



Fuquay-Varina Town Board Meeting

August 16, 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 Tuesday, August 16, 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 Mark Matthews, Assistant Town Manager Jim Seymour, 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 Bryan Haynes provided the invocation and Assistant Fire Chief Jim Jones 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 August 1, 2022, minutes of the Town Board of Commissioners regularly scheduled meeting.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (5-0)

PRESENTATIONS

4A Mayor Recognition - Lilah Nathison - American Ninja Warrior

Mayor Massengill recognized Lilah Nathison for her outstanding performance on TV reality show, America Ninja Warrior Junior. She is 15 years old and attends Fuquay-Varina High School. She was on season 14 of American Ninja Warrior Junior. She qualified in San Antonio, Texas in March and went on to the Semi Finals Round. On July 23 she finished third in Las Vegas, Nevada at the Ultimate Ninja Athlete Association World Series. Mayor Massengill and the Town Board congratulated Ms. Nathison on her accomplishment and she was presented with the Mayoral Coin.

Lilah Nathison thanked the Town for supporting and her family and she encouraged everyone to try the sport at least once.

PUBLIC COMMENTS

5A Mark Cook, 2018 Rosebriar Lane, Fuquay-Varina, NC, in the Ballentine Subdivision, reported that the odor from the sewer system has been terrible for the past three to four years. He commended Public Utilities Director Wagner and his staff for working to fix the problem, but he feels that the fix is only temporary. He requested that the Town permanently fix it by extending the sewer pipe down Sunset Lake Road and by-passing Rosebriar Lane.

Mayor Massengill stated that staff would be following up and continue to monitor this situation.

Conner Cash, 501 Sunset Drive, Fuquay-Varina, NC, stated he would like to propose the idea that all teachers who are properly trained and willing should be allowed to be armed in the classrooms in light of recent mass school shootings across the country. Mayor Massengill referred Mr. Cash to Police Chief Medina to discuss the matter further.

ITEMS PREVIOUSLY TABLED

6A There were no items previously tabled for the August 16, 2022 Town Board meeting.

PUBLIC HEARINGS

7A There were no public hearings for the August 16, 2022 Town Board meeting.

CONSENT AGENDA

8A. Voluntary Annexation Petition - Pulte Homes, LLC (Providence Oaks) - 0, 0, 1408, 1409, 1420, 1501, 1520, 1524 Rogers Road - PINs 0665258696, 0665340146, 0665245656, 0665341690, 0665144948, 0665148249, 0665142122, & 0665049250 - ANX-2022-09

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 September 6, 2022, following the receipt of the petition for voluntary annexation of property owned by Pulte Homes, LLC (Providence Oaks) containing a total of approximately 104.862 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 September 6, 2022, for property owned by Pulte Homes, LLC (Providence Oaks) - ANX-2022-09, as presented and recommended.

Resolution No. 22-1770

Resolution No. 22-1771

8B. Roadway Fee In-Lieu - Atwater Station

Purpose – To consider approval of the Fee in Lieu for certain roadway improvements related to the Atwater Station Subdivision project in the amount of \$1,035,288.25.

Recommendation – Approve a total of \$1,035,288.25 as payment in lieu for roadway improvements associated with the Atwater Station subdivision project.

8C Fire Station #4 Construction and Financing - Interlocal Agreement with Wake County

Purpose – To consider an Interlocal Agreement with Wake County for funding of Fire Station #4.

Recommendation – Approve an Interlocal Agreement (ILA) with Wake County for EMS and Fire Tax District shared cost in Fire Station #4, subject to Town Attorney review as to form and non-substantive changes.

8D Municipal Equipment Lease Agreement - Town of Holly Springs - Youth Athletics - Parks, Recreation and Cultural Resources

Purpose – To consider a municipal equipment lease agreement with the Town of Holly Springs for the use of youth football helmets.

Recommendation – Approve a Municipal Equipment Lease Agreement with the Town of Holly Springs for the use of youth athletic tackle football helmets as presented and recommended.

8E Budget Amendment - Police Take Home Vehicle Policy - Vehicle Purchase - \$274,000 - (BA-2023-07)

Purpose – To consider approval of a Budget Amendment in the amount of \$274,400 to implement the Police take home vehicle program recently amended by the Town Board.

Recommendation – Approve Budget Amendment BA 23-07 for the purchase of four (4) Police vehicles.

8F Budget Amendment - Roll Forward FY 2022 Commitments - BA-23-09

Purpose – To approve a budget amendment to re-appropriate prior year previously obligated funds and projects that were not received or completed before the FY 22 fiscal year end.

Recommendation – Approve Budget Amendment BA-23-09 as presented and recommended.

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

MOTION Mayor Pro-Tem Smith

SECOND: Commissioner Watson

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 Future Water Supply Project - Memorandum of Understanding (Engineering/Design) - Town of Fuquay-Varina & Town of Holly Springs, Project Ordinance, Budget Amendment BA-23-08, and Amendment No. 1 - Hazen and Sawyer - Sanford Water Conveyance System - \$6,545,080.00

Purpose – To consider a cost sharing arrangement Memorandum of Understanding (MOU), project ordinance amendment, budget amendment, and Amendment No. 1 for Professional Engineering Services for the Water Conveyance from the Sanford Water Filtration Facility project between the Towns of Fuquay-Varina and Holly Springs.

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.

The City of Sanford owns and operates the Sanford Water Filtration Facility (WFF), which is being engineered and designed to expand from a capacity of 12 million gallons per day (mgd) to 30 mgd. The Town of Fuquay-Varina has entered into an Interlocal Agreement (ILA) with the City of Sanford, Town of Holly Springs, Town of Pittsboro, and Chatham County for the engineering and design of this expansion.

The Town concurrently worked with engineering consulting firms Hazen and Sawyer and Freese Nichols for the Preliminary Engineering Report (PER) to design the required water conveyance system from the Sanford WFF and entered into a Memorandum of Understanding (MOU) with the Town of Holly Springs to share PER costs. The consultants have finalized the conveyance PER. The Town of Fuquay-Varina and the Town of Holly Springs have preliminarily agreed to enter into a new design & engineering MOU to determine the mutual interest and benefits of collaborating on the design of the water conveyance line to serve each community's future water needs. The Town of Fuquay-Varina selected Hazen and Sawyer to perform a preliminary engineering report for the necessary infrastructure to convey treated water from the Sanford WFF to the Towns of Fuquay-Varina and Holly Springs. The PER was completed in February 2022.

The design & engineering MOU details a cost-sharing arrangement for design and engineering services to convey potable water from the Sanford WFF to Fuquay-Varina and Holly Springs. According to this MOU, each of these jurisdictions will mutually share in the costs of conducting joint engineering and design work for the incremental conveyance of water in the amount of 16 mgd. Each entity's incremental capacity allocation determines each jurisdiction's cost participation requested from the total 16 mgd in the water conveyance line. These estimates also include costs for the conveyance line's booster pump stations and separate costs related to the infrastructure needed to connect to each jurisdiction's water distribution systems.

Of the 16 mgd of capacity in the conveyance line, the Town of Fuquay-Varina is requesting ten (10) mgd of capacity allocation (63.2%), with the Town of Holly Springs requesting the remaining six (6) mgd of capacity allocation (36.8%). The total cost to design and engineer the 16 mgd conveyance line is \$6,545,077.20, of which the Town will pay 63.2% of this cost (\$4,136,565.03) for its portion of the requested capacity allocation and conveyance to the water distribution system. The Town of Holly Springs will pay 36.8% (\$2,408,512.17) of this cost for their share of capacity allocation.

The proposed Amendment No. 1 modifies the original PER Agreement entered into in January 2021 with Hazen and Sawyer for PER services related to the water conveyance system from the Sanford WFF to the Town of Fuquay-Varina and the Town of Holly Springs. The proposed Amendment No. 1 is an addendum to the original contract for the continued engineering services related to the final design, permitting, and bidding of the water conveyance line project.

Town management and staff recommend approving the MOU between the Town of Fuquay-Varina and the Town of Holly Springs, Amendment No. 1, the project ordinance amendment, and budget amendment BA-23-08.

The Town of Fuquay-Varina and the Town of Holly Springs have preliminarily agreed to enter into a Memorandum of Understanding (MOU) to jointly fund the design and engineering work related to the Sanford Water Filtration Facility conveyance line.

The Town's portion of cost-sharing for the engineering and design of this water conveyance system is estimated to be \$4,136,565.03. Of the 16 mgd of capacity in the conveyance line, the Town of Fuquay-Varina is requesting ten (10) mgd of capacity allocation (63.2%), with the Town of Holly Springs requesting the remaining six (6) mgd of capacity allocation (36.8%). The total cost to design and engineer the 16 mgd conveyance line is \$6,545,077.20, of which the Town will pay 63.2% of this cost (\$4,136,565.03) for its portion of the requested capacity allocation and conveyance to the water distribution system. The Town of Holly Springs will pay 36.8% (\$2,408,512.17) of this cost.

Although the Town of Fuquay-Varina is initially only receiving 6 mgd as part of the Sanford WFF expansion project, the 10 mgd capacity in the water conveyance line allows the Town to seek an additional 4 mgd of water capacity in the future. Therefore, the duration of the MOU will remain in full force for as long as necessary to complete the design work and bring successful completion.

Budget Amendment BA-23-08 appropriates the \$3,773,479.00 remaining engineering and design cost from the Town's water reserves fund balance. During Fiscal Year 2023, \$363,088 was allocated towards the engineering of the conveyance line in the approved budget.

Discussion – Mayor Massengill asked how long it will take for the design. Public Utilities Director Wagner stated that it will take 12 to 18 months for the design, and the project would be completed by 2025 or 2026.

Recommendation – 1) Approve the Memorandum of Understanding between the Town of Fuquay-Varina and Holly Springs as presented and recommended, and authorize the Town Manager to execute the Agreement. This Memorandum of Understanding has been reviewed and approved by the Town Attorney. 2) Approve the Project Ordinance for the Sanford Conveyance Project as presented and recommended. 3) Approve Budget Amendment BA-23-

08 to fund the Professional Engineering Services for Water Conveyance from the Sanford Water Filtration Facility Amendment No. 1, Final, Design, Permitting, and Bidding as presented and recommended. 4) Approve Amendment No. 1 to select engineering firm Hazen and Sawyer to perform Professional Engineering Services for Water Conveyance from the Sanford Water Filtration Facility, and authorize the Town Manager to execute. Amendment No. 1 has been reviewed and approved by the Town Attorney.

MOTION: Commissioner Gardner

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-28

OTHER BUSINESS

11A Manager's Report

Town Manager Mitchell stated that the new FVMobile app is available and can be downloaded either in the Google Play Store or Apple Store.

The Town released a Request for Qualifications for the Downtown Generational Plan. The request will be out for a month and hopefully the Town will get a good level of interest and can move forward with the project.

Falcon Park will be closed for one or two days in the coming weeks due to the Town having to cut down a tree that has become a liability. As soon as he has a scheduled for the contractor, he will let everyone know which days the park will be closed.

Town Manager Mitchell attended the Triangle J Council of Government Regional Managers meeting last week. He stated that Triangle J is working on an initiative titled Solarized the Triangle which is to encourage solar panels on private residences and business in the triangle communities.

Town Manager Mitchell reported that Gary Kennedy in the Inspections Department has been promoted to Building Inspections Supervisor. Also, Tobias Fidler has been hired as Planner I in the Planning Department. He stated that Charles Baker and Gabe Briley attended the APWA Conference last week and Public Works Director Tracy Stephenson and James Jordan will be attending the APWA National Expo at the end of the month in Charlotte, North Carolina.

Town Manager Mitchell stated that last week Assistant Town Manager Mark Matthews graduated from the Public Executive Leadership Academy at the UNC School of Government and was able to attend on a scholarship offered by the North Carolina City and County Managers Association.

Town Manager Mitchell reported that the Town Board, Management and Directors attended an Unconscious Bias Training. He thought the training was an excellent opportunity to learn more about how we view the world and how that affects our decision making and our perspectives on various situations.

Town Manager Mitchell also reported that the National Night Out with the Police Department was a successful event and there was a great turn-out for the event.

Town Manager Mitchell stated that the Town is participating in a program that is offered by the Triangle J Council of Government that will help with grant identification given there are more resources available with the American Rescue Plan Act funds and the federal bill on infrastructure as well as other federal and state legislation that may become available in the future.

Town Manager Mitchell reported that yesterday Wake County approved the interlocal agreement for Fire Station #4 for their participation in the funding of the EMS portion of the project. He stated that on 9/17 the Town will close on the financing for this project. He also stated that he and Assistant Fire Chief Jones will be working on the planning for a groundbreaking ceremony for the new facility.

Staff is in the process of planning for the 9/11 Day of Remembrance Ceremony and those details will be refined in the next week.

Town Manager Mitchell reported that the Fire Department has hired Austin Stephenson, Kayla Brown and Bladen Reiner, and the Police Department has hired Valerie Negron.

He stated he, staff, and the Mayor attended a public officials meeting last week on the Hilltop Road realignment project planned for by the NCDOT, and stated that there is a website with information about the project.

He reported that the Town is investing in local and state road projects and that there are 8 town projects that are actively in the works. He stated that NCDOT over the next 5 to 20 years have plans to invest in excess of 100 million dollars in this region to help traffic flow and safety of traffic mobility in our community.

11B Coffee with a Cop - Chick-fil-A - 11460 N. Main Street - Tuesday, September 6, 2022 - 9:00 am - 10:30 am

11C FM2FV Concert - North Tower - Thursday September 8, 2022 - 6:30 pm - 9:30 pm - Centennial Park

11D 9/11 National Day of Remembrance - Sunday, September 11, 2022 - 8:00 am - Fuquay-Varina Arts Center

BOARD MEMBER COMMENTS

Commissioner Gardner stated that she is really excited about starting a new fire station and about the Request for Qualifications going out for Downtown Generational Plan. She enjoyed the Unconscious Bias Training and thought it was very helpful, interesting, and enlightening. She also thanked the Police Department for the National Night Out event that was a great family outing.

Commissioner Harris stated that he also enjoyed the National Night Out event, that was well organized, and the community had the opportunity to interact with law enforcement. He stated that the Unconscious Bias Training was a good start, and that the Town needs to continue those types of trainings as the Town continues to grow. He would like to continue it perhaps as a series on a routine basis.

Commissioner Haynes stated that he and Mayor Massengill attended the VIP Open House for the Hilltop Chapel of the Church of Jesus Christ of Latter-Day Saints which was a very nice facility. He also attended the pastoral anniversary of Rev. Dr. Marvin Connelly, Jr. of St. Augusta Missionary Baptist Church. He reported that he attended National Night Out, and it was very good event. He also reported that he attended a Think Tank brunch for Advance Community Health that is in the Southern Regional Center. This organization will be celebrating their 50th anniversary this year. He stated that Meals-on-Wheels gave out vouchers to the seniors at the Growers Market.

Commissioner Watson stated that she attended the National Night Out event and it was a fun, well organized event. She reported that she attended the Chamber Business After Hours earlier this evening that was sponsored by Ting. She also stated that Amazing Grazing, who specializes in charcuterie boards, prepared the food for the event, and they are getting ready to move into a brick-and-mortar downtown space. She also stated that she plans to attend the 9/11 Day of Remembrance event this year and she usually does not due to losing some close friends at the Pentagon during 9/11 while she lived in Washington, DC.

Mayor Pro-Tem Smith stated that this year's National Night Out was a first-class event, and it gets bigger and better every year. He also congratulated Assistant Town Manager Matthews for his recent achievement at the School of Government. He stated that it is exciting just to hear the different names of our employees that are getting to attend professional development classes. Mayor Pro-Tem Smith stated that he really appreciates Town leadership encouraging employees to pursue professional development.

Mayor Massengill stated that Police Chief Medina did an excellent job with the National Night Out event and it was well attended. He reported that soccer season has started in full effect, and it is still the most popular sport. He reported that Economic Development Director Tiffany McNeill and

Downtown Manager Dawn Russell did a great job last week at the Commercial Development Forum that was held at the Arts Center. He stated that he and town staff had a good meeting with the NCDOT regarding the Hilltop Needmore/Airpark Blvd/Lake Wheeler Road intersection that will be completed in the future. He stated that this year is the design for several NCDOT projects with next year being the construction. These projects are being paid for by NCDOT funding many of which at high percentages. He also commended the Fire Department for having excellent response times to fire emergencies in Town.

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

Past Events

8/2 – DEI Training

8/2 – National Night Out and Police Department Open House

8/5 – Lunch with Park & Recreation Campers

8/9 – FVDA Board Meeting

8/9 – Public Meeting - Intersection Improvements along US 401 at Hilltop Needmore Road

8/15 – Wake County Mayor's Association

Upcoming Events

8/17 – Chamber Board Meeting

8/17 – CAMPO Executive Board Meeting

8/29 – Tour of John Deere

CLOSED SESSION

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

A motion was made to conduct a closed session meeting at 7:56 p.m.

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

RETURN TO OPEN SESSION

The Town Board returned to open session at 8:19 p.m. with nothing to report out of closed session.

ADJOURNMENT

A motion was made to adjourn the meeting at 8:20 p.m.

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

The minutes from the August 16, 2022, Town Board of Commissioners regularly scheduled meeting are adopted this 6th day of September in the year 2022 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA



J. Blake Massengill, Mayor

(TOWN SEAL)

ATTEST



Rose H. Rich, Town Clerk

Rose H. Rich, Town Clerk

