



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
APRIL 21, 2020

CALL TO ORDER

Mayor John W. Byrne called the regular meeting of the Fuquay-Varina Board of Commissioners to order on April 21, 2020 at 7:00 p.m. This meeting was conducted using the Zoom media platform due to state mandates for social distancing in an effort to prevent the spread of the COVID-19 Novel Coronavirus.

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

Commissioners Absent: None

Others Physically Present: Town Manager Adam Mitchell
IT Director Scott Clark

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

INVOCATION AND PLEDGE OF ALLEGIANCE

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

Virtual Meeting Protocol and Instructions

Mayor Byrne asked Town Manager Mitchell to read aloud the virtual meeting protocol and instructions for public participation. Town Manager Mitchell stated that anyone wishing to participate in the meeting would need to either join using the Zoom media application or call into the Zoom meeting with the provided list of phone numbers on the Town's website. Once joined, their microphones will be muted by the meeting host

(IT Director Scott Clark). Town Manager Mitchell advised that there are no public hearings scheduled for the meeting. The only time that the public will be able to address the Town Board will be during the public comment period at the beginning of the meeting. Mayor Byrne will announce when the public comment section is live and the Town Board is ready to receive comments. If someone from the public wishes to speak during the public comments section of the meeting they will need to notify the Town's meeting host that they wish to speak by pressing the "raise hand" button in the Zoom application or by pressing star 9 (*9) on your phone keypad. Town Manager Mitchell stated that after someone from the public has raised their hand, they will be entered into a que. When the public comments period begins Mayor Byrne will ask the meeting host to recognize individuals, in the order they raised their hand, by calling out their name or the last four digits of their phone number. Individuals will be unmuted at this time and allowed to speak. Town Manager Mitchell advised that the Town asks that individuals begin their comments by stating their name and address for the public record. The public is asked to keep all comments to three minutes so that all can be heard in a timely manner. Once an individual has finished addressing the Board they will be muted for the remainder of the meeting.

APPROVAL OF THE MINUTES

The March 2, 2020 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

Agenda Item No. 4A Presentation – Update on Judd Parkway

Town Manager Mitchell presented a short video on the progress that has been made on the construction of the NW Judd Parkway project. He stated good progress has been made with additional asphalt that has been laid and the construction of sidewalks placed on both sides on a majority of the street. Town staff will continue to update the Town Board on the project as more progress occurs. This matter was for information purposes only and no action was needed by the Town Board.

PUBLIC COMMENTS:

Kathleen Gordon, 1101 Mallard Creek Court, addressed the Town Board regarding the way that the proposed zoning map amendment for REZ-2019-19 will significantly impact the residents in the Whitehurst subdivision. She stated that the proposed residential subdivision for Atwater Station will route traffic through the Whitehurst subdivision and the narrow roads in the subdivision are not fit to be connected to another subdivision. She expressed her opposition to the proposed rezoning due to the increase in traffic in an area that is already experiencing heavy traffic volumes.

Susan Hines Barnard, 5436 Lafayette Drive expressed opposition to the proposed zoning map amendment for REZ-2019-19. She stated that there seems to be a lot of ambiguity about where the commercial development would be. She expressed concerns regarding the proposed commercial area that would be across the street from her residence on Bass Lake Road in regard to noise from the construction of the commercial portion of the project. She expressed that she would prefer residential zoning throughout the project that would be more like the established surrounding residential areas.

Leslie Czech who lives in the Sonoma Springs subdivision expressed opposition to the proposed zoning map amendment for REZ-2019-19. She stated that if approved the small-town charm of Fuquay-Varina will be lost with high density residential areas as proposed in projects such as Atwater Station. She asked the Town Board to address the concerns that have been presented by the public. She also expressed concerns about the possibility of low water pressure and water supply, the need for additional schools in the area, as well as walkability of affected neighborhoods that would diminish with pass through traffic resulting from this project. She then stated that three and four story apartments are not welcomed in this area that is surrounded by single family homes. She recommended that action on the proposed zoning map amendment should be tabled until all items and concerns from the neighboring residents have been fully addressed.

Kyley Schmidt, 2820 White Rail Drive (in the Whitehurst subdivision) expressed concerns about traffic calming measures planned for the connector street between the proposed Atwater Station project and the Whitehurst subdivision (the connector street of White Rail Drive.) She stated that residents want to limit the flow of traffic on the back end of the subdivision which is now a dead-end street. She expressed concerns about the safety of young children in the neighborhood and requested that the Town Board push construction of the White Rail connector street to the end of the development build. She also encouraged the Town to include traffic calming measures, such as a roundabout at the proposed street connection. She then stated that the commercial and apartment components for this project (REZ-2019-19) would negatively impact traffic, crime and potentially the quality of life for the adjacent neighborhoods.

Cynthia Reimel, 5125 Northgreen Drive spoke regarding the zoning map amendment for REZ-2019-19. She encouraged the Town Board to ensure that traffic mitigation measures for the project are implemented early and not just when warranted. She expressed concerns about cut through traffic in the Saddle Run subdivision where the whole subdivision is riding grounds for horse owners, with no sidewalks in the

subdivision. She thanked the Town Board for changing the language in a previous meeting in one of the proposed conditions for REZ-2019-19, in regard to constructing traffic calming devices discouraging traffic through Saddle Run, to constructing traffic calming devices that prohibit traffic through the subdivision.

Erik Andersen, 5228 Westminster Lane spoke regarding the zoning map amendment – REZ-2019-19. He stated that he appreciates any verbiage about limiting any through traffic into the Saddle Run neighborhood. He also stated that he would like to see what the actual proposed and approved road plans are before the project starts to ensure that the project would reduce or prohibit through traffic. He then asked the Town Board to consider entertaining a motion to table the proposed zoning map amendment for REZ-2019-19 due to the uncertainty of the impact of COVID-19 on the potential sale of homes in the future.

Stephanie Huhn of 5405 Westminster Lane, addressed the Town Board regarding the proposed zoning map amendment for REZ-2019-19. She stated that initial concern is safety along Westminster Lane in the Saddle Run subdivision. She stated that she would like to see changes to any wording that would affect the entry to the subdivision before any construction is done, as well the notification of all GPS systems of the road changes. Finally, she stated that the commercial mixed-use portion of the project is scary, not knowing exactly what it would really look like in five years. She requested that the commercial portion of the project be changed to residential single family to be more cohesive to the surrounding neighborhoods.

Diane Whitmore, 158 Moss Creek Drive spoke regarding the zoning map amendment – REZ-2019-19. She expressed concerns opposing the mixed-use commercial portion of the project and the impact of the existing roads primarily used by the residents of Sunset Bluffs subdivision if the zoning is passed. She asked that the Town Board consider a four-way stop or a stop light at the intersection of Bass Lake Road and Herbert Akins Road and at the intersection of Bass Lake Road and James Slaughter Road.

Brendie Vega, Director of Planning with WithersRavenel spoke regarding the zoning map amendment for REZ-2019-19 on behalf of developers, Baker Residential. She stated that she understands that the public hearing for REZ-2019-19 is closed but she is willing to respond to the concerns expressed by the adjacent residents if the Town Board so desired.

Suzanne Adorian, 1220 Mallard Creek Road spoke regarding the zoning map amendment for REZ-2019-19. She referred to an email that she sent earlier to the Town Board. She expressed concerns that the Town's motto is "Fuquay-Varina A Dash More", but she sees it as being a dash more irresponsible for growth and the preservation of the quality of life. She stated that change is inevitable but doing it responsibly is critical. She asked the Town Board to think carefully before voting on the proposed Atwater Station zoning map amendment.

Barney Oakes, 7813 Saint Annes Way, addressed the Town Board regarding the proposed zoning map amendment for REZ-2019-19. He stated that he and his wife have been long-time residents of the Bentwinds Subdivision and has known growth to be a challenge for Fuquay-Varina with traffic being a major issue. He offered that the

current infrastructure is not in place to take on the impact of the proposed new subdivision.

Mayor Byrne asked the Zoom meeting host if there were any other participants that wish to address the Town Board at this time. IT Director Scott Clark (the meeting host) stated that there were no other participants in the que that wished to address the Town Board.

Town Manager Mitchell stated that there were a number of questions asked by participants of tonight's meeting regarding the proposed zoning map amendment for REZ-2019-19 and he stated that the Town Attorney recommended that the Town Board offer the petitioner the opportunity to address questions at this time.

Mayor Byrne called on Brendie Vega with WithersRavenel to address questions and concerns from the public participants. Brendie Vega; representing WithersRavenel who is the petitioner for the proposed zoning map amendment for REZ-2019-19, stated that there are no apartments planned for or allowed in the development for the proposed zoning map amendment. She also stated that they are working with the Town and NCDOT to figure out what the traffic control would look like at the realigned James Slaughter Road and Bass Lake Road. She stated that Withers & Ravenel did include language of a commitment to place traffic lights at the affected intersections when warranted.

Mayor Byrne also allowed Kyley Schmidt to once again address the Town Board. Ms. Schmidt stated that at the February 18, 2020 Town Board meeting that it was mentioned that apartments would be allowed above the commercial properties on the second floor and above. She also expressed concerns that Whitehurst neighbors would be traveling through the new subdivision as a cut through on the White Rail connector street into the new Atwater subdivision.

Hearing that there were no other speakers, the Mayor closed the public comment period.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: Zoning Map Amendment - WithersRavenel - 3232 and 3121 James Slaughter Road and 1800 Bass Lake Road - PINs 0668420610, 0668224658, and 0668338441 - REZ-2019-19

Purpose – To consider 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 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 and made the following remarks.

The subject properties are located in the Town's corporate limits. 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. 1800 Bass Lake Road is the site of a single-family home. These properties were recently annexed as the subject of ANX-2019-13. 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. These are form-based zoning districts that require a master plan with the zoning approval. The master plan 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. The LDO does not implement a maximum density in the UMU Zoning District. The location and reduced density within the RMU District as shown on the southern portion of the project site is intended to provide a transitional area from existing neighborhoods to the more urban character of this form-based project. Similarly, civic, and open spaces have been located along the western and southern boundaries of the project within the RMU and NMU Districts to serve as a buffer. Nonresidential development is included in all three (3) zoning districts, with nonresidential areas located along the frontages of Bass Lake and James Slaughter Roads, and along the eastern boundary of the property, with the highest intensity nonresidential uses located in the NMU and UMU Districts. It is the intention of the LDO to permit the higher density uses furthest from adjacent lower density residential neighbors and in proximity to major thoroughfares, as proposed in the master plan. The master plan proposes a number of civic spaces including along a private 10' wide multi-use path which is intertwined throughout the property. Additional civic spaces are provided throughout all three (3) districts for the benefit of citizens who will live, work, and play in this community. The minimum civic space required in a form-based zoning district master plan is five percent (5%) of the project area. The proposed master plan provides for dedication of 10.63% of the project area, or a total of 13.46 acres. Surrounding properties are primarily residential. The Needmore Ruritan Club adjoins the subject properties to the north. The 2035 Community Vision Land Use Plan (LUP) calls for the Mixed-Use Neighborhood (MUN) Classification at the subject properties. The MUN Classification calls for a mixture of housing types and residential densities, integrated with amenities and services in a walkable center. The requested zoning districts are consistent with the 2035 LUP. Public water and sewer are available to serve the subject properties and will be installed with future development. The subject properties are located along and have access to Bass Lake Road and James Slaughter Road. The 2035 Community Transportation Plan (CTP) classifies Bass Lake Road as a 110-foot right-of-way. This thoroughfare is identified as a four-lane, median-divided road with side-paths. Currently, it is a two-lane road. Future development of the subject properties will require dedication of half of the required 110-foot right-of-way and construction of half of the identified cross section, consistent with the CTP. James Slaughter Road is classified as an 80-foot right-of-way in the CTP. This street is identified as a three-lane, median-divided road with turn lanes and side paths. It is

currently a two-lane road. Future development of the subject properties will require dedication of the required 80-foot right-of-way and construction of the entirety of the identified cross section, consistent with the CTP. The CTP includes several collector streets by extension of the existing stub street White Rail Drive from the south at the subject properties. Future development will require compliance with collector street provisions in accordance with the CTP. The local street network identified in the master plan provides stub streets at appropriate locations to be extended with future development of adjacent properties. The master plan proposes the realignment of James Slaughter Road to "square up" the intersection with Bass Lake Road. This realignment is intended to improve the safety of turning movements at the intersection. Consistent with NCDOT standards, the intersection is proposed to align with Westminster Lane. There shall be installation of traffic control devices that will prohibit legal south bound movement from Westminster Lane south of Bass Lake Road to James Slaughter Road and the north bound movement from James Slaughter Road north of Bass Lake Road to Westminster Lane that will be completed prior to the reopening of James Slaughter Road. Provided traffic control devices will allow emergency service access. The thoroughfare improvements and James Slaughter intersection realignment proposed in the master plan will be provided with the first phase of development. Future development of the subject property will trigger a Traffic Impact Analysis at the preliminary subdivision plat and/or site plan phase, which will identify and specify any offsite improvements that may be required in conjunction with the thoroughfare and intersection improvements identified by the CTP and Master Plan. The master plan proposes an off-site improvement at the Herbert Akins Road and Bass Lake Road intersection, the extent of which is to be determined by the results of the Traffic Impact Analysis. If the improvement project is deemed infeasible, the Town, pending approval by the Board of Commissioners, will accept a payment-in-lieu for 125% of the estimated cost of the project, to be used to complete the project in the future. The master plan additionally proposes improvement at the Bass Lake Road and Sunset Lake Road intersection to the east of the subject property. The proposal states that an eastbound turn lane from Bass lake Road to Sunset Lake Road shall be installed at the intersection. If the improvement project is deemed infeasible, the Town, pending approval by the Board of Commissioners, will accept a payment-in-lieu for 125% of the estimated cost of the project, to be used to complete the project in the future. The petitioner held a neighborhood meeting on August 19, 2019, and several follow up meetings thereafter.

Management and staff recommend approval of the proposed zoning map amendment. It is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the following reasons:

1. The master plan included with the petition fulfills the intent of the 2035 Community Vision Land Use Plan by establishing viable, nonresidential areas along James Slaughter Road and Bass Lake Road, creating the opportunity for nonresidential uses to serve residents in a walkable environment.
2. Transitions are proposed between existing and future development with higher intensity uses located along major thoroughfares and lower intensity uses and open space areas located adjacent to existing development to improve compatibility.
3. An appropriate internal transportation network is provided throughout the project area. There are several access points for multiple means of ingress and egress to the subject property. There is an adequate network of internal streets

that connect each district within the proposed master plan, through a variety of street types and sizes to adequately carry anticipated traffic and provide reasonable vehicular and pedestrian traffic accommodations.

4. The proposed thoroughfare and intersection alignment improvements will improve the safety and capacity of the transportation network. These improvements will support future development in the project area consistent with the proposed master plan.
5. The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan designation of Mixed-Use Neighborhood and would allow for the proposed uses.

Management and staff have been in discussions with the petitioner regarding the realignment of the intersection to the northwest of the subject properties at Bass Lake and Herbert Akins Roads, in consideration of the CTP. The petitioner addresses concern about the current intersection alignment expressed by citizens and Town staff as part of the Master Plan. At the December 16, 2019, regular meeting, the Town Planning Board unanimously voted to recommend approval with the recommendation to add conditions regarding the alignment of the intersection at Herbert Akins and Bass Lake Roads, and the placement of single-family homes adjacent to existing single-family homes. The Planning Board found this request reasonable and in the best interest of the public for the reasons identified by staff. After the Planning Board meeting, prior to the January 6, 2020 Town Board meeting and upon discussion with staff, the petitioner requested to table consideration of the annexation and zoning map amendment petitions for this property to January 21, 2020, to respond to the recommendations made by the Planning Board. The Town Board approved the petitioner's request to table consideration of the case to the January 21, 2020 meeting. Prior to the January 21, 2020 Town Board meeting, the petitioner again requested to table the annexation and zoning map amendment petitions for these properties to February 3, 2020 to further explore neighborhood concerns and options for intersection improvements. The Town Board approved the petitioner's request to table consideration of the case to the February 3, 2020 meeting. Before the February 3, 2020 Town Board meeting, the petitioner requested the annexation and zoning map amendment petitions for this property be further tabled to February 18, 2020, to allow additional time to address the alignment of the Bass Lake and Herbert Akins Road Intersection. The petitioner provided an updated Master Plan for consideration that incorporated additional community character conditions, highlighted the proposed locations of single-family detached homes, acknowledged that the TIA will explore traffic mitigation options where there is a potential impact on adjacent neighborhoods and addressed additional traffic concerns voiced by Town staff and residents from surrounding neighborhoods. At the February 18, 2020 Town Board meeting, a public hearing was opened and closed following comments offered by those both in favor of and against the zoning map amendment petition. Concerns were raised about the impact of the proposal on the adjacent Bass Lake Rd/Sunset Lake Rd intersection and the Board asked staff and the petitioner to review possible improvement at this intersection. The rezoning was tabled until the March 17, 2020 regular Town Board meeting to allow staff and the petitioner to pursue potential impact mitigation. Additionally, the annexation for the subject properties was approved by the Town Board at this meeting. Since the February 18, 2020 Town Board meeting, the petitioner has spent a considerable amount of time working with staff and management, as well as the surrounding neighbors of the subject property to

produce a mutually agreeable product. Additional off-site infrastructure improvements have been offered to directly address concerns raised by the Board at the February 18, 2020 Town Board meeting. This work is reflected in the Master Plan and Master Plan - Written Document, both of which support the intent of the LDO. Additionally, the petitioner is in negotiations with the current property owner of the property south of Bass Lake Road at the Sunset Lake Road intersection who is in support of the petitioner's land acquisition in order to construct a designated right-hand turn lane from eastbound Bass Lake Road onto southbound Sunset Lake Road. A survey is also being conducted to identify current and required right-of-way. Due to social distancing protocol in place by the Town, this case was delayed from the March 17, 2020 to the April 6, 2020 regular meeting and again to the April 21, 2020 regular meeting, as COVID-19 protocols were extended.

Town Manager Mitchell then stated that action by the Town Board was tabled at the February 18, 2020 meeting due to concerns raised by the Town Board related to traffic impacts for this petition. Specifically, the Town Board requested that the developer consider changes to the master plan as follows:

1. Replace the word discourage with the word prohibit in section 12.2.2 related to the installation of traffic control devices at the James Slaughter and Bass Lake Road realigned intersection, thereby eliminating the possibility of north/south bound traffic movement. This was agreed to by the petitioner and provided in the amended master plan.
2. Add language to the condition 12.2.2 to ensure a means of access of emergency vehicles into the Saddle Run subdivision via Westminster Lane from James Slaughter Road. This was agreed to by the petitioner and added to the amended master plan.
3. Add language in the conditions to make road improvements consistent with the Community Transportation Plan for two parcels that are not subject of the zoning map amendment and master plan, but that are adjacent to properties that are part of the master plan along Bass Lake Road. After further evaluation it was determined that this request was not feasible due to it likely requiring a full taking of the parcels due to right-of-way and construction requirements. This language is not provided in the amended master plan and Town staff does not recommend it being required as a condition of the zoning map amendment and master plan approval.
4. Add language in the conditions to the masterplan that agree to the physical improvements to the intersection at Bass Lake Road and Sunset Lake Road. After evaluation this was agreed to and added to the amended master plan. Specifically, 12.3 agrees to the installation of an east bound right turn lane from Bass Lake Road onto Sunset Lake Road subject to NCDOT approval and commercially reasonable efforts to obtain the necessary right-of-way.

Additionally, the petitioner added a fifth condition as is relates to the Bass Lake Road, Westminster Lane and James Slaughter Road intersection which is found in 12.2.1 of the amended master plan as follows:

5. The application shall provide a traffic signal at the realigned intersection when warranted and approved by NCDOT. The signal will be timed with the

traffic light at the intersection of Bass Lake Road and Sunset Lake Road. (Town Manager Mitchell clarified that these are state roads and NCDOT has the final say when the improvements are warranted and installed.)

Discussion – Mayor Byrne reminded the public that the public hearing was opened and closed at the February 18, 2020 Town Board meeting. He then asked if there was any discussion from members of the Town Board.

Mayor Pro-Tem Massengill reviewed some of the conditions for further clarification. He asked if the connector street (White Rail Drive) into the proposed Atwater Station subdivision could be added to a final phase of construction of the project as a condition. He also asked if no apartments were allowed in the project. Planning Director Pam Davidson stated that no apartments are slated in the residential district, but the one way that apartments can occur in the non-residential district is to be on the upper level with first floor commercial. Town Manager Mitchell asked for clarification from the petitioner regarding the apartment component for this project. He stated that his understanding was that there are no apartment complexes in the residential portion of the project which Baker Residential will be developing; however, the commercial piece of the project will be developed by another developer and upper floor apartments would be allowed when those commercial areas are developed in the future.

Mayor Byrne asked Brendie Vega with WithersRavenel to address the matter. Ms. Vega confirmed that there are no apartments provided in the UMU district and there are no intentions for apartments in the NMU and RMU districts.

Town Manager Mitchell clarified a statement from the Planning Director that there are no apartments in the residential components; however, if there is a mix-use development in the commercial zones in the future there could be apartments on the second floor or upper floors of the development.

Mayor Pro-Tem Massengill stated that he believes all questions have been addressed to the best of the Town's and the developer's ability.

Commissioner Harris stated that he takes to heart the comments made from the residents of the different subdivisions and it seems that the petitioner has made every effort to address the concerns of the neighboring residents. He stated that he feels that this project is warranted.

Commissioner Wunsch stated that prior to this meeting he was very concerned about traffic mitigation in this project. He stated that he was impressed that now when the road improvements are allowed by NCDOT, the developer will be responsible to provide the improvements. He also stated that he is pleased with the time and attention given to address the major concerns of the residents.

Mayor Pro-Tem Massengill stated that he wanted to put in the conditions that the developer put up barricades so there is not cut through in the Whitehurst subdivision during the construction and allow entry at the last phase of the project. Brad Whitehurst of Baker Residential and Brendie Vega with WithersRavenel agreed to place this request as a condition. Town Manager Mitchell stated the addition of a

condition – the blocking of a portion of the stub street to Whitehurst subdivision could be developed as a last phase of the project.

Commissioner Gardner stated that it was a long process, but she feels that we will have a project that we will be proud of at the end.

Recommendation – Approve REZ-2019-19, a zoning map amendment located at 3232 and 3121 James Slaughter Road and 1800 Bass Lake Road to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts as presented and recommended. The motion was subject to Town staff and the petitioners working out specific language to meet the intent of barricading the stub street that connects to the Whitehurst subdivision until the final phase of the residential development on the east side of James Slaughter Road.

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

PUBLIC HEARINGS:

Agenda Item No. 7.A: There were no public hearings for the April 21, 2020 Town Board meeting.

CONSENT AGENDA

Agenda Item No. 8.A: Recognizing Insurance Proceeds - Police Department - Unit 185 - \$31,785 - (BA-20-21)

Purpose – To consider a budget amendment that recognizes proceeds from Nationwide Mutual Insurance Company for replacement of a Fuquay-Varina Police vehicle (Unit 185) a 2019 Dodge Charger, as a result of a collision that occurred this budget year.

Recommendation – Approve Budget Amendment BA-20-21 in the amount of \$31,785 as presented and recommended.

Agenda Item No. 8.B: Recognizing Interest Earnings - COVID-19 Emergency Protective Measures - BA-20-22

Purpose – To consider a budget amendment to cover expenses associated with the Town's initial Novel Coronavirus preparations and response. On March 25, 2020 the

Novel Coronavirus (COVID-19) became a Federally declared nationwide disaster and is an ongoing pandemic disease. These emergency expenditures were time sensitive and necessary for safety measures to protect Town employees and the public from the spread of the disease.

Recommendation – Approve budget amendment BA-20-22 appropriating funds in the amount of \$30,000 for protective measures related to COVID-19.

Agenda Item No. 8.C: Voluntary Annexation Petition - Cheyenne Enterprises, LLC - 1832 NC 42 Hwy - PIN 0686094899 - ANX-2020-03

Purpose – To consider the adoption of a resolution instructing the Town Clerk to investigate an annexation petition and to adopt a resolution setting a public hearing for May 4, 2020, following the receipt of a petition for voluntary annexation of property owned by Cheyenne Enterprises, LLC located at 1832 NC 42 Hwy, containing a total of approximately 0.488 acres.

Recommendation – Adopt the resolution instructing the Town Clerk to investigate the voluntary annexation petition and adopt the resolution setting the public hearing for a voluntary annexation petition on May 4, 2020, for property owned by Cheyenne Enterprises, LLC (ANX-2020-03) as presented and recommended.

Resolution No. 20-1655

Resolution No. 20-1656

Agenda Item No. 8.D: Utility Agreement Allocation Request - Highridge Subdivision

Purpose – To consider a Utility Agreement Allocation Request for the Highridge Subdivision for 17,550 gpd sewer and 21,060 gpd water.

Recommendation – Approve the recommended Utility Agreement Allocation Request for Highridge Subdivision as presented and recommended.

Agenda Item No. 8.E: Utility Agreement Allocation Request - Senter Crossing Town Homes

Purpose – To consider a Utility Agreement Allocation Request for the Senter Crossing Town Homes for 22,200 gpd sewer and 26,640 gpd water.

Recommendation – Approve the recommended Utility Agreement Allocation Request for Senter Crossing Town Homes as presented and recommended.

Agenda Item No. 8.F: Utility Agreement Allocation Request - Johnson Pond Subdivision

Purpose – To consider a Utility Agreement Allocation Request for the Johnson Pond Subdivision for 15,225 gpd sewer and 18,270 gpd water.

Recommendation – Approve the recommended Utility Agreement Allocation Request for Johnson Pond Subdivision as presented and recommended.

Agenda Item No. 8.G: Utility Agreement Allocation Request - Hidden Valley Subdivision, Phase 13 and Amenity Center

Purpose – To consider a Utility Agreement Allocation Request for the Phase 13 of the Hidden Valley Subdivision and its Amenity Center for 16,800 gpd sewer and 16,800 gpd water.

Recommendation – Approve the recommended Utility Agreement Allocation Request for Hidden Valley Subdivision, Phase 13 and Amenity Center, as presented, and recommended.

Agenda Item No. 8.H: Utility Agreement Allocation Request - Stonecreek Subdivision, Phase 3 and Amenity Center

Purpose – To consider a Utility Agreement Allocation request for the Stonecreek Subdivision, Phase 3 and amenity center for 7,000 gpd sewer and 7,000 gpd water.

Recommendation – Approve the recommended utility agreement allocation request for the Stonecreek Subdivision, Phase 3 and Amenity Center, as presented and recommended.

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

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

ITEMS REMOVED FROM CONSENT AGENDA

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

- At this time Mayor Byrne declared a brief recess at 8:45 pm and he called the meeting back to order at 8:54 pm. *(The recess period was live but muted via the Zoom application for public viewing.)*

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Project Close Outs and Project Ordinance Amendment - NE Judd Parkway Extension Project and SW Judd Parkway Project (CLOSE) - Transfer Savings to NE Judd and N Main Intersection Project

Purpose – To consider approval of Project Closeout Ordinances for the NE Judd Parkway Extension Project and the SW Judd Parkway Project and to transfer their project remaining funds to the NE Judd Parkway and N Main Intersection project.

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 and made the following remarks.

In order to keep the NE Judd Parkway Intersection Project on schedule, the Town Board acted in 2017 to condemn properties associated with right-of-way acquisitions and easement requirements. Currently, nearly all property acquisition settlements have been reached. Additional funds are required to settle the remaining property acquisitions. The budget totaling \$7,598,000 covered design, right-of-way acquisition, upgrading the railroad crossing, utility relocation, roadway construction, and construction management. Current funds remaining in the project budget is approximately \$315,000. Of these remaining funds, \$112,737.93 are Town funds with the balance being comprised of unspent Locally Administered Projects Program (LAPP) Federal funds. LAPP funding for this project is applicable to construction activities only and cannot be used for property acquisition and soft costs. The unrealized unspent Federal funds are the result of efficient project management having worked diligently to keep the final cost of construction down from the original project budgeted amount since awarding the project. The remaining \$202,262.07 of unspent Federal funds came from a \$1,000,000 CAMPO funding award to cover higher than expected construction costs resulting from high-market construction demands at the time of project bidding. These CAMPO funds were awarded based on a 50% Town match. Town Staff does not anticipate the need for additional reimbursable expenses but intends to maintain these funds in the project budget until final project closeout. Town Staff did discuss with NCDOT and CAMPO if the remaining \$202,262.07 in federal funds could be applied towards right-of-way acquisition. Since the project competed on a construction only basis with the Town committing to the design and right-of-way portions of the project prior to the applying to CAMPO, NCDOT and CAMPO confirmed these Federal funds could not be used for right-of-way acquisitions. The \$112,737.93 Town funds remaining in the project budget are not sufficient to cover the settlement costs for the remaining right-of-way acquisitions needed to complete the

project. The Town Attorney is finalizing a settlement agreement for approximately \$210,000 of property right-of-way acquisitions. Once these ongoing settlements are complete, there are two remaining smaller property acquisitions that will have to be settled to complete the property acquisition for the project. Town Staff is requesting that project funds be reallocated from the NE Judd Extension Project and the SW Judd Parkway Project funds into the NE Judd and Broad Street Intersection Project Fund for the purpose of settling the remaining condemnation cases. Upon completion of these outstanding right-of-way acquisitions, both the NE Judd Extension Project and the SW Judd Parkway Project will be closed out. These project accounts have remained open during the discussions with NCDOT to accept the roadways for maintenance, hence this process is now complete. Once all properties are settled, a final close out for the NE Judd Parkway/N. Main Street Intersection project will be brought before the Town Board for consideration with Town Staff's recommendation to reallocate any unused project funds. Two project closeout ordinances are attached for adoption.

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

Recommendation – Approve the Project Closeout Ordinances for the NE Judd Parkway Extension Project and the SW Judd Parkway Project and associated Project Ordinance Amendment that transfers remaining funds to the NE Judd Parkway and N Main Intersection project.

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

Ordinance No. N-20-08

Agenda Item No. 10B: Textile Recycling Service Agreement - Simple Recycling NC

Purpose – To consider an agreement with Simple Recycling for the provision of curbside textile recycling collection in the Town.

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 and made the following remarks:

The Town of Fuquay-Varina currently provides weekly curbside garbage collection to more than 10,000 residential accounts, as well as biweekly curbside recycling collection. Due to North Carolina's ban on cardboard, aluminum cans, and numbered plastics in the landfill, citizens are required to recycle or demonstrate how they dispose of the banned materials. The Town currently accepts recycled plastics, metals, glass, and paper (including cardboard) which are transported by Town staff to a multi-material recycling facility for processing. In addition to curbside recycling, Town residents may dispose of electronics at the electronics recycling center (free) or curbside upon request (for a \$10 fee). Town management and staff have recently met with residents to discuss opportunities to enhance the Town's ongoing sustainability efforts. Through these discussions and discussions with other Public Works Directors in Wake County, Town Management and Public Works Director Mouberry became

aware of a vendor willing to provide curbside textile recycling in the community at no cost to the Town. The Town of Morrisville has recently entered into a similar agreement for this service with the same vendor, and other municipalities in the area are considering it. Curbside textile recycling is intended to collect used soft recyclables. Residents are still encouraged to donate items with thrift shop value to local charities, but this service provides a convenient and sustainable option for disposal of textiles that are either not able to be resold in the United States, or otherwise must be reprocessed into raw fibers to be reused. Soft Recyclables are defined as primarily men's, women's and children's clothing as well as items such as jewelry, shoes, purses, hats, toys, pictures, mirrors, blankets, drapes and curtains, pillows, rags, sewing scraps, sleeping bags, small furniture, small appliances, irons, radios and audio equipment, TVs and video equipment, cameras, lamps, hairdryers, tools, toasters, microwaves, coffee makers, computers and household or consumer electronics, silverware, dishes, pots and pans, glasses and the like. Any of the above items less than 50 pounds in weight, and that will fit in a bag provided by the vendor will be collected by the vendor on recycling day. Residents are encouraged to put in a work order with the vendor, who will follow the Town's recycling route collection schedule and collect any curbside soft recycling from a Ford Transit van or similar vehicle. To provide this service, the Town would need to enter into a 3-year agreement with the vendor (with for cause and not for cause termination provisions), agree to publicize the program, and provide information on the Town's recycling service area. In return, the vendor will provide this new service as a convenience to Town residents, pay the Town \$20 per ton collected, name the Town as an additional insured, and divert this waste stream from the landfill. The agreement provides a convenience and environmental benefit to Town residents, has been reviewed by the Public Works Director, Town Management, and the Town Attorney, and sufficiently protects the Town. As such, approval of the service agreement is recommended.

Town Manager Mitchell further advised that there is no direct cost to the Town for providing this service. He stated that the Town will support Simple Recycling by sharing information about the program and promoting this free service to Town residents and will direct resident calls for assistance to the vendor's call center.

Discussion – Mayor Byrne asked if other municipalities are satisfied with this service. Town Manager Mitchell stated that it was highly recommended. Mayor Byrne stated that the Town will have training for citizens using social media and possibly the recycling app. He then asked Town Manager Mitchell if the Town will do away with the current electronic recycling center at South Park. Town Manager Mitchell stated that the recycling center at South Park will take larger electronics than what will be recycled with the proposed service, so the South Park recycling center will remain.

Recommendation – Authorize the Town Manager to enter into a Textile Recycling Agreement with Great Lakes Recycling, Inc DBA Simple Recycle - NC as presented and recommended, subject to Town Attorney review as to form.

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

Agenda Item No. 10C: Fee-In-Lieu - Rutherford Subdivision

Purpose – To consider acceptance of a fee-in-lieu for median improvements and a portion of a creek crossing on Moosehead Way in the Rutherford Subdivision in the amounts of \$92,934.50 and \$113,699.00.

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 and made the following remarks.

Town Standards allow for fee-in-lieu of improvements for instances where required construction improvements cannot be completed. In the case of the Rutherford Subdivision under development by Pulte Homes, two areas are eligible for fee-in-lieu consideration. Moosehead Way located within the subdivision stubs to an adjoining property for future connection where the property line is the center line of the creek. As such, it is not feasible to extend the stub to the property line. Town Staff has worked with the developer's designer to maximize the amount of Moosehead Way roadway that is constructed. Pulte Homes is requesting fee-in-lieu consideration for the segment that cannot be constructed. A cost estimate sealed by the developer's engineer and approved by the Town's Engineering Director in the amount of \$113,699.00 is included within this agenda item for reference. Additionally, the Rutherford Subdivision is responsible for widening their half portion of Lake Wheeler Road to its four-lane divided cross-section along their property's road frontage. Because they are responsible for only widening their side of the road, the developer is only responsible for half of the future median improvements. There is no feasible way to construct half of the median. As a result, the developer is requesting consideration of a fee-in-lieu in the amount of \$92,934.50. This estimate was sealed by the developer's engineer and approved by the Town's Engineering Director. Town Staff and Management's recommendation is to approve the fee-in-lieu requests for the Rutherford Subdivision in the amounts of \$92,934.50 and \$113,699.00 for a total of \$206,633.50 of fee-in-lieu considerations. The preliminary plat, supporting certified estimates and exhibits showing the work, is included in this agenda item for reference.

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

Recommendation – Approve the fee-in-lieu request for the Rutherford Subdivision in the amounts of \$92,934.50 and \$113,699.00 for improvements to Lake Wheeler Road and Moosehead Way, respectively, as presented and recommended.

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

Agenda Item No. 10D: Personnel Policy Addendum - Telework

Purpose – To consider a resolution adopting a Telework Policy, as an addendum to the Town's Personnel Policy.

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 and made the following remarks.

In recent weeks, Town management and staff have developed the Novel Coronavirus (COVID-19) Pandemic Mitigation and Recovery Plan to guide Town planning and response activities with respect to this infectious disease. This plan is intended to mitigate risks to the continued delivery of Town government services, while assisting Wake County in protecting the economic and physical health of the Town and its residents and visitors. One scenario that Town management and staff prepared for was the potential need to close Town facilities to the public and/or Town staff to mitigate widespread transmission of the disease in the community and/or workforce. As the Coronavirus situation quickly escalated, the Community Center and Arts Center were closed to the public, followed by all other Town facilities to the public on March 16 to slow the spread of the virus in the community and workforce, and for the continued delivery of Town governmental services by protecting the staff that deliver those services. In the early phases of COVID-19 planning, Town Management worked closely with Information Technology Director Clark and Human Resources Director Moody to implement social distancing in the workplace and develop a Telework Policy as an addition to the Town's Personnel Policy. The proposed policy empowers the Town Manager to permit eligible employees to work from alternate work locations when the Town Manager determines the use of alternate work locations is beneficial or necessary to mitigate risks to the continued delivery of Town government services on a short term or ongoing basis. As it relates specifically to COVID-19 or any other infectious disease, the policy allows for employee telework with the approval of the Department Head, Town Manager, and Information Technology on either an individual basis (as may be necessary for an employee being monitored or self-quarantined that may be contagious but otherwise capable of performing job duties) or an organization-wide basis (as may be necessary to mitigate an outbreak of the disease). The Town Manager implemented teleworking for many employees who were good candidates based on their job functions in late March, as it became clear that further social distancing was needed following Center for Disease Control and Prevention (CDC), NC Department of Health and Human Services (DHHS), and Wake County Public Health guidance. The use of teleworking, with the draft policy and employee telework agreements in place, has been a success story as Town staff have successfully performed their jobs while not spreading the virus in the workplace. The proposed telework policy appropriately allows for telework on a limited scale tied specifically to the need, to continue Town government operations under varying community and workforce conditions. Many public and private employers have already adopted and implemented similar policies with success, and this policy and practice aligns with NC DHHS and CDC recommendations. The Telework policy, when paired with appropriate IT infrastructure and management practices, is an important tool in the toolkit for the Town to successfully carry out the Novel Coronavirus (COVID-19) Pandemic Mitigation and Recovery Plan. As such, management and staff recommend approval.

Town Manager Mitchell then advised that there is no direct fiscal impact of this policy change, as any employee working from home would do so with a Town provided device.

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

Recommendation – Approve the Telework Policy as an addendum to the Personnel Policy, as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Wunsch

MOTION RESULTS: Passed Unanimously (5-0)

Resolution No. 20-1657

Agenda Item No. 10E: Contract Award and Project Ordinance Amendment - Holly Ridge Pump Station Upgrade

Purpose – To consider a contract award of the Holly Ridge Pump Station Upgrade to White Oak Contractors, LLC in the amount of \$498,248.00 and approval of the associated 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 general information and made the following remarks.

On March 19, 2020, the Town opened bids for the Holly Ridge Pump Station Upgrade Project. The project will replace the existing pump station located on Old Honeycutt Road, increase its pumping capacity, and pump directly to Terrible Creek Wastewater Treatment Plant as opposed to the current configuration of pumping to the Eastern Regional Pump Station. The Town received six bids with bids ranging from \$498,248.00 to \$810,000.00. The low bidder was White Oak Contractors, LLC of Garner, NC. The Town's Holly Ridge Pump Station was originally constructed in 1983 as a 180-gallon per minute can wet well/dry well style pump station to serve the area along Main Street to the Willow Spring Elementary School. In 2012, the Town diverted the Eastern Regional Pump Station from Terrible Creek Wastewater Treatment Plant to the North Harnett Regional Wastewater Treatment Plant to reduce flow to the Terrible Creek Wastewater Treatment Plant while the process to expand its treatment capacity began. In 2015, at a cost of \$105,000.00 and using existing infrastructure, the Holly Ridge Pump Station was converted from a can style dry well to a suction lift pump station to replace the aging pump system and to provide safer working conditions for Town staff. This replacement project increased pumping capacity to 370 gallons per minute; however, the increase was limited by the Eastern Regional re-direct pumping capacity. In 2018, the Eastern Regional pump station (and by association the Holly Ridge pump station) flow was re-diverted back to the Terrible Creek Wastewater Treatment Plant when the plant started operation. An increase in Town-wide residential developments including the Partin Place Subdivision, Lakeview Subdivision, and South Lakes Elementary School exceeded the Town's pump station pumping capacity. A basin study of developable land within the Holly Ridge Pump Station sewer basin projected a need for the capacity of 700 gallons per minute. The Holly Ridge Pump Station upgrade requires a new wet well, larger pumps, and new electrical equipment. The larger pump station upgrade would also allow a direct connection into the 16-inch diameter force main on NC HWY 55, which reduces flow to the Eastern Regional Pump Station and minimizes the need to expand that pump station in the

future. The low bidder, White Oak Contractors, LLC, has worked on numerous projects for the Town and staff believe the contractors will be able to complete this project successfully. Therefore, management and staff recommend award of the contract for the Holly Ridge Pump Station Upgrade Improvements to White Oak Contractors, LLC in the amount of \$498,248.00, as well as approval of the associated Project Ordinance Budget Amendment.

Town Manager Mitchell then advised that a project ordinance amendment in the amount of \$350,000 (POA-20-05) is proposed to transfer accumulated interest income currenting in the Town's Water/Sewer Capital Projects Fund (Fund 59) into the Holly Ridge Pump Station Upgrade Project to provide additional funds to cover the cost of the \$498,248.00 construction contract. He stated that this fund transfer will account for construction related engineering and unforeseen contingencies.

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

Recommendation – Approve a contract award of \$498,248 to White Oak Contractors, LLC, contingent upon Town Attorney review as to form, for the Holly Ridge Pump Station Upgrade and approve a project ordinance amendment in the amount of \$350,000 as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-20-09

Agenda Item No. 10F: Contract Award and Budget Amendment - Annual Resurfacing - 2020 Town of Fuquay-Varina Street Improvement

Purpose – To consider award of the 2020 Town of Fuquay-Varina Street Improvements Project base bid plus alternates 1 and 2 to Turner Asphalt in the amount \$668,467.30.

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 and made the following remarks.

The Engineering Department prepared bid packages based in consultation with The Town's Public Works Department on the Town's resurfacing needs. On April 8, 2020, at 3:00 PM, the Town held a bid opening for the 2020 Town of Fuquay-Varina Street Improvements Project. The bid package included a base bid and two alternate bids. Six bids were submitted. Turner Asphalt company was the low bidder submitting bids for the following amounts: Base Bid: \$374,726.90 Alternate Bid #1: \$125,095.11 Alternate Bid #2: \$168,645.29 Total Bid Amount (Base, Alt 1, Alt 2): \$668,467.30. The Town generally budgets \$400,000 from its annual Powell Bill Program disbursement for the Town's annual resurfacing contract. In this year's Street Improvements Project, Town Staff solicited two bid alternates for additional paving options in anticipation the current bid environment could yield favorable contractor pricing reflective of decreased NCDOT project investment. These solicitation paving options were

designed to give the Town Board the flexibility to use Powell Bill Program funds to complete additional paving if contractor pricing were favorable. Prices received via the bid process for this contract were in line with the Town's FY 2019 paving contract. The bid prices received will keep the Town's paving prices flat over the previous three annual contract awards. The current contractor's competitive environment presents an excellent opportunity to leverage the Powell Bill fund balance, thereby increasing the buying power of the Town's Powell Bill Program funding. Turner Asphalt completed two of the last three resurfacing projects for the Town. The town staff has been satisfied with the company's quality of work on previous resurfacing projects. Resurfacing contractor costs have been extremely competitive in recent years past. Bid prices received for this project are at or below current marketplace values. Given the need to improve Town streets and current market-rate contractor competitive resurfacing pricing, management and staff recommend the award of the 2020 Town of Fuquay-Varina Street Improvements Project, Base Bid plus Alternates 1 and 2 to Turner Asphalt. This staff recommendation totaling \$668,467.30 will require a budget amendment of \$300,000 as presented and recommended.

Town Manager Mitchell then advised that additional funding from the Town's Powell Bill reserves is available to provide an additional \$300,000, which would bring the total FY 2021 Powell Bill resurfacing budget amount to \$700,000. The \$700,000 amount will cover the recommended contract award of \$668,467.30 (comprised of the Base Bid of \$374,726.90, Bid Alternate 1 of \$125,095.11, and Bid Alternative 2 of \$168,645.29) and any project contingencies.

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

Recommendation – Approve a contract award of \$668,467.30 to Turner Asphalt for the Base Bid plus Alternates 1 and 2, contingent upon Town Attorney review as to form, and approve a budget amendment (BA-20-23) in the amount of \$300,000 as presented and recommended.

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

Agenda Item No. 10G: FEMA - Request for Public Assistance, Designation of Applicant's Agent, and State-Applicant Disaster Assistance Agreement - Novel Coronavirus

Purpose – To designate agents of the Town in order to make a Request for Public Assistance with the Federal Emergency Management Agency for Town costs incurred as the result of the nationwide Novel Coronavirus disaster.

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 and made the following remarks.

On March 25, 2020, Novel Coronavirus (also known as COVID-19) became a Federally declared Nationwide disaster, for the ongoing pandemic disease incident period which began on January 20, 2020. The Town has begun the process of documenting expenses for the purposes of Federal assistance, which is the subject of this Request for Public Assistance. While the incident is ongoing, and additional costs are likely, the Town has already incurred expenses associated with executing the Town's Novel Coronavirus (COVID-19) Pandemic Mitigation and Recovery Plan. Under the current State of Emergency Declaration (FEMA-4487-NC), expenses within the categories of Emergency Protective Measures and Management Costs are 75% reimbursable when following all Federal guidelines for documentation and procurement. Since it is possible that these categories may be expanded on in the future, Town management and staff have begun the process of following Federal guidelines and documenting all expenses directly related to the Town's response to COVID-19. Novel Coronavirus-related expenses to date primarily include the following: -Hardware devices and software to implement telework, which allows Town staff to continue delivering Town services while social distancing -Cleaning and sanitary supplies such as gloves, disinfectants, and hand sanitizer in Town facilities and vehicles to reduce the spread of infection -Employee protective equipment, such as gloves and masks In addition to expenditures associated with COVID-19, the Town's revenues are already being directly impacted by the Novel Coronavirus emergency. The most impacted revenue streams are expected to be Sales Tax, Program Fees for youth sports and the Arts Center, Arts Center ticket sales, and utility revenues. Other revenue streams including vehicle taxes and building, and development fees could be impacted should the economic consequences of the pandemic prove longer lasting. These revenue trends are being closely monitored by Town Management and Finance and are being taken into consideration in developing the FY 2021 Budget. Revenue impacts are not eligible for FEMA reimbursement, but may be offset by other Federal and/or State direct assistance. In order to process the Town's Request for Public Assistance, North Carolina Emergency Management and FEMA require the submittal of a State-Applicant Disaster Assistance Agreement and a Designation of Applicant's Agent. Assistant Town Manager Matthews has been designated by the Town Manager as the point person for developing and managing the Town's COVID-19 Mitigation and Response Plan, while Town Manager has continued to serve as the lead Incident Commander and Chief Administrative Officer for the Town. For this reason, Town management recommends Assistant Town Manager Matthews be designated as the primary agent and Town Manager Mitchell be designated as the secondary agent of the Town, for the purpose of pursuing State and Federal Financial Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and representing and acting on behalf of the Town when dealing with FEMA and the State on the COVID-19 disaster. Town management recommends the Town Board authorize the Town Manager or his designee to file the Town's Application for Public Assistance, State-Applicant Disaster Assistance Agreement, and Designation of Applicant's Agent as described.

Town Manager Mitchell then advised that the current major disaster declaration (FEMA-4487-NC) positions the Town to receive reimbursement of 75% of eligible expenses for Category B: Emergency Protective Measures and Category Z: Management costs. He stated that a full financial update will be provided at a future meeting.

Discussion – Mayor Byrne advised that what was being recommended was a typical process for emergencies and recommended approval.

Recommendation – Authorize the Town Manager or his designee to execute and file an Application for Public Assistance on behalf of the Town of Fuquay-Varina for the purpose of obtaining certain State and Federal Financial Assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Assistant Town Manager Matthews and Town Manager Mitchell are hereby designated as the primary and secondary agent of the Town, and are authorized to represent and act for the Town in all dealings with the State of North Carolina and FEMA pertaining to FEMA-4487-DR-NC, including the Request for Public Assistance, Designation of Applications' Agent, and State-Applicant Disaster Assistance Agreement.

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

Agenda Item No. 10H: Gateway Mural Design Project - 218 S Main Street

Purpose – To review and approve the proposed Gateway Mural Design Project to be installed on the southern facade of the 218 S. Main Street located at the intersection of southwest corner of West Vance Street and S Main Street.

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 and made the following remarks.

In October 2019, the Town Board approved a facade grant funding request in the amount of \$2,500 for 218 S Main Street located on the SW corner of S Main Street and West Vance Street. The facade improvements approved include the removal of a large metal awning facing S Main Street and replacement of this awning with individual awnings over individual doorways located along the building's store fronts, painting the exterior façade and new signage above doorways. With the agreement of the building owner to undertake these façade grant improvements, Town staff believed these improvements presented a good opportunity to further partner with the property owner to improve the building's large-scale façade by designing a mural design to be installed. The proposed mural location is an excellent location for mural artwork to serve as a gateway into the Fuquay-Varina downtown community. In December 2019, Town staff issued a request for proposal soliciting a large number of artists, including local artists, the Fuquay Varina Arts Council, and the NC Arts Council. One design was received by a local artist Vickie Wilson of Vickie Wilson Art. The concept of the Gateway Mural Project reflects events hosted in Fuquay-Varina that enrich our public values we place on nurturing the community. Artwork includes the Mineral Spring to represent the Town's historic origin displayed with a snow-covered background which every so often occurs during the winter months around the new year. Other designs on the panel include the Town's restored caboos and two cabins acknowledging the Museum's Heritage Day and our railroad roots. The Town Easter Egg Hunt lies below and the colors orange, red, blue, green, and yellow begin to form a pattern of flowing swirls that carry the viewer through the Town's annual pageant of

events. A performing band depicts the Follow Me 2 Fuquay-Varina concert series and various other concerts, both outdoors and in our new Art Center. A family of runners participate in Run the Quay and actors take a bow following a performance at our Art Center Theater. Chili samples and a glass of beer salute the various food events we enjoy throughout our downtown, and a painter's hand celebrates the En Plein Air Paint-Off event coupled with the sky deepening into night to represent the Dinner on Depot springtime event. The far-right panel celebrates the Town's popular Christmas Tree Lighting event and portrays our talented community choral performances. The mural illustration will be completed in acrylic on stretched canvas. The paintings will be photographed and digitally printed with pigments used in outdoor signs. The panels come with a 5-year warranty and are designed for printed, outdoor use, and provide a variety of advantages. Given the size of the mural, the height of the building and the set back from the street, the installation of multiple panels will be substantially easier and quicker to install on the facade rather than having the artist paint directly on the building's façade. Additionally, using the panels provides an opportunity to remove and replace individual panels should any of them become damaged or worn.

Town Manager Mitchell then advised that the total proposed cost of the Mural Design Project is \$12,214. He stated that this cost includes the labor, materials, and landscaping. The project will be funded through the Town's Economic Development Department – Downtown Development Department, where funds presently exist in the FY 20 budget.

Discussion – Mayor Byrne remarked that he liked that the old awnings will be removed, and the trees will be coming down which he thinks will clean up the streetscape. Mayor Byrne recommended that the Town Board approve the recommendation.

Recommendation – Approve the selection of the Gateway Mural Design Project to be installed on the southern facade of the 218 W Vance Street located at the intersection of southwest corner of West Vance Street and S Main Street as presented and recommended.

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

Agenda Item No. 10I: Resolution - Authorizing Upset Bid Process - 111 N Woodrow Street

Purpose – To consider a resolution authorizing an upset bid process for sale of property owned by the Town of Fuquay-Varina to Bobby Floars/Easton Properties, LLC.

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 and made the following remarks.

Bobby Floars/Easton Properties, LLC has made an offer to purchase the property located at 111 N Woodrow St and plans to make a bid deposit as required by statute.

The buyer intends to use the subject property for single family residential (a one-family dwelling that excludes town homes and duplexes). The Town's Planning Director has reviewed the buyer's intended use of the property and has determined that the proposed use would not require a zoning map amendment of the property. The property is currently zoned, Residential Medium Density (RMD), which permits single family dwellings as a permitted use. The attached proposed resolution is pursuant to N.C.G.S. § 160A-269 where a city may receive, solicit, or negotiate an offer to purchase property and advertise it for upset bids. When an offer is made and the council proposes to accept it, the council shall require the offeror to deposit five percent (5%) of his bid with the city clerk and shall publish a notice of the offer. The notice shall contain a general description of the property, the amount and terms of the offer, and a notice that within 10 days any person may raise the bid by not less than ten percent (10%) of the first one thousand dollars (\$1,000) and five percent (5%) of the remainder. When a bid is raised, the bidder shall deposit with the city clerk five percent (5%) of the increased bid, and the clerk shall re-advertise the offer at the increased bid. This procedure shall be repeated until no further qualifying upset bids are received, at which time the council may accept the offer and sell the property to the highest bidder. The Town shall have the right to reject the offer by Bobby Floars/Easton Properties, LLC or any upset bidder to purchase the Town property at any time prior to the final acceptance of the offer pursuant to statute and this Agreement shall be null and void upon such rejection, all deposits shall be returned, and the parties shall have no further obligations.

Town Manager Mitchell then advised that Bobby Floars/Easton Properties, LLC is making an offer to purchase the Town owned property located at 111 N. Woodrow Street for \$85,000. He stated that the buyer's agent is seeking a 5% fee as a condition of the purchase.

Discussion – Mayor Byrne advised that the sale of this property is a good thing and remarked that the Town has generated close to \$1 million in revenue over the past several years via the sale of Town property.

Recommendation – Adopt the proposed resolution as presented and authorize the Town Manager to execute the sale of Town owned property upon the completion of the upset bid period pursuant to N.C. Gen. Stat. 160A-269 subject to first receiving the bid deposit from the proposed buyer. The resolution has been reviewed by the Town Attorney as to form and content and is in the interest of the public.

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

Resolution No. 20-1658

OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported that the Inspections Department set another record for single family permits; 83 for the month of March.
 - Reported that the Triangle Business Journal published two articles regarding apartments being built in Fuquay-Varina. One is 175 apartments and the other one is 300 high end apartments being developed.
 - Reported that a new restaurant is under construction near The Village at Marquee Station Apartments; Culvers
 - Reported that the teleworking policy is working well for employees working from home.
 - Reported that the new police station is wrapping up on construction and Town staff is preparing for a May/June move in date. Town Manager Mitchell advised that management will be working on how the Town will open the new facility in the coming weeks.
 - Reported that Finance Director Crabtree and her staff had been working on the budget and we have a balanced budget that will be presented at the budget workshop.
 - Reported that the Parks & Recreation department have had to cancel all the spring sports, and the FM2FV events due to COVID-19.
 - Reported that the Arts Center is doing virtual programming for the community which can be found on the Town's Facebook page.
 - Reported that the Public Works Department continues to be busy as residents have been spring cleaning and doing yard work while staying at home.
 - Reported that the IT Department has been busy with setting up employees to do teleworking from their homes as well as virtual meetings using Teams and Zoom.
 - Town Manager Mitchell then reviewed several ways that the Town staff has responded to the COVID-19 crisis. He stated that he was extremely proud of the way town staff has been able to adapt and work in different ways as a result of the COVID-19 response. Town Manager Mitchell then praised the community for their efforts to support local businesses and adhere to Stay at Home orders.

B. Budget Workshop Dates - April 23, 2020 – 4:00 pm – Virtual Meeting

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill encouraged everyone to support local businesses and restaurants and do take out to help support them.

Commissioner Smith asked about the Budget meeting for Thursday and if they were required to be at Town Hall. Town Manager Mitchell stated that it was up to the Town Board Member, but staff will be set up to support Town Board members at the Town

Hall with their devices. He also stated that he will be having a virtual meeting tomorrow for Triangle J on their annual budget.

Commissioner Harris thanked staff for the flexibility over the last several weeks. We are in a new era of social expression and the need to stay connected. The community has stayed connected and has supported each other.

Commissioner Wunsch echoed what had already been said. He commended everyone for their support on the Angel Fund that raised \$121,000 for small businesses. He stated it was a wonderful example of our Town coming together at a real time of need.

Commissioner Gardner stated that she appreciates staff for keeping everything going during this time. She stated that life as we know it has changed. She is also thankful for all the support the Angel Fund received to help the small business community out. She cannot wait for the Arts Center to open back up.

Mayor Byrne stated that the COVID-19 virus has changed America and Fuquay-Varina especially restaurants and the way they will have to do business. He also was very grateful for the Angel Fund that helped to support small businesses. He thanked the Town Board for their support in the four State of the Emergency Declarations that have gone into effect. He stated that him and Mayor Vivian Jones from Wake Forest will be doing a Census Challenge video on Thursday competing to see which Town can get the most citizens to participate in the 2020 Census.

ADJOURN

A motion was made to adjourn the meeting at 10:21 p.m.

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

Adopted this the 4th day of May 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

