



## Fuquay-Varina Town Board Meeting

February 22, 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 Tuesday, February 22, 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 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 7:00 pm.

### INVOCATION AND PLEDGE

Mayor Pro-Tem Larry Smith provided the invocation and Fire Chief Tony Mauldin 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 February 7, 2022, minutes of the Town Board of Commissioners regularly scheduled meeting.

MOTION: Commissioner Watson  
SECOND: Commissioner Gardner  
MOTION RESULTS: Passed Unanimously (5-0)

### PRESENTATIONS

4A There were no presentations for the February 22, 2022 Town Board meeting.

### PUBLIC COMMENTS

5A Jennifer Holt, 502 South Main Street, Fuquay-Varina requested that discussion for a cultural assessment be added as a topic for the upcoming retreat and that funds be appropriated in the Fiscal Year 2023 budget for a Cultural Assessment to be performed.

Jovita Simons, 502 S. Main Street, Fuquay-Varina requested that a Cultural Assessment be conducted of the Municipal Government of Fuquay-Varina as soon as possible and be conducted by an independent party. She also requested that the findings be shared with the public and funds be appropriated in the Fiscal Year 2023 budget. She also requested that the Cultural Assessment to be a topic that would be discussed at the upcoming Town Board retreat.

Adam Bensley, 1152 Dexter Ridge Drive, Holly Springs requested that a Cultural Assessment of the Fuquay-Varina Municipal Government be done as soon as possible and be done by an independent third-party entity and that the report be shared publicly.

Emanuel Holland, 209 Ber Creek Drive, Fuquay-Varina requested that a Cultural Assessment of the Municipal Government of Fuquay-Varina be conducted as soon as possible by an independent consultant to be hired to analyze and make recommendations to management and that the findings of the report be shared publicly. He also requested

that the Town Board add this topic for discussion at the upcoming Town Board Retreat, and to appropriate funds for the assessment in the Fiscal Year 2023 budget.

#### ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled for the February 22, 2022 Town Board meeting.

#### PUBLIC HEARINGS

7A Fiscal Year 2022-2023 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 2022-2023 Budget.

Staff Comments - Assistant Town Manager Mark Matthews 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 Fiscal Year 2022-2023. 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 through a survey seeking feedback on the Town's 5 Year Strategic Plan through the Let's Talk FV Community Engagement tool. The survey aims to understand community priorities to better inform the Town's Strategic Plan initiatives and corresponding investments in the

Strategic Plan. The survey may be accessed via the Town's website and is being promoted via the Town's social media pages. The survey went live on January 24 will be available for Town residents to respond to through February 25.

Management recommends holding the public hearing to receive input for development of the upcoming budget.

Public Hearing - The public hearing was opened. No one from the audience or virtually chose to speak in favor or opposition regarding the Fiscal Year 2022-2023 Budget. The public hearing was closed.

Discussion - Commissioner Harris offered that since the Town Board has heard from the citizens tonight regarding the Cultural Assessment that it is imperative to consider as budget line item in the upcoming budget. He requested that cost figures to conduct a cultural assessment be researched for and discussed during budget deliberations.

Commissioner Watson stated that the comments made during Public Comment were heard.

7B Voluntary Annexation Petition - GCAM Broadwell (Maelyn Ridge Subdivision) - 751 Coley Farm Road - PIN 0657117499 - ANX-2022-03

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 GCAM Broadwell (Maelyn Ridge Subdivision) containing a total of approximately 8.644 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 8.644 acres and is non-contiguous to the Town's corporate limits. Water and sewer services are available to the property, and the property

would receive municipal trash services. At the February 7, 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 meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for February 22, 2022, Town Board meeting. The present total value of the property is \$379,240.00.

Public Hearing - The public hearing was opened. Marty Bizzell with Bass Nixon and Kennedy, 6310 Chapel Hill Road, Raleigh, stated that they were the engineers and surveyors for this annexation, and they are in favor. No one chose to speak in or opposition (in person or virtually) to the annexation petition. The public hearing was closed.

Discussion - Mayor Pro-Tem Smith asked if the property to the south was in the city limits. Town Manager Mitchell stated that the property to the south is in the Town's corporate limits.

Recommendation - Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by GCAM Broadwell (Maelyn Ridge Subdivision) - ANX-2022-03, as presented and recommended.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-04

7C 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 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 RLB Holdings 21, LLC (Willow Springs Dollar General) containing a total of 2.498 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 2.498 acres and is non-contiguous to the Town's corporate limits. The property is serviced by water utility only. The petitioner has signed an annexation agreement related to the provision of Town services. At the February 22, 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 at that time 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 22, 2022, Town Board meeting. The present total value of the property is \$394,387.00.

Public Hearing - The public hearing was opened. No one chose to speak in favor or opposition (in person or virtually) to the annexation petition. 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 RLB Holdings 21, LLC (Willow Springs Dollar General) - ANX-2022-04 and to approve the Declaration of Annexation Agreement, as presented and recommended.

MOTION: Commissioner Gardner

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-05

CONSENT AGENDA

8A Special Event and Amplified Sound Permit Request - Outdoor Movie at Mason Jar Lager Co.

Purpose - To consider approval of a special event and amplified sound permit for the Outdoor Movie event at Mason Jar Lager Co scheduled for March 12, 2022.

Recommendation - Approve the special event and amplified sound permit for the Outdoor Movie at Mason Jar Lager Co event scheduled for March 12, 2022, as presented, and recommended.

8B Budget Interlocal Funding Agreement - Community Center North Funding - Wake County - \$250,000

Purpose -To consider authorizing the execution of an Interlocal Funding Agreement between the Town of Fuquay-Varina and Wake County pertaining to development of the Community Center North Project at Hilltop Needmore Town Park and Preserve and adjoining Hilltop Needmore Elementary School.

Recommendation - Approve and authorize the execution of the Interlocal Funding Agreement between the Town of Fuquay-Varina and Wake County pertaining to funding for the Community Center North Project at Hilltop Needmore Town Park and Preserve and adjoining Hilltop Needmore Elementary School as presented and recommended, subject to Town Attorney review as to form.

A motion was made to approve Consent Agenda items 8A-B.

MOTION Mayor Pro-Tem Smith  
SECOND: Commissioner Haynes  
MOTION RESULTS: Passed Unanimously (5-0)

ITEMS REMOVED FROM CONSENT

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

## ADMINISTRATIVE REPORTS

10A Contract Award - NC 55 HWY at NE Judd Parkway Intersection Improvements (NCDOT Project HL-0042) Design - Kimley-Horn

Purpose - To consider awarding a contract to engineering consultant Kimley-Horn & Associates and to authorize the Town Manager to execute a contract for the design services of the NC 55 HWY at NE Judd Parkway Intersection Improvements (NCDOT Project HL-0042).

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 Town successfully secured Locally Administered Projects Program (LAPP) funding during Town's 2019-2020 fiscal year to undertake operational transportation improvements at the NC HWY 55 at NE Judd Parkway Intersection. Town Staff and the North Carolina Department of Transportation (NCDOT) staff have identified this specific intersection as an area of high traffic congestion issues. The primary traffic movements creating delays are north, and westbound right turns onto NC 55 from NE Judd Parkway. NE Judd Parkway will be widened to provide two thru-lanes in each direction, a dedicated left-turn lane to southbound NC HWY 55 (Broad Street), and two dedicated right-turn lanes to northbound NC HWY 55 (Broad Street). Left-over access will be designed at Powhatan Drive and the proposed Brookfield Properties, LLC driveway. The existing curb and gutter along the southern side of NE Judd Parkway will be retained as practicable; widening will be to the north and will be curb and gutter. A 10' multiuse path will be designed at the back of the curb along NE Judd Parkway's northern side. Where widening is necessary along the southern side of NE Judd Parkway, a 5' sidewalk with a standard utility strip will be designed. In addition, a second dedicated left turn lane from NW Judd Parkway to northbound NC HWY 55 (Broad Street) will be included in the design. Approximately 2,000 LF of roadway improvements are included with this scope of services.

The Town Board approved Kimley-Horn & Associates in 2019 as one of the professional engineering firms available for on-call services for hire to design Federally Funded Transportation Projects. Currently, NCDOT has issued preliminary engineering



authorization and has approved the Town's on-call selection of Kimley-Horn & Associates. Kimley-Horn & Associate's initial scope and fee to design this project was \$239,399.63. Staff worked with the firm to refine the scope and negotiate a better design fee reducing the fee to \$214,613.20. Prompt execution of these contracts is necessary to expedite federal funding obligations. Therefore, town staff requests that the Town Board authorize the Town Manager to execute the contract with Kimley-Horn & Associates to design the NE Judd/Broad Street Operational Improvements (NCDOT Project HL-0042).

A project ordinance in the amount of \$1,895,133.00, the Project's total estimated cost, was established during the Town Board Meeting in May 2019. The Federal Highway Administration (FHWA) is providing 80% (\$1,516,106.00) of this Project's funding through the LAPP Grant Funding Program that requires the Town to provide the remaining 20% (\$379,026.00).

On August 5, 2019, the Town Board approved an infrastructure agreement between the Town and Brookfield Properties. This agreement established that Brookfield Properties would cover funding for the Town's 20% match of this Project. This agenda item is to execute a contract with Kimley-Horn & Associates for the design services of this Project in the amount of \$214,613.20.

Discussion - Mayor Massengill stated that funding for the project was frozen due to Covid. He also stated that at this intersection Judd Parkway's right lane backs up for drivers turning right and so this project will put in a right-hand turn lane which should help with traffic. Engineering Director Poling agreed.

Commissioner Watson stated that some of this has already been done and that there are already two right turn lanes at Food Lion. Engineering Director Poling stated that there is a dedicated left, thru, and right turn lane. This project will give the Town two thru lanes and two right turn lanes.

Commissioner Haynes asked if citizens were still going to be able to turn into Food Lion coming from Wilbon Road. Engineering Director Poling stated that drivers would no longer be able to make that left turn into the Food Lion parking lot on Judd Parkway when coming from Wilbon Road. Mayor Massengill stated that the primary path would be to turn

left at the stoplight and take the main entrance into Food Lion from NC Hwy 55.  
Engineering Director Poling stated that would be the safer movement.

Mayor Massengill asked when the project would be complete. Engineering Director Poling stated that the project could be completed by early 2023 assuming no delays in funding and weather cooperation.

Recommendation - Award a contract to consultant Kimley-Horn & Associates for the design services of the NC 55 HWY at NE Judd Parkway Intersection Improvements Project in the amount of \$214,613.20 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 Haynes  
SECOND: Mayor Pro-Tem Smith  
MOTION RESULTS: Passed Unanimously (5-0)

10B Contract Award - Sunset Lake Road Widening Phase II (NCDOT Project HL-0027) Design - Mott MacDonald

Purpose - To consider awarding a contract to engineering firm Mott MacDonald and to authorize the Town Manager to execute a contract for the design services of the Sunset Lake Road Widening Phase II Project (NCDOT Project HL-0027).

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.

This current phase of the Sunset Lake Road Widening Project is the second phase of the Sunset Road, Purfoy Road, and Main Street Improvements Project approved by the Town Board as part of the Town's 2015 Transportation Bond Program. The first phase of this project was completed in 2017 and consisted of placing concrete medians along US Highway 401, Sunset Lake Road, and Purfoy Road. The first phase of construction was delivered significantly under budget due to the Town staff's ability to successfully

coordinate with NCDOT during their resurfacing of US Highway 401. The first phase of improvements alleviated the congestion at the intersection, but further improvements are necessary to address existing traffic issues and mitigate future traffic issues related to the Town's growth.

Phase II of this project will provide additional travel lanes across the Norfolk Southern Railroad and build additional storing traffic entering the US Highway 401 and N Main Street intersection. Phase II of this project was awarded funding through the Locally Administered Projects Program (LAPP) for the Federal Fiscal Year 2021 - 2022. Currently, NCDOT has issued preliminary authorization and has approved the Town's on-call selection of Mott MacDonald. The Town Board approved Mott MacDonald in 2019 as one of the professional engineering firms available for on-call services for hire to design Federally Funded Transportation Projects. Mott MacDonald's initial scope and fee to design this project was \$384,369.02. Staff worked with the firm to refine the scope and negotiate a better design fee reducing the fee to \$236,231.88. Prompt execution of these contracts is necessary to expedite Federal Funding Obligations. Therefore, Town staff requests that the Town Board authorize the Town Manager to execute the contract with Mott MacDonald to design the Sunset Lake Road Widening Phase II (NCDOT Project HL-0027).

A project ordinance amendment of \$1,312,207.00 to recognize LAPP grant funding for Phase II of this Project was amended during the Town Board Meeting on March 16, 2021. This amendment brought the total project ordinance to an estimated total project cost of \$1,640,259.00.

The Federal Highway Administration (FHWA) is providing 80% (\$1,312,207.00) of the total project cost through the LAPP grant funding program, with the Town providing the remaining 20% match (\$328,051.80). The Town's 20% match for this Project will come from unused 2015 Transportation Bond funding from this Project's first phase. The contract for the design services provided by Mott MacDonald will total \$236,231.88.

Discussion - Commissioner Harris asked why is there a significant difference in the fee proposal submitted by Mott McDonald, compared to the fee submitted by staff? Engineering Director Poling stated that designers will often add things to the project that they want to do and then staff works to refine the scope to make sure that the Town gets

exactly what is needed along with some negotiations for certain items which brings the total cost down. Mayor Massengill stated this project is very much appreciated and it will help with the traffic considerably.

Recommendation - Award a contract to Mott MacDonald for the design services of the Sunset Lake Road Widening Phase II Project in the amount of \$236,231.88 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: Mayor Pro-Tem Smith  
SECOND: Commissioner Gardner  
MOTION RESULTS: Passed Unanimously (5-0)

- 10C Contract Award - East Jones Street Sidewalk Project (NCDOT Project BL-0038) Design - A. Morton Thomas and Associates (AMT)

Purpose - To consider awarding a contract to engineering firm A. Morton Thomas and Associates (AMT), and to authorize the Town Manager to execute a contract for the design services of the East Jones Street Sidewalk Project (NCDOT Project BL-0038).

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 East Jones Street Sidewalk Project is a pedestrian improvement project that will include new sidewalk, curb and gutter, and storm drainage on the Northern Side of East Jones Street. These pedestrian improvements will connect the Downtown Fuquay District, N Main Street, to the Fuquay-Varina Middle School located on N Woodrow Street.

The newly constructed sidewalk will feature double brick bands at 15'-18' intervals and provide pedestrian lights on a 75'-100' interval. This project was awarded funding through the Locally Administered Projects Program (LAPP) for the Federal Fiscal Year 2019 - 2020. The Town Board approved AMT in 2019 as one of the professional engineering firms

available for on-call services for hire to design Federally Funded Transportation Projects. Currently, NCDOT has issued preliminary engineering authorization and has approved the Town's on-call selection of AMT. AMT's initial scope and fee to design this project was \$154,003.10. Staff worked with the firm to refine the scope and negotiate a better design fee reducing the fee to \$92,099.25. Prompt execution of these contracts is necessary to expedite Federal Funding Obligations. Therefore, Town Staff requests that the Town Board authorize the Town Manager to execute the contract with AMT to design the East Jones Street Sidewalk (NCDOT Project BL-0038).

A project ordinance of \$1,035,772.00 the Project's total estimated cost was established during a Town Board Meeting in May 2019. The Federal Highway Administration (FHWA) is providing 70% (\$725,040.00) of this project's funding through the LAPP Grant Funding Program that requires the Town to provide the remaining 30% (\$310,732.00). Powell Bill funds will be used to fund the Town's local 30% match for this Project. The contract for the design services for AMT will total \$92,099.25.

Discussion - Mayor Massengill stated that this project will connect the middle school to Main Street and gives kids a secondary route to walk.

Recommendation - Award a contract to AMT for the design services of the East Jones Street Sidewalk Project (NCDOT Project BL-0038) in the amount of \$92,099.25 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: Mayor Pro-Tem Smith

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0)

10D Contract Award - Downtown Varina Pedestrian Improvements (NCDOT Project BL-0022)  
Design - A. Morton Thomas and Associates (AMT)

Purpose - To consider awarding a contract to A. Morton Thomas and Associates (AMT) and to authorize the Town Manager to execute a contract for the design services of the Downtown Varina Pedestrian Improvements (NCDOT Project BL-0022).

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 Downtown Varina Pedestrian Improvements Project will provide sidewalk, curb and gutter, and storm drainage along Ransdell Road, North Street, and Stewart Street. These improvements will be designed and constructed following the Varina Streetscape Master Plan design criteria adopted in 2014. The newly constructed sidewalk will feature double brick bands at 15'-18' intervals and provide pedestrian lights on a 75'-100' interval. The improvements will ensure safe pedestrian crossings and passages on the Ransdell Road, North Street, and Stewart Street corridors.

This project was awarded funding through the Locally Administered Projects Program (LAPP) for the Federal Fiscal Year 2021 - 2022. The Town Board approved AMT in 2019 as one of the professional engineering firms available for on-call services for hire to design Federally Funded Transportation Projects. NCDOT has issued preliminary engineering authorization and has approved the Town's on-call selection of AMT. AMT's initial scope and fee to design this project was \$228,495.80. Staff worked with the firm to refine the scope and negotiate a better design fee, reducing the fee to \$150,081.10. Prompt execution of these contracts is necessary to expedite Federal Funding Obligations. Therefore, Town staff requests that the Town Board authorize the Town Manager to execute the contract with AMT to design the Downtown Varina Pedestrian Improvements (NCDOT Project BL-0022).

A project ordinance of \$1,457,490.00 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% (\$1,165,992.00) of this Project's funding through the LAPP Grant

Funding Program that requires the Town to provide the remaining 20% (\$291,498.00). Powell Bill funds will be used to fund the Town's local 20% match for this Project. AMT's design services fee will total \$150,081.10

Discussion - Mayor Massengill asked if the sidewalks would tie into the recently renovated sidewalks at the High School. Engineering Director Poling stated that an additional ramp will have to be installed to tie the project into the new Fuquay-Varina High School improvements. Mayor Massengill asked if this would tie in from the High School to the downtown area. Engineering Director Poling stated that it would.

Commissioner Gardner pointed out that there will still be a couple of strips of old sidewalks and that this grant is only for new construction. She stated that this project is wonderful and recommended that town staff evaluate funding so that improvements could be made to the existing sidewalks along Ransdell Road for consistency.

Recommendation - Award a contract to A. Morton Thomas and Associates for the design services of the Downtown Varina Pedestrian Improvements Project in the amount of \$150,081.10 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 Harris  
MOTION RESULTS: Passed Unanimously (5-0)

10E Contract Award - Recycling Processing - Sonoco Recycling

Purpose - To consider authorizing the Town Manager to enter into a contract with Sonoco Recycling for processing of residential recycling materials.

Staff Comments - Public Works Director Tracy Stephenson 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 Town is nearing the end of the term of its contract with Waste Management for processing of recyclable materials which expires on February 28, 2021. This contract was a 5-year contract. In preparation for the end of the contract, Public Works staff prepared an informal request for proposals and pricing. This request was sent to Waste Management and Sonoco Recycling as they are the entities that have Materials Recycling Facilities in the feasible range of the Town's location. Both organizations provided proposals with qualifications and pricing. The RFP and the proposals are provided for reference. Please note, that some of the pricing information is considered confidential proprietary information for proposers and those pages have been removed from the proposals.

Public Works Staff and Assistant Town Manager Matthews evaluated both proposals and interviewed both vendors to clarify and refine proposed terms in an effort to reach terms most favorable to the Town. The proposals are based on the same marketable items and similar acceptable recyclables. The request for proposals asked for a price estimate based on the weakest, strongest and current recyclable markets from the past 5 years. A table summarizing those estimates is included for your reference. The results of the staff analysis is that Sonoco Recycling has provided the best proposal for the Town, specifically in that the Town would receive the highest net value for recyclables under most market scenarios.

Based on staff's analysis of the price proposals, Sonoco and Waste Management will provide similar value with Waste Management costing \$2.01 less than Sonoco in a negative or minimum recycling value market. However, under current and more favorable maximum market value conditions Sonoco proposal for the current and Maximum valued markets shows a rebate advantage of \$15.86 to \$15.91 per ton. Last year the Town processed 2,200 tons of Recyclables. For this tonnage, a difference of \$16 per ton equates to \$35,000.00 per year. Additionally, the Sonoco MRF is approximately 9 miles closer than the WM MRF which represents about 6,500 miles saved per year driving to the MRF. Sonoco's proposal was based on a lower processing fee and their charge for contaminated loads was also lower.

Town Staff has checked with Sonoco's references from current municipal customers, who have had a lengthy successful relationship with Sonoco.



Management and staff recommend the Town Board authorize the Town Manager to enter into a recycling contract with Sonoco Recycling subject to Town Attorney review as to form, and a draft contract is included in agenda materials. Town Management and the Public Works Director expect to begin taking recycled materials to Sonoco beginning March 1, 2022.

In the unlikely event that the Town Manager is not able to reach agreement with Sonoco on acceptable terms, the Town Manager would make an effort to extend the current agreement with Waste Management for up to 60 days and negotiate terms of a new long-term agreement with Waste Management to be brought to the Town Board.

This item is a service contract with Sonoco Recycling for processing of recyclable materials collected by the Town. The service is budgeted in the Sanitation budget. During times of high recyclable values, the Town receives revenue from the value of the recyclable materials. When recyclable values are lower the Town pays a fee; however, this fee is typically less than the cost of landfill disposal. The market is currently in a cycle of moderate to high values for the foreseeable future and the Town is currently receiving a credit.

Discussion - Mayor Massengill stated that this will be a cost savings on mileage and wear and tear on the Town vehicles. He thanked the representatives from Sonoco for attending the Town Board meeting.

Commissioner Harris asked which other Towns were contacted to obtain a reference for Sonoco. Public Works Director Stephenson stated that they received positive comments from the City of Raleigh and the City of Durham.

Recommendation - Authorize the Town Manager to enter into a contract with Sonoco Recycling for recycling services subject to Town Attorney review as to form.

MOTION: Mayor Pro-Tem Smith  
SECOND: Commissioner Watson  
MOTION RESULTS: Passed Unanimously (5-0)

10F Consultant Selection - Master Plan - Hilltop Needmore Town Park and Preserve

Purpose - To approve consultant / professional services selection for the Hilltop Needmore Town Park and Preserve Master Plan Project.

Staff Comments - Parks and Recreation Director Jonathan Cox 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.

In accordance with NCGS 143-64.31, town staff solicited Request of Qualifications (RFQ's) for design and engineering consultants for the Hilltop Needmore Town Park and Preserve Master Plan Project in December 2021. A copy of the Request of Qualifications is attached to this agenda item for reference. Town staff received nine RFQ responses from highly qualified design and engineering firms on January 7, 2022.

The RFQs were reviewed and scored by a selection committee consisting of Assistant Town Manager Mark Matthews, Public Works Director Tracy Stephenson, Engineering Director Matt Poling, Parks, Recreation and Cultural Resources Director Jonathan Cox, Assistant Parks and Recreation Director Anthony DiMarzio, Recreation Program Superintendent Beth Stephenson, and Senior Recreation Support Specialist Gerry O'Connell.

Based on the scoring criteria established in the request for qualifications, CLH Design., McAdams, and McGill scored the highest and were invited to interview with the Town on Friday, February 11, 2022. The interview panel consisted of the following town staff: Town Manager Adam Mitchell, Assistant Town Manager Mark Matthews, Parks, Recreation and Cultural Resources Director Jonathan Cox, Engineering Director Matt Poling, and Assistant Director of Parks and Recreation Anthony DiMarzio.

The RFQ submitted by CLH Design and interview presentation demonstrated extensive relevant project experience, a very capable project team, a history of successful, related projects, and displays an exceptional understanding of the project. CLH Design has previously designed the Station Park Master Plan in Knightdale, NC, Raleigh River Bend Park Master Plan and Annie Louise Wilkerson Nature Preserve Park in Raleigh, NC, and Gateway Nature Preserve Master Plan in Winston-Salem, NC. Furthermore, CLH Design has

partnered with Weston and Sampson who specializes in environmental recreation and has completed numerous park development projects throughout the United States. CLH Design has extensive experience working with government clients including the neighboring municipalities of Apex, Holly Springs, Knightdale, Cary, Clayton, Rolesville, Wake Forest, and larger municipalities like Raleigh, Greensboro, Rocky Mount, and Winston-Salem.

Staff and management recommend the approval of consultant selection of the CLH Design team. If selected by the Town Board, town staff will work with CLH Design to develop a scope of work and fee that aligns with the Master Plan project identified in the FY 2022 Budget.

Town management and staff anticipate bringing a negotiated scope and fee with terms to a future Town Board meeting. FY 2022 includes funding for the Master Planning services at Hilltop Needmore Town Park and Preserve.

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

Recommendation - Designate CLH Design as the best qualified firm for Master Plan services for the Hilltop Needmore Town Park and Preserve Project consistent with NCGS 143-64-31, and authorize the Town Manager or designee to negotiate scope and fee, subject to the Town Attorney review as to form. In addition, McAdams is designated the next best qualified firm.

MOTION: Commissioner Haynes  
SECOND: Commissioner Watson  
MOTION RESULTS: Passed Unanimously (5-0)

#### OTHER BUSINESS

##### 11A Planning Updates

Town Manager Mitchell gave some background on the vision for the Town with regards to the Land Use Plan and Land Development Ordinance. He stated that although the Land

Use Plan is a living document, one of the goals at the time of adoption in 2016/2017 was not to change the Land Use Plan every time a developer came with a proposal. The goal was to establish a vision and try to stay as close to that vision as possible. Town Manager Mitchell advised that at the time of adoption, it was determined that every 5 years staff would investigate needed updates for the Land Use Plan. A consultant: City Explain, was hired back in October 2021 to evaluate the Land Use Plan. Town Manager Mitchell pointed out that there are questions if the Town's vision for the future aligns with community expectations. He noted that the current retooling of the Land Use Plan will help answer this question and ensure that it provides opportunity for development and ensures that the elected body is comfortable with the vision for the community moving forward. He stated that staff also recognized that there were other issues that were impacting the community with respect to development that needed to be addressed concurrently. One of the issues was the impact of development on utility infrastructure and capacity which the Town Board has already addressed with the recently adopted Utility Allocation Policy. This policy was designed to allocate the remaining capacity the Town has in water and wastewater utilities until water treatment plants, sewer treatment plants or contracts address additional capacity. Town Manager Mitchell stated that community expectations in terms of development and development impact in the community with respect to character is something to consider when evaluating the Town's policies and ordinances while concurrently reviewing the Land Use Plan. He stated that the Land Development Ordinance is currently on amendment number 16 which has been tabled until April 4, 2022. The Land Development Ordinance lacks clarity and guidance in some ways in terms of density allowed vs. intended density and form of development that would be in concert with the character of surrounding properties. He stated that management and the consultants are working to address, both the Land Use Plan update and revisiting certain portions of the Land Development Ordinance. Town Manager Mitchell advised that staff is working to address these two major guidance tools for the development community and for decisions that the Town Board makes for the development of the community. He then advised the Board that town staff has been communicating to developers that management and staff are not able to recommend favorably for development proposals that require Land Use Plan amendments or are clearly not in character with the surrounding area until this work has been completed. He stated that until confirmation has been provided by the Town Board after receiving recommendations on both the Land Use Plan and the Land Development Ordinance, it would be difficult to recommend favorably

without having a complete understanding of the adopted vision and expectations for development.

Town Manager Mitchell then acknowledged that there were four development projects that were not in accordance or consistent with the current land use plan or not in character or aligned with the character of the surrounding properties or did not meet what staff understood the Town's vision for development in that area to be. He stated that these four developers have been told that staff could not favorably recommend these projects until the updates have been done. He stated that they have asked these four developers to hold off and let the process play out so that the Town Board would be informed to make good decisions about future development. He stated that these four developers have stated that they are not happy and feel that they have been treated unfairly or misled because they were not informed of this position by staff until after they had spent months discussing their development proposals getting positive responses from town staff. Town Manager Mitchell stated that the reality is that staff is tasked as professionals to provide the Town Board with a recommendation they can support and one that is consistent with guiding principles and policies adopted by the Town Board. He stated that to be fair to the developers this is the message they have been consistent with conveying since starting this review process in November 2021. He stated that staff didn't want to take a chance on recommending approval of a rezoning or land use plan amendment that could result in development incompatibility or inconsistency with a pending Land Use Plan change. He stated that Town Board could be recommending one thing and then a short time later the Land Use Plan results could propose something different that the Town Board would possibly agree however it would be too late. This would mean that the project that has been approved does not match or is not consistent with the vision of the community and Town Board. Town Manager Mitchell further pointed out that any project approved during the updating process runs the risk of being inconsistent with development expectations and could have a negative impact on the Town and its infrastructure.

Town Manager Mitchell noted that staff has been asked how long this process will take to complete. He stated that staff expects to have feedback from the consultants and recommendations on some potential modifications or revisions by mid-March. He stated that the plan is to share those recommendations with the Town Board and community to get feedback. One way staff intends to get feedback is by using Let's Talk FV. The goal

would be to present recommendations to the Planning Board in April of 2022 and then present to the Town Board in May 2022, both including public hearings. Town Manager Mitchell advised that it is possible to include some specific public input process for developers if the Town Board so preferred. He then advised that the process could be completed within the next two to three months based on the described plan and timeline.

Town Manager Mitchell then reported that he wanted to bring this matter to the Town Board's attention since there are new members and since it has not been discussed recently. He then again stated that he does realize that there are four developments that have been in the pipeline for a lengthier time and at the 11<sup>th</sup> hour they were told to pump the brakes and that staff would not make a favorable recommendation due to going through this process. He stated that management wants to make sure that he and staff are meeting the expectations of the Town Board when giving this guidance to these specific developers and other developers while the update to the LUP and LDO are in process.

Mayor Massengill asked if there were any proposals that could move forward instead of waiting for the updates to be completed. Town Manager Mitchell stated that staff is trying to be fair and consistent across the board with the message and have not been taking forward recommendations to the Town Board however he understands the point of not prohibiting projects that clearly align with community vision (e.g. commercial projects or lower density residential) from advancing. Mayor Massengill stated that some of the concern for the public is around zoning that proposes high-density type developments. He stated that a lot of thought needs to go into these areas. He stated that he would like for staff to keep an open mind on certain developments out there. If staff feels like it is in character for the area and doesn't foresee the LUP changing, then allow those projects to move forward. Town Manager Mitchell recognized the mayor's point.

Commissioner Gardner pointed out that it would be challenging for the Board to make a decision or management and staff to make a recommendation without understanding the basis for that decision/recommendation. She stated that two to three months to complete the process seems reasonable. Town Manager Mitchell agreed and reinforced that the vision for development and how it aligns with community expectations, character, and impact on infrastructure availability is the basis the Town will have when the process is completed.

Commissioner Watson agreed with Commissioner Gardner. She stated that perception is sometimes the reality, and it is not good for staff to pick certain projects to bring to the Town Board and not pick certain projects. She stated that she agrees with delaying the developers until the updates are done.

Mayor Massengill asked for clarification on how management and staff would handle development proposals that chose to have their projects considered by the Planning Board and Town Board before the updates are completed. Town Manager Mitchell stated that staff cannot recommend favorably and would be recommending a denial if the developers chose to bring their proposals before the Town Board before the process is complete.

Mayor Pro-Tem Smith stated that this is a few months of transition from our current plan to maybe a more robust land use plan and there is going to be some bumps in the road. He stated that the Town Board does not want to approve something now and then three months from now we look at the project and it does not match with the direction the Town wishes to go.

Commissioner Harris stated that it is important to talk about the vision and once a vision is established that will give staff more guidance. He stated that this is an opportunity to redefine the kind of community we are going to be. He further stated that one of things that will be important to this process is to discuss a new vision for the way the Town Board sees development occurring and an opportunity to have input from the development community so that they can understand that this is a partnership.

Commissioner Haynes stated that this process needs to be communicated to the developers clearly from management as well as Commissioners. He stated that everyone from management to Commissioners needs to be on the same page and give a unified statement to the developers.

The Town Board agreed by consensus that management and staff were meeting the Board's expectations with the current communication to developers.

11B Manager's Report

Town Manager Mitchell gave an update on the regional water project. He stated that they are looking at leveraging other resources to help offset the cost. He stated that the partnership has been talking with Triangle J Council of Governments who can assist in grant writing. He also stated that there might be a one-time fee for this process along with the annual membership fee, but it would not likely be more than \$10,000 to assist in the grant writing component. He also stated that collectively as a group they have been talking to Leslie Mozingo who is owner of Strategics Consulting. Her firm is a federal lobbying firm that can help with federal funding. The cost for Town of Fuquay-Varina would be in the \$26,000 range. This fee could yield millions but is not a guarantee. He stated that he would like a concurrence from the Town Board to engage in an agreement with the other four member entities to procure the services for this project. The Town Board concurred by general consent.

Town Manager Mitchell also gave an update on Town tennis courts. He stated that staff has received several emails regarding the use of tennis courts in Town. He stated that prior to the rebuild of the Fuquay-Varina High School there was a joint use agreement for the tennis courts at the high school but it has expired. Staff is in the process of working with the Wake County Public School System on a joint use agreement for the FVHS tennis courts along with being able to use the Willow Spring High School tennis courts. He stated that these agreements take time and that once an agreement is reached in principle, it will be brought before the Town Board for approval. Commissioner Gardner asked if there could be some type of signup for the use of the tennis courts. Town Manager Mitchell stated that there is an administrative process that is challenging with that, and staff works to create fairness for availability of open courts when programming is not being utilized. He stated that staff encourages citizens to participate and be involved in the master planning process for Hilltop Needmore Town Park and Preserve. There might be an opportunity for more tennis courts on this site.

Town Manager Mitchell stated that he is still making progress on the Police Chief position.

He also reported that Wake County is increasing their landfill tipping fees and this will be talked about more during the budget process.



Town Manager Mitchell also thanked Public Works Director Tracy Stephenson, Assistant Town Manager Mark Matthews, and other staff members for the Historic Marker Ceremony recognizing both the Fuquay Consolidated High School and Fuquay Springs High School.

Town Manager Mitchell then made the following department reports:

Arts Center - The Arts Center will have a pop country group, The Hall Sisters, performing this weekend. He encouraged everyone to check out the Arts Center website.

Human Resources Department - The Human Resources Department continues to make progress on the compensation and benefits study.

Fire Department - The Fire Department is continuing with the progress of Fire Station #4. Fire Chief Tony Mauldin, Assistant Town Manager Mark Matthews, Finance Director JoAnne Crabtree as well as himself have been working with Wake County on the annual budget proposal. Wake County commended Fire Chief Mauldin on presenting them with the best cost share budget in the county.

- 11C. Coffee with a Cop - Abode at Geneva Neighborhood - Tuesday March 1, 2022 - 9:00 - 10:30 am
- 11D State of the Town Address - March 7, 2022 - Town Hall Board Room - Live Stream and Zoom - 6:30 pm
- 11E An Evening of Theatre - Highlighting Historical African Americans in North Carolina Through Spoken Word and Music - Cultural Arts Society of Fuquay-Varina - Arts Center - Friday March 11, 2022 - 6:00 - 8:00 pm
- 11D Zoning Map Amendment & Land Use Plan Amendment - Gray Methven, Wakefield Development - 8537 Lake Wheeler Road - Portion of PIN 0689455964 - REZ-2021-10 - (FIRST READING) - (Davison/Mitchell/Seymour)

## BOARD MEMBER COMMENTS

Commissioner Gardner stated that tonight's meeting has been great with all the contracts that have been awarded for projects. She stated that the Historic Marker Event was very nice, and she enjoyed Mayor Massengill and Commissioner Harris participating in the event and she thanked everyone for their work on the event. She stated that the Elected Officials Night was a nice event and thanked Commissioner Watson's company, Mission First Realty for sponsoring the event. She stated that the NC Main Street conference is coming up and it will be virtual again this year. Also, the Friends of the Museum are continuing to lead tours by appointment only through March. Their annual Heritage Day will be May 5, 2022, hopefully in person.

Commissioner Harris echoed what was said earlier regarding the Historic Marker Ceremony and how it was a nice event. He stated that as a Town Board he would like to see a discussion about a clearer vision for development and what that would look like as a community. He also stated that as requested during public comments, the Town Board should discuss a Cultural Assessment during the upcoming Town Board retreat. He stated that the citizens are expecting an answer if an assessment will or will not be done. Mayor Massengill stated that a previous Town Board did have a discussion on the matter and a motion was made however not supported. He also pointed out that the new Town Board may have different opinions.

Commissioner Haynes stated that the Historical Marker Celebration was a great event, and he enjoyed being able to participate. He thanked Fire Chief Tony Mauldin and the Police Department for notifying the community of the gas leak a week ago. He also thanked the Sanitation Department for making sure all the trash is picked up. He stated that he attended a Black History Program at Fuquay-Varina High School, and they did an outstanding job with the event. He also reported that Meals on Wheels is planning to go back to congregated meals at the end of this month. He and Commissioner Watson also toured the Terrible Creek Wastewater Treatment Plant and he enjoyed learning about that facility. He stated that there will be a Youth Nutrition and Cooking Class starting in March at Pine Acres Community Center with the collaboration between NC State Cooperative Extension and Wake County Government. The class will last for 8 weeks to help kids learn how to eat properly and make safe nutritious meals.

Commissioner Watson also attended the Historical Marker Event and reported that it was amazing. She informed the public that there was a link on the Town's website to watch for those who missed

the event. She stated that she was excited with the contract awards that were approved during tonight's meeting since traffic is an ongoing conversation.

Mayor-Pro-Tem Smith stated that he was glad to be back and that he hated to have missed the Historical Marker Event. He thanked staff, especially the Engineering Department, for all the contract awards tonight and how hard they negotiated to get significant savings.

Mayor Massengill stated that he is on the CAMPO Board and was attending the meeting when the Town was awarded a \$500,000 grant recently for pedestrian improvements along SE Judd Parkway. He thanked Town Board members that have attended several different events recently in our community and encouraged them to stay involved in the community. He also stated that next week is "Read Across America" week and he will be reading to students at Ballentine Elementary School. He also stated that next week will be the Town Board Retreat and there will be a variety of topics that will be on the agenda.

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

#### Past 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 Fuquay Consolidated High School Historic Marker and Fuquay Springs High School Historic Marker

2/21 - Wake County Mayor's Association Meeting

#### Upcoming Events

3/1 - Coffee with a Cop

3/2 - Read Across America (Ballentine Elementary School)

3/7 - State of the Town - 6:30 pm

3/8 - 3/11 - NC Main Street Conference (Virtually)

3/11 - An Evening of Theatre - Highlighting Historical African Americans in North Carolina Through Spoken Word and Music - Cultural Arts Society of Fuquay-Varina - Arts Center - Friday March 11, 2022 - 6:00 - 8:00 pm

3/15 - Panelist - Triangle Community Coalition Meeting  
3/21 - Wake County Mayor's Association Meeting

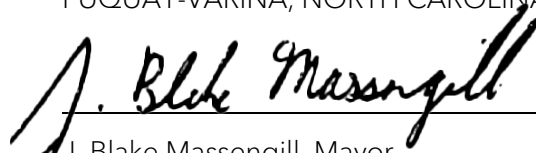
ADJOURNMENT

A motion was made to adjourn the meeting at 9:28 p.m.

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

The minutes from the February 22, 2022, Town Board of Commissioners regularly scheduled meeting are adopted this 7<sup>th</sup> day of March 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

Rose H. Rich, Town Clerk

