



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JANUARY 22, 2019

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on January 22, 2019 at 8:00 p.m. *(The time for the regular meeting was pushed back from 7:00 p.m. to 8:00 p.m. in order for the Town Board to hold a special called meeting for the purpose of interviewing three candidates for the vacant Town Board seat.)*

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

Commissioners Absent: None

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Attorney John Adcock provided the invocation and Paul Kane of the Homebuilders Association of Raleigh and Wake County, led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The January 7, 2019, minutes of the regularly scheduled Town Board of Commissioners meeting, were presented and recommended for approval.

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

PRESENTATIONS

Agenda Item No. 4.A: Operation Coming Home – Waiver of Development and Building Fees

Purpose – To consider waiving Town fees related to the Operation Coming Home house that will be donated to an injured combat veteran and his family.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He stated that Operation Coming Home will be building Hero Home #19 in Fuquay-Varina. This will be the tenth home built by the organization in Fuquay-Varina. The home being donated will be built in the Hidden Valley Subdivision by Centex Homes. The recipient is Army Staff Sergeant Tommy Rieman who was injured by using his own body to protect his colleagues while under attack during Operation: Iraqi Freedom. The proposed home will have 5 bedrooms, 3 bathrooms and a 2-car garage, and it will be approximately 2,900 total square feet. Historically, the Town Board has chosen to waive Town fees associated with Operation Coming Home houses. Based on a 2,900 square foot home, it is estimated that the total fees will be approximately \$2,528.80. The total fees could fluctuate slightly depending on the actual square footage of the house.

Mr. Paul Kane with the Home Builders Association gave brief words of gratitude to the Town Board and the volunteers for helping to make this event possible. He introduced the builders with Pulte Group; Chris Raughley and Mikkel Thompson who expressed their excitement about the project.

Recommendation: Waive Town Fees for the Operation Coming Home House #19 as requested and presented.

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

PUBLIC COMMENTS:

There were no public comments received from the audience.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6A. Zoning Map Amendment - Meritage Homes - 1021
and 1105 S Main Street - Portions of PINs
0666011773 and 0656925131 - REZ-2018-22

Purpose –To consider a requested zoning map amendment for a total of 28.99 acres, located at 1021 and 1105 S Main St, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD) and corresponding land use plan amendment from Small Lot Residential (SLR) and Small-Scale Commercial Center (SSCC) to Small Lot Residential (SLR).

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 zoning map amendment to include conditions applicable to the subject property and site-specific conditions. The conditions proposed were 1) Single family detached homes and single-family attached townhomes are the only permitted uses on the property, 2) No duplexes allowed, 3) No home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, 4) No attached townhome lots shall abut existing single-family lots, 5) Townhome portion of the site will have at least 25% open space, 6) Single family portion of site shall be developed as an open space development in accordance with Part 9, Article F of the Land Development Ordinance, 7) Vinyl siding is not permitted; however vinyl windows, decorative elements, soffits, and trim are permitted. 8) Garage doors shall have either decorative hardware or windows, 9) 20% of the single family detached lots shall be 10,000 SF minimum and 70’ wide at the right-of-way, or larger.

Public Hearing – The public hearing was opened and continued from a previous meeting. Jim Chandler and John Adcock spoke in favor of the zoning map amendment on behalf of the property owners. No one chose to speak in opposition to the proposed zoning map amendment for REZ-2018-22. The hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked if there were any required road improvements on South Main Street for this project. Town Manager Mitchell

stated that there are none because the portion of the property proposed for development at this time does not front S. Main Street. Mayor Pro-Tem Massengill then asked Town Manager Mitchell if consideration had been given to a condition that addressed the concern voiced by a resident of the adjacent neighborhood with respect to construction traffic. Town Manager Mitchell advised that staff had discussed options for addressing the concern with the developer but had not contemplated it as a condition. He stated that the Board had the discretion to ask the petitioner to consent to an added condition if they felt it was warranted. After discussion by the Board and advice given by management and legal counsel, the petitioner agreed to the following added condition.

"Construction traffic will only access the site through Award Street and the other 2 stub streets will be barricaded off while construction is happening. The barricade will be removed at the time the plat is recorded showing the connection at South Field Haven Drive and Jones Haven Drive included in the last phase. The condition is only applicable if the project is developed in multiple phases."

Recommendation – Approve REZ-2018-22, a zoning map amendment, to include the additional community character conditions offered and agreed to by the petitioner, at 1021 and 1105 S Main St, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD) and corresponding land use plan amendment from Small Lot Residential (SLR) and Small Scale Commercial Center (SSCC) to Small Lot Residential (SLR). The proposed zoning map amendment and corresponding land use plan amendment are consistent with the 2035 Community Vision Land Use Plan and are reasonable and in the best interest of the public for the reasons identified by management and staff. The motion also included the added and agreed to condition that "Construction traffic will only access the site through Award Street and the other 2 stub streets will be barricaded off while construction is happening. The barricade will be removed at the time the plat is recorded showing the connection at South Field Haven Drive and Jones Haven Drive included in the last phase. The condition is only applicable if the project is developed in multiple phases."

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

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - Century Fields, LLC
- 7700, 7712 and 7720 Barefoot Road - PINs
0646411919, 0646411614, 0646411239 - ANX-
2018-21

Purpose -To consider 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 Century Fields, LLC located at 7700, 7712 and 7720 Barefoot Road, containing a total of 18.03 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 voluntary annexation petition to include that public water is available to serve the property however public sewer is not yet available to serve the subject location. Town Manager Mitchell further advised that the Town Clerk certified that the petition was sufficient and met the requirements prescribed by North Carolina General Statute.

Public Hearing - The public hearing was opened. Don Curry with Curry Engineering, 205 S. Fuquay Avenue, spoke in favor of the voluntary annexation petition on behalf to the petitioner. No one chose to speak in opposition to the proposed annexation for ANX-2018-21. The hearing was closed.

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

Recommendation - Approve the Declaration of Annexation and Agreement and adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Century Fields, LLC (ANX-2018-21) as presented and recommended.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (4-0) **Ordinance No. N- 19-02**

Agenda Item No. 7.B: Zoning Map Amendment - The Curry Engineering Group, PLLC - 7700, 7712, and 7720 Barefoot Road - PIN 0646411919, 0646411614, and 0646411239 - REZ-2018-23

Purpose -To consider a requested zoning map amendment for a total of 14.91 acres, located at 7700, 7712, and 7720 Barefoot Road from the Wake County Highway District (HD) to the General Commercial Conditional Zoning District (GC-CZD) and corresponding land use plan amendment from Mixed-Density Residential (MDR) to Highway Commercial (HC).

Staff Comments – Town Manager Mitchell advised that this agenda item had been tabled from a previous meeting and he then 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 agenda item to include proposed conditions by the petitioner as follows: 1) the rezoned property will be restricted to outdoor sports, indoor sports, recreational fields, and accessory buildings and 2) the sports and recreational site will not be used for a campground, golf course and driving range, outdoor shooting range, or stadium/arena. In addition, the site will not be used for a mixed-use development, live/work units, assembly, community service, daycare, educational, financial institution, government facilities, medical facilities, passenger & service uses, place of worship, utilities, adult uses, communications, general office, lodging, retail sales, vehicle equipment sales & service, construction services, manufacturing, storage facility, wholesale trade, and agricultural & animal related uses.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed zoning map amendment for REZ-2018-23. The hearing was closed.

Discussion – Commissioner Wunsch stated that this is an exciting project for our community. Mayor Byrne commented that cricket fields are not something available in southern Wake County and the development of the site will be a nice addition to Fuquay-Varina and surrounding areas.

Recommendation – Approve REZ-2018-23, a zoning map amendment at 7700, 7712, and 7720 Barefoot Road, from the Wake County Highway District (HD) to the General Commercial Conditional Zoning District (GC-CZD) and corresponding land use plan amendment from Mixed-Density Residential (MDR) to Highway Commercial (HC). The proposed zoning map amendment and corresponding land use plan amendment are consistent with the 2035 Community Vision Land Use Plan and are reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Commissioner Wunsch
SECOND: Commissioner Gardner
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: Budget Amendment - Recognize Funds - Sale of Garbage Packer - Sanitation Department - BA-2019-15 - \$2,580

Purpose -To consider recognizing funds from GovDeals from the sale of a surplus garbage packer in the amount of \$2,580.

Recommendation - Approve budget amendment BA-2019-15 as presented and recommended.

Agenda Item No. 8B: Fiscal Year 2019-2020 Budget Development Schedule

Purpose - To consider approval of a budget development schedule for the fiscal year 2019-2020 budget process.

Recommendation - Approve the Fiscal Year 2019-2020 Budget Development Schedule as presented and recommended.

Agenda Item No. 8C: Project Ordinance Amendment - Governmental Facilities Project - \$149,949.00

Purpose - To consider a project ordinance amendment that proposes the recognition of \$149,949.00 in Town property sale proceeds within the Governmental Facilities Project fund for the purpose of construction and renovation costs.

Recommendation - Approve a Project Ordinance Amendment to recognize Town property sale proceeds within the Governmental Facilities Project as presented and recommended. **Ordinance No. N-19-03**

Agenda Item No. 8D: Voluntary Annexation Petition - Beverly Smith Dupree - 1320 Phelps West Road - PIN 0656078584 - ANX-2018-22

Purpose - To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition, and to consider adoption of a resolution setting a public hearing for February 4, 2019 following the receipt of a petition for voluntary annexation of property owned by Beverly Smith Dupree located at 1320 Phelps West Road, containing a total of 1.252 acres.

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 4, 2019, for property owned by Beverly Smith Dupree (ANX-2018-22) as presented and recommended.

Resolution No. 19-1578
Resolution No. 19-1580

Agenda Item No. 8E: Utility Allocation - Forest Bluff Estates

Purpose – To consider a utility allocation request for the Forest Bluff Estate subdivision, subject to preliminary subdivision plat approval. *(This item was removed from the Consent Agenda at the request of Mayor Pro-Tem Massengill).*

Recommendation – Approve the recommended utility allocation request for Forest Bluff Estates as presented and recommended, subject to approval of the Forest Bluff Estates Preliminary Plat.

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

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

ITEMS REMOVED FROM CONSENT AGENDA

Agenda Item No. 8E: Utility Allocation - Forest Bluff Estates

Purpose – To consider a utility allocation request for the Forest Bluff Estate subdivision, subject to preliminary subdivision plat approval.

Request for Recusal – Mayor Pro-Tem Massengill requested that Item 8E be removed from the consent agenda in order to recuse himself from any discussion or action regarding Forest Bluff Estates due to having a personal financial interest in the project and public perception of the same.

Motion to recuse Mayor Pro-Tem Massengill as requested.

MOTION: Commissioner Wunsch
SECOND: Commissioner Harris
MOTION RESULT: Passed Unanimously (3-0)

Recommendation – Approve the recommended utility allocation request for Forest Bluff Estates as presented and recommended, subject to approval of the Forest Bluff Estates Preliminary Plat.

MOTION: Commissioner Wunsch
SECOND: Commissioner Garner
MOTION RESULT: Passed Unanimously (3-0)
(Mayor Pro-Tem Massengill was recused from the vote.)

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Preliminary Subdivision Plat - Forest Bluff Estates - SUB-PR-2018-14

Purpose – To consider a preliminary subdivision plat submitted by Mauldin-Watkins Surveying P.A., called Forest Bluff Estates, located at 2205 Terri Creek Drive.

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 preliminary subdivision plat to include that the average lot size provided was 13,810 square feet and 1.6 acres of open space is provided although none is required to be provided. Town Manager Mitchell advised that the preliminary subdivision plat meets all Town development requirements.

Discussion – There was no discussion from members of the Town Board as it relates to SUB-PR-2018-14.

Request for Recusal - Mayor Pro-Tem Massengill requested to be recused from discussion or action on this item (SUB-PR-2081-14) due to a personal financial interest and public perception of the same.

Motion to recuse Mayor Pro-Tem Massengill.

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

Recommendation – Approve the Forest Bluff Estates preliminary subdivision plat (SUB-PR-2018-14) located at 2205 Terri Creek Drive as presented and recommended by management and staff, subject to annexation of the subject property prior to construction plan approval.

MOTION: Commissioner Wunsch
SECOND: Commissioner Harris
MOTION RESULTS: Passed Unanimously (3-0)
(Mayor Pro-Tem Massengill was recused from the vote.)

OTHER BUSINESS

A. Manager's Report –

- Reported that the Art Center is close to completion
- Reported that Wake County Library to open June 2019
- Reported that Terrible Creek Wastewater Treatment Plant is in the final stages of completion
- Reported that Fleming Loop Park is still underway, but some setbacks have occurred due to the weather
- Reported that the business park land clearing has been completed
- Reported that CAMPO has released the recommended LAPP grant projects for the 2019 cycle and Fuquay-Varina is being recommended for all three roadway projects submitted

B. Quarterly Report – 2nd Quarter FY 2018

C. TJCOG Regional Brownfields Consortium Update

Town Manager Mitchell advised that Triangle J was leading an effort through a consortium of members to develop a program that will compete for funding to help its members with environmentally troubled properties. He advised that the cost to participate is \$4,000 and is not due until next fiscal year (FY 20). He recommended that the Town participate in the program and provide commitment documents to Triangle J. The Town Board agreed by unanimous consensus.

D. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 313 S Fuquay Ave - PIN 0666060493 - REZ-2018-24 (FIRST READING)

E. Zoning Map Amendment - Gala Construction - 220 and 228 Bridge St - PINs 0656790100 and 0656699194 - REZ-2018-25 (FIRST READING)

F. Zoning Map Amendment - Alliance Behavioral Healthcare - 400 W Ransom St - PIN 0656759298 - REZ-2018-26 (FIRST READING)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill expressed his excitement about projects coming to fruition and is pleased that Panera Bread will be locating in Fuquay-Varina. He also stated he enjoyed attending Coffee with a Cop at McDonald's with his son.

Commissioner Harris stated he enjoyed the Fire Department Annual Banquet and he also attended the Dr. Martin Luther King, Jr. Day Celebration, which was well attended.

Commissioner Wunsch stated he enjoyed the Fire Department Annual Banquet, it was a great recognition for our fire first responders. He also stated that Fuquay-Varina High School recently had their first annual Dash Classic Wrestling Tournament, where they took three top prizes, with 19 teams participating.

Commissioner Gardner stated she enjoyed Coffee with a Cop and the Dr. Martin Luther King, Jr. Day Celebration. She thanked members of the Cultural Arts Society for hosting the event that was uplifting and inclusive.

Mayor Byrne reported information regarding past and upcoming events as follows:

Past Events

- 1/8 – Centennial Authority Meeting
- 1/9 – Southern Regional Center meeting
- 1/10 – Meeting with Angela Jacobs with Wake County Health
- 1/21 – 15th Annual Rev. Dr. Martin Luther King Jr. Celebration
- 1/17 – Coffee with a Cop – McDonalds 9:00 am
- 1/19 – Women's Club Art Show – 1:30 pm at Windsor Pointe
- 1/19 – Fire Department Annual Banquet – Carrollock Farms

Up Coming Events

- 1/23 – Police Officer Oath of Office Ceremony
- 1/23 – Ribbon Cutting – KB Homes Union Station
- 1/30 – Meeting with John Deere
- 1/30 – Southwest Area Study CTT and SOT Meeting

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

A motion to hold a closed session meeting at 9:22 p.m.

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

RETURN TO OPEN SESSION

The Town Board returned to open session at 10:02 p.m. A motion was made by Mayor Pro-Tem Massengill to appoint Larry W. Smith to the position of Town Commissioner to fill the unexpired term left vacant by Charlie Adcock, ending December 31, 2019.

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

ADJOURN

A motion was made to adjourn the meeting at 10:03 p.m.

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

Adopted this the 4th day of February 2019 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

