



Fuquay-Varina Town Board Meeting

March 16, 2021

John W. Byrne, Mayor
J. Blake Massengill, Mayor Pro Tempore
William H. Harris, Jason O. Wunsch, Marilyn B. Gardner
and Larry W. Smith, Town Board Members
Adam G. Mitchell, Town Manager
Mark D. Matthews, Assistant Town Manager
James (Jim) E. Seymour, Assistant Town Manager
Rose H. Rich, Town Clerk
James S. Adcock, III, Town Attorney

The Regular Meeting of the Fuquay-Varina Town Board scheduled for Tuesday, March 16, 2021 at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

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

CALL TO ORDER

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

INVOCATION AND PLEDGE

Commissioner Smith provided the invocation and Mayor Pro-Tem Massengill led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

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

keep all comments to three minutes so that all who wish to speak can be heard in a timely manner. Once you have addressed the Town Board, you will be muted for the remainder of the meeting.

APPROVAL OF MINUTES

3A The March 1, 2021 minutes of the regularly scheduled meeting of the Town Board of Commissioners.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Smith

MOTION RESULTS: Passed Unanimously (5-0)

PRESENTATIONS

4A 2020 Fuquay-Varina/NC Main Street Champion and Award Recognition

Fuquay-Varina Downtown Manager Dawn Russell recognized Ann H. Smith as Fuquay-Varina's 2020 NC Main Street Champion and presented the video that was submitted by NC Main Street for her nomination. Downtown Manager Russell stated that Ann Smith began volunteering in Downtown Fuquay-Varina as she participated with the Fuquay-Varina Garden Club to help maintain planters throughout downtown. She served on the Fuquay-Varina Downtown Association Design Committee and she served as a member of their Board of Directors for eight years. Downtown Manager Russell commended Ms. Smith for achieving this honor. Ms. Smith stated that she was honored to be placed in the company of past award winners. Mayor Byrne commended Ms. Smith for her work and interest in Downtown and he stated that the Town will be placing a plaque with her name commemorating this occasion, on a bench of her choice in the downtown area. Commissioner Gardner commended Ms. Smith for receiving the award and she thanked her for her tireless work on downtown events and for serving as a member of the Fuquay-Varina Downtown Association Board of Directors.

Mayor Byrne then recognized the Town of Fuquay-Varina, Cline Design Associates, PA, Bass Nixon and Kennedy, Inc. Consulting Engineers and H.M. Kern Corporation for receiving the 2020 NC Main Street Award of Merit for the Governmental Facilities Project (Town Hall). Mayor Byrne stated that the Town Hall building located at 134 N. Main St.; formerly the Bob Barker Company building, received an Award of Merit for the best adaptive reuse project for its new Town Hall. The award was part of the Economic Vitality Award category, which recognizes initiatives that develop public/private partnerships and leverage local assets to create a vibrant small town. Construction began in December 2018 and was completed in October 2019. Mayor Byrne then recognized Bob and Pat

Barker for making the building available for purchase by the Town. Mr. and Mrs. Barker commended the Town Board for receiving the award and for rehabilitating the building into a beautiful building that will serve the Town for many years.

4B Arts Center - Report on Activity During the COVID-19 Pandemic

Arts Center Director Maureen Daily stated that on March 13, 2020, the Fuquay-Varina Arts Center was asked to close its doors and to halt activities, one year and one day after its soft opening, due to the global pandemic. It was clear that the public was not able to come to the art, so the Arts Center staff decided to bring the art to the public. The Arts Center started a campaign entitled We Hearts F-V, which encouraged downtown businesses to place paper hearts in their showroom windows as a reminder that we were all in the pandemic together. Arts Center Director Daly shared that pictures of hearts kept us connected even when isolation made us feel otherwise. The Arts Center also utilized social media and virtual opportunities in place of in-person activities early on. The 2020 Arts Council Member show became a virtual gallery; presented through the Arts Center's social media outlets and the final four films from the Southern Circuit of Independent Filmmakers season were shown via live stream, complete with audience interaction with the creative team of each film. Some classes shifted to the online world with the create-at-home series providing self-paced tutorials for a variety of art and crafts projects. Mayor Pro-Tem Massengill stated that the Arts Center has been very creative throughout the pandemic and all programs have been impressive. Commissioner Harris commended the Arts Center for the excellent way they continue promoting creative ways for the community to participate in the arts. Commissioner Wunsch stated that he is looking forward to the Easter events and the return of the Easter bunny. Commissioner Smith also commended the entire Arts Center staff for their creativity and ability to serve the public during the most difficult time. Mayor Byrne stated that he was impressed about the innovative way that the "Nutcracker" was performed in various parts of our downtown area. Commissioner Gardner stated that the Arts Center is part of the best things that the Town has to offer, and she commended Art Center Director Daly and her staff for hosting the En Plein Air event that had to be virtual for the first time ever, as well as the online auction. Arts Center Director Daly commended her full and part-time staff for their hard work and commitment. Town Manager Mitchell also commended Director Daly and her staff for their efforts.

PUBLIC COMMENTS

5A Attorney Dawn Blagrove, Executive Director of Emancipate NC, P.O. Box 309, Durham, NC, made comments about the situation with the Ziglar family and the Town Board's interaction with the Police Department in creating transparency. She stated that they would like to see the Police Department

policies and procedures made available to the public. She stated that a request was made by email to make the policies public and wanted to know why that has not been done. She also requested that the Town Board do a cultural assessment of the Police Department and she challenged the Mayor to take some of the problem solving and innovation as presented tonight in the Arts Center's presentation and apply it directly to the lack of access of public policy documents related to the operations of the Police Department and to doing a cultural assessment of the Police Department. She stated that those would be innovative ways to create and address problems that many black and brown people have within the community with the law enforcement agency. She stated that this issue will not go away, and the community will not move on until they get a cultural assessment, and the policies and procedures are released. Mayor Byrne thanked Ms. Blagrove for her comments.

Tinaya Gray, 433 Appalachia Lake Drive, Fuquay-Varina, stated that being told to "move on" is really like a dog whistle that denies citizens their right to be heard. She stated that black lives in America have always been complicated as is relationships with police and justice. She spoke about the trauma and plight of black people in America from its inception and how over the years black people have been painted as criminals. She stated that we must operate with change. She further stated that reform is not an indictment of the way we do things, but a re-imagining of possibilities. She suggested the creation of a committee or task force whose purpose is to engage the community and solicit diverse input and experiences, and to get to know what our community expects. This task force could review police department policies, engage in diverse segments of our community, report those findings, and review the community feedback and institute reforms, as necessary. She stated that instead of telling us to "move on" we could lead, like our neighbors in Cary and Apex who have created human relations and diversity task forces. This task force could be action oriented; it could serve in an advisory capacity and be a resource for the Town on all diversity issues, make recommendation to the Town Board, work with our Economic Development team and provide feedback that would enhance, celebrate, and embrace the future of Fuquay-Varina. Mayor Byrne thanked Ms. Gray for her comments, and he stated that one of the things he would correct is that his comments were not "move on" but they were "to move forward" and it was not meant as a derogatory comment.

Ms. Stephanie Shattuck, 1733 Ethans Springs Drive, Willow Spring, stated that she is also requesting the Fuquay-Varina Police Department make public the policies and procedures of the department, especially the handling of juveniles, and she referred to a moment in the bodycam footage where a comment made by one of the Police Officers on the scene (in the Ziglar family incident) who stated that the situation was not handled appropriately. She stated that it is hard for the public to move forward with the process when we do not know what the policies and procedures are. She stated that our neighboring towns both Garner and Apex have very detailed policies and procedures that are

very easily accessible on their website. She stated that if Fuquay-Varina's policies and procedures are anything like our neighboring towns have posted, it is even more clear to her that this situation was not addressed properly as the officer on the scene stated. She stated that she strongly believes that acknowledgement of inappropriate handling of this incident from the Fuquay-Varina Police Department and a promise to implement proper training or changes to the policies, if needed, would really help the community to move forward in a more amenable manner. She further stated that the Fuquay-Varina Police Department prides itself on its transparency and providing this information to the community would further contribute to that transparency and help continue to build that trust between our local law enforcement and the community that it serves. Mayor Byrne thanked Ms. Shattuck for her comments.

Town Manager Mitchell stated that there was in fact a public request made regarding Police policies, specifically as it relates to juveniles. That information has been complied by the Police Department, provided to our Town Attorney for review and it is expected that it will be provided tomorrow to the individual that made the request. He further stated that the Town Board sees the importance of transparency when it comes to law enforcement policy by and funded a position that was recently filled (due to COVID-19). The person serving in this administrative position will review all law enforcement policies.

Commissioner Harris responded to the request for a task force, and he stated that the Public Safety Committee that is meeting, will tackle some of the concerns that may be expressed as far as trying to move forward in developing a vehicle where citizens can have ongoing dialogue and engagement with members of the Board as it relates to law enforcement and the community. The Public Safety Committee will in turn make recommendations based on our meetings and feedback from the public to the full Board and hopefully there could be a greater response to the concerns that were shared in this meeting.

ITEMS PREVIOUSLY TABLED

6A Preliminary Subdivision Plat - Lakestone Tract 5 - SUB-PR-2020-09

Purpose - To consider a preliminary subdivision plat submitted by George Finch/Boney and Associates, P.A., called Lakestone Tract 5, located at 635 Lakestone Commons Avenue.

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the agenda item and made the following remarks.

The submitted preliminary subdivision, Lakestone Tract 5, is located at 635 Lakestone Commons Avenue, on 9.538 acres in the Corridor Commercial (CC) zoning district.

The preliminary subdivision plat proposes a mixed-use development with 48 townhouses on a residential area of 7.07 acres and two future commercial lots on a combined commercial area of 2.468 acres. The minimum provided townhouse lot size is 1,260 square feet and the maximum provided townhouse lot size is 1,999 square feet. Following the 15% open space requirement for townhouse developments, a minimum of 1.06 acres of overall open space is required. This proposed subdivision is providing 3.634 acres of overall open space.

Vehicular access to the project area is provided by two (2) connections to the extended Commercial Service Road and one (1) connection to Lakestone Commons Avenue. The Commercial Service Road is a private road and Lakestone Commons Avenue is a local street. The Commercial Service Road has two (2) lanes and Lakestone Commons Avenue has four (4) lanes with a median and sidepaths. A street stub will be provided to the west of the site.

Public water and sewer are available to serve the subject properties and will be installed by the developer.

The proposed preliminary subdivision plat meets all Town requirements, as such management and staff recommend approval.

At the February 15th, 2021 regular meeting, the Planning Board found the subdivision plat consistent with Town requirements and voted unanimously to recommend approval. At the March 1, 2021 Town Board meeting, the Board requested that the agenda item be delayed until the March 16, 2021 Town Board meeting in order to gain a better understanding of the proposed development. Since the March 1, 2021 Town Board meeting, the applicant has submitted a revised Declaration of Mixed-Use Development which further defines the building facade requirements for both the townhomes and commercial buildings. These building facade requirements meets the standards set forth in the LDO for building facades in a mixed-use development.

Discussion - Mayor Pro-Tem Massengill stated that he had followed-up on the questions that he had as it relates to the exterior guidelines and aesthetics for this new subdivision and felt better that the subdivision would follow the Town's mixed-use guidelines.

Recommendation - Approve the Lakestone Tract 5 preliminary subdivision plat SUB-PR-2020-09, as presented and recommended.

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

PUBLIC HEARINGS

7A Voluntary Annexation Petition - Northgate Subdivision - 102, 104, 105, 108, 109 Oaklake Court and 105, 106, 107, 109, 110, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125 Riding Ridge Road - PIN's 0657983164, 0657982293, 0657980161, 0657981373, 0657889279, 0657987373, 0657987222, 0657985420, 0657986163, 0657984258, 0657986005, 0657985020, 0657974943, 0657973875, 0657981070, 0657972799, 0657970929, 0657971667, 0657879942, 0657970579, 0657878798, and 0657879611 - ANX-2021-02

Purpose - To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a voluntary annexation petition and to approve the Declaration of Annexation and Agreement for property owned by individuals of the Northgate Subdivision, located at 102, 104, 105, 108, 109 Oaklake Court and 105, 106, 107, 109, 110, 111, 113, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125 Riding Ridge Road, containing a total of approximately 16.126 acres. (PIN's 0657983164, 0657982293, 0657980161, 0657981373, 0657889279, 0657987373, 0657987222, 0657985420, 0657986163, 0657984258, 0657986005, 0657985020, 0657974943, 0657973875, 0657981070, 0657972799, 0657970929, 0657971667, 0657879942, 0657970579, 0657878798, and 0657879611).

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the agenda item and made the following remarks.

The subject properties to this annexation contains approximately 16.125 combined acres and have road access to James Slaughter Road and Dickens Road. The properties are contiguous to the Town's corporate limits where water and sewer are available, subject to the terms of an annexation agreement executed by the property owners.

Petitioners have signed an annexation agreement as it relates to the provision of Town services. As part of a private settlement agreement and as set forth in the annexation agreement, Lear

Corporation will install new internal water lines to serve the properties and convert an existing water line (now owned and operated by Aqua) into an available sewer force main. The Petitioners will have the ability to connect to the sewer force main in the future at their own cost if existing septic systems are no longer able to serve the properties.

At the March 1, 2021 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 meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the March 16, 2021 Town Board meeting.

Public Hearing - The public hearing was opened. No one spoke in favor or opposition to the voluntary 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 residents of Northgate Subdivision and to approve the Declaration of Annexation and Agreement - ANX-2021-02 as presented and recommended.

MOTION:	Commissioner Harris	
SECOND:	Commissioner Gardner	
MOTION RESULTS:	Passed Unanimously (5-0)	Ordinance No. N-21-07

CONSENT AGENDA _____

8A Budget Amendment - Recognizing Insurance Proceeds - Fire Department - Unit 134 - BA-21-25 - \$5,210.00

Purpose - To consider a budget amendment that recognizes insurance proceeds in the amount of \$5,210.00 from the NC League of Municipalities Interlocal Risk Financing Fund for repairs of a Fire Department Code Enforcement Vehicle (Unit #134).

Recommendation - Approve Budget Amendment BA-21-25 as presented and recommended.

8B Memorandum of Understanding - TJCOG Clean Water Education Partnership (CWEP)

Purpose - To consider approval of a Memorandum of Understanding (MOU) between the Town and the Triangle J Council of Governments (TJCOG) as it pertains to the services provided by TJCOG under the Clean Water Education Partnership (CWEP) program.

Recommendation - Authorize the Town Manager to execute the Memorandum of Understanding between TJCOG's Clean Water Education Partnership (CWEP) and Town of Fuquay-Varina as presented and recommended.

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

MOTION Mayor Pro-Tem Massengill

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0)

Following a vote on the Consent Agenda items, Mayor Pro-Tem Massengill referenced agenda item 8A and inquired if any firefighters involved in the vehicle accident that the Town was not a fault for were injured. Town Manager Mitchell advised that there were no injuries.

ITEMS REMOVED FROM CONSENT

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

ADMINISTRATIVE REPORTS

10A Municipal Agreement and Project Ordinance Amendment - Sunset Lake Road Phase II Widening (U-6252)

Purpose - To consider authorizing the Town Manager to enter into a Municipal Agreement with NCDOT and amend a project ordinance for the Sunset Lake Road Phase II Widening Project (U-6252).

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

In the most recent round of Locally Administered Projects Program (LAPP) grant awards, Town Staff has secured funding for three (3) new projects in the Federal Fiscal Year 2021 - 2022. The Town is now expected to execute the required municipal agreements and obligate its cost-share portion of funds for these projects. Town staff is requesting that the Town Board authorize the Town Manager to execute these agreements so the agreements can be returned to the North Carolina Department of Transportation (NCDOT) for their governing board's approval. The pending Municipal Agreement is similar to previous LAPP projects funding agreements executed by the Town. Prompt execution of these agreements is necessary to expedite Federal Funding Obligations.

This current phase of the Sunset Lake Road Widening Project, which was also awarded LAPP grant funding, is the second phase of the Sunset/Purfoy/Main Street improvements project that was 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 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 and future traffic to be expected with future growth. Phase two of this project will provide additional travel lanes across the Norfolk Southern Railroad and provide further storage of traffic entering the US Highway 401 & N Main Street intersection. The Town has received and executed an agreement with Norfolk Southern Railroad for the initial design.

The recommended action includes a project ordinance amendment in the amount of \$1,312,207.00 to recognize LAPP grant funding for phase two of this project. This amendment will bring 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 the unused 2015 Transportation Bond funding from this project's first phase.

Discussion - Mayor Byrne asked Town Manager Mitchell to explain the scope of the project. Town Manager Mitchell described that the area of work will include widening across the Norfolk Southern rail line, through the Broad Street intersection, and terminating at the back property line of the Harris Teeter shopping center. Mayor Byrne stated that this is a project that we hoped to get done much sooner, but it was delayed due to the competitive process. Mayor Pro-Tem Massengill asked when would the project be started and completed. Town Manager Mitchell stated that it is likely to start in October 2021 when the Federal funding cycle begins, assuming that there is no delay due to the

pandemic and completed within 12 to 18 months after that. Mayor Pro-Tem stated that if we moved forward with this project before the Federal funding cycle begins, the Town would not receive the funding. Mayor Byrne and Town Manager Mitchell thanked former Engineering Director Tracy Stephenson and current Engineering Director Matt Poling for their work on this project.

Recommendation - Authorize the Town Manager to enter into a Municipal Agreement with NCDOT for the Sunset Lake Road Phase II Widening Project (U-6252) subject to approval by the Town Attorney as to form and amend the project ordinance in the amount of \$1,312,207.00 as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-21-08

10B Municipal Agreement and Project Ordinance - Downtown Varina Pedestrian Improvements Project (EB-6053) - \$1,457,490.00

Purpose - To consider authorizing the Town Manager to enter into a Municipal Agreement with NCDOT and establishment of a project ordinance for the Downtown Varina Pedestrian Improvements Project (EB-6053).

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

In the recent round of Locally Administered Projects Program (LAPP) grant awards, Town staff has secured funding for three (3) new projects in the Federal Fiscal Year 2021 - 2022. The Town is now expected to execute the required municipal agreements and obligate its cost-share portion of the project's funds. Town staff is requesting that the Town Board authorize the Town Manager to execute these agreements and return the agreement to the North Carolina Department of Transportation (NCDOT) for their governing Board's approval. The pending Municipal Agreement is similar to previous LAPP projects funding agreements executed by the Town. Prompt execution of these agreements is necessary to expedite Federal Funding Obligations.

The Downtown Varina Pedestrian Improvements Project will provide critical streetscape improvements in the Downtown Varina District along North Street, Stewart Street, and Ransdell

Road. These improvements will consist of new sidewalks, crosswalks, curb and gutter, and storm drainage. These improvements will provide enhanced pedestrian accommodations and access from Downtown Varina to the newly renovated Fuquay-Varina High School.

The recommended action includes establishing a project ordinance with a total project cost of \$1,457,490.00. The Federal Highway Administration (FHWA) is providing 80% (\$1,165,992.00) of the total project cost through the LAPP grant funding program that will require the Town to provide the remaining 20% (\$291,498.00) which funding has been identified through Powell Bill Funds.

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

Recommendation - Authorize the Town Manager to enter into a Municipal Agreement with NCDOT for the Downtown Varina Pedestrian Improvements Project (EB-6053) subject to approval by the Town Attorney as to form and establish a project ordinance in the amount of \$1,457,490.00 as presented and recommended.

MOTION: Commissioner Gardner

SECOND: Mayor Pro-Tem Massengill

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-21-09

10C Municipal Agreement and Project Ordinance - Highway 401 - Mill Creek Road Intersection Operational Improvements Project (U-6253) - \$1,536,438.00

Purpose -To consider authorizing the Town Manager to enter into a Municipal Agreement with NCDOT and establish a project ordinance for the Highway 401 - Mill Creek Rd Intersection Operational Improvements Project (U-6253).

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

In the recent round of Locally Administered Projects Program (LAPP) grant awards, Town staff has secured funding for three (3) new projects in the Federal Fiscal Year 2021 - 2022. The Town is now expected to execute the required municipal agreements and obligate its cost-share portion of funds for the projects. Town staff is requesting that the Town Board authorize the Town Manager to execute these agreements so the agreements can be returned to the North Carolina Department of

Transportation (NCDOT) for their governing Board's approval. The pending Municipal Agreement will be similar to previously executed LAPP project funding agreements. Prompt execution of these agreements is necessary to expedite Federal Funding Obligations.

The Highway 401 - Mill Creek Road Intersection Operations Improvements Project will provide additional lanes and approaches to this heavily traveled intersection. These operational improvements are needed to alleviate traffic associated with current traffic patterns and the anticipation of future commercial development within the intersection's vicinity. This intersection will function as the main entrance to the recently announced large-scale, commercial-retail project, Gold Leaf Crossings that will consist of \$150,000,000.00 of new private investment and create 1,300 new jobs. Furthermore, extensive improvements throughout the intersection will be constructed to ensure safe pedestrian crossings and passages across US Highway 401.

The recommended action includes a project ordinance in the amount of \$1,536,438.00, the Project's total estimated cost. The Federal Highway Administration (FHWA) is providing 80% (\$1,229,151.00) of the Project's funding through the LAPP grant funding program that requires a Town match of the remaining 20% (\$307,287.00). The Town's local match for this project will be covered by unused 2015 Transportation Bond funds from the Phase 1 Sunset/Purfoy/Main Transportation Project.

Discussion - Town Manager Mitchell stated that Mayor Byrne sits as the Town's representative on the Board for CAMPO and he commended the Mayor for his hard work to move the Town's projects forward for funding. Commissioner Wunsch stated that the last three items are extremely exciting, and this is a banner day for the Town of Fuquay-Varina.

Recommendation - Authorize the Town Manager to enter into a Municipal Agreement with the North Carolina Department of Transportation for the NC Highway 401 - Mill Creek Road Intersection Operational Improvements Project (U-6253) subject to approval by the Town Attorney as to form and establish a project ordinance in the amount of \$1,536,438.00 as proposed and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-21-10

Purpose - To consider authorizing the Town Manager to fill a vacant position in the Planning Department with an Assistant Planning Director as opposed to filling a planned Long Range Planner II position to better support the planning department's current and long-term needs.

Staff Comments - Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

As one of North Carolina's fastest-growing communities, the Town of Fuquay-Varina is diligently working to meet the demands of new growth opportunities. The Planning Department administers all zoning and subdivision regulations for all property within the Town's planning jurisdiction, including the corporate (Town) limits and the extraterritorial jurisdiction (ETJ).

For years, the Planning Department has been hard at work reviewing plans designed to move one of the fastest-growing towns in North Carolina forward. Growth in our region is inevitable, and it is the responsibility of the Town's Planning Department to ensure both citizens and community leaders coordinate various land planning functions that reflect a sustainable and equitable vision.

The Town's Planning Department provides an administrative role with the organization. These administrative and managerial functions include the development and regulation of the Town's official zoning map, Land Development Ordinance, and related land use development policies and procedures to ensure the expectations of the Town's governing board are aligned with effective land use planning that enhances the quality of life for Fuquay-Varina's citizens and the business community.

Given the robust demand for growth, it is imperative that the Town's Planning Department add the necessary managerial position of an Assistant Planning Director to strategically support the department's supervisory and technical planning work. This position will provide supervision of Planning Department staff working in current planning efforts, including zoning, subdivision, and site plan review processes; overseeing plan review for infrastructure and compliance with the Town's ordinances and plans; developing and coordinating special plans related to growth, development, and redevelopment of the Town; assisting citizens and developers with various issues; conducting studies of planning issues; providing staff assistance to the Town Board and various advisory boards; and managing the department in the absence of the Planning Director.

Management recommends approval of the proposed change in staffing for the Planning Department.

An Assistant Planning Director position had previously been programmed in the Town's future staffing plan and this position has been established in the Town's Pay Grades and Classification schedule assigned as a grade 22.

Currently there is a vacant Long Range Planner II position within the Planning Department. Town Management, in consultation with the Planning Director, propose to not back-fill the Long-Range Planner II position and instead hire an Assistant Planning Director where the need for planning department personnel is greater. Given the amount of robust growth experienced throughout the community presently and expected in the future, the addition of an Assistant Planning Director is more important to addressing the current planning needs of the department. The elimination of the Long-Range Planner II position will require an additional \$12,000.00 annual adjustment to the department's salaries line item for which pro-rated funding has been identified for FY 21 and full funding can be planned for in future years.

Discussion - Mayor Byrne stated that he highly recommends approval of this recommendation.

Recommendation - Authorize the Town Manager to fill the Assistant Planning Director position as opposed to the Long-Range Planner II position as presented and recommended.

MOTION: Commissioner Wunsch
SECOND: Commissioner Smith
MOTION RESULTS: Passed Unanimously (5-0)

OTHER BUSINESS

11A Town Manager's Report

Economic Development - The Town's Business Park was recently re-certified as a North Carolina Shovel Ready site, which is good for another 2 years.

The Economic Development Director and Downtown Manager have begun the process of seeking public input during the months of March and April on the Downtown Masterplan. The public can give their ideas using the "Let's Talk F-V" site (letstalkfv.org).

The 2020 Economic Development annual report was released yesterday and is available.

Economic Development Director Alyssa Byrd has been announced as the recipient of the 2020-2021 Economic Development "40 Under 40" Award which is hosted by the Development Counsellors International (DCI).

Planning Department - US 401 Corridor Study is now in motion with an online survey available through April 9th and a virtual meeting is scheduled for Thursday, March 25, 2021.

Public Utilities - Brian Thomas, in the water section of the Department has received his Distribution A certification from the NC Water Treatment Facility Operator Certification board.

The Public Utilities Department recently opened bids for the upcoming waterline replacement project and they are implementing services scoping for the new 1mgd water tank in the Hilltop-Needmore area.

Inspections Department - As of March 15 the department issued 120 new single-family permits.

Two new Permit Techs, Heather Clark and Sherri Gunter, were recently hired in the Inspections Department.

Parks & Recreation - The department has begun the public input process for the Fuquay-Varina Community Center North/Senior Center project. Online surveys are available through letstalkfv.org. Drop-in opportunities are scheduled for Monday, March 22, 2020 from 5:30 - 8:30 p.m. at Fleming Loop Park and on Wednesday March 24, 2021 from 3:30 - 6:30 p.m. at the Fuquay-Varina Community Center.

Arts Center Department - The department has strong numbers for Spring enrollment and will be looking to identify and expand course offerings to meet the increasing demands.

Fire Department - The process has started for schematic design of the joint use fire station with Wake County EMS and the Town of Garner.

Police Department - Newly hired Police Officer Ryan Northgrave was recently sworn in, and a new Telecommunicator, Anna Alexander, was hired.

Finance Department - The budget meetings are in process with Department Head meetings. Town Manager Mitchell offered April 13th as a potential date to hold the budget workshop but will check with Town Board members to see what date works best for them.

Miscellaneous Updates - Town Manager Mitchell, along with the Mayor and Commissioner Harris recently participated in NC League of Municipalities Town and State Social, a virtual meeting. They had the opportunity to speak with Senator Sidney Batch. He also stated that he, along with the Mayor, participated in the NC Metro Mayors Coalition meeting last Friday and received good updates about legislative work that is happening.

Town Manager Mitchell reported that he has been involved in discussions with other local managers regarding municipal elections and the delay of the 2020 US Census information that will impact municipalities that vote by districts or wards. It appears that it will not impact at-large elections at this time. Town Manager Mitchell advised that there will be a greater cost to elections this year.

Town Manager Mitchell reported that he recently participated in the NC Main Street Conference (virtual) along with Mayor Byrne and Commissioner Gardner.

Town Manager Mitchell advised that he, Mayor Byrne, Assistant Town Manager Seymour, and Economic Development Director Byrd participated in a virtual meeting with members of Fuquay-Varina's BIG 4. He stated that representatives from John Deere, TE Connectivity, and the Bob Barker Company participated on the call.

Town Manager Mitchell stated that he had a separate meeting with Senator Batch as it relates to specific issues as it relates to the Town and some funding resources that we need help with acquiring and she was very excited to try to help where she can.

Town Manager Mitchell asked Communications Director Susan Weis to provide a presentation of the new "Let's Talk Fuquay-Varina" which is the Town's new public engagement website. Director Weis stated that the site can be accessed by typing in "letstalkfv.org". The new site had its soft launch last Friday, and she was pleased with the amount of participation. She reported that the public will find this tool useful as there are a wide range of topics that can be addressed. Town Manager Mitchell encouraged the public to become engaged through this platform. Commissioner Harris stated that citizen engagement is a thing of the future and it will be a great tool for our citizens. He thanked Communications Director Weis for working to get this set up.

11B Preliminary Design - Greenway Trails - Hidden Valley and Alston Ridge

The FY 21 budget identified and allocates funding to design two greenways that will better position the Town in the future when applying for grant funding by having shovel-ready projects for construction.

Alston Ridge Greenway Trail will consist of a 10-foot-wide paved greenway trail with boardwalk. The project will begin at the existing Bass Lake Greenway trail located on the east side of NC Highway 55 in the Alston Ridge Subdivision and tie back to the existing asphalt at the Bass Lake Greenway Trail north, approximately 2,400 linear feet.

Hidden Valley Greenway Trail will consist of a 10-foot-wide paved greenway trail with boardwalk. The project will begin at Jordan Meadow Drive, east of Purfoy Road in the Hampton Park Subdivision. It will continue north and tie back to Galega Drive in the Old Waverly Subdivision, approximately 3,500 linear feet.

The FY 21 Budget identifies funding for the design of Alston Ridge Greenway (\$208,000.00) and the Hidden Valley Greenway (\$125,000.00).

Therefore, sufficient funds to cover the total design cost of \$298,276.96 are reflected in the FY 21 Budget.

Town Manager Mitchell advised that no action was required for this matter however he wanted to share with the Board the possible alignments for each greenway. Town Manager Mitchell stated that the Town would be soliciting public input about alignments before making a final recommendation to the Town Board.

11C Drive-up Medicine Drop Event - Fuquay-Varina Police Department - Friday, March 26, 2021 - 2:00 pm - 5:00 pm. Commissioner Massengill commended the Police Department for these types of programs that they offer, and it shows where their interest and heart lies as it relates to the wellbeing of the community.

11D Zoning Map Amendment & Land Use Plan Amendment - Fuquay Warehouse & Storage, LLC - 6109 S NC 55 Highway & 1206 NC 42 Highway - PINs 0677203753 & 0677208852 - REZ-2020-22---(FIRST READING)

11E Zoning Map Amendment & Land Use Plan Amendment - AE Saunders Farm, LLC - A Portion of 7621 S NC 55 Highway - PIN 0675353953 - REZ-2020-20 - (Mitchell/Seymour/Davison) - (FIRST READING)

BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill - recognized and commended Gary Janshego and Howard Bishop in the Engineering Department for great work with the building community.

Commissioner Smith - thanked Engineering Director Matt Poling and his staff for good customer service provided this past week with a complaint that he received from a citizen.

Commissioner Harris - reported that the Public Safety Committee met on March 4, 2021. The National Congressional League of Cities met virtually on March 7 - 10, 2021, and the theme was Respond, Recover and Rebuild as it relates to how cities and towns have been affected by and responded to the pandemic over the last year. Topics also focused on housing instabilities, infrastructure, workforce development and public safety. They recommend that direct funding goes to cities regarding the American Rescue Plan. There was also discussion about citizen engagement as one of the primary ways that the government will maintain contact with citizens. He also reported that the Task Force on Racial Equity had its final meeting, and a report will be forthcoming.

Commissioner Wunsch - reported that the Fuquay-Varina High School Varsity Lacrosse Team won their first round in the State playoffs. He reported that the Public Safety Committee met and set up structure for the committee and discussed the agenda topics for future meetings. He stated that seven years ago today he got the idea to set up the Today In the Quay Facebook page to highlight the positive things that go on in the Town.

Commissioner Gardner stated that she is excited about the Let's Talk Fuquay-Varina platform. She also reported that the Town had one of the larger delegations for the NC Main Street Conference, which helps to keep our Downtown engaged. She stated that since the conference was virtual, we now have the opportunity to have these topics that were discussed available for viewing online. She thanked the Town for supporting the conference with their participation and for encouraging our downtown organizations to do the same.

Mayor Byrne reported, as Commissioner Harris mentioned, the American Recovery Act that has passed and \$360 billion will go toward helping cities and towns across the country and Fuquay-Varina will receive \$8.87 million upon competition of certain guidelines and requirements.

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

Past Events

- 3/3 - NCLM Town and State Social
- 3/5 - NC Metro Mayors Weekly Legislative Call
- 3/12 - NC Metro Mayors Weekly Legislative Call
- 3/15 - Wake County Mayor's Association Meeting

Upcoming Events

- 3/17 - Campo Meeting
- 3/19 - NC Metro Mayors Weekly Legislative Call
- 3/26 - NC Metro Mayors Weekly Legislative Call
- 4/1 - Centennial Authority Meeting
- 4/2 - NC Metro Mayors Weekly Legislative Call

CLOSED SESSION

Pursuant to N.C.G.S. 143-318.11 (a) (3) - Attorney Client Privilege, N.C.G.S. 143-318.11 (a) (5) - Property Acquisition, and N.C.G.S. 143-318.11 (a) (4) - Economic Development

A motion was made to hold a closed session meeting at 9:37 p.m.

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

ADJOURNMENT

A motion was made to adjourn the meeting at 10:40 p.m.

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

The minutes from the March 16, 2021 Town Board of Commissioners regularly scheduled meeting are adopted this 5th day of April in the year 2021 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST

(TOWN SEAL)

Rose H. Rich, Town Clerk

