



TOWN OF FUQUAY-VARINA  
BOARD OF COMMISSIONERS REGULAR MEETING  
AUGUST 18, 2020

CALL TO ORDER

Mayor John W. Byrne (physically present) called the regular meeting of the Fuquay-Varina Board of Commissioners to order on August 18, 2020 at 7:00 p.m. This meeting was conducted using the Zoom media platform due to state mandates for social distancing and mass gatherings to prevent the spread of the COVID-19 Novel Coronavirus.

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

Commissioners Absent: None

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

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

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INVOCATION AND PLEDGE OF ALLEGIANCE

Commissioner Larry Smith provided the invocation and Commissioner Marilyn Gardner led the Pledge of Allegiance.

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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 no public hearings are scheduled for tonight's meeting. The only time that the public will be able to address the Town Board will be during the public comments period at the beginning of the meeting. Mayor Byrne will announce when the public is allowed to speak and when the Town Board is ready to receive comments. If someone from the public wishes to speak 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.

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APPROVAL OF THE MINUTES

The August 3, 2020 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

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PRESENTATIONS

Agenda Item No. 4A There were no presentations for the August 18, 2020 Town Board meeting.

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PUBLIC COMMENTS:

Jennifer Norris, 6112 Bramlette Court, expressed concerns regarding the proposed removal of a pond related to the Rowland's Grant subdivision. She referred to discussions of the Planning Board as it relates to a recently submitted preliminary subdivision plat for the Rowland's Grant subdivision (SUB-PR-2020-03) heard at the

August 17<sup>th</sup> Planning Board meeting. She expressed concern that the removal of the pond would decrease her property value, as her property is deeded to a portion of the pond. Town Attorney James Adcock stated that the item (SUB-PR-2020-03) was tabled at the Planning Board on August 17<sup>th</sup>. Mayor Byrne encouraged Ms. Norris and her neighbors to make comments at the Planning Board meeting scheduled for September 21<sup>st</sup>. Town Manager Mitchell stated that the recommendation on the matter is scheduled to come before the Town Board on October 5<sup>th</sup>, unless the matter is tabled again.

Macey Ruble, 6108 Bramlette Court, also expressed concerns regarding the proposed removal of the pond related to the Rowland's Grant subdivision. He stated that portions of the pond have shared ownership between himself and three other property owners as well as the developers. He requested that the legal matter be resolved between the property owners and the developers before final action is taken by the Town Board on the preliminary plat. Mayor Byrne explained that the matter must go through the process before the Town Board can take action and he encouraged Mr. Ruble to express his concerns to the Planning Board at their next meeting.

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ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A:            There were no items tabled from a previous meeting for the August 18, 2020 Town Board meeting.

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PUBLIC HEARINGS:

Agenda Item No. 7.A:            There were no public hearings for the August 18, 2020 Town Board meeting

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CONSENT AGENDA

Agenda Item No. 8.A:            Declaration of Surplus Property - Unit 132 - 2012 KME International Rescue Truck - (Mitchell/Mauldin)

Purpose – To consider declaration of Rescue Truck #2 as surplus property.

Recommendation – Approve the surplus of Unit #132 - 2012 KME International Rescue Truck as presented and recommended.

Discussion – Mayor Pro-Tem Massengill asked what Town Manager Mitchell what thought was the value of the Rescue Truck. Town Manager Mitchell advised that if the Town were to sell the truck it would likely yield around \$75,000. He further stated that the surplus of the truck was part of an agreement between the Town and Wake County that was approved prior by the Town Board to receive additional Wake County funding assistance for the new Ladder Truck (Ladder #2). Town Manager Mitchell advised that the Town agreed to turn ownership of Rescue #2 over to Wake County which netted an additional \$100,000 to help offset the purchase cost of the new Ladder Truck #2.

Agenda Item No. 8B: Utility Agreement Allocation Request - Meadowbrook Phases 3 through 9 - (Mitchell/Seymour/Meyers)

Purpose – To consider a Utility Agreement Allocation Request for the Meadowbrook Subdivision, Phases 3 through 9.

Recommendation – Approve the recommended Utility Agreement Allocation Request for the Meadowbrook Subdivision, Phases 3 through 9, for 61,875 gpd sewer and 74,250 gpd water as presented and recommended.

Agenda Item No. 8C: Budget Amendment - Roll Forward Powell Bill Project Commitments - BA-21-06 - \$436,048 - (Mitchell/Matthews/Crabtree)

Purpose – To approve a budget amendment to appropriate Powell Bill Restricted Fund balance for FY 20 projects that were committed but not completed by June 30, 2020.

Recommendation – Approve Budget Amendment BA-21-06 as presented and recommended.

A motion was made to approve items (A-C) on the Consent Agenda.

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

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ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Contract Award - Terrible Creek WWTP Vacuum Truck Unloading Station - Mizelle Construction - (Mitchell/Seymour/Meyers)

Purpose – To consider awarding the Terrible Creek WWTP Vacuum Truck Unloading Station Project contract to Mizelle Construction in the amount of \$155,000.

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

The Utility Department cleans sanitary sewer lines using the Town's vacuum truck and when doing so, Town staff has historically utilized the former Kenneth Branch WWTP drying beds to treat the remnant grit and biosolids materials found in the sewer lines after cleaning. With the sale of the Kenneth Branch WWTP property to the Wake County School system, the Town's Public Utility Department no longer has access to these drying beds. No longer having access to these drying beds, staff is proposing the construction of a new vacuum truck unloading station at the Terrible Creek WWTP. The proposed vacuum truck unloading station will provide an area where the biosolids liquids can drain into the treatment plant for inclusion into the treatment process and these solids can dry before being disposed. On August 4, 2020, the Town received and opened bids for the Terrible Creek WWTP Vacuum Truck Unloading Station project. The Town received seven (7) bids that ranged from \$155,000 to \$369,000, with the low bidder being Mizelle Construction of Garner, NC. Mizelle Construction has previously performed work for the Town that included the Wilbon Road Water Booster Pump Station project and the Brighton Forest Filter project. Provided this firm's previous success working with the Town, management and staff are recommend award of this project to Mizelle Construction in the amount of \$155,000.

Discussion – Mayor Pro-Tem Massengill state that the Terrible Creek WWTP was one of the largest projects the Town has ever done and it came in under budget with 1.5 million leftover and it is good that we can continue to do projects with the remaining balance.

Recommendation – Approve a Contract Award for the Terrible Creek WWTP Vacuum Truck Unloading Station Project to Mizelle Construction in the amount of \$155,000 and authorize the Town Manager to execute the contract subject to Town Attorney review as to form as presented and recommended.

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

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OTHER BUSINESS

- A. Town Manager's Report – a brief report on the following was provided:
- Reported that the IT Department continues to work on the Police Department and Fleming Loop Park projects. Town Manager Mitchell stated that the department is rolling out a new help desk management process for staff.

- Reported that the Inspections Department has two inspector positions open. The home building market seems to be weathering the pandemic well.
- Reported that the Public Utilities Department is required to have public meetings on the Inter Basin Transfer project that may have to be scheduled for outdoors due to the pandemic.
- Reported that the Human Resources Department is steady doing new hire and job offer processes.
- Reported that the Public Works Department delivered 90 new garbage carts last month for new construction.
- Reported that the Police Department has made two conditional offers for vacant police officer positions.
- Reported that the NW Judd Parkway project continues to advance and that it has reached the 70% completion mark. Wilbon Road will be closed for 3 more weeks. The railroad will have to do some work at the railroad crossing, and they have furloughed some employees due to COVID-19, which could delay the start of their work.
- Reported that the Fire Department is preparing the specs for the replacement of Ladder Truck #1 and working on the RFQ process for Fire Station #4.
- Reported that the Finance Department is focused on the audit.
- Reported that the Parks and Recreation Department has hired an Assistant Parks & Grounds Superintendent. They continue working with Wake County Public Schools on the school and community center/senior center masterplan on Hilltop Needmore Road. The RFQ for the design of the community center/senior center has been sent out.
- Reported that the Planning Department has hired an Infrastructure Plan Reviewer.
- Reported that the Arts Center will be offering online classes for this fall. Also advised that the town has received approval this week from NCDOT to paint the crosswalk between the Arts Center and Fire Station #1.
- Reported that the Public Works Department has been busy with the cleanup of debris from all the rain and recent hurricane.
- Reported that the Parks and Recreation Department will be having fall sports and development programs (non-contact) with safety measures in place. They have had 420 registrations in the first week.
- Reported that a press release went out cancelling several fall events due to the pandemic which includes the 9/11 Service of Remembrance (more information in the coming weeks), the FM2FV fall concerts, Celebrate FV, the Fire Department open house, and the Police Department National Night Out.
- Reported that he and Mayor Byrne met with Roy Tempke, COO of Rex Hospital-Holly Springs. The hospital is a \$170 million project, and 243,000 square foot. They are hoping to see their first patient in July of 2021. It is 8 levels, that will have an ICU wing, a birthing center, an ER, and 50 beds with capability to expand up to 25 more.
- Reported that he attended a video conference for WakeMed on behalf of the Mayor. It was very informative, and they are getting ready for any possible upturn of COVID-19 cases.
- Reported that he and Mayor Byrne recently met with the auditors.
- Reported that he, Mayor Byrne and Assistant Town Manager Jim Seymour met with the Chamber of Commerce Executive Board to help with planning for their annual retreat. They are wanting to be good partners with the Town. It was a

good meeting and they discussed the Ambassador Program, membership expansion, and Educational Council.

- B. Utilities Financial Update Related to Executive Orders 124 and 124/142 - (Mitchell/Matthews/Crabtree) – Town Manager Mitchell stated that due to the Governors Executive Order 124 and 142 that municipalities could not cut customer water off during the period of March - July and no late fees could be collected. He advised that the has 420 customers that the non-cutoff provision applied to, which is 3% of the 13,000 customers that the Town has. Town Manager Mitchell stated that the dollar amount that was not collected during this time period was \$80,145 and hopefully the Town will receive this money over the next 6 months as customers are making payment arrangements to pay their past due balances. Town Manager Mitchell reported that during the four-month period when the Town could not collect late payment fees, \$60,000 is the amount that it did not collect. He further advised that the Town has no legal authority to waive fees and must collect from customers via an agreed to payment arrangement.
- C. Zoning Map Amendment - Mauldin-Watkins Surveying, PA - 6717 Old Mills Road - PIN 0678119862 - REZ-2020-13 - FIRST READING
- D. Community Transportation Plan Amendment - Town of Fuquay-Varina - Fuquay-Varina Parkway Right-of-Way Expansion - CTA-2020-05 - FIRST READING
- E. Herbert Akins Middle School - Update - Town Manager Mitchell presented an approved site plan for the new school and stated that the school will be 166,315 square feet, include 58 classrooms and 198 parking spaces, and is designed with a 2,325-foot carpool and stacking lane.

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#### TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he had no comments.

Commissioner Smith stated that he will be attending the Triangle J Board meeting next week. He stated that he was pleased with how Fuquay-Varina has addressed the pandemic and was looking forward to seeing how other Towns are doing in regards to the impacts generated by the pandemic.

Commissioner Harris stated that he attended a virtual meeting for the National League of Cities to hear a financial report on the effects of COVID-19 on cities and towns. He advised that a survey was done with 483 cities throughout the country responding and that he believes Fuquay-Varina is very fortunate because it was reported that it will take some cities until 2023 or 2024 to recover from pandemic.

Commissioner Wunsch stated that he had received three different messages from citizens through his Today and the Quay Facebook page regarding Town Employees

going above and beyond to help or engage with citizens. He also reported that he did a walk through of the historic Lewis/Mitchell house as it is being sold.

Commissioner Gardner thanked Commissioner Wunsch for his service to the Today in the Quay page, and she stated that it shows the value of him posting positive information. She also thanked Engineering Director Tracy Stephenson and Inspections Director Chris Hinnant for helping to resolve a drainage issue adjacent to one of the businesses downtown. She concluded by mentioning that Dr. Joe Currin recently passed away and she would like to see something like a proclamation done when they have his service. Dr. Currin was the first and only physician in Fuquay-Varina for a long time.

Mayor Byrne reported that the meeting with Roy Tempke (Rex Hospital) was very informative. Mr. Tempke stated that they have a program at Rex Hospital that when someone is discharged they make sure they have their medications and food as this has been the major cause of patients being re-admitted into the hospital for the lack of those basic needs upon discharge. He then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

- 8/6 – Centennial Authority Meeting
- 8/12 – WebEx Meeting with WakeMed
- 8/17 – Meeting with Auditors
- 8/17 – Wake County Mayors Association meeting

Upcoming Events

- 8/19 – CAMPO Meeting
- 8/22 – Black Lives Matter Event at Falcon Park – 4-6 pm

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CLOSED SESSION – Pursuant to N.C.G.S. 143-318.11 (a) (3) - Attorney Client Privilege, (a) (5) - Contracts and (a) (6) - Personnel

A motion to hold a closed session meeting at 8:43 p.m.

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

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ADJOURN

The Town Board returned to open session at 10:36 p.m. with nothing to report out of closed session. A motion was then made to adjourn the meeting at 10:36 p.m.

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

Adopted this the 8<sup>th</sup> day of September 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

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John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)



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Rose H. Rich, Town Clerk