



Fuquay-Varina Town Board Meeting

February 7, 2022

J. Blake Massengill, Mayor
Larry Smith, Mayor Pro-Tem
William H. Harris, Commissioner
Marilyn B. Gardner, Commissioner
Tracy Watson, Commissioner
Bryan Haynes, Commissioner
Adam G. Mitchell, Town Manager
Mark D. Matthews, Assistant Town Manager
James (Jim) E. Seymour, Assistant Town Manager
Rose H. Rich, Town Clerk
James S. Adcock, III, Town Attorney

The Regular Meeting of the Fuquay-Varina Town Board scheduled for Monday, February 7, 2022, at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor Blake Massengill, Mayor Pro-Tem Larry Smith (virtual) and Commissioners Marilyn Gardner, William Harris, Tracy Watson, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Mark Matthews, Assistant Town Manager Jim Seymour, Town Clerk Rose Rich, Town Attorney James Adcock, and IT Director Scott Clark.

CALL TO ORDER

Mayor Massengill called the meeting to order at 7:01 pm.

INVOCATION AND PLEDGE

Commissioner William Harris provided the invocation and Interim Police Chief Tim Smith led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Adam Mitchell reviewed the meeting protocol noting that the meeting was both in-person, via Zoom, and live streamed.

APPROVAL OF MINUTES

3A The January 18, 2022, minutes of the Town Board of Commissioners regularly scheduled meeting.

MOTION: Commissioner Harris

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (4-0)

PRESENTATIONS

4A Presentation - Stormwater Management Videos

Purpose - To receive a presentation from the Engineering and Communications Department regarding the Town's new stormwater management education video series.

Staff Comments - Communication Director Weis entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

The Town's Stormwater Program is designed to meet the requirements of the 6 minimum measures outlined within the federally mandated NPDES Phase II stormwater permit. To comply with the Public Education and Outreach minimum measure, the Engineering Department along with Amazing Studios, has created a stormwater education series titled, "You Know What Else is Important?". The four videos in this series will educate citizens on stormwater, stormwater pollution, and stormwater pollution prevention. In the spirit of the Town's style, these videos were created with lots of personality, including cinematic themes, the new Stormwater Program's advocate, "Storm Walter", and talented Town staff from multiple departments. The videos will be released over four weeks on the Town's social media platforms and will continue to be used throughout the year as part of the Town's Public Education and Outreach Campaign. Because these videos are so entertaining and educational, the Town will make these videos available for use in other jurisdictions across the state to reach vast audiences with this important topic. As a sneak peek, we are debuting one of these videos tonight, starring staff from our IT, Planning, and Human Resources Departments.

After viewing the video, Mayor Massengill stated that this is a great way to promote and educate the importance of stormwater management and he thanked Town staff and Mike Cole of Amazing Studios for their creativity on this project.

4B Proclamation - Black History Month (added item)

Mayor Massengill added the announcement of a proclamation acknowledging Black History Month in Fuquay-Varina to the agenda. He read the proclamation recognizing February as Black History month. He then tasked staff and the community to work collaboratively to recognize and showcase African Americans that have been an essential part of Fuquay-Varina's history and success and to highlight those individuals and events in our community for next year.

Commissioners Watson, Haynes and Harris commended Mayor Massengill for the Black History Proclamation and for recognizing the efforts and rich history that African Americans have in the Town of Fuquay-Varina.

PUBLIC COMMENTS

5A No one chose to speak in person or virtually during public comments.

ITEMS PREVIOUSLY TABLED

6A Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #16 - CTA-2021-05 - ITEM TO BE TABLED

Purpose - To consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Amendment #16 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 advised that management recommends the item be tabled 60 days, to the April 4, 2022, Town Board meeting, in order to work on a portion of the proposed amendment where additional modifications may improve the proposal.

Public Hearing - The public hearing was continued and tabled until the April 4, 2022, Town Board meeting.

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

Recommendation - Continue the public hearing and table consideration of CTA-2021-05 Amendment #16, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, to the April 4, 2022, Town Board meeting, per the recommendation of management and staff.

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

PUBLIC HEARINGS

7A Voluntary Annexation Petition - Ronnie E. Dickens - 9032 Purfoy Road - PIN 0665653285 - ANX-2022-02

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 Ronnie E. Dickens containing a total of approximately 0.789 acres.

Staff Comments - Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided general information about the agenda item and made the following remarks.

The property contains approximately 0.789 acres and is non-contiguous to the Town's corporate limits. There is currently water and sewer available to the property, and the property would receive municipal trash services. Fire flow at the subject property is 1,358 gallons per minute. At the January 18, 2022, meeting the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. The Town Clerk certified that the petition was sufficient and met the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for February 7, 2022, Town Board meeting. The present total value of the property is \$162,326.00.

Public Hearing - The public hearing was opened. Wayne Mauldin, 139 North Main Street spoke in favor of the annexation petition on behalf of the petitioner. No one chose to speak in opposition (in person or virtually) to the proposed voluntary annexation petition for ANX-2022-02. 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 Ronnie E. Dickens - ANX-2022-02, and for municipal services upon owner extension of water and sewer services, as presented and recommended.

MOTION: Commissioner Haynes

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (4-0) Ordinance No. N-22-03

CONSENT AGENDA

8A Budget Amendment - Bishop Photo - Youth Athletic Scholarship Fund Donation - Parks, Recreation and Cultural Resources - \$2,750 - BA-22-24

Purpose - To consider approval of a budget amendment recognizing funds from Bishop Photo for non-resident scholarships within the Parks, Recreation and Cultural Resources Department.

Recommendation - Approve budget amendment BA-22-24 as presented and recommended.

8B Budget Amendment - Recognizing Insurance Proceeds - Police Department - Unit 180 - BA-22-25- \$721

Purpose -To consider a budget amendment that recognizes insurance proceeds/restitution from Nationwide Insurance for repairs to Fuquay-Varina Police Department Vehicle (Unit #180).

Recommendation - Approve Budget Amendment BA-22-25 as presented and recommended.

8C Voluntary Annexation Petition - GCAM Broadwell (Maelyn Ridge Subdivision) - 751 Coley Farm Road - PIN 0657117499 - ANX-2022-03

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 22, 2022, following the receipt of the petition for voluntary annexation of property owned by GCAM Broadwell, LLC (Maeyln Ridge Subdivision) containing a total of approximately 8.644 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 22, 2022, for property owned by GCAM Broadwell (Maelyn Ridge Subdivision) - ANX-2022-03, as presented and recommended.

Resolution No. 22-1742

Resolution No. 22-1743

8D Voluntary Annexation Petition - RLB Holdings 21, LLC (Willow Springs Dollar General) - 1729 NC 42 Hwy, Willow Springs - PIN 0677903142 - ANX-2022-04

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 22, 2022, following the receipt of the petition for voluntary annexation of property owned by RLB Holdings 21, LLC (Willow Springs Dollar General) containing a total of approximately 2.498 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 22, 2022, for property owned by RLB Holdings 21, LLC (Willow Springs Dollar General) - ANX-2022-04, as presented and recommended.

Resolution No. 22-1744

Resolution No. 22-1745

8E Ratification of Board of Adjustment Appointment

Purpose -To ratify the Mayor's appointment of Board of Adjustment In-Town Alternate Member Andrew Rubley to full-time member status.

Recommendation - Ratify Mayor Massengill's appointment of current Board of Adjustment In-Town Alternate Member Andrew Rubley to full-time member status. Mayor Massengill also appointed current Board of Adjustment member Dan Miller to serve as chair of the Board of Adjustment, replacing deceased Chair Mike Dorman.

8F Façade Grant Funding Request - McBalling 3.0 LLC - 206 S. Main Street

Purpose -To consider approval of a façade grant funding request for McBalling 3.0 LLC located at 206 S. Main Street.

Recommendation - Approve the façade grant funding request and application submitted by McBalling 3.0 LLC located at 206 S. Main Street in an amount up to \$2,500.00 as presented and recommended.

8G Contract Extension Amendment - Aviator Brewing Company Relocation/Expansion Project - Economic Development Local Incentive Agreement

Purpose -To consider a request by Aviator Brewing Company, Inc. to amend its Local Incentive Agreement that would allow for a project completion extension to December 31, 2022.

Recommendation - Approval of the third and final amendment to Aviator Brewing Company's Local Incentive Agreement as presented and recommended subject to Town Attorney review as to form.

8H Resolution - Conflict of Interest Policy

Purpose -To consider approval of a Town Conflict of Interest Policy.

Recommendation - Approve the Resolution establishing a Town Conflict of Interest Policy as presented and recommended.

Commissioner Harris removed this item from the Consent agenda for discussion.

8I First Amendment to Funding Agreement and Memorandum of Understanding between Wake County, Town of Garner and Town of Fuquay-Varina

Purpose -To consider approval of the First Amendment to the Funding Agreement and Memorandum of Understanding between Wake County, Town of Garner and Town of Fuquay-Varina

Recommendation - Approve the First Amendment to the Funding Agreement and Memorandum of Understanding between Wake County, Town of Garner and Town of Fuquay-Varina as presented and recommended.

Resolution No. 22-1746

A motion was made to approve Consent Agenda items 8A-8G and 8I. Item 8H was removed for discussion.

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

ITEMS REMOVED FROM CONSENT

8H Resolution - Conflict of Interest Policy

Purpose -To consider approval of a Town Conflict of Interest Policy.

Discussion - Commissioner Harris commended staff for drafting such a timely policy because transparency is so important in government. He stated that he wanted some clarification on a section of the policy that refers to the role of the Governing Board. He stated that he thinks there should be a separate policy for elected officials and one for employees, instead of incorporating them both as recommended.

Town Manager Mitchell stated that separate policies would be a matter of preference of the Town Board. He stated that the Town is required to have an updated policy when they are to receive federal funding. The State Office of Budget Management is requesting that communities that are recipients of appropriations have an updated Conflict of Interest Policy.

Town Manager Mitchell advised that this is the reason the item is before the Town Board tonight so that the Town can check all the boxes to receive the \$10 million that has been appropriated to the Town. He stated that this policy does not supersede or overwrite the Code of Ethics or the Personnel Policy.

Town Attorney Adcock stated the Code of Ethics Policy was adopted by the Town Board at it is a statutory requirement. The Conflict of Interest Policy defines what a conflict is and that is what State agencies that are providing these grants are looking for, a specific conflict of interest policy.

Mayor Massengill asked the Town Attorney what the difference would be in having two separate policies as recommended by Commissioner Harris. Town Attorney Adcock advised that there could be some nuances when it comes to voting versus not voting.

Town Manager Mitchell stated that there is a timeframe on which these monies can be dispersed, and the State Office of Budget Management is working with our Finance Department to make sure that the Town has the correct documents to receive the funds.

Commissioner Harris stated that the wording in the policy was confusing and overlapping when it comes to "Governing Board" and employee, but he now has clarity and is comfortable with the policy as presented and explained by the Town Attorney and Town Manager.

Mayor Massengill ask Town Attorney Adcock if this policy meets the legal guidelines. Town Attorney Adcock stated that it does.

Recommendation - Approve the Resolution establishing a Town Conflict of Interest Policy as presented and recommended.

Resolution No. 22-1746

A motion was made to approve Consent Agenda item 8H.

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

ADMINISTRATIVE REPORTS

10A US 401 & Mill Creek Operational Improvements (NCDOT Project HL-0028) Design Contract Award - Kimley-Horn

Purpose - To consider awarding a contract to Kimley-Horn & Associates and to authorize the Town Manager to execute a contract for the design services of the Highway 401 & Mill Creek Road Intersection Operational Improvements (NCDOT Project HL-0028).

Staff Comments - Engineering Director Matt Poling entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

The Highway 401 - Mill Creek Road Intersection Operations Improvements Project will provide additional transportation upgrades to the heavily traveled intersection, including new turn lanes and approaches. These operational improvements are needed to alleviate traffic associated with current traffic patterns and the anticipated commercial development near the intersection. In addition, extensive improvements throughout the intersection will be constructed to ensure safe pedestrian crossings and passages across US Highway 401. This intersection will function as the main entrance to Wallace Adcock Blvd and the soon to be under construction large-scale, commercial-retail project, Gold Leaf Crossing.

This project was awarded funding through the Locally Administered Projects Program (LAPP) for the Federal Fiscal Year 2021 - 2022. On March 16, 2021, The Town Board established a project ordinance and authorized the Town Manager to enter into an agreement with NCDOT. Additionally, town staff is requesting that the Town Board authorize the Town Manager to execute the contract with Kimley-Horn to design the operational improvements to the Highway 401 - Mill Creek Intersection. Prompt execution of these contracts is necessary to expedite Federal Funding Obligations.

A project ordinance in the amount of \$1,536,438.00, the Project's total estimated cost, was established during the Town Board Meeting on March 16, 2021. The Federal Highway Administration (FHWA) is providing 80% (\$1,229,151.00) of this Project's funding through the LAPP Grant Funding Program that requires a Town to provide the remaining 20% (\$307,287.00).

Unused 2015 Transportation Bond funds will fund the Town's local 20% match for this Project. As a result, the total completed contract cost for the design services provided by Kimley-Horn and Associates will total \$211,466.73. In addition, this contract includes an optional environmental coordination task if NCDOT requires additional studies. Based on the preliminary review of available imagery of the corridor, Kimley-Horn anticipates that the Project will not need additional environmental permitting, which will bring the total amount of the contract to \$203,692.12.

Discussion - Mayor Massengill thanked Engineering Director Poling for moving forward with this project and he asked what the time frame would be on the project. Engineering Director Poling stated that if we have construction authorization by the end of September, get construction funding obligated by October 1st, then the project would probably be done by the end of 2022 or first of 2023.

Commissioner Watson stated that with the addition to the shopping center this improvement is needed.

Town Manager Mitchell stated that the Town has six projects both roadway and pedestrian projects that have been delayed over the course of two years due to COVID, now these funds are being released, so staff will be bring those projects to the Town Board as they roll out.

Recommendation - Award a contract to Kimley-Horn and Associates for the design services of the US 401 & Mill Creek Operational Improvements Project in the amount of \$211,466.73 and authorize the Town Manager to execute the contract on behalf of the Town subject to the Town Attorney's review as to form.

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

OTHER BUSINESS

11A Manager's Report

Public Works Department - The Streets Department has received and is preparing for the dedication ceremony of the historic markers for the Fuquay Spring High School and the Fuquay

Consolidated School on Thursday, February 17, 2022, at the Arts Center at 10:00 a.m. The loose-leaf collection season is ending, and residents should resume calling in leaves as a yard debris request after next week.

Finance Department - The Finance Department is preparing for the upcoming budget process and the five-year plan. They are also assisting management with preparing financial data for the Town Board at retreat.

Arts Center - Arts Center recently hosted a magic show at the end of January. The first community theater performance of the season "Sylvia" will be held February 17 - 19th. The Arts Center Staff is currently enrolling for spring classes.

Parks and Recreation Department - The Parks and Recreation Department just completed youth sports registrations for the Spring. They have 3300 participants signed up which is a 20.5% increase from the Spring of 2020 which was the pre-COVID registration period. One of the new youth sports being offered is cross country with 100 registrants for this sport. Below are the registration totals for the following sports:

Baseball - 462	T-Ball - 210	Lacrosse - 60
Football - 446	Volleyball - 313	
Softball - 227	Soccer - 1500	

Late registration deadline is February 12th, so these numbers will likely increase.

Town Manager Mitchell reported that he along with Assistant Town Manager Mark Matthews, and Assistant Town Manager Jim Seymour attended the North Carolina City and County Manager Association conference last week and brought back some valuable information that includes professional development advancements in areas of attracting and retaining talent to the organization, workplace expectations and behaviors of Generation Z the new workforce which is also known as the rising generation. They received updates on ARPA (the American Recovery Plan Act), and from the NCLM (North Carolina League of Municipalities). They had session on affordable housing, growing communities, diversity and inclusion and leading with trust. He also stated that Assistant Town Manager Mark Matthews was a panel speaker and shared the Town's success in connecting with the public using video and social media. He stated that it was not going unnoticed by our peers and those around the state and country with

the way the Town communicates with citizens and interested stakeholders. The Town is continuing to see growth and appears that 2022 is not starting in a slower fashion than what we saw in 2021. He also stated that he, along with Assistant Town Manager Jim Seymour, and Public Utilities Director Mike Wagner attended the first meeting in Sanford with Town of Holly Springs, Pittsboro, and Chatham County for the water capacity expansion project. Staff is continuing to update the Town's Land Use Plan and work with the consultants to bring information to the Town Board to start conversations on the retooling. He reported that the process has begun for the new Police Chief search. Town Manager Mitchell advised that he will keep the Town Board updated on the progress of the new Police Chief search.

11B Financial Quarterly Report - 2nd Quarter FY 2022

11C. Project Status Report - February 2022

11D. Coffee with a Cop - Abode at Geneva Neighborhood - Tuesday March 1, 2022 - 9:00 - 10:30 am

11E State of the Town Address - March 7, 2022 - Town Hall Board Room - Live Stream and Zoom - 6:30 pm

BOARD MEMBER COMMENTS

Commissioner Gardner stated that she would like to commend the Police Department on the presentation and planning for the Police Chief Fahnestock's retirement. She stated that it was outstanding and very well deserved. She stated that Coffee with a Cop was very well attended. She thanked Mayor Massengill for the proclamation for Black History month and she looks forward to it being a tradition for the community each year. She then asked if the Dr. Martin Luther King Jr. Celebration had been rescheduled. Commissioner Harris stated that the event has been rescheduled to February 25th at the Arts Center from 6:00-8:00 pm.

Commissioner Harris stated that the North Carolina League of Municipalities is going to have their City Vision Conference in Wilmington on April 26-28, 2022, and he encouraged all Board members to attend if possible.

Commissioner Haynes echoed comments made by Commissioner Garner regarding the retirement event for Police Chief Fahnestock. He reported that he attended "Coffee with a Cop", which was a

good event, and it was well attended. He commended the Street and Debris Department on the loose-leaf collection which does a great job and they do it with pride. He also stated that he hosted his first "Meet and Greet" with citizens and will continue to host such events every quarter. He stated the Meet and Greet was well attended and one of the topics that came up was how citizen can get educated on topics like the budget process and other departmental functions. He suggested maybe doing a video and possibly something on Let's Talk FV so that citizens can thank employees that do an outstanding job.

Commissioner Watson commended Mayor Massengill for recognizing Black History month with a proclamation. She then stated that the Conflict-of-Interest Policy that was adopted tonight is a good tool to have for transparency. She reported that she attended the Coffee with a Cop event and that it was well attended. She also stated that she hosted "Coffee with a Commissioner" this past Sunday and she hopes to host these events every other month. She also stated that she has been meeting with the Department heads to become more educated on the work and function of each department.

Mayor Pro-Tem Smith (who attended virtually) did not provide comments.

Mayor Massengill stated that the Police Department did a fantastic job for the Police Chief retirement and that they received a lot of donations from local businesses for the event. He expressed his appreciation for the support they had shown during this event. He reported that there was a citizen committee that is assisting the Town Manager with the process for the hiring of the next Police Chief. He reported that the Town has had three snow events in the last three weekends and that the national news recognized one of our snowplows on TV for doing such a good job. He stated that he has started doing a video series of providing information to the public each month. He also mentioned that on February 15th the Chamber of Commerce will hold its Chamber Elected Official night and he encouraged everyone to attend.

The following items are Mayor Massengill's past and future events:

Past Events

1/19 - Chamber Board Meeting

1/19 - NC Transportation Summit Luncheon

1/19 - CAMPO Executive Meeting

1/24 - Tour of Southern Wake Academy

1/26 - FVDA Nominating Committee Meeting

Upcoming Events

2/8 - FVDA Board Meeting

2/8 - Speaking to Cub Scouts

2/15 - Elected Official Night at Chamber of Commerce

2/16 - CAMPO meeting

2/17 - Presentation of Consolidated School Historic Marker and Fuquay Springs High School
Historic Marker

2/21 - Wake County Mayor's Association Meeting

ADJOURNMENT

A motion was made to adjourn the meeting at 8:20 p.m.

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

The minutes from the February 7, 2022, Town Board of Commissioners regularly scheduled meeting are adopted this 22nd day of February in the year 2022 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA



J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)



Rose H. Rich, Town Clerk

