



Fuquay-Varina Town Board Meeting

June 6, 2022

J. Blake Massengill, Mayor
Larry Smith, Mayor Pro-Tem
William H. Harris, Commissioner
Marilyn B. Gardner, Commissioner
Tracy Watson, Commissioner
Bryan Haynes, Commissioner
Adam G. Mitchell, Town Manager
Mark D. Matthews, Assistant Town Manager
James (Jim) E. Seymour, Assistant Town Manager
Rose H. Rich, Town Clerk
James S. Adcock, III, Town Attorney

The Regular Meeting of the Fuquay-Varina Town Board scheduled for Monday, June 6, 2022, at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor Blake Massengill, Mayor Pro-Tem Larry Smith and Commissioners William Harris, Marilyn Gardner, Tracy Watson, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Jim Seymour, Assistant Town Manager Mark Matthews, Town Attorney James Adcock, Town Clerk Rose Rich, and IT Director Scott Clark.

CALL TO ORDER

Mayor Massengill called the meeting to order at 7:00 pm.

INVOCATION AND PLEDGE

Commissioner Marilyn Gardner provided the invocation and Police Captain Chris Gatham led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Adam Mitchell reviewed the meeting protocol noting that the meeting was both in-person, via Zoom, and live streamed.

APPROVAL OF MINUTES

3A The May 17, 2022, minutes of the Town Board of Commissioners regularly scheduled meeting.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Haynes

MOTION RESULTS: Passed Unanimously (5-0)

PRESENTATIONS

4A There were no presentations for the June 6, 2022 Town Board meeting.

PUBLIC COMMENTS

5A Timothy Weiss, 2816 Meadow Bluffs Way, Fuquay-Varina, asked about the Joint Use Agreement between the Town of Fuquay-Varina and Wake County School for the use of the tennis courts and if approved how would the citizens get access to the courts. He also requested that a bathroom facility be installed at Action Park by the tennis courts in the location that the water fountain currently occupies.

Mayor Massengill stated that the Joint Use Agreement was on the agenda and he didn't see a reason why it would not be approved. He also recommended that citizens get involved with the upcoming facilities master plan for Parks and Recreation.

ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled for the June 6, 2022 Town Board meeting.

PUBLIC HEARINGS

7A FY 2022 - 2023 Operating Budget and Five-Year Operating and Capital Plan

Purpose – To consider adoption of the FY 2022 - 2023 Operating Budget Ordinance, Fee Schedule, and Five-Year Operating and Capital Plan for the Town of Fuquay-Varina.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

On April 12, 2022, the Town of Fuquay-Varina's Governing Board heard a presentation from the Town Manager regarding the Town's proposed FY 2022 - 2023 operating budget. During this budget work session, the Town Manager presented a balanced budget and five-year operating and capital plan and led a discussion concerning the impacts of growth on human capital needs, facilities, and the prioritization of infrastructure projects.

During the May 2, 2022, Town Board meeting, management formally provided an in-depth presentation of the Town's proposed FY 2022 - 2023 Operating and Five-Year Capital Plan. During this meeting, the Town Board stated that a public hearing would be scheduled for the June 6, 2022 Town Board meeting related to the proposed FY 2022 - 2023 Operating and Capital Budgets.

For consideration, along with the agenda abstract, the FY 2022-2023 Proposed Operating Budget was provided, which includes the Budget Message, the Budget Ordinance, the Fee Schedule, the line item budget by department and fund, and the Proposed FY 2022 - 2023 Budget Presentation as presented during the May 2, 2022 Town Board meeting.

Additionally provided were the Five Year Operating and Capital Plan plans, which were also formally reviewed during the May 2, 2022 Town Board Meeting.

Management recommended the Town Board conduct a public hearing, and if it is the pleasure of the Town Board, adopt the FY 2022 - 2023 Operating Budget, to include the Budget Ordinance, Fee Schedule, and Five-Year Operating and Capital Plan as presented and recommended. The Town Board is required by statute to adopt a balanced budget by June 30, 2022.

The proposed FY 23 General Fund Budget totals \$51,359,268. The recommended budget proposes a property tax rate of 42.5 cents for every \$100 in value. This includes a 3 cent property tax rate increase consistent with the previously adopted Five Year Plan to offset the expense related to the construction (debt service), personnel, and operating costs of a fourth fire station.

The proposed budget also includes a change in Solid Waste fees from \$14.25 to \$20 per month to achieve cost recovery for sanitation, recycling, and debris collections services, the addition of a new Inspections contractor change fee to cover the cost of adding or changing permit contractors (\$55 per permit / per trade), several adjustments intended to streamlining the Planning fee schedule, and new sign fees are increased to cover cost escalation on sign materials. Parks and Recreation propose increasing some Facility User, Program, and Youth Athletic fees to cover cost increases associated with the delivery of those programs, and the Arts Center proposes restructuring some fees to better reflect how the Facility and Theatre are rented. The full Fee Schedule was provided with greater detail.

The Utility Fee Schedule proposes several changes including a 9.9% increase in water and sewer base and volumetric rates, consistent with the rate model study completed in FY 2022, to phase in the additional revenue needed to cover the cost of water supply, wastewater treatment, and debt service associated with major public utility infrastructure investments within the Five Year Plan. Additionally, increases in Water and Sewer Tap and Irrigation Water Service fees are proposed to cover meter installation costs.

While no System Development Fee change was included in the recommended FY 2022-2023 Fee Schedule, the proposed budget does reflect anticipated revenues generated by adoption

of the Water System Development Fee increase to \$3,030 as identified by the recently completed System Development Fee study, which will support the expansion of water and wastewater infrastructure. Willdan Financial Services recently conducted the Water and Wastewater System Development Study for the Town pursuant to NCGS § 162A Article 8. Their report summarizes the analysis for the review and is made available for review for 45 days ending June 25, 2022 to allow the public an opportunity to review and submit written comments, which will be considered by the preparer of the analysis for possible modifications or revisions. A public hearing is scheduled for the July 11, 2022 Board meeting. At that time the Board will consider adoption of the Water and Wastewater System Development Fee Analysis. If the analysis is adopted, the Board will be asked to consider amending the FY 2022 -2023 Fee Schedule effective July 11 to reflect the revised Water and Wastewater System Development Fees.

The Five Year Operating and Capital Plan is balanced. 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 facility. While lower than advertised in advance of the Bond Referendum, the current revenue outlook contemplates a portion of the debt service and operations of this facility being covered with tax base growth subject to favorable construction bids.

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 and the Town's 2021-2025 Strategic Plan. The Five Year Plan also takes into consideration recommendations from various Town master plans and studies. Additionally, the Five Year Plan anticipates the need for water and sewer volumetric rate increases every year to offset the anticipated supplier increases and to cover the debt service required for additional water capacity for system users, consistent with the utility rate study. No additional System Development Fee increases are assumed.

Public Hearing – The public hearing was opened. Paul Kane, CEO of Home Builders Association of Raleigh-Wake County, 5580 Centerview Drive, Raleigh, NC stated that it was

worth noting that the proposed budget would include water system development fees which increase by 50%. He offered that the increase in fees will be passed on to the home buyer, increasing their potential purchase and making it hard for them to get a loan. He asked that the Town Board reconsider this fee.

Timothy Weiss, 2816 Meadow Bluffs Way, Fuquay-Varina asked if the debt service includes the current interest rate, or does it take into consideration the huge rise in federal rates? Mayor Massengill addressed comments made during the public hearing later after discussion from members of the Town Board. The public hearing was closed.

Discussion – Commissioner Watson asked if the employee health benefits issue had been resolved. Town Manager Mitchell stated that the Town will be switching to Cigna for employee healthcare coverage and that the Town was able to get the same plan for employees at a much-reduced cost. He stated that if the Town stayed with Aetna the rate would increase by 18%, but with Cigna it will only be a 5% increase.

Commissioner Harris asked if there are any calculations regarding the costs for housing and equipping the additional proposed personnel. Town Manager Mitchell stated that the housing and equipment are factored into the budget for new personnel. Commissioner Harris asked if it was included in each departmental budget or one line item. Town Manager Mitchell stated that it is included in each departmental budget under new personnel.

Mayor Massengill asked about the water and sewer fee scheduled and new water and sewer projects coming online. He asked how those projects are paid for. Town Manager Mitchell stated unless the Town is fortunate to receive appropriations or grant funding, the projects will be paid for through borrowed funds. He stated that usually large capital projects like water and sewer are issued by bonds so that the Town could take advantage of better market interest rates and state revolving loans which have low interest rates. Additionally, the Town has hired a rate consultant to evaluate both user rates and development fee rates. He stated that management is proposing for this year and the next five years, water and sewer rate increase on our customers of 9.9% with declining increases year to year and then

revenue to be generated through development fees, system development fees and all those revenues combined would help offset the debt service.

Mayor Massengill asked how the water fee changes from \$2,000 to \$3,000 relates to surrounding areas in the county. Town Manager Mitchell stated that everyone is going through their budget process right now and management is waiting to see the final numbers, but we know that the numbers for our peers are higher for water and sewer system development, and they are proposing larger increases than the Town is proposing.

Mayor Massengill stated that on the issue of debt service, the Town has a Triple A Bonding Rating and that has allowed the Town to take advantage of very low financing for projects in the community. He asked management how they see the Federal Government raising rates which directly or indirectly affect mortgages and has this been accounted for in the budget. Town Manager Mitchell stated that the Town has financial advisors that give guidance on the planning process for future debt service. He stated that there is an escalation factor that is built into the interest rates and the Town does not know exactly what it is until the bonds are sold in the marketplace. He stated that the financial advisors do take into consideration the movement by the federal government in the marketplace and try to make some reasonable assumptions with interest rate movements. The good news is that the Town is a Triple A Bond Rated community and has one of the best bond ratings in the state. This will typically yield better interest rates when selling bonds.

Mayor Massengill stated that the Town Board has spent numerous hours with the budget and future planning. He stated that a lot of the infrastructure would not have been built without the help of development. He stated that this year has been a year for planning for road infrastructure and that next year will be the construction. Town Manager Mitchell stated that there are 8 road projects that will begin construction next year. Mayor Massengill stated that a lot of the money for these projects have come from grants. He stated that the tax increase that is proposed has been in the five-year plan, and it should not be a surprise to anyone.

Commissioner Gardner stated that tonight is the end of a process, and she is really impressed with all the staff hours, preparation that has gone into this budget, and thinks we are headed in the right direction.

Commissioner Harris stated that he supports the budget but has some concerns with the number of proposed new personnel. He stated that he is concerned with the economics and inflation and if there is an upset in the economy, how would it impact the staffing and level of services that the Town is proposing to provide with this budget. He stated that he admires the planning for the future, addressing the issues of growth, addressing the issues of needing to expand water capacity and tying that to the projects that have been proposed in the future. He stated that the water system development fees may be sticky but at the same time, he recognizes that we need water capacity to continue to grow. He stated that he liked the budget, and he commended the staff on the information presented.

Mayor Massengill stated that when hiring employees some will be hired immediately but if the economic conditions slow down then management can reassess. Town Manager Mitchell agreed and stated that 1/3 of the total positions to be hired in the coming year are public safety positions.

Commissioner Haynes stated that he agrees with the comments made by Commissioner Gardner and Harris and he thanked staff for all their hard work during the budget process. He stated that he likes the employee compensation increase in this budget and that many other municipalities are having to look at it 2 years down the line. He applauded staff for being able to put the Town on the right track when it comes to future growth and infrastructure.

Commissioner Watson thanked staff for the work that went into the budget, and she stated that no one wants tax increases or fee increases, but it is necessary.

Commissioner Gardner stated that in the compensation study we learned that we are recruiting employees in public safety in the most competitive job market in North Carolina. She stated to attract and keep employees the Town is going to have to stay competitive.

Mayor Pro-Tem Smith stated that one of the things he hears is how our infrastructure is growing. He stated that for our infrastructure to continue to grow we do have to talk about things like tax increases, to building a new fire department and even fee increases. He stated that the Town is being responsible and making sure that there is ample water and sewer for growth. He applauded staff for making those tough decisions and coming up with a plan to meet those needs.

Recommendation – Adopt the FY 2022 - 2023 Operating Budget, to include the Budget Ordinance, Fee Schedule, and Five-Year Operating and Capital Plan as presented and recommended.

MOTION: Commissioner Watson

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-12

7B 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-03

Purpose – To consider a proposed amendment to the 2035 Community Vision Land Use Plan that addresses several areas for improvement.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

The 2035 Community Vision Land Use Plan, adopted in 2017 is the current ordinance for future growth and development in Fuquay-Varina. It establishes a long-term vision for the

community that extends over a planning horizon of 20 years. The Land Use Plan is a living document, meant to be revisited and amended as necessary as the community moves forward in growth. The LUP is a policy document that provides guidance to the Town in decisions for rezonings, describing the desired future land uses for all property within the Town's planning area. The Land Use Plan and the Future Land Use Map included within it, do not change the existing zoning or subdivision entitlements of a property.

The updated 2040 Community Vision Land Use Plan (2040 LUP) proposed in this amendment builds upon the vision, guiding principles, and recommendations of the current plan and provides more focus and clarity regarding the community's expectations for the character, quality, and mix of development in the Town's planning jurisdiction. The 2040 LUP also provides tools to achieve a more balanced tax base and maintain and enhance the high quality of life standards that the community expects.

Overarching concepts of the 2040 LUP:

Balance the ratio of residential to non-residential land uses

- The Town is seeking to increase the percentage of non-residential uses, with a target of a 60/40 balance of residential to non-residential uses in the planning area.
- Create new opportunities for non-residential uses that are needed in growing areas, along major transportation corridors

Provide quality housing choices

- The plan seeks to create character areas with a wide range of housing options and locate the different character areas to utilize the Town's existing infrastructure investments, to include the recently completed Judd Parkway. The placement of various character areas also seeks to take advantage of existing features such as access to environmental features and rural vistas, while enhancing and filling in the gaps between existing neighborhoods.
- The character areas balance the Town's housing portfolio and create areas that support multi-generational neighborhoods where residents can find homes that suit their lifestyles and life stages over time without having to leave the neighborhood. This variation within a neighborhood - whether through lot sizes or housing types

also supports the different needs of multiple generations of one family living in the same neighborhood.

- Strengthening the expectations for mixed-use activity centers that integrate the non-residential uses that provides goods, services, and jobs in close proximity to housing creates more options for residents to access these amenities with less time and money spent on vehicle travel for necessities.

Key Plan Updates:

Chapter 1 Introduction:

- Background information, including demographic data has been updated.
- A high-level market forecast has been provided.

Chapter 2: Growth Framework

- The growth framework is based on the expected character of different areas throughout town, instead of focusing on use and intensity only. The guiding principles of the 2035 plan have been retained and expanded upon to convey the community's vision for its future. Topic includes the following:
 - Land Use
 - Transportation
 - Community Facilities & Services
 - Home Choices
 - Natural Environment
 - Parks & Recreation
 - Economic Vitality
 - Community Design
 - Performance
 - Communication

Chapter 3: Character Typology

- The heart of the plan is the Future Land Use Map and the supporting Character Area descriptions.

- Character Area Typologies provide greater detail on how different areas of the community should be developed in terms of their look, feel, and functionality. Illustrations and example site layouts are included to further explain the expectations for development.
- Character Areas include descriptions of the following elements and their relevant characteristics:
 - Street and Block Patterns – how developments are connected internally to each other with streets, sidewalks, and greenways.
 - Open Spaces & Natural Resources – the types and locations of open spaces appropriate for each character area and how they relate to the built environment.
 - Lot Size & Building Placement – building orientation and placement in relation to streets, property lines, and other buildings.
 - Building Types & Massing – identifies the general scale of buildings, as well as the types of building forms that are appropriate in each area
 - Transportation Considerations – identifies areas where multi-modal transportation options are most critical, how properties should connect to or expand the road network, as well as public realm elements such as seating and bike racks.

Character Areas:

The categories of Character Areas have corresponding elements from the previous 2035 Land Use Plan. Some areas have been combined, consolidated, or modified. All areas have been described in greater detail as follows:

- Open Space is still Open Space
- Rural Residential is still Rural Residential
- Large-Lot Residential and Small-Lot Residential are now both Single Family Neighborhood
- Mixed-Density Residential is now Mixed Residential Neighborhood
- Townhome Community and Multifamily Residential are now both Multifamily Neighborhood

- Small-Scale Commercial Center is now Neighborhood Commercial
- Highway Commercial and Regional Commercial Center are now both Suburban Commercial
- Suburban Office is still Suburban Office
- Light Industrial and Heavy Industrial are now both Industrial
- Civic & Institutional is still Civic & Institutional
- Town Center Residential is still Town Center Residential
- Mixed-Use Neighborhood is now Neighborhood Activity Center
- Commercial Village is now Community Activity Center
- Employment Village is now Regional Employment Center
- Downtown is still Downtown

Key Changes to Character Area Typologies are as follows:

Open Space and Rural Residential

- Remain largely unchanged

Single Family Neighborhood

- New developments will need to provide an integrated mix of lot sizes and a comprehensive and connected network of open space throughout the neighborhood.

Multifamily Neighborhood

- Small-scale developments only - larger townhome and apartment developments must be integrated as a portion of a Mixed Residential Neighborhood or one of the mixed use center designations.

Mixed Residential Neighborhood

- New development will provide a central neighborhood park & smaller developed open spaces throughout the neighborhood with the smallest lot sizes around the center and the largest single family lots at the perimeter of the neighborhood.

Town Center Neighborhood

- Expanded to limited locations outside of the Judd Parkway loop where this traditional neighborhood design is appropriate.

Neighborhood Commercial

- Encourages low impact development practices such as sustainable stormwater designs.

Suburban Commercial

- New developments will need to create a center corridor such as a main street, park, square, or plaza.

Civic & Institutional

- Largely unchanged

Suburban Office

- Common greens and other public spaces need to be incorporated into site designs.

Institutional

- Largely unchanged

Neighborhood Activity Center

- Residential uses are secondary to commercial and common green spaces.
- New developments will need to create a center/corridor such as a main street, park, square, or plaza.
- Non-residential uses should be 5,000 to 100,000 s.f. of building area over approximately 5 to 15 acres.
- Development will have a pedestrian-oriented design with buildings close to the street where applicable.

Community Activity Center

- Residential uses are secondary to commercial and common green spaces.
- New developments will need to create a center corridor such as a main street, park, square, or plaza.
- Non-residential uses should be 100,000 to 250,000 s.f. of building area over approximately 15 to 45 acres.
- Buildings should be constructed with a pedestrian-oriented design to the internal streets.

Regional Employment Center

- Residential uses are secondary to non-residential uses and common green spaces.
- New developments will need to create a center corridor such as a main street, park, square, or plaza.
- Non-residential uses at the core are employment uses such as office or industrial. Anchors could include corporate headquarters, higher education facilities, hotels, medical research facilities, or advance manufacturing uses accommodating building area of 500,000 s.f or more, covering at least 45 acres
- Buildings should be constructed with a pedestrian-oriented design to the internal streets.

Other Plan Enhancements:

- Site Plan Concepts
 - Illustrates key components and desired arrangements of buildings, streets, and open spaces in the Single Family Neighborhood, Mixed Residential Neighborhood, Neighborhood Activity Center, Community Activity Center, and Regional Employment Center Character Areas.
- Character Areas Typology Crosswalk
 - Indicates appropriate zoning districts to implement for each Character Area. This tool is to be used in rezoning decisions.

- Building Typology Crosswalk
 - Identifies and illustrates the types of buildings (e.g. single family detached, duplex, neighborhood commercial) that are appropriate in each Character Area.

- Chapter 4: Supporting Infrastructure including Priority Investment Areas Map & Policies
 - Prioritizes the location of future Town infrastructure investments to promote strategic investments by the Town through enhanced economies of scale and a focus on supporting economic development goals.
 - Development can occur through all areas of Town's municipal and Extraterritorial Jurisdiction at any time, however the Town's contribution to extending and improving infrastructure will be focused in higher priority investment Tiers.

- Chapter 5: Town-Wide Initiatives
 - Development Compatibility & Site Transitions - Focus on site design that creates effective transitions between different uses, creating connections while minimizing the impacts of more intense uses on nearby less intense uses through building relationships and site design features.
 - Comprehensive, Connected, & Continuous Open Space - Focus on a comprehensive approach to open space through both preservation and development with open space forms curated to support the sense of place created in each character area.

Public Comment:

A draft of the updated 2040 Land Use Plan and list of Character Area Typologies, as well as the full draft document presented at the April 18, 2022 Planning Board meeting have been posted on The Town's outreach platform, Let's Talk FV for public viewing and feedback.

Concurrently, information was posted on the Town's social media sites and website making information available to the public. Over 1,800 individuals have viewed the project on Let's

Talk FV website, over 800 individuals have downloaded at least one of the draft documents, and nearly 40 members of the public have provided written comments regarding the draft plan. All comments received on or before May 20, 2022 have been included in the attachments for the Board's consideration. In addition to posting on the Town's social media sites, website, and Let's Talk FV platform, Town staff have met with various home builders/developers and stakeholders that include the Wake County Homebuilders Association and Triangle Community Coalition to review and discuss the proposed 2040 Land Use Plan.

Management and staff recommend approval of the proposed amendment to the 2035 Community Vision Land Use Plan. The proposed 2040 Community Vision Land Use Plan is reasonable and in the public's best interest, as it updates the Land Use Plan and further extends a long-term vision for the community.

At the May 16, 2022 regular meeting, the Planning Board unanimously voted to recommend approval. This item was initially presented to the Planning Board at their regular meeting on April 18, 2022. The public hearing was continued to the May 16, 2022 meeting at the request of staff to allow more time to gather public feedback. Changes were made to the plan document throughout the process to incorporate feedback, correct minor errors, and coordinate with other Town approved plans. The changes which included revisions to the Future Land Use Map and refinement of the Character Areas were presented to the Planning Board at the May 16, 2022 meeting. Additional updates to the Priority Investment Areas Map and the Summary of Impacts to Town Infrastructure Associated with the Future Land Use Map were received from the consultant after the Planning Board meeting.

Public Hearing – The public hearing was opened. No one chose to speak in favor of the Town Code Amendment. Alaina Money Garman, 2001 Red Sage Court, Apex, North Carolina spoke in opposition to the proposed plan. She stated that she was the CEO of Garman Homes that specializes in building homes for first time homebuyers. She expressed her concerns about the Town's focus as it relates to future growth and attainable housing. She believes that this will not work due to additional requirements for open space, common areas, alley loaded

garage and less available land for development. All of these drive up the cost of individual homes and drive out housing options for first time homebuyers which includes some of our most valuable hometown heroes like teachers, police officers, firefighters and health care workers. Additionally, she stated that as a family formation continue to change for residence it is possible that without ample options for downsizing or rightsizing their home through denser options, these residents would be priced out of living in a town they love and a town that as homebuilders have loved building. With no further comments in person or virtually, the public hearing was closed. Mayor Massengill thanked Ms. Garman for building homes in our community.

Discussion – Mayor Massengill stated that the Town wants diverse housing and a variety of different types of houses. He stated that he thinks that the plan has a lot of good things and that this document can be adjusted in the future if the Town sees it is necessary.

Commissioner Haynes stated that affordable housing is always on his radar. He agreed with Mayor Massengill's remarks about future adjustments to the plan if needed. He further stated that he would like to see in the future some type of affordable housing created. He would like for the Board to look at affordable housing which brings together the Home Builders Association, the Triangle Apartment Association, community leaders, and citizens and potentially create an affordable housing advisory board. He stated that he liked the pedestrian-oriented feel of the plan that adds to the character of the town.

Commissioner Harris stated that he is not ready to approve the proposed Land Use Plan. He stated that he would like staff to have face to face conversations. He stated that he did review the written comments. He stated that there is concern about shaping the future of this community as it relates to our agricultural history. Historically the Town has been a farming community and as we grow, we are going to impact families who have been in this community for generations. He stated that there would be value in hearing from those families and their voices regarding how we impact their future. He stated that the reality is that a document like this is so detailed, and he would like to see if staff can incorporate more

feedback. He stated that he would like more time to review the document and express his concerns.

Mayor Massengill asked who has staff met with and discussed the document. Town Manager Mitchell stated that staff has met with the Home Builders Association, Triangle Community Coalition, individual developers, and individual property owners to get their feedback on the document. He stated that when a question was received about a designation of property on the land use plan, staff made direct contact with those property owners and explained how the land use plan is intended to work, its vision for the future, and how the plan doesn't compel a property owner to sell their property or do anything with their property that they don't want to do but should they chose to develop, this plan provides a vision for how the town would like to see that property developed in the future. With respect to property that is more rural in character, the Town has tried to designate a character typology to that property that is either consistent or not far off from the current character of the property. He stated that the Town is trying to strike a balance of creating an environment where the Town can continue to grow and develop and address the needs of a growing southern Wake County while at the same time being sensitive and considerate of property owners' interest for the development of the future area around them. He stated that the Planning Department spent considerable number of hours either in person, on the phone or virtually by Teams or Zoom meetings with property owners to explain what these designations mean for the future of our community.

Mayor Massengill asked when the document was first available for review. Town Manager Mitchell stated that it has publicly been available since March 31, 2022.

Commissioner Watson stated that she thinks it covers everything that was discussed at the Town Board's Strategic Retreat. She stated that this was talked about extensively and everything that was discussed at all those meetings is included in the document.

Commissioner Gardner asked what it means to be a "living document." Town Manager Mitchell explained that the document may be changed from time to time if the Town Board

finds it necessary. The document is not set in stone however shouldn't be looked to for frequent changes either because it is intended to establish a long-term vision for future growth and development of the town. Town Manager Mitchell reminded the Board that components of the Land Use Plan have been updated since its original adoption when projects have come before the Town that have asked for modifications and have made sense. He stated that the Land Use Plan is a policy-guiding document and not an ordinance. He stated that staff have invested a lot of time into the document and management feels very confident that this plan hits on the notes and returns that this board, the community, and development community have given feedback and input on and he stated that it is his recommendation that the Town move forward with it and give the town staff, the development community and the community as a whole an opportunity to work it and really see if it does in fact hit the right notes in the right tone for the future development of our community. If we find that we have gone too far in one direction, then you as the governing board always has discretion to be able to move that needle back. He stated that management, staff and Town Board did have conversations regarding the 2035 Community Vision Land Use Plan and perhaps it was too flexible and unclear, and staff tried to remove some of the gray areas regarding what the Town's intent was behind the development in the community.

Commissioner Gardner asked if there would be enough feedback by next retreat to really discuss it and see how it is working. Town Manager Mitchell stated absolutely, with the pace of development there should be some good case studies to look at and discuss.

Mayor Massengill stated that the Land Use Plan Map is not a zoning map. He advised that it provides direction to staff and the Town Board for recommendation and decision-making purposes. Town Manager Mitchell stated that there are over 30,000 parcels in our jurisdiction, and he is not saying that staff got them 100% correct. We may find that some need to be revisited depending on what a development proposal looks like. He stated that he thinks staff got the majority of them right. He stated that his recommendation is that with the hours spent, the energy spent, and the feedback that we have received from the public that it is time to give staff the opportunity to work this plan.

Commissioner Harris stated that this is an important plan and when you look at soliciting feedback in a time frame of 50 days people have busy lives, things happen, and sometime people may not respond back as quickly as we would assume that they would respond. He stated that he would like to give the public more time, so they understand what we are doing and to make sure that it is articulated that a person has freedom to manage their land as they wish in terms of keeping it as it currently is. He stated that in some of the feedback some of the people felt that they are not being heard and that something is being taken away from them. He would like for the public to have more time for feedback and that he believes this this is a good vision to have for the community. He believes that it is crucial that the Town move forward as a community and have as many people as possible to understand this process.

Commissioner Gardner stated that she sees where Commissioner Harris is coming from, but she also sees the other side and that the Town has projects that have been sitting and waiting for the Town to get through this process so that the developers can move ahead.

Mayor Pro-Tem Smith made a motion to approve CTA-2022-03, an amendment to the 2035 Community Vision Land Use Plan, (renamed 2040 Community Vision Land Use Plan) as presented and recommended by Town management and staff, as it improves upon the Land Use Plan, and is reasonable and in the best interest of the public for the reasons identified by management and staff.

Commissioner Harris made an amendment to the motion to delay approval for 30 days. Commissioner Gardner seconded the motion. A vote on the amended motion was called, and Commissioners Harris, Gardner and Haynes voted in favor of the motion, and Mayor Pro-Tem Smith and Commissioner Watson voted in opposition to the motion. The motion passed.

Town Manager Mitchell stated that there is no meeting 30 days from today (June 6) due to the second meeting in July being canceled. He stated that the next scheduled Town Board meeting would be on July 11, 2022.

Commissioner Harris made a motion to table this item until the July 11, 2022 Town Board meeting. Commissioner Gardner seconded the motion. A vote was called on the motion to table the matter. Voting in favor of the motion were Commissioners Harris, Gardner and Haynes. Voting in opposition to the motion were Mayor Pro-Tem Smith and Commissioner Watson. The motion passed.

Town Manager Mitchell asked if the Town Board had any direction for management and staff between now and July 11.

Commissioner Gardner asked Commissioner Harris what he envisioned on how to better reach other people that he thinks have not been represented. Commissioner Harris stated that he envisions the public input process continuing. Town Manager Mitchell stated that staff received feedback all the way up until the agenda was published on June 3, 2022. Commissioner Harris stated that staff could continue to receive feedback.

Commissioner Haynes asked if there were any ramifications if we hold off on a decision tonight for the projects that are out there. Town Manager Mitchell stated that the guidance staff received from the Town Board was to hold off on any of the projects until staff had clarity and the Land Use Plan and Land Development Ordinance were adopted. He stated that he would recommend staying the course. The Town Board concurred.

7C Land Development Ordinance Amendment - 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-04 Amendment #19

Purpose – To consider a proposed amendment to the Land Development Ordinance that addresses several areas for improvement.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

Town staff and the community have gained significant experience using the Land Development Ordinance (LDO) since its adoption in December 2016. As a result, this amendment seeks to utilize that experience in the form of clarifications and technical corrections to the LDO's language. In addition, this amendment seeks to update the LDO to bring it into conformity with recommendations made by the newly updated 2040 Community Vision Land Use Plan.

The proposed changes are as follows:

Section 1, Article A:

- Language has been added to this article to allow for development flexibility of Town owned buildings and properties.

Section 2, Article C:

- An update to terminology, Neighborhood Mixed Use (NMU) & Urban Mixed Use (UMU) to Commercial Mixed Use (CMU) & Employment Mixed Use (EMU). The Land Use Plan establishes new labels for two (2) of the three (3) form-based districts to better describe their development effects. This terminology update has also been made in Articles E, F, G, J, L, M, N, O, P, Q, S, and Appendix B.

Section 3, Article D:

- The zoning district descriptions have been updated for the Residential Agricultural (RA), Residential Low Density (RLD), Residential Mixed Density (RMD), Residential High Density (RHD), Corridor Commercial (CC), General Commercial (GC), Research Light Industrial (RLI), and Heavy Industrial (HI) zoning districts to align them with changes proposed in the LUP.

- The Highway Corridor Overlay Zoning District (HCO) has been established to secure the main thoroughfares in Town for the most appropriate commercial and nonresidential uses.

Section 4, Article E:

- The zoning district descriptions have been updated for Town Center Residential (TCR), RMU, NMU, and UMU to align them with changes in the LUP.

Section 5, Article F:

- An update to terminology for zoning districts NMU & UMU to CMU & EMU.
 - The permitted use table has been updated to address the amendments to the development projects section and the form based (RMU, NMU, UMU) sections.
- Attachment A
- An exception has been added to the Place of Worship development standards that will allow for certain expansions of use within the Highway Corridor Overlay (HCO).
 - The development type "mixed-use development" has been removed as a development option. Staff finds the variety of other mixed-use development options offered in the LDO are comprehensive, and "mixed-use development" as outlined in Article F does not produce the best or most creative mixed-use development opportunities.
 - Updates to the Multi-Family section include:
 - o The separation requirement section has been clarified for ease of use, and language regarding building facade requirements has been added to the General Standards for multi-family development.
 - o The apartment development type has been amended to include a purpose and intent section, as well as a more thorough open space requirement.
 - Townhouse development has been moved from the single-family development type section to the multi-family development type section. This brings the development type in line with the updates of the LUP. Previously townhouse development was its own section, but it is now a part of (2) Multi-Family.

- The Open Space Development section has been removed entirely and the Open Space development type has been incorporated into the Planned Unit Development section to align the LDO with recommendations made in the LUP update.
- The section on Townhouses, Detached has been renamed Row Houses and revamped to align with recommendations made in the LUP update.
- A reference in the zero-lot line development section has been updated to refer to a more appropriate section regarding common green areas
- A reference to Open Space development has been removed from the Parks & Open Space section as Open Space Development has been removed as a development option.

Section 6, Article G:

- Updates have been made to the Dimensions & Setbacks table to align with updates elsewhere within the LDO. Attachment B
- A reference to Open Space development has been removed from the General Standards for Setbacks section as Open Space Development has been removed as a development option.

Section 7, Article H:

- A reference to the traditional mixed-use development has been removed as it is no longer a development option.

Section 8, Article I:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.

Section 9, Article J:

- Row house has been added to the list of development types for which the recreation fee-in-lieu is applicable.

- The number for calculation of recreation dedication or fee-in-lieu has been amended to 1/20th of an acre from 1/30th of an acre. The reference for the fee has also been updated.
- Language regarding privately owned parks, recreational, open space, or greenway areas has been revamped to refer to common green areas.
- The dates for which permit choice may be applicable have been updated to align with this amendment.
- Row house has been added to an exemption in the mail kiosk section. Subdivisions under 30 lots may be exempted from this parking requirement.
- Language has been added to the construction guarantees section that provides an opportunity for nonresidential site plans to provide a fee-in-lieu, as major subdivisions currently do. Additionally, language has been amended to shift Town Board approval of the request to the construction drawings stage from the preliminary plans to better align with the engineering of the development.

Section 10, Article L: • An update to terminology, NMU & UMU to CMU & EMU.

Section 11, Article M:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.
- Language has been added to the section on public utility easements that allows Homeowners' Associations to grant easements through common areas owned by the HOA without the joinder of lot owners.
- Removal of the year on a reference to the 2035 Community Vision Land Use Plan.
- A reference to the traditional mixed-use development has been removed as it is no longer a development option.

Section 12, Article N:

- Language has been added to provide guidance for residential off-street parking and garages.

Section 13, Article O:

- A reference to plantings required for mixed-use developments has been removed, as traditional mixed-use development is no longer a development option.
- A reference to foundation plantings on single-family homes has been removed.
- Updates to the perimeter buffer requirements for form-based mixed-use developments have been made to clarify that perimeter buffers are required at the project boundary.
- Updates have been made to clarify that no lots within a subdivision shall contain any required buffer or open space.
- The Use Types list has been updated to include the updated form-based districts and to rearrange the intensities of some single-family and multi-family uses.
- Language has been added to the street tree buffers section that states street tree buffers may be included on lots and that street trees must be continued across nonresidential and open space lots.

Section 14, Article P:

- A reference to the traditional mixed-use development has been removed as it is no longer a development option.
 - A reference to a Bicycle Master Plan has been removed. The Town applied for funding around completion of the 2017 LDO but funding was not awarded.
- #### Section 15, Article Q:
- A reference to the traditional mixed-use development has been removed as it is no longer a development option.
 - References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.
 - The exemption for townhouses has been removed from site plan components as townhouses are now considered multi-family.
 - A requirement for a neighborhood meeting has been added to Special Use Permits (SUP).

- Clarification has been added to the townhouse development section that the preliminary and construction drawings shall be submitted in accordance with the major plat standards.

Section 16, Article S:

- All outmoded definitions related to the newly updated Appendix B have been removed or altered to fit the new language.
- References to the traditional mixed-use development has been removed as it is no longer a development option.
- The multi-family definition has been clarified to include townhouses.
- The definition for Non-Residential Development has been clarified.
- The Subdivision and Minor Subdivision definitions have been edited to exclude the specifics that are already outlined in the respective Articles to avoid redundancy.
- The Townhouse and Townhouse Development definitions have been clarified for their new applications.

Section 17, Appendix B:

- This section has been entirely rewritten in response to recommendations from the 2040 Community Vision Land Use Plan. Now called Residential Mixed-Use, Commercial Mixed-Use, and Employment Mixed-Use, the three (3) mixed-use form-based districts now conform to the updated LUP and the appendix is now more user friendly. These three (3) form-based districts now respond to the LUP's new established Neighborhood Activity Center, Community Activity Center, & Regional Employment Center classifications. Together, the LDO and LUP provide framework for vibrant, creative mixed-use developments as well as centers of commerce and lifestyle. Attachment C.

Section 18, Appendix C:

- Language has been added to this Appendix to state that the TCR zoning district is also applicable to the area immediately surrounding Judd Parkway loop.

Section 19, Appendix D:

- The PUD section has been revamped to become a more flexible and applicable zoning district. Standards have been outlined that once were not, allowing for greater ease of use.
- PUD project sizes have been expanded and the delineation of residential vs. nonresidential project area has been expanded.
- Table – PUD Zoning District Building Setback & Separation has been revamped to have greater building type flexibility. Attachment D
- Standards have been added to the open space section to align with other open space development and encourage a higher quality open space product.

Section 20, Appendix E:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.

Management and staff recommend approval of the proposed Town Code Amendment. It is reasonable and, in the public's, best interest, as it improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allows for ease of use and enforcement, specifically concerning the Town's current development standards.

Staff requested tabling this item at the April 18, 2022, Planning Board to the May 16, 2022, Planning Board meeting, in order to provide more time to reflect on public comments and goals for the Land Development Ordinance. Several adjustments were made to the proposed amendment in response to feedback received and the revisions incorporated in the amendment presented to the Planning Board on May 16, 2022. At the May 16, 2022, regular meeting, the Planning Board unanimously voted to recommend approval.

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

Recommendation – Motion was made to continue the public hearing and tabled the item until the July 11, 2022 Town Board meeting.

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

7D Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #20 - National Flood Insurance Program (NFIP) Updates for Flood Damage Prevention Regulations - CTA-2022-05

Purpose – To consider a requested zoning map amendment for a total of 1.44 acres, located at 1601 N Main Street, from the Corridor Commercial Conditional Zoning District (CC-CZD) to the Corridor Commercial Conditional Zoning District (CC-CZD).

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

New Federal Emergency Management Association (FEMA) mapping, known as the Flood Insurance Study report and Flood Insurance Rate Maps, for the Town of Fuquay-Varina will become effective on July 19, 2022. For the Town to remain a member of the National Flood Insurance Program (NFIP) and for residents in Fuquay-Varina to be eligible for flood insurance, the Town is required to comply with 44 CFR Part 60.3(d) of the NFIP regulations prior to the effective date of the new mapping.

NFIP regulation compliance includes amending existing floodplain requirements, adopting new requirements, and showing evidence that the regulations amended meet or exceed the minimum requirements. Staff has incorporated model ordinance language provided by the

NC Department of Public Safety into the Land Development Ordinance in order to comply with these requirements.

The proposed changes are as follows:

Section 1, Article I:

- Section 1401 of Article I has been completely rewritten per the direction of the State's model ordinance for full compliance with the NFIP.

Section 2, Article S:

- The following terms have been added to this section. Some of these terms may already be included in Article S, but have been included again because they are particular to the Flood Damage Prevention Regulations included in section 9-1401 of Article I:

- Accessory Structure
- Addition
- Alteration of a Watercourse
- Appeal
- Area of Future-Conditions Flood Hazard
- Chemical Storage Facility
- Design Flood
- Development Activity
- Digital Flood Insurance Rate Map (DFIRM)
- Existing Building and Existing Structure
- Floodplain Administrator
- Flood-Resistant Material
- Floodway Encroachment Analysis
- Letter of Map Change
- Light Duty Truck
- Manufactured Home
- Map Repository

- Non-Conversion Agreement
- Technical Bulletin and Technical Fact Sheet
- Temperature Controlled
- The following terms have been struck from this section, as they have been either better defined elsewhere in the section, or are now obsolete:
 - Existing Construction
 - Mean Sea Level
- The following terms have been amended to better conform to the usage in the updated Flood Damage Prevention Regulations section:
 - Area of Shallow Flooding
 - Existing Manufactured Home Park or Manufactured Home Subdivision
 - Floodway
 - Future Conditions Base Flood
 - Future Conditions Base Flood Elevation
 - Hazardous Waste Management Facility
 - Highest Adjacent Grade (HAG)
 - Lowest Adjacent Grade (LAG)
 - Recreational Vehicle (RV)
 - Reference Level
 - Regulatory Flood Protection Elevation
 - Substantial Improvement
 - Violation
 - Water Surface Elevation (WSE)
 - Watercourse

Management and staff recommend approval of the proposed Town Code Amendment. It is reasonable and in the public's best interest, as it improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allows for ease of use and enforcement, specifically concerning the Town's current development standards.

At the May 16, 2022 regular meeting, the Planning Board unanimously voted to recommend approval.

Public Hearing – The public hearing was opened. No one chose to speak in opposition to the proposed Town Code Amendment. The public hearing was closed.

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

Recommendation – Approve CTA-2022-05, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town management and staff. The text amendment improves upon the Land Development Ordinance, and is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Commissioner Gardner

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. PZ-22-02

7E Voluntary Annexation Petition - Banks Family Farm (Gray Methven - Wakefield Development)
- 8537 Lake Wheeler Road - Portion of PIN 0689455964 - ANX-2021-08

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 Banks Family Farm (Gray Methven - Wakefield Development) containing a total of 36.30 acres.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

The property contains 36.30 acres and is non-contiguous to the Town's corporate limits. Currently there is no water or sewer available to the property. The petitioner has signed an annexation agreement related to the provision of Town services. At the May 17, 2022 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. The Town Clerk certified at that time the petition was sufficient and met the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for June 6, 2022, Town Board meeting. The present total value of the property is \$1,883,534.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed Voluntary Annexation Petition. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Banks Family Farm (Gray Methven - Wakefield Development) (ANX-2021-08) and to approve the Declaration of Annexation Agreement as presented and recommended.

MOTION: Commissioner Harris
SECOND: Mayor Pro-Tem Smith
MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-13

7F Voluntary Annexation Petition - Jason and Janet Schwarz - 1612 S. Main Street - PIN 0655678718 - ANX-2022-08

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 Jason and Janet Schwarz containing a total of 4.24 acres.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

The property contains 4.24 acres and is non-contiguous to the Town's corporate limits. Public water utility is available to the property. The petitioner has signed an annexation agreement related to the provision of Town services. At the May 17, 2022 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. The Town Clerk certified at that time the petition was sufficient and met the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the June 6, 2022, Town Board meeting. The present total value of the property is \$183,000.

Public Hearing – The public hearing was opened. No one chose to speak in opposition to the proposed Voluntary Annexation Petition. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Jason and Janet Schwarz (ANX-2022-08) and to approve the Declaration of Annexation Agreement as presented and recommended.

MOTION: Commissioner Haynes

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-22-14

7G Voluntary Annexation Petition - Steve Medlin (Springvale-Medlin Parcel 1 & 2) - 7110 & 7104
Kennebec Road - PIN 0676898568 & 0676993703 - ANX-2020-16

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 Steve Medlin (Springvale-Medlin Parcel 1 & 2) containing a total of 12.801 acres.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She then provided information about the agenda item by making the following remarks.

The property contains 12.801 acres and is non-contiguous to the Town's corporate limits. Public water utility is available to the property. The petitioner has signed an annexation agreement related to the provision of Town services. At the May 17, 2022 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. The Town Clerk certified at that time the petition was sufficient and met the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the June 6, 2022, Town Board meeting. The present total value of the property is \$470,158.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed Voluntary Annexation Petition. The public hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Steve Medlin (Springvale-Medlin Parcel 1 & 2) (ANX-2020-16) and to approve the Declaration of Annexation Agreement as presented and recommended.

MOTION: Mayor Pro-Tem Smith
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-15

CONSENT AGENDA

8A. Order to Levy and Collect Taxes - Wake County

Purpose – To consider a resolution authorizing Wake County to levy and collect the real and personal property taxes on behalf of the Town of Fuquay-Varina for the FY 2022-2023 budget year. Resolution No. 22-1763

Recommendation – Adopt the resolution authorizing the Wake County Revenue Administrator to levy and collect real and personal property taxes on behalf of the Town of Fuquay-Varina for the FY 2022-2023 budget year.

8B. Joint Use Agreements - Wake County Board of Education - Fuquay-Varina High School and Willow Spring High School Tennis Courts

Purpose – To consider joint use agreements with the Wake County Board of Education for the use of tennis courts at Fuquay-Varina High School and Willow Spring High School.

Recommendation – Approve Joint Use Agreements with Wake County Board of Education for use of Fuquay-Varina High School and Willow Spring High School tennis courts, subject to Town Attorney review as to form.

8C. Contract Approval - FY 2021-2022 Audit - Cherry Bekaert, LLP

Purpose – To consider approval of a one year audit contract with Cherry Bekaert, LLP.

Recommendation – Approve and authorize management to execute a one year extension to the three year audit contract with Cherry Bekaert, LLP as presented and recommended.

8D Utility Allocation Request - Brighton Ridge Subdivision Phase 3 & 4 - 75 Lots

Purpose – To consider a Utility Agreement Allocation Request for the Brighton Ridge Subdivision Phase 3 & 4, 75 lots for 20,250 gpd water and 16,875 gpd sewer.

Recommendation – Approve the recommended utility allocation request for Brighton Ridge Subdivision Phase 3 & 4, 75 lots, as presented and recommended.

8E Utility Allocation Request - Fuquay-Varina Middle School

Purpose – To consider a Utility Agreement Allocation Request for the Fuquay-Varina Middle School for 31,400 gpd water and 17,400 gpd sewer.

Recommendation – Approve the recommended utility allocation request for the Fuquay-Varina Middle School as presented and recommended.

8F Utility Allocation Request - Springwoods Townes Subdivision - 39 Lots

Purpose – To consider a Utility Allocation Request for the Springwoods Townes Subdivision for 10,530 gpd water and 8,775 gpd sewer.

Recommendation – Approve the recommended utility allocation request for Springwoods Townes Subdivision 39 Lots as presented and recommended.

8G Budget Amendments - Recognizing Operating Revenues - Public Utilities Department - BA-22-34 and BA-22-35

Purpose – To consider budget amendments that recognize operating revenues for the Public Utilities Department water operations.

Recommendation – Approve Budget Amendment BA-22-34 and BA-22-35 as presented and recommended.

8H Resolution - Abatement Assessment - 411 Cherry Street

Purpose – To consider a resolution assessing the cost of Town abatement of a nuisance for 411 Cherry St, PIN 0656792838.

Recommendation – Approve a resolution to apply the cost of Town nuisance abatement as lien against 411 Cherry Street - PIN 0656792838. Resolution No. 22-1764

8I Surplus of Unit 118 - 2001 Pierce Dash Ladder Truck - Resolution Approving Conveyance of Property to a Nonprofit Organization - Project Ordinance Amendment (POA-22-13)

Purpose – To consider approving the surplus of Unit 118 - 2001 Pierce Dash Ladder Truck, consider adopting a Resolution approving conveyance of property to a Nonprofit Organization, and consider approval of Project Ordinance Amendment POA-22-13 in the amount of \$180,000 as presented and recommended.

Recommendation – Approve the Surplus of Unit 118 - 2001 Pierce Dash Ladder Truck, adopt a Resolution approving conveyance of property to a Nonprofit Organization and approve Project Ordinance Amendment POA-22-13 in the amount of \$180,000 for Fire Station 4 as presented and recommended. Resolution No. 22-1765

8J FY 2021-2022 Fee Schedule Amendment - Adding HNTPP Clubhouse Rental Fee

Purpose – To consider a fee schedule amendment to add a fee to rent Hilltop Needmore Town Park and Preserve Clubhouse.

Recommendation – Amend the FY 2021-2022 Fee Schedule by adding a HNTPP Clubhouse Rental Fee as presented and recommended. Ordinance No. N-22-16

A motion was made to approve all Consent Agenda items 8A-8J.

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

ITEMS REMOVED FROM CONSENT

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

ADMINISTRATIVE REPORTS

10A Infrastructure Agreement - Sippihaw Springs Subdivision

Purpose – To consider approval of an Infrastructure Agreement between the Town of Fuquay-Varina and RP Wellons Land and Development, L.L.C for utility improvements related to the Sippihaw Springs Subdivision.

Staff Comments – Public Utilities Director Mike Wagner entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

RP Wellons Land and Development, L.L.C., is developing property located at 1816 OLD BRAMBLE LN, (P.I.N. # 0676183978) as a single-family neighborhood named Sippihaw Springs Subdivision. The proposed 16-lot residential subdivision received utility allocation approval from the Town Board during its regular meeting on July 12, 2021.

The Town's development ordinances require RP Wellons Land and Development, L.L.C. to install an 8-inch diameter sewer main, allowing gravity sewer to flow through the subdivision to a connection point on S NC H.W.Y. 55. The sewer main installation in the subdivision provides the opportunity for the upstream Lake Stone Pump Station to be taken offline and gravity flow to the connection point on S NC H.W.Y. 55. As part of their project, and to allow gravity sewer to flow from existing neighboring developments, the developer has agreed to add additional sewer infrastructure that includes added sewer depth, maintenance manholes, and extending approximately 250-feet of the 8-inch sewer main. This additional sewer infrastructure will cause the Lake Stone Pump Station to be taken offline and gravity to flow through the subdivision. The cost for this additional sewer service infrastructure is \$75,585, for which the Town has agreed to reimburse the developer for constructing. In addition, the Town will decommission the Lake Stone Pump Station during future planning projects.

To establish reimbursement for the extension, an Infrastructure Agreement has been prepared. Elements of the agreement proposed for consideration are as follows:

1. The Developer shall design, build, and construct the development in accordance with Town Development Standards.
2. The Developer shall pay all applicable development fees, including system development fees, recreation unit fees, and other applicable fees as prescribed by the Town's Code of Ordinances and Annual Budget Ordinance and Fee Schedule.
3. The Town shall be indemnified and held harmless from any claims for damage of any kind.
4. Extending the sewer main will be based on the alternative bid pricing.
5. The Town's reimbursement will not exceed \$75,585.00.
6. The Agreement is in accordance with N.C.G.S. §160A-320.

Town management and staff have worked with the Town Attorney and RP Wellons Land and Development, L.L.C, on this agreement. Management and staff recommend approval of this agreement subject to the Town Attorney's review as to form.

This collections system reimbursement amount is not to exceed \$75,585.00. The Town's Enterprise Fund has established funds for infrastructure reimbursements. There are sufficient funds for this proposed reimbursement.

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

Recommendation – Authorize the Town Manager to execute an Infrastructure Agreement between the Town of Fuquay-Varina and Sippihaw Springs Subdivision as presented and recommended, subject to the Town Attorney approval as to form.

MOTION: Commissioner Gardner

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (5-0)

OTHER BUSINESS

11A Manager's Report

Town Manager Mitchell gave an updated on the following:

Arts Center – The Arts Center summer camp is off to a good start with registration and participation this year. Also, the new Arts Center theater new season schedule will soon be announced.

Parks & Recreation – Parks & Recreation summer camp is off to a good start with registration and participation this year. The department is also have been receiving input for the Hilltop Needmore Town Park and Preserve Master Plan. Fall Sports registration began today. The Parks & Recreation Department hired Mark Hassig as Recreation Superintendent.

Sanitation Department – The Sanitation Department hired Donald Cumbo as an equipment operator.

Planning Department – The Planning Department will be interviewing for the vacant Planner II position in the coming week. Planning Director Davison recently completed the UNC School of Government Community Development Academy. This is an intensive six day course which is designed for community development practitioners and covers the concepts, methods and strategies of community development. The course covered topics on community development, finance, affordable housing strategies and tools, the role of

economic development grant program, environmental finance, visioning and citizen participation, tools for group decision making, purchasing, and contracting, measuring success and grant management.

Administration - Teresa Wilder, Deputy Town Clerk received the designation of North Carolina Certified Municipal Clerk from the North Carolina Association of Municipal Clerks and the UNC School of Government.

Downtown Development Department - Dawn Russell and the FVDA will be hosting Dinner on Depot this coming Saturday.

Fire Department – The Fire Department participated in the “State’s Smoke Alarm Saturday”, this past Saturday, June 4th from 10:00 – 1:00 pm. They focused on the Lincoln Heights neighborhood. They checked 37 homes with 82 smoke detectors being installed. There were five homes that had no smoke detectors. The department had five teams working in the area and the following staff participated:

Deputy Fire Marshal Laura Hill

Deputy Chief Jim Jones and his wife Sherry

Division Chief Scott Daniels

Battalion Chief Garland Johnson

Fire Captain Josh Herring

Fire Marshall Buddy Walters and his wife Leanne

Deputy Fire Marshal Vinny Sferrazza

Fire Engineer Joe Carter

Fire Engineer Matt Nelson

Fire Fighter Juan Varela

Fire Fighter John Leonard

Senior Program Support Specialist Dana Johnson and her husband Jeff

Fire Chief Tony Mauldin

The Fire Department now has a recruitment brochure. Fire Chief Mauldin stated that they have partnered with Wake County and five other departments within Wake County to look at recruitment (non-certified) to hire and send to the Wake County Fire Academy for training and education to become full time with the Fuquay-Varina Fire Department. They are promoting this by conveying that an applicant could have a career within a year and working with the greatest Fire Department in Wake County. He also stated that there will be a Fire Career Expo this Saturday from 10:00 – 12:00 pm at the Fuquay-Varina Presbyterian Church at 309 North Ennis Street. Mayor Massengill stated that with the new fire station the Town will need more firefighters, and this is a way to attract personnel that will get paid to go to school. He thanked the Fire Chief for partnering with Wake County and bringing this to our area.

Human Resources Department – The Human Resources Department has been busy with administering the open enrollment process for employees with respect to benefits.

Police Department – The Police Department has been active with community engagement especially in our schools. They also have had two new hires; Broedy Smith and Kyle Fondaw.

Town Manager Mitchell stated that progress continues to be made on the Water Partnership Project and funding. He stated that Representative Erin Paré and Representative John Sauls, along with a handful of other representatives in the House, introduced a bill that aims to appropriate \$100 million towards the Regional Water Partnership that the Town is a member. The bill has been filed and will go through the process now. In addition, Senator Sydney Batch also introduced a bill to assist with funding on the project. He stated that he thought the House would be the one to take the lead on the bill and there are other elected officials that are working with federal government to appropriate funding for this project also.

Town Manager Mitchell thanked the elected officials that helped serve at the Town Employee's picnic. He stated that he had several employees comment on how good the food was. He thanked Commissioner Haynes for cooking the pig and turkey and the Town

will have to solicit his culinary skills again. He also thanked the directors and staff that helped served and clean up.

In addition, Town Manager Mitchell stated that he met with Brian Hicks who is the general manager of the Wake County Alcohol Beverage Commissioner. He handed out a brochure that was provided by Mr. Hicks that offers information on some of the things the ABC Commission is doing in Wake County to include building new stores because of growth. He stated that revenues from the sale of spirituous liquor comes back to each municipality and the Town has received between \$180,000-\$190,000 a year in revenue.

Town Manager Mitchell reported that the Fuquay-Varina Chamber of Commerce held Run the Quay this past weekend which was a huge success and he congratulated them on the event.

Town Manager Mitchell addressed the earlier question on how to access the tennis courts once the joint use agreement is executed. He stated that the courts would be available on weekends and after school but not during the day. He stated that they will educate the community through the Town's website, Parks & Recreation Department, social media and our staff will make sure those courts are accessible and available by unlocking the gates as part of the joint use agreement on those hours and days that it will be available to the public.

Town Manager Mitchell circled back to the earlier action taken by the Board to delay consideration of the Land Use Plan until July 11th. He stated that there are times when the Town receives input from individuals, property owners, developers and perhaps groups that represent certain interests. Management and staff always welcome the input, listen to the input, and will consider the input. The Town has gone through this process for numerous months, and he is very confident in the recommendation that staff is making with the plan. He shared that it is not uncommon to hear someone say that "the town didn't listen to me" when in fact the Town did, however management and/or staff simply did not agree. He asked if it was the Board's expectation that because additional input is given that management and staff should agree with that input and make a change to its recommendation. He stated that

staff listens to all input received doesn't always agree with it. He stated that for any input that is given in the next 35 days, staff is going to hear the input and consider it but if staff does not agree with it, he just wants to make sure that they are not going against the Town Board's expectations.

Mayor Massengill stated that staff should take any feedback that comes from the public. If someone gives input that staff has not thought of, and it would be a good recommendation then staff could amend the document. He stated that the takeaway from the Board members that voted to table this item until July 11, 2002 is for them to be able to review it and allow a chance for any citizens to review it and make any comments they may have.

Commissioner Gardner stated that she likes to hear that staff has heard input from citizens, but this is the recommendation from staff.

Commissioner Haynes stated that he has studied the plan and he understands that some of the Commissioners need a little more time to review it.

11B North Harnett Regional Wastewater Treatment Plant & Terrible Creek WWTP Reconciliation Reports

Purpose – To update the Town Board on the Town's wastewater treatment capacity at the North Harnett Regional Wastewater Treatment Plant and Terrible Creek Wastewater Treatment Plant.

Staff Comments – Public Utilities Director Mike Wagner entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

Attached are the May 2021 to April 2022 reconciliations of the North Harnett Regional Wastewater Treatment Plant (NHRWWTP) and Terrible Creek Wastewater Treatment Plant

(TCWWTP) permitted wastewater flow. The reconciliation process identifies development completed and contributing wastewater flow to the NHRWWTP in the Cape Fear River Basin and TCWWTP in the Neuse River Basin. Reconciliations of the permitted paper flow are used to determine available treatment capacity for future growth. Based on the NHRWWTP reconciliation, the available treatment capacity allocated to new development is 0.718 million gallons a day, with 0.657 million gallons a day available for the future. This reconciliation accounts for the 1.224 mgd, 12-month average day flow to the plant. Based on the TCWWTP reconciliation, the available treatment capacity allocated to new development is 1.128 million gallons a day, with 0.581 million gallons a day available for the future. This reconciliation accounts for the 1.290 mgd, 12-month average day flow to the plant.

Town staff is currently working to expand capacity for both the NHRWWTP and TCWWTP facilities.

- 11C Project Status Report - June 2022
- 11D Coffee with a Cop - Meridian at Broad Street Market Apartments - Tuesday, June 7, 2022 - 9:00 - 10:30 am
- 11E Hilltop Needmore Town Park and Preserve Master Plan Community Input Opportunity - HNTPP - June 13, 2022 - 4:00 - 6:30 pm
- 11F Independence Day Celebration - South Park - Friday July 1, 2022 - Gates Open at 6 pm
- 11G July Town Board Meeting - Monday July 11, 2022 - 7:00 pm - No meeting on July 4, 2022 or July 19, 2022
- 11H Local Officials Informational Meeting - NC 42/Hilltop Road Area Intersection Improvement Project (HL-0008K) - June 7, 2022; 4:00 PM

BOARD MEMBER COMMENTS

Commissioner Gardner - No comments.

Commissioner Harris – No comments.

Commissioner Haynes stated that he enjoyed Run the Quay event. He stated that Manifest will be held on June 18th and 19th. On June 18th will be for the middle school and high school students and on June 19th it will focus on Fathers. He reported that he had a great time at the picnic and heard a lot of good reviews on Chief Mauldin's green beans. He congratulated Planning Director Pam and Deputy Town Clerk Teresa Wilder for their continued education and certifications. He was glad to see the Fire Department on Saturday with the Smoke Detector Program and a lot of citizens were very thankful. He stated that he wanted to talk about Fuquay-Varina being inclusive and when talking about the LGBTQ community and that this Town Board represents everybody in the community and he just wanted to say that they are wanted, needed and not overlooked in the Town of Fuquay-Varina.

Commissioner Watson stated that the 18th annual Run the Quay was this past weekend and they had over 1,000 participants. It is also the 75th year for the Fuquay-Varina Chamber of Commerce. She also congratulated the High School graduates that will be graduating next week from both area high schools. She also expressed her excitement about a citizen, Lila Nathan, that is going to be featured on the TV Show American Ninja Warrior. She also encouraged everyone to attend Coffee with Cop tomorrow.

Mayor Pro-Tem Smith stated that he had the opportunity to represent the Town at the Rotary Club Flag for Heroes event on Memorial Day and it was a great event with some moving stories. He stated that he enjoyed Commissioner Haynes BBQ turkey. He also congratulated Planning Director Pam Davison and Deputy Town Clerk Teresa Wilder for their achievements.

Mayor Massengill congratulated Planning Director Pam Davison and Deputy Town Clerk Teresa Wilder for their achievements. He stated that Run the Quay was this past weekend and our very own Town Employee Adam Stevenson sung the National Anthem and did an excellent job. He stated that

the PTA at Ballentine Elementary School came up with Ice Cream with the Mayor and he would go into one class and read a book and have ice cream. Mayor Massengill brought Pints to the school, and they served ice cream to the entire second grade and teachers last week while he read the book Amelia Bedelia Becomes Mayor. He encouraged everyone to come out to Coffee with a Cop in the morning. He stated that Dinner on Depot was this coming Saturday and he hoped to see everyone at the dinner and to have their checkbooks to purchase the beautiful En Plein Air paintings at the auction.

The following items are Mayor Massengill's past and future events:

Past Events

5/18 – Chamber Board Meeting

5/18 – CAMPO Executive Meeting

5/20 – Ballentine Elementary Festival for Kids

5/24 – Pine Springs Preparatory Academy Recognition NC Wildlife Federation

5/25 – Speaking to Triangle Realtor Leadership Academy

5/26 – Town Employee Picnic

6/4 – Chamber Run the Quay

Upcoming Events

6/11 – Dinner on Depot

6/14 – FVDA Meeting

6/14 – Fuquay-Varina High School Graduation

6/15 – Chamber of Commerce Board Meeting

6/15 – CAMPO Executive Meeting

6/19 – Juneteenth Celebration

6/20 – Wake County Mayors Association Meeting

ADJOURNMENT

A motion was made to adjourn the meeting at 9:45 p.m.

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

The minutes from the June 6, 2022, Town Board of Commissioners regularly scheduled meeting are adopted this 21st day of June in the year 2022 in Fuquay-Varina, North Carolina.

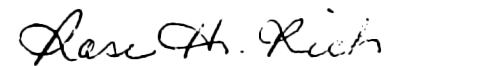
FUQUAY-VARINA, NORTH CAROLINA



J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)



Rose H. Rich, Town Clerk

