trust - Kathie Russell Trustee, Rudolph McLean, Akins LLC, and Karen Tidewell (ANX-2018-08) as presented and recommended.

Resolution No. 18-1533

Resolution No. 18-1534

Agenda Item No. 8F: Voluntary Annexation Petition - KB Homes Raleigh-Durham (Partin Place) - 1420 NC 42 Hwy - PIN 0677504128 - ANX-2018-09

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 June 4, 2018, following the receipt of a petition for voluntary annexation of property owned by KB Homes Raleigh-Durham, Inc.

Recommendation – Adopt a 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 June 4, 2018 for property owned by KB Homes Raleigh-Durham, Inc. (Partin Place) (ANX-2018-09) as presented and recommended.

Resolution No. 18-1535
Resolution No. 18-1536

Agenda Item No. 8G: Project Closure Ordinance - Town Hall Renovation, Development Ordinances, Historic Park, Splashpad and Downtown Tree Replacement Projects

Purpose – To adopt Project Closure Ordinances for the Downtown Improvement Bond Project, the Development Ordinances Project, the Splash Pad Project, the Historic Park Project and the Downtown Tree Replacement Project.

Recommendation – Approve project closure ordinances for the Town Hall Renovation, Development Ordinances, Historic Park, Splash Pad, and Downtown Tree Replacement Projects as presented and recommended.

Ordinance No. N-18-23
Ordinance No. N-18-24
Ordinance No. N-18-25
Ordinance No. N-18-26
Ordinance No. N-18-27

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Contract Award and Project Ordinance Amendment - Fleming Loop Park

Purpose – To consider awarding the Fleming Loop Park Project to Resolute Building Company, in the amount of \$3,948,300 and approve a project ordinance in the amount of \$5,010,000.

Staff Comments – Assistant Town Manager Matthews entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He provided details on the project to include information pertaining to site design, amenities, and features, funding sources, bid tabulations, and a staff recommendation.

Board Discussion – Commissioner Wunsch and Mayor Byrne stated that it is another banner day for the Town of Fuquay-Varina, upon award of this project.

Recommendation – Approve a project ordinance amendment in the amount of \$5,010,000 for the Fleming Loop Park Project. ii. Reject the low bid of Daniels and Daniels Construction Company in accordance with NCGS §143-129 and the determination by the Town Board that the company does not meet the “responsible bidder” standard set forth under NCGS §143-129 and applicable law. In making this determination, the Town Board has considered numerous factors regarding the Company’s prior performance under the Arts Center contract that include, but are not limited to, scheduling problems; late, incorrect and or incomplete submittals; delay issues; subcontractor management issues; and issues related to site safety and management. In addition to the aforementioned, the Board finds that awarding the contract to Resolute to be in the best interest of the Town and the citizens for the following additional reasons: 1. The Board has considered: (i) the ability of all bidders to perform the contract and prosecute the work in a timely and efficient manner, (ii) whether bidder’s possess sufficient staff to perform not only the construction work but also all ancillary administrative work in a timely and efficient manner, and (iii) the skill and judgment of the bidders in performing the work. 2. The Board has considered the prior work product of all bidders. 3. That this project involves facilities that affect programming such as youth athletics and event programming such as the WRAL Balloon Festival, to which the Town has contractual obligations. These are time sensitive services offered to the citizens and project delays must be avoided. 4. The commencement and diligent pursuit of all work in view of public money being spent in conjunction with the requirements associated with \$1,000,000 in grant funds from PARTF and the Wake County Hotel/Motel/Food/Beverage Tax. iii. Award the Fleming Loop Park Project construction contract to Resolute Building Company in the amount of \$3,948,300.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed (5-0) **Ordinance No. N-18-28**
Resolution No. 18-1537

Agenda Item No. 10.B: Municipal Agreement, Reimbursement Resolution, and Project Ordinance - NCDOT - Purfoy Road/Old Honeycutt Road Intersection Project - \$1,218,500

Purpose – To approve the municipal agreement with NCDOT for project U-6096 - Old Honeycutt Road/Purfoy Road intersection improvements pending review by the Town Attorney as to form.

Staff Comments – Assistant Town Manager Matthews entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided specific information to include project scope and funding source responsibilities.

Board Discussion – Mayor Byrne commended staff for seeking grant funds of nearly \$15 million for road projects for Fuquay-Varina.

Recommendation – Approve the municipal agreement with NCDOT for project U-6096 - Old Honeycutt Road/Purfoy Road Intersection Improvements subject to Town Attorney review as to form.

MOTION: Commissioner Gardner
SECOND: Commissioner Harris
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-18-29**
Resolution No. 18-1538

Agenda Item No. 10.C: Project Ordinance Amendment - NE Judd Intersection Project - \$276,000

Purpose – To consider a Project Ordinance Amendment to the NE Judd Intersection Project in the amount of \$276,000 for additional pavement work to be completed as part of the NE Judd Parkway/N Main Street Intersection Improvements.

Staff Comments – Assistant Town Manager Matthews entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided specific information to include project scope and funding sources. He also thanked Town Engineer Matt Poling for stepping up and taking the lead on this project.

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

Recommendation – Approve the Project Ordinance Amendment for the NE Judd Intersection Project in the amount of \$276,000 as presented.

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

Ordinance No. N-18-30

Agenda Item No. 10.D: City of Raleigh Memorandum of Understanding - Joint Wastewater Treatment Study

Purpose – To consider approval of a Memorandum of Understanding for a Joint Wastewater Study with the City of Raleigh.

Staff Comments – Assistant Town Manager Matthews entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information to include project scope and responsibilities to those party to the memorandum of understanding.

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

Recommendation – Approve the execution of the Memorandum of Understanding for the Joint Wastewater Treatment Study as presented and recommended.

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

OTHER BUSINESS

A. Manager's Report

- Terrible Creek Waste Water Valve Turning Ceremony – June 5, 2018 at 9:00 am

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

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

D. Zoning Map Amendment - Gala Construction - 414 Washington Street and 401 Dogwood Street - PINs 0656795420 and 0656795450- REZ-2018-04 - (FIRST READING)

- E. Zoning Map Amendment - Stevens Road Partners - 9036, 8525, and 8701 Purfoy Road, 8116 Red Skelton Drive, 0 and 7504 S NC 55 Hwy, 0 Galega Drive, and 0 Horseman Creek Road, - PINs 0666705143, 0665899420, 0665982183, 0665968722, 0675172458, 0675271608, and 0675275371, and portion of 0665597186 - REZ-2018-05 - (FIRST READING)
- F. Town Code Amendment - Soil Erosion and Sedimentation Control - CTA-2018-03 - (FIRST READING)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he appreciated Public Utilities Meyers showing one of the Rotary Club members the Terrible Creek plant. He also stated that he enjoyed the Fire Department Pinning Ceremony.

Commissioner Adcock had no comment.

Commissioner Harris stated that he too enjoyed the Fire Department Badge Pinning Ceremony.

Commissioner Wunsch had no comments.

Commissioner Gardner stated that she is looking forward to the Balloon Festival this weekend, and that she will walk in the Run-The-Quay.

Mayor Byrne recommended the appointment of Jennifer Holt to complete the membership needed for the Inaugural Friends of the Arts Non-Profit Board. The Town Board motioned to appoint Jennifer Holt as recommended by Mayor Byrne.

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

Mayor Byrne then reported on the following events:

Past Events

- 5/10 – Attended the American Legion Post 116
- 5/11 – Attended the Fire Department Badge Pinning Ceremony
- 5/21 – Attended Wake County Mayor’s Association
- 5/22 – Fuquay-Varina High School Advisory Board

Up Coming Events

5/24 – Balloon Festival VIP Event – Fleming Loop Park
5/25-28 – Balloon Festival -Fleming Loop Park
5/29 – 2018 Town & State Dinner
6/2 – Run the Quay
6/2 – Habitat for Humanity

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

A motion was made to enter a closed session meeting at 8:04 p.m.

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

OPEN SESSION – There were no reports from the Closed Session meeting.

ADJOURN

A motion was made to adjourn the meeting at 8:07 p.m.

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

Adopted this the 4th day of June 2018 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

