



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JUNE 16, 2020

CALL TO ORDER

Mayor John W. Byrne (physically present) called the regular meeting of the Fuquay-Varina Board of Commissioners to order on June 16, 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
Police Chief Laura Fahnestock

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 Marilyn Gardner provided the invocation and Police Chief Laura Fahnestock 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 at the beginning of the meeting, but there are no public hearings 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 they will need to notify the Town's meeting host 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 June 1, 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 Wunsch
MOTION RESULT: Passed Unanimously (5-0)

PRESENTATIONS

Agenda Item No. 4A There were no presentations for the June 16, 2020 Town Board meeting.

PUBLIC COMMENT:

Ty Ziglar, 847 Red Oak Tree Drive, invited members of the Town Board and the public at large to participate in the first annual Fuquay-Varina Unity Walk, scheduled for June 27, 2020 at 8:30 am, starting at South Park and ending at Falcon Park. She expressed her gratitude for the efforts of Police Chief Laura Fahnestock and the Fuquay-Varina

Police Department for creating opportunities for open dialogue between the department and the citizens of Fuquay-Varina as it relates to race relations.

Kanika Brown, 1001 S. Philwood Court, asked how the Fuquay-Varina Police Department is going to implement the "#8CantWait" campaign and how the Town and the Police Department plan to communicate their efforts with this pledge to the community. Town Manager Mitchell encouraged Ms. Brown to stay tuned for a presentation by Police Chief Fahnestock that will address this question later in the meeting. Commissioner Harris stated that it is important that the community is clear about the detailed recommendations, policies, and procedures of the Police Department. Town Manager Mitchell stated that the police department has not signed on to the "#8CantWait" campaign; however, the Police Department's policies align and, in some instances, exceed the "#8CantWait" recommended policies.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: There were no items tabled from a previous meeting for the June 16, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: There were no public hearings for the June 16, 2020 Town Board meeting.

CONSENT AGENDA

Agenda Item No. 8.A: Resolution of Support for the NCDOT Bicycle and Pedestrian Planning Grant Initiative Application

Purpose – To consider a resolution of support for the application of the NCDOT Bicycle and Pedestrian Planning Grant Initiative, which will provide funding for an updated Community Pedestrian Master Plan.

Recommendation – Approve a resolution of support for the pursuance of the NCDOT Bicycle and Pedestrian Grant Initiative Application as presented and recommended.

Resolution No. 20-1666

Agenda Item No. 8B: Voluntary Annexation Petition - Wake County Board of Education E-49 - PIN's 0666112040, 0666103333 and 0656910547, located at 1201, 1291 Bowling Road and 1121 S Main Street - ANX-2020-07

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 July 13, 2020, following the receipt of a petition for voluntary annexation of property owned by Wake County Board of Education (E-49) containing a total of approximately 80.96 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 July 13, 2020, for property owned by Wake County Board of Education (E-49) ANX-2020-07 as presented and recommended.

Resolution No. 20-1667
Resolution No. 02-1668

Agenda Item No. 8C: Voluntary Annexation Petition - Cypress Homes Inc. - PIN's 0665631862 and 0665631721, located at 9220 and 9224 Purfoy Road - ANX-2020-0

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 July 13, 2020, following the receipt of a petition for voluntary annexation of property owned by Cypress Homes Inc. containing a total of approximately 1.485 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 July 13, 2020, for property owned by Cypress Homes Inc. ANX-2020-08 as presented and recommended.

Resolution No. 20-1669
Resolution No. 20-1670

Agenda Item No. 8D: Voluntary Annexation Petition - Gala Construction, LLC - PIN's 0688203967 and 0688203884, located at 5605 and 5609 Hilltop Road - ANX-2020-09

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 July 13, 2020, following the receipt of a petition for voluntary annexation of property owned by Gala Construction, LLC containing a total of approximately 2.469 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 July 13, 2020, for property owned by Gala Construction, LLC ANX-2020-09 as presented and recommended.

Resolution No. 20-1671
Resolution No. 20-1672

Agenda Item No. 8E: FY 2021 Pay Grade and Position Classification Schedule

Purpose – To consider adoption of a revised pay grade and position classification schedule.

Recommendation – Adopt the revised pay grade and position classification schedule as presented and recommended.

Agenda Item No. 8F: Town Code Amendment - Speed Limit Reduction - England Avenue and Powell Drive - 35 mph to 25 mph

Purpose – To consider approving an ordinance amendment to change the speed limit on England Avenue and Powell Drive from 35 mph to 25 mph.

Recommendation – Approve a Town Code Amendment to change the speed limit on England Avenue and Powell Drive from 35 mph to 25 mph. as recommended and presented. **Ordinance No. M-20-02**

Agenda Item No. 8G: Budget Amendment - Recognize Funds - Fuquay-Varina Junior Women's Club and Exchange Club - Fire Department - BA-20-28 - \$650

Purpose – To consider a budget amendment to recognize funds in the amount of \$500 from the Fuquay-Varina Junior Women's Club to be used for the Fire Department's Child Passenger Safety Seat Program. The budget amendment also includes funds in the amount of \$150 from the Fuquay-Varina Exchange Club to help support the Fire Department's Smoke Detector Program.

Recommendation – Approve Budget Amendment BA-20-28 as presented and recommended.

Agenda Item No. 8H: Budget Amendment - Transfer Economic Development Restricted Fund Balance - BA-20-29 - \$700,000

Purpose – To consider a budget amendment in the amount of \$700,000 to appropriate restricted fund balance for economic development in the General Fund to be transferred to the Capital Project fund for the Downtown Mixed-Use Project as approved during the FY 20 Five Year Plan.

Recommendation – Approve budget amendment BA-20-29 as presented and recommended.

Mayor Pro-Tem Massengill asked if approval of Consent Agenda Item 8H would come back to the Town Board for specific approval of a project that these funds would be used for. Town Manager Mitchell stated yes, the Town Board would have to take action on a specific matter before these funds are dispersed.

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Contract Award, Budget Amendment and Project Ordinance Amendment - Willow Lakes Town Park - \$42,000 - BA-20-26

Purpose – To consider award of the Willow Lakes Town Park Irrigation/Sod Project to NoDrought Irrigation, Lighting & Landscaping, approval of budget amendment BA-20-26 and a Project Ordinance Amendment in the amount of \$42,000.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided general information regarding the matter and made the following remarks.

Willow Lakes Town Park master plan includes two multipurpose fields, a comfort station/restroom, future community center or similar recreational facility, as well as future parking on Town park property. In an effort to promote efficient site design, responsible use of tax dollars, and facilitate better construction project management, the Town entered into joint master planning and design with the school project team, and agreed to include the initial site development of Willow Lakes Town Park in the bid package for South Lakes Elementary School. Under the terms of the ILA, the Town is responsible for the costs attributable to the Town's park program. The bid package for South Lakes Elementary School also included a number of bid alternates for optional Town park components to include field irrigation, an additional parking lot on Town property, and a permanent restroom facility. At the time of the bid opening in January 2019, it was clear that the bid alternate pricing was not favorable to the Town and could not be supported by the project budget, therefore all alternates were rejected. Town and WCPSS Facility Design and Construction staff have worked collaboratively since January 2019 to arrive at a cost allocation for Town site development costs that are fair and reasonable to all parties. The agreed upon cost of \$388,804 includes the Town's proportionate share (based on stormwater calculations) of stormwater infrastructure, including storm drainage and a shared stormwater pond (sized to support full development of the site per the master plan), grading, seeding, sediment and erosion control, and site utilities (which will accommodate the comfort station/restroom). With \$168,768 remaining in the project budget, Town staff solicited informal bids for installation of irrigation and sod to provide better play and durability of the 2 fields. The Town received a total of four bids for the irrigation and sod installation, the lowest bidder is NoDrought Irrigation, Lighting & Landscaping at \$200,000. Management and staff recommend approval of a budget

amendment and Project Ordinance Amendment in the amount of \$42,000 utilizing a surplus of Rec Unit Fees to bridge the shortfall between budget and cost. This budget amendment includes a 5% contingency.

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

Recommendation – Approve Budget Amendment BA-20-26 and Project Ordinance Amendment for the Willow Lakes Town Park Irrigation/Sod installation in the amount of \$42,000 as presented and recommended. Authorize the Town Manager to execute a contract with NoDrought Irrigation, Lighting & Landscaping in the amount of \$200,000, subject to Town Attorney review as to form.

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

Ordinance No. N-20-17

OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported the Town is still monitoring the COVID-19 pandemic and that cases are going up. In North Carolina, there are 829 individuals in the hospital, 74% hospital and ICU bed capacity are in use and 28% of hospitalized individuals are on a ventilator. Three residents at Windsor Pointe have tested positive and Fuquay-Varina has 48 test positive cases since testing began.
 - Reported that Assistant Town Manager Matthews and Finance Director Crabtree have submitted the reimbursement for the first phase of COVID-19 expenses and the Town will likely submit another reimbursement at a later date.
 - Reported that the Finance Department is working on the fiscal year end close-out process.
 - Reported that the IT Department is working on filling a vacancy and implementing IT initiatives.
 - Reported that the Arts Center is doing limited youth summer activities with 6 people in each session. Staff is looking into outdoor classes. The Bengal cubs search has been very popular in the downtown area.
 - Reported that the Public Works Department is staying busy with garbage, recycling and yard debris. They are continuing to communicate to citizens about the new way for disposing of yard debris.
 - Reported that the Town Manager and Assistant Town Manager attended the virtual NCLM City Vision Annual Conference and shared some of the comments related to an economic forecast post COVID-19.
 - Reported that the Economic Development Department will be interviewing in the next week for the Director position.
 - Reported that Allyssa Stafford and Josh Juris were promoted to Senior Planners.

- Reported that the Inspections Department has done 32 new single family permits as of June 16.
- Reported that the Engineering Department has an employee that will be retiring at the end of the week; Ron Nessary, Field Inspector.
- Reported that the Police Department has an employee that will be retiring; Captain Jeff Dunn on October 1st, but his last day will be September 8th.
- Reported that the Fuquay-Varina Unity Walk will take place on June 27, 2020 beginning at Southpark at 8:30 am and will end at Falcon Park. Town Manager Mitchell and Mayor Byrne recommended that wearing a face mask during the event is advisable.

Town Manager Mitchell then asked Police Chief Fahnestock to make a presentation regarding the Police Department's efforts towards Community Policing, Police Department Polices, and "8Can'tWait" Campaign. Police Chief Fahnestock gave a detailed report of the Police Department Policies and procedures that coincide and align with the "#8Can'tWait" campaign, which is a campaign to bring immediate change and positive reform to Police Departments around the country. She stated that in most instances the Fuquay-Varina Police Department policies and procedures exceed the campaign's recommendations. Chief Fahnestock advised that these policies and procedures will be shared with the Town Board and online for public availability. Town Manager Mitchell stated that the Town's website will soon feature a "Transparency Portal" to make it easier for citizens to find information on many of the Town's departments, including the police department.

- B. REMINDER: Independence Day Fireworks Celebration - July 3, 2020 – Cancelled
- C. REMINDER: July Town Board Meeting - July 13, 2020 - 7:00 pm - No Meeting on July 6, 2020
- D. REMINDER: July 21, 2020 Town Board Meeting – Cancelled
- E. Project Update - James A. Campbell Park and Willow Lakes Park Restrooms - \$320,000 – Town Manager Mitchell reported on the status of the restroom facilities proposed for the James A. Campbell Park and the Willow Lake Park. These restroom facilities were put together in an effort to attract lower bids prices for the proposed facilities. He advised that although the cost per facility was lower than the initial bid for the James A. Campbell Park restroom alone, that bids still came back above the budgeted amount, and he recommended that the Town Board revisit these projects at a later time. Commissioner Harris expressed disappointment that the Town will not move forward with the restroom project at James A. Campbell Park, seeing that there has been an expectation from the citizens that a facility would be built soon. The Town Board requested that the Town Manager report back additional information and perhaps a schedule at the next Town Board meeting for how these restroom projects can be completed.
- F. Zoning Map Amendment - William Barker, Barker Construction Group - 201, 203, 205 & 207 E Ransom Street - PINs 0666052374, 0666054316, 0666055432, & 0666056364 - REZ-2020-06 - (Mitchell/Seymour/Davison) - (FIRST READING)

- G. Zoning Map Amendment - Glenda Toppe, Glenda S Toppe and Associates - 1201 & 1291 Bowling Road and 1121 & 1125 S Main Street - PINs 0666112040, 0666103333, 0656819335, & 0656910547 - REZ-2020-07 - (Mitchell/Seymour/Davison) - (FIRST READING)
- H. Zoning Map Amendment - Par 5 Holding, LLC - 7086 & 7088 Kennebec Road and 1729 & 1733 NC 42 Highway - PINs 0677903220, 0677904008, 0677902064 & 0676994917 - REZ-2020-08 - (Mitchell/Seymour/Davison) - (FIRST READING)

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill asked for an update at the next meeting on cleanup of abandoned buildings and property in the Lincoln Heights area.

Commissioner Smith thanked the Town Board and Police Department for their support and reaching out to his family during the passing of his father-in-law.

Commissioner Harris stated that he had no further comments.

Commissioner Wunsch stated that he had no further comments.

Commissioner Gardner thanked the Town Manager and Police Chief for the Police Department Policy presentation tonight.

Mayor Byrne stated that he attended the Wake County Mayor's Association meeting last night and it was the first time they had gotten together since COVID-19. He stated that they spent a lot of time talking about COVID-19 and policing. He advised everyone to be safe and stay home if possible. He then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

- 6/4 – Centennial Authority Meeting
- 6/15 – Wake County Mayor's Association Meeting

Upcoming Events

- 6/17 – CAMPO Meeting

ADJOURN

A motion was made to adjourn the meeting at 9:12 p.m.

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

Adopted this the 13th day of July 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

