



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
MAY 4, 2020

CALL TO ORDER

Mayor John W. Byrne (physically present) called the regular meeting of the Fuquay-Varina Board of Commissioners to order on May 4, 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 Wunsch 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 is a public comment period and one public hearing scheduled for the meeting. The only time that the public will be able to address the Town Board will be during the public comments period at the beginning of the meeting, and during the public hearing later in the meeting. Mayor Byrne will announce when the public is allowed to speak and when the Town Board is ready to receive comments. If someone from the public wishes to speak during the public comments or public hearing portion 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 their phone keypad. Town Manager Mitchell stated that after someone from the public has raised their hand, they will be entered into a que. When it is time for someone from the public to speak Mayor Byrne will ask the meeting host to recognize individuals 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 April 21, 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 2020-2021 Fiscal Year Operating Budget and Five Year Operating and Capital Plan Presentation

Town Manager Mitchell advised that on April 23, 2020 the Governing Body heard a detailed presentation regarding a balanced proposed 2020-2021 Fiscal Year operating budget and five-year operating and capital plan. He led the discussion about the impacts of growth on human resource needs, facilities, and the prioritization of infrastructure projects. Town Manager Mitchell recommended that the Governing Body schedule a public hearing for the proposed 2020-2021 Fiscal Year Operating Budget and Five Year Operating and Capital Plan for June 1, 2020.

Town Manager Mitchell then made the following remarks about the proposed budget:

The proposed FY 2020-2021 Operating Budget totals \$43,080,144. The proposed budget proposes a property tax rate of 39.5 cents for every \$100 in value, which is a reduction of 3.75 cents from the FY 2020 tax rate of 43.25-cents. The revenue neutral property tax rate, as the result of Wake County's new property values as of January 1, 2020, would be 36 cents.

The proposed budget also reflects implementation of a new tiered water and sewer base rate structure for the enterprise fund. Volumetric rates and the base rate for a 3/4" water meter remain unchanged from FY 2020. Overall, the fee adjustments generate a slight increase in revenue necessary to cover the cost of water supply, wastewater treatment, and debt service associated with Public Utility infrastructure. Additionally, the proposed budget recommends a handful of changes to various charges and fees.

The Five Year Operating and Capital Plan is balanced requiring the need for a three-cent tax increase in FY 23 to offset the expense related to the construction, personnel, and outfitting of a fourth fire station. Additionally, the Five-Year Plan identifies the need for a 2.5-cent tax rate increase in FY 2024 to offset the expense related to the construction, personnel, and operations associated with a Community Center North and Senior Center Facility, and a three-cent increase in FY 2025 to offset the expense related to the construction, personnel and outfitting of a fifth fire station.

The plan includes the addition of personnel, capital equipment and capital projects to match the pace of growth and is consistent with the direction set by the Town Board at the Strategic Planning Retreat. The Five-Year Plan also takes into consideration recommendations from various Town master plans and studies. Additionally, the Five-Year Plan reflects the need for water and sewer volumetric rate increases in year four to offset the anticipated supplier increases. No System Development Fee increases are assumed.

Board Discussion – Town Manager Mitchell offered information that was provided and discussed at the Strategic Planning Retreat but was not discussed at the Budget Workshop. He offered a recommendation related to Recreation Unit Fees to increase the current single-family recreation unit fees, which is now \$1,000 per single family and townhomes. The current recreation fee is significantly and, in some cases, much lower than peer municipalities. At the Town Board Retreat it was discussed that increasing the recreation unit fee from \$1,000 to \$1,250 would generate an additional \$200,000 in FY 2021 and if the fee was increased to \$1,500 it would generate an additional \$400,000. Town Manager Mitchell stated that he is not proposing that this is done for FY 2021 because the recommended budget that has been presented is balanced. Instead Town Manager Mitchell proposed that the Town Board consider that if an increase was made in FY 21, the funds generated over the next three to four years would help offset the costs for projects in the 5-Year Plan such as the master plan for the Hilltop Needmore Town Park & Preserve, as well as plans to begin construction of the Community Center North and the proposed Senior Center (all in the 5-Year Plan), which will come at a cost, along with debt service. He offered that making a change to the Recreation Unit Fee now perhaps would get the Town more in line with our peers and would allow us to begin building or generating funds that could be used to offset the costs associated with those projects. He asked if the Town Board would like to make an increase now to the Recreation Unit Fee for next year to be saving funds for

the future. Town Manager Mitchell recommended increasing the Recreation Unit Fees to \$1,500, but if the Town Board feels more comfortable with increasing the fee to \$1,250 he could agree with that increase as well. He stated that if the Town Board decides not to make the increase at this time, the Town would have to fund those projects with property tax revenue increases, or with revenues from growth, or a combination of both.

Mayor Pro-Tem Massengill stated that the Town Board also discussed the use of a bond referendum to get buy-in from the public to fund the recreation projects, and he would be more in favor of a phased approach, maybe increasing the fee next year since this year's budget has a tax rate increase built in it.

Commissioner Gardner agreed with the comments made by Mayor Pro-Tem Massengill and stated that the Town should wait a year to do the proposed increase.

Commissioner Harris also agreed to waiting and stated that we are in uncertain times and are currently without tangible data on just how hard the Town will be hit by the COVID-19 pandemic.

Commissioner Smith stated that since we already have a 3.5 cents tax rate increase over revenue neutral that he is hesitant to do anything because of COVID-19, and hopefully by next year the Town would be in a better position, and he agrees with Mayor Pro-Tem Massengill on the matter.

Commissioner Wunsch and Mayor Byrne also agreed with Mayor Pro-Tem Massengill's recommendation to wait another year to consider the proposed increase in the Recreation Unit Fee that was recommend by Town Manager Mitchell.

The Town Board did not propose changes after hearing the FY 2020-2021 budget presentation.

Recommendation – Schedule a public hearing on the FY 2020-2021 Operating Budget for June 1, 2020.

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

Agenda Item No. 4B Census 2020 Report

Communication Director Weis gave a report on the 2020 Census. She stated that the Town is well on its way with reporting Census information. She also stated that the Town of Fuquay-Varina and the Town of Wake Forest are in a friendly competition to get the most census participants from their respective Towns, and she showed a brief video clip of Mayor Byrne and Mayor Vivian Jones making the announcement for the competition. The Mayors challenged each other to dinner and the Mayor of the town that comes in second place must wear the hat of the town that comes in second place during the dinner. Communications Director Weis stated that the competition is very close and Census 2020 utility bill inserts, urging citizen participation, will be mailed

out in the Town's next billing cycle. Mayor Byrne urged all citizens to complete the 2020 Census.

PUBLIC COMMENT:

Sheree Ward, 4404 Spring Crest Court, thanked the Town Board for their investment in the Hilltop Needmore Park & Preserve and she expressed her appreciation for all the work done by park staff. She then requested that the Town shift the proposed masterplan for the park in the 5-year plan from year 2 to year 1. She stated that she would like the Town Board to consider going ahead and investing in the design of the masterplan.

Ron Nawojcczyk agreed with statement and request made by Sheree Ward and he stated that he would like to see the masterplan done sooner than scheduled in the 5-year plan as well.

Hearing no other speakers, Mayor Byrne closed the public comment period.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: There were no items tabled from a previous meeting for the May 4, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Voluntary Annexation Petition - Cheyenne Enterprises, LLC - 1832 NC 42 Hwy - PIN 0686094899 - ANX-2020-03

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for voluntary annexation of property owned by Cheyenne Enterprises, LLC located at 1832 NC 42 Hwy, containing a total of approximately 0.488 acres.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information about the voluntary annexation petition and made the following remarks. The property contains approximately 0.488 acres with road access located on to 1832 NC 42 Hwy. The property is non-contiguous to the

Town's corporate limits however Town water service is available. Town sewer service is not yet available to the property. The petitioner signed an annexation agreement as it relates to the provision of Town services. During its April 21, 2020 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation and the Town Clerk certified at that time the petition was sufficient and meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the May 4, 2020 Town Board meeting.

Public Hearing – The public hearing was opened. Wayne Maudlin of Mauldin-Watkins Surveying, 1301 Broad Street, spoke in favor of the annexation petition on behalf of the petitioners. No one chose to speak in opposition to the proposed voluntary annexation petition for ANX-2020-03. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina; and the Declaration of Annexation Agreement, to include property owned by Cheyenne Enterprises, LLC (ANX-2020-03) as presented and recommended.

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

Ordinance No. N-20-11

CONSENT AGENDA

Agenda Item No. 8.A: There were no Consent Agenda items for the May 4, 2020 Town Board meeting.

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Town Code Amendment - Part 7: Motor Vehicles and Traffic, Chapter 3: Parking Regulations, Article F: Parking Regulations, 7-1163: Parking of Commercial, Recreational and Over-Sized Vehicles and Trailers

Purpose – To consider an amendment to the Town Code of Ordinances that modifies Part 7: Motor Vehicles and Traffic, Chapter 3: Parking Regulations, 7-1163: Parking of Commercial, Recreational and Over-Sized Vehicles and Trailers as it pertains to the

parking of commercial, recreational and over-sized vehicles and trailers within the Town limits on public streets.

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 has experienced an increase in complaints from the public regarding safety concerns caused by the extended duration of parking large commercial trucks, over-sized vehicles, and vehicle trailers on public streets. While parking of commercial vehicles on private property is addressed by way of the Town's Land Development Ordinance, the extended duration of parking of large commercial vehicles, over-sized vehicles and trailers on public streets is not addressed in a Town Ordinance. The complaints received involve tractor-trailer trucks (semi-tractor trucks), and other over-sized commercial vehicles and trailers parking on public streets overnight for multiple days. These over-sized commercial vehicles typically stay parked on public streets for longer than a 24-hour period. In addition, these over-sized vehicles are parked on public streets for an extended period while their owners/operators are performing routine vehicle maintenance. According to N.C.G.S. 160A-303, regarding removal and disposal of abandoned motor vehicles, a town may by ordinance prohibit the abandonment of a motor vehicle on public streets or public or private property within the Town's jurisdiction and may enforce any such ordinance by removing and disposing of abandoned motor vehicles as prescribed in the general statute. According to the statute, an abandoned motor vehicle is one that: 1. Has been left upon a street or highway in violation of a law or ordinance prohibiting parking; or 2. Is left on property owned or operated by the city for longer than 24 hours; or 3. Is left on private property without the consent of the owner, occupant, or lessee thereof for longer than two hours; or 4. Is left on any public street or highway for longer than seven days or is determined by law enforcement to be a hazard to the motoring public. Based on the concerns and safety issues that have been raised by members of the public, Town staff have researched parking ordinances from neighboring Towns within Wake County to assess their regulations that address similar parking concerns. Upon performing this research, of neighboring municipalities, many of the municipalities prohibit parking of over-sized vehicles on public roadways. Town management and staff recommend the attached ordinance to prohibit the parking of over-sized vehicles as discussed at the 2020 Town Board Strategic Planning Retreat: It shall be unlawful for any person to park any large commercial or over-sized vehicle or trailer of 80 inches or more in width; 30 feet or more in length; or greater than two axles and any trailer not affixed to a vehicle on a public street within the corporate limits of the Town at any time except for the duration of the following activities: a) When actively loading or unloading b) Emergency repair of a mechanical breakdown c) Temporary parking at a construction site during the period of construction for no more than a 24-hour period. Town staff has conducted public meetings to review the proposed parking ordinance and engaged members of the trucking industry to discuss staff's recommendations on the proposed large vehicles/trucks ordinance changes. Since these meetings, Town staff have continued to gather information to formulate the recommended ordinance amendment to best address the safety concerns of the public. Based on an evaluation of ongoing issues throughout the Town and upon reviewing the ordinances in neighboring jurisdictions, management and staff recommend the Town Board adopt an ordinance prohibiting the parking of large

commercial trucks, over-sized vehicles, and vehicle trailers on public streets as presented.

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

Recommendation – Adopt the amendment to the Town Code of Ordinances, Part 7: Motor Vehicles and Traffic, Chapter 3: Parking Regulations, 7-1163: Parking of Commercial, Recreational and Over-Sized Vehicles and Trailers as presented and recommended.

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

Ordinance No. M-20-01

OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported that the Police Department had a swearing in ceremony for Salvatore Fundaro, a former member of the NYPD.
 - Reported that the Police Department has started packing for the move to the new office at 401 Old Honeycutt Road.
 - Reported that SuperDroid Robots is donating the Police Department a robot on May 6th to be used by the Special Response Team.
 - Reported that the Fire Department is close to hiring a Deputy Fire Marshall and that they are putting equipment on the new ladder truck to prepare it for service.
 - Reported that the Town has entered into a contract with Duke Energy to allow meter data collection to be put on their poles. The agreement generates a savings of \$100,000 for the Town.
 - Reported that Public Works has seen an increase in recycle and yard debris collection with everyone stay home during the virus.
 - Reported that the bridge for the Fuquay Mineral Spring Park will be installed on Friday. Also reported that Parks and Recreation continues to work on revising programming for special events given COVID-19.
 - Reported that the Arts Center is doing virtual programming while closed for COVID-19.
 - Reported that the Communications Department is working on something to recognize the FVHS seniors. Communications is also working with a vendor to do a refresh of the Town website and newsletter.
 - Reported that Management is working on identifying a candidate for the Economic Development Director position.
 - Reported that the Human Resources Department is hiring for vacant positions. Also reported that open enrollment this year will be done online.
 - Report that the IT Department is working remotely on streaming solutions and installation of cameras at parks.

- Reported that the Finance Department is putting the final touches on the budget and will start working on the audit next. Customer service is getting ready to ramp up for the reopening of Town Hall.
- Reported that the Engineering Department is installing sidewalks and paving NW Judd Parkway and fixing the pavement at the RR crossing on Judd Parkway.
- Reported that members of the Planning Department participated in virtual professional development through the American Planning Association. The Planning Department continues to be busy with developers submitting site plans.
- Reported that the Inspections Department had 77 single family permits for the month of April.
- Reported that the Town is in the process of making plans for the phase reopening from the COVID-19 virus.

B. Project Status Report – May 2020

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he and his family had dinner tonight at the Fuquay Mineral Spring Park and that he is impressed with the improvements. He also stated that he envisioned that someday the Parks Administration building at the Historic Spring could be used for rentals for hosting baby showers, birthday parties, etc.

Commissioner Smith stated that as a former employee for the Town that he is really proud of the employees and how hard they have been working during this time with COVID-19, not just the front-line employees like fire and police but everyone and especially the sanitation and debris departments. He said that his neighbors have spoken highly of the work done by these employees.

Commissioner Harris stated that he had no comments.

Commissioner Wunsch stated that he recently visited the Carol Howard Johnson Environmental Educational Park and a lot of people are using it, especially school children. He also had a question on if the masterplan for Hilltop Needmore Park would be done in conjunction with Wake County School site. Town Manager Mitchell stated that the Town is working in conjunction with the school's plans for the site. Commissioner Wunsch also reported that he attended a drive through birthday party and he was happy to see our Police officers participate in the celebration. He also stated that he will be doing a concert online at 8:00 pm on Thursday through his Today and the Quay FaceBook page.

Commissioner Gardner stated that she was so pleased to hear that the railroad crossing on Judd Parkway is being repaired. She also thanked Town Management and the Finance Department for all of their hard work in preparing the budget

especially during this time of crisis. She also expressed thanks for the Town honoring the Fuquay-Varina High School graduating seniors.

Mayor Byrne stated that during this time we must be about teamwork and working together. He also encouraged everyone to get takeout meals to help the restaurants out because it will be a long time before they recover from this economic downturn due to COVID-19.

Past Events

- 4/23 – Budget Workshop
- 4/27 – Police Oath of Office

Upcoming Events

- 5/6 – Meeting with Susan Payne and Chief Fahnestock, SuperDroid Robots
- 5/18 – Wake County Mayor’s Association Meeting

ADJOURN

A motion was made to adjourn the meeting at 9:29 p.m.

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

Adopted this the 19th 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

