



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
MARCH 4, 2019

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on March 4, 2019 at 7:34 p.m. following the State of the Town Address which was presented at 6:30 pm.

Commissioners Present: Blake Massengill (Mayor Pro-Tem)
Bill Harris
Marilyn Gardner
Jason Wunsch
Larry Smith

Commissioners Absent: None

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Annette Dirlam provided the invocation. The American Legion Color Guard presented the colors and led the Pledge of Allegiance at the opening of the State of the Town Address.

APPROVAL OF THE MINUTES

The February 19, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

MOTION: Commissioner Wunsch
SECOND: Commissioner Harris
MOTION RESULT: Passed Unanimously (5-0)

PRESENTATIONS

Agenda Item No. 4.A: Proclamation - American Legion Centennial Day

Mayor Byrne presented the American Legion Post 116 with a Proclamation for American Legion Centennial Day designating March 4, 2019 as American Legion Centennial Day in Fuquay-Varina. The American Legion will be celebrating 100 years. The American Legion Post 116 is one of the oldest civic organizations in Fuquay-Varina. American Legion Post 116 Commander Derric Grimes recognized past Post Commanders and well as veteran members dating back to World War II who were in attendance. Post Commander Derric Grimes presented the Mayor and members of the Town Board with a commemorative coin in recognition of the 100th anniversary. Mayor Byrne commended Post 116 for all that they do to support the veterans of our community.

PUBLIC COMMENTS:

No one from the audience chose to address the Town Board during the public comments period.

ITEMS TABLED FROM PREVIOUS MEETING:

There were no items tabled from a previous meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - SDG FQV, LLC (Powell Square Apartments) - 4850 Old Powell Road - PIN 0657576829 - ANX-2018-26

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 SDG FQV, LLC (Powell Square Apartments) located at 4850 Old Powell Road, containing a total of 26.592 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the voluntary annexation petition to include that public water and sewer is available to serve and treat the property. Town Manager Mitchell further advised that the Town Clerk certified that the petition is sufficient and meets the requirements prescribed by North Carolina General Statute.

Public Hearing – The public hearing was opened. Mr. Joe Falkner of CE Group, 301 Glenwood Avenue, Raleigh, spoke in favor of the proposed annexation on behalf of the property owner. No one chose to speak in opposition to the proposed annexation for ANX-2018-26. The 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 SDG FQV, LLC (Powell Square Apartments) (ANX-2018-26) as presented and recommended.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-19-05**

CONSENT AGENDA

Agenda Item No. 8.A: Budget Amendment - Youth Athletic Scholarship Fund Donations - Parks, Recreation, and Cultural Resources - \$1,300 - BA-2019-18

Purpose – To consider approval of budget amendment BA-2019-18 recognizing funds from businesses and individuals for non-resident scholarships within the Parks, Recreation, and Cultural Resources Department.

Recommendation – Approve budget amendment BA-2019-18 as presented and recommended.

Agenda Item No. 8B: Budget Amendment - Insurance Proceeds - Thermal Imaging Camera - Fire Department - BA-2019-19 - \$6,610

Purpose – To consider recognizing funds from insurance proceeds due to damage sustained to the Fire Department's Thermal Imaging Camera.

Recommendation – Approve Budget Amendment BA-2019-19 as presented and recommended.

Agenda Item No. 8C: Temporary Street Closure – The Mill Market – The Mill – May 11, 2019

Purpose – To consider a temporary street closure on Depot Street for The Mill Market event taking place on May 11, 2019 from 10:00 AM to 5:00 PM.

Recommendation – Approve a temporary street closure for the Mill Market event scheduled for Saturday May 11, 2019 as presented and recommended.

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

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Smith
MOTION RESULT: Passed Unanimously (5-0)

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Conveyance of Real Property to Wake County Board of Education - 0 Old Honeycutt Road - Portion of PIN 0676274871 - Project Ordinance Amendment - \$7,072

Purpose – To consider approval of a resolution authorizing the Town Manager to convey a portion of property located at 0 Old Honeycutt Road to the Wake County Board of Education and consider a Project Ordinance to recognize revenue from the proceeds of this sale.

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 as result of a required Traffic Impact Analysis, NCDOT is requiring the installation of a northbound right turn lane from westbound Old Honeycutt Road to northbound NC-55. Town Manager Mitchell informed the Board that the turn lane could not be accommodated in the existing right of way along Old Honeycutt Road and acquisition of Town property (0.197 acres) is necessary to complete the improvements. Town Manager Mitchell stated that Wake County Public School System is offering \$7,072, which appears to be based on current tax value. Given the majority of the total parcel is encompassed by wetlands and other environmental features, Town Manager Mitchell recommended that the Town Board accept the offer and authorize the

Town Manager and Town Attorney to execute the necessary instruments to convey the property.

Discussion – Mayor Pro-Tem Massengill asked if the Willow Lakes Elementary School project is still on track to open on time. Town Manager Mitchell stated that he was not aware of any delays in schedule.

Recommendation – Adopt a resolution to authorize the Town Manager to convey a portion of PIN 0676274871 to the Wake County Board of Education and approve a project ordinance amendment to recognize revenue in the Willow Lakes Park Project as presented and recommended.

MOTION: Commissioner Harris
SECOND: Commissioner Gardner **Resolution No. 19-1584**
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-19-06**

Agenda Item No. 10B: Resolution – Seeking Legislation to Provide Equitable Revenue Options for Transportation Improvements

Purpose – To consider adoption of a resolution in support of local enabling legislation to assess and collect a transportation facility fee to be used for transportation improvements.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then advised that the Town of Fuquay-Varina is not operating on a level playing field with our all of our peers with respect to revenue options for transportation improvements. Town Manager Mitchell stated that several other Wake County municipalities, specifically Cary, Raleigh, Durham, Knightdale, Rolesville, Wake Forest, Zebulon, and Southern Pines (Moore County) were granted the authority via local enabling legislation to assess and collect development fees for the purpose of improving transportation facilities in the late 1980s and continue to have that authority today. He then advised that The Town's legislative delegation has expressed interest in introducing legislation to grant this authority to the town's in Wake County that were not a part of the legislation in the late 1980's, if it is desire of the Town Board, and given the substantial growth pressures the Town is facing, most notably the mobility challenges created by congestion in our community and the financial burden associated with mitigating this congestion, management supports seeking every tool in the toolbox to address these challenges at the local level.

Discussion – Mayor Pro-Tem Massengill stated that in his opinion, these types of fees hurt existing citizens that would choose to purchase a new home in Town and causes developers to build just outside the Town's jurisdiction. He also stated that lots of pressure on our roads come from those passing through Town. Commissioner Wunsch stated that while he values the recommendation, he does not support the resolution because he feels that it would cause homes to be less affordable. He stated that this is not the most equitable way to get financial support to maintain or improve the roads since there are those who

benefit from using the road, going through Town, live elsewhere. Town Manager Mitchell explained that having this legislation does not automatically put a fee in place tonight. The decision to enact a fee would come at a latter time if needed. Commissioner Harris stated that he looks at this as a way to put this Board and future Boards in the position to use this option for future growth. Commissioner Smith stated that opportunities for enabling legislation do not come often from the State and now is the time to take advantage and have the tools in place if needed. Commissioner Gardner stated that she understands the dissenting point, but she agrees with both Commissioner Harris and Commissioner Smith. She stated that the Town needs to have this tool if we are to compete with other neighboring Towns that have this authority.

Recommendation – Adopt a resolution seeking local legislation to provide equitable revenue options for funding transportation improvements as presented and recommended.

MOTION: Commissioner Harris
SECOND: Commissioner Gardner **Resolution No. 19-1583**
MOTION RESULTS: Passed (3-2)
(Mayor Pro-Tem Massengill and Commissioner Wunch voted in opposition.)

Agenda Item No. 10C: Infrastructure Agreement - Wilbon Road Water Booster Pump Station

Purpose – To consider approval of an Infrastructure Agreement between the Town of Fuquay-Varina and MTS RAL, LLC for utility improvements related to the Broadwell Trace Subdivision.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then advised that the MTS Ral, LLC intends to develop Broadwell Trace Subdivision with 120 single family homes along Coley Farm Road. Town Manager Mitchell stated that it was discovered during design that the required fire flow of 1,000 gallons per minute could not be achieved. As a result, Town Manager Mitchell reported that he and the Public Utilities Director are recommending that the Town Board consider entering into an Infrastructure Reimbursement Agreement for the construction of a regional water booster pump station. It was reported that total project cost estimates are \$371,000. Based on potential development of the service area, this would equate to \$326 per residential unit in the service area. The Utility Department held an informational meeting on December 7, 2018 to inform interested property owners to explain the benefit of the project and to begin the process of obtaining agreements for reimbursement for the water booster pump station when properties develop. The process is currently underway; however, the process is adversely affecting the Broadwell Trace Subdivision construction schedule, so MTS Ral, LLC has offered to enter into a reimbursement

agreement to expedite the construction of the Wilbon Road Water Booster Pump Station.

Town Manager Mitchell stated that to establish reimbursement for construction of the Wilbon Road Water Booster Pump Station, an Infrastructure Agreement was prepared by the Town Attorney. Elements of the agreement proposed for consideration are as follows:

1. The Developer shall design, build, and construct the Development in accordance with Town Development Standards.

2. The Developer shall pay all applicable development fees, including system development fees, recreation unit fees, and other applicable fees as prescribed by the Town's Code of Ordinances and Annual Budget Ordinance and Fee Schedule.

3. The Town shall be indemnified and held harmless from any claims for damage of any kind.

4. To determine the reimbursement amount for the Wilbon Road Water Booster Pump Station, the project will be publicly bid in accordance State law.

5. The reimbursement amount will include engineering, surveying, permitting, easement and construction costs.

6. The Town's reimbursement will not exceed \$371,000. MTS RAL, LLC will be reimbursed the full amount if the Town is able to obtain agreements with property owners that will cover 80% of the project's cost. If the Town is unable to obtain these agreements, the Town will reimburse MTS RAL, LLC over a 10-year period when benefiting properties connect to the water system, such connection being subject to payment of a \$326 per unit or equivalent unit during the 10-year period.

The Infrastructure Agreement has also been made pursuant to N.C.G.S. §160A-320. Town management and staff have worked closely with the Town Attorney and MTS RAL, LLC on this infrastructure agreement. This agreement will accelerate installation of a regional solution to improve fire flow, is a more cost-effective method from a construction and maintenance standpoint compared with individual booster stations, and offers the opportunity to construct public infrastructure while limiting the Town's financial risk. As such, management and staff recommend approval.

Discussion – Mayor Pro-Tem Massengill asked why the agreement would be based on reimbursement of only \$326 per estimated dwelling unit/lot (expected to generate \$371,000 in reimbursement, which is equivalent to the estimated cost of the regional water booster pump station) versus seeking reimbursement of \$140,000 from each developer that develops the large parcels identified in the service area map presented. It was noted that \$140,000 is the estimated cost of individual pump stations to serve large parcels identified in the service area by Public Utilities Director Meyers. Town Manager Mitchell explained that if every developer paid the Town \$140,000 for each of the developable large tracts in the defined service area, that the Town would be reimbursed more than the \$371,000 in cost for a regional water booster pump station. He further stated that he thinks what is being proposed

is a fair and equitable solution for all property owners and would prevent the Town from having to monitor and maintain numerous individual pump stations.

Recommendation – Adopt the proposed Infrastructure Agreement between the Town of Fuquay-Varina and MTS RAL, LLC as presented and recommended, and authorize the Town Manager to execute the Agreement. The Infrastructure Agreement has been reviewed by the Town Attorney as to form and is in the interest of the public.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULTS: Passed Unanimously (5-0)

OTHER BUSINESS

A. Manager's Report –

- *Reported the Art Center received their temporary CO, Daniels & Daniels would be doing the landscaping, art was being dropped off for the art gallery, and classes would begin March 18, 2019.*
- *Reported that, he along with Mayor Byrne, Commissioner Harris, and Commissioner Gardner attended the NCLM State and Town Dinner where Town of Fuquay-Varina was featured in a video.*
- *Reported that he attended the Friends of the Museum Board meeting where they discussed their strategic plan.*
- *Reported that the Town has not received any recommendation from Wake County staff on the ETJ Expansion. Will hear their recommendation within the next couple weeks.*
- *Reported that he and Mayor Byrne met with a prospective developer who is interested in doing some downtown urban residential development.*
- *Reported that he interviewed candidates for the Finance Director's position.*
- *Reported that he, Mayor Byrne and Town Attorney Adcock met with the Crooked Creek Homeowners Association.*
- *Reported that he and Economic Director Jim Seymour met with the furniture company regarding furnishings for the new Town Hall and Police Department.*
- *Reported that the Town Board Retreat is this weekend.*

B. Project Status Report – March 2019

C. LAPP Grant Update – Town was awarded 3 LAPP grants for 2019 transportation projects.

D. Open House - American Legion - 100th Anniversary Celebration - March 16, 2019 - 1:00 - 4:00 pm

E. Terrible Creek Wastewater Treatment Plant – Ribbon Cutting – March 21, 2019 – 3:00 pm

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he enjoyed reading to Herbert Aikens Elementary School students for the Read Across America program.

Commissioner Smith stated that he enjoyed his tour of the Art Center and is looking forward to its opening.

Commissioner Harris stated that he enjoyed the NCLM State and Town Dinner and his tour of the Arts Center. He commended the Mayor for his presentation of the State of Town address earlier in the evening.

Commissioner Wunsch stated that he spoke to a regional home school group about what it is like being a Commissioner and encouraged them to get involved in public service.

Commissioner Gardner stated that she enjoyed the NCLM State and Town Dinner, the Chamber Banquet, and the tour of the Arts Center. She also stated that she is looking forward to the Town Board Retreat this weekend.

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

Past 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

Upcoming Events

- 3/6 FV Chamber Leadership – Panel Discussion
- 3/7 Operation Coming Home - US Army Silver Star Recipient SSG Tommy Rieman
- 3/8-10 Town Board Retreat
- 3/11 Soft Grand Opening of Art Center
- 3/12-14 NC Main Street Conference
- 3/14 UNC Healthcare Groundbreaking Ceremony – Holly Springs
- 3/16 Open House – American Legion 100th Anniversary Celebration

The Town Board did not call for a closed session meeting.

ADJOURN

A motion was made to adjourn the meeting at 8:58 p.m.

MOTION: Mayor Pro-Tem Massengill
SECOND: Commissioner Wunsch
MOTION RESULT: Passed Unanimously (5-0)

Adopted this the 19th 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