



TOWN OF FUQUAY-VARINA  
BOARD OF COMMISSIONERS REGULAR MEETING  
APRIL 16, 2019

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on April 16, 2019 at 7:00 p.m.

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

Commissioners Absent: Bill Harris

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

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INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Larry Smith provided the invocation. Police Chief Laura Fahnestock led the Pledge of Allegiance.

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APPROVAL OF THE MINUTES

The April 1, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented.

MOTION: Mayor Pro-Tem Massengill  
SECOND: Commissioner Wunsch  
MOTION RESULT: Passed Unanimously (4-0)

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PRESENTATIONS

Agenda Item No. 4A Recognition - 8U Boys All Star SWAC Basketball State Champions

Parks and Recreation Director Jonathan Cox, Athletic Program Administrator Adam Hairr and Athletic Program Specialist Trey Baggett recognized members of the 8U All Star Basketball Team who won the State-Wide Athletic Committee (SWAC) State Championship that was held in Liberty, NC. Team members were recognized as follows:

TJ Carlton Tyler Cline Kannon Diggs CJ Harris  
Andrew Jackson Brady Kirschner Kevin McLean CJ Mims  
Christian Morgan Jonathan Smith Jahkye Smith Brayden Williams

Administrator Hairr also thanked Head Coach Amber Williams, Coach Jerry Diehl and Coach Jamar Williams for volunteering their time and efforts to the team. Coach Amber Williams thanked the Town Board and town staff for providing the program and expressed her appreciation to the team for a job well done. Parks & Recreation staff members presented each team member with a backpack with the State Championship logo and Mayor Byrne presented the trophy to Coach Amber Williams. Mayor Byrne

commended the team for their hard work, team spirit and for representing Fuquay-Varina in an excellent manner.

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PUBLIC COMMENTS:

There were no public comments for the April 16, 2019 Town Board meeting.

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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 scheduled for the April 16, 2019 Town Board meeting.

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CONSENT AGENDA

Agenda Item No. 8.A: Voluntary Annexation Petition - Foy Gunter England - 1930 S. Main Street - PIN 0655568161 and a portion of PIN 065556778 (Harnett County) - ANX-2018-25

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Foy Gunter England located at 1930 S. Main Street, containing 3.603 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 May 6, 2019, for property owned by Foy Gunter England (ANX-2018-25) as presented and recommended. **This item was pulled from the Consent Agenda as requested by Commissioner Gardner and later approved by a vote of 3-0 under Items Removed From Consent Agenda.**

Agenda Item No. 8B: Voluntary Annexation Petition - Cypress Homes - 828 and 830 Wilbon Road - PIN 0657329432 and 0657420442 - ANX-2019-03

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Cypress Homes located at 828 and 830 Wilbon Road, containing a total of 1.547 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 May 6, 2019, for property owned by Cypress Homes, Inc. (ANX-2019-03) as presented and recommended.

**Resolution No. 19-1594**

**Resolution No. 19-1595**

Agenda Item No. 8C: Voluntary Annexation Petition - Jakadacoho, LLC - 500 Fleming Loop Road - PIN 0656555365 - ANX-2019-04

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Jakadacoho, LLC located at 500 Fleming Loop Road, containing 15.648 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 May 6, 2019, for property owned by Jakadacoho, LLC (ANX-2019-04) as presented and recommended.

**Resolution No. 19-1596**

**Resolution No. 19-1597**

Agenda Item No. 8D: Voluntary Annexation Petition - Briar Gate Subdivision - Powell Property - 5311 and 5375 Old Powell Road - PIN 0657336137 and a Portion of 0657446163 - ANX-2019-05

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Christine M. Powell, Lisa LaRue Powell, Billy Ray Powell and David Reid Powell located at 5311 and 5375 Old Powell Road, containing 51.457 acres of contiguous property and a portion of 22.95 acres which is non-contiguous.

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 May 6, 2019, for property owned by Christine M. Powell, Lisa LaRue Powell, Billy Ray Powell, and David Reid Powell - (Briar Gate Subdivision) Powell (ANX-2019-05) as presented and recommended.

**Resolution No. 19-1598**

**Resolution No. 19-1599**

Agenda Item No. 8E: Voluntary Annexation Petition - Beth A. Eakes - 2206 James Slaughter Road - PIN 0667081194 - ANX-2019-06

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Beth A. Eakes located at 2206 James Slaughter Road, containing 1.529 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 May 6, 2019, for property owned by Beth A. Eakes (ANX-2019-09) as presented and recommended.

**Resolution No. 19-1600**

**Resolution No. 19-1601**

Agenda Item No. 8F: Voluntary Annexation Petition - Robert Crabtree Builders - 2116 James Slaughter Road - PIN 0667070795 - ANX-2019-07

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Robert Crabtree Builders located at 2116 James Slaughter Road, containing 1.413 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 May 6, 2019, for property owned by Robert Crabtree (ANX-2019-07) as presented and recommended.

**Resolution No. 19-1602**

**Resolution No. 19-1603**

Agenda Item No. 8G: Budget Amendment - Debt Service - Town Hall and Fleming Loop - BA-2019-26

Purpose - To consider Budget Amendment BA-2019-26, which provides funding for the Limited Obligation Bonds sold in November 2018. The proposed Budget Amendment uses \$83,922 of Recreation Fees and \$141,100 of General Fund Fund Balance to fund the required interest payment on the Limited Obligation Bonds for Town Hall, Police Department and Fleming Loop Park sold in November of 2018. Sufficient undesignated funding exists in both Recreation Fees and the General Fund Balance to support the appropriation.

Recommendation - Adopt Budget Amendment BA-2019-26 to fund the debt service required for the November 2018 Limited Obligation Bonds.

Agenda Item No. 8H: Budget Amendment - Recognizing Grant Reimbursement - NCDOJ/BJA Bulletproof Vest Partnership - \$706 - BA-2019-25

Purpose - To consider adoption of a budget amendment that recognizes funds from the NC Department of Justice/Bureau of Justice Assistance FY 19 Bulletproof Vest Partnership grant as awarded to the Police Department. The \$706 in grant revenue is proposed to be appropriated in the supplies uniforms line item, and will be used to purchase new and/or replacement vest for a police officer.

Recommendation - Approve Budget Amendment BA-2019-25 as presented and recommended.

Agenda Item No. 8I: Refunding Resolution - General Obligation Bonds

Purpose - To adopt the proposed resolution authorizing the sell of the refunding bonds for the 2009-A transportation bonds. The proposed refunding bonds will not extend the life of the 2009-A bonds and will save the town approximately \$15,000 annually on debt service.

Recommendation - Approve the refunding resolution for the Town's outstanding General Obligation Public Improvement Bonds, Series 2009 A as presented and recommended.

**Resolution No. 19-1604**

A motion was made to approve items (B-I), excluding Item A, on the Consent Agenda as recommended.

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

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Agenda Item No. 9: Items Removed From Consent Agenda

Consent Agenda Item No. 8A: Voluntary Annexation Petition - Foy Gunter England - 1930 S. Main Street - PIN 0655568161 and a portion of PIN 0655556778 (Harnett County) - ANX-2018-25

Request for Recusal

Commissioner Gardner asked to be recused from any discussion or action as it relates to the voluntary annexation petition for Foy Gunter England (ANX-2018-25) due to a personal financial interest. She disclosed that she is the real estate agent representing the seller of this property. The motion was to recuse Commissioner Gardner as requested.

MOTION: Commissioner Wunsch  
SECOND: Mayor Pro-Tem Massengill

MOTION RESULT: Passed Unanimously (3-0)

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 May 6, 2019 following the receipt of a petition for voluntary annexation of property owned by Foy Gunter England property located at 1930 S. Main Street, containing 3.603 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 May 6, 2019, for property owned by Foy Gunter England (ANX-2018-25) as presented and recommended.

Discussion - Mayor Pro-Tem Massengill asked if the Town would be able to annex more property in Harnett County in the future. Town Manager Mitchell stated while the property was formerly entirely within Wake County, on January 1, 2019, a state-initiated effort to accurately locate the Wake/Harnett County line went into effect and the county line moved north resulting in a small portion (approximately 1/3 of an acre) of the England property to be located in Harnett County. He stated that the Town could annex property inside Harnett County when mutually agreed to by Harnett County. Commissioner Smith expressed concern with the coordination of efforts needed by law enforcement should the Town ever annex larger portions of land within Harnett County. Town Manager Mitchell acknowledged and agreed that consideration would need to be given to the impact on law enforcement and pointed out that other communities that have jurisdiction across multiple County lines have been able to work through potential challenges.

MOTION: Mayor Pro-Tem Massengill  
SECOND: Commissioner Wunsch  
MOTION RESULT: Passed Unanimously (3-0)

**Resolution No. 19-1592**  
**Resolution No. 19-1593**

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ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Interlocal Agreement - Wake County Board of Education - E-44 Elementary School and Town Property (Crooked Creek)

Purpose - To consider an Interlocal Agreement for programming and planning school and town facilities collaboratively with the Wake County Board of Education, more specifically in immediate proximity to the future E-44 elementary school on property formerly known as the 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 pointed out that the only property that the proposed ILA involved was the land immediately adjacent to the school system property where E-44 is proposed and that abuts Hilltop Needmore Road. Town Manager Mitchell provided a map that specifically showed the property he was describing. He then explained that the ILA was very similar to other ILA's that the Town has entered into with the school system and under the agreement the Town would be responsible for its share of the cost of master planning the town portion of the property, design, and any construction cost attributable to development of the town's property or any other town facility or improvements. Town Manager Mitchell stated that the Town would only be responsible for proceeding with construction costs if funds were available at the time it was determined that it was time for site development.

Discussion - There was no further discussion regarding this matter.

Recommendation - Approve the Interlocal Agreement for programming and planning school and town facilities in or near Fuquay-Varina as presented and recommended, subject to closing and transfer of title of the Crooked Creek assemblage (~143 acres) to the Town.

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

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OTHER BUSINESS

- A. Manager's Report - Town Manager Mitchell gave a brief report on the following:
- Reported that he and Mayor Byrne met with American Legion Post 119 representative regarding future plans to appropriately observe Memorial Day.
  - Reported that there has been a significant amount of work on the Town Budget, but there have been some challenges in terms of being able to present a balanced plan.
  - Reported that recently he filled employee vacancies in the Police Department and Street Department.
  - Reported that he and staff had a meeting with Southern Wake Academy regarding their expansion plans as it relates to their parking and stacking of parent vehicles during drop-off and pick-up.
  - Reported that the Park & Ride bus stop at Wake Technical Community College has been delayed to late fall of 2019 or spring of 2020 because of property resolution matters. Town Manager Mitchell stated that the project will still be completed however delayed by 2 to 3 months.
  - Reported that he will make a presentation at a future meeting regarding Economic Development Director Jim Seymour's graduation from the 65<sup>th</sup> Annual Municipal Administration Course from the UNC School of Government.
  - Reported that the recent Easter Egg Hunt event was successful despite the weather and that it had to be held indoors at the Community Center.
- B. Quarterly Report - 3<sup>rd</sup> Quarter FY 2019
- C. Budget Workshop Date - Tuesday April 23, 2019 - 6:00 - 10:00 pm - Public Service Center
- D. Southwest Area Study - Public Open House - Holly Springs Cultural Center - Tuesday April 23, 2019 - 4:00 - 7:00 pm
- E. Fuquay-Varina Chamber of Commerce GAC and YPN Committees - Fuquay Forums - Affordable Housing - Thursday April 25, 2019 - Vicious Fishes - 6:00 - 8:00 pm
- F. FM2FV Concert - Liquid Pleasure - Thursday April 25, 2019 - 6:30 pm - 9:30 pm - Centennial Park
- G. International Cultural Festival - Arts Center - Saturday, April 27, 2019 - 10:00 - 8:00 pm
- H. Fuquay-Varina Arts Center Concert - Will McBride Group w/ Jason Damico (Opening Act) - Saturday May 11, 2019 - 7:00 pm
- I. Fuquay-Varina Arts Center - Public Open House - Saturday May 18, 2019 - 10 am - 7 pm
- J. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 1930 S Main St - Portion of PIN 0655568161 - REZ-2019-04 - (Mitchell/Matthews/Smith) - (FIRST READING)

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TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill complimented Commissioner Smith on his well-dressed spring attire.

Commissioner Smith stated that the opening of the FM2FV Concert Series on April 11<sup>th</sup> was a great event and he thanked the Police, Fire, Parks & Recreation, and Sanitation departments for their help with making the concert an enjoyable event.

Commissioner Harris was absent.

Commissioner Wunsch stated that he enjoyed the first show in the new Arts Center and that he enjoyed visiting with the Easter Bunny.

Commissioner Gardner stated that she enjoyed her time with the Easter Bunny and the Candy Hop in downtown this past weekend. She stated that the dedication ceremony for the Caboose at Ashworth Park will be held on May 4, as well as "Heritage Day" at the Fuquay-Varina Museums scheduled from 10:00 am - 4:00 pm. She also stated that the Senior Services Expo will be held on May 6, 2019 from 10:00 am until 2:00 pm.

Mayor Byrne reported on the past and upcoming events as follows:

**Past Events**

- 4/4 Centennial Authority Meeting
- 4/5 Steering Committee - Wake County Health
- 4/5 Fuquay Varina Business Alliance - FV Youth Leadership
- 4/6 Teen Day - Falcon Park - 10:00 am - 1:00 pm
- 4/11 FM2FV Concert - Jim Quick and the Coastline Band
- 4/13 Easter Egg Hunt - South Park - 10:00 am

**Upcoming Events**

- 4/17 CAMPO Meeting
- 4/18 Ribbon Cutting - Vicious Fishes Restaurant
- 4/18 New Harris Teeter Grand Opening
- 4/25 Follow Me 2 Fuquay Concert - Liquid Pleasure

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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 7:47 p.m.

- MOTION: Mayor Pro-Tem Massengill
- SECOND: Commissioner Wunsch
- MOTION RESULT: Passed Unanimously (4-0)

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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 7:58 p.m.

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

Adopted this the 6th day of May 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

