



Fuquay-Varina Town Board Meeting

April 5, 2021

John W. Byrne, Mayor
J. Blake Massengill, Mayor Pro Tempore
William H. Harris, Jason O. Wunsch, Marilyn B. Gardner
and Larry W. Smith, Town Board Members
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, April 5, 2021 at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor John W. Byrne, Mayor Pro Tem Blake Massengill, and Commissioners Bill Harris, Jason Wunsch, Marilyn Gardner, and Larry Smith. Also in attendance were Town Manager Adam Mitchell, Information Technology Director Scott Clark, and Town Attorney James Adcock. Assistant Town Manager Mark Matthews, Assistant Town Manager Jim Seymour, and Town Clerk Rose Rich attended the meeting virtually.

CALL TO ORDER

Mayor Byrne called the meeting to order at 7:00 p.m.

INVOCATION AND PLEDGE

Commissioner Larry Smith provided the invocation and Commissioner William Harris led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Mitchell advised there is a public comment period at the beginning of the meeting as well as scheduled public hearings. He stated that if the public wishes to address the Town Board either during the public comment period or during scheduled public hearings, they will need to notify the Town host that they wish to speak. Those that wish to speak should press the "raise hand" button in the Zoom application or star 9 (*9) to raise hand via telephone. After an individual has raised their hand, they will enter a queue. When the public comment period or the public hearing begins, Mayor Byrne will ask the Town host to recognize individuals to speak by calling out their name or the last four digits of their telephone number. Individuals will be unmuted at that time and invited to address the Town Board. Town Manager Mitchell stated that those speaking should begin their comments by clearly stating their name and address for the public record. The

public is asked to keep all comments to three minutes so that all who wish to speak can be heard in a timely manner. Once someone from the public have addressed the Town Board, they will be muted for the remainder of the meeting.

APPROVAL OF MINUTES

3A The March 16, 2021 minutes of the regularly scheduled meeting of the Town Board of Commissioners with the noted edit made by the Town Manager and the Town Clerk as suggested by Mayor Pro-Tem Massengill.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (5-0)

PRESENTATIONS

4A There were no presentations scheduled for the April 5, 2021 Town Board meeting.

PUBLIC COMMENTS

5A No one chose to speak during the public comment period of the April 5, 2021 Town Board meeting.

ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled and scheduled for the April 5, 2021 Town Board meeting.

PUBLIC HEARINGS

7A Zoning Map Amendment & Land Use Plan Amendment - Fuquay Warehouse & Storage, LLC - 6109 S NC 55 Highway & 1206 NC 42 Highway - PINs 0677203753 & 0677208852 - REZ-2020-22

Purpose - To consider a requested zoning map amendment for a total of 8.34 acres, located at 6109 S NC 55 Highway & 1206 NC 42 Highway, from the Heavy Industrial (HI) Zoning District to the Corridor Commercial Conditional (CC-CZD) Zoning District, and the corresponding land use plan amendment to reclassify property 1206 NC 42 Highway from Employment Village (EV) to Light Industrial (LI).

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 agenda item and made the following remarks:

The subject properties are two (2) contiguous properties, totaling 8.34 acres. 6109 S NC 55 Highway is located within the Town's corporate limits, while 1206 NC 42 Highway is located within the Town's Extraterritorial Jurisdiction (ETJ). 1206 NC 42 Highway, although subject to annexation, is not under consideration for annexation at this time. The property located at 6109 S NC 55 Highway includes a large warehouse structure currently used as flex space consisting of a multi-tenant facility. The property located at 1206 NC 42 Highway is currently used as vehicular access from NC 42 Highway to access the subject properties.

The subject properties are currently zoned Heavy Industrial (HI). 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 with a mix of convenience services, retail, office, and limited institutional uses. The Corridor Commercial district is generally located at intersections designated as an urban center with arterial roads (parkways, boulevards, and major thoroughfares) and are generally located within one (1) to one and one-half (1-1/2) miles from neighborhoods in the vicinity of this district.

The petitioner is requesting the following conditions applicable to the use of the subject properties not be permitted:

- 1) Congregate Living Facility
- 2) Government Agencies and Services
- 3) Electronic Sweepstakes Gaming Operation
- 4) Tattoo & Body Piercing
- 5) Bar/Night Club
- 6) Bed and Breakfast
- 7) Hotels
- 8) Golf Course
- 9) Dry Cleaner
- 10) Funeral Home

Surrounding properties are a mix of industrial, retail, and residential uses. Storage and industrial uses are located north, south, and west of the subject properties. A mobile home park is south of the

properties. Furthermore, several large tracts of vacant land are located west and east of the subject properties.

The 2035 Community Vision Land Use Plan (LUP) designates the 6109 S NC 55 Highway property as Light Industrial (LI) and the 1206 NC 42 Highway as Employment Village (EV). The petitioner has included a land use plan amendment for the 1206 NC 42 Highway property as part of this zoning map petition.

Public water and sewer are available to serve the subject properties.

The subject properties are located along and have access to S NC 55 Highway, classified as a 120-foot right-of-way by the 2035 Community Transportation Plan (CTP). This roadway is identified as a four (4)-lane median divided road with sidepaths with a carrying capacity of 40,500 average daily trips (ADT). It is currently a two (2)-lane median-divided road with a carrying capacity of 20,200 ADT. 2019 NCDOT traffic counts taken approximately 500 feet north of the property on S NC 55 Highway indicated a volume of 13,500 AADT. 1206 NC 42 Highway additionally has access to NC 42 Highway which is classified as a 70-foot right-of-way by the 2035 CTP. This street is identified as a two (2)-lane road with a sidewalk and sidepath.

The petitioner held a neighborhood meeting on January 13, 2021, at 6109 S NC 55 Highway, Fuquay-Varina. The meeting report was provided, and staff takes no position as to its content.

The 2035 Community Vision Land Use Plan (LUP) designates property 6109 S NC 55 Highway as Light Industrial (LI) and property 1206 NC 42 Highway as Employment Village (EV). The petitioner is requesting a land use plan amendment for the 1206 NC 42 Highway property currently designated as Employment Village to be re-classified as Light Industrial. Due to the 1206 NC 42 Highway property's proximity to contiguous property already designated as Light Industrial, if approved, the requested land use plan amendment would allow the property to be classified more consistently as it relates to the current use and surrounding area.

Management and staff recommend the petitioner's request for a rezoning of the subject properties from Heavy Industrial (HI) to Corridor Commercial (CC-CZD) based on the following reasons:

- 1) Although the requested zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan, the petitioner is requesting an amendment to the Land Use Plan which address the proposed use.

At the March 15, 2021 regular meeting, the Planning Board voted 6 to 1 to recommend approval of the petitioner's request and instructed staff to further work with the petitioner to revise and further define the list of permitted uses. The dissenting vote cast was attributed to concerns about the redevelopment potential of the subject properties provided the subject properties current Heavy Industrial zoning and Light Industrial designation per the Town's Land Use Plan map. Following the March 15 Planning Board meeting, in a letter dated March 18, the petitioner proposed and submitted to the Town the following supplemental non-permitted uses as additional conditions to their petition:

- 1) Convenience Store
- 2) Service Station
- 3) Pawn Shop
- 4) Telecommunication Facilities/Services
- 5) Brew Pub
- 6) Convenience Cash Business
- 7) Pet Service
- 8) Tire Sales & Service
- 9) Vehicle Parts and Accessories
- 10) Automotive Express Service
- 11) Automotive Repair
- 12) Animal Hospital/Veterinary Clinic
- 13) Private Kennel
- 14) Pet Service

On March 29, the petitioner's attorney sent a letter to the Town requesting that these supplemental proposed non-permitted uses be withdrawn and the petitioner's initial ten proposed non-permitted uses only be considered and proceed to the Town Board for consideration.

Public Hearing - The public hearing was opened. Attorney John Adcock of Adcock Law Firm, 202 E. Academy Street, spoke in favor of the Zoning Map amendment on behalf of the petitioner. Angeles Gannon, 4232 Glenn Summitt Ct., Apex (in the Fuquay-Varina ETJ), spoke in favor of the Zoning Map amendment and Land Use Plan amendment and stated that this amendment may deviate slightly from the Land Use Plan, but it is not a deviation from the Town's goals in keeping Fuquay-Varina a close-knit vibrant community. Glenn Lee, 8109 Stillbreeze Drive, Fuquay-Varina, NC, Lead Pastor of Church Alive, spoke in favor of the Zoning Map amendment and Land Use Plan amendment and stated that the rezoning would only further enhance the progress and the future vision of Fuquay-Varina. Bruce Adorian, 2712 White Rail Drive, Fuquay-Varina, spoke in favor of the Zoning Map

amendment and Land Use Plan amendment and stated that this is a win for the Town of Fuquay-Varina, a win for current business owners located at the site, and a win for Church Alive. No one spoke in opposition to the Zoning Map amendment and Land Use Plan amendment. The public hearing was closed.

Discussion - Mayor Pro-Tem Massengill stated that the proposed zoning conditions are reasonable, and he expressed his approval of the proposed Zoning Map amendment and Land Use Plan amendment. Mayor Byrne thanked the Town staff for working with the petitioners on this project, and he thanked the petitioners for being patient with the staff. Mayor Byrne stated that staff works to make sure the vision of the Town Board is fulfilled when navigating Zoning Map amendments and that they are not bad people. Commissioner Wunsch echoed the comments made by Mayor Pro-Tem Massengill and the Mayor, and he stated that this is a good fit, and it is good to see that we are not sitting with vacant buildings or waiting on an industry to come and repurpose it. Commissioner Smith stated that he recognizes how hard staff works on these types of requests as his church had a rezoning petition before the Town Board that took some time to work out the differences, but the matter was eventually resolved.

Recommendation - Approve REZ-2020-22, a zoning map amendment for 6109 S NC 55 Highway & 1206 NC 42 Highway, from the Heavy Industrial (HI) Zoning District to the Corridor Commercial Conditional Zoning District (CC-CZD), and the corresponding land use plan amendment reclassifying the 1206 NC 42 Highway property from Employment Village (EV) to Light Industrial (LI).

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

7B Zoning Map Amendment & Land Use Plan Amendment - AE Saunders Farm, LLC - a portion of 7621 S NC 55 Highway - PIN 0675353953 - REZ-2020-20 - ITEM TO BE TABLED

Purpose - To consider tabling the public hearing and consideration to the April 20, 2021 Town Board meeting for a requested Zoning Map amendment for a total of 72.334 acres, located at 7621 S NC 55 Highway, 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 agenda item and made the following remarks:

During the March 15, 2021 regular meeting, the Planning Board unanimously voted to recommend approval. Prior to the April 5, 2021 Town Board meeting, the petitioner requested to table the public hearing and consideration of the petition to the April 20, 2021 Town Board meeting, in order to further evaluate their request. Management and staff support tabling the petitioner's public hearing and consideration per the petitioner's request.

Public Hearing - The public hearing was not opened.

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

Recommendation - Table the public hearing and consideration for REZ-2020-20 to the April 20, 2021 Town Board meeting, a Zoning Map amendment for a portion of 7621 S NC 55 Highway, 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), as requested by the petitioner.

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

CONSENT AGENDA

8A Special Event and Amplified Sound Permit Request - Temporary Street Closure and Use of Town Property - The Mill Market - May 22, 2021

Purpose - To consider approval of a special event and amplified sound permit including a temporary street closure request, and the use of a Town parking lot for The Mill Market event scheduled for Saturday, May 22, 2021.

Recommendation - Approve the special event and amplified sound permit, including the request for temporary street closure and use of Town property, for the The Mill Market event scheduled for Saturday, May 22, 2021, as presented and recommended.

8B Special Event and Amplified Sound Permit Request - Curated Craft Market at Cultivate Coffee - May 8, 2021

Purpose - To consider a special event and amplified sound permit request for the Curated Craft Market at Cultivate Coffee scheduled for Saturday, May 8, 2021 as presented and recommended.

Recommendation - Approve the special event and amplified sound permit request for the Curated Craft Market at Cultivate Coffee scheduled for Saturday, May 8, 2021 as presented and recommended.

8C Resolution - NC Drinking Water State Revolving Fund Program

Purpose - To consider adoption of a resolution in support of the Town's funding application to the NC Drinking Water State Revolving Fund Program.

Recommendation - Approve the resolution in support of the Town's Spring 2021 funding application for the NC Drinking Water State Revolving Fund Program to support the Town's Future Water Capacity Expansion Project. Resolution No. 21-1698

8D Town Code Amendment - Appendix I: Traffic § 130; Four-way Stops - Designating the Intersection of West Vance Street and Spring Avenue as a Four Way Stop

Purpose - To consider the approval of a Town Code Amendment to establish a four way stop at the intersection of West Vance Street and Spring Avenue.

Recommendation - Adopt an ordinance amendment to the Town Code establishing a four way stop at the intersection of West Vance Street and Spring Avenue as presented and recommended.

Ordinance No. M-21-02

8E Fuquay-Varina Planning Board By-Laws Amendment

Purpose - To consider a proposed amendment of the Planning Board By-Laws to reflect recent statutory updates per North Carolina General Statutes Chapter 160D.

Recommendation - Approve an amendment of the Planning Board By-Laws to reflect recent statutory updates per North Carolina General Statutes Chapter 160D.

A motion was made to approve all items (8A - 8E) on the Consent Agenda.

MOTION Mayor Pro-Tem Massengill

SECOND: Commissioner Jason

MOTION RESULTS: Passed Unanimously (5-0)

Mayor Pro-Tem Massengill stated that he was glad to see the approval for the four-way stops placed at the intersection of W. Vance Street and Spring Avenue and he was also excited about the return of special events that were approved in Items A and B of the Consent Agenda.

ITEMS REMOVED FROM CONSENT

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

ADMINISTRATIVE REPORTS

10A Contract Award - Hilltop Needmore Town Park and Preserve - Clubhouse Renovation - \$412,556

Purpose - To consider awarding the Hilltop Needmore Town Park & Preserve Clubhouse Renovation Project to Vortex Construction, in the amount of \$412,556.

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 about the agenda item by making the following remarks:

FY21 appropriates \$691,950 for the design and renovation of the former clubhouse building located at Hilltop Needmore Town Park and Preserve; renovations include bringing the clubhouse up to current code, providing ADA accessibility, provide additional programmable/rentable space and to provide an exterior restroom for park users.

The Hilltop Needmore Town Park and Preserve Clubhouse Renovation Project was advertised for bid on Friday, January 29, 2021 and a non-mandatory pre-bid meeting was held virtually on Thursday,

February 11th at 10:00 AM with eleven general contractors participating. The Town opened bids on March 8th at 2:00 PM and received a total of 7 bids from licensed contractors.

The low bid received for the Hilltop Needmore Town Park & Preserve Clubhouse Renovation Project was from US Structures Corp. in the amount of \$399,556.

Staff recommends rejecting the bid from US Structures Corp as the bidder was unwilling to provide prior project owner references to the Town as required and outlined in the Advertisement for Bid documents (RFQ) dated March 8, 2021. Further, US Structures Corp. provided documentation to the Town that it has not completed any commercial construction projects.

The failure to provide prior project owner references and commercial construction experience indicates that U.S. Structures Corp. is not a qualified and responsible bidder under NCGS § 143-129 and awarding the project to the next lowest responsive responsible bidder, Vortex Construction, is warranted.

Vortex Construction provided prior project owner references to the Town, and, after a thorough evaluation of experience on similar projects, Town staff determined that Vortex Construction has the experience and qualifications necessary to deliver the project as identified in the bid documents/specifications. Town staff recommends awarding the construction of the Hilltop Needmore Town Park & Preserve Clubhouse Renovation Project to Vortex Construction in the amount of \$412,556 as presented and recommended and authorize the Town Manager to execute a contract with Vortex Construction in the amount of \$412,556, subject to Town Attorney review as to form.

The duration of the renovation project is expected to take 240 days.

FY21 appropriates \$691,950 for the design and construction/renovation of the clubhouse, to date the Town has invested \$48,800 in design with \$643,150 remaining in the project for construction, contingency, and construction administration. The current balance adequately covers the award of the project and contingencies.

Discussion - Mayor Byrne offered that the Town Board discuss naming rights for the facility. Mayor Pro-Tem Massengill expressed his excitement about this project coming in under budget by \$200,000.

Recommendation - Reject the low bid of US Structures Corp in accordance with NCGS §143-129 by the determination of the Town Board that the company does not meet the "responsible bidder" standard set forth under NCGS §143-129 and applicable law. In making this determination, the Board considered that US Structures Corp was unwilling to provide professional references as required and outlined in the Advertisement for Bid documents (RFQ) dated March 8, 2021 and that US Structures Corp has not completed any commercial construction projects. and award the construction of Hilltop Needmore Town Park and Preserve Clubhouse Renovation Project to Vortex Construction in the amount of \$412,556, as presented and recommended, and authorize the Town Manager to execute a contract with Vortex Construction in the amount of \$412,556, subject to Town Attorney review as to form.

MOTION: Commissioner Wunsch

SECOND: Mayor Pro-Tem Massengill

MOTION RESULTS: Passed Unanimously (5-0)

10B Contract Award, Project Ordinance, Project Ordinance Amendment, and Budget Amendments - 2020 Waterline Replacement Project - \$943,440.00

Purpose - To consider award of a construction contract to JF Wilkerson, Inc. for the 2020 Waterline Replacement Project along with corresponding budget amendments, project ordinance and project ordinance amendment.

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 about the agenda item by making the following remarks.

On March 14, 2021, the Town opened bids for the 2020 Waterline Replacement Project. This project will replace water lines on Clifton Street, Blanchard Street, Faucette Street, and Raleigh Street. This project bid also included a new waterline on Mims Road within the Harnett County Water District that will improve fire flow for the Crown Village and Meyers Place Subdivisions and a new water line on E Academy Street and N Main Street intended to support future downtown economic development efforts. For ease of evaluation, the bid was divided into three sections:

- 1) The waterline replacements (Clifton Street, Blanchard Street, Faucette Street, and Raleigh Street)
- 2) The Mims Road water line improvements

- 3) The downtown economic development water line improvements (E Academy Street and N Main Street)

The Town received five bids ranging from \$1,815,778.00 to \$2,352,037.50.00 with the lowest bidder being JF Wilkerson of Morrisville, NC. JF Wilkerson had satisfactorily completed previous infrastructure work for the Town, most recently the Southern Oaks Interceptor. Detailed information from JF Wilkerson's recent bid is as follows:

- \$882,530.00 for the waterline replacement portion of the project (Clifton Street, Blanchard Street, Faucette Street, and Raleigh Street);
- \$77,910.00 for the Mims Road water line installation; and
- \$855,338.00 for the downtown water line installation intended for economic development (E Academy Street and N Main Street).

This project bid included an Alternate Bid Item to install a water line under a large diameter storm drain with a jack and bore installation instead of a directional bore for the Mims Road water line portion of the project. JF Wilkerson's bid on this alternate item included a \$17,000 deduction bringing the cost for the Mims Road water line work to \$60,910.00. The bid tabulation is attached for reference. The Public Utilities Department Director has reviewed all bid submissions and has determined that JF Wilkerson's unit prices for the water line replacement component and the Mims Road water line installation to be within current market values for their designed scope of work.

Regarding the downtown water line improvements designed to support downtown economic development, the \$855,338.00 bid estimate provided by JF Wilkerson significantly exceeded staff's preliminary cost estimates of \$450,000 for this segment of the project. Staff recommends further reviewing this portion of the project to evaluate if this portion of the project's scope of work can be reduced and still provide adequate water and fire flow capacities. Assuming additional value engineering is successful, staff intends to recommend this portion of the project be re-bid within 12 months as part of another Town water line project.

Town Management and staff recommend awarding the following sections of the project:

- 1) The waterline replacements (Clifton Street, Blanchard Street, Faucette Street, and Raleigh Street) - \$882,530.00; and
- 2) The Mims Road water line with Alternate 1 to JF Wilkerson - \$60,910.00

The total recommended award for this project is \$943,440.00.

Funding for the recommended project comes from the existing Waterline Replacement Project Ordinance and a new proposed Mims Road Project Ordinance.

The Waterline Replacement Project Ordinance is funded annually. Currently, there is \$779,000.00 in available funds remaining in this project ordinance. A budget amendment (BA-21-28) and project ordinance amendment (POA-21-05) are recommended to transfer \$110,000.00 from the Enterprise Operations fund balance to the Waterline Replacement Project Ordinance to fully fund the waterline replacement portion of this project (Clifton Street, Blanchard Street, Faucette Street, and Raleigh Street).

A budget amendment (BA-21-27) is requested to appropriate and transfer \$80,000 from Water Capital Reserves to the proposed Mims Road Water Line Project Ordinance to fully fund this portion of the project. The recommended transfer amounts exceed the bid amounts in order to provide funding for unforeseen project related circumstances.

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

Recommendation - Approve Budget Amendments (BA-21-27) and (BA-21-28), Mims Road Water Line Project Ordinance, Water Line Replacement Project Ordinance Amendment (POA-21-05), and Contract Award to JF Wilkerson, Inc. to undertake the 2020 Waterline Replacement Project in the amount of \$943,440.00, as presented and recommended subjected to Town Attorney review and approval as to form.

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| MOTION: | Mayor Pro-Tem Massengill | |
| SECOND: | Commissioner Smith | Ordinance No. N-21-12 |
| MOTION RESULTS: | Passed Unanimously (5-0) | Ordinance No. N-21-13 |

OTHER BUSINESS

11A Town Manager's Report

Economic Development Department

Town Manager Mitchell commended Engineering Director Matt Poling, Economic Development Director Alyssa Byrd, and Arts Center Director Maureen Daley for serving as presenters in a recent Raleigh Association of Realtors Webinar. They shared Town updates and initiatives that were well received.

Downtown Development

En Plein Air is scheduled to take place April 23-24, 2021.

The Downtown Master Plan survey has received 400 responses on Let's Talk F-V. Updates and public input from the survey will be presented to the Town Board at a future meeting as information.

Inspections Department

The Inspections Department has set a new record of 192 single family permits issued in March of 2021.

Finance Department

The Finance Department is almost complete with Departmental Budget Meetings and is working with management to balance the FY 22 budget and Five-Year plan in advance of the upcoming Town Board Budget Workshop scheduled for April 21, 2021, at 6:00 pm.

IT Department

The IT Department is preparing for the return of the remaining Town employees that have been working from home during COVID-19.

Public Works Department

The Public Works Department has been busy with mowing activities and they have been working with communications and NCDOT about litter education for citizens. Town Manager Mitchell recognized Senator Sydney Batch for her help in contacting NCDOT for this effort. He also thanked Public Works Director Stephenson for reaching out to citizens and educating them on how the public can help with the litter issue.

Arts Center Department

The Arts Center has begun registrations for summer camp classes and is preparing for the Bengal Tiger Cubs scavenger hunt.

Parks & Recreation Department

The contractor has mobilized on the site for The James A. Campbell Park restroom facility to begin construction.

The pre-design public engagement for the Community Center North and Active Adult Senior Center Project will conclude at midnight tonight on Let's Talk F-V, and the Town has received a tremendous amount of feedback for this project.

The Parks & Recreation 2021 Summer Program Guide has been published. Indoor pickle ball has resumed as of today with COVID-19 protocols.

11. B Project Status Report - April 2021

11.C 2020 State of the Town Video - Communications Director Susan Weis gave an update on viewing data for the 2020 State of The Town Address. She stated that this year's video was a big win in portraying 2020 in a positive light. The video was viewed by almost 24,000 people with 819 likes, shares and comments and 15,600 minutes of viewing time.

Mayor Byrne asked staff to give an update on the use of Town kiosk since they went live.

11.D Concert - Spare Change - Centennial Park - Thursday, April 22, 2021 - This will be a limited ticketed event with COVID-19 protocols.

BOARD MEMBER COMMENTS

Prior to Board Member Comments, Mayor Byrne asked Commissioner Wunsch to provide the Board with a report from the Public Safety Committee.

Commissioner Wunsch reported that at the last Public Safety Committee, on April 1, 2021, the public was invited to make comments and the Committee was tasked with listening. He reported that the majority of the comments were from those requesting dialogue and engaging in conversation with members of the Committee, but he felt that this was not the correct forum to host conversation as the public's comments were based around the Ziglar incident. He stated that the comment was made that the Public Safety Committee is "missing the mark" by not engaging in dialogue with the public on the matter. As Chairman of the Public Safety Committee, Commissioner Wunsch recommended that the public establish their own grass roots committee to address any issues that they may see.

Mayor Byrne stated that he would make himself available to meet with any group and bring any feedback to the Town Board.

Mayor Pro-Tem Massengill stated that he was in favor of having a citizens or grassroots committee to address and talk about matters of their concern. He stated that he does not feel that the Public Safety Committee is the appropriate forum for this kind of dialogue. He also stated that he has received numerous expressions of support from citizens regarding the Police Department and that he too is supportive of the town's Police

Department. Mayor Pro-Tem Massengill further expressed support for Commissioner Wunsch's recommendation.

Commissioner Gardner stated that she was grateful for all the written and spoken comments made during the Public Safety Committee meetings and the input is invaluable. She noted that the Public Safety Committee requested that Town staff find out what neighboring communities are doing as mentioned in some of the comments from the public and that we continuously assess policies and procedures to make sure that we do the best we can by our citizens. Commissioner Gardner stated that she too thinks we have a dedicated and effective police department and one of the best Chiefs however she feels that there is more work to be done to make sure we are doing the best job we can.

Commissioner Harris stated that he wished that Committee Chairman Wunch would have made his recommendation to the Public Safety Committee first, before going directly to the full Town Board, and he feels that this action has sabotaged the work of the Public Safety Committee. He stated that this is not about the effectiveness or ineffectiveness of the Police Department, but it is an ongoing process to encourage citizen participation. He stated that that the Public Safety Committee is not finished yet and we must have a backbone committee that can springboard to a community advisory committee. He stated that it is a process, and while the Police Department has made great efforts to engage the public, everyone does not feel safe, and every citizen has the right to feel safe. Commissioner Harris stated that as leaders, the Town Board can hold the Police Department accountable. He further stated that he thinks there is an opportunity for the Town Board and specifically the Public Safety Committee to make communication between citizens and the town better.

Mayor Byrne stated that the Town has a process and form of government (Manager-Council) where a professional manager is hired and expected to hold the department directors and departments accountable for their work and actions. He advised that the Commissioners and Mayor are not tasked with holding individual departments or town staff to a different standard.

Commissioner Smith stated that traditionally the Police Chief would always be open to meet with the public and have conversations. He stated that our current Police Chief has shown a willingness to have tough conversations and has not shied away from those opportunities. He further stated that the Town has a professional police chief and a professional town manager and it is the Town Board's job as public officials to ask the Town Manager to report back to the board after meeting with department heads.

Mayor Byrne referenced that he and the Town Manager have done some research over the past several months regarding how other communities are addressing community dialogue and asked Town Manager Mitchell to make remarks regarding their work. Mayor Byrne specifically mentioned Wake Forest.

Town Manager Mitchell stated that the Town of Wake Forest has a citizen's committee that has consistently met to have dialogue about race relations in the community. He stated that they purposely have not had staff be a part of those discussions. Town Manager Mitchell acknowledged that many communities are finding success with the grassroots community organized model and in some instances those groups do make suggestions, not necessarily in an advisory capacity, that resonate back to management or the Town Board for evaluation.

Town Attorney Adcock stated that a grass roots committee would not trigger open meetings and notice requirements, and it would be fine for the Mayor or members of the Town Board (not a quorum of the Board) to speak as an individual board member versus the Town Board as a whole. He reminded the Board that they are a deliberative body and a quorum or greater would trigger certain statutory requirements.

In response to a comment made by Commissioner Harris, Commissioner Wunsch stated that his intention was not to sabotage the work of the Public Safety Committee, but rather to try to accomplish a route that will create a better venue or opportunity to acknowledge the public's goal of better dialogue.

Commissioner Harris reiterated that he thought that the Public Safety Committee needed to continue to meet to help guide the process.

Mayor Pro-Tem Massengill stated that the Public Safety Committee is not functioning like he envisioned and that the input received have been resounding with similar sentiments. He advised that he does hope that there will be ongoing communication with the community but that he does not see the Public Safety Committee as the appropriate forum.

Commissioner Wunsch asked that the Town Board give direction on moving the issue to the citizens to create their own grassroots committee, and he made this in the form of a motion.

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| MOTION: | Commissioner Wunsch |
| SECOND: | Mayor Pro-Tem Massengill |
| MOTION RESULTS: | Passed (3-2) |
| | <i>Commissioner Harris and Commissioner Gardner voted in opposition</i> |

Mayor Byrne advised that based on the vote, the Town Board is moving away from the Public Safety Committee and moving towards the citizens forming their own community committee to encourage dialogue. He also stated that we will also look at what other communities are doing. Mayor Byrne then asked for other comments from Town Board members.

Mayor Pro-Tem Massengill stated that he is looking forward to next year's Easter Egg Hunt hosted by the Town.

Commissioner Smith stated that he attended the citizen input meeting at Fleming Loop Park on the Senior Center and Community Center North project, and he appreciates the input and engagement from the citizens. He stated that he also attended the Raleigh Regional Association of Realtors virtual meeting and made the opening remarks. He commended Engineering Director Matt Poling, Arts Center Director Maureen Daly, and Economic Development Director Alyssa Byrd for their professionalism and for representing Fuquay-Varina well. He stated that the information that they provided was well received.

Commissioner Harris stated that in all the time that he has been a Commissioner, he had never experienced what previously happened tonight regarding the roll of the Public Safety Committee. He stated that at some level the Town will have to contend with public input that is not always going to be in our favor. He stated that he believes the Public Safety Committee was an opportunity that has been overlooked because of fear of whatever might come out. He feels that the Town Board did a disservice to the citizens who are concerned about the quality of life and the climate of competency and trust in our Police Department. He feels that the vision that we as elected leaders have is to make Fuquay-Varina better, and for whatever reason, we fell short on that.

Commissioner Gardner stated that she hopes that we can come to a place in this process over the next months that allows things to get better for the citizens of Fuquay-Varina. She also stated that she is excited about the first concert at Centennial Park since COVID, although it will be on a limited basis.

Commissioner Wunsch stated that he looks forward to the works that a citizen's committee will do, and he will certainly participate. He stated that based on what he heard from the comments made by the citizens that participated in the Public Safety Committee, he did not see a way to accomplish what they wanted which was dialogue. He also stated that he was excited about the Easter Bunny returning in Downtown Fuquay and at the Garden Hut. He stated that there was a lot of participation and the Downtown Association provided a safe way to engage with the public for this event.

Mayor Byrne stated, in response to a comment made by Commissioner Harris, that the decision to discontinue the Public Safety Committee meetings was not a "done deal" on anything. He stated that it was his understanding that Commissioner Wunsch spoke to Commissioner Harris about the matter, and he feels that this was a very open process. He also stated that he appreciates the efforts of the Public Safety Committee and the dialogue that we have had with the community.

Mayor Byrne then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

- 3/17 - Campo Meeting
- 3/19 - NC Metro Mayors Weekly Legislative Call
- 3/26 - NC Metro Mayors Weekly Legislative Call
- 4/1 - Centennial Authority Meeting
- 4/2 - NC Metro Mayors Weekly Legislative Call

Upcoming Events

- 4/9 - NC Metro Mayors Weekly Legislative Call
- 4/15 - NC Metro Mayors Social with Gov. Cooper
- 4/16 - NC Metro Mayors Weekly Legislative Call
- 4/16 - WakeMed Cary - 5th Floor Completion Ceremony
- 4/17 - Ribbon Cutting - Growers Market
- 4/19 - Wake County Mayor's Association Meeting

CLOSED SESSION

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

A motion was made to hold a closed session meeting at 9:08 p.m.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Gardner

MOTION RESULT: Passed Unanimously (5-0)

RETURN TO OPEN SESSION

There was nothing to report out from the closed session meeting.

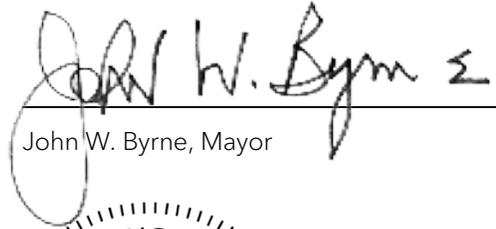
ADJOURNMENT

A motion was made to adjourn the meeting at 9:46 p.m.

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

The minutes from the April 5, 2021 Town Board of Commissioners regularly scheduled meeting are adopted this 20th day of April in the year 2021 in Fuquay-Varina, North Carolina.

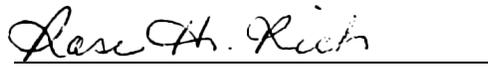
FUQUAY-VARINA, NORTH CAROLINA



John W. Byrne, Mayor

ATTEST

(TOWN SEAL)



Rose H. Rich, Town Clerk

