



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JANUARY 6, 2020

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on January 6, 2020 at 7:04 p.m.

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

Commissioners Absent: None

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Bill Harris provided the invocation and Police Chief Laura Fahnestock led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

The December 17, 2019 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

PRESENTATIONS

There were no presentations for the January 6, 2020 Town Board meeting.

PUBLIC COMMENTS:

There were no public comments for the January 6, 2020 Town Board meeting.

ITEMS TABLED FROM PREVIOUS MEETING:

There were no items tabled from previous meeting for the January 6, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - Mills and Holleman Property - 3121 and 3232 James Slaughter and 1800 Bass Lake Road, Fuquay-Varina - PINs 0668420610, 0668338441 and 0668224658 - ANX-2019-13 - ITEM TO BE TABLED

Purpose – To continue the public hearing and table consideration to the January 21, 2020 Town Board meeting, following receipt of a petition for voluntary annexation of property owned by Benjamin J. Slaughter, Trustee under the Lynn S. Mills Revocable Trust and Edythe Holleman, located at 3121 and 3232 James Slaughter Road and at 1800 Bass Lake Road, containing a total of 130.056 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 the property contains a total of approximately 130.056 acres and will have road access through 3121 and 3232 James Slaughter Road and 1800 Bass Lake Road. The property is non-contiguous to the Town's corporate limits where water and sewer is available. Town Manager Mitchell advised that since the Planning Board meeting, the petitioner has requested the annexation and zoning map amendment petitions for this property be tabled to January 21, 2020, to allow additional time to best address the additional development conditions recommended by Town staff and the Planning Board.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed voluntary annexation petition for ANX-2019-13.

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

Recommendation – Continue the public hearing and table consideration to the January 21, 2020 meeting for the voluntary annexation petition of property owned by Mills and Holloman - (ANX-2019-13) as requested and recommended.

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

Agenda Item No. 7.B: Zoning Map Amendment – Withers Ravenel - 3232 and 3121 James Slaughter Road and 1800 Bass Lake Road - PINs 0668420610, 0668224658, and 0668338441 - REZ-2019-19 - ITEM TO BE TABLED

Purpose – To open and continue the public hearing to the January 21, 2020 meeting for a requested zoning map amendment for a total of 126.33 acres, located at 3232 and 3121 James Slaughter Road and 1800 Bass Lake Road, from the Wake County R-30 and R-40 Zoning Districts to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts.

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 information pertaining to the requested zoning, proposed zoning conditions, surrounding land uses, compatibility with the land use plan, utility service availability, transportation considerations, and the required neighborhood meeting. Town Manager Mitchell advised that the subject properties total 126.33 acres and are located in the Town's urban service area (USA). Currently, 3232 and 3121 James Slaughter Road are a mix of undeveloped farmland and forest area, with a single-family home and a telecommunications tower, and 1800 Bass Lake Road is the site of a single-family home. The zoning map amendment petition requests approval of the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts at the subject properties, which are intended to permit a variety of residential and nonresidential uses. Town Manager Mitchell stated that these are form-based zoning districts that require a master plan with the zoning approval. He then reported that the master plan provides for an overall flexible design that considers integration of uses, connectivity, character, transportation options, and preservation of natural features. It proposes maximum densities of four (4) units per acre in the RMU Zoning District, and five (5) units per acre in NMU Zoning District. The proposed densities are considerably less than the maximum allowable densities of 18 units per acre in the RMU Zoning District, and 22 units per acre in NMU Zoning District.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed zoning map amendment REZ-2019-19.

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

Recommendation – Continue the public hearing and table consideration to the January 21, 2020 meeting for REZ-2019-19, a zoning map amendment located at 3232 and 3121 James Slaughter Road and 1800 Bass Lake Road, from the Wake County R-30 and R-40 Zoning Districts to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts.

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

Agenda Item No. 7.C: Zoning Map Amendment - Town of Fuquay-Varina - Application of Town Zoning on All Parcels Included in the Newly Expanded Extraterritorial Jurisdiction - REZ-2019-23

Purpose – To consider a requested application of zoning on a total of 9,215 acres, located within the newly delegated extraterritorial jurisdiction, from Wake County Zoning Districts to comparable Town Zoning Districts.

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 comprehensive zoning map amendment. The following remarks were made by Town Manager Mitchell: In August 2018, the Town of Fuquay-Varina submitted a request to Wake County to expand its extraterritorial jurisdiction (ETJ) in order to responsibly manage the growth that continues to occur in Wake County. The ETJ expansion supports planned expansion of urban infrastructure by ensuring new development meets Town standards, for example transportation improvements, that would otherwise not be required by the County. The Town's request was originally made for three (3) miles outside of its contiguous corporate limits, or just over 22,000 acres. While Wake County staff evaluated the request, the Town conducted numerous public outreach efforts including five (5) public meetings, website and social media announcements, a mass-mailer that went to over 8,100 property owners, and ETJ-specific information tents at several Town events. After evaluation was completed by Wake County staff, the request was considered by the Wake County Planning Board's Land Use Committee and then by the Wake County Planning Board, through a series of public meetings. After several months of review in work sessions, public meetings, and a public hearing, on October 21, 2019 the Wake County Board of Commissioners passed a resolution to delegate 9,215 acres (excluding ROWs) to the Town. The ETJ delegation became effective on December 20, 2019. North Carolina General Statutes (NCGS) require the application of zoning to the new jurisdiction within 60 days of the effective date, which the purpose of this Town-initiated zoning petition. Since the beginning of the process in 2018, the Town has frequently communicated to the public its plan to apply "like for like" zoning to the properties added to the Town's planning jurisdiction.

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-2019-23. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked at what point would the Town will undergo this process again. Town Manager Mitchell stated that Wake County advised that the Town evaluate the need for the process every two to three years. Mayor Byrne stated that the struggle becomes when a new school is built and there are no sidewalks associated with that school. He recommends that we should encourage Wake County to implement plans to incorporate sidewalks in rural areas of the county.

Recommendation – Approve REZ-2019-23, an application of zoning to the entirety of the recently expanded extraterritorial jurisdiction (ETJ), from various Wake County Zoning Districts to the most comparable Town Zoning Districts. Although the proposed application of zoning is inconsistent with the 2035 Community Vision Land Use Plan, it 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.D: Zoning Map Amendment - Timmons Group - 1900 and 1924 N Broad Street, and 200 Dickens Road - PINs 0657772966, 0657774574, and a Portion of 0657871827 - REZ-2019-22

Purpose – To consider a requested zoning map amendment for a total of 8.54 acres, located at 1900 and 1924 N Broad Street (NC 55 Hwy), and 200 Dickens Road, from the Heavy Industrial (HI) and General Commercial (GC) Zoning Districts to the Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts.

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 information pertaining to the requested zoning, proposed zoning conditions, surrounding land uses, compatibility with the land use plan, utility service availability, transportation considerations, and the required neighborhood meeting. The subject properties total 8.54 acres and are located in the Town's corporate limits. The properties are currently undeveloped, with the exception of a commercial building on 1900 N Broad Street (NC 55 Hwy). The portion of property at 200 Dickens Road is included in the petition for the purpose of future right-of-way access to this and the adjacent property. Town Manager Mitchell then advised that the zoning map amendment petition requests approval of the Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts, which are intended to permit a variety of nonresidential uses. He further stated that these are form-based zoning districts that require a master plan with the zoning approval. He then reported that the master plan provides for an overall flexible design that considers integration of uses, connectivity, character, transportation options, and preservation of natural features. It proposes

commercial / nonresidential uses in both proposed zoning districts, in accordance with the LDO as well as one (1) civic space in each of the two (2) proposed zoning districts.

Public Hearing – The public hearing was opened. Beth Blackmon, 5410 Trinity Road, Raleigh; representing the Timmons Group, spoke in favor of the rezoning. Kyle Greer representing McKenan Property Group, 110 MacKenan Drive, Cary, also spoke in favor of the rezoning on behalf of the property owner. No one spoke in opposition of the rezoning request.

Discussion – Commissioner Wunsch stated that it was exciting to have retail in the area proposed. Mayor Byrne stated that he is also excited to see this project that adds the village concept, which brings new dimensions to the project.

Recommendation – Approve REZ-2019-22, a zoning map amendment at 1900 and 1924 N Broad Street, and 200 Dickens Road, from the Heavy Industrial (HI) and General Commercial (GC) Zoning Districts to the Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts. The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.E: Voluntary Annexation Petition - ST Wooten Construction, Inc. - 3625 Banks Road, Fuquay-Varina - PIN 0688542995 - ANX-2019-19

Purpose – To consider the adoption of an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for voluntary annexation of property owned by S T Wooten Construction Company, Inc., located at 3625 Banks Road, containing 17.05 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 the property contains approximately 17.05 acres and has at 3625 Banks Road, Raleigh, NC, 27603. The property is contiguous to the Town's corporate limits where water and sewer is available. At the December 17, 2019 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation and the Town Clerk certified at that time that the petition was sufficient and meets the requirements prescribed by the North Carolina General Statutes.

Public Hearing – The public hearing was opened. Tony Bartlett of Bartlett Engineering, 1906 Nash Street, Wilson, spoke in favor of the voluntary annexation petition, on behalf of the petitioner. No one chose to speak in opposition to the proposed voluntary annexation petition for ANX-2019-19. 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 ST Wooten Construction, Inc. (ANX-2019-19) as presented and recommended.

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

Ordinance No. N-20-01

CONSENT AGENDA

There were no consent agenda items for the January 6, 2020 Town Board meeting.

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Budget Amendment - Action Park WiFi Network and Cameras - Parks and Recreation and IT Departments - \$15,000 - (BA-20-14)

Purpose – To consider approval of the budget amendment BA-20-14 for technology improvements at Action Park to support security cameras and WiFi.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He made the following statements: Action Park currently does not have any WiFi internet for the benefit of Town operations or park visitors. Consequently, the park also lacks the necessary technology infrastructure to support security cameras for the purpose protecting patrons, staff, and Town assets. The Town has experienced a number of vandalism incidents in recent months and years, and Town management has tasked PRCR and IT staff to develop a plan to accelerate the installation of this infrastructure. Working with Parks and Recreation staff, the IT Department has completed an assessment of the infrastructure needed to have security cameras and WiFi throughout the park. The WiFi equipment proposed will support the needs of Parks and Rec staff as well as offer public WiFi. The security camera equipment will help monitor activities at the park and assist in protecting the facilities and grounds. The request of \$15,000 includes all material, tower climbing, and electrical work. IT and Parks and Rec staff will do most of the equipment and setup installation to limit installation costs.

Discussion – Mayor Pro-Tem Massengill asked if the Town would eventually put cameras in all the Town Parks. He also recommended emergency call stations at

perhaps the larger parks with walking trails. Commissioner Gardner stated that she would like to also cameras in Ashworth Park. IT Director Scott Clark stated that the Town is evaluating cameras in Ashworth Park. Town Manager Mitchell stated that staff has plans to place cameras in all the Town's parks once the necessary infrastructure is located nearby place. He stated that currently there are no WiFi signals in some park locations.

Recommendation – Approve budget amendment BA-20-14 in the amount of \$15,000 for technology improvements to Action Park.

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

OTHER BUSINESS

A. Town Manager's Report – a brief report on the following was provided:

- Reported that on December 30, 2019, he promoted Jim Seymour to Assistant Town Manager. Jim Seymour will oversee Developmental Services (Economic Development, Planning, Inspections, Engineering and Public Utilities) and Assistant Town Manager Mark Matthews will oversee operations and quality of life services which include Park and Recreation, Arts Center, Finance Department, Public Works and Information Technology. Town Manager Mitchell stated that public safety services, human resources, and communications/public information will remain direct reports to him.
- Reported that the employee Christmas luncheon was enjoyable, and the employees appreciated being able to mingle with members of the Town Board.
- Reported that the Economic Development Commission's holiday dinner was a success at the Arts Center and also everyone enjoyed the show. Assistant Town Manager Seymour also thanked Arts Center Director Maureen Daly and Downtown Development Manager Dawn Russell for their assistance.
- Reported that progress is being made on the State of the Town Address.
- Reported that planning and preparations are being made for the Town Board Retreat. If the Town Board has specific topics they want to address, please get with Town Manager Mitchell.
- Reported that management is gearing up for the budget process. April 2020 will be workshops with the first meeting in June being the proposed adoption of the budget.
- Reported that the grand opening of Hilltop Needmore Town Park and Preserve will be held February 8, 2020 at 2:30pm.
- Reported that the assessment for the hiring of a new Planning Director will take place January 13 and 14, 2020, and that human resources and management are also in the process of filling the Senior Long-Range Planner position.

- Reported that the Stormwater Audit went very well, and the Town is waiting on the final findings report.
- Reported that January 9, 2020 is National Law Enforcement Appreciation Day. Eggs up Grill will be providing a meal for Fuquay-Varina police officers.

B. Project Status Report – January 2020

C. Barbershop Rap Session Community Conversation - Extraordinary Cuts - 127 Raleigh Street - Saturday, January 11, 2020 - 9:00 am - 11:00 am

D. Fuquay-Varina Police Department - Harris Lake Dunkin' Dip - NC Special Olympics - Saturday January 18, 2020 - 10:00 am - Harris Lake, 4420 Bartley Holleman Road, New Hill

E. Rev. Dr. Martin Luther King, Jr. Celebration – Cultural Arts Society of Fuquay-Varina – January 20, 2020 - 8:00 am

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill wished everyone a Happy New Year!

Commissioner Smith stated that he had a meeting with the Town Manager and how he was impressed with the technology in Town Hall.

Commissioner Harris wished everyone a Happy New Year and best wishes.

Commissioner Wunsch wished everyone a Happy New Year and congratulated Jim Seymour on his promotion to Assistant Town Manager.

Commissioner Gardner wished everyone a Happy New Year, health and prosperity for 2020. She also stated that she was the MC for Martin Luther King celebration. She also asked if Council Gym could be open during the beginning of the event incase it is cold or there is a need for bathroom facilities.

Mayor Byrne appointed Brandy Taylor to a three-year term, which will expire in 2022, to the Parks and Recreation Advisory Board. The Town Board concurred.

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

Past Events

12/19 – Meeting on 540

Upcoming Events

1/11 – Barbershop Rap Session – Extraordinary Cuts – 9:00 – 11:00 am

1/15 – CAMPO meeting

1/18 – Police Department Polar Plunge – Harris Lake – 10:00 am

1/18 – Fine Arts Week – Windsor Point – 1:00 pm
1/20 – Martin Luther King Walk and Program – 8:00 – 10:00 – walk starts at Council
Gym/Fuquay Varina Middle School to St. Augusta Church

ADJOURN

A motion was made to adjourn the meeting at 8:22 p.m.

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

Adopted this the 21st day of January 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

