



## Fuquay-Varina Town Board Meeting

July 10, 2023

J. Blake Massengill, Mayor  
Larry Smith, Mayor Pro-Tem  
William H. Harris, Commissioner  
Marilyn B. Gardner, Commissioner  
Bryan Haynes, Commissioner  
Vacant Seat - Commissioner  
Adam G. Mitchell, Town Manager  
Mark D. Matthews, Assistant Town Manager  
James (Jim) E. Seymour, Assistant Town Manager  
Rose H. Rich, Town Clerk  
James S. Adcock, III, Town Attorney

The Regular Meeting of the Fuquay-Varina Town Board scheduled for Monday, July 10, 2023, at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor Blake Massengill, Mayor Pro-Tem Larry Smith, and Commissioners William Harris, Marilyn Gardner, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Mark Matthews, Town Attorney James Adcock, Town Clerk Rose Rich, IT Director Scott Clark, and various other department directors. Assistant Town Manager Jim Seymour was away attending a professional development course.

### CALL TO ORDER

Mayor Massengill called the meeting to order at 7:00 pm.

### INVOCATION AND PLEDGE

Mayor Pro-Tem Smith provided the invocation and Commander of American Legion and Chairman of Fuquay-Varina Chamber of Commerce, Scott Quilty, led the Pledge of Allegiance.

### VIRTUAL MEETING PROTOCOL

Town Manager Adam Mitchell reviewed the meeting protocol noting that the meeting was both in-person and live streamed on the Town's YouTube Channel and Facebook.

## APPROVAL OF MINUTES

3A The June 5, 2023, Town Board of Commissioners Regular Scheduled meeting minutes.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Haynes

MOTION RESULTS: Passed Unanimously (4-0)

## PRESENTATIONS

4A Proclamation - July Parks and Recreation Month and Video

Purpose – To present a proclamation recognizing National Parks and Recreation Month in Fuquay-Varina and to present a promotional video for the Parks, Recreation, and Cultural Resources Department.

Mayor Massengill read the proclamation recognizing National Parks and Recreation Month.

Trey Baggett, Marketing & Special Events Coordinator, stated that July was National Parks and Recreation month, and that this year's theme is "Where Community Grows". He stated that a series of videos will be released highlighting recreational opportunities offered throughout the Town. He then showed the first video in the series.

4B Introduction - President Fuquay-Varina Chamber of Commerce

Purpose – To formerly introduce the Fuquay-Varina Chamber of Commerce President, Dustin Williams.

Scott Quilty, the Board Chair of the Fuquay-Varina Chamber of Commerce, stated that on May 8, 2023, the Chamber welcomed the new president, Dustin Williams. He stated that Dustin recently served as vice president for the Garner Chamber of Commerce and prior to that spent 20 years as an associate director and program lead at the YMCA. He reported that Mr. Williams has lived in Fuquay-Varina for 14 years and brings energy to the job.

Dustin expressed his excitement about his new role as president of the Fuquay-Varina Chamber of Commerce. He stated that one of his goals is to strengthen the relationship between the Town and Chamber. He thanked all who were involved in helping with the Run the Quay event, especially the Police Department. He reported that there is going to be a big focus to strengthen its relationship with businesses and having resources for businesses. He also stated they are launching a new tool called "Launch Fuquay-Varina" which will help different businesses in the area at no cost.

Mayor Massengill welcomed Mr. Williams to Fuquay-Varina and thanked the entire Chamber Board for all they do for the businesses in Fuquay-Varina.

#### 4C Recognition - Public Utilities Department Staff

Purpose – To recognize Public Utilities Department employees for their recent certification achievements.

Public Works Director Mike Wagner 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.

North Carolina requires more than thirty (30) certifications and grade levels to perform various water and wastewater systems operations and maintenance. Certifications are achieved through experience and examination and are maintained annually through continuing education units. A list of Public Utility Department employees who obtained certification achievements in the first six (6) months of 2023 is provided.

- Mike Scarborough (not in attendance) obtained "C-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification. He is the first in the department to become National Association of Sewer Service Companies (NASSCO) certified in the Pipeline Assessment Certification Program

(PACP), Lateral Assessment Certification Program (LACP), and Manhole Assessment Certification Program (MACP).

- Mark Pluckhorn obtained "B-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.
- Kyle Price obtained "B-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.
- RaShawn Whitney obtained "C-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.
- Nickolas Lapikockij (who was absent) obtained his North Carolina Pesticide Applicator Certification.

These employees and their knowledge of the Town's Public Utility systems add value and benefit the Town daily.

Mayor Massengill stated that he appreciates the staff members that came to the meeting tonight and he thanked each of them for taking the time to better themselves and obtaining their certification.

#### PUBLIC COMMENTS

- 5A Jason Wunsch, Chairman of the Parks and Recreation Advisory Board, 615 Appalachia Lake Drive, Fuquay-Varina, stated that the Advisory Board is in support of the Five-Year Parks and Recreation Master Plan. He reported that the Master plan was thoroughly reviewed over two meetings and unanimously passed as a recommendation to the Town Board to adopt.

#### ITEMS PREVIOUSLY TABLED

- 6A There were no items previously tabled for the July 10, 2023, Town Board meeting.

## PUBLIC HEARINGS

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### 7A Public Hearing - Parks and Recreation General Obligation Bond Referendum

Purpose – To hold a public hearing on a \$60,000,000 General Obligation Bond Order and consider adopting the Bond Order and Resolution setting the Bond Referendum date and ballot question.

Staff Comments – Finance Director JoAnne Crabtree entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided general information about the agenda item and made the following remarks.

During the budget process there were discussions of growing participation and utilization of Public Parks and Recreation facilities, and the need for additional facilities to accommodate the increasing number of participants. The Parks and Recreation Director and Town Management have identified a list of Parks and Recreation projects emerging from the Systemwide Facility Master Plan process that will serve the growing citizenry of the Town in the amount of \$60 million dollars. The Finance Director and Management recommend seeking voter authorization for the future sale of General Obligation Bonds to finance the recommended projects. The Bond Order is the statutorily required action by the Town Board that provides underlying authority and approval for moving forward a bond referendum. The Bond Order must come before the Town Board on two separate occasions: once for introduction and then for final action. On June 5, 2023, the Bond Order to issue \$60,000,000 in Parks and Recreation General Obligation Bonds was formally introduced. A public hearing is also required for the approval and issuance of General Obligation Bonds, which has been scheduled and advertised as required by NC General Statutes.

After the public hearing is closed, management and staff recommend that the Board adopt the Bond Order as presented and adopt the Resolution to set the Referendum date and ballot question as required by General Statutes. The proposed bond order will advance a \$60 million Bond referendum for Parks and Recreation facilities, which is expected to include land acquisition and construction of a multipurpose outdoor recreation complex, an indoor field house/sports pavilion, and the first phase of Hilltop Needmore Town Park and Preserve Improvements consistent with the 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Facility Master

Plan also being recommended for adoption by management, staff, and the Parks, Recreation, and Cultural Resources Advisory Board.

The Bond Order is for \$60,000,000 in Parks and Recreation General Obligation Bonds to be issued for various projects with a potential estimated cumulative tax rate impact of 8 cents per hundred dollars in value and an estimated interest amount of \$35,392,000 over the expected term of the Bonds. The Town will seek to mitigate this impact (as with previous bond referendums) through favorable interest rates, identification of grants and other revenues, and tax base growth. A Statement of Estimated interest and Sworn Statement of Debt was filed by the Finance Director with the Town Clerk.

Public Hearing – The public hearing was opened. No one spoke in favor or opposition to the Parks and Recreation General Obligation Bond Referendum. The public hearing was closed.

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

Recommendation – Adopt the Bond Order as presented, and adopt the Resolution to set the Referendum date and ballot question as presented and recommended.

Resolution No. 23-1815

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

7B Zoning Map Amendment - Brian Zelman - Clayton NC Manager, LLC - 7355 S NC 55 Highway - PIN 0675388803 - REZ-2023-01

Purpose – To consider a requested zoning map amendment for a total of 46.98 acres, located at 7355 S NC 55 Highway, from the Residential Agricultural (RA) Zoning District to the Corridor Commercial Conditional Zoning District (CC-CZD).

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided general information about the agenda item as follows:

The subject property totals 46.976 acres. It is in the Town's extraterritorial jurisdiction (ETJ) and while subject to annexation, is not proposed for annexation at this time. The property is generally cleared for agricultural uses or wooded. There are three homes with associated outbuildings on the property.

The property is currently zoned Residential Agricultural (RA) Zoning District. The zoning map amendment petition requests approval of the Corridor Commercial Conditional Zoning District (CC-CZD). This zoning district is intended to accommodate medium-scale intensity nonresidential development of a mix of convenience services, retail, office, and limited institutional uses. This district is generally located at intersections designated as an urban center with arterial roads (parkways, boulevards, and major thoroughfares), and generally intended to be located within one (1) to one-half (1-1/2) miles from neighborhoods in the vicinity of this district. Public utilities are required.

Additionally, the property falls within the Highway Corridor Overlay (HCO) Zoning District which is intended to encourage and enhance vibrant commercial corridors immediately adjacent to significant highways throughout town while protecting the transportation capacity of these roadways through controlled access points. The proposed conditions are consistent with the requirements of the HCO.

The petitioner has requested that only the following uses be permitted at the subject property:

- 1) Live/Work Unit
- 2) Community Services
- 3) Civic Club/Lodge
- 4) Day Care, Accessory
- 5) Day Care, Commercial
- 6) School, Trade/Vocational
- 7) Bank/Credit Union
- 8) Government Services/Agency

- 9) Utility Buildings/Use
- 10) Medical Offices
- 11) Ambulatory Healthcare
- 12) Hospital/Medical Center
- 13) Parks/Facilities, Open & Civic Space
- 14) Greenways
- 15) Bus Stop
- 16) Parking Deck
- 17) Vehicle/Charter Services
- 18) Solar Energy Panels
- 19) Broadcasting Station/Radio, Television, or Filming Studio
- 20) Small Wireless Facilities
- 21) Telecommunication Facilities/Services
- 22) Restaurants/Food Service & Sales
- 23) Restaurant, Mobile
- 24) Office, Business/Professional
- 25) Hotel/Motel/Extended Stay Facility
- 26) Indoor Recreation
- 27) Game Room/Arcade
- 28) Outdoor Recreation
- 29) Recreation Facility, Private
- 30) Retail Sales & Service
- 31) Brew Pub/Bar
- 32) Convenience Store/Kiosk
- 33) Dry Cleaning/Laundromat
- 34) Farmers Market
- 35) Health Club/Gym
- 36) Shopping Center
- 37) Specialized Repair Service
- 38) Small Engine Repair
- 39) Vehicle Parts & Accessories, Retail
- 40) Manufacturing, Artisan Products
- 41) Accessory Uses



- 42) Business Incubator
- 43) Temporary Mobile Units
- 44) Vending Machines
- 45) Animal Hospital/Veterinary Clinic
- 46) Pet Service

Additionally, the petitioner has requested the following site-specific conditions be made applicable to the subject property:

- 1) Parking lots will be screened from the public right-of-way with evergreen shrubs and include planted internal landscaped islands provided that such buffer does not impede interconnectivity between adjoining developed areas. The parking area shall be designed with (2) landscape islands for the first (20) spaces and (1) additional landscaped island for each (15) spaces.
- 2) The proposed development will include sidewalks and pathways providing connectivity between developed areas on the property north of the Fuquay Varina Parkway and developed areas south of the Fuquay Varina Parkway.
- 3) An additional 5-foot buffer resulting in a total of a 30-foot-wide Type A buffer along the eastern property line abutting residential zoned properties shall be required. Existing vegetation may be retained and supplemented as needed to achieve the intent of a Type A buffer. A 30-foot Type A buffer shall also be established along the northern property line adjacent to existing residential properties.
- 4) The site development will conform with the design criteria outlined in the Unified Design Document prepared for Autumn River Crossing dated January 26, 2023, revised through May 12, 2023, and as revised from time to time as needed. (See Attached)
- 5) The site development plan shall be consistent with the Concept Plan prepared by Solli Engineering, for Autumn River Crossing 7355 S. NC Hwy 55, Fuquay-Varina dated 05/12/23. (See Attached)
- 6) The site development shall include internal amenity area in the form of central greens, patios, outdoor dining area, walking trails and pocket parks as to encourage community

gathering and people watching. Such internal amenity spaces shall be designed in accordance with the following requirements:

- a. Each individual development area and/or pad will have a minimum of 5% internal amenity area. Compliance with the 5% internal amenity area shall be demonstrated on the Site Plan prior to approval.
  - b. The overall site will include an aggregate amenity space of no less than 10%. A master amenity space plan shall be provided with the initial site plan application. Compliance with the amenity space requirement shall be managed through updates at the time of each subsequent site plan application.
- 7) The site development will include the dedication of 120 wide right-of-way and construction of the interim conditions of the Fuquay-Varina Parkway through 1236 Clayton Road at the time of subdivision application unless otherwise specified through an executed developer agreement.

Surrounding properties are primarily residential of a variety of densities as well as agricultural lands. More specifically, Clayton Downs and Elliott Landing subdivisions are to the north, Hester Hills subdivision is to the south, and Carolina Gardens is to the southwest. Additionally, a landscaping business is to the west of the subject property.

The 2040 Community Vision Land Use Plan (LUP) calls for the Suburban Commercial (SC) classification at the subject property. Land designated as Suburban Commercial serves the daily needs of surrounding residential neighborhoods. New Suburban Commercial areas should include multiple buildings oriented toward a system of walkable internal streets. Central green and other public spaces throughout the development — pocket parks, public plazas, outdoor dining areas — encourage community gathering and people-watching. Iconic building architecture and unified project development standards reinforce the site's unique sense of place. Cross-access between retail destinations should also be provided via internal roads with provisions for mobility access between buildings that support a park-once mentality (or walk-to, bike-to environment from surrounding residential neighborhoods).

The following LUP policies support the proposed rezoning:

- 1) Policy 2.6: Encourage Commercial Development. The zoning petition change to CC-CZD supports the growth of commercial development.
- 2) Policy 4.1 Manage Future Growth and Development in Accordance with the Priority Infrastructure Investment Areas Map. The subject property falls within the Tier 2-NR: Infill Investments Areas, Non-Residential.
- 3) Policy 5.2 Improve Multi-Modal Connectivity Throughout the Town. Per the Comprehensive Transportation Plan (CTP) the subject property is required to construct a portion of the Fuquay-Varina Parkway. Additionally, the petitioner has proposed a number of pedestrian connections to provide for enhanced walkability.

The requested zoning district is consistent with the 2040 LUP classification. The proposed conceptual plan provides conditions that meet the goals of the Suburban Commercial (SC) classification while providing for a critical commercial need in an area that currently has none.

Public water and sewer are currently not available to serve the subject property, however utilities will be extended by the developer as part of development as extending utilities is a requirement of the Corridor Commercial (CC) Zoning District.

The subject property is located at the corner of S NC 55 Highway and Clayton Road. S NC 55 Highway is classified by the Town's 2035 Community Transportation Plan (CTP) as a 120-foot right-of-way and is identified as being a four (4)-lane, median divided cross section with sidepaths, and a future carrying capacity of 36,600 ADT. It is currently a two (2)-lane road with a center turn lane with a carrying capacity of 13,600 ADT. 2021 NCDOT traffic counts taken approximately 2,600 feet to the north of the property on S NC 55 Highway indicated a volume of 15,000 ADT. Clayton Road is classified by the Town's 2035 CTP as an 80-foot right-of-way and is identified as being a three (3)-lane, median divided with turn lanes cross section with sidepaths, and a future carrying capacity of 23,800 ADT. It is currently a two (2)-lane road with a carrying capacity of 8,500 ADT. 2015 NCDOT traffic counts taken in front of the property on Clayton Road indicated a volume of 1,200 ADT. More recent traffic count data is currently unavailable.

In addition to S NC 55 Highway and Clayton Road, a portion of the future Fuquay-Varina Parkway is intended to run diagonally across the property from the southwest corner of the property to the northeast portion of the property and through an easement granted by the owners of 1236 Clayton Road (PIN 0675492491) to connect to the existing portion of the Fuquay-Varina Parkway (currently named Autumn River Avenue). The future Fuquay-Varina Parkway is identified in the 2035 CTP as being a 120-foot right-of-way, with a four (4)-lane, median divided cross section with sidepaths, and a future carrying capacity of 36,600 ADT.

A neighborhood meeting was held by the petitioner on October 20, 2022, at Manna Church at 7904 South NC 55 Highway, Willow Spring, NC 27592. The meeting report is attached, and staff takes no position as to its content.

Management and staff recommend approval of the proposed zoning map amendment as it is reasonable and in the best interest of the public for the following reasons:

- 1) The requested zoning map amendment is consistent with the 2040 Community Vision Land Use Plan for the designation of Suburban Commercial (SC).
- 2) The requested zoning district supports the growth of commercial development as identified in the Land Use Plan Policy 2.6: Encourage Commercial Development.
- 3) The requested zoning district supports the Land Use Plan Policy 4.1 Manage Future Growth and Development in Accordance with the Priority Infrastructure Investment Areas Map as the subject property falls within the Tier 2-NR: Infill Investments Areas, Non-Residential.
- 4) The requested zoning district and subsequent development is required to construct a portion of the future Fuquay-Varina Parkway and has proposed a pedestrian network which will provide enhanced walkability, supporting the Land Use Plan Policy 5.2 Improve Multi-Modal Connectivity Throughout the Town.
- 5) The conceptual plan included with the request demonstrates compliance with many of the zoning conditions being offered and the goals of a suburban commercial development as described in the 2040 Land Use Plan.

At the June 19, 2023, regular meeting, the Planning Board voted unanimously to recommend approval.

Public Hearing – The public hearing was opened. Neil Gash, 700 West Street, Durham spoke in favor of the zoning map amendment. No one spoke in opposition to the zoning map amendment. The public hearing was closed.

Discussion – Mayor Massengill asked if the Planning Board approved this zoning map amendment. Planning Director Pam Davison stated yes, the Planning Board did approve this zoning map amendment. Mayor Massengill stated that this was a large new commercial project. Planning Director Pam Davison stated that this project will construct a big portion of Fuquay-Varina Parkway. She also stated that this project is the first shopping center to be developed with the new land use plan.

Recommendation – Approve REZ-2023-01, a zoning map amendment for 7355 S NC 55 Highway, from the Residential Agricultural (RA) Zoning District to the Corridor Commercial Conditional Zoning District (CC-CZD) as it is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Mayor Pro-Tem Smith  
SECOND: Commissioner Harris  
MOTION RESULTS: Passed Unanimously (4-0)

CONSENT AGENDA

8A. Resolution - NC Governor's Highway Safety Program Traffic Safety Grant - Reimbursement of Overtime Cost - BA-24-01 - \$25,000 - Police Department

Purpose – To consider adoption of a Resolution and budget amendment resulting in the NC Governor's Highway Safety Program reimbursing the Town for eligible overtime activities by the Fuquay-Varina Police Department Traffic Unit.

Resolution No. 23-1815.1

Recommendation – Adopt a Resolution for the NC Governor's Highway Safety Program reimbursing the Town up to \$25,000 of overtime cost accrued by members of the Fuquay-Varina Police Department Traffic Unit while performing NC Governor's Highway Safety Program initiatives, approve budget amendment BA-24-01, and authorize the Mayor and Town Clerk to execute the grant agreement and any other required documentation subject to Town Attorney review as to form as presented and recommended.

- 8B. Budget Amendment - Recognizing Proceeds from Walmart Corporation - Police Department - \$5,000 - BA-24-02

Purpose – To recognize funds for a Walmart donation in the amount of \$5,000 in support of the Fuquay Varina Police Department's Special Olympics Program.

Recommendation – Approve Budget Amendment BA-24-02 as presented and recommended.

- 8C. Fee Schedule Amendment - Parks, Recreation and Cultural Resources - Recreation Program and Athletic Fees

Purpose – To consider an amendment to the FY 2023-2024 Fee Schedule to allow all Full Time Town employees to register at the resident rate for recreation and athletic programs offered through the Parks, Recreation, and Cultural Resources Department.

Recommendation – Consider an amendment to the FY 2023-FY 2024 Fee Schedule as presented and recommended.

Ordinance No N-23-21

- 8D. Utility Allocation Request - Bowling Road Elementary School

Purpose – To consider a Utility Agreement Allocation Request for Bowling Road Elementary School for 8,832 gpd sewer and 11,040 gpd water.

Recommendation – Approve the recommended utility allocation request for Bowling Road Elementary School, as presented and recommended.

8E. Utility Agreement Allocation Request - Wake Chapel Square Subdivision - 75 Lots

Purpose – To consider a Utility Agreement Allocation Request for the Wake Chapel Square subdivision for 28,200 gpd sewer and 33,840 gpd water.

Recommendation – Approve the recommended Utility Agreement Allocation Request for the Wake Chapel Square Subdivision 75-Lots, as presented and recommended.

8F. Utility Agreement Allocation Request - Coley Preserve Subdivision - 75 Lots

Purpose – To consider a Utility Agreement Allocation Request for the Coley Preserve Subdivision for 47,200 gpd sewer and 56,380 gpd water.

Recommendation – Approve the recommended utility allocation request for the Coley Preserve Subdivision 75 lots and amenity center, as presented and recommended.

8G. Recreation Unit Fee-In-Lieu - Wake Chapel Square Subdivision - SUB-PR-2021-11

Purpose – To consider acceptance of a fee-in-lieu for Recreation Unit Fees for Wake Chapel Square subdivision in the amount of \$477,708.

Recommendation – Approve the fee-in-lieu request for Wake Chapel Square subdivision in the amount of \$477,708 for Recreation Unit Fees as presented and recommended.

8H. Recreation Unit Fee-In-Lieu - Coley Preserve Subdivision - SUB-PR-2021-12

Purpose – To consider acceptance of a fee-in-lieu for Recreation Unit Fees for Coley Preserve subdivision in the amount of \$196,167.42.

Recommendation – Approve the fee-in-lieu request for Coley Preserve subdivision in the amount of \$196,167.42 for Recreation Unit Fees as presented and recommended.

8I. Special Event Permit & Amplified Sound Permit Request - Oaklyn Springs Brewery - 5th Anniversary Party - July 22, 2023

Purpose – To consider approval of a special event and amplified sound permit for Oaklyn Springs Brewery's 5th Anniversary Party, scheduled for July 22, 2023.

Recommendation – Approve the special event and amplified sound permit for Oaklyn Springs Brewery 5th Anniversary Party scheduled for July 22, 2023, as presented and recommended.

8J. Roadway Fee-In-Lieu – Purfoy Road and Holland Road Traffic Signal

Purpose – To consider approval of a Fee-In-Lieu payment for certain roadway improvements related to the Carolina Gardens Subdivision development in the amount of \$255,739.

Recommendation – Approve a total of \$255,739 as payment-in-lieu for roadway improvements associated with the Carolina Gardens Subdivision development as presented and recommended.

8K. Resolution - North Carolina Department of Transportation (NCDOT) Maintenance Acceptance - Bridge Street Realignment

Purpose – To consider adopting a resolution transferring maintenance responsibility of Bridge Street to NCDOT.



Recommendation – Adopt a resolution transferring maintenance responsibility of Bridge Street to the North Carolina Department of Transportation.

Resolution No. 23-1816

- 8L. Voluntary Annexation Petition - Adcock Family Interests LLC, 1920 and 1916 N. Main Street - PINs 0677434209 and a portion of 0677425183 - ANX-2023-09

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition and adopt a resolution setting a public hearing for August 8, 2023, following the receipt of a petition for voluntary annexation of property owned by Adcock Family Interests LLC, containing a total of approximately 46.612 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 August 8, 2023 for property owned by Adcock Family Interests LLC - ANX-2023-09 as presented and recommended.

Resolution No. 23-1817

Resolution No. 23-1818

- 8M. Resolution - Amending Town Personnel Policy

Purpose – To consider approval of a resolution that amends the Town of Fuquay-Varina Personnel Policy.

Recommendation – Adopt the resolution amending the Town of Fuquay-Varina Personnel Policy as presented and recommended.

Resolution No. 23-1819

8N. FY 24 Pay Grade and Position Classification Schedule

Purpose – To consider adoption of a revised pay grade and position classification schedule for FY 2024.

Recommendation – Adopt the FY 2024 pay grade and position classification schedule as presented and recommended.

A motion was made to approve Consent Agenda Items 8A-8N.

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

Mayor Massengill expressed his excitement regarding the following Consent Agenda Items that were approved as follows:

- NC Governor’s Highway Safety Grant of \$25,000
- Roadway Fee-In-Lieu for Purfoy and Holland Road Traffic Signal
- Voluntary Annexation petition for Adcock Family Interests, LLC – for the Gold Leaf Crossing Shopping Center

ITEMS REMOVED FROM CONSENT

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

ADMINISTRATIVE REPORTS

10A    2024 Comprehensive Systemwide Parks, Recreation & Cultural Resources Master Plan

Purpose – To consider approval the 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan.

Staff Comments – Parks and Recreation Director Jonathan Cox entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

The Town of Fuquay-Varina continues to be one of the fastest growing communities in the state of North Carolina. The population of Fuquay-Varina reached 40,810 as of July 1, 2022, according to the US Census Bureau. Factoring in the anticipated growth for the next five years Fuquay-Varina will soon surpass 50,000 residents. With this growth comes many new challenges and opportunities for the Parks, Recreation and Cultural Resources Department (PRCRD).

The Town of Fuquay-Varina established the PRCRD on September 3, 1974. The mission of PRCRD is, "To provide diverse recreational opportunities and facilities that enhance social development and community well-being through welcoming parks, public spaces, facilities, organized activities, cultural resources, and special events." The PRCRD fulfills its mission by providing parks and recreation programs, and facilities that enhance social development and community well-being.

The purpose of the 2024 Comprehensive Systemwide Master Plan is to bring current facilities up to higher standards and to provide new amenities to ensure that the PRCRD can meet the growing demands of the community. Special consideration for identified projects were made to meet the growth trends in the youth sports program, the need to bring existing facilities to industry standards, and the need to increase play opportunities within Fuquay-Varina.

To gauge community needs and wants, the PRCRD department created a three-step process to collect community input. First, the PRCRD developed a page on the Letstalkfv.org website dedicated to the master planning process. Second, the PRCRD held five in-person public input opportunities throughout the month of January 2023. Third, the Town issued a public survey, available through the month of January, on the Letstalkfv.org website. Following evaluation of the public input activities, and internal needs assessments, PRCRD prioritized proposed projects. The 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan lists \$68,509,890 in projects. To pay for the investments, the Town will utilize recreation unit fees; state funded grants, such as the Parks and Recreation Trust Fund (PARTF); other grant opportunities; and a bond referendum.

The proposed master plan advances several Strategic Plan initiatives, especially:

- Preserving Character and Identity Objective 1 Initiative 2 (O1 I2): Identify unique, historical, environmental, or cultural elements that can be expanded upon to create a sense of identity and place.
- Preserving Character and Identity O1 I3: Develop multi-modal (pedestrian-friendly) systems that connect neighborhoods to public and private assets.
- Preserving Character and Identify O3 I1: Increase public awareness and appreciation of the Town's historic resources through education and outreach.
- Quality of Life Objective 1: Offer diverse and inclusive recreational and cultural programming.
- Quality of Life Objective 2: Develop recreational facilities that are in geographic proximity to all residents.
- Quality of Life O2 I1: Acquire property and develop active recreation facilities to accommodate growth in youth and adult programs.
- Quality of Life O2 I2: Develop greenways and passive recreation assets to connect neighborhoods with destinations.
- Quality of Life O2 I3: Construct additional town park amenities and make facility improvements to enhance user experience.

The 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan document advances many of the Town Board's priorities as identified in the Strategic Plan and is necessary to maintain and in some cases enhance the recreational opportunities high level of service enjoyed by Town residents as the community continues to attract new residents. In addition, this plan is the product of a robust community engagement and needs assessment process and has been developed with the input and support of the Parks, Recreation, and Cultural Resources Advisory Board. In addition to communicating the Town's investment priorities to Town staff and the general public, the document is a prerequisite for the pursuit of a number of Parks and Recreation grant opportunities. For all of these reasons, Town Management and Staff recommend approval of the 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan.

The 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan received unanimous support from the Parks, Recreation, and Cultural Resources Advisory Board at the June 12th regular meeting.

The 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan identifies \$68.5 million of projects over the next five years. A Parks and Recreation bond referendum of \$60M is anticipated to be included on the November 2023 ballot, and the advancement of the major projects identified in the Master Plan as planned to be supported with General Obligation Bond funding is contingent on voter approval of the proposed bond referendum.

Parks and Recreation Director Jonathan Cox thanked the Parks and Recreation Advisory Board and Assistant Parks and Recreation Director Anthony DiMarzio in the development of the 2024 Master Plan and all their hard work.

Discussion – Mayor Massengill stated that there was a lot of community involvement, discussion at the Town Board Retreat and several community surveys on the Master Plan. He thanked everyone for all their work and time on developing master plan.

Commissioner Harris asked if the South Park Community Center would be renovated by expanding the existing footprint. Parks and Recreation Director Jonathan Cox stated that it does not include expanding the existing footprint. He reported that it includes taking the existing space on the original side that was donated and those offices would be renovated or redesigned to where it would be more conducive for larger programming and provide more flexibility for programming in the future.

Commissioner Gardner asked if the proposed renovated space would have better provisions for accessibility for seniors. Parks and Recreation Director Cox stated that it would be and can be evaluated during the design phase to try to make sure that we are as accommodating as possible to allow people access in and out of the building.

Commissioner Gardner asked about parking for handicap and it being closer to the building, especially for seniors. Parks and Recreation Director Cox stated that there are no plans to renovate

the parking lot. Assistant Town Manager Mark Matthews stated that the pedestrian flow and user experience will be evaluated as part of the design for the Community Center renovations. Town Manager Adam Mitchell stated that the key takeaway to that building is its age and staff is aware that there are opportunities for improvement but those have not been designed yet.

Recommendation – Approve the 2024 Comprehensive Systemwide Parks, Recreation, and Cultural Resources Master Plan as presented and recommended.

MOTION: Commissioner Haynes  
SECOND: Mayor Pro-Tem Smith  
MOTION RESULTS: Passed Unanimously (4-0)

10B Contract Award - 2040 Comprehensive Transportation Plan

Purpose – To consider a contract award in the amount of \$182,930 to transportation consultant, Kimley-Horn for the update of the Town's 2035 Community Transportation Plan.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She provided information about the agenda item by making the following remarks.

The 2035 Community Transportation Plan (CTP) was adopted in 2017 to identify transportation needs for Town citizens and establish the desired vision of the community's transportation network. Robust growth in Town and the extraterritorial jurisdiction and transportation technology innovations necessitate regular CTP plan updates. Staff and the consultant Kimley-Horn intend to update the existing CTP over the next 12 months, building upon the previous six years of experience and implementing best new transportation practices. The estimated target date for completion of this update is May 2024.

Elements of this comprehensive transportation update will include:

- Regular progress meetings with staff for coordination and review of project status

- Formation of a working steering committee
- Four public engagement events consisting of (2) public outreach events and (2) public informational meetings
- Stakeholder and focus group sessions
- Consultation with North Carolina Department of Transportation and North Carolina Capital Area Metropolitan Planning Organization
- Updates and guidance to roadway cross sections
- Update and guidance for roadway intersection operational improvements
- Guidance on Transportation Investment Priorities

Kimley-Horn was one of three firms that responded to a Request for Qualifications issued in March. After reviewing the submitted responses, Town staff interviewed two firms in May. Town staff, including representatives from the Planning, Engineering, and Public Works Departments, identified Kimley-Horn as the most qualified firm to perform the Town's 2040 CTP update. Staff has worked with the Kimley-Horn team to negotiate the project's scope and ensure that the Town's goals for the CTP update are all incorporated into the attached contract.

Town management and staff recommend approving the contract for consulting services between the Town of Fuquay-Varina and Kimley-Horn, as presented and recommended, subject to Town Attorney review. Consulting services for this comprehensive transportation plan update is \$182,930.

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

Recommendation – Approve the Contract Award for consultant Kimley-Horn to perform an update of the 2035 Community Transportation Plan in the amount of \$182,930 as presented and recommended subject to Town Attorney review as to form.

MOTION: Mayor Pro-Tem Smith  
 SECOND: Commissioner Harris  
 MOTION RESULTS: Passed Unanimously (4-0)

10C Budget Preliminary Subdivision Plat – Wake Chapel Square Subdivision - SUB-PR-2021-11

Purpose – To consider a preliminary subdivision plat submitted by Timmons Group for Wake Chapel Square located at 1115 Wake Chapel Road and 0 N Broad Street.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She provided information about the agenda item by making the following remarks.

The submitted preliminary subdivision, Wake Chapel Square, is located at 1115 Wake Chapel Road and 0 N Broad Street, on 20.33 acres in the Corridor Commercial Zoning District (CC).

The preliminary subdivision plat proposes 94 townhouse lots and two future commercial lots meeting the standards of a conventional Mixed-Use Development. Conventional Mixed-Use Development is no longer a development option, but the preliminary plan was submitted prior to the LDO Amendment, which removed conventional Mixed-Use as a development option. The mixed-use development was a permitted use by right in the Corridor Commercial zoning district and required a minimum of 25% residential and 25% non-residential uses. This development proposes 75% residential and 25% non-residential areas, meeting the conventional mixed-use standards. The maximum allowable density is 18 units per gross acre, and the provided density is 4.62 units per gross acre. The minimum allowable townhouse lot width is 18 feet, and the minimum lot width provided is 22 feet, with an average lot size of 1,838 square feet. A minimum of 15% active open space, or 2.29 acres, is required, and 16%, or 2.50 acres, is provided, including pet waste stations, open grass play areas, mulch trails, benches, cornhole boards, and an area for community lawn games. A total of 37% or 7.62 acres of open space is provided.

Vehicular access to the project area is provided by project entrances to both Wake Chapel Road and N Broad Street. Wake Chapel Road is classified by the Town's 2035 Community Transportation Plan as a 70-foot right-of-way, 2-lane road with sidewalks. The current carrying capacity for Wake Chapel Road is 11,600 annual average daily trips (AADT). The 2021 NCDOT traffic analysis located south of the subject property for Wake Chapel Road indicates a volume of 9,900 AADT. N Broad Street is classified by the Town's 2035 Community Transportation Plan as a 110-foot right-of-way, 4-lane median divided with sidewalks on both sides. The current carrying



capacity for N Broad Street is 23,500 AADT. The 2021 NCDOT traffic analysis located north of the subject property for N Broad Street indicates a current volume of 16,500 AADT.

Public water and sewer are available to serve the property.

The proposed preliminary subdivision plat meets all Town requirements, and management and staff recommend approval. At the June 19, 2023, regular meeting, the Planning Board found the subdivision plat consistent with Town requirements and voted unanimously to recommend approval.

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

Recommendation – Recommend approval of the Wake Chapel Square preliminary subdivision plat SUB-PR-2021-11, as presented and recommended.

MOTION: Commissioner Harris  
SECOND: Mayor Pro-Tem Smith  
MOTION RESULTS: Passed Unanimously (4-0)

10D Preliminary Subdivision Plat – Coley Preserve Subdivision - SUB-PR-2021-12

Purpose – To consider a preliminary subdivision plat submitted by Timmons Group for Coley Preserve located at 637 Coley Farm Road, 0 Hampton Crest Circle, and 0 Wavcott Drive.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She provided information about the agenda item by making the following remarks.

The submitted preliminary subdivision, Coley Preserve, is located at 637 Coley Farm Road, 0 Hampton Crest Circle, 0 Wavcott Drive, and a future connection to Fuquay-Varina Parkway, on 60.88 acres in the Residential Medium Density Conditional Zoning District (RMD-CZD). The following conditions are site-specific standards for the subject property: 1. Permitted uses: only

single-family detached residential and all accessory uses as allowed in the R-10 Zoning District, including amenity centers. 2. Two-family dwellings (duplexes) are not permitted.

The preliminary subdivision plat proposes 153 residential lots meeting the standards of an Open Space Development. Open Space Development is no longer a development option, but the preliminary plan was submitted prior to the LDO Amendment, which removed Open Space Development as a development option. The minimum lot size permitted is 5,000 square feet. The minimum lot size provided is 5,174 square feet, with an average lot size of 6,617 square feet. Following the 25% open space dedication option, a minimum of 15.22 acres of overall open space is required, with 3.04 acres of common green required. There are 29.48 acres of overall open space with 3.3 acres of common green provided, including a future clubhouse area with a pool.

Vehicular access to the project area is provided by extensions of existing Hampton Crest Court and Wavcott Drive and the construction of an emergency access drive to Coley Farm Road. Hampton Crest Court is a 52-foot right-of-way, 2-lane street with sidewalks. Wavcott Drive is a 50-foot right-of-way, 2-lane street with no sidewalks. As local residential collector streets, traffic counts are unavailable for either road. A 30" Emergency Access Easement will be provided to Coley Farm Road, including a 20' wide access drive. The property fronts onto a future Fuquay-Varina Parkway right-of-way section that is currently inaccessible. The Fuquay-Varina Parkway is determined to be a 120' right-of-way, 4-lane median divided road with 10' sidepaths. Before construction Drawing approval, the development will commit to constructing the interim cross-section of the Fuquay-Varina Parkway along their frontage or request Town Board approval of a fee-in-lieu for the roadway construction. Public water and sewer are available to serve the property.

The proposed preliminary subdivision plat meets all Town requirements, and management and staff recommend approval. At the June 19, 2023, regular meeting, the Planning Board found the subdivision plat consistent with Town requirements and voted unanimously to recommend approval.

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

Recommendation – Approve the Coley Preserve preliminary subdivision plat SUB-PR-2021-12, as presented and recommended.

MOTION: Commissioner Gardner

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (4-0)

10E Contract Award - Downtown Varina Parking Lot - Barbour Brothers Construction, Inc. - \$671,171

Purpose – To consider awarding a contract for the Varina Parking Lot project to Barbour Brothers Construction, Inc. in the amount of \$671,171.

Staff Comments – Engineering Director Matt Poling entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He provided information about the agenda item by making the following remarks.

The Engineering Department prepared formal bid packages for the Downtown Varina Parking Lot project and received ten (10) bids from licensed contractors on June 6, 2023. A public bid opening was held at the John W. Byrne Municipal Building, where each bid was publicly opened and read aloud. Barbour Brothers Construction, Inc. was the low bidder in the amount of \$671,171. The project is expected to take no more than 180 days to complete.

This project's scope of work includes surface parking lot construction at 801 Durham Street, as shown on the attached construction drawings prepared by Curry Engineering dated May 9, 2023. The proposed parking lot project will create 124 new parking spaces in the downtown Varina District. Town Staff contacted several references and assessed Barbour Brothers Construction's project portfolio to verify previous performance. Barbour Brothers Construction, Inc. has completed numerous public and private projects within the Triangle area, including multiple projects for the City of Raleigh and the City of Fayetteville. Projects include parking lot construction/rehabilitation, site development, and subdivision development. The bid summary and certified bid tabulation are attached for reference.

Management and staff are pleased to recommend the award of a construction contract to Barbour Brothers Construction, Inc., which will advance the Town's priority of addressing parking challenges and congestion within the downtown district. Town staff recommends awarding the construction of the Downtown Varina Parking Lot project to Barbour Brothers Construction, Inc. in the amount of \$671,171, as presented and recommended.

The Town Board established a project ordinance of \$700,000 from the Town's remaining unrestricted funds from the Northwest Judd Parkway Project. Therefore, there are sufficient funds to fund this project.

Discussion – Mayor Massengill stated that the Town Board has been talking about this project for a few months and the Town is very grateful for the donation from Ample Storage of the land to build the parking lot. He reported that there will be an additional 120 parking spaces with no additional cost to the citizens for the purchase of land. Mayor Massengill asked when the project would be completed. Engineering Director Matt Poling stated that it will take approximately 180 days to complete the project.

Recommendation – Award a contract for the construction of the Downtown Varina Parking Lot project to Barbour Brothers Construction, Inc. in the amount of \$671,171 and authorize the Town Manager to execute the contract on behalf of the Town, subject to Town Attorney's review as to form.

MOTION: Commissioner Gardner

SECOND: Commissioner Haynes

MOTION RESULTS: Passed Unanimously (4-0)

10F Contract Award - South Judd Parkway/South Main Street - ST Wooten Corporation - \$1,749,958.50

Purpose – To consider approving a project ordinance amendment in the amount of \$1.2 million and awarding a contract for the South Judd Parkway and South Main Street Intersection

Improvements Project (HL-0041) to the S.T. Wooten Corporation in the amount of \$1,749,958.50.

Staff Comments – Engineering Director Matt Poling entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He provided information about the agenda item by making the following remarks.

During the FY 2019-2020 round of LAPP funding requests, the Town successfully received grant funding for a project that provides intersection improvements at the South Judd Parkway and South Main Street intersection. The Town and NCDOT have partnered to combine one of the Town's federally funded projects (Project # HL-0041) with a Spot Mobility project proposed by NCDOT (SM-5705S) for an efficient solution in increasing movements and safety throughout this intersection. This project will solve the inefficient traffic configuration by widening the intersection of US-401/S. Main St and South Judd Parkway. It will also widen a portion of South Judd Parkway to the east. With the widening, a left turn lane will be added to separate the turning and through movements, and the signal will be modified and upgraded to mast arms.

The construction contract was advertised on May 16, 2023. The Town received four bids from licensed contractors on June 15, 2023. A public bid opening was held at the John W. Byrne Municipal Building, where each bid was publicly opened and read aloud. The S.T. Wooten Corporation was the lowest, responsive, and responsible bidder, with a bid of \$1,749,958.50. The Town of Fuquay-Varina has had the opportunity to collaborate with the S.T. Wooten Corporation on previous projects that were federally funded. Based on the Town staff's previous experience with S.T. Wooten Corporation, staff has a high degree of confidence in their ability to deliver projects to the highest standard. Construction for the South Judd Parkway and South Main Street Intersection Improvements is anticipated to reach completion by spring 2024.

Town staff recommends approving a project ordinance amendment in the amount of \$1.2 million and awarding a contract for the construction of the South Judd Parkway and South Main Street Intersection Improvements project (HL-0041) to the S.T. Wooten Corporation in the amount of \$1,749,958.50 and authorize the Town Manager to execute the contract on behalf of the Town, subject to the Town Attorney's review as to form.

The Town Board has established a project ordinance of \$893,960. Existing project funds comprise \$494,610 in Federal Highway Administration (FHWA) funds (LAPP & Spot Mobility funding) and an additional \$400,000 from NCDOT originally assigned to perform operational improvements to this intersection. A project ordinance amendment of \$1.2 million is needed to fully fund and start the project. These funds are available in the Transportation Fee in Lieu Southern District account. The Town was originally awarded funding for this project in FY 2019-2020. The NCDOT CMAQ (Congestion, Mitigation, & Air Quality) unit withheld these funds from the Town until 2022 because of COVID delays and NCDOT budget shortfalls. Because of these delays and the increased construction cost, an additional \$1.2 million is needed to complete the project.

Town Staff has engaged NCDOT and CAMPO to seek additional funding to cover the overages associated with the delay in the release of project funds and will bring a supplemental agreement to the Town Board at a future meeting. Should additional outside funding become available, the Transportation Fee in Lieu Southern District funds will be returned to its reserve account.

Discussion – Mayor Massengill stated that the left-hand turn lane has been considered with stacking of cars and queuing for the extremely long left turn lane to not block the intersection and the signalization timing. Engineering Director Matt Poling stated that NCDOT had identified this project as a spot mobility funding due to the semi-trailer trucks that could not make the right turn due to clipping the light pole.

Mayor Massengill asked how soon the project would start. Town Manager Mitchell stated that if Town Board approves this item tonight, it will be the intent of staff to seek concurrence on the award of the contract with NCDOT tomorrow and if they agree the contractor will be ready to mobilize and start work within two weeks from the time that NCDOT agrees. He said that sometimes this process could take up to 30 days.

Mayor Massengill asked how long it would take to complete the project. Engineering Director Matt Poling stated that it could take up to 12 months or sooner for completion. He stated that the reason for the 12 months is that there is a long lead time on mast arms. Mayor Massengill stated that this project is important to the Town Board, and the citizens will be excited about improvements to the intersection.

Recommendation – Approve a project ordinance amendment in the amount of \$1.2 Million and award a contract for the construction of the South Judd Parkway and South Main Street Intersection Improvements Project (HL-0041) to the S.T. Wooten Corporation in the amount of \$1,749,958.50 and authorize the Town Manager to execute the contract on behalf of the Town, subject to the Town Attorney's review as to form.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Haynes

MOTION RESULTS: Passed Unanimously (4-0)

- 10G Sanford Water Filtration Facility Expansion Project Resolution - Interlocal Agreement (ILA) and Construction Management Agreement (CMA)

Purpose – To approve a resolution authorizing the execution of the ILA and CMA agreements with the City of Sanford, the Town of Holly Springs, and the Town of Pittsboro for the construction of the Sanford Water Filtration Facility.

Staff Comments – Public Utilities Director Mike Wagner entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He provided information about the agenda item by making the following remarks.

The City of Sanford owns and operates the Sanford Water Filtration Facility (WFF), originally constructed in 1970 with a capacity of 6 million gallons per day (mgd). In 1990, the plant was expanded to 12 mgd. The WFF has seen an increase in demand rapidly approaching the plant's maximum capacity. As a result, the City of Sanford has been in discussions with neighboring municipalities to purchase water for their growing communities.

The City of Sanford, with participation from the Town of Fuquay-Varina, the Town of Holly Springs, and the Town of Pittsboro, have completed the Preliminary Engineering Report and Design for the expansion of an additional 18mgd of capacity for a total system capacity of 30 mgd. The additional expansion capacity is allocated as follows: Sanford - 5mgd, Pittsboro - 3mgd, Fuquay-Varina - 6mgd, and Holly Springs - 4mgd.

The Interlocal Agreement (ILA) and Construction Management Agreement (CMA) are a product of joint efforts between each participating jurisdiction's Town Managers, Town Attorneys, Public Utility Directors, Finance Directors, Financial Advisors, and Bond Attorneys with advice from the Local Government Commission. Many meetings were held over the last year to form these agreements that meet the water capacity needs of all jurisdictions. These agreements do not include the costs of the Conveyance line from the Sanford WFF to the Town of Fuquay-Varina and the Town of Holly Springs. A separate interlocal agreement regarding the conveyance line will come to the Town Board within the next year for consideration.

Specific elements of the ILA include the following terms:

- Jurisdictional parties to the agreement include the City of Sanford, the Town of Fuquay-Varina, the Town of Holly Springs, and the Town of Pittsboro.
- Sanford has sole authority to manage and operate the WFF.
- Fuquay-Varina will pay for and receive 6 MGD as part of the 18 MGD WFF expansion.
- Jurisdictions to the agreement can seek future water capacity expansion based on agreed-upon negotiations from all parties involved.
- Fuquay-Varina will have an 18.7% ownership percentage in the expanded WFF.
- Fuquay-Varina will pay (or has paid for) its pro-rata portion of the design and construction of the WFF expansion.
- Separate ILA agreement will be for the conveyance line between Sanford, Holly Springs, and Fuquay-Varina.
- The term of the ILA is 99 years, with an option to renew ILA for another 99 years after the initial term.
- Fuquay-Varina and other participating jurisdictions will pay their pro-rata share of WFF operation, maintenance, and capital costs.
- Fixed operational costs are allocated by ownership percentage. Variable costs, such as chemicals, are allocated based on the amount volume of water received.
- All parties to the agreement are required to meet annually to discuss operation and management matters of the WFF.



In conjunction with considering the ILA, the CMA codifies each participating jurisdiction's obligations during the project's construction to include contract management and fiscal responsibilities. The CMA also details the process for designating the City of Sanford as the Town's agent to administer the agreement, coordinate payments, and manage construction on behalf of the participating jurisdictions.

As a requirement of approving the ILA and CMA, each jurisdiction's governing body must adopt a resolution ratifying the agreements, authorizing Town Representatives as officers to execute the agreements.

Project consultant engineering firm Hazen and Sawyer has prepared a cost estimate for the Sanford WFF expansion project (90% of Design) for \$257.5 million. The project's participating municipalities have all received grant funding for this project. After the total \$42.2 million of grant funding received among all participating jurisdictions has been applied to the total project cost of \$257.5 million, the updated total project cost is estimated at \$215.3 million. To date, the Town of Fuquay-Varina has received \$9 million in grant funding and \$40 million in low-interest loans from the state towards funding the expansion project. The estimated construction cost for the Town of Fuquay-Varina's 6 MGD portion of expanding the Sanford WFF is \$66.2 million. The \$66.2 is a onetime construction capital cost. It is estimated to cost the Town of Fuquay-Varina \$1.8 million annually to operate and maintain its proportional share of the plant's expansion.

The estimated adjusted total cost allocation share is as follows:

Sanford - 33.4% (\$71.9 million)

Fuquay-Varina - 30.7% (\$66.2 million)

Holly Springs - 20.5% (\$44.1 million)

Pittsboro - 15.4% (\$33.1 million)

Discussion – Mayor Massengill stated that this project has been coming for a while and staff has been working on it for a couple of years. Public Utilities Director Mike Wagner stated that the bid will hopefully be posted on July 17, 2023 for 30 days and then they will be opened. Mayor Massengill stated that the Town is going to continue seeking funding for this project.

Town Manager Mitchell recognized Town Attorney James Adcock, Finance Director JoAnne Crabtree, Bond Attorney Bob Jessup, Assistant Town Manager Jim Seymour along with the team of Sanford, Holly Springs, Pittsboro, and Chatham County for all their hard work on this agreement.

Recommendation – Approve the Resolution authorizing the execution of the Interlocal Agreement (ILA) and Construction Management Agreements (CMA) related to the expansion, management, and operation of the City of Sanford Water Filtration Facility expansion project as presented and recommended. The approved agreements and resolution have been reviewed and approved by the Town Attorney as to form.

Resolution No. 23-1820

MOTION: Commissioner Harris  
SECOND: Mayor Pro-Tem Smith  
MOTION RESULTS: Passed Unanimously (4-0)

#### OTHER BUSINESS

##### 11A Manager's Report

Town Manager Adam Mitchell gave the following updates:

- o Fire Department – The Fire Department recruits graduated on June 20, 2023, and Mikayla Burns was recognized as class valedictorian in the Academy. The four new fire engines have been officially ordered and the department truck committee will be traveling to the vendor's headquarters in mid-August to meet with the engineers to finalize the build specifications for those fire engines. He stated that Fire Station No. 4 is coming along nicely, and the contractor has been making good progress in the last few weeks.
- o Communication Department – The Communication Department is working on several projects with departments including three videos for Parks and Recreation Department, a Downtown video which will be released in August to include a social media campaign around the theme of Dine, Unwind, Create and Explore, creating new downtown banners, and increased posting on the Town's new LinkedIn page to gain followers and engagement with the downtown. He stated that some of the awnings on businesses in downtown are being replaced.
- o Human Resource Department – The Human Resource Department went live on June 27, 2023, with the new applicant tracking software Neogov and job postings can now be found

on governmentjobs.com. This project was a group effort and Karen Wanner in the Human Resources Department and Patrick Petty in the IT Department worked on implementing this software program, and he thanked them both.

- Public Works Department – The Public Works Department completed the FY 24 Powell Bill certification process last week and added 9.75 miles of new streets in the last year. This past Friday the Street Department staff; James Jordan, AJ Smith, Tyler Cotton, Brain Kraft and Matt Healy, worked from 7:00 pm – 2:30 am removing trees blocking public streets due to a big storm. Also, Debris and Street staff including Charles Baker, Daniel Stewart, Marty Bake and Skylar Powell were helping with the fallen trees.
- Parks and Recreation Department – The Parks and Recreation Department had their second round of bid openings for the Community Center North Project with the Town’s construction manager Edifice Construction Company on July 6, 2023. Staff is working with the general contractor on a guaranteed maximum price that will be brought to the Town Board for recommendation at the August 8, 2023 Town Board meeting.
- Police Department – Police Chief Median spoke on the events that are coming up. He stated that they are having a fundraising event for school supplies which will end August 1, 2023. They are accepting school supplies for students of all ages. On July 22 they are going to try and fill a pickup truck with school supplies. On August 5<sup>th</sup> at the William Freeman Park, volunteers will be handling out the school supplies. He stated that the Police Department is still currently in 1<sup>st</sup> place for Special Olympics fund raiser. There will be another fund raiser on July 15<sup>th</sup> at the Mason Jar Lager to help with Jeep Jam organization.

11B Project Status Report – July 2023

11C Police Department - Jeep Jam - Special Olympics Fundraiser Event - Saturday July 15, 2023 - 12:00 pm - Mason Jar Lager Company - 341 E. Broad Street

11.D Fuquay-Varina Ice Cream Social - Sunday July 16, 2023 - 4:00 pm - 6:00 pm - Fuquay Mineral Spring Park

11.E REMINDER: July 18, 2023, Town Board Meeting - CANCELED

- 11.F Coffee with a Cop - Starbucks - 1380 N. Main Street - Wednesday July 19, 2023 - 9:00 am - 10:30 am
- 11.G Police Department - Pancake Supper Special Olympics Fundraiser - Friday July 21, 2023 - 5:00 pm - 9:00 pm - Eggs Up Grill - 1436 N. Main Street
- 11.H National Night Out Against Crime - Fuquay-Varina Police Department - Tuesday August 1, 2023 - 5:00 - 8:00 pm
- 11.I Police Department - School Supplies Giveaway - Saturday August 5, 2023 - 10:00 am - 2:00 pm - Dr. William Freeman Park
- 11.J REMINDER - Tuesday, August 8, 2023 - Town Board Meeting - Not Monday, August 7, 2023
- 11.K Police Department - Junior Police Academy Camp - August 7-11, 2023
- 11.L Police Department - Junior Forensic Camp - Wednesday August 16, 2023
- 11.M Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #24 - CTA-2023-02 - (FIRST READING) - (Davison)
- 11.N Zoning Map Amendment & Land Use Plan Amendment - Jovita Simons - 223 North West Street - PIN 0656896592 - REZ-2023-07 - (Davison) - (FIRST READING)
- 11.O Zoning Map Amendment - Mark Smith, Burton Engineering - 1920 N Main Street - PIN 0677434209 - REZ-2023-06 - (FIRST READING) - (Davison)
- 11.P Community Transportation Plan Amendment - Town of Fuquay-Varina - Reduction of Future US 401 Highway Cross-Section - CTA-2023-03 - (Davison) - (FIRST READING)

## BOARD MEMBER COMMENTS

Commissioner Gardner stated that tonight's meeting was a full meeting, and it was exciting to see two big plans approved. She reported that many of the projects that have been talked about for a while have come to fruition and were voted on tonight.

Commissioner Harris stated that the water project is a monumental project that has been recognized throughout the state regarding coordination, partnership and working from a regional standpoint with Sanford, Fuquay-Varina, Pittsboro and Holly Springs. He reported that this project will be a case study regarding how communities can come together to address future infrastructure needs.

Commissioner Haynes thanked staff for a great Independence Day Celebration with fireworks and vendors. He reported that the Growers Market gave seniors a \$30 voucher and they got free ice cream. He thanked Church Alive for their first responder's luncheon. He stated that he really enjoyed the two-day Manifest event that was held at the Arts Center recently and he thanked everyone who contributed to that event. He commended the Town for implementing a program where employees can take leave to take care of an elderly parent and newborns.

Mayor Pro-Tem Smith stated that he agreed with Commissioner Haynes on the Church Alive event that was done for first responders and the barbeque was good. He reported that he attended the CCL Label groundbreaking event. He also stated that he had attended the Take Five Carwash and the Peach Cobbler Factory ribbon cutting. He reported that the Peach Cobbler Factory had the largest grand opening they have had in Fuquay-Varina, and they have 40 other locations.

Mayor Massengill stated that the Peach Cobbler Factory has some very good cobblers with some good flavors. He reported that the graduation of the fire recruits and for Fuquay-Varina to have the valedictorian as one of our very own was very impressive. He thanked staff for all their efforts in the cleanup after the storms on Friday. He reported that he and the Town Manager attended the Metro Mayors meeting at the Governor's Mansion and talked about transportation and infrastructure projects. He stated that he had a meeting with the Secretary of Commerce at John Deere Turf and discussed how their products gets shipped all over, especially to sports facilities. He reported that he attended the CCL Label groundbreaking.

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

Past Events

- 6/6 – Meeting with FVHS Principal
- 6/7 – Coffee with a Cop
- 6/8 – FVEDC Meeting
- 6/12 – Speak at ALA Tar Heel Girls
- 6/12 – Chamber Ribbon Cutting
- 6/13 – FVDA Board Meeting
- 6/13 – Speak at JD Turf Care Event
- 6/14 – FVHS Graduation
- 6/14 – Rotary Club Flag Day
- 6/16 – Metro Mayor's Call
- 6/16 – Manifest STEMology
- 6/17 – Curated Craft Market
- 6/19 – Manifest Juneteenth
- 6/19 – Wake County Mayor's Association Meeting
- 6/20 – CCL Label Groundbreaking
- 6/20 – FV Chamber Board Meeting
- 6/20 – US 401 Corridor Stakeholder Meeting
- 6/20 – Economic Development Strategic Plan Retreat
- 6/20 – CAMPO Meeting
- 6/23 - Metro Mayor's Call
- 6/24 – Police Department – Share Night for Special Olympics
- 6/27 – Chamber Ribbon Cutting – The Peach Factory
- 6/29 – Interview with WTVD News
- 6/30 – Interview with Invest Magazine
- 7/1 – Independence Day Celebration

Upcoming Events

- 7/11 – FVDA Board Meeting
- 7/11 – Chamber Ribbon Cutting UPS
- 7/12 – Chamber -Groundbreaking ALG Senior
- 7/13 – Chamber Business After Hours

7/13 – American Legion Officer Installation  
7/14 – Metro Mayor’s Call  
7/15 – Police Department Jeep Jam for Special Olympics  
7/16 – FV Ice Cream Social  
7/17 – Wake County Mayor’s Association Meeting  
7/19 – Coffee with a Cop – Starbucks  
7/19 – Chamber Board Meeting  
7/19 – CAMPO Meeting  
7/21 – Metro Mayor’s Call  
7/21 – Police Department Pancake Supper Fundraiser  
7/28 – Metro Mayor’s Call  
8/1 – National Night Out – Police Department  
8/3 – Congressman Nickels at the Police and Fire Stations  
8/3 – Police Department – School Supplies Giveaway  
8/8 – FVDA Board Meeting

CLOSED SESSION

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

A motion was made to conduct a closed session meeting at 8:47 p.m.

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

RETURN TO OPEN SESSION

The Town Board returned to Open Session at 9:15p.m. with nothing to report out.

ADJOURNMENT

A motion was made to adjourn the meeting at 9:16 p.m.

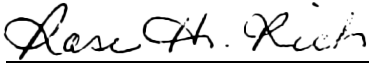
MOTION: Mayor Pro-Tem Smith  
SECOND: Commissioner Haynes  
MOTION RESULT: Passed Unanimously (4-0)

The minutes from the July 10, 2023, Town Board of Commissioners regularly scheduled meeting are adopted this 8<sup>th</sup> day of August in the year 2023 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

  
\_\_\_\_\_  
J. Blake Massengill, Mayor

ATTEST

  
\_\_\_\_\_  
Rose H. Rich, Town Clerk

(TOWN SEAL)

