



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

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on March 19, 2019 at 7:00 p.m.

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

Commissioners Absent: None

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

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INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Pro-Tem Blake Massengill provided the invocation. Police Chief Laura Fahnstock led the Pledge of Allegiance.

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APPROVAL OF THE MINUTES

The March 4, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented with an amendment to the discussion portion of Item 10B of the minutes of March 4, 2019 as recommended by the Town Manager for approval.

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

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PRESENTATIONS

There were no presentations for the March 19, 2019 Town Board meeting.

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PUBLIC COMMENTS:

Ms. Janet Kretzdorn of 1732 Balfour Downs Circle stated that she had questions regarding the recently approved infrastructure agreement as it relates to water pressure along Wilbon Road, Coley Farm Road, and in the vicinity of Bazzel Creek Church. She stated that she was able to meet with Public Utilities Director Jay Myers who promptly answered her questions and she was grateful that he took the time to give her the information that she was seeking.

Ms. Sherree Ward of 4604 Spring Crest Court stated that she would like to see a phased approach for the uses at the Crooked Creek property and that the Town would make the walking trails usable as soon as possible.

Mr. Ron Nawojczyk of 5700 Creekfall Lane stated that there are approximately 4,000 people in the group that are willing to help the Town make the Crooked Creek property work. He stated that acceptance of the property would be a great opportunity for the Town and he looks forward to seeing its development.

Mr. John Sprink of 5429 Greensflag Lane stated that the adjacent residents of the Crooked Creek property gave up their covenant rights to the property, and he is concerned with the phrase "other public uses" in the conditions for this property, and he would like to know what will be planned for the property.

Ms. Patti Goodwin of 2627 Brighton Bluff Drive stated that she is glad that the Town will pick up the project and that she hopes that the gift would be received in the spirit that it was given.

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ITEMS TABLED FROM PREVIOUS MEETING:

There were no items tabled from a previous meeting.

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PUBLIC HEARINGS:

There were no public hearings for the March 19, 2019 Town Board meeting.

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CONSENT AGENDA

Agenda Item No. 8.A: Voluntary Annexation Petition - Stancil Vineyards, LLC - 3325 John Adams Road - PIN 0696670266 - ANX-2018-23

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition, and to consider adoption of a resolution setting a public hearing for April 1, 2019 following the receipt of a petition for voluntary annexation of property owned by Stancil Vineyards, LLC, located at 3325 John Adams Road, Willow Spring, containing 0.817 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition, and adopt the resolution setting the public hearing for a voluntary annexation petition on April 1, 2019, for property owned by Stancil Vineyards, LLC (ANX-2018-23) as presented and recommended.

**No. 19-1585**

**Resolution**

**Resolution No. 19-1586**

Agenda Item No. 8B: Voluntary Annexation Petition - Cypress Homes, Inc. - 7709, 7713, 7717 and 7721 Barefoot Road - PIN 0646426253, 0646427013, 0646417858, 0646415664 and 0646416513 - ANX-2019-01

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition, and to consider adoption of a resolution setting a public hearing for April 1, 2019 following the receipt of a petition for voluntary annexation of property owned by Cypress Homes, Inc., located at 7709, 7713, 7717 and 7721 Barefoot Road, containing a total of 8.009 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition, and adopt the resolution setting the public hearing for a voluntary annexation petition on April 1, 2019, for property owned by Cypress Homes, Inc. (ANX-2019-01) as presented and recommended.

**No. 19-1587**

**Resolution**

**Resolution No. 19-1588**

Agenda Item No. 8C: Voluntary Annexation Petition - Cotton-Kazan - 9124, 9200, 9300 Lake Wheeler Road - PIN's

0689217525, 0689215075 and 0689202121 - ANX-2019-02

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition, and to consider adoption of a resolution setting a public hearing for April 1, 2019 following the receipt of a petition for voluntary annexation of property owned by David H. Cotton Sr., David Harold Cotton, Jr. and Alexandria K. Cotton and Donna C. Kazan, located at 9124, 9200, 9300 Lake Wheeler Road, containing a total of 3.698 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition, and adopt the resolution setting the public hearing for a voluntary annexation petition on April 1, 2019, for property owned by Cotton-Kazan (ANX-2019-02) as presented and recommended.

**1589**

**Resolution No. 19-**

**1590**

**Resolution No. 19-**

Agenda Item No. 8D: Surety / Letter of Credit - Sunset Bluffs Phases 11 and 15 - Landscaping Delay of Installation - \$17,456.25

Purpose – To consider a surety request for delay of landscaping improvements for the Sunset Bluffs Phases 11 and 15 in the amount of \$17,456.25.

Recommendation – Approve the underlying agreement and acceptance of a surety for Sunset Bluffs Phases 11 and 15 in the amount of \$17,456.25 as presented and recommended subject to Town Attorney review as to form.

***(This item was removed from the Consent Agenda upon the request of Mayor Pro-Tem Massengill.)***

Agenda Item No. 8E: Surety / Letter of Credit - The Retreat at Fuquay-Varina - Landscaping Delay of Installation - \$70,500.00

Purpose – To consider a surety request for delay of landscaping improvements for The Retreat at Fuquay-Varina in the amount of \$70,500.00.

Recommendation – Approve the underlying agreement and acceptance of a surety for The Retreat at Fuquay-Varina in the amount of \$70,500.00 as presented and recommended subject to Town Attorney review as to form.

A motion was made to approve items (A, B, C & E) on the Consent Agenda as recommended. *(Item 8D was removed from the Consent Agenda.)*

MOTION: Mayor Pro-Tem Massengill

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

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ITEMS REMOVED FROM CONSENT AGENDA

Agenda Item No. 9A: Consideration of Agenda Item 8D Removed from the Consent Agenda

Request for Recusal

Mayor Pro-Tem Massengill requested that Item 8D be removed from the Consent Agenda. He asked that the Town Board recuse him from discussion and action on the item due to having a financial interest in the adjacent property.

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

Consideration of Removed Consent Agenda Item

Agenda Item No. 8D: Surety / Letter of Credit - Sunset Bluffs Phases 11 and 15 - Landscaping Delay of Installation - \$17,456.25

Purpose - To consider a surety request for delay of landscaping improvements for the Sunset Bluffs Phases 11 and 15 in the amount of \$17,456.25.

Recommendation - Approve the underlying agreement and acceptance of a surety for Sunset Bluffs Phases 11 and 15 in the amount of \$17,456.25 as presented and recommended subject to Town Attorney review as to form.

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

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ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Contract Award, Budget Amendment, and Project Ordinance Amendment - Downtown and Southeast Judd Parkway Sidewalks -2018 Pedestrian Improvements Project

Purpose – To consider awarding the Base Bid and Bid Alternate 1 of the Fuquay-Varina 2018 Pedestrian Improvements Project to Sandhills Contractors in the amount of \$382,075.28.

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 the recommended scope of the contract involved new sidewalk installation in the area of Library Park along Aiken Street and Raleigh Street and new sidewalk installation along the west side of Judd Parkway from Angier Road to Holland Road.

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

Recommendation – Award a contract for the Fuquay-Varina 2018 Pedestrian Improvements Project, Base Bid plus Alternate Bid 1, to Sandhills Contractors in the amount of \$382,075.28, subject to Town Attorney review as to form, authorize the Town Manager to execute the contract, approve Budget Amendment BA-2019-20, and approve the corresponding Project Ordinance Amendment.

MOTION: Commissioner Smith  
SECOND: Commissioner Harris  
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-19-07**

Agenda Item No. 10B: Resolution Supporting an Application to the Local Government Commission for Refunding 2009-A Public Improvement General Obligation Bonds

Purpose – To consider a Resolution Supporting an Application to the North Carolina Local Government Commission for Refunding the 2009-A Public Improvement General Obligation Bonds.

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 refunding the bonds and reissuing bonds for the remaining balance of the debt will save the Town approximately \$145,000 over a 10 year period and will not extend the life of the borrowing beyond the original maturity date.

Discussion – Mayor Byrne commended Finance Director Carla Morgan for her work in seeking refunding of the bonds.

Recommendation – Adopt a resolution supporting an application to the Local Government Commission for refunding 2009-A Public Improvement General Obligation Bonds as presented and recommended.

MOTION: Commissioner Harris  
SECOND: Commissioner Wunsch  
MOTION RESULTS: Passed Unanimously (5-0) **Resolution No. 19-1591**

Agenda Item No. 10C: Bond Order - Refunding 2009-A Public Improvement General Obligation Bonds

Purpose – To consider a proposed Bond Order for Refunding the 2009-A Public Improvement General Obligation Bonds.

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 approval of the Bond Order was necessary to effectuate the refunding of the 2009-A Public Improvement General Obligation Bonds.

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

Recommendation – Adopt the proposed Bond Order for the Refunding of 2009-A Public Improvement General Obligation Bonds.

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

Agenda Item No. 10D: Acceptance of Real Property Without Monetary Consideration - Wake County - Crooked Creek Property

Purpose – To consider accepting the conveyance of 143 acres of property owned by Wake County to the Town without monetary consideration. The property is located along Shady Greens Drive, Brushy Meadows Drive, and Hilltop Needmore Road and is more generally known as the former Crooked Creek Golf Course.

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 referred to a hand out given to the Town Board of an amendment to the motion recommendation. Town Manager Mitchell reminded the Town Board that they had previously authorized him to

negotiate the terms of a property conveyance and acceptance agreement subject to the following terms and conditions.

1. The only restrictions tied to the conveyance of the property be as follows: a) The property be preserved, in perpetuity, as open space and/or for public purpose. b) The property be preserved as open space until which point the Town is ready to develop the property for a public purpose which may include but is not limited to a public park and/or public facility. c) The Town will provide a joint use and/or cross access easement to the Wake County Public School System to support the planned adjacent future elementary school site for access and design flexibility.
2. The acceptance of the property is based on the understanding that the Town is not accepting the property for immediate public use.
3. The acceptance of the property is based on the understanding that land maintenance and mowing activities will be minimal.
4. The acceptance of the property is based on the understanding that as the Town becomes ready to develop the property, the Town will undergo a master planning process, which would identify what uses may be developed on the property as sufficient funding is identified. These uses could include passive recreation, active recreation, and other municipal facilities (for example a fire station or community center). Based on the financial outlook of the Town and other projects already committed to in the Parks, Recreation, and Cultural Resources Facility Master Plan, there are no immediate plans for the subject property and development of any park on the property is not expected for 6 years or more.
5. The acceptance of the property is based on the understanding that the Town is seeking the entire property (all 143 acres). This will provide design flexibility and development feasibility for future Town uses, which may be active in nature.

Town Manager Mitchell then reported that he and the County Manager had reached the following mutually agreed upon recommendations.

1. That the County convey all 143 acres to the Town of Fuquay-Varina with the condition (deed restriction) that the property may only be used by the Town for park, open space or other public purposes the Town deems appropriate and subject to a gain provision that compensates the County in the event the property is sold, at a future date, at a price above the Town's acquisition and improvement costs.
2. That the Town of Fuquay-Varina and the Wake County Board of Education enter into an Interlocal Agreement which will enable a joint planning process for the development of the Board of Education property and the tracts adjacent thereto which would be acquired by the Town. This Interlocal Agreement would need to be approved by both the Town Board of Commissioners and the WCBOE prior to the conveyance of the property and the terms must be acceptable to the County.
3. That the property will be conveyed as is, where is.



4. That the County is not required to expend any additional funding to effectuate the conveyance, improve the property, or facilitate any intended use.

Town Manager Mitchell advised that if the Town Board authorizes the acceptance of the conveyed property under the recommended terms and conditions, that he and the Town Attorney will work with the County Manager and County Attorney to schedule and execute transfer of ownership of the property.

Discussion – Commissioner Harris stated that he has been following the efforts of the adjacent residents and it shows the power of the people. He asked that the public trust the Town Board to make the best use of the property.

Commissioner Smith stated that he is excited that the Town has the opportunity to take advantage of the potential for this project.

Commissioner Gardner stated that she once lived near this beautiful piece of property before it was developed, when she first moved to this area. She asked the public to trust the Town Board to take time to do it right.

Commissioner Wunsch stated that it is an exciting day in Fuquay-Varina, and he saw the potential after touring the property. He thanked Wake County and all of the residents who helped make this possible.

Mayor Pro-Tem Massengill stated that it is a great day for Fuquay-Varina. He stated that he remembers when this property was a cow pasture. He stated that the Town will immediately stabilize the property and find a way to use it, but most importantly do a master plan for the property at some point in the future. He recommends acceptance of the gift from Wake County.

Mayor Byrne stated that he is very familiar with the property and the Town has a unique opportunity. He stated that the Town will stabilize and protect the property. He also asked for patience by the residents as the Town plans for the property's use.

Initial Recommendation – Authorize the Town Manager to enter into a disposition contract with Wake County for acceptance of approximately 143 acres of County-owned property located along Shady Greens Drive, Brushy Meadows Drive, and Hilltop Needmore Road, subject to Town Attorney approval as to form.

Amended Recommendation

1. Authorize the Town Manager to enter into a disposition contract with Wake County ("County") for acceptance of approximately 143 acres of Wake County owned surplus property ("Property") located along Shady Greens Drive, Brushy Meadows Drive, and Hilltop Needmore Road, pursuant to NCGS 160A-274 and subject to Town Attorney approval as to form.

2. Authorize the Mayor and Town Manager to execute any other documents necessary to accept the conveyance of the Property, subject to the following special conditions:
  - A. The Town and Wake County Board of Education ("WCBOE") have executed a duly authorized Interlocal Agreement for future collaborative uses of the Property.
  - B. The Town has approved by motion and entered into its minutes that:
    - 1) the Town Manager is authorized to enter the disposition contract,
    - 2) the Town accepts conveyance of the Property subject to a deed restriction limiting its use to open space, park, or public purposes approved by the Town, and
    - 3) the Town accepts conveyance of the Property with the condition that the County is not required to expend any additional funding to effectuate the conveyance or improve the Property, or facilitate an intended use.
  - C. Any other terms and conditions acceptable to the Town Attorney.
3. Authorize the Mayor and the Town Manager to take any other actions necessary to effectuate the transaction as approved.

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

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OTHER BUSINESS

- A. Manager's Report – Town Manager Mitchell gave a brief report on the following:
  - Reported the recent hiring of a new police officer
  - Reported the success of the Town Board Retreat
  - Reported on the soft grand opening for the new Arts Center
  - Reported that he attended the NC Main Street Conference in Salisbury, NC
  - Reported that he and Finance Director Morgan are currently meeting with Department Heads for the FY 20 budget
  - Reported that he will schedule direct meetings with organizations requesting assistance from the Town and will make a recommendation to the Town Board for proposed funding along with the recommended FY 20 budget.
- B. Terrible Creek Wastewater Treatment Plant – Ribbon Cutting – March 21, 2019 – 3:00 pm

- C. Coffee with a Cop - Cultivate Coffee - Wednesday March 27, 2019 - 9:00 - 11:00 am
- D. Child Abuse Prevention Walk and Informational Event - Wake County Southern Regional Center - Friday, April 5, 2019 - 11:00 am to 1:00 pm
- E. Teen Day – Saturday, April 6, 2019 – 10:00 am – 1:00 pm – Falcon Park
- F. FM2FV Concert - Jim Quick & Coastline Band - Thursday April 11, 2019 - 6:30 pm - 9:30 pm - Centennial Park
- G. Easter Egg Hunt – Saturday, April 13, 2019 – 10:00 am – South Park
- H. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 9124, 9200, and 9300 Lake Wheeler Rd - PINs 0689217585, 0689215075, and 0689202121 - REZ-2019-03 (FIRST READING)
- I. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 7709, 7713, 7717, 7721 and 0 Barefoot Road - PINs 0656426253, 0646427013, 0646417858, 0646415664, and 0646416513 - REZ-2019-02 (FIRST READING)
- J. Zoning Map Amendment - Stancil Builders, Inc - 3325 John Adams Road - PIN 0696670266 - REZ-2018-27 (FIRST READING)
- K. Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #9 - CTA-2019-01 (FIRST READING)

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TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he is looking forward to the opening ceremony for the Terrible Creek Wastewater Treatment Plant.

Commissioner Smith stated that he looks forward to taking Commissioner Gardner’s place as a delegate representative for the Triangle J Council of Governments.

Commissioner Harris stated that he was excited about the soft grand opening for the new Arts Center which brings a sense of community and inclusion to Fuquay-Varina.

Commissioner Wunsch also stated that he is happy about the opening of the Arts Center and he thanked management for a wonderful Town Board Retreat.

Commissioner Gardner thanked the Chamber of Commerce for starting their leadership classes and for bringing diversity to our community. She expressed her excitement about the opportunity to attend the Town Board Retreat, the opening of the Arts Center and the NC Main Street Conference. She also thanked Mayor Byrne for previously giving her the opportunity to serve as Triangle J Council of Governments delegate representative.

Mayor Byrne thanked Mayor Pro-Tem Massengill for attending the ribbon cutting ceremony for UNC/Rex Hospital in Holly Springs in his absence. He then reported on the past and upcoming events as follows:

**Past 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 100<sup>th</sup> Anniversary Celebration

**Upcoming Events**

- 3/20 Ting Lighting Ceremony – Alston Ridge – 12:30 pm
- 3/21 Wastewater Treatment Plant Ribbon Cutting – 3:00 pm
- 3/27 Coffee with a Cop – Cultivate Coffee – 9:00 am

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**CLOSED SESSION**

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

A motion was made to go into a closed session meeting at 8:29 p.m.

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

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**OPEN SESSION** – The Town Board returned to open session with nothing to report out.

**ADJOURN**

A motion was made to adjourn the meeting at 9:08 p.m.

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

Adopted this the 1st day of April 2019 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

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John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

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Rose H. Rich, Town Clerk

