



Fuquay-Varina Town Board Meeting

February 16, 2021

John W. Byrne, Mayor
J. Blake Massengill, Mayor Pro Tempore
William H. Harris, Jason O. Wunsch, Marilyn B. Gardner
and Larry W. Smith, Town Board Members
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 Tuesday, February 16, 2021 at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor John W. Byrne, Mayor Pro Tem Blake Massengill, and Commissioners Bill Harris, and Larry Smith. Commissioner Jason Wunsch attended the meeting virtually. Commissioner Marilyn Gardner was absent. Also in attendance were Town Manager Adam Mitchell and Information Technology Director Scott Clark. Assistant Town Manager Mark Matthews, Assistant Town Manager Jim Seymour, Town Clerk Rose Rich, and Town Attorney James Adcock attended the meeting virtually.

CALL TO ORDER

Mayor Byrne called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

Commissioner Larry Smith provided the invocation and Commissioner William Harris led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Mitchell advised there is a public comment period at the beginning of the meeting as well as one public hearing. If the public wishes to address the Town Board either during the public comment period or the during scheduled public hearing, they will need to notify the Town host that they wish to speak. Those that wish to speak should press the "raise hand" button in the Zoom application or star 9 (*9) to raise hand via telephone. After an individual has raised their hand, they will enter a queue. When the public comment period or the public hearing begins Mayor Byrne will ask the Town host to recognize individuals to speak by calling out their name or the last four digits of their telephone number. Individuals will be unmuted at that time and allowed to address the Town Board at that time. Town Manager Mitchell stated that those speaking

should begin their comments by stating their name and address for the public record. The public is asked to keep all comments to three minutes so that all who wish to speak can be heard in a timely manner.

APPROVAL OF MINUTES

3A The February 1, 2021 minutes of the regularly scheduled meeting of the Town Board of Commissioners and January 29-30, 2021 Town Board Strategic Planning Retreat.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Smith

MOTION RESULTS: Passed Unanimously (4-0)

PRESENTATIONS

4A There were no presentations.

PUBLIC COMMENTS

5A Ms. Dawn Blagrove, Executive Director of Emancipate NC, P.O. Box 309, Durham, NC, 27702 addressed the Town Board. Ms. Blagrove stated that she was speaking as a friend and supporter of the Ziglar family, as well as a friend and a supporter of the community at-large who wants to see Police accountability and racial equity addressed in a "real and meaningful way". She asked the Town Board to honor the trauma that was caused to Malcom Ziglar by the Fuquay-Varina Police Department. She feels that there was a dereliction of duty and failure by the Chief of Police and the Police Department to live up to the standards of racial equity. She asked that the Town Board hold the Police Chief accountable to her words of reconciliation and equity. She also asked the Town Board to ensure that there is a cultural assessment done of the Police Department, create a board for oversight of law enforcement that will create equity and restore trust with the black and brown communities of Fuquay-Varina. Lastly, she asked; as a representative of people across the state who are unheard, to hear the black and brown folks in Fuquay-Varina, to respond to their trauma, and to create a city for them that is equitable and fair, where a 14-year-old child is not treated like an adult.

Mrs. Ty Ziglar, mother of Malcom Ziglar, 847 Red Oak Tree Drive, stated that she and her husband had to have a conversation with their son; to explain to him why a white teenager (Malcom's friend) and a black teenager (Malcom) can stand in the same yard being detained, while the white teenager can be heard by the Police Officer and was released; and on the other hand, the black teenager (her son) was searched, told that he was running his mouth and placed in the back of a police patrol car.

She stated that this experience has been devastating for her son and family. She explained how she feels that the Police Department failed her family in several ways during this event. She asked that the police officer bodycams be released without edits, that an independent citizen's review board be established to review citizen's concerns and police actions within our town. Mrs. Ziglar recommended that the Town follow the lead of the Town of Apex and show true transparency by having an independent cultural assessment that will help bring awareness to the things that are being done right and the things to be improved in the Fuquay-Varina Police Department. In closing she stated that it is her prayer that the event will be used for change, growth, and unity in Fuquay-Varina.

Mr. Kerwin Pittman, 201 Lane Street, Raleigh, NC 27601, spoke to the testament of the treatment of the Ziglar family as well as other voices in the Fuquay-Varina community that have been marginalized. Mr. Kerwin asked for a cultural assessment of Fuquay-Varina's Police Department, as well as an independent community oversight board, and issue swift policy changes.

After hearing from those who wished to address the Town Board on the matter, Commissioner Harris made comments. He stated that it is very unfortunate what has transpired, and his heart goes out to Malcom and the Ziglar family for the trauma that he experienced that day, knowing that it will be imprinted in his memory for a long time. This event has caused the Town to focus on what we need to do in our community to continue to try to build and partner stronger relationships with the law enforcement community. He stated that there are different viewpoints on what and how it transpired; and who was right and who was wrong, but one of the things that has polarized this issue is that it has been played out on Facebook and social media, and often that does not lend itself to sometimes factual information. He stated that those of us who are of African descent understand the experiences that happen at the hands of law enforcement and yet those of us who are in the public arena understand that law enforcement has a unique task. He stated that the Town Board has a Public Safety Committee whose purpose is to make recommendations and to hear issues as it relates to public safety. He recommends that the Public Safety Committee; whose members are Commissioner Jason Wunsch, chairman, Commissioner Marilyn Gardner and Commissioner William Harris, take up the matter and reach out into the community to have conversations about how to move the community forward, and make recommendations to the Town Board as needed. Members of the Town Board and the Town Manager concurred with the recommendation.

A motion was made to refer the matter to the Public Safety Committee as recommended.

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

ITEMS PREVIOUSLY TABLED

6A There were no agenda items previously tabled.

PUBLIC HEARINGS

7A Fiscal Year 2021-2022 Budget - Pre-Budget Public Input Hearing

Purpose - To receive comments from the public regarding matters related to the development of the Town's Fiscal Year 2021-2022 Budget.

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 agenda item and made the following remarks.

The Town of Fuquay-Varina staff is in the beginning stages of developing a draft operating and capital budget for the Fiscal Year 2021-2022. The purpose of the public hearing is to solicit and receive input and feedback from the community regarding priorities and specific programs and initiatives that the public would like for the Town Board and management to consider during the budget development process. The public is encouraged to offer input regarding projects, priorities, level of service, and fees. The public hearing is a courtesy that the Town Board extends to the public, however, is not a requirement prescribed by the North Carolina General Statutes. The intent is for the Governing Board to consider the information provided and afford the Board the opportunity to provide direction to staff as it pertains to the formulation of the annual budget plan. In addition to this public hearing, this year staff has expanded the opportunity for public input in advance of the annual budget development process by creating an online community survey. The survey aims to understand community priority related to a number of investment areas as well as provides an opportunity for the respondent to be specific as to any initiative or program they would like for the Town Board and management to consider. The survey may be accessed via the Town's website and will be promoted via the Town's social media pages. The survey will be available for Town residents

to respond to through the month of February. Management recommends holding the public hearing to receive input for development of the upcoming budget.

Public Hearing - The public hearing was opened. No one chose to provide input for the fiscal year 2021-2022 budget. The public hearing was closed.

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

Recommendation - No action recommended. The purpose of this hearing was to receive public comment in advance of developing the FY 2021-2022 Recommended Budget.

CONSENT AGENDA

8A Voluntary Annexation Petition - Currin Heirs, LLC, 0 Coley Farm Road - PIN 0656594461 - ANX-2020-13

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 March 1, 2021, following the receipt of a petition for voluntary annexation of property owned by Currin Heirs, LLC containing a total of approximately 20.380 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 March 1, 2021, for property owned by Currin Heirs, LLC - ANX-2020-13 as presented and recommended.

Resolution No. 21-1689

Resolution No. 21-1690

8B Voluntary Annexation Petition - Raleigh Home Group, LLC - PIN 0687209783 - 1994 NC Hwy 42, Willow Spring, NC - ANX-2020-15

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 March 1, 2021, following the receipt of a petition for voluntary annexation of property owned by Raleigh Home Group, LLC containing a total of approximately 0.6583 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 March 1, 2021, for property owned by Raleigh Home Group, LLC - ANX-2020-15 as presented and recommended.

Resolution No. 21-1691

Resolution No. 21-1692

8C Contract Approval - Audit of Fiscal Year Ending June 30, 2021 - Cherry Bekaert, LLP

Purpose - To approve year three of a three year awarded audit contract with Cherry Bekaert, LLP.

Recommendation - Approve and authorize management to execute the audit contract for year three of the three year awarded contract with Cherry Bekaert, LLP as presented and recommended.

8D Utility Agreement Allocation Request - Lakestone Subdivision, Tract 5

Purpose - To consider a Utility Agreement Allocation Request for the Lakestone Subdivision, Tract 5 for 10,800 gpd sewer and 12,960 gpd water.

Recommendation - Approve the Utility Agreement Allocation Request for Lakestone Subdivision, Tract 5 as presented and recommended.

8E Utility Agreement Allocation Request - Geneva Subdivision Phase 5 through 12

Purpose - To consider a Utility Agreement Allocation Request for the Geneva Subdivision Phase 5 through 12 for 73,440 gpd sewer and 87,840 gpd water.

Recommendation - Approve the recommended Utility Agreement Allocation Request for Geneva Subdivision Phase 5 through 12 as presented and recommended.

8F Utility Agreement Allocation Request - Oaks at Kenneth Creek

Purpose - To consider a Utility Agreement Allocation Request for the Oaks at Kenneth Creek Subdivision for 6,000 gpd sewer and 7,200 gpd water.

Recommendation - Approve the recommended utility allocation request for the Oaks at Kenneth Creek Subdivision as presented and recommended.

8G Budget Amendment - Recognize Funds - Police Public Safety Cadet Donations - Police Department - \$1,475.00 - BA 21-23

Purpose - To consider the adoption of a budget amendment that recognizes funds from a recent police department employee fundraiser for the Fuquay-Varina Police Department's Public Safety Cadet program.

Comments: Mayor Pro-Tem Massengill commended those who participated in the "No Shave November" fund raiser.

Recommendation - Approve Budget Amendment (BA-21-23) as presented and recommended.

8H NCDOT - Old Honeycutt Road Speed Limit Update and School Speed Limit Zone - South Lakes Elementary School

Purpose - To consider concurrence with the establishment of school speed limit zones in the vicinity of South Lakes Elementary School on Old Honeycutt Road and adopt a new 45 mph ordinance on Old Honeycutt Road from NC55 to Kennebec Road.

Recommendation - Adopt an ordinance concurring with the establishment of a school speed limit zone around South Lakes Elementary School on Old Honeycutt Road, repeal all existing 45 mph speed limit ordinances from NC55 to Kennebec Road and adopt a new 45 mph ordinance on Old Honeycutt Road from NC55 to Kennebec Road. Ordinance No. M-21-01

A motion was made to approve all items (8A and 8H) on the Consent Agenda.

MOTION Mayor Pro-Tem Massengill

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (4-0)

ITEMS REMOVED FROM CONSENT

There were no items removed from the Consent Agenda for separate consideration.

ADMINISTRATIVE REPORTS

10A Contract Award, Budget Amendment, and Project Ordinance - James A. Campbell Park Restroom - \$192,445 - BA-21-17

Purpose -To consider award of the James A. Campbell Park Restroom Project to Stewart Group Enterprises, LLC, approval of budget amendment BA-21-17 and a Project Ordinance.

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 information about the agenda item by making the following remarks.

James A. Campbell Park is located at 115 West Jones Street and currently includes a picnic shelter, playground, and paved parking. The 2014 Comprehensive Systemwide Parks, Recreation and Cultural Resources Master Plan identified the addition of a restroom facility at James A. Campbell Park and funding of \$85,000 was included in FY 2020 to build and onsite restroom to replace the portable toilet that currently serves the park. The Town solicited bids for the James A. Campbell restroom project in February of 2020 and received two bids for the project, the lowest bid for \$211,266. The original RFP also anticipated the use of Federal funds, and thus the need for Federal reporting requirements, which appeared to be a factor adversely impacting bids based on feedback from perspective bidders. Town staff rebid the bathroom project without Federal requirements and added the identical restroom for Willow Lakes Park in hopes that the two would leverage better competitive pricing and entice more contractors to bid. On May 15, 2020, the Town opened bids for the James A. Campbell Park and Willow Lakes Park restrooms and had a total of six bidders. On June 16, 2020, Town Management shared an update on recent bids for a "package" of two small public restrooms at James A. Campbell Park and Willow Lakes Park. The total low bid price for two restroom buildings was \$320,000, which would have required appropriation of about \$256,000 in Recreation Unit Fees not accounted for in the FY 2020 Budget or the FY 2021-2025 Five Year Plan. For this reason, Town management was not in position to recommend the award of a restroom bid and planned to revisit the assumptions and potential capacity or discussion of re-prioritization of the Five-Year Plan to accommodate additional permanent public restrooms. On July 13, 2020, the Town Board received an update that included a plan to provide for construction of permanent restroom facilities at Town parks that do not have them, beginning with James A. Campbell Park. Management and staff recommended design of a new, smaller footprint prototype appropriate for lower volume

Town parks. The Town formally rebid the James A. Campbell Park Restroom project as a single restroom utilizing the modified footprint and opened bids on Wednesday, October 10, 2020. The low bidder was disqualified as they did not provide a bid bond, which meant the lowest responsive bid was \$228,615. The Town rejected all bids as this amount was well over budget and significantly higher than Town management felt reasonable for the scope of the project. Since October 2020, Town staff have requested informal bids from past bidders on this project, contractors that have previously completed similar Town projects, and contractors that have expressed interest in doing work for the Town including historically underutilized businesses. In doing so, Town staff have consistently expressed interest in completing this project if it can be completed for a reasonable budget. During this informal bidding process, the Town received informal bids from US Structures, J Kester, and Stewart Enterprises LLC with Stewart Enterprises LLC submitting the lowest bid of \$183,281 for the project. The Town has previously worked with Stewart Enterprises LLC on the Splash Pad Restroom / Kiosk Project and the Council Gymnasium Restroom renovation and believes Stewart Group Enterprises LLC to be a reputable General Contractor. Town staff recommends awarding the James A. Campbell Park Restroom Project to Stewart Group Enterprises LLC and appropriating Recreation Unit Fees to fund the project. Town Management and staff recommend awarding a contract to Stewart Enterprises, as well as approval of a Budget Amendment and Project Ordinance reflecting a 5% contingency. This project will complete a project that has been included in the Parks, Recreation, and Cultural Resources Facility Master Plan for several years, and has significant community support.

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

Recommendation - Approve Budget Amendment BA-21-17 and a Project Ordinance for the construction of James A. Campbell Park Restroom in the amount of \$192,445 as presented and recommended. Authorize the Town Manager to execute a contract with Stewart Group Enterprises, LLC in the amount of \$183,281, subject to Town Attorney review as to form.

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

10B Fuquay-Varina Strategic Plan

Purpose - To consider adoption of the Town of Fuquay-Varina Strategic Plan.

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 information about the agenda item by making the following remarks.

At the 2020 Town Board Strategic Planning Retreat, the Town Board identified several trends expected to have a high impact on Fuquay-Varina in the next generation and set Town Management on a path to develop a formal strategic plan. As the Town faces current and new challenges and opportunities, strategic planning provides a framework for the Town to envision achievable goals informed by data and history, enact plans, and allocate resources to achieve these goals, and evaluate progress towards meeting the goals. The Town Board identified a Vision Statement, Mission Statement, and six core values during the Fall of 2020 and identified objectives and initiatives to advance each core value during the 2021 Town Board Strategic Planning Retreat. The Strategic Plan has five components. The vision statement captures what we aspire to be. The mission statement describes what the Town will do to realize the vision. Six core values are identified to inform and advance the mission statement. Several specific objectives, each with multiple initiatives are identified for each core value. Objectives and initiatives are goal statements focused on advancing the Town's mission around each core value. While some objectives and initiatives are ongoing or multi-year in nature, other objectives and initiatives will be revised and updated each year as prior objectives and initiatives are accomplished. Town management and staff will measure success by establishing performance targets associated with each initiative, while continually striving to improve the effectiveness and efficiency of Town services in advancing the Objectives and Initiatives of the Strategic Plan. To support the implementation of the Town Strategic Plan, each Town department has developed a departmental Strategic Plan. Departmental Strategic Plans are aligned with the organization-wide Town Strategic Plan, and identify specific, intentional efforts the department will take to support the Town Strategic Plan by promoting operational advancement and excellence in a changing context. While many contextual influences may fall outside a department's span of control, departments have developed goals focused on advancing the Town and department mission within the expected context. Management recommends that our community be our partners in advancing the Strategic Plan, by reviewing this document and contributing to the efforts necessary to achieve our shared goals. The Town is committed to transparency and will report on our successes and shortcomings on an annual basis on the Town website. Town Management commends our Mayor and Town Board for establishing a clear vision in developing this plan, and the many Town employees that have thoughtfully and tirelessly worked to develop the Town and Department

Strategic Plans. Through their focused efforts, management and staff will work to accomplish the goals of the Strategic Plan to make Fuquay-Varina a better place to live, work, and play.

Town Manager Mitchell then reviewed the vision statement, mission statement, core values, and core value objectives from the recommended strategic plan.

Discussion - Mayor Byrne stated that the plan is well rounded, and he appreciates having vital input on the plan from each member of the Town Board at the strategic planning retreat.

Recommendation - Adopt the Town of Fuquay-Varina 2021-2025 Strategic Plan as presented and recommended.

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

OTHER BUSINESS

11A Town Manager's Report

A brief report on the following was provided:

Public Works

Town Manager Mitchell reported that a record setting 60 tons of recyclable materials were collected on January 6, 2021, from the Blue Route for the Town's Recycling Program, breaking the previous record by 3 tons.

Finance Department

Town Manager Mitchell reported that the Finance Department has officially started the new budget season, and he will be bringing back proposed dates for some time in April for the Budget Workshop.

Parks & Recreation

Town Manager Mitchell reported that the department was doing their best to manage the impact of recent heavy rain and its effects on the Winter Sports Program while also preparing for the Spring Sports season. The final day of late registration was this past weekend, and we should have some numbers at the next meeting for registrations.

Inspections Department

Town Manager Mitchell reported that the Inspections Department has issued 81 new single-family permits so far for the month of February.

Public Utilities

Town Manager Mitchell reported that the Town will open bids on March 4, 2021 for the replacement of various waterlines. The project will include replacing waterlines on Clifton, Blanchard, Faucet and Raleigh Streets and a new larger line on a portion of Academy and Main Street as well as on Mims Road to improve available fire flow to a couple of subdivisions in that area.

- 11B Financial Quarterly Report - 2nd Quarter FY 2021- the budget is trending at or better than plans.
- 11C Wake County - COVID-19 Testing Site - South Park - February 15-21, 2021 - Monday and Sunday 11-4 pm and Tuesday-Saturday 8:30 am - 4:30 pm
- 11D State of the Town Address - March 1, 2021 - Town Hall Board Room - Live Stream and Zoom - 6:30 p.m.
- 11E Zoning Map Amendment - Wilbon Properties, LLC - 210 & 0 Coley Farm Road and 0 Longfellow Street - PINs 0656583491, 0656594461, & 0656690567 - REZ-2020-17 - (Mitchell/Seymour/Davison) - (FIRST READING)
- 11F Zoning Map Amendment - Raleigh Home Group, LLC - 1994 NC 42 Highway - PIN 0687209783 - REZ-2020-21 - (Mitchell/Seymour/Davison) - (FIRST READING)
- 11G Zoning Map Amendment & Land Use Plan Amendment - Fuquay Warehouse & Storage, LLC - 6109 S NC 55 Highway & 1206 NC 42 Highway - PINs 0677203753 & 0677208852 - REZ-2020-22 - (Mitchell/Seymour/Davison) - (FIRST READING)
- 11H Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #13 - CTA-2020-07 - (Mitchell/Seymour/Davison) - (FIRST READING)

BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill - No Comments

Commissioner Smith - No Comments

Commissioner Harris - No Comments

Commissioner Wunsch - No Comments

Commissioner Gardner was absent.

Mayor Byrne stated that the upcoming State of The Town address will be very interesting because of all that took place in 2020. He also reported that the downtown kiosks are being utilized by the public.

Mayor Byrne then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

2/2 - Senator Batch Video Call

2/2 - Police Oath of Office

2/4 - Centennial Authority Meeting

2/5 - Metro Mayors Weekly Legislative Update Call

2/10 - Teams Video Meeting with Southern Wake Academy Leadership

2/12 - Metro Mayors Weekly Legislative Update Call

2/15 - Wake County Mayor's Association Meeting

Upcoming Events

2/17 - Police Oath of Office

2/2 - CAMPO Meeting

2/23 - Fuquay-Varina High School Focus Group Meeting

2/26 - Metro Mayors Weekly Legislative Update Call

ADJOURNMENT

A motion was made to adjourn the meeting at 8:10 p.m.

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

The minutes from the February 16, 2021 Town Board of Commissioners regularly scheduled meeting are adopted this 1st day of March in the year 2021 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST

(TOWN SEAL)

Rose H. Rich, Town Clerk

