



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JULY 2, 2018

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on July 2, 2018 at 7:00 p.m.

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

Commissioners Absent: Jason Wunsch (medical absence)

Others Present: Town Manager Adam Mitchell
Assistant Town Manager Mark Matthews
Deputy Town Clerk Teresa Wilder
Town Attorney James Adcock

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Adcock provided the invocation and Commissioner Garner led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The June 19, 2018, minutes of the regularly scheduled Town Board of Commissioners meeting, were presented for approval.

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

The March 3-5, 2018, minutes of the Town Board Strategic Planning Retreat, were presented for approval.

MOTION: Commissioner Adcock
SECOND: Commissioner Garner
MOTION RESULT: Passed Unanimously (4-0)

PRESENTATIONS

There were no presentations for the July 2, 2018 Town Board meeting.

PUBLIC COMMENTS:

No one from the public chose to address the Town Board.

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Pond Water, 5404 Old Powell Road and 0 Three Ponds Drive - PIN 0657235926, 0657149897 and 0657149593 - ANX-2017-13 – (WITHDRAWN)

Purpose – To receive, as information, the petitioner's request to withdraw 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 He then provided general information about the subject property and advised that this petition has been withdrawn due to the prospective developer being unable to resolve site development challenges and property acquisition terms for the property. He advised that the petitioner has withdrawn the annexation petition (ANX-2017-03) in a letter dated June 12, 2018.

Public Hearing – There was not a public hearing due to the petitioner withdrawing the annexation petition.

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

Recommendation – No Action Required - Receive as Information

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 - (WITHDRAWN)

Purpose – To receive as information the petitioner's request to withdraw the 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 and advised that this petition has been withdrawn due to a prospective developer being unable to resolve site development challenges and property acquisition terms for the property. He advised that the petitioner has withdrawn the zoning map amendment petition (REZ 2017-26) in a letter dated June 12, 2018.

Public Hearing – There was not a public hearing due to the petitioner withdrawing the zoning map amendment petition.

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

Recommendation – No Action Required - Receive as Information

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - Bentwinds Golf and Country Club, Inc. - 6536 Dornoch Place - Portion of PIN 0668923562 - ANX-2018-10

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina and a Declaration of Annexation Agreement following receipt of a petition for voluntary annexation of property owned by Bentwinds Golf and Country Club, Inc. The property is located at 6536 Dornoch Place, a portion of PIN 0668923562, containing approximately 10.001 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 public sewer is available to serve the property however public water is not planned due to the cost to extend. The petitioner has submitted an annexation agreement as it relates to the provision of Town services. He advised that the property owner has consented to not receiving town water service and has signed a Declaration of Annexation Agreement reflecting the same.

Public Hearing – The public hearing was opened. Mr. Wayne Mauldin, Mauldin-Watkins surveying spoke in favor of the voluntary annexation petition on behalf of the petitioner. He cited a failing septic system for the reason to seek town sewer service and petition for annexation.

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

Recommendation – Adopt an annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Bentwinds Golf and Country Club, Inc., located at 6536 Dornoch Place (ANX-2018-10), and approve the Declaration of Annexation Agreement as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (4-0)

Ordinance No. N-18-37

Agenda Item No. 7.B: Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 6536 Dornoch Place - Portion of PIN 0668923562 - REZ-2018-06

Purpose – To consider a requested zoning map amendment for a total of 10.001 acres, located at 6536 Dornoch Place, from the Wake County R-30 Zoning District to the Neighborhood Commercial Conditional Zoning District (NC-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 to include zoning uses, surrounding uses, relation to the land use plan, utilities, transportation, the required neighborhood meeting, and a staff recommendation. Town Manager Mitchell advised that the petitioner was seeking zoning of the property in order to receive Town zoning following voluntary annexation into the Town. He further advised the petitioner intends to connect to Town sewer.

Public Hearing – The public hearing was opened. Wayne Mauldin spoke in favor of the zoning map amendment on the behalf of the petitioner.

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

Recommendation – Approve REZ-2018-06, a zoning map amendment at 6536 Dornoch Place, from the Wake County R-30 Zoning District to the Neighborhood Commercial Conditional Zoning District (NC-CZD). It is consistent with the Land Use Plan and reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.C: Town Code Amendment - Mauldin-Watkins
Surveying, PA - Minor Subdivisions - CTA-2018-04

Purpose – To consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Article S Interpretations & Definitions, Section 9-1901 General Definitions that makes clarifications to the definition of "Subdivision, Minor."

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 stating that the petitioner is requesting that the Town’s definition of “minor subdivision” be amended to permit subdivision of property where a previous subdivision occurred within a specified period of five (5) years.

Mayor Pro-Tem Massengill requested to be recused due to a potential perceived conflict of interest.

A motion was made to recuse Mayor Pro-Tem Massengill due to a potential perceived conflict of interest.

MOTION: Commissioner Harris

SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (3-0)

Public Hearing – The public hearing was opened. Wayne Mauldin spoke in favor of the town code amendment citing that he worked with staff to develop a proposal that he believes makes sense for property owners and that mitigates the circumvention of town development standards.

Board Member Discussion – Commissioner Adcock stated that he appreciated staff working with the petitioner and researching the matter and that he is pleased that this amendment will put the Town in line with the County and others in our region.

Recommendation – Approve CTA-2018-04, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended. The text amendment is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Commissioner Adcock
SECOND: Commissioner Harris
MOTION RESULTS: Passed Unanimously (3-0)

Agenda Item No. 7.D: Financing for Property Acquisition and Renovation -
Town Facilities and Park Improvements

Purpose – To hold a public hearing and adopt a resolution supporting the Town's proposed financing of the Town Facilities Project and the Fleming Loop Park Improvements.

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 financing for property acquisition and renovation to Town facilities and park improvements stating that combining the projects into one borrowing requires a resolution by the Town Board and a public hearing.

Public Hearing – The public hearing was opened. No one chose to speak.

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

Recommendation – Adopt a resolution supporting the application for financing the acquisition and renovation of property to be used for Town Facilities and Park improvements.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (4-0)

CONSENT AGENDA

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

Agenda Item No. 8.A: Abandonment of Public Right-of-Way – Resolution Declaring the Intent to Close a Portion of Feather Ridge Drive – SC-2018-01

Purpose – To consider a resolution declaring the intent to abandon a public street right-of-way along Feather Ridge Drive, approximately 133 linear feet, following an application submitted by Smith, Anderson, Blount, Dorsett, Mitchell & Jerrigan LLP, on behalf of Duke Energy.

Recommendation – Adopt the Resolution declaring the intent to close a portion of Feather Ridge Drive (approximately 133 linear feet) from its intersection with Stobhill Lane to the northern stub of the road, as presented and recommended.

Item A was removed from the Consent Agenda to receive more clarification on the item.

Agenda Item No. 8B: Budget Amendment - Arts Center - BA-2019-01 - \$127,000

Purpose – To approve budget amendment BA-2019-01 that rolls \$127,000 in Arts Center startup funds from FY 2017-18 to FY 2018-19.

Recommendation – Approve Budget Amendment BA-2019-01 as presented and recommended.

Agenda Item No. 8C: Funding Agreement and Project Ordinance Amendment - Park Depot Greenway Trail - Wake County - \$247,432

Purpose – To consider executing a Funding Agreement between the Town of Fuquay-Varina and Wake County pertaining to the funding of the Park Depot Greenway Trail and approve a Project Ordinance Amendment.

Recommendation – Approve a Project Ordinance Amendment and Funding Agreement between the Town of Fuquay-Varina and Wake County pertaining to funding for the Town of Fuquay-Varina Park Depot Greenway Trail as presented and recommended, subject to Town Attorney review as to form and adoption by the Wake County Board of Commissioners.

Agenda Item No. 8D: Resolution - NC Governor's Highway Safety Program Traffic Safety Grant Year Two - Police Department

Purpose – To consider adoption of a Resolution of a NC Governor's Highway Safety Program Traffic Safety Grant (Year Two) that provides partial funding for personnel costs for a Traffic Safety/Police Officer within the Fuquay-Varina Police Department.

Recommendation – Adopt a Resolution between the NCGHSP and the Town of Fuquay-Varina as recommended and authorize the Mayor and Town Clerk to Execute Required Documentation and Certifications.

Resolution No. 18-1544

Agenda Item No. 8E: Utility Allocation - Trilogy Farm Subdivision (Phase 1)

Purpose – To consider a Utility Allocation request for the Trilogy Farm Subdivision (Phase 1).

Recommendation – Approve the recommended utility allocation request for Trilogy Farm Subdivision (Phase 1) as presented and recommended.

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

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

Items Removed from Consent Agenda

Agenda Item No. 8.A: Abandonment of Public Right-of-Way – Resolution Declaring the Intent to Close a Portion of Feather Ridge Drive – SC-2018-01

Purpose – To consider a resolution declaring the intent to abandon a public street right-of-way along Feather Ridge Drive, approximately 133 linear feet, following an application submitted by Smith, Anderson, Blount, Dorsett, Mitchell & Jerrigan LLP, on behalf of Duke Energy.

Board Member Discussion – Commissioner Adcock inquired as to the reason for closing the portion of Feather Ridge Drive. Town Manager Mitchell and Planning Director Smith explained that when Duke Energy was in the process of submitting their site plan when the Town’s Land Development Ordinance was approved, which now requires connection to a stub street. It was explained that connecting to the stub street does not serve a public purpose because it would deter from the function of the substation and is not ideal for public use. It was reported to the Board that Duke Energy will pay for all of the modifications required to abandon and close the portion of Feather Ridge and the adjacent property owners will be deeded back the residual property.

Recommendation – Adopt the Resolution declaring the intent to close a portion of Feather Ridge Drive (approximately 133 linear feet) from its intersection with Stobhill Lane to the northern stub of the road, as presented and recommended.

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

Resolution No. 18-1543

ADMINISTRATIVE REPORTS

Agenda Item No. 10.A: Service Level Agreement - City of Raleigh and Town of Fuquay-Varina - Delivery of Hazardous Material Response Team Services

Purpose – To approve the updated Service Level Agreement between the City of Raleigh and Town of Fuquay-Varina regarding the Delivery of Hazardous Material Response Team 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 provided details on the Service Level Agreement. Specifically, he stated that with the agreement the Town will pay the City of Raleigh an annual payment either in a lump sum or two installments corresponding to a percentage of the City of Raleigh Hazmat Program costs based upon the

percentage of total population within Wake County residing within the Town of Fuquay-Varina (\$11,830.91 in FY 2018 – 2019).

Board Discussion – Mayor Byrne asked if the agreement would include anything that deals with hazardous materials. Town Manager Mitchell advised that it would for events that require up to 8 hours to address. He advised that events that are more than 8 hours would involve additional fees for service or would be a State qualifying event.

Recommendation – Approve the Service Level Agreement between the City of Raleigh and Town of Fuquay-Varina regarding the Delivery of Hazardous Material Response Team Services as presented and recommended.

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

Agenda Item No. 10.B: Contract Award - Burton Street Water Line Project - \$122,172

Purpose – To consider awarding a contract to Sandhills Contractors for the construction of a 6" water main along Burton Street in the amount of \$122,172.

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 regarding the contract award. The low bidder was Sandhills Contractors with a bid of \$122,172.00. The award was based on 20% Town's funding and 80% CDBG funding from Wake County. Upon completion the town net expense will be \$24,434.00.

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

Recommendation – Award the Burton Street Water Main Extension Contract in the amount of \$122,172 to Sandhills Contractors as presented and recommended, subject to Town Attorney review as to form.

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

Agenda Item No. 10.C: Authorization to Execute Utility Agreements - NW Judd Parkway - Duke Energy, Norfolk Southern Railroad, and CenturyLink

Purpose – To authorize the Town Manager to enter into utility agreements 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 provided further information to include that the agreements are needed to complete ROW certification for the NW Judd Parkway project. He further advised that the Town is scheduled to request right of way certification in mid-July. Town Manager Mitchell then reported that the budgeted utility relocation funding was identified within the \$5.9 million-dollar LAPP grant that is 50% Town Match and 50% FHWA funding, with additional utility relocation funding available within construction funding (budgeted at \$18,750,000 including \$4,500,000 in FHWA funding and \$14,250,000 in Town match). Including the original \$1,500,000 (\$1,200,000 FHWA, \$300,000 Town Match) total project budget of \$26,150,000. Town Management and staff recommend that the Town Board approve the Town Manager to enter into these agreements, provided they can be accommodated within the budget of the NW Judd Parkway project and they are acceptable to the Town Attorney as to form.

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

Recommendation – Authorize the Town Manager to enter into utility agreements for the NW Judd Parkway Project provided they are within the project budget and have been reviewed by the Town Attorney as to form.

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

Agenda Item No. 10.D: PSNC/Town of Fuquay-Varina Franchise Agreement
- (ITEM PULLED)

Purpose – To receive information on an ordinance authorizing a Franchise Agreement to Public Service Company of North Carolina, Incorporated (PSNC, Inc.) granting the right to use public right-of-way in Fuquay-Varina for the purpose of constructing, operating, and maintaining a gas utility system.

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 stated that the item had been pulled for further review by management and legal counsel.

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

Recommendation – No Action Required - Item has been pulled for further review by management and legal counsel.

OTHER BUSINESS

A. Manager’s Report

- Town Manager Mitchell informed the board that an article had been written and published in the News and Observer stating that there were 7,000 new homes being built in Fuquay-Varina. He stated that this was not accurate and that the town was permitting about 700 to 800 new single-family homes per year.

B. Project Status Report – (July 2018)

C. Interdepartmental Transfer Report

A total of \$500 was transferred from Central Services to payments to other organizations. This transfer was necessary to carry out the Board’s intended outside funding and requires no new money.

D. Independence Day Fireworks Celebration - July 3, 2018 - South Park - 6:00 pm

E. CAMPO - Southwest Area Study - Public Input Meeting - Southern Regional Center - July 11, 2018 - 1:00 pm - 4:00pm

F. Ice Cream Social – July 15, 2018 – 4:00 pm – 6:00 pm – Fuquay Mineral Spring Park

G. July 17, 2018 Town Board Meeting – Cancelled

H. National Night Out Against Crime - Fuquay-Varina Police Department Open House - August 7, 2018 - 5:00 PM - 7:00 PM

I. Zoning Map Amendment - Curry Engineering - 801 Old Honeycutt Road - Portion of PIN 0666880473 - REZ-2018-07 - (FIRST READING) - (Mitchell/Matthews/Smith)

J. Zoning Map Amendment - SXCW Properties II, LLC - 1528 and 1532 N Main St - PINs 0677011550 and 0677012594 - REZ-2018-11 - (FIRST READING) - (Mitchell/Matthews/Smith)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill wished a Happy Birthday to America.

Commissioner Adcock had no further comments.

Commissioner Harris commented on the article in the paper and stated he would rather see us growing then to be dead and not growing.

Commissioner Wunsch was absent.

Commissioner Gardner stated that this time of the year the Town has a lot of fun events going on and is sorry she will miss a few of them due to scheduled vacation.

Mayor Byrne stated he and Commissioner Harris attended the reception for Rev. Marvin Connelly of St. Augustine Church. He will become the superintendent of the Cumberland County Public School System. Mayor Byrne also advised that he and Mayor Pro-Tem Massengill also attended the American Legion SE Region Conference, which Lt. Brett Walsh was awarded officer of the year.

Past Events

- 6/20 – Attended CAMPO Executive Board Meeting
- 6/21 – Attended Lions Club Banquet – 6:00 pm
- 6/25 – Attended meeting with Adam and Brian Hoyle – 2019 Freedom Balloon Festival Planning
- 6/27 – Attended Coffee with Cop at Bagels Plus 9:00 – 11:00 am
- 6/30 – Attended Lakestone Village HOA – Grand Re-opening of Pool Facilities

Up Coming Events

- 7/3 – Centennial Authority Special Meeting
- 7/3 – Independence Day Celebration – Southpark – 6:00 pm
- 7/8 – Eagle Scout Graduation Ceremony – American Legion Post – 1:00 pm
- 7/15 – Ice Cream Social – Mineral Springs Park – 4:00 – 6:00 pm

CLOSED SESSION – Pursuant to N.C.G.S. 143-318.11 (a) (3) - Attorney Client Privilege and (a) (5) - Property Acquisition

A motion was made to enter a closed session meeting at 8:00 p.m.

MOTION: Mayor Pro-Tem Massengill

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

The Town Board returned to open session at 8:34 p.m. with nothing to report out of closed session.

ADJOURN

A motion was made to adjourn the meeting at 8:34 p.m.

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

Adopted this the 6th day of August 2018 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

