



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
JULY 13, 2020

CALL TO ORDER

Mayor John W. Byrne (physically present) called the regular meeting of the Fuquay-Varina Board of Commissioners to order on July 13, 2020 at 7:00 p.m. This meeting was conducted using the Zoom media platform due to state mandates for social distancing to prevent the spread of the COVID-19 Novel Coronavirus.

Mayor Byrne made brief comments regarding various virtual meetings that he has attended with state and local representatives in regard to the reopening of schools and businesses and encouraged everyone to continue to wear masks, practice social distancing and to wash hands often to help prevent the spread of the Coronavirus.

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

Commissioners Absent: None

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

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

INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Smith provided the invocation and Mayor Pro-Tem Massengill led the Pledge of Allegiance.

Virtual Meeting Protocol and Instructions

Mayor Byrne asked Town Manager Mitchell to read aloud the virtual meeting protocol and instructions for public participation. Town Manager Mitchell stated that anyone wishing to participate in the meeting would need to either join using the Zoom media application or call into the Zoom meeting with the provided list of phone numbers on the Town's website. Once joined, their microphones will be muted by the meeting host (IT Director Scott Clark). Town Manager Mitchell advised that there is a public comment period, and several public hearings that are scheduled for tonight's meeting. The only time that the public will be able to address the Town Board will be during the public comments period at the beginning of the meeting and during the public hearings. 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 16, 2020 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

PRESENTATIONS

Agenda Item No. 4A There were no presentations for the July 13, 2020 Town Board meeting.

PUBLIC COMMENTS:

Dana Vaughan of 1612 Bowling Road, representing the "Love Thy Neighbor Ministry" of the First United Methodist Church, spoke regarding the need for a permanent bathroom facility at James A. Campbell Park. She stated that the ministry, along with other church ministries meet there on the first Wednesday of the month to partner with the surrounding neighborhood for an evening of fellowship, food, and worship. She stated that there are also other church ministries that meet at the park for the same purpose on the other Wednesdays of the month. She stated that while there is a portable toilet at the park, the park would benefit greatly from a more permanent solution. She encouraged the Town Board to find a way to have a sanitary and readily accessible bathroom facility at the James A. Campbell Park.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: There were no items tabled from a previous meeting for the July 13, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: Town Code Amendment - Adcock Law Firm, PA - Cross-Access - CTA-2019-06

Purpose – To consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Article M Thoroughfares, Drainage, and Utility Standards, Sections 9-1606, f. and 9-1655, to revise language pertaining to cross-access.

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 proposed Town Code Amendment to include the following remarks.

The Town's Land Development Ordinance (LDO) currently requires cross-access between adjacent lots for the purposes of emergency service expediency, service of public utilities, and to permit cross traffic between parcels in an effort to improve mobility and reduce main road congestion. Cross-access is currently required regardless of land use or zoning. Discussion regarding the requirement of cross-access to all adjacent parcels without exception for land use incompatibility has been ongoing between the petitioner and staff. The petitioner, John B. Adcock, on behalf of Hilltop Freewill Baptist Church of Fuquay-Varina, The Church of Jesus Christ of Latter-day Saints, and the St. Raphael of Brooklyn Antiochian Orthodox Mission, is requesting

to amend the ordinance related to cross-access requirements. While Town management and staff support amending this standard to include parameters for specific exemptions to the cross-access requirements, amendment to the extent requested by the petitioner's proposed language is not supported. The LDO serves as a document that applies to many situations and has been developed to be reasonable and in the best interest of the public. Staff believe that the petitioner's proposed language overly relaxes the standard and the intent thereof. Therefore, staff and management have worked with the petitioner to come up with a mutually agreeable amendment on two portions of the LDO, which are outlined herein. Section 1, Article M: - This section has been entirely rewritten to provide clarity to both 9-1606 f. and 9-1655. A more thorough understanding of the expectations for cross-access has been outlined. Additionally, exceptions to the cross-access requirement have been provided, where they were not provided previously. Both staff and the petitioner feel that these revisions are necessary in order to increase ease of use and enforcement of the LDO. Management and staff recommend approval of CTA-2019-06. It is reasonable and in the best interest of the public, as it improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allows for ease of use and enforcement, specifically with regard to the Town's current standards. At the May 18, 2020 regular meeting, the Planning Board unanimously voted to recommend approval, finding it reasonable and in the best interest of the public for the reasons identified by staff. Upon recommendation for approval by the Planning Board, the petitioner requested that consideration be delayed to the July 13 regular meeting of the Town Board in order to provide for the 30-day appeal period in accordance with the letters of interpretation.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or opposition to the 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-2019-06, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town 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: Mayor Pro-Tem Massengill

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. PZ-20-05

Agenda Item No. 7.B: Zoning Map Amendment - William Barker, Barker Construction Group - 201, 203, 205 & 207 E Ransom Street
- PINs 0666052374, 0666054316, 0666055432, & 0666056364
- REZ-2020-06

Purpose – To consider a requested Zoning Map Amendment for a total of 6.26 acres, located at 201, 203, 205 & 207 E Ransom Street, from the Office & Institutional (O&I) Zoning District to the Residential High Density Conditional Zoning District (RHD-CZD),

and the corresponding Land Use Plan Amendment from Town Center Residential (TCR) to Multifamily Residential (MFR).

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 made the following remarks.

The subject properties total 6.26 acres and are located in the Town's corporate limits. Three (3) of the four (4) parcels are currently the site of multi-family residential buildings, with a total of 36 units. The fourth parcel is undeveloped and forested. The zoning map amendment petition requests approval of the Residential High-Density Conditional Zoning District (RHD-CZD), which is intended to permit proposed residential development and existing single-family dwelling units, duplex, triplex, and quadplex residential uses, and to provide for multi-family high density urban residential zoning lot development. The petitioner has requested the following condition for permitted uses be made applicable to the subject properties:

The following Use Classification groups shall be excluded from consideration as uses on the subject properties:

- 1) Assembly
- 2) Community Services
- 3) Government Facilities & Services
- 4) Medical Offices & Facilities
- 5) Places of Worship
- 6) Utilities
- 7) Communication
- 8) Public Lodging
- 9) Retail Sales & Services
- 10) Vehicle Equipment, Manufactured Home Sales & Services

The petitioner has requested the following site-specific condition be made applicable to the subject properties:

- 1) Maximum density of 12 dwelling units per acre Surrounding properties are primarily residential, with a mix of densities, but also some remain undeveloped.

The Bailey Place Apartment Complex is east of the subject properties, and individual single-family homes are located to the north, south, and west. Additionally, to the west is an undeveloped property owned by the Emmanuel Holiness Church. The 2035 Community Vision Land Use Plan (LUP) calls for the Town Center Residential (TCR) Classification at the subject properties. The TCR Classification calls for a property to support a mix of densities, from medium to high-density in proximity to the two downtown districts. Although the requested zoning district is not consistent with the 2035 LUP classification, the petitioner has included a Land Use Plan Amendment along with this zoning map petition, which will be described later in this report. Public water and sewer are available to serve the subject properties. The subject properties have access to E Ransom Street and Dickens Street, which are classified by the 2035 Community Transportation Plan (CTP) as local streets. NCDOT maintains neither street nor as such, traffic counts are not available. The petitioner held the neighborhood meeting on May 20, 2020, via web meeting. The meeting report is attached, and the

staff takes no position as to its content. The 2035 Community Vision Land Use Plan (LUP) calls for the Town Center Residential (TCR) Classification at the subject properties; however, the petitioner is requesting a Land Use Plan Amendment to the Multifamily Residential (MFR) Classification. As previously described, this classification is incompatible with the petitioner's request of RHD-CZD. The petitioner is requesting an amendment to the 2035 LUP that classifies the subject property as Multifamily Residential (MFR), which is better suited to accommodate the current, and proposed to be continued, use of multi-family residential. This amendment supports the LUP's Recommendation, LU.4 - Encourage Infill Development & Redevelopment Inside Town Limits, which encourages the use and reuse of properties in Town Limits to promote their highest and best use. Additionally, this amendment supports H.3 - Don't Lose Affordability for similar reasons. As such, the requested Land Use Plan Amendment is consistent with the 2035 LUP and its vision. The Land Use Plan Amendment, if approved, would allow for the site to be redeveloped more consistently and appropriately as it relates to the proposed use and surrounding area.

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

- 1) Although the requested zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan classification of Town Center Residential, the petitioner has opted to request a change of the Land Use Plan to Multifamily Residential, which is more appropriate to the current use, proposed use, and location.
- 2) The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan's recommendations LU.4 - Encourage Infill Development & Redevelopment Inside Town Limits and H.3 - Don't Lose Affordability.
- 3) The requested zoning map amendment would better conform to the surrounding uses and provide for the ability to better develop the property for its intended use.

At the June 15, 2020, regular meeting, the Planning Board unanimously voted to recommend approval, finding it reasonable and in the best interest of the public for reasons identified by staff.

Public Hearing – The public hearing was opened. Danny L. Howell Jr., PE, of Real Engineering Inc., 2904 Plaza Place, Raleigh, spoke in favor to the request on behalf of the petitioner. No one chose to speak in opposition to the proposed zoning map amendment. The public hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked about special conditions on this request and stated that he feels that the Town is not holding everyone to the same residential development standards for aesthetics. Town Manager Mitchell advised that this particular project is a continuation of existing apartment units, and then advised that commercial development, which apartment complexes fall under, have specific aesthetic standards that they must meet. He stated that these standards are typically above and beyond what is considered for residential development. Town Manager Mitchell also acknowledged that there are some aesthetic conditions for new

development multi-family that the Town Board may wish to consider (e.g. variation in color schematics between buildings).

Recommendation – Approve REZ-2020-06, a zoning map amendment at 201, 203, 205 & 207 E. Ransom Street, from the Office & Institutional (O&I) Zoning District to the Residential High Density Conditional Zoning District (RHD-CZD), and the corresponding land use plan amendment from Town Center Residential (TCR) to Multifamily Residential (MFR). The proposed zoning map amendment, with corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and both are reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.C: Voluntary Annexation Petition - Wake County Board of Education E-49 - PINs 0666112040, 0666103333 and 0656910547, located at 1201, 1291 Bowling Road and 1121 S Main Street - ANX-2020-07

Purpose – To consider an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina following receipt of a petition for voluntary annexation to include property owned by Wake County Board of Education (E-49) containing a total of approximately 80.96 acres.

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

The property contains approximately 80.96 acres with road access at 1201, 1291 Bowling Road and 1121 S Main Street. The property is contiguous to the Town's Corporate Limits. Water and sewer is available to the property. At the June 16, 2020 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation and the Town Clerk certified at that time the petition was sufficient and meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the July 13, 2020 Town Board meeting.

Public Hearing – The public hearing was opened. Glenda Toppe, of Glenda S. Toppe & Associates, 4139 Gardenlake Drive, Raleigh, spoke in favor to the request on behalf Wake County Public School System. No one chose to speak in opposition to the request. The public hearing was closed.

Discussion – Mayor Byrne thanked Ms. Toppe for working with the Town on this project.

Recommendation – Adopt an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina to include property owned by Wake County Board of Education (E-49) ANX-2020-07 as presented and recommended.

MOTION: Mayor Pro-Tem Massengill

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (5-0)

Ordinance No. N-20-18

Agenda Item No. 7.D: Zoning Map Amendment - Glenda Toppe, Glenda S Toppe and Associates - 1201 & 1291 Bowling Road and 1125 & 1121 S Main Street - PINs 0666112040, 0666103333, 0656819335, & 0656910547 - REZ-2020-07

Purpose – To consider a requested Zoning Map Amendment for a total of 81.664 acres, located at 1201 & 1291 Bowling Road and 1125 & 1121 S Main Street, from the Residential Agricultural (RA) and Heavy Industrial (HI) Zoning Districts to the Office & Institutional Conditional Zoning District (O&I-CZD), and the corresponding Land Use Plan Amendment from Small-Scale Commercial Center (SSCC), Small-Lot Residential (SLR), and Civic and Institutional (CIV) to entirely Civic and Institutional (CIV).

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

The subject properties total 81.664 acres. Three (3) of the four (4) parcels are located in the Town's extraterritorial jurisdiction, and the fourth is within the Town's corporate limits. The southeastern most parcel is the site of the Town's decommissioned Kenneth Creek Wastewater Treatment Plant, that the Town recently sold to the Wake County Public School System. The three (3) parcels within the Town's ETJ are the subject of annexation petition ANX-2020-07, currently under consideration by the Town Board. The zoning map amendment petition requests approval of the Office & Institutional Conditional Zoning District (O&I-CZD). This zoning district is intended to permit public uses, as well as professional and general office and institutional uses with public utilities.

The petitioner has requested the following condition pertaining to permitted uses be made applicable to the subject properties. The following Use Classification Groups shall be excluded from consideration as uses on the subject properties:

- 1) Public & Civic Uses: Financial Institutions, and Medical Offices & Facilities uses
- 2) Commercial Uses: Public Lodging, and Retail Sales and Services Uses
- 3) Residential Uses

Surrounding properties are primarily residential, but additionally vacant, agricultural, and religious uses. More specifically, future and existing single-family residential structures occupy the properties to the north as part of the South & Main and Phillips Pointe Subdivisions, and to the south and southeast as parts of the Theys Mill and Neils Crossing Subdivisions. The Faith Missionary Baptist Church occupies property to the southwest. The 2035 Community Vision Land Use Plan (LUP) calls for the Small-Scale

Commercial Center (SSCC), Small-Lot Residential (SLR), and Civic and Institutional (CIV) at the subject properties. Although the requested zoning district is not consistent with the 2035 LUP classifications, the petitioner has included a Land Use Plan Amendment along with this zoning map petition, which will be described later in this report. Public water and sewer are available to serve the subject properties and will be installed with future development. The subject properties are located along and have access to S Main Street, Bowling Road, and Kenneth Branch Drive. Bowling Road and Kenneth Branch Drive are classified as local streets by the Town's 2035 Community Transportation Plan (CTP). No traffic count data is available. S Main Street is classified as a 120-foot right-of-way by the Town's 2035 Community Transportation Plan (CTP). This street is identified as a four-lane median-divided road with sidepaths, with a carrying capacity of 31,600 average daily trips (ADT). It is currently a two-lane road with a carrying capacity of 11,200 ADT. 2017 NCDOT traffic counts near the property indicate a volume of 11,000 ADT. 2019 NCDOT traffic counts were not available. The petitioner held a neighborhood meeting on May 21, 2020 via web meeting, and the meeting report is attached. Staff takes no position as to its content. The petitioner is requesting a land use plan amendment to the Civic and Institutional (CIV) Classification across the entirety of the subject properties. SSCC and SLR Classifications are incompatible with the proposed O&I-CZD zoning district.

This requested amendment is justified and reasonable for the following reasons:

- 1) The 2035 Community Vision Land Use Plan describes the Civic and Institutional Classification as land developed to support a building or complex of buildings that serve a public purpose.
- 2) Recommendation CF.3 – Safeguard Our Access to Quality Education underscores the importance of ensuring the future of quality education in the area.
- 3) The Civic and Institutional Classification better conforms to the surrounding land uses and provides a reasonable and acceptable transition to the school from the adjacent residential uses.

Management and staff recommend approval of the proposed Zoning Map Amendment and corresponding Land Use Plan Amendment. Both are consistent with the 2035 Community Vision Land Use Plan and reasonable and in the best interest of the public for the following reasons:

- 1) Although the requested zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan classification of Small-Scale Commercial Center, Small-Lot Residential, and Civic and Institutional, the petitioner has opted to request a change of the Land Use Plan to Civic and Institutional, which would be more conducive to the petitioner's request of the O&I-CZD zoning district.
- 2) The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan's recommendations CF.3 - Safeguard Our Access to Quality Education.
- 3) The requested zoning map amendment would better conform to the surrounding uses and provide a reasonable transition to the subject property from the adjacent residential neighborhoods.

At the June 15, 2020 regular meeting, the Planning Board unanimously voted to recommend approval, finding it reasonable and in the best interest of the public for the reasons identified by staff.

Public Hearing – The public hearing was opened. Glenda Toppe of Glenda S. Toppe & Associates, 4139 Gardenlake Drive, Raleigh, spoke in favor of the petition on behalf of the Wake County Public School System and she thanked Town staff for working diligently through this process. No one chose to speak in opposition to this zoning map amendment request. The hearing was closed.

Discussion – Mayor Pro-Tem Massengill asked if staff would have any impact on the design of road improvements as it relates to stacking and queuing. Town Manager Mitchell stated that the road improvements would be consistent with the Town's Community Transportation Plan and that Town staff will have input on the street network design during the site plan review phase.

Recommendation – Approve REZ-2020-07, a zoning map amendment at 1201 & 1291 Bowling Road and 1125 & 1121 S Main Street, from the Residential Agricultural (RA) and Heavy Industrial (HI) Zoning Districts to the Office & Institutional Conditional Zoning District (O&I-CZD), and the corresponding land use plan amendment from Small-Scale Commercial Center (SSCC), Small-Lot Residential (SLR), and Civic and Institutional (CIV) to entirely Civic and Institutional (CIV). The proposed zoning map amendment, with corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and both are reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.E: 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

Purpose – To consider requested a zoning map amendment at 7086 & 7088 Kennebec Road and 1729 & 1733 NC 42 Highway, from the Office & Institutional (O&I) Zoning District to the General Commercial Conditional Zoning District (GC-CZD), and the corresponding land use plan amendment from Small-Scale Commercial Center (SSCC) and Large-Lot Residential (LLR) to entirely Small-Scale Commercial Center (SSCC).

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

The subject properties total 1.95 acres and are located in the Town's extraterritorial jurisdiction (ETJ). The properties are currently the site of a single-family home and its

associated outbuildings. The zoning map amendment petition requests approval of the General Commercial Conditional Zoning District (GC-CZD). The petitioner is requesting the following conditions applicable to the use of the subject properties: Only the following uses shall be permitted:

- 1) Banquet Hall/Cultural Adaptive use
- 2) Conference Center
- 3) Bank/Credit Union
- 4) Medical Offices
- 5) Greenways
- 6) Restaurants/Food Services & Sales
- 7) Office, Business/Professional
- 8) Bed & Breakfast/Inn
- 9) Indoor Recreation
- 10) Retail Sales & Services
- 11) Bulk Good, Retail
- 12) Health Club Spa
- 13) Personal Service
- 14) Seasonal/Outdoor Sales Display
- 15) Shopping Center
- 16) Vehicle Parts & Accessories, Retail
- 17) Accessory Units
- 18) Business Incubator
- 19) Flex Space
- 20) Animal Hospital/Veterinary Clinic

Surrounding properties are a mix of commercial and medium-density residential uses. To the north, south, and west lie single-family residential homes and undeveloped farmland. Across the intersection to the northeast lies the Willow Springs School Park, an extension of the Willow Springs Elementary campus. Additionally, to the east and southeast are multiple commercial properties, and single-family homes beyond those. The 2035 Community Vision Land Use Plan (LUP) calls for the Small-Scale Commercial Center (SSCC) and Large-Lot Residential (LLR) Classifications at the subject properties. The LLR Classification calls for property that is typically formed as a neighborhood for single-family detached homes with uniform housing densities. The SSCC Classification is consistent with the proposed zoning map amendment. Although the requested zoning district is not consistent with a portion of the 2035 LUP classification of LLR, the petitioner has included a Land Use Plan Amendment along with this zoning map petition. Public water is available to serve the subject property. Public sewer is not available at this time. The subject properties are located have access to Kennebec Road and NC 42 Hwy, the former of which is classified as a local street, and the latter of which is classified as a 120-foot right-of-way by the 2035 Community Transportation Plan (CTP). NC 42 Hwy is identified as a four (4)-lane median divided road with sidepaths with a carrying capacity of 40,500 average daily trips (ADT). It is currently a two (2)-lane road with a carrying capacity of 20,200 ADT. 2017 NCDOT traffic counts taken approximately one mile east of the property on NC 42 Hwy indicate a volume of 15,000 ADT. 2019 traffic counts are not available. The petitioner held a neighborhood meeting on May 21, 2020 via web meeting. The petitioner is requesting a Land Use Plan Amendment to the include the entire property under the Small-Scale Commercial Center Classification. As previously described, the LLR classification is incompatible with the petitioner's request of GC-CZD. The petitioner is requesting an

amendment to the 2035 LUP that classifies the subject property as entirely SSSC, which is better suited to accommodate the proposed use of commercial. This amendment supports the LUP's Recommendation, CF.1 - Invest in Existing Growth Areas, which encourages development along growth corridors like NC 42 Hwy. As such, the requested Land Use Plan amendment is consistent with the 2035 LUP and its vision. The Land Use Plan Amendment, if approved, would allow for the site to be redeveloped in a more consistent and appropriate manner as it relates to the proposed use and surrounding area.

Management and staff recommend approval of the proposed zoning map amendment with corresponding land use plan amendment as they are consistent with the 2035 Community Vision Land Use Plan and reasonable and in the best interest of the public for the following reasons:

- 1) Although the requested zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan classification of Large-Lot Residential, the petitioner has opted to request a change of the Land Use Plan to entirely Small-Scale Commercial Center, which is more appropriate to the proposed use and location.
- 2) The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan's recommendations CF.1 - Invest in Existing Growth Areas.
- 3) Conditions proposed by the petitioner effectively limit future development so that it is compatible with the surrounding areas.

At the June 15, 2020 regular meeting, the Planning Board unanimously voted to recommend approval, finding it reasonable and in the best interest of the public for reasons identified by staff.

Public Hearing – The public hearing was opened. Thomas Neville, an attorney representing the petitioner, 3610 Linden Road, Linden, NC spoke in favor of the request, and he stated that he feels that the proposed zoning map amendment would be a good fit. No one chose to speak in opposition to the request. The public hearing was closed.

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

Recommendation – Approve REZ-2020-08, a Zoning Map Amendment at 7086 & 7088 Kennebec Road and 1729 & 1733 NC 42 Highway, from the Office & Institutional (O&I) Zoning District to the General Commercial Conditional Zoning District (GC-CZD), and the corresponding Land Use Plan Amendment from Small-Scale Commercial Center (SSCC) and Large-Lot Residential (LLR) to entirely Small-Scale Commercial Center (SSCC). The proposed zoning map amendment, with corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and both are reasonable and in the best interest of the public for the reasons identified by management and staff.

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

Agenda Item No. 7.F: Voluntary Annexation Petition - Cypress Homes Inc. - PIN's 0665631862 and 0665631721, located at 9220 and 9224 Purfoy Road - ANX-2020-08

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 Cypress Homes Inc. containing a total of approximately 1.485 acres.

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

The property contains approximately 1.485 acres with road access at 9220 and 9224 Purfoy Road. The property is non-contiguous to the Town's corporate limits. Water and sewer services are available to the property. At the June 16, 2020 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. During the June 16 meeting, the Town Clerk certified the petition was sufficient and meets the requirements prescribed by the North Carolina General Statutes. The Town Board also adopted a resolution setting a public hearing for the July 13, 2020 Town Board meeting.

Public Hearing – The public hearing was opened. Wayne Mauldin of Mauldin-Watkins Surveying, 1301 Board Street, Fuquay-Varina, spoke in favor to the request on behalf of the petitioner. No one chose to speak in opposition to the request. The public hearing was closed.

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

Recommendation – Adopt an annexation ordinance extending the corporate limits of the Town of Fuquay-Varina to include property owned by Cypress Homes Inc. ANX-2020-08 as presented and recommended.

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

Ordinance No. N-20-19

Agenda Item No. 7.G: Voluntary Annexation Petition - Gala Construction, LLC - PINs 0688203967 and 0688203884, located at 5605 and 5609 Hilltop Road - ANX-2020-09

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 Gala Construction, LLC, containing a total of approximately 2.469 acres.

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

The property contains approximately 2.649 acres with road access at 5605 and 5600 Hilltop Road. The property is non-contiguous to the Town's corporate limits. Water service is available to the property, but sewer is not yet available. The petitioner has signed a declaration of annexation agreement waiving Town sewer services. At the June 16, 2020 meeting, the Town Board instructed the Town Clerk to investigate the sufficiency of the applicant's petition for voluntary annexation. During the June 16 meeting, the Town Clerk certified 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 July 13, 2020, Town Board meeting.

Public Hearing – The public hearing was opened. No one spoke in favor or opposition to the proposed annexation petition. The hearing was closed.

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

Recommendation – Adopt the annexation ordinance to extend the corporate limits of the Town of Fuquay-Varina to include property owned by Gala Construction, LLC ANX-2020-09 and to approve the Declaration of Annexation Agreement as presented and recommended.

MOTION: Commissioner Smith
SECOND: Commissioner Gardner
MOTION RESULTS: Passed Unanimously (5-0) **Ordinance No. N-20-20**

CONSENT AGENDA

Agenda Item No. 8.A: Resolution of Support - North Carolina Department of Environmental Quality - Compliance Stormwater Management Program

Purpose – To consider adoption of a resolution in support of the North Carolina Department of Environmental Quality - Compliance Stormwater Management Program.

Recommendation – Approve the resolution in support of the North Carolina Department of Environmental Quality - Compliance Stormwater Management Program. **Resolution No. 20-1673**

Agenda Item No. 8B: Utility Agreement Allocation Request - Parker Station Subdivision, Phases 1 and 2

Purpose – To consider a Utility Allocation Request for Phase 1 and 2 of the Park Station Subdivision.

Recommendation – Approve the recommended Utility Agreement Allocation Request for Parker Station Subdivision Phases 1 and 2 for 60,000 gpd sewer and 72,000 gpd water as presented and recommended.

Agenda Item No. 8C: Utility Agreement Allocation Request - Ascend Varina Gateway Apartments

Purpose – To consider a Utility Agreement Allocation Request for the Ascend Varina Gateway Apartments.

Recommendation – Approve the recommended Utility Agreement Allocation Request for the Ascend Varina Gateway Apartments for 34,900 gpd sewer and 42,760 gpd water as presented and recommended.

Agenda Item No. 8D: Voluntary Annexation Petition - Hilltop Free Will Baptist Church Property - PINs 0688138207, 0688139036 and portion of 0688330428, located at 3916, 0 Hilltop Needmore Road and 10204 Fayetteville Road - ANX-2020-10

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 August 3, 2020. Following the receipt of a petition for voluntary annexation of property owned by Hilltop Free Will Baptist Church, containing a total of approximately 6.199 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 August 3, 2020, for property owned by Hilltop Free Will Baptist Church of Fuquay-Varina ANX-2020-10 as presented and recommended.

Resolution No. 20-1674

Resolution No. 20-1675

Agenda Item No. 8E: Voluntary Annexation Petition - Rebecca J. and Jason T. Coble - PIN 0666722013, located at 8404 Purfoy Road - ANX-2020-11

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 August 3, 2020. Following the receipt of a petition for voluntary annexation of

property owned by Rebecca J. and Jason T. Coble containing a total of approximately 2.407 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 August 3, 2020, for property owned by Rebecca J. and Jason T. Coble, ANX-2020-11 as presented and recommended.

Resolution No. 20-1676
Resolution No. 20-1677

Agenda Item No. 8F: Ordinance Amendment - Remove No Parking Designation - 111 North Woodrow (Old Library Building)

Purpose – To consider approving an ordinance amendment to delete the No Parking designation in front of 111 North Woodrow Street.

Recommendation – Approve a Town Code Amendment to remove the "No Parking" designation in front of 111 North Woodrow Street, as recommended and presented.

Ordinance No. M-20-03

Agenda Item No. 8G: Town Code Amendment - 6-2011 Littering Prohibited

Purpose – To consider approving an amendment to the Town Code of Ordinances that better clarifies the definitions of littering and includes the definition of yard waste.

Recommendation – Approve a Town Code Amendment to clearly and better define the items to be covered by the Town's "No Littering" ordinance.

Ordinance No. M-20-04

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

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

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Preliminary Subdivision Plat - The Oaks at Kenneth Creek - SUB-PR-2019-05

Purpose – To consider a preliminary subdivision plat submitted by the firm McKim and Creed, called The Oaks at Kenneth Creek Subdivision, located at 1049 Leatherstone Lane.

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.

The submitted preliminary subdivision, The Oaks at Kenneth Creek, is located 1049 Leatherstone Lane, on 12.68 acres in the Residential Medium Density Zoning District (RMD). The preliminary subdivision plat proposes 20 residential lots meeting the standards for conventional subdivision developments. The minimum lot size permitted is 10,000 square feet. The minimum proposed lot provided is 15,047 square feet with the average lot size is 19,876 square feet. Although not required, 1.87 acres of open space is provided. Vehicular access to the project area is provided via a continuation of public streets Leatherstone Lane and Stable Fern Drive from the adjacent subdivision, The Ridge at Kenneth Creek. Both Leatherstone Lane and Stable Fern Drive are classified as a 50-foot right-of-way on the Town's 2035 Community Transportation Plan (CTP). Public water and sewer are available to serve the subject properties and will be installed by the developer. The proposed preliminary subdivision plat meets all Town requirements, as such management and staff recommend approval. At the June 15th, 2020 regular meeting, the Planning Board found the subdivision plat consistent with Town requirements and voted unanimously to recommend approval.

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

Recommendation – Approve the The Oaks at Kenneth Creek preliminary subdivision plat SUB-PR-2019-05, as presented and recommended.

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

Agenda Item No. 10B: Town Park Restrooms Status Report

Purpose – To provide an update to the Town Board on a plan for constructing permanent restrooms at various Town Parks.

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.

On June 16, 2020, Town Management shared an update on recent bids for a "package" of two small public restrooms at James A. Campbell Park and Willow Lakes Town Park. The total low bid price for two restrooms was \$320,000, which would have required appropriation of about \$256,000 in Recreation Unit Fees not accounted for in the FY 2020 Budget or the FY 2020-2024 Five Year Plan. For this reason, Town management was not in position to recommend the award of a restroom bid and

planned to revisit the assumptions and potential capacity or discussion of re-prioritization of the Five-Year Plan to accommodate additional permanent public restrooms. On June 16, 2020 Board members requested this discussion take place on July 13, 2020. A summary of Town parks that have permanent, temporary (portable) restrooms, and no restrooms is included below. Additional informal and detail including a revised budget and schedule recommendations was shared in the presentation during the Town Board meeting.

Park Facilities with permanent restrooms:

South Park (2) - Ball fields and Splash Pad

Falcon Park

Action Park

Honeycutt Road Park

Carroll Howard Johnson Environmental Park

Fleming Loop Park (3) - Large restroom/concessions and 2 family restroom/storage buildings

Ballentine School Park (Joint Use Agreement)

Hilltop Needmore Town Park & Preserve (2)

Park Facilities with portable toilets:

Action Park Tennis Courts - Permanent Restroom in vicinity of ball fields

Herbert Akins (JUA/temporary site) - Will no longer be available when Middle School construction begins late Summer 2020

Banks Road

James A. Campbell Park

Alston Ridge Park

Fuquay-Varina Downtown Dog Park

Facilities with no restroom facility:

Library Park / Ashworth Park (indoor restroom is available during museum hours)

Fuquay Mineral Spring Park

William Freeman Park (site is not Town-owned)

Discussion – Mayor Byrne stated that the Town initially budgeted \$85,000 for the James A. Campbell Park restroom facility and when the bids (second set of bids that included the Willow Lakes Park restroom facility) came back over budget at \$320,000 the Town Board and staff felt that it was not feasible. Commissioner Harris stated that what makes the situation so different with the James A. Campbell Park restroom facility is that years ago when the Fuquay-Varina Community Redevelopment Corporation was moving forward to redevelop the area around the old Fuquay Consolidated School, part of the agreement that Wake County made, along with the movement to remove some of the blight in the area, was that the County would purchase property and then give that property to the Town in an effort to enhance and improve the community overall. He stated that part of the motivation and the advocacy is to complete that project that was initially started and was agreed upon by the Town that it would do. He feels that this park is different and unique because of the way it came about. He stated that he feels that there is a level of apathy and that the project may not seem as important because of its location, since the project seems to get pushed back.

Town Manager Mitchell gave detailed information regarding the James A. Campbell Park which opened in 2010 and contained 5.71 acres. The Town's initial investment in the park was \$90,000, which only included the park's shelter, playground and small parking area. The permanent restroom facility was added in 2014 as an additional proposed amenity when the Town adopted 2014 Comprehensive Systemwide Parks, Recreation & Cultural Resources 5-Year Facility Master Plan and was programmed for FY2018. Town Manager Mitchell stated that in 2018 the Town was in the midst of a significantly growing and expanding youth sports program, and at his recommendation the Town chose to move back the James A. Campbell restroom facility to FY2019 in an effort to invest in some existing highly utilized parks that were programmed for youth sports athletics. In FY2019, the restroom project was moved back again when the Town accepted the old Crooked Creek Golf Course property, and at that time it was decided that the Town would invest in the more pressing projects that were seeing a high utilization. In FY2020, the project was budgeted at \$85,000 and placed out for bid including federal funding guideline requirements due to federal funding allocated towards the project. The lowest bid received was \$211,266. The project was re-bid, along with the Willow Lakes restroom construction project and the federal funding guidelines were removed in an effort to get better pricing; however, the bids again came in above budget with the lowest proposal at \$320,000 for both restroom facilities. Town Manager Mitchell then recommended reviewing another strategy for the project. He stated that the restroom design for this facility falls under the small restroom design prototype which includes separate men and women restroom areas, a storage and janitorial area, and extra storage space. He recommended that one option would be to design a smaller prototype restroom for neighborhood parks. The cost to design the smaller neighborhood prototype would be \$7,200 and should yield a 30% reduction in cost savings for the facility as advised by the designer. The proposed smaller neighborhood prototype restroom would consist of a men's and women's restroom area with one handicap accessible stall in each area, one sink and one baby changing table in each restroom area. Mayor Pro-Tem Massengill asked about the timeframe for getting the James A. Campbell Park restroom facility built with the smaller neighborhood prototype. Town Manager Mitchell stated that it would take about 60 days to get the design for the project, followed by informal bidding, and contract award. He then reviewed a proposed seven-year plan for building permanent restroom facilities in many of the town parks lacking them that were previously identified. Town Manager Mitchell stated that staff has been in discussion with local builders to see if there is interest to construct the restroom facility as currently designed within the current budget. Mayor Pro-Tem Massengill stated that he was in agreement with the James A. Campbell Park being the first priority and approved the plan as presented by the Town Manager to construct other restroom facilities in other town parks as well. Town Manager Mitchell advised that the goal is to move forward with a restroom at the James A. Campbell Park and the Austin Ridge Park in the current 2020-2021 fiscal year. He stated that unless at a future Town Board retreat the Town Board chose to reprioritize other projects that have been previously approved in a five-year plan, we can afford to move forward with the restroom implementation plan for the next five years along with other identified projects. Commissioner Harris expressed concerns about the design of the restroom facility meeting the needs of the James A. Campbell Park. Commissioner Gardner stated that she looks forward to seeing restroom facilities at all Town parks, and that it is an amenity that the Town should provide. Commissioner Smith stated that

he likes the idea of being able to negotiate a price with local contractors for the project. Commissioner Wunsch stated that he was astounded when he saw the bid prices come back for the restroom facility and he appreciates what was presented to accomplish the project. The Town Board consented to move forward with the restroom plan as recommended by the Town Manager.

Recommendation – No Action Required - Information Only

Agenda Item No. 10C: 5-Year Comprehensive Systemwide Master Plan - Parks, Recreation & Cultural Resources

Purpose – To consider adoption of the 2020 5-Year Comprehensive Systemwide Parks, Recreation and Cultural Resources Master Plan.

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 proposal and made the following remarks.

Over the past six years, the Parks, Recreation and Cultural Resources Department has seen significant growth in youth sports, adult sports, special events, and recreation programming participation. Existing facilities are under heavy demand as use has steadily risen each year. Current usage of fields and gyms has required the department to extend operating hours for the Community Center, Council Gym, and outdoor athletic facilities, as well as requiring the department to rent local gymnasiums to support the demands of athletic programs. In addition, the continuous use of the facilities has expedited needs for repairs and routine maintenance to ensure a pleasurable experience for park and facility visitors. The focus of the 2020 5-Year Master Plan is to bring current facilities up to a higher standard and construct the necessary facilities to ensure that the Parks, Recreation and Cultural Resources Department has the proper facilities in its inventory to meet the growing demands from customers. The plan covers five years and outlines the existing inventory of parks, evaluates the current usage of facilities, addresses the projects currently approved, and proposes the construction of new amenities and facilities. Special consideration for amenity and facility improvements were given to those needed to meet growth trends in the youth sports program, the need to bring existing facilities to industry standards, and the need to increase play opportunities within in Fuquay-Varina. This document represents the Community's vision for the future of Parks, Recreation and Cultural Resources as expressed through community wishes and participation data. The Department foresees continued community growth, increased program participation, an expansion of adult sports, improvement in the aesthetic qualities of parks, and addition of new amenities to make Fuquay-Varina a great place to work, raise a family and to live. The Parks, Recreation and Cultural Resources Facility Master Plan Draft was presented to the Town Board on January 21, 2020 for informational purposes. Further discussion of the Master Plan took place at the Town Board Retreat in February and throughout the FY 2021 Budget process. The revised Facility Master Plan reflects the priorities that were discussed during the Town Board Retreat and FY 2021 budget process and aligns with the Town's Adopted FY 2021-2025 Five Year Plan.

The following components are included in the Parks, Recreation and Cultural Resources Facility Master Plan:

FY21: Honeycutt Road Park Bathroom Renovation Honeycutt Road Park Field #3 Irrigation Downtown Dog Park Shade Structures South Park Bathroom Renovation Community Center Redesign Action Park Restroom Renovation Community Center North/Senior Wing HNTPP Clubhouse Redesign/Renovation Hidden Valley Greenway Design Alston Ridge Greenway Design

FY22: Community Center Gym Resurfacing Action Park Tennis Court Lights/Access Control System Action Park Dugout Replacement CHJEEP Trail and Bridge Replacements HNTPP Park Master Plan

FY23: South park Track Resurfacing Falcon Park Dugout Replacement Action Park Tennis Court Replacement Community Center Roof Replacement Community Center North/Senior Wing Construction

FY24: Honeycutt Road Playground Replacement CHJEEP Restroom

FY25: HNTPP Additional Investment

Discussion – Commissioner Gardner asked what is happening with the old library building in Library Park. Town Manager Mitchell stated that there is no firm information to provide other than there will be a new roof placed on the building and a new HVAC system will be installed to stabilize the building.

Recommendation – Approve the 2020 5-Year Comprehensive Systemwide Parks, Recreation and Cultural Resources Master Plan as presented and recommended by the Parks and Recreation Advisory Board and Town staff.

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

Agenda Item No. 10D: Delegating Town-Owned Road Closure Authority -
Temporary Street Closures - Depot Street & Stewart Street

Purpose – To consider delegating authority to the Town Manager to when necessary, temporarily close down Depot and Stewart Streets when applicable to provide The Mill and Aviator Smoke House additional capacity to temporarily extend operational premises during the North Carolina COVID-19 Easing of Restrictions Re-Opening Phasing Plan.

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.

Downtown businesses, The Mill, 146 S Main Street, and Aviator Smoke House, 525 E Broad Street are requesting that the following streets be closed to vehicular traffic 5:00 pm – 11:00 pm on Friday and Saturday for the duration of the North Carolina's Extension of Phase 2 Reopening Plan – The COVID-19 Public Health Emergency: Depot Street; S Main Street to Spring Avenue Stewart Street; E Broad Street to North Street The purpose of this street closure request is to allow additional outdoor seating for these businesses following Governor Cooper's COVID-19 Easing of Restrictions – Phasing Plan. The Governor's modified Phase 2 re-opening plan permits restaurants to open with restricted regulations for occupancy capacity limitations. The Governor's easing of restrictions regulations currently in effect through July 17, limits restaurants to 50% of stated fire capacity or 12 people per 1,000 square feet with the most restrictive number being used. Restaurants are also required to practice social distancing for both indoor and outdoor dining. All Fuquay-Varina restaurants and businesses have been negatively affected by COVID-19. While many restaurants outside of downtown districts (DC-1 & DC-2) have dedicated surface lot parking spaces that can be transformed and used for expanded outdoor seating during Phase 2, The Mill has no dedicated private parking spaces. The Aviator Smoke House has a dedicated private parking lot located behind its building however a portion of these spaces are utilized by Aviator employees during business hours. In the absence of adequate dedicated private parking for The Mill and Aviator Smoke House, these businesses are challenged. Temporarily Closing the proposed streets during evening hours on Friday and Saturday evenings during the limited Phase 2, the Mill and Aviator Smoke House can safely serve more customers while working through a plan to modify their business operations that includes the rehiring of employees lost as a result of the COVID-19 Pandemic state emergency closures. As it relates to serving alcohol within the proposed road closures, the ABC Commission has temporarily allowed On-Premise ABC permit holders to include additional outdoor seating as part of their licensed premises if the appropriate local government entity approves that space. This temporary change is allowed to maximize social distancing.

The following regulations apply to the ABC's Temporary Extension of Premises Guidelines – Phase 2:

- If extending into public property (such as a sidewalk or street closures), it is recommended the local governing authority issue written guidelines (either by resolution or from the appropriate government division).
- Consumers will not be allowed to take open containers of alcoholic beverages out of the temporary extension of the premises area.
- The extension of premises must be adjacent to, abutting, and connected to the primarily licensed premises. One of the exterior walls of the licensed premises must be part of the extended area.
- An application for a temporary extension will not need to be submitted to the ABC Commission.
- In addition to receiving approval from the appropriate local government entity, the permittee must notify their ALE agent, the District ALE office or local law enforcement of the temporary extension of premises prior to use of the extended area.
- A diagram of the temporary extension must be maintained on the permitted premises indicating the size and location of the temporary extension, the types of barriers to be used, and how many tables and chairs will be placed in the temporary area.

- The temporary extension does not increase an establishment's maximum occupancy, as previously established by the fire code.
- Any temporary extension must comply with ADA accessibility requirements.
- The temporary area must be visibly and vertically marked off (crowd control stands, bike racks, planters, etc.) so that the average citizen can distinguish between the extended licensed premises and the public walkway.

Currently, The Mill is classified as a private bar and is not permitted to serve alcohol by the glass to the public at this time under Governor Cooper's recent executive orders. At this time, The Mill is only permitted to sell packaged beer as retail goods with the only goods allowed to be served and consumed on site being coffee and packaged baked goods. Aviator Smoke House is classified as a restaurant and is allowed to operate during Phase 2. The closure of these two Town-owned streets is in response to the business's need to secure additional space to conduct business sales and operations. The Mill and Aviator's situation is unique in that these businesses do not have dedicated private parking areas that would allow for an extension of temporary premises to conduct business. For instance, the Mason Jar restaurant has dedicated privately-owned parking with nearby on-street and surface lot public parking that would allow for the Mason Jar to extend their outdoor seating area into their privately-owned parking lot and still have ample parking for patrons in proximity to their business. As outlined in the On-Premise ABC Temporary Extension, the extension of premises must be adjacent to, abutting, and connected to the primary existing licensed premises. One of the exterior walls of the licensed premises must be part of the extended area. The Mill and Aviator both satisfy these criteria. If the Town Board approves request, Town Management will have the administrative authority to temporarily close Depot Street subject to The Mill's ability to re-open following an updated executive order issued by Governor Cooper authorizing bars to re-open under new guidelines. In respect to Aviator Smoke House, if approved by the Town Board, Town Management would work with this business to begin facilitating appropriate paperwork to extend temporary premises onto Stewart Street. Regarding the closure of Stewart Street, Aviator has asked the Town to close Stewart Street from E Broad to North Street permanently.

At this time, Town Management makes no recommendation to support the permanent closure of Stewart Street but instead supports a temporary closure to support Aviator's operations during the current Phase 2. The temporary closure of portions of both Depot Street (potentially) and Stewart Street will allow management an opportunity to assess how permanent closure would actually function. If approved by the Town Board, Town Management will coordinate the closure of these streets with the Town's Public Works Department. Public Works will drop off garbage/recycling cart services and provide road closure barricades to prohibit vehicular access on these roads during the temporary closure. Once road closure hours of operation have concluded, Public Works will remove the garbage/recycling cart services and barricades to allow for vehicular access. Town Management will work with the Police and Fire Departments to ensure proper temporary extension ordinances are followed. Town Management is recommending the Town Board delegate authority to the Town Manager to when necessary, temporarily close down Depot and Stewart Streets when applicable to provide The Mill and Aviator Smoke House the capacity to temporarily extend their operational premises needed to support operations during the NC COVID-19 Easing of Restrictions Phase Re-Opening Plan.

Discussion – Mayor Pro-Tem Massengill asked if there was anything the Town could do to help the Mill due to the COVID-19 restrictions put in place by the Governor. Town Manager Mitchell stated that they could make an appeal to the ABC Commission as to their status and make the argument that they have some sort of partnership with a food establishment to be classified as a restaurant, but there was nothing that the Town could directly do to help them with their situation.

Recommendation – Authorize the Town Manager the authority to temporarily close Depot and Stewart Streets when applicable during COVID-19 Emergency as recommended by Town Management. Furthermore, the Town Board shall authorize “local traffic only” vehicles access for those who have a place of business on Depot Street during those hours that the temporary extension of the premise is in effect. During the temporary closure authorized vehicles shall be permitted to access the unencumbered portion of Depot Street to travel in the direction opposite of the one-way direction indicated in the Town’s traffic ordinance to access their property.

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

OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported that the Main Street Program has received the National Main Street Accreditation Designation once again.
 - Reported that the Economic Development Director Interviews will conclude this week.
 - Reported that the Engineering Department is working with NCDOT on the closure of Wilbon Road from N. Broad Street to Coley Farm Rd. for 30 days starting July 27th, due to the construction of NW Judd Parkway. Town Manager Mitchell stated that there will be a detour route provided.
 - Reported that the Inspections Department had 65 single family permits issued for June and as of July 13th have 32 single family permits issued.
 - Reported that the Public Utilities department has hired Kyle Strauser as a water systems maintenance mechanic.
 - Reported that the Planning Department has applied for the NCDOT Bicycle & Pedestrian Planning Grant. Also reported that the Planning Department is still seeing a steady intake of development site plans.
 - Reported that the Arts Center is still implementing the tiger cub program, providing virtual classes, and planning for classes outside.
 - Reported that the Parks and Recreation Department have completed the Fuquay Mineral Spring Park bridge except for the columns, and it is useable now. Town Manager Mitchell advised that the department continues to work on the water recirculation project for the splash pad. Reported that the department is evaluating fall youth sports program and events options.

Reported that the department is also working on the master plan with Wake County Schools for the Community Center and Senior Center at Hilltop Needmore Town Park and Preserve.

- Reported that the IT Department is supporting the Police Department in preparation for their move. Reported that the IT Department is still working on installing cameras and WIFI at Fleming Loop and Action Park.
- Reported that the Public Works Department is working on filling the Street Maintenance Superintendent position.
- Reported that the Finance Department is working on 2021 purchase orders and getting ready for the annual audit.

- B. Project Status Report – July 2020
- C. Lincoln Heights Neighborhood (Area) Property Improvement Report – Town Manager Mitchell presented a brief report highlighting the number of properties to receive Notice of Violations and the number of properties that have either abated their non-conformity or are still in violation and moving to the next phase of compliance.
- D. REMINDER: July 21, 2020 Town Board Meeting – CANCELLED
- E. Ice Cream Social - Sunday, July 19, 2020 - 4:00 - 6:00 pm - Fuquay Mineral Spring Park - CANCELLED (COVID-19)
- F. National Night Out Against Crime - Fuquay-Varina Police Department Open House - Wednesday, August 5, 2020 - 5:00 - 7:00 pm - TENTATIVELY RESCHEDULED (October 6, 2020)
- G. Zoning Map Amendment - The Spaulding Group, PA - 917 SE Judd Parkway & 0 Award Street - PINs 0666030203 & 0666033459 - REZ-2020-09 - (Mitchell/Seymour/Davison) - FIRST READING
- H. Zoning Map Amendment - Timmons Group - 10212 and 10204 Fayetteville Road, and 3916, 3918, 0 and 0 Hilltop Needmore Road - PINs 0688138207, 0688139036, 0688235515, 0688230732, 0688139546 and portion of 0688330428 - REZ-2020-10- (Mitchell/Seymour/Davison) - FIRST READING
- I. Zoning Map Amendment - Bass, Nixon and Kennedy, Inc - 805 Coley Farm Road - Portion of PIN 0657117714 - REZ-2020-11 - (Mitchell/Seymour/Davison) - FIRST READING

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill thanked staff and management for the presentation of the bathroom facilities at the different parks.

Commissioner Smith stated that he had no comments.

Commissioner Harris stated that he had no comments.

Commissioner Wunsch thanked staff and management for the presentation of the bathroom facilities at the different parks. He also reported that "Today in the Quay" Facebook webpage won best in the Triangle for the second year in a row.

Commissioner Gardner also thanked staff and management for the presentation of the bathroom facilities at the different parks. She reported that the En Plein Air paintings will be auctioned online on July 16-25. The links to the auction can be found on the FVDA website or Facebook page. She encouraged everyone to buy a painting to help support the FVDA.

Mayor Byrne stated that management is going to have to be creative with finances due to the loss of sales tax and other fees as a result of the impact of COVID-19. He encouraged everyone to support local businesses and local associations as much as possible. He then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

6/15 – Wake County Mayor’s Association Meeting
6/17 – CAMPO Meeting

Upcoming Events

7/15 – CAMPO Meeting
7/21 – NCLM Mayors Zoom meeting

CLOSED SESSION – Pursuant to N.C.G.S. 143-318.11 (a) (3) - Attorney Client Privilege and (a) (6) - Economic Development

A motion was made to hold a closed session meeting at 10:04 p.m.

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

RETURN TO OPEN SESSION

The Town Board returned to Open Session with nothing to report out at 11:03 p.m.

ADJOURN

A motion was made to adjourn the meeting at 11:03 p.m.

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

Adopted this the 3rd day of August 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

