



Fuquay-Varina Town Board Meeting

February 21, 2023

J. Blake Massengill, Mayor
Larry Smith, Mayor Pro-Tem
William H. Harris, Commissioner
Marilyn B. Gardner, Commissioner
Bryan Haynes, Commissioner
Vacant Seat - 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 Tuesday, February 21, 2023, 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, and Commissioners Marilyn Gardner (arrived at 7:38), William Harris, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Mark Matthews, Assistant Town Manager Jim Seymour, Deputy Town Clerk Teresa Wilder, Town Attorney James Adcock, IT Director Scott Clark, and various other department directors.

CALL TO ORDER

Mayor Massengill called the meeting to order at 7:00 pm.

INVOCATION AND PLEDGE

Mayor Pro-Tem Larry Smith, provided the invocation and retired Police Chief Laura Fahnestock led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Adam Mitchell reviewed the meeting protocol noting that the meeting was both in-person and live streamed on the Town's YouTube Channel and Facebook.

APPROVAL OF MINUTES

3A The February 6, 2023, minutes of the Town Board of Commissioners regularly scheduled meeting.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (3-0)

PRESENTATIONS

4A Presentation - North Carolina League of Municipalities Law Enforcement Risk Review - Fuquay-Varina Police Department

Purpose – To receive a presentation of findings from an external law enforcement risk review by the North Carolina League of Municipalities.

Staff Comments – Police Chief Brandon Mediana 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 law enforcement risk review is intended to assess an agency's adherence to best practices, court decisions, and policies and procedures related to high-liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures are meeting industry standards. The risk management review was designed and peer-reviewed by a panel of police chiefs representing a cross-section of N.C. law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

Matthew Selves, Public Safety Risk Management Consultant with the North Carolina League of Municipalities, recently completed an assessment of the Fuquay-Varina Police Department's adherence to best practices, court decisions, and policies and procedures related to high-liability activities. The findings revealed the police department is in compliance and is adhering to best practices.

Chief Medina thanked everyone for allowing and directing the Police Department to conduct this risk review that was started under Chief Laura Fahnestock. He recognized Lieutenant Mike McDonald for all his hard work to make sure the policies and procedures exceeded the expectations of the risk review.

Matthew Selves, Law Enforcement Risk Management Consultant with the North Carolina League of Municipalities, stated this process involves a comprehensive agency review of high risk policies, operations and practices and includes a detailed on site agency administrative and operations review. It also includes looking at the facility, looking at equipment, officer interviews, facility inspections, and operations of procedures to validate the practices. The NCLM also looks at 39 different categories. He reported that the Fuquay-Varina Police Department has successfully completed the Law Enforcement Risk Review process. He thanked Police Chief Brandon Median and his staff for being willing to participate in the initiative and being very open and transparent during the whole process. He presented Chief Medina with a plaque for completing the Law Enforcement Risk Management Review.

Mayor Massengill thanked the Police Department for participating in this initiative and he read the plaque from the North Carolina League of Municipalities that was presented.

Commissioner Harris acknowledged that is a culmination of the outcome that initially was a very intense conversation about some citizens wanting an assessment of the police department. He stated that a lot of those issues were around the use of force in the department. He reported that he encouraged the assessment and was glad that it was successful. He stated that the assessment was comprehensive, and it answered a lot of questions or doubts that citizens may have had about the police department. He reported that he would like for the report to be available to citizens who may want to read it in detail.

PUBLIC COMMENTS

- 5A Brian Babcock, 516 Broad Street expressed his concerns in opposition to the Social District proposal that is scheduled for consideration by the Town Board at the March 6, 2023 meeting.

Mayor Massengill asked Commissioner Haynes if he had comments to make at this time.

Commissioner Haynes stated he previously informed the Town Board that he will be out of the country for the March 6th Town Board meeting when the Town Board is scheduled to consider the Social District proposal. He then offered a motion that the Fuquay-Varina Downtown Social Districts matter be tabled for consideration at the March 21, 2023, Town Board meeting.

Commissioner Harris seconded the motion. The motion passed unanimously by a vote of 3-0.

ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled for the February 21, 2023, Town Board meeting.

PUBLIC HEARINGS

7A Fiscal Year 2023-2024 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 2023-2024 Budget.

Staff Comments – Finance Director JoAnne Crabtree entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She recognized Budget and Fiscal Strategy Manager Katie Lumb, who has worked extremely hard to help with the budget process. She also reported that the Town was awarded the Government Financial Officers Association Budget Award for Fiscal Year 2022-2023. She 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 proposed operating and capital budget for Fiscal Year 2023-2024. 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, the Town is seeking input from the public by accepting comments through the Let's Talk FV Community Engagement tool. The survey was promoted on the Town's website and social media pages. The survey went live on January 17 and will be available for Town residents to respond to through February 21, 2023.

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 make comments regarding the Fiscal Year 2023-2024 Budget. The public hearing was closed.

Discussion – Mayor Massengill stated that there are multiple ways for the public to have input on the budget up until the budget is adopted in June.

Recommendation – No action recommended.

7B Voluntary Annexation Petition - Jeremy Whipple (Whipple Auto Sales) - 3800 Opportunity Lane - PIN 0689758683 - ANX-2022-13

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 New Providence Baptist Church, located at 4813 & 4807 Hilltop Needmore Road, PINs 0687545736 and 0687549709, containing approximately 19.733 acres, and to approve the Declaration of Annexation Agreement signed by the property owner.

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 information about the agenda item by making the following remarks.

The subject property is non-contiguous to the Town's corporate limits containing 2.72 acres. Town water and sewer are available to the subject property. A fire flow test was conducted, resulting in an adequate fire flow of 1,042 gallons per minute. Due to this being a commercial property, the Town will not provide trash or recycling services.

During the February 6, 2023, 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 the public hearing for the February 21, 2023, Town Board meeting.

Public Hearing – The public hearing was opened. Chris Rurkowski with TMTLA Associates, 5011 Southpark Dr. Ste 200, Durham, NC 27713, spoke in favor of the request. No one spoke in opposition to the request. The public hearing was closed.

Discussion – Mayor Massengill asked about the water line on Main Street. Planning Director Davison stated that there is a water line on Main Street and Opportunity Lane. She reported that sewer is also available. Mayor Massengill stated that there will be over a million dollars coming into our tax base from this annexation if approved by the Town Board.

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Jeremy Whipple (Whipple Auto Sales) (ANX-2022-13) as presented and recommended.

MOTION: Commissioner Haynes

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (3-0)

Ordinance No. N-23-04

CONSENT AGENDA

- 8A. Resolution - Preliminary Findings - Intent to Issue 2/3 GO Bonds - Authorization to Submit Application to LGC - (Crabtree)

Purpose – To consider adoption of a resolution stating the intent to issue 2/3 GO Bonds and authorize the Finance Director to complete the application to the Local Government Commission for approval.

Recommendation – Approve a Resolution stating the Intent to Issue 2/3 General Obligation Bonds for Public Facilities and Authorize the Finance Director to proceed with the application for LGC approval as presented and recommended.

Resolution No. 23-1790

- 8B. Resolution - North Carolina Department of Transportation (NCDOT) Maintenance Acceptance - NW Judd Parkway

Purpose – To consider adopting a resolution transferring maintenance responsibility of NW Judd Parkway to NCDOT.

Recommendation – Adopt a resolution transferring maintenance responsibility of NW Judd Parkway to the North Carolina Department of Transportation.

Resolution No. 23-1791

- 8C. Fee-In-Lieu - Faith Development Studio Project

Purpose – To consider approval of a fee-in-lieu payment for certain roadway improvements related to the Faith Development Studio project in the amount of \$27,776.70.

Recommendation – Approve a total of \$27,776.70 as payment-in-lieu for roadway improvements associated with the Faith Development Studio project as presented and recommended.

8D. Fee-In-Lieu - Providence Oaks Subdivision - Fuquay-Varina Parkway

Purpose – To consider approval of the fee-in-lieu for certain roadway improvements related to the Fuquay-Varina Parkway, as part of the Providence Oaks Subdivision, in the amount of \$2,631,778.02.

Recommendation – Approve a total of \$2,631,778.02 as payment in lieu for roadway improvements associated with the Providence Oaks Subdivision as presented and recommended.

8E. Special Event and Amplified Sound Permit Application - Fainting Goat - St. Baldrick's Foundation Fundraiser - March 11, 2023

Purpose – To consider a special event and amplified sound permit request for the St. Baldrick's Foundation fundraiser at the Fainting Goat Brewery scheduled for Saturday, March 11, 2023, as presented and recommended.

Recommendation – Approve the special event and amplified sound permit request for the St. Baldrick's Foundation fundraiser at Fainting Goat Brewery scheduled for Saturday, March 11, 2023 as presented and recommended.

8F. Abandonment of Public Right-of-Way - Resolution Declaring the Intent to Close a Portion of Ideal Lane - (SC-2023-01)

Purpose – To consider a resolution declaring the intent to abandon a public street right-of-way along Ideal Drive, approximately 985 linear feet, following an application submitted by FV Retail, LLC.

Recommendation – Adopt the Resolution declaring the intent to close a portion of Ideal Lane (approximately 985 linear feet) from its dead end at the Norfolk Southern Railroad to right-of-way reserved for the future Wallace Adcock Boulevard, as presented and recommended.

A motion was made to approve Consent Agenda Items 8A-8F.

MOTION Commissioner Harris

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (3-0)

Mayor Massengill made reference to Consent Agenda Item 8B - Maintenance acceptance of NW Judd Parkway. He stated that the Town built the road and NCDOT will pay the maintenance which will free up Town funds for other road projects. Town Manager Mitchell agreed, and he stated that the goal is for NCDOT to take ownership of the perpetual maintenance and responsibility of the roadway.

Mayor Massengill then made reference to Consent Agenda Item 8F - Abandonment of public right-of-way – A resolution declaring the intent to close a portion of Ideal Lane. He asked if the improvements are coming to Mill Creek Road, Highway 401 and Wallace Adcock Blvd. Town Manager Mitchell stated that the Town is taking the steps to allow for construction to commence on those roadway projects as well as the future Gold Leaf Crossing Shopping Center. Mayor Massengill stated the Town received a grant to build part of that road of \$9 million and it will help relieve the bottleneck at the Five Points intersection. Mayor Massengill asked what the target date was to start construction of the roadway. Town Manager Mitchell stated that it was late spring to early summer, 2023.

ITEMS REMOVED FROM CONSENT

9A There were no items removed from the Consent Agenda for separate consideration.

ADMINISTRATIVE REPORTS

10A There were no administrative reports for the February 21, 2023 Town Board meeting.

OTHER BUSINESS

11A Manager's Report

Town Manager Adam Mitchell gave the following updates:

- Economic Development – The Economic Development Department will have a Community Engagement Session for the Downtown Generation Master Plan on March 23rd from 5:00-8:00 pm at the Arts Center.
- Engineering – The Engineering Department Director Matt Poling attended the State's Sedimentation Control Commission meeting, and their staff gave positive feedback for the Town's local erosion control program and voted to continue delegation of that program to the Town.
- Parks & Recreation – The Parks & Recreation Department hosted their first "Daddy-Daughter Dance" on February 17th with 130 participants. The recreation program participation has seen an increase of 100% in registration in 2022.
- Public Works – The Sanitation Department received the second new garbage truck budgeted for this year. The Street Department managed repairs for two failing storm drains that were discovered through a focus on aging stormwater infrastructure. The Debris Department is collecting debris quantity data to help improve safety, efficiency and quality of collection procedures in order to provide the highest level of service to our customers.
- Finance – The Finance Department recently solicited bids for audit services and will be bringing recommendations to the next Town Board meeting. As it pertains to the budget management and staff is reviewing what Directors have requested.
- Arts Center – The Arts Center show of Magic by Josh Lowe is sold out for this weekend. He reported that tickets are currently available for "Fire of Freedom" featuring Mike Wiley on March 3rd. He also reported that summer camp registration is open with 11 weeks of art camps and four weeks of musical theater camps.
- Fire Department – The Fire Department is teaming up with the Police Department along with the "Sleep in Heavenly Peace" program to host a friendly competition of building beds for children in need on May 6th. He stated that steel beams are going up on Fire Station #4 construction with the good weather we have been having.

11B Financial Quarterly Report - 2nd Quarter FY 2023

11C Arts Center - February 25, 2023 at 7:30 pm - Life is Magic - Illusionist Joshua Lozoff

- 11.D Coffee with a Cop - Eggs Up Grill - 1436 N. Main Street - Tuesday March 7, 2023 - 9:00 am - 10:30 am
- 11.E State of the Town Address – March 6, 2022 - Town Hall Board Room - 6:30 pm
- 11.F Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #22 - CTA-2022-08 - (FIRST READING)

BOARD MEMBER COMMENTS

Commissioner Gardner stated that she was busy at her work office, and she is sorry for arriving late to the meeting. She stated that she will be distributing the Town Manager's appraisal/annual review packets to the Town Board to hopefully conduct the review in April this year.

Commissioner Harris reported that he was elated about the retreat and the information that was presented. It was very well explained and a lot of information was prepared by management and staff. He stated that he was invited by Fuquay-Varina High School to attend their Black History Month Celebration which was a well-planned event that he enjoyed.

Commissioner Haynes agreed with Commissioner Harris regarding the Town Board Retreat. He thanked staff and management for all their hard work in preparing all the information that was presented. He also reported that on his way back from the Town Board Retreat he was receiving text messages that the Fuquay-Varina Police Department was at Pine Acres Community Center helping to pass out food and he thanked them for volunteering their time. He reported that he along with Commissioner Harris were part of a historic event that recently took place where members of the Golden Star Lodge #150 fellowshipped with the Fuquay Masonic Lodge #258, breaking color barriers that had existed for years.

Mayor Pro-Tem Smith stated that he agreed with Commissioner Harris and Haynes regarding the Town Board Retreat and that it was very well organized and covered so much information. He is proud of the good plans that were laid out and the direction that the Town is headed.

Mayor Massengill gave some highlights from the Town Board Retreat.

- Infrastructure was talked about and setting the Town up for the future expansion of water and sewer so the Town can recruit some of the high-end commercial development that the Town wants.
- Current and future road projects that will be under construction.
- Quality of life with regards to Parks and Recreation programs, facilities and outdoor programming.
- Economic Development in regard to the next opportunities for the Town to recruit good businesses, and to retain our existing businesses.

He thanked management and staff for the work that went into the Town Board Retreat. He reported that a variety of schools are having reading events and it is always good to interact with the students. He also reported that he went by Fire Station #4 and there must be a 100 people out there working and hopefully with the good weather they can catch up on the construction schedule.

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

Past Events

- 2/14 – FVDA Board Meeting
- 2/15 – Chamber Board Meeting
- 2/15 – CAMPO Meeting
- 2/17 – Metro Mayors Call
- 2/20 – Wake County Mayor's Association Meeting

Upcoming Events

- 2/22 – Chamber Business After Hours – Elected Officials – Gold Leaf Collective
- 2/22 – NCLM Town & State Dinner – Raleigh
- 2/23 – TCC Annual Meeting
- 3/1 – Kid Shadow – Michael Favreau
- 3/3 – Ballentine Elementary Ready Initiative
- 3/3 – Metro Mayors Call
- 3/3 – Read at Herbert Akins Elementary School
- 3/3 – Judge for Talent Show at Herbert Akins Middle School
- 3/6 – State of the Town

CLOSED SESSION

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

A motion was made to conduct a closed session meeting at 7:50 p.m.

MOTION: Mayor Pro-Tem Smith
SECOND: Commissioner Haynes
MOTION RESULT: Passed Unanimously (4-0)

RETURN TO OPEN SESSION

The Town Board returned to open session at 7:59 p.m. with nothing to report out of closed session.

ADJOURNMENT

A motion was made to adjourn the meeting at 7:59 p.m.

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

The minutes from the February 21, 2023, Town Board of Commissioners regularly scheduled meeting are adopted this 6th day of March in the year 2023 in Fuquay-Varina, North Carolina.


FUQUAY-VARINA, NORTH CAROLINA



J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)



Rose H. Rich, Town Clerk

