



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
MAY 19, 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 19, 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 Wunsch provided the invocation and Commissioner Gardner 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, but no public hearings are scheduled for tonight's 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. 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 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 queue. 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 May 4, 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 Gardner
MOTION RESULT: Passed Unanimously (5-0)

PRESENTATIONS

Agenda Item No. 4A Presentation - Inter-Basin Transfer Scoping Study

Town Manager Mitchell stated that a copy of the Inter-Basin Transfer Scoping Study Process Technical Memorandum, prepared by Hazen Sawyer, was provided for the Town Board's review in the agenda package. Public Utilities Director Jay Meyers stated that in January 2020 the Town Board discussed purchasing water from the City of Sanford and approved Hazen & Sawyer to conduct the scoping

study for the project. He then presented a slide presentation of the executive summary of the scoping process to determine efforts required to move forward with obtaining an Inter-Basin-Transfer Certificate for the Town's future water supply as follows:

- An inter-basin transfer is defined as the regulated movement of surface water from one river basin to another
- Law does not prohibit transfers, but requires that effects of the transfer on the source and receiving basins be quantified prior to the transfer
- Regulated under GS §143-215.22G and 215.22L
- Environmental Management Commissioner (EMC) is IBT approval authority
- State Environmental Policy Act (SEPA) is used as the mechanism for presenting the project to regulatory agencies and stakeholders per GS §215.22L
- Weight of evidence required to support the necessity, reasonableness, and benefits of a requested transfer surpass SEPA requirements

A pre-notification meeting was held February 2020 with the Division of Water Resources to discuss the following key issues:

- An Environmental Impact Statement (EIS) is required
- Water conservation to minimize the proposed transfer
- Technically defensible alternatives analysis
- Hydrologic modeling via OASIS
- Address climate change impacts
- Not necessary to evaluate water quality impacts in the Cape Fear River
- City of Sanford's WTP would be considered in a separate permitting effort by the City of Sanford

Public Works Director Meyers then gave an overview of key inter-basin transfer tasks and requirements for public notification of which GS §143-215.22L requires application to hold initial public meetings for scoping. NCDEQ will be responsible for subsequent public hearings.

The Town Board received the information and no further action taken or required.

PUBLIC COMMENT:

Elizabeth (Beth) Bordeaux, Executive Director of Western Wake Crisis Ministries who resides at 1044 Branch Line Lane, Apex, NC, requested that the Town of Fuquay-Varina support the Family Recovery Fund and asked for a donation of \$10,000. She stated that these funds would be used to help families who are struggling to pay rent, utilities and groceries during the COVID-19 pandemic. She stated that funds from the town would be used to assist those living within the corporate limits. She

stated that other organizations and municipalities have donated anywhere from \$10,000 to \$20,000, including the Towns of Apex and Holly Springs.

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 19, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: There were no public hearings for the May 19, 2020 Town Board meeting.

CONSENT AGENDA

Agenda Item No. 8.A: Request Use of Town Property - Feeding Ministry - Bob Barker Company - James A. Campbell Park

Purpose – To consider a request from the Bob Barker Company to use James A. Campbell Park for their Feeding Ministry on the 2nd Wednesday of the month of April through September.

Recommendation – Approve the request for use of James A. Campbell Park for the Feeding Ministry by the Bob Barker Company Care Team through their "Church in the Woods" Program taking place on the 2nd Wednesday of the month of April through September as presented and recommended. The motion is subject to the Town Board of Commissioners reserving the right to rescind approval with 120 days advanced written notice, the Bob Barker Company remaining the event organizer, and the event layout, components, and time frame being provided by the Feeding Ministry and approved by the Town Manager and/or his designee on an annual basis.

Agenda Item No. 8B: Voluntary Annexation Petition - Hilltop Needmore Town Park and Preserve - PIN's 0678852120, 0678779060, 0678942571, 0678677840, 0678638704, 0678750952, 0678831336, 0678634917, 0678642032 and 0678846531 located at 4621, 0 and 0 Shady Green Drive, 5211, 0 and 0 Johnson Pond Road, 5532, 0 and 0 Brushy Meadows Drive and 4501 Hilltop Needmore Road - ANX-2020-04

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 June 1, 2020, following the receipt of a petition for voluntary annexation of property owned by Town of Fuquay-Varina (Hilltop Needmore Town Park and Preserve) containing a total of approximately 148.027 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 June 1, 2020, for property owned by Town of Fuquay-Varina (Hilltop Needmore Town Park and Preserve) ANX-2020-04 as presented.

Resolution No. 20-1659
Resolution No. 20-1660

Agenda Item No. 8C: Voluntary Annexation Petition - Hilltop Needmore Road Elementary School (E-44) - 4551 Hilltop Needmore Road PIN 0678749253 - ANX-2020-05

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 June 1, 2020 following the receipt of a petition for voluntary annexation of Hilltop Needmore Road Elementary School (E-44) property owned by Wake County Board of Education/Wake County Public School System - 4551 Hilltop Needmore Road, containing a total of approximately 21.929 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 June 1, 2020, for property owned by Wake County Board of Education/Wake County Public School System - 4551 Hilltop Needmore Road (ANX-2020-05) as presented and recommended.

Resolution No. 20-1661
Resolution No. 20-1662

Agenda Item No. 8D: Voluntary Annexation Petition - Gala Construction, LLC
- 908 Flat Stone Drive - PIN 0655396079 - ANX-2020-06

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 June 1, 2020 following the receipt of a petition for voluntary annexation of property owned by Gala Construction, LLC - 908 Flat Stone Drive, containing a total of approximately 1.347 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 June 1, 2020 for property owned by Gala Construction, LLC - 908 Flat Stone Drive (ANX-2020-06) as presented and recommended.

Resolution No. 20-1663
Resolution No. 20-1664

A motion was made to approve all items (A through D) on the Consent agenda.

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: There are no administrative reports for the May 19, 2020 Town Board meeting.

OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported that the Finance Department is preparing for the Budget Public Hearing and monitoring revenues as it relates to the impacts of COVID-19
 - Reported that the Public Works Department is educating our public that the Town will no longer accept bagged yard debris as of July 1, 2020
 - Reported that the Community Center and Arts Center staff are working on plans for reopening within state guidelines
 - Reported that more staff will be returning to Town Hall in phases

- Reported that plans are being made for the upcoming move into the new Police Station
- Reported that the Planning Department is preparing grant applications through NCDOT & CAMPO for the Pedestrian Planning Grant
- Reported that Norfolk Southern Railroad officials have contacted our Engineering Department to prepare for starting of their portion of the work on NW Judd Parkway Project.
- Reported that the Public Utilities Department has completed the downtown waterline replacement project for FY 20 and design work on the next phase is underway.
- Reported that the new Police Station is nearing the end of renovation and staff will arrange tours for Board members prior to its opening
- Reported that the Town Hall was re-opened to the public yesterday with a limited capacity provision for the purposes of making utility payments, establishing utility service, payments for building permits and planning document submittals. Sneeze guards and distance markers have been put in place to help protect the public and employees.
- Reported that management is waiting to hear from Governor Roy Cooper on the Phase 2 re-opening plan.
- Reported that the Town is making plans to recognize FVHS 2020 graduating seniors
- Reported that he attended a virtual Wake County Managers meeting and the discussions of budgets for various municipal peers were similar.
- Reported that he participated in a meeting with Fire Chief Mauldin and Wake County officials regarding the co-location of a fire station in the Ten Ten Road/Hwy 401 area with the Town of Garner.
- Reported that the bridge at the Historic Fuquay Mineral Spring Park has been installed but not yet complete.

Town Manager Mitchell then asked if the Town Board would like to respond to the request made earlier in the meeting during public comments from Beth Bordeaux. Ms. Bordeaux is the Executive Director of Western Wake Crisis Ministries, who is requesting funding from the Town in the amount of \$10,000 to support the family recovery relief fund for families who are facing hardships during the COVID-19 pandemic. Town Manager Mitchell stated that he had some conversations with Ms. Bordeaux prior to the meeting. He stated that the Town of Apex has committed \$20,000, and the Town of Holly Springs has committed \$10,000 towards this effort. These funds would be used to assist those who qualify with rent, utility and childcare payments. He previously asked Ms. Bordeaux that if the Town Board agrees to participate, would there be assurances that they could provide data showing that the funds that the Town contributes goes directly to Fuquay-Varina residents that qualify and have a true need for relief. He stated that Ms. Bordeaux stated that they can provide assurance to the Town. He also stated that he shared with the Town Board the advice given by the Town's legal counsel regarding the request.

Commissioner Wunsch referred to an email that he wrote to Town Manager Mitchell in regard to the Town having no statutory authority for making the

contribution as well as precedence that would be started and he stated that he would not be in support of the request.

Mayor Pro-Tem Massengill stated that it was tough not to support the request noting that WWCM works with FACES and given the severity of the matter the contribution could be a one-time support for COVID-19 relief. Commissioner Harris stated that we should show that we care, and FACES has exemplified a commitment to helping those in need, so he would be in support of making the contribution. Commissioner Gardner stated that the difference with this contribution is that this pandemic is on a scale that we've not seen in her lifetime, and she sees it as a regional project to coordinate and extend FACES efforts in the southern Wake area. She stated that she would feel comfortable with defending the contribution. Commissioner Smith stated that it is a hard decision because of not funding some of the outside organizations in the FY21 budget; however, he is inclined to assist people but his only hold back is possibly receiving a similar request next week. He offered that the Town Board try to support the request. Town Manager Mitchell stated that his recommendation is not to support the request based on Town policy and the advice of the Town Attorney but understood the Town Board's desire to help and could equally recommend the decision to contribute based on that principle.

A motion was made to approve the request by Western Wake Crisis Ministries in the amount of \$10,000 as requested, but as a one-time donation.

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

- B. Quarterly Report – 3rd Quarter FY 2020
- C. Financial Quarterly Report – 3rd Quarter FY 2020
- D. Town Code Amendment - Adcock Law Firm, PA - Cross-Access - CTA-2019-06 - (Mitchell/Seymour/Davison) - FIRST READING
- E. Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #11 - CTA-2020-03 - (Mitchell/Seymour/Davison) - FIRST READING
- F. Zoning Map Amendment - Gala Construction - 418 Washington Street - PIN 0656794319 - REZ-2020-02 - (Mitchell/Seymour/Davison) - FIRST READING
- G. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 507 S Main Street - PIN 0656956413 - REZ-2020-03 - (Mitchell/Seymour/Davison) - FIRST READING

- H. Zoning Map Amendment - Town of Fuquay-Varina - 4621, 0, & 0 Shady Greens Drive, 5211, 0, & 0 Johnson Pond Road, 5532, 0 & 0 Brushy Meadows Drive, & 4501 Hilltop Needmore Road - PINs 0678852120, 0678779060, 0678942571, 0678677840, 0678638704, 0678750952, 0678831336, 0678634917, 0678642032, & 0678846531 - REZ-2020-04 - (Mitchell/Seymour/Davison) - FIRST READING
- I. Zoning Map Amendment - Glenda Toppe, Glenda S Toppe and Associates - 4551 Hilltop Needmore Road - PINs 0678749253 - REZ-2020-05 - (Mitchell/Seymour/Davison) - FIRST READING
- J. Community Transportation Plan Amendment - Town of Fuquay-Varina - NC 42 Hwy Extension - CTA-2020-04 - (Mitchell/Seymour/Davison) - FIRST READING

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill – No comments

Commissioner Smith – No comments

Commissioner Harris – No comments

Commissioner Wunsch – No comments

Commissioner Gardner stated that she was very impressed that the Fuquay-Varina Downtown Association found a way to host the En Plein Air Paint-Off event this past weekend amid COVID-19 social distancing requirements. She thanked the FVDA and the Arts Center staff for making it happen.

Mayor Byrne also stated that he was impressed with the En Plein Air Paint-Off Event and he thanked Dawn, Rachel, Maureen, and Jennifer for helping with this event. Mayor Byrne stated that he was excited about receiving the robot from SuperDroid Robots that was donated to the Police Department and he then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

5/6 – Meeting with Susan Payne and Chief Fahnestock, SuperDroid Robots

5/18 – Wake County Mayor's Association Meeting

Upcoming Events

5/20 – Centennial Authority Meeting

5/20 – CAMPO Meeting

CLOSED SESSION – Pursuant to N.C.G.S. 143-318.11 (a) (3) - Attorney Client Privilege and N.C.G.S. 143-318.11 (a) (4) - Economic Development

A motion to hold a closed session meeting at 8:22 p.m.

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

ADJOURN

A motion was made to adjourn the meeting at 10:02 p.m.

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

Adopted this the 1st day of June 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

