



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
SEPTEMBER 3, 2019

CALL TO ORDER

Mayor Pro-Tem Blake Massengill called the regular meeting of the Fuquay-Varina Board of Commissioners to order on September 3, 2019 at 7:00 p.m.

(Mayor Byrne, Town Manager Mitchell, and members of Town staff were away in Raleigh attending a meeting of the Wake County Board of Commissioners and they arrived at the meeting at 7:16 pm)

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

Commissioners Absent: None

Others Present: Economic Development Director Jim Seymour
(acting on behalf of the Town Manager)
Town Manager Adam Mitchell *(arrived at 7:16 pm)*
Town Clerk Rose Rich
Town Attorney James Adcock

Absent: Assistant Town Manager Mark Matthews (vacation)

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Larry Smith provided the invocation and Fire Chief Anthony Mauldin led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The August 20, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

PRESENTATIONS

There were no presentations for the September 3, 2019 Town Board meeting.

PUBLIC COMMENTS:

Ms. Emily Holloway, 312 Angier Road, asked for clarification on the matter of the intended use of Town owned property (located at the corner of Vance and Angier Road – 302 Angier Road). She expressed concern that a contractor had been hired to clear the property and wanted to know if a portion of the neighboring private property was mowed using public funds. Mayor Pro-Tem Massengill directed her to Economic Development Director Jim Seymour to give her the contact information of the Town staff that was in charge of the clearing project. Ms. Holloway recommends that native wild flowers be planted on the lot to lessen the need for mowing until such time that the Town makes other use of the property.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Voluntary Annexation Petition - Hilltop Freewill Baptist Church - 3916, 0 Hilltop Needmore Road and 10204 Fayetteville Road - PINs 0688138207, 0688139036 and a portion of 0688330428 - ANX-2018-18 - ITEM WITHDRAWN

Purpose – To receive the petitioner's submittal to withdraw their request for annexation of property owned by Hilltop Freewill Baptist Church located at 3916 Hilltop Needmore Road, 0 Hilltop Road, and 10204 Fayetteville Road containing 6.19 acres.

Staff Comments – Economic Development Director Seymour advised that the petitioner has withdrawn their application for voluntary annexation and that no action was required by the Town Board.

Recommendation – No action required. The annexation petition has been withdrawn.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Town Code Amendment - Town of Fuquay-Varina -
Land Development Ordinance (LDO) Amendment
#10 - CTA-2019-02

Purpose – To consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Amendment #10 that addresses several areas for improvement.

Staff Comments – Economic Development Director Seymour 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 Town Code Amendment to include modifications being proposed, which involved the following:

- Removal of references in the code to the North Carolina Rehabilitation Code
- Removal of language requiring a fence permit
- Correction of general typographical errors
- Clarification regarding open space setbacks in various zoning districts
- Removal of language pertaining to fence setbacks
- Clarification of standards pertaining to low density development stormwater management regulations
- Clarification regarding stormwater performance security
- Clarification regarding language pertaining to non-conforming signs
- Clarification regarding standard widths of column signs
- Clarification regarding the Town's Erosion Control and Sedimentation standards pertaining to construction drawings
- Clarification regarding mobile restaurant licensing
- Clarification regarding Building Entrances and Doors pertaining to the DC-1 and DC-2 zoning district.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed town code amendment for CTA-2019-02. The hearing was closed.

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

Recommendation – Approve CTA-2019-02 Amendment #10, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town management and staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Commissioner Smith

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. PZ-19-04

At this point Mayor Byrne arrived and presided over the meeting and Town Manager Mitchell introduced the remaining agenda item topics.

Agenda Item No. 7.B: Zoning Map Amendment - 511 Main LLC - 511 S Main Street - PIN 0656956305 - REZ-2019-16

Purpose – To consider a requested zoning map amendment for a total of 0.39 acres, located at 511 S Main Street, from the Town Center Residential (TCR) Zoning District to the Town Center Residential (TCR) Zoning District.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the zoning map amendment to include the requested zoning district, surrounding land uses, the relationship to the land use plan, available utilities, transportation considerations, and the required neighborhood meeting. Town Manager Mitchell advised that the reason for the zoning map amendment to like zoning is because TCR zoning requires that amendments to the approved plot plan be brought back before the Town Board for consideration. He explained that in this case, the petitioner is seeking to add outdoor decks and improved parking.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed zoning map amendment for REZ-2019-16. The hearing was closed.

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

Recommendation – Approve REZ-2019-16, a zoning map amendment at 511 S Main Street, from the Town Center Residential (TCR) Zoning District to the Town Center Residential (TCR) Zoning District. The proposed amendment is consistent

with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.C: Voluntary Annexation Petition - Randy and Kathy Dickens Property (Highridge) - 8900 Purfoy Road – PIN 0665568827 - ANX-2019-09

Purpose – To consider an annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Randy and Kathy Dickens Property (Highridge) located at 8900 Purfoy Road containing 24.893 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the voluntary annexation petition to include that public utilities are available to serve the property and the property tax value. He also advised that the petition has been determined by the Town Clerk to meet the requirements prescribed by state statute.

Public Hearing – The public hearing was opened. Jim Chandler representing the Timmons Group and Larry Witek representing 1st Capital Investment spoke in favor of the annexation petition. No one chose to speak in opposition to the proposed annexation for ANX-2019-09. 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 Randy and Kathy Dickens (Highridge) (ANX-2019-09) as presented and recommended.

MOTION: Commissioner Harris
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-19-51**

Agenda Item No. 7.D: Zoning Map Amendment - First Capital Investments, LLC - 8900 Purfoy Road - PIN 0665568827 - REZ-2019-17

Purpose – To consider a requested zoning map amendment for a total of 24.89 acres, located at 8900 Purfoy Road, from the Wake County R-30 Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD).

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the zoning map amendment to include the requested zoning district, surrounding land uses, the relationship to the land use plan, available utilities, transportation considerations, and the required neighborhood meeting. Town Manager Mitchell then advised that the petitioner is offering the following voluntary conditions:

1. Single Family Detached Homes Only
2. The land shall be developed as an Open Space Development in accordance with Part 9, Article F of the Land Development Ordinance.
3. The density of the development shall be limited to 3.25 dwelling units per acre.
4. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
5. Garage doors shall have either windows, decorative details, or carriage style adornments.
6. No home can be constructed with an exterior elevation (front facade) or color palette that is identical to the home on either side or directly across the street from it.
7. Roofline: Roofline shall be broken up horizontally and vertically along the front facade, such that no roofline is in a single mass. No unit on either side or directly across the street shall have the same roofline.
8. Glazing: Each unit shall have a front door with a minimum of 25% glazing, transom, and/or door sidelights.

Public Hearing – The public hearing was opened. Larry Witek representing 1st Capital Investments and Jim Chandler, representing the Timmons Group spoke in favor of the zoning map amendment. Emily Holloway asked how many units will be constructed at this site. Mayor Byrne stated that this information is unknown at this point, and it will be determined when a site plan is presented for the project. No one chose to speak in opposition to the proposed zoning map amendment REZ-2019-17. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked about road improvements on Purfoy Road as it relates to this project. Town Manager Mitchell agreed that Purfoy Road will have a large portion of improvements completed with this project that will all be financed by the developer. The Town will not be responsible for any of these road improvements.

Recommendation – Approve REZ-2019-17, a zoning map amendment at 8900 Purfoy Road, from the Wake County R-30 District to the Residential Medium Density Conditional Zoning District (RMD-CZD). The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.E: Zoning Map Amendment - Tri Pointe Homes - 6208 and 6212 Johnson Pond Road - PINs 0677280622 and 0677186533 - REZ-2019-13

Purpose – To consider a requested zoning map amendment for a total of 20.9 acres, located at 6208 and 6212 Johnson Pond Road, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Rural Residential (RR) to Small-Lot Residential (SLR).

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the zoning map amendment to include the requested zoning district, surrounding land uses, the relationship to the land use plan, available utilities, transportation considerations, the required neighborhood meeting, and the proposed land use plan amendment. Town Manager Mitchell then advised that the petitioner is offering the following voluntary conditions:

The petitioner is requesting the following conditions be made applicable to the use of the subject property:

1. Single-family residential
2. Open Space Development
3. Accessory Apartments
4. Day Care, in-home
5. Parks/Facilities, Open & Civic Space

The petitioner is requesting the following conditions be made applicable to the site-specific standards of the subject property:

1. Maximum density shall be 2.8 units per acre.
2. Lots shall be a minimum of 6,400 square feet.
3. Lots along the western boundary along the Stillbreeze Subdivision shall be a minimum of 8,400 square feet.
4. The 10' buffer along the Stillbreeze Subdivision shall be a Type A buffer.
5. Garage doors shall have decorative hardware.
6. Vinyl siding shall be prohibited except on trim and windows.
7. Glazing: Each unit shall have a front door with a minimum of 25% glazing, transom, and/or door sidelights.
8. Roofline: Roofline shall be broken up horizontally and vertically along the front facade, such that no roofline is in a single mass. No two adjacent homes shall have the same roofline.

9. No two (2) adjacent homes shall have the same elevation plan or color palette to provide an anti-monotony development.

Town Manager Mitchell reported that the petitioner added conditions related to appearance and community character since the Planning Board meeting to address concerns brought forth by adjacent neighbors. Specifically, the petitioner has added site-specific conditions 3, 4, 7 and 8.

Public Hearing – The public hearing was opened. Brendie Vega, 137 S. Wilmington Street, Ste. 300, Raleigh, a planner with Withers & Ravenel, representing the applicant Tri Pointe Homes, presented detailed information regarding the proposed conditions. George Young, resident at 2612 Cooleemee Dr., Raleigh, Vice President of Land Acquisition for Tri Pointe Homes also spoke in favor of the proposed zoning map amendment. Richard Robinson resident at 6325 Whitted Road, Fuquay-Varina, spoke in opposition and requested that the lots be 10,000 sf lots instead of 6,400 sf. Kellie Army, resident of 8017 Robincrest Ct, Fuquay-Varina also spoke in opposition stating that she feels that the proposed rezoning does not conform to the neighboring properties. She also raised concerns about traffic in the area. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked the Town Manager to explain what accessory units would look like for this proposed zoning map amendment. Town Manager Mitchell stated that the intended purpose of an accessory unit would be for an apartment style (in-law suite). Mayor Pro-Tem Massengill also asked the Town Manager to explain in-home day care as a use for this rezoning. Town Manager Mitchell stated that it is a permitted use to allow for care of up to four children in the home in accordance with state law. Mayor Pro-Tem Massengill referred to the intersection of Johnson Pond Road and Whitted Road relative to the poor site distance, and he asked where the driveway connection would be for this project. Town Manager Mitchell stated that the driveway connection would be determined after the site plan has been submitted. He further advised that the Town and NCDOT may require a traffic impact analysis since it is a state road, and NCDOT will determine the location of the driveway connection. Mayor Byrne stated that this could be an opportunity to clean up the intersection at Johnson Pond and Whitted Road. Town Manager Mitchell stated that staff has been in discussion with NCDOT and there are some adjacent property owners who are willing to donate right-of-way to correct the intersection. Mayor Byrne requested that Town Manager Mitchell and staff to investigate further.

Recommendation – Approve REZ-2019-13, a zoning map amendment at 6208 and 6212 Johnson Pond Road, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Rural Residential (RR) to Small-Lot Residential (SLR). The proposed amendment, with the corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.F: Voluntary Annexation Petition - Sugg Family Limited Partnership (High Grove Oaks Subdivision) - 3528 Wiltree Drive – PIN 0668979833 - ANX-2018-24

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following the receipt of a petition for voluntary annexation of property owned by Sugg Family Limited Partnership, located at 3528 Wiltree Drive, containing 92.858 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the voluntary annexation petition to include that public utilities are available to serve the property and the property tax value. He also advised that the petition has been determined by the Town Clerk to meet the requirements prescribed by state statute.

Public Hearing – The public hearing was opened. Mr. Bruce Herbert representing Royal Oaks Building Group, LLC spoke in favor of the voluntary annexation petition. Mr. Henry Werling of 3516 Wiltree Drive and Ellen Werling of 3516 Wiltree Drive, spoke in opposition to the proposed annexation petition and expressed concerns about the availability of water and sewer to the property and the need for roads to handle the increased traffic. Ms. Werling also made reference to the traffic flow issues at the new temporary Fuquay-Varina High School on Old Honeycutt Road. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked for clarification if the matter being considered is for annexation. Town Manager Mitchell affirmed. There was no further discussion from members of the Town Board.

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Sugg Family Limited Partnership Property (High Grove Oaks Subdivision) (ANX-2018-24) as presented and recommended.

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

Ordinance No. N-19-52

Agenda Item No. 7.G: Zoning Map Amendment - McKim and Creed - 3528
Wiltree Drive - PIN 0668979833 - REZ-2018-28

Purpose – To consider a requested zoning map amendment for a total of 92.492 acres, located at 3528 Wiltree Drive, from the Wake County R-30 Zoning District to the Residential Low Density Conditional Zoning District (RLD-CZD).

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the zoning map amendment to include the requested zoning district, surrounding land uses, the relationship to the land use plan, available utilities, transportation considerations, and the required neighborhood meeting. Town Manager Mitchell then advised that the petitioner is offering the following voluntary conditions:

The petitioner is requesting the following conditions applicable to use of the subject property:

1. Retain all permitted uses

The petitioner is requesting the following conditions applicable to the site-specific standards of the subject property:

1. Open Space Development shall be a minimum of 10% Open Space.
2. Minimum lot size shall be 10,000 square feet with a maximum gross density of 2.9 units/acre.
3. Attached housing types (i.e., townhome or duplex) shall not be allowed.
4. A 20'-wide perimeter buffer shall be established in the locations labeled "Perimeter Buffer" on the Site Plan. The perimeter buffer will consist of either preserved vegetation, replanted vegetation, berms, fences or walls, or a combination of these to achieve a Type B Semi-Opaque standard as set forth in the Land Development Ordinance as of April 1, 2019. The perimeter buffer area shall be included in the total area of each lot and credited toward meeting the minimum lot size of 10,000 square feet. (See Exhibit A)
5. A 20'-wide tree protection area shall be established in the locations labeled "Tree Protection Area" on the Site Plan. With the tree protection area, healthy, living trees over three (3)-inches in caliper shall not be removed except in accordance with §9-1707 of the Land Development Ordinance as of April 1, 2019. (See Exhibit A) -It should be noted that §9-1707 - Maintenance Responsibility requires and specifies that manner in which a property owner/developer replaces diseased or damaged trees.
6. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
7. All units shall have crawl space foundations. Along the front facade, the finished floor shall be a minimum height of 20" above the average grade.
8. No unit shall be constructed with an exterior elevation or color palette that is identical to the unit on either side or directly across the street.

9. Garage Doors: Garage doors shall contain windows, decorative details, and/or carriage style adornments.
10. Roofline: Roofline shall be broken up horizontally and vertically along front facade, such that no roofline is in a single mass. No unit on either side or directly across the street shall have the same roofline.

Town Manager Mitchell reported that the petitioner added conditions related to the appearance and community character since the Planning Board meeting to address concerns brought forth by the adjacent neighbors. Specifically, the petitioner added to site-specific condition 7 and offered additional conditions 8 and 9.

Public Hearing – The public hearing was opened. Patty Harrell-Hillburn, PLS, 1730 Varsity Drive, Raleigh, spoke in favor of the zoning map amendment on behalf of McKim & Creed, Inc. Bruce Herbert, 1210 Trinity Rd, Cary, also spoke in favor of the zoning map amendment. Henry Werling and Ellen Werling of 3516 Wiltree Drive spoke in opposition to the proposed zoning map amendment. They expressed concerns regarding traffic patterns, ingress and egress to the subdivision as well as water and sewer coming through an established subdivision. Town Manager Mitchell and Mayor Byrne explained that water and sewer will come through public rights-of-way that are already established. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill made a statement addressing a statement made earlier during the annexation petition public hearing for the subject property. He stated that Wake County designs and builds public schools, not the Town of Fuquay-Varina, so any concerns about that matter should be addressed to Wake County Public Schools.

Recommendation – Approve REZ-2018-28, a zoning map amendment at 3528 Wiltree Drive, from the Wake County R-30 Zoning District to the Residential Low Density Conditional Zoning District (RLD-CZD). The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.H: Zoning Map Amendment - Howling Wolf RES, LLC - 1913, 1941, 1979, 1806, 1812, 1916 Ken Drive and portion of 5906 Hilltop Road - PINs 0687079558, 0687068633, 0687056735, 0677957383, 0687052038, 0677967743, and portion of 0687260272 - REZ-2019-14

Purpose – To consider a requested zoning map amendment for a total of 109.212 acres, located at 1913, 1941, 1979, 1806, 1812, and 1916 Ken Drive and a portion

of 5906 Hilltop Road, from the Residential Agricultural Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Rural Residential (RR) to Mixed-Density Residential (MDR).

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the zoning map amendment to include the requested zoning district, surrounding land uses, the relationship to the land use plan, available utilities, transportation considerations, the required neighborhood meeting, and the proposed land use plan amendment. Town Manager Mitchell then advised that the petitioner is offering the following voluntary conditions:

The petitioner is requesting the following conditions be made applicable to the use of the subject property:

1. Single-family detached homes.

The petitioner is requesting the following conditions be made applicable to the site-specific standards of the subject property:

1. The land shall be developed as an Open Space Development in accordance with Part 9, Article F of the Land Development Ordinance.
2. At least three lot sizes shall be identified on the Approved Site Plan. The minimum lot size shall be 5,200 SF. Lots of at least 6,600 SF shall also be provided. Lots of at least 15,000 SF shall also be provided.
3. Larger lots (minimum of 15,000 SF) or open space shall be located adjacent to properties having the following Wake County PINs: 0677961699, 0677963806, 0677969866, 0677972045, 0677973237, 0677974350, 0677976300, 0677977330, 0677978279, 0677979051, 0677979145, 0687062992, 0687072039, 0687073199, 0687073802, 0687075258, 0687075589, 0687076399, 0687081093, 0687084237.
4. No one lot size shall comprise less than 10% of the total platted lot count. No one lot size shall comprise more than 55% of the total platted lot count.
5. The density of the development shall be limited to 2.5 dwelling units per gross acre.
6. Connections to the adjacent subdivision via Ken Drive shall be barricaded 90 days after the date of the pre-construction meeting. The barricades shall be removed by the Developer with the recordation of the final plat for the corresponding phase of development containing the 120th lot, when the second entrance is required by Town ordinances.
7. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
8. Garage doors shall have either windows, decorative details, or carriage style adornments.

9. In order to promote variation in home appearance, no home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it.

Town Manager Mitchell reported that the petitioner held a second neighborhood meeting and added restrictions and clarifications in regard to lot sizes, density, and traffic. The conditions were modified between the two (2) Planning Board meetings in order to address the concerns of the adjacent neighborhood in order to address concerns noted at the second neighborhood meeting.

Public Hearing – The public hearing was opened. The developer, David Lazzo, a resident at 2100 Cook Ridge Ct., Raleigh, spoke in favor of the proposed zoning map amendment and stated that they are offering 25% open space development for this project. Jim Chandler of the Timmons Group also spoke in favor of the proposed zoning map amendment for REZ-2019-14. The following residents spoke in opposition to the proposed zoning map amendment: Victor Ferrell, 600 Rabbitwood Lane, Jennifer Norris, 6112 Bramlette Ct., Robert (Bob) Pantano, 6032 Longhorn Dr., Lenard Furlough, 6104 Bramlette Ct., Graham Blake, 6109 Hope Lane, Erica Peterson, 6033 Longhorn Dr., Lilyan Ellis, 6000 Longhorn Dr., Joanie Bowden, 7130 Turner Fish Rd., and Mary Joy Daubenspeck, 2505 Johnny Baker Rd., Willow Spring. Those speaking in opposition to the proposed zoning map amendment expressed concerns regarding the additional traffic, not being notified for the meetings, the effects of the proposed zoning amendment on the neighboring Woodsong subdivision, fair representation as an ETJ resident, the small lot sizes and buffers, run off from the new homes, safety issues on Ken Drive, increased criminal activity in the neighborhood by making cut through traffic patterns instead of cul-de-sacs, safety issues with EMS and fire rescue getting into the neighborhood, and the need for maintenance of the end of Ken Drive by NCDOT. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked about the status of the portion of Ken Drive that is not maintained by NCDOT. Engineering Director Tracy Stephenson stated that the developer will be required to bring it up to standards and request that NCDOT take over the maintenance. Town Manager Mitchell stated that we need to give some time for NCDOT to make a punch list to upgrade the road for the takeover. Mayor Pro-Tem Massengill then asked if the petitioners/landowners are willing to improve that area so NCDOT would eventually maintain the road. Town Manager Mitchell stated that this matter would likely need to be tabled to a date certain to see if all the petitioners are willing to agree to do the road improvements. The Town Attorney agreed. Town Manager Mitchell stated that all the petitioners are not present at the meeting, and they would need to know what the improvements are, as well as estimates for the costs of improvements. Commissioner Harris stated that during the public hearing that he heard issues that were not reflected in the minutes of the neighborhood meetings and that it is important that there is adequate time given to these meetings and the responses are noted. Commissioner Smith agreed with Mayor-Pro Tem Massengill to table the consideration of this item.

Recommendation – Approve REZ-2019-14, a zoning map amendment at 1913, 1941, 1979, 1806, 1812, and 1916 Ken Drive and a portion of 5906 Hilltop Road, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Rural Residential (RR) to Mixed-Density Residential (MDR). The proposed amendment, with the corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by management and staff.

The Town Board motioned to table the matter to the September 17, 2019 Town Board meeting giving management the direction to investigate further the issue of Ken Drive maintenance and NCDOT acceptance.

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

CONSENT AGENDA

Agenda Item No. 8.A: Resolution - Appointment of Review Officers - Town of Fuquay-Varina

Purpose – To consider a resolution requesting the appointment of map and plat review officers of the Town of Fuquay-Varina by the Wake County Board of Commissioners.

Recommendation – Adopt a resolution recommending the appointment of Town of Fuquay-Varina map and plat review officers to the Wake County Board of Commissioners for appointment effective immediately upon adoption, as presented and recommended by management and staff.

Resolution No. 19-1626

Agenda Item No. 8B: Temporary Street Closure - The Mill Market - September 21, 2019

Purpose – To consider a temporary street closure along portions of Depot Street for The Mill Market event taking place September 21, 2019 from 6:45 AM to 5:00 PM.

Recommendation – Approve a temporary street closure for the Mill Market event scheduled for Saturday September 21, 2019 as presented and recommended.

Agenda Item No. 8C: Project Ordinance Amendment and Budget Amendment - 2019 Waterline Replacement - \$27,000 - (POA-20-01 and BA-20-04)

Purpose – To consider a budget amendment and a project ordinance amendment for the 2019 Waterline Replacement Project.

Recommendation – Approve Budget Amendment BA-20-04 and Project Ordinance Amendment POA-20-01 for the 2019 Waterline Replacement Project in the amount of \$27,000 as presented and recommended.

Ordinance No. N-19-53

A motion was made to approve all items (A-C) on the Consent agenda.

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Preliminary Subdivision Plat - Phillips Place - SUB-PR-2019-01

Purpose – To consider a preliminary subdivision plat submitted by The Timmons Group, called Phillips Place, located at 1033 S Fieldhaven Drive.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information regarding general subdivision information, approved voluntary zoning conditions, minimum and average lot size provided, open space provided, transportation improvements, and public utilities serving the property.

Discussion – Mayor Pro-Tem Massengill took issue with the small piece of open space going between the proposed town home lots 1-5. He stated that he feels that this does not meet the intent of one of the proposed conditions for this project. Town Manager Mitchell offered that in the future if there is an adjoining property condition, that the Town needs to identify what depth of open space the Town Board is comfortable with between existing development and future development.

Recommendation – Approve the Phillips Place preliminary subdivision plat SUB-PR-2019-01, located at 1033 S Fieldhaven Drive, as presented and recommended.

MOTION: Commissioner Wunsch
SECOND: Commissioner Harris
MOTION RESULTS: Passed Unanimously (4-1)
(Mayor-Pro Tem Massengill voted in opposition.)

Agenda Item No. 10B: Preliminary Subdivision Plat - High Grove Oaks - SUB-PR-2018-17

Purpose – To consider a preliminary subdivision plat submitted by McKim and Creed, called High Grove Oaks, located at 3528 Wiltree Drive.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information regarding general subdivision information, approved voluntary zoning conditions, minimum and average lot size provided, open space provided, transportation improvements, and public utilities serving the property.

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

Recommendation – Approve the High Grove Oaks preliminary subdivision plat SUB-PR-2018-17, located at 3528 Wiltree Drive as presented and recommended.

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

Agenda Item No. 10C: Contract Award - Fuquay Mineral Spring Park Stream Bank Stabilization

Purpose – To consider awarding a contract for the Fuquay Mineral Spring Park Stream Bank Restoration project to Rifenburg Construction in the amount of \$481,750.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then advised that bids were opened on August 26, 2017 and Rifenburg Construction, Inc. was the lowest of three bidders with a base bid of \$481,750 and an alternate bid of \$556,250. Town Manager Mitchell stated that the total project budget is \$564,000 for design and construction and therefore the current project budget is sufficient to fund the base bid, but not the alternate.

Discussion – Mayor Byrne stated that he likes the river rock that will be used on the stream bank.

Recommendation – Award a contract for the Fuquay Mineral Spring Park Stream Bank Stabilization project to Rifenburg Construction in the amount of \$481,750, subject to the Town Attorney review as to form and authorize the Town Manager to execute the contract documents.

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

Agenda Item No. 10D: Contract Award - U-6096 Purfoy/Old Honeycutt Intersection Improvements

Purpose – To consider awarding a contract to S.T. Wooten Corporation for construction of U-6096 - Purfoy/Old Honeycutt Intersection Improvements in the amount of \$907,780.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He advised that the Town previously established a project ordinance in the amount of \$1,218,500 for this project. The project is financed with \$913,875 (75%) in LAPP funds and \$304,625 (25%) in Town matching funds from the 2015 Transportation Bond proceeds. Town Manager Mitchell reported that S.T. Wooten's bid of \$907,780 will require a Town match of \$226,945 and is within the project budget.

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

Recommendation – Approve a contract with S. T. Wooten Corporation for construction of U-6096 - Purfoy/Old Honeycutt Intersection Improvements in the amount of \$907,780, subject to the Town Attorney's review as to form, and authorize the Town Manager to execute the contract documents.

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

OTHER BUSINESS

A. Manager's Report – gave a brief report on the following:

- *Reported that progress is being made on the Town Hall project, which passed almost all of its inspections.*

- *Reported that Town Staff met with school officials at the new Fuquay-Varina High School on Old Honeycutt Road regarding traffic flow.*
- *Reported that the weather forecast (Hurricane Dorian) for Thursday has caused the Embers concert to be cancelled.*

B. Project Status Report – September 2019

C. Arts Center – Season Update – (Mitchell/Daly)

D. FM2FV Concert - Embers - Thursday September 5, 2019 - 6:30 pm - 9:30 pm - Centennial Park (Cancelled)

E. 9/11 National Day of Service and Remembrance - Wednesday September 11, 2019 - 8:30 am - 10:00 am - Fuquay-Varina Arts Center

F. Big Sweep - Carroll Howard Johnson Environmental Education Park - Saturday September 14, 2019 - 9:00 am - 12:00 pm

G. FM2FV Concert - Hip Pocket - Thursday September 19, 2019 - 6:30 pm - 9:30 pm - Centennial Park

H. Coffee with a Cop - Starbucks - 1380 N. Main Street - Friday, September 20, 2019 - 8:00 am - 10:00 am

I. Out of the Darkness Walk - Suicide Prevention Walk - Jeff Wells Environmental Trail - Sunday September 29, 2019 - Registration 1:00 pm - Walk 2:00 pm

J. National Coffee with a Cop Day - Wednesday October 2, 2019 - 9:00 am to 11:00 am - Chick-Fil-A

K. Celebrate Fuquay-Varina Concert - Chairmen of the Board - Varina Business District - Thursday October 3, 2019 - 6:30 pm - 9:30 pm

L. Celebrate Fuquay-Varina Festival - Downtown Fuquay - Saturday October 5, 2019 - 10:00 am - 4:00 pm

M. FM2FV Concert - North Tower - Thursday October 10, 2019 - 6:30 pm - 9:30 pm - Centennial Park

N. Fuquay-Varina Fire Department - Open House - Saturday October 12, 2019 - 10:00 am - 3:00 pm

O. Haunted Trail - Carroll Howard Johnson Environmental Education Park - Saturday, October 19, 2019 - Family Fright 5:00pm - 6:00 pm and Full Fright 7:00 pm - 9:00 pm

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he appreciates all the great events that Town staff facilitates.

Commissioner Smith offered no additional comments.

Commissioner Harris offered no additional comments.

Commissioner Wunsch congratulated Commissioner Harris for being pictured in the Southern City magazine during the installation of the new NC League of Municipalities Board of Directors, representing District 6.

Commissioner Gardner thanked everyone for making her birthday a great day.

Mayor Byrne stated that he attended the Wake County meeting for the ETJ expansion, and he feels that it went well. He also mentioned an article written in the Triangle Business Journal about the Town of Fuquay-Varina being the new Triangle Hot Spot.

Mayor Byrne gave the following report on past and upcoming events as follows:

Past Events

- 8/21 – Police Swearing in
- 8/22 – Coffee with a Cop – Vitamin Shoppe
- 8/28 – South Lakes Elementary Ground Breaking – 8:30 am
- 8/28 – Painting with the PoPo – Crazy Glaze
- 8/29 – Duke Energy Community Leaders Breakfast
- 9/3 – Wake County Board Meeting – ETJ Public Hearing

Upcoming Events

- 9/5 – FM2FV Concert – Embers
- 9/11 – National Day of Service and Remembrance – Wednesday, Sept. 11 at 8:30 at Art Center
- 9/14 – Big Sweep – Carroll Howard Johnson Environmental Education Park – Saturday, Sept. 14th at 9:00 am
- 10/23 Candidate Forum at the Arts Center at 6:30, sponsored by the Chamber of Commerce

The Town Board did not hold a Closed Session meeting.

ADJOURN

A motion was made to adjourn the meeting at 10:31 p.m.

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

Adopted this the 17th day of September 2019 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)



Rose H. Rich, Town Clerk