



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
FEBRUARY 19, 2019

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on February 19, 2019 at 7:03 p.m.

Commissioners Present: Bill Harris
Marilyn Gardner
Jason Wunsch
Larry Smith

Commissioners Absent: Blake Massengill (Mayor Pro-Tem)
(*scheduled vacation*)

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Wunsch provided the invocation and Commissioner Smith led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The February 4, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

PRESENTATIONS

Agenda Item No. 4.A: Update - Wake Transit

Town Manager Mitchell gave a PowerPoint presentation regarding an update for Wake Transit. He stated that the Wake Transit Plan was adopted by the governing boards of GoTriangle, CAMPO, and the Wake County Board of Commissioners, which includes a Financial Plan and Transit Governance Interlocal Agreement. The Governance agreement includes creation of the Transit Planning Advisory Committee (TPAC) of which Assistant Town Manager Mark Matthews and Senior Long-Range Planner Akul Nishawala represent the Town of Fuquay-Varina on the committee. There are four goals or "big moves" that come out of the Transit Plan and that is to 1.) connect the region, 2.) connect all Wake County communities, 3.) create frequent reliable urban mobility and 4.) to enhance access to transit. The plan to achieve those goals is to increase bus service, improve bus stops and shelters, implement bus rapid transit (BRT) and to build a 37-mile commuter rail system. The primary funding source is the Wake Transit Referendum that was approved by voters in 2016 to increase sales tax by ½ cent. This will supplement vehicle registration fees, vehicle tax revenues, federal/state contributions, existing local revenues that fund transit, and bus/trail fares. \$2.3 billion will be invested in the plan over the next 10 years.

Town Manager Mitchell then reviewed the draft FY 2020 Wake Transit Work Plan that anticipates total revenues and expenditures of \$163.4 million. He stated that GoTriangle will improve four (4) park-and-ride facilities. One of the improvements is the park-and-ride at the Food Lion at Hilltop Shopping Center in Fuquay-Varina will be relocated to Wake Tech's Campus, allowing Fuquay-Varina Express (FRX) passengers to access Wake Tech directly. The other park-and-ride projects will be located across Wake County at other existing GoTriangle park-and-ride facilities, determined by an ongoing feasibility study. The investment will provide amenities such as: enhanced shelter, bench, lighting, trash bins, maps and cases, signage, emergency phone, security cameras and bike storage. GoTriangle will fund this project in FY 2020 at a cost of \$333,000 and FY 2021 programmed cost of \$415,075. The funding source for these funds will be from the Wake Transit Tax proceeds and the project will start in July 2019. He then reviewed the FY 2020 Work Plan Draft approval timeline, stating that the FY20 draft was released to the public on February 1, 2019 at which time the public comment period opens. The public can review the work plan and submit comments at GoForwardNC.org/WakeTransit. The public comment period ends March 3, 2019. In April 2019 TPAC will incorporate feedback and will prepare the recommended Work Plan to forward to the CAMPO and GoTriangle boards for

consideration. CAMPO will hold a public hearing during the regularly scheduled board meeting in May or June 2019. CAMPO and GoTriangle will vote on the FY20 Work Plan by June 30, 2019, then upon the plan's approval, agencies will provide new and expanded routes and services and studies will continue for long-term investments.

Town Manager Mitchell also provided information on the Community Funding Area Program (CFAP). He stated that the program allocates funding for transit projects and is overseen by TPAC with management and direction by CAMPO. The program leverages Wake Transit tax revenue and local funding to develop community-based public transportation, make transit supportive investments in Wake County municipalities that otherwise will have limited fixed-route service through the Wake Transit Plan. Microtransit uses would replace and supplement the dial-a-ride (GoWake Access) and supplement for fixed-route service in off-peak hours. It is also considered an on-demand transportation mode that leverages dynamic modeling, smaller vehicles and innovative technology to augment and complement traditional fixed-route transit services. He stated that on January 25, 2019 the Town of Fuquay-Varina submitted an application for funding in the amount of \$25,000 for a microtransit planning feasibility study in partnership with Wake County. If awarded, the local match for funding for the Town of Fuquay-Varina would be \$7,250 and a local match for Wake County would be \$5,250. Funding allocation would be available July 2019. The Town Board received the report.

PUBLIC COMMENTS:

Kathy Cox, 513 Corwood Drive, spoke in support of Wake Transit Plan and urged the Town Board to provide funding for an extended bus service. She also stated that she supports the concept of a park at Crooked Creek.

Paula Seldes, 1205 Poplar Ridge Road, stated that she appreciates every effort of support for the Wake Transit Plan.

ITEMS TABLED FROM PREVIOUS MEETING:

There were no items tabled from a previous meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Fiscal Year 2019-2020 Budget – Public Input Hearing

Purpose – To receive comments from the public regarding matters related to the development of the Town’s Fiscal Year 2019-2020 Recommended 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 advised that while the Town is not required to hold a public hearing in advance of the proposed fiscal year budget, that it has been a long standing practice by the Town and good public policy to afford the public an opportunity to address the Town Board in advance of the annual budget development process and provide input as to the subjects and specific projects that they would like to see the Town Board consider.

Public Hearing – The public hearing was opened. Nolan Perry, member of the Board of Directors for the Fuquay-Varina Chamber of Commerce thanked the Town Board for prior funding of the Chamber and stated that the Chamber looks forward to continued partnership with the Town. Steve Kish spoke on behalf of the Active Adult Task Force and stated that he would like to see a feasibility study done for a Senior Center that could solely address recreational needs of the growing active senior population. He also recommends that for future town developments be required to have solar panels installed to become energy independent. The public hearing was closed.

Discussion – There were no discussion from the Board.

Recommendation – As the purpose of this hearing is to receive public comment in advance of developing the FY 2019-2020 Recommended Budget, no action was required or taken by the Board.

CONSENT AGENDA

Agenda Item No. 8.A: Use of Town Property - Heritage Day 2019 - Friends of the Museum - Museums at Ashworth Park and Library Park - May 4, 2019

Purpose – To consider a request by the Friends of the Museums to use the Museums at Ashworth Park and Library Park for Heritage Day on May 4, 2019 and the first Saturday in May in each year to follow until no longer hosting the event.

Recommendation – Approve the request for use of the Museums at Ashworth Park and Library Park for Heritage Day by the Friends of the Museums on May 4, 2019 and the first Saturday in May of each year to follow as presented and recommended. The motion is subject to the Town Board of Commissioners reserving the right to rescind approval with 120 days advanced written notice, the Friends of the Museums remaining the event organizer, and the event layout, components, and timeframe being provided by the Friends of the Museums and approved by the Town Manager and/or his designee on an annual basis.

Agenda Item No. 8B: Voluntary Annexation Petition - SDG FQV, LLC
(Powell Square Apartments) - 4850 Old Powell Road
- PIN 0657576829 - ANX-2018-26

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 March 4, 2019 following the receipt of a petition for voluntary annexation of property owned by SDG FQV, LLC (Powell Square Apartments) located at 4850 Old Powell Road, containing a total of 26.592 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 4, 2019, for property owned by SDG FQV, LLC (Powell Square Apartments) (ANX-2018-26) as presented and recommended.

Resolution No. 19-1581
Resolution No. 19-1582

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

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

ADMINISTRATIVE REPORTS

There were no Administrative Reports for the February 19, 2019 Town Board meeting.

OTHER BUSINESS

A. Manager's Report –

- *Reported that the Planning Department has a new hire, Rich Johnson, for Code Compliance Officer.*
- *Reported that staff has continued to prepare and develop information to provide to Triangle J as they prepare to kick off their Brownfields Consortium Initiative*
- *Reported that staff has submitted the annual fire budget to Wake County for their review and consideration*
- *Reported that the Mayor, Jay Meyers and he conducted a tour of the Terrible Creek WWTP for Southport who is looking into a new plant.*
- *Reported that the Finance Director is looking into refinancing general obligation bonds that were issued in the past and additional information will be brought to the Board in the future if the opportunity appears worth pursuing*
- *Reported that interviewing for the new Finance Director starts next week.*
- *Reported that staff is testing new timesheet software for employees*
- *Reported that the Police Department participated in the Polar Plunge and raised over \$12,000 for the Special Olympics*
- *Police Chief Fahnstock announced that Fuquay-Varina is in the top 10 cities in North Carolina for the safest city as ranked by SafeWise.*
- *Reported that a new police officer was recently hired*
- *Reported that Town Manager Mitchell, Jay Meyers and Samantha Smith met the Town of Angier to discuss the previously expired annexation boundary agreement*
- *Reported that staff is getting ready for the Town Retreat and if the Board has any specific topics they would like to discuss at the retreat, please let Town Manager know*

B. Willow Lakes Park Update – Town Manager Mitchell advised that Town staff and Wake County Public School System staff continue to evaluate bids for the project and are evaluating how to leverage the most out of the project in the initial phase of construction. He advised that he report more to the Board as further review takes place.

C. Wake County Public School System – M-14 Middle School Update- Town Manager Mitchell stated that he recommends the new middle school be named Herbert Akins Middle School. He advised that other names being considered by the school system are Bass Lake Middle School and North Fuquay-Varina Middle School. He also recommended that Herbert Akins Road Elementary School be changed to delete the word "Road" from the school name since the configuration of Herbert Akins Road is changing. The Town Board agreed by general consent.

D. Financial Quarterly Report – 2nd Quarter 2019

- E. State of the Town Address – March 4, 2019 – Town Hall Board Room – 6:30 pm
- F. Art Center Update – March 11th will be the soft grand opening.
- G. Terrible Creek Wastewater Treatment Plant – Ribbon Cutting – March 21, 2019 – 3:00 pm

Added Item: Town Manager Mitchell then referred to a letter from the Wake County Manager David Ellis dated February 19, 2019 as well as a resolution adopted by the Wake County Board of Commissioners to donate ten (10) tracts of real property (the former Crooked Creek Golf Course property), comprised of approximately 143 acres, to the Town of Fuquay-Varina and/or Wake County Public School System. He recommended the Town Board vote by motion, if it is their desire, to instruct the Town Manager and Town Attorney to engage in conversations and dialogue with the County Manager and County Attorney to negotiate the terms and conditions of a property conveyance and acceptance agreement.

The recommended motion was to negotiate the terms and conditions of a conveyance and acceptance agreement for the Crooked Creek property from Wake County to the Town of Fuquay-Varina to include the following:

The only possible restrictions tied to the conveyance of the property be as follows:

- a) The property be preserved in perpetuity as open space and/or for public purpose
- b) The property be preserved as open space until which point the Town is ready to develop the property for a public purpose which may include but is not limited to a public park or public facility
- c) The Town will provide a joint use and/or a cross access easement to the Wake County Public School System to support and plan a future elementary school site for access and design flexibility
- d) The acceptance of the property is based on the understanding that the Town is not accepting the property for immediate public use
- e) The acceptance of the property is based on the understanding that land maintenance and mowing activities will be minimal.
- f) The acceptance of the property is based on the understanding that when the Town becomes ready to develop the property the Town will undergo a master planning process which identifies what uses would be made on the property when sufficient funding is identified, these uses could include passive recreation, active recreation, and other municipality facilities, for example a community center or fire station. Based on the financial outlook of the Town and other projects already committed to in the Parks, Recreation and Cultural Resources Facility Master Plan; there are no immediate plans for the subject property

and development of any park on the property is not expected for 6 (six) or more years

- g) The acceptance of the property is based on the understanding that the Town is seeking the entire property, all 143 acres to provide design flexibility and development feasibility for future Town uses which may be active in nature.

Discussion – Commissioner Wunsch asked if the County has offered any additional funding for a park. Town Manager Mitchell stated that the County has not offered additional funding for the project, just the property that they paid \$4 million for. Commissioner Harris asked about plans for land maintenance. Town Manager Mitchell stated that the Town does not have a detailed maintenance plan, but it will likely not be maintained to the standard that Wake County has planned for at a cost of \$70,000 per year. Commissioner Gardner asked if there would be any evaluation of the property before acceptance. Town Manager Mitchell stated that staff plans to evaluate the property. Town Manager Mitchell then recommended that staff meet with the Crooked Creek Homeowners Association to make them aware that there are no immediate plans for use of the property and no plans or funding identified for the development of the property before accepting the property. The Town Board concurred.

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

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill was not in attendance.

Commissioner Smith stated he enjoyed the Chamber of Commerce Business After Hours event. He also enjoyed the American Legion event on Valentine’s Day.

Commissioner Harris stated that he enjoyed the Chamber Business After Hours event. He also stated that he participated in the Black History Month program at the Pine Acres Community Center this past weekend.

Commissioner Wunsch apologized for missing some of the events lately due to school and finishing up pursuing his MPA degree this May. He also stated that he was impressed with the beautiful new Art Center and he looks forward to its grand opening.

Commissioner Gardner stated she enjoyed the Chamber of Commerce Business After hours event. She thanked the staff and leadership of the Town for everything they do.

Mayor Byrne stated that he is very excited about the new Arts Center and he reported information regarding past and upcoming events as follows:

Past Events

- 2/7 – PNC Arena Centennial Authority Meeting
- 2/7 – Chamber of Commerce Elected Officials Reception
- 2/12 – Tour of the Terrible Creek Wastewater Treatment Plant by Southport Manager and Board

Up Coming Events

- 2/20 – Campo Meeting
- 2/20 – NCLM State and Town Dinner
- 3/1 – Steering Committee Wake County Health
- 3/2 – Chamber Banquet
- 3/4 – State of the Town Address – 6:30 pm

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 8:23 p.m.

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

RETURN TO OPEN SESSION

Commissioner Gardner asked about the status of the lawsuit filed by the Crooked Creek Homeowners Association as it relates to rescinding their restrictive covenants. The Homeowners has asked that the County reinstate their restrictive covenants prior to conveying the property to the Town. Town Manager Mitchell stated that he recommends that the Town not accept the property if the restrictive covenants are reinstated.

ADJOURN

A motion was made to adjourn the meeting at 8:45p.m.

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

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

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)



Rose H. Rich, Town Clerk