



Fuquay-Varina Town Board Meeting

August 22, 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 Tuesday, August 22, 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 Marilyn Gardner, William Harris, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Mark Matthews, Assistant Town Manager Jim Seymour, Deputy Town Clerk Teresa Wilder, Town Attorney James Adcock, IT Director Scott Clark, and various other department directors.

CALL TO ORDER

Mayor Massengill called the meeting to order at 7:01 pm.

INVOCATION AND PLEDGE

Mayor Pro-Tem Larry Smith provided the invocation and Engineering Director Matt Poling led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager 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 August 8, 2023, Town Board of Commissioners Regular Scheduled meeting.

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

PRESENTATIONS

4A There were no presentations for the August 22, 2023 Town Board Meeting.

PUBLIC COMMENTS

5A No one chose to speak in person or virtually during public comments.

ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled for the August 22, 2023, Town Board meeting.

PUBLIC HEARINGS

7D Voluntary Annexation Petition - McKee Homes, LLC & Evergreen Development, LLC - 0 & 2406 Fleming Road - PINs 0646955743 and 0656052922 - ANX-2021-06

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for voluntary annexation of property located at 0 & 2406 Fleming Road owned by McKee Homes, LLC and Evergreen Development, PINs 0646955743 and 0656052922, containing approximately 35.19 acres, and to approve the Declaration of Annexation Agreement.

Staff Comments – Planning Director 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 and made the following remarks.

The property is non-contiguous to the Town's corporate limits, containing 35.19 acres. Town water is available, but sewer is not available to the property. The petitioner has signed an annexation agreement related to providing Town services. The owner will extend the sewer as part of the development to the subject property. Garbage and recycling services will be provided to the property. A fire flow test resulted in an adequate fire flow of 5,581 gallons per minute.

At the August 8, 2023, meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. The Town Clerk certified at that time that the petition was sufficient and met the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the August 22, 2023, Town Board meeting. The present total value of the portion property being annexed is \$585,120.

Public Hearing – The public hearing was opened. Larry Witek, 110 Lions Gate Drive, Cary, NC spoke in favor to the voluntary annexation petition. No one spoke in opposition to the voluntary annexation petition. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by McKee Homes, LLC and Evergreen Development, LLC (ANX-2021-06) and to approve the Declaration of Annexation Agreement as presented and recommended. Ordinance No. N-23-27

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

CONSENT AGENDA

8A. Utility Agreement Allocation Request - Holston Subdivision - 75 Lots

Purpose – To consider a Utility Agreement Allocation Request for the Holston Subdivision 75 lots for 24,600 gpd sewer and 29,520 gpd water.

Recommendation – Approve the recommended utility allocation request for the Holston Subdivision 75 lots, as presented and recommended.

- 8B. Voluntary Annexation Petition - Mark & Rebecca Millsaps, 1716 Twin Pines Way - PIN 0665665601 - ANX-2023-11

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 September 5, 2023, following the receipt of a petition for voluntary annexation of property owned by Mark & Rebecca Millsaps, containing a total of approximately 1.993 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 September 5, 2023, for property owned by Mark & Rebecca Millsaps - ANX-2023-11 as presented and recommended.

Resolution No. 23-1824

Resolution No. 23-1825

- 8C. Ordinance - Rescinding NCDOT - 55 mph to 45 mph - Highway 42 between Highway 55 and Kennebec Road

Purpose – To concur with NCDOT and execute a municipal certification that reduces the speed limit on Highway 42, from Highway 55 to Hilltop Road (SR 2751) from 55 mph to 45 mph.

Recommendation – Approve and authorize the Town Manager to execute the NCDOT Certification of Municipal Declaration to reduce the speed limits along Highway 42, from Highway 55 to Hilltop Road (SR 2751) and request NCDOT concurrence.

Ordinance No. M-23-04

8D. Special Event Permit & Amplified Sound Permit Request - Fuquay-Varina United Methodist Church - Justin Page Memorial Car Show - September 09, 2023

Purpose – To consider approval of a special event and amplified sound permit for the Justin Page Memorial Car Show, scheduled for September 9, 2023.

Recommendation – Approve the special event and amplified sound permit for the Justin Page Memorial Car Show scheduled for September 9, 2023, as presented and recommended.

8E. Resolution - NC Drinking Water State Revolving Fund Program

Purpose – To consider adoption of Resolution in support of the Town's funding applications to the NC Drinking Water State Revolving Fund Program.

Recommendation – Adopt the Resolution in support of the Town's Fall 2023 funding application as required to apply for the NC Drinking Water State Revolving Fund Program to support the Town's Lead Service Line Inventory Project.

Resolution No. 23-1826

8F. Roadway Fee-In-Lieu – Hilltop Baptist Church Classroom Expansion

Purpose – To consider approval of a Roadway Fee-In-Lieu payment for certain improvements related to the Hilltop Baptist Church Classroom Expansion in the amount of \$42,900.00.

Recommendation – Approve a total of \$42,900.00 as payment-in-lieu for roadway improvements associated with the Hilltop Baptist Church Classroom Expansion as presented and recommended.

8G. Project Ordinance Amendment - Willow Lakes Parking Lot - POA-24-06

Purpose – To amend a project ordinance for the Willow Lakes Parking lot.

Recommendation – Approve POA-24-06 to reduce the transfer from reserves for the Willow Lakes Parking Lot as presented and recommended.

Ordinance No. N-23-28

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

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

ITEMS REMOVED FROM CONSENT

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

ADMINISTRATIVE REPORTS

10A Contract Award - Foss Demolition, Inc. - Downtown Demolition Project Phase I - \$94,000

Purpose – To consider a contract award in the amount of \$94,000 to the contractor, Foss Demolition, Inc. for the demolition of vacant Town-owned commercial buildings located in downtown DC-1.

Staff Comments Economic Development Director Tiffany McNeill 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 Town of Fuquay-Varina Board of Commissioners has authorized funding for a qualified contractor to demolish vacant Town-owned commercial building structures along N Main Street, E Academy Street, and N Fuquay Avenue. This project will prepare the sites for a multi-story mixed-use development project in downtown Fuquay-Varina. The demolition project will be completed in two phases. Phase I includes demolishing all vertical structures, and Phase II includes backfill, grading, and reseeding of the site. Foss Demolition has estimated Phase I of the project to be complete within 120 days from the date of the Notice to Proceed. Phase II is scheduled to begin in January 2024 after the complete demolition of structures on the project site.

The construction contract was advertised on July 3, 2023. The Town received seven bids from licensed contractors on August 9, 2023. A public bid opening was held. Foss Demolition, Inc. was the lowest, responsive, and responsible bidder, with a bid of \$94,000. Town staff recommends awarding a contract for the demolition project to Foss Demolition, Inc. in the amount of \$94,000 and authorizing the Town Manager to execute the contract on behalf of the Town, subject to the Town Attorney's review as to form. Contractor services for this demolition project are \$94,000.

Discussion – Mayor Massengill stated that the bid came in under budget and he asked about parking availability. Inspections Director Chris Hinnant stated that there will not be parking at the old Parker Furniture building, old Police Station, and South Fuquay Avenue and Academy Street lots. Mayor Massengill asked if the demolition would interfere with the FM2FV concerts. Inspections Director Hinnant stated that the demolition would not interfere with the concert series. Mayor Massengill asked where the inspectors would be parking their Town vehicles during demolition. Inspections Director Hinnant stated that they would be able to park in the old Hardee's/Foot Doctor parking lot.

Commissioner Harris asked if there are areas where reseeding would occur. Economic Development Director Tiffany McNeill stated that reseeding would be at 114 North Main, 122 North Main, 110 North Main and 103 North Main and referred to the map provided with the agenda item materials. Inspections Director Hinnant stated the first phase is demolishing vertical structures down to the foundation and the second phase will be removal of pavement, foundations, and footings along with rough grading and reseeding.

Commissioner Gardner asked if this was to get the Town in a position to have some marketable space. Economic Director McNeill stated that the Town is doing the site work prep now for marketable space. She also stated that her department is receiving lots of interest and feedback on this project, so the Town is hoping to get some ready, willing and able investors for this project.

Mayor Pro-Tem Smith asked when the project would start. Economic Development Director McNeill stated that phase one should start mid-September of this year.

Recommendation – Approve the Contract Award for contractor Foss Demolition, Inc. to perform Phase I demolition of the vacant Town-owned commercial buildings located in downtown DC-1 in the amount of \$94,000 as presented and recommended subject to Town Attorney review as to form.

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

OTHER BUSINESS

11A Manager's Report

Town Manager Adam Mitchell gave the following updates:

- Communications Department – The Communication Department has been working with Parks and Recreation on a bond website FVBonds.org and the website is now up and running. This website will help to educate citizens on the \$60 million Parks & Recreation bond referendum. They are also developing information to be handed out at events which will point citizens to the website and planning to make presentations at community events as well as videos that will be released in September. Town Manager Mitchell stated that the “Fuquay-Varina Firsts Celebrating Black History” video series and the Town’s Valentine’s Day social media mini campaign are national finalists for this year’s City and County Communication Awards. He stated that winners will be announced on September 7th at the annual event in Orlando, Florida, and Communications Director Susan Weil will represent the Town at that event.
- Human Resources Department – The Human Resources Department conducted 52 interviews since the last week of July through today. They are also participating in a career fair at Shaw University on September 28th.
- Fire Department – The Fire Department had a very successful trip to South Dakota for the ordering of the fire new trucks. They also sent 7 firefighters to the 2023 South Atlantic Fire Rescue Expo (SAFRE) held in downtown Raleigh last week where they attended a course on leadership, firefighter safety, strategy, and tactics. Also, Battalion Johnston and Chief Jones attended the Memorial Service during the SAFRE conference honoring the fallen firefighters from last year where Chief Mauldin was recognized.
- Police Department – The Police Department had 8 police cadets to start basic law enforcement training last Tuesday. Chief Medina has been accepted into the 2023-24 class of the UNC School of Government Municipal Administration Program.
- Arts Center – The Arts Center had 135 dancers participate in the Summer Showcase. This is the final week of summer camp and fall classes and activities begin next week. The first show of the

Fall season is on September 9th with Earth, Wind, & Fire Tribute Band. The 9/11 Day of Remembrance service will be held at the Arts Center at 8:30 am.

- Parks and Recreation Department – The Parks and Recreation Department will close the yellow trail on Wednesday, August 23, 2023 at HNTTPP due to the construction of the Community Center North and the elementary school. The red and blue trails will remain open.
- Public Works – The Street Department assisted the FVPD, NCDOT and Duke Energy with the tree removal and traffic control from last Tuesday's severe thunderstorms.
- Engineering Department – The Engineering Department will open bids on Thursday, August 24th for the Highway 401/Mill Creek Operational Improvements.
- Planning Department – The Planning Department CTP Update is underway and will be performing public outreach at Celebrate FV.
- Public Utilities - The Public Utilities Department is working with the NC Department of Water Infrastructure, NC Department of Water Resources, and USGS on final permitting of the Sanford Water Partnership project. USGS is expected to provide NCDWI comments by mid-September and the Environmental Analysis Report will be posted on the clearinghouse for public comment. The review timeline has pushed the bid opening dates for the Sanford WFF to mid-October.
- Economic Development Department – The Economic Development Department continues to collaborate with McAdams' consulting firm on development of the Downtown Generational Plan to be completed in late December 2023. The consultants are working with staff to identify opportunity sites for future development and are developing concepts to initially present to staff. They are continuing work on transportation, streetscape design, and land use and zoning recommendations within the DC-1 and DC-2.

11B Coffee with a Cop - Front Porch Realty - 604 N. Main Street - Wednesday, September 6, 2023 - 9:00 am - 10:30 am

11C FM2FV Concert - North Tower - Thursday September 7, 2023 - 6:30 pm - 9:30 pm - Centennial Park

11.D Earth Wind & Fire Tribute Band - Fuquay-Varina Arts Center - Saturday September 9, 2023 - 7:30 pm

11.E 9/11 National Day of Remembrance - Monday September 11, 2023 - 8:30 am - Fuquay-Varina Arts Center

- 11.F International Cultural Festival - Presented by the Cultural Arts Society of Fuquay-Varina - Fuquay-Varina Arts Center - Saturday September 16, 2023 - 10:00 - 4:00 pm
- 11.G The World Goes 'Round - Musical Theatre- Fuquay-Varina Arts Center - September 21-23, 2023 - 7:30 pm
- 11.H Artrageous - Fuquay-Varina Arts Center - Saturday September 30, 2023 - 7:30 pm
- 11.I Zoning Map Amendment - Mohamed Elfadaly, Alnoor Islamic Center- 6317 Sunset Lake Road - PIN 0668457392 - REZ-2023-10 - (FIRST READING)

BOARD MEMBER COMMENTS

Commissioner Gardner stated that the Friends of the Museum Board of Directors will have the caboose repainted with a warranty of 15 years. They will be trying to raise money to help with the cost of the painting by having a train trip on November 11th. The cost will be \$15 for adults and \$5 for children. This will be a fun event for families and help support the Friends of the Museum.

Commissioner Harris stated that the NCLM is currently working on a column that will come out in their September 2023 publication that will highlight "Let's Talk Fuquay-Varina" platform. He stated that mid-size cities don't have this kind of community engagement platform and he is proud that Fuquay-Varina has been an innovator in this area.

Commissioner Haynes asked everyone to pray for the students and teachers as they start back to school next Monday. He stated that he attended the F-V Chamber of Commerce Business After Hours at the Southern Regional Center last week and he learned of several services that they provided. He reported that Pine Acres had a back-to-school giveaway this past Sunday which was sponsored by local motorcycle clubs, and he thanked Chief Medina for speaking at that event. He invited everyone out this Friday for Pine Acres Annual Barbecue, Chicken and Fish plate sale from 11:00 – 7:00 pm. The money raised will be used to finish the community garden project and continue food distribution efforts.

Mayor Pro-Tem Smith stated that he attended the Chamber of Commerce ribbon cutting for Langworthy Family Dentistry located at 947 S. Judd Parkway, SE. He stated that it was a relocation/enlargement of the dentistry

office, and it means a lot to him when a business comes to Town and they succeed and they want to stay and reinvest more.

Mayor Massengill stated that over the few weeks staff has had to deal with storms especially Street Department and Engineering dealing with road issues and sewer manholes that have flooded along with Fire, Police and Parks and Recreation. He appreciates all their hard work with the clean- up efforts. He reported that the F-V Chamber of Commerce has been busy with lots of new businesses that have located in Fuquay-Varina, and they recently hosted the Business After Hours at the Southern Regional Center and it was a great event. He stated that the Southern Regional Center offers lots of different services and programs. He reported that he attended a CAMPO meeting and that transportation and infrastructure continue to be top priority for himself and the Town Board. He reported that Public Works Director Tracy Stephenson is the vice chair of CAMPO and hopefully he will become chair of the committee.

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

Past Events

- 8/10 – FV Chamber Connect
- 8/11 – Metro Mayor's Call
- 8/14 – Police Swearing in
- 8/16 – FV Chamber Board Meeting
- 8/16 – CAMPO Exec. Board Meeting
- 8/17 – FV Chamber Business After Hours
- 8/19 – Police Department – Special Olympics Pass the Hat

Upcoming Events

- 8/23 – Chamber Ribbon Cutting Avenue Properties
- 8/25 – Metro Mayor's Call
- 8/28 – Chamber Ribbon Cutting Melt n' Glow
- 8/31 – Chamber Ribbon Cutting Grocerind and Inis Kitchen

ADJOURNMENT

A motion was made to adjourn the meeting at 7:40 p.m.

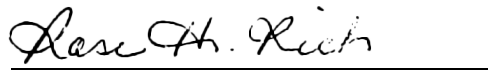
MOTION: Mayor Pro-Tem Smith
SECOND: Commissioner Harris
MOTION RESULT: Passed Unanimously (4-0)

The minutes from the August 22, 2023, Town Board of Commissioners regularly scheduled meeting are adopted this 5th day of September 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)

