



TOWN OF FUQUAY-VARINA
BOARD OF COMMISSIONERS REGULAR MEETING
SEPTEMBER 22, 2020

CALL TO ORDER

Mayor John W. Byrne (physically present) called the regular meeting of the Fuquay-Varina Board of Commissioners to order on September 22, 2020 at 7:01 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

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 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 address the Town Board 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 September 8, 2020 minutes of the regularly scheduled meeting of Town Board of Commissioners were presented and recommended for approval.

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

PRESENTATIONS

Agenda Item No. 4A There were no presentations scheduled for the September 22, 2020 meeting.

PUBLIC COMMENTS:

Macey Ruble, 6108 Bramlette Court, expressed concerns regarding the proposed removal of the pond related to the Rowland's Grant Subdivision. He and the affected neighbors had an attorney send a letter to the Town, and the case was presented to the Planning Board last night. He stated that the Planning Board gave the excuse that any conditions for the pond remaining intact would have had to be a condition presented during the rezoning hearing. He stated that during the neighborhood meeting the neighbors were told that the pond would remain and that is why it was not an issue during the rezoning. He stated that the developers did not disclose that the pond would be removed at the rezoning hearing, and he feels that they are being rewarded for not disclosing the information, as the Planning Board recommended approval of the rezoning. He stated that another argument that the Town cannot make is that this is a private matter, and they cannot get involved with it. He stated that the Land Development Ordinance states that the Town must adhere to the county and state laws that are stricter than the Town laws. He stated that the letter from their attorney highlights how it is illegal for the developers to drain their pond and it breaks the law.

Town Manager Mitchell stated that staff and the Town Attorney received the letter from the homeowner's legal representative. The matter was heard by the Planning Board and they voted unanimously to recommend approval and move it forward to the Town Board and it will appear on the Town Board's agenda for consideration at the October 5th Town Board meeting. The public comments period was closed.

ITEMS TABLED FROM PREVIOUS MEETING:

Agenda Item No. 6.A: There were no items tabled from a previous meeting for the September 22, 2020 Town Board meeting.

PUBLIC HEARINGS:

Agenda Item No. 7.A: There were no public hearings for the September 22, 2020 Town Board meeting.

CONSENT AGENDA

Agenda Item No. 8.A: There were no consent agenda items for the September 22, 2020 Town Board meeting.

ADMINISTRATIVE REPORTS

Agenda Item No. 10A: Advanced Metering Infrastructure (AMI) Project - Phase 2 Implementation

Purpose – To consider implementation of Phase 2 of the Advanced Metering Infrastructure project.

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 agenda item and made the following remarks.

The Town has been working with MeterSys on Phase 1 of moving from Town's current Automatic Meter Reading (AMR) drive-by meter reading system to an Advanced Metering Infrastructure (AMI) fixed based meter reading system. Phase 1 involved the installation of network infrastructure consisting of three data collectors, three repeaters, and modification of 7,400 meters for a consistent reading of approximately 4,200 existing accounts as well as integrating the data collection software and Town billing software and establishing a customer portal. Phase 1 demonstrated the functionality of the system. Phase 2 proposes the installation of further infrastructure and modification of approximately 4,600 meters for increased reading capability. The additional infrastructure will reinforce Phase 1 infrastructure for the reliability of reads and more consistent data collection while also adding an estimated 7,800 accounts to the data collection system or 90% of the Town's metered accounts. The estimated cost of a Phase 2 deployment is \$429,444.00 bringing the total cost of Phase 1 and 2 to \$896,811.00. This cost is consistent with the original project cost estimate presented in 2017. Installation of the Phase 2 equipment is expected to require ten months for completion and is scheduled to begin in October 2020 with Phase 2 completion of July 2021.

Discussion – Commissioner Smith asked if the Phase 2 implementation will eventually absorb the remaining 10% of the Town's metered accounts. Town Manager stated that in the future, we expect to be at 100%. The remaining 10% of the project will be in the outlying/satellite areas that will require additional infrastructure and investment.

Recommendation – Authorize the Town Manager to enter into an agreement with MeterSYS for implementation of Phase 2 of the AMI Project in the amount of \$429,444.00, subject to review and approval of form by the Town Attorney.

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

Agenda Item No. 10B: Infrastructure Agreement - Briar Gate Subdivision

Purpose – To consider approval of an Infrastructure Agreement between the Town of Fuquay-Varina and Mattamy Homes, LLC for utility improvements related to the Briar Gate Subdivision.

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 agenda item and made the following remarks.

Mattamy Homes, LLC is developing property located at 5311 Old Powell Road, (PIN# 0657440248) as a single-family neighborhood named Briar Gate Subdivision. The proposed 200 residential lot subdivision received amended preliminary plat approval from the Town Board of Commissioners during its regular meeting on August 6, 2018. The Town's development ordinances require Mattamy Homes to extend an 8-inch diameter water main along its Old Powell Road frontage. Per the Town's Master Public Utility Plan, the Old Powell Road water line size is designated to be a 12-inch diameter line to account for future development in the area. The Briar Gate Subdivision construction plans includes the installation of a 12-inch line which, complies with the Town's development regulations. Mattamy Homes, LLC is requesting to be reimbursed for over-sizing of the water line based on the Town's established over-sizing rates as specified in Fee Schedule D. To establish reimbursement for the up sizing, an Infrastructure Agreement has been prepared. Elements of the agreement proposed for consideration are as follows:

1. The Developer shall design, build, and construct the Development in accordance with Town Development Standards.
2. The Developer shall pay all applicable development fees, including system development fees, recreation unit fees, and other applicable fees as prescribed by the Town's Code of Ordinances and Annual Budget Ordinance and Fee Schedule.
3. The Town shall be indemnified and held harmless from any claims for damage of any kind.
4. Up sizing the water main will be based on the Town's adopted fee schedule (Fee Schedule D).
5. The Town's over-sizing reimbursement will not exceed \$14,817.00.
6. The Agreement is in accordance with N.C.G.S. §160A-320.

Town management and staff have worked with the Town Attorney and Mattamy Homes LLC on this agreement. Management and staff recommend approval of this agreement subject to the Town Attorney's review as to form.

Discussion – Mayor Byrne asked if the proposal for reimbursement was consistent with similar reimbursements in the past. Town Manager Mitchell advised that it was and consistent with the Town's fee schedule.

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

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

Agenda Item No. 10C: Resolution - NC Drinking Water State Revolving Fund Program

Purpose – To consider adoption of a resolution in support of the Town's application for funding to the NC Drinking Water State Revolving Fund.

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 agenda item and made the following remarks.

The Town of Fuquay-Varina is considering possible funding sources for the water capacity expansion project. This project includes the Town participating in expanding the City of Sanford's Water Treatment Plant and the conveyance system to transport treated water to the Town's water distribution system. One potential funding source is the NC Department of Environmental Quality (NCDEQ) Drinking Water State Revolving Fund (DWSRF) Program. The DWSRF program was created with the 1996 amendments to the Safe Drinking Water Act and is administered by NCDEQ. Since the DWSRF is a federally backed program, the loans are subject to additional federal regulations and environmental reviews. The U.S. Congress provides funds for states to establish revolving loan programs for drinking water projects where the state must provide 20% matching funds. Currently, there is approximately \$50 million in available funding via the DWSRF program. Selected eligible projects, including water treatment plants and transmission systems, may receive low-interest loans (1/2 of market interest rates) up to \$20 million maximum. NCDEQ conducts a fall and a spring application process to select funding projects based on established processes and criteria. It is unclear if the Town can apply for both the water treatment plant and the conveyance system; however, we continue to explore that possibility with NCDEQ. Part of the application process includes passing a resolution by the applicant's governing board to establish the intent for seeking DWSRF project funding.

There is no direct fiscal impact on this item. The preliminary engineering report for the City of Sanford Water Plant Expansion Project is being prepared by Hazen/Sawyer for which the Town is participating at a cost of \$200,000. During the September 8th Town Board meeting, the Town Board approved a Memorandum of Understanding detailing the Town's participation in the Sanford Water Plant Expansion Project. The MOU agreement indicated the Town's intentions to apply for funding to the NC Drinking Water State Revolving Fund program.

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

Recommendation – Authorize Approve the resolution in support of the Town's fall 2020 application for funding for NC Drinking Water State Revolving Fund Program. Funding will be used towards the future water capacity as part of the Sanford Water Plant Expansion Project.

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

Resolution No. 20-1680

Agenda Item No. 10D: Resolution - Delegate Contract Signing Authority - Assistant Town Managers

Purpose – To consider a resolution authorizing the Town Manager to delegate the approval and execution of contracts to the Assistant Town Managers.

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 agenda item and made the following remarks.

In support of the delivery of Town services, the Town has a frequent and recurring need to enter into a variety of contracts related to the purchase or lease-purchase of apparatus, supplies, materials, or equipment; contracts for construction or repair work; contracts for information technology hardware, software, and services; and delivery of miscellaneous services and professional services (e.g. legal, financial, design). As the Town continues to grow and deliver an increasing volume and variety of services to the public, there is an increased administrative burden associated with the organization's effective administration of contracting requirements. In recent months, the Town Manager has tasked the Assistant Town Managers with reviewing all contracts for their respective departments concerning form and content. This internal adjustment has allowed greater focus on ensuring contracts advance budget goals and contract terms are favorable to the Town while allowing the Town Manager to increase focus on organization-wide strategic priorities. In addition, the Finance Department continues to pre-audit all contracts for sufficient funding appropriation as required by the North Carolina Local Government Budget and Fiscal Control Act. A logical extension of this internal organizational realignment is the delegation of the authority to execute and sign contracts to the respective Assistant Town Manager, which will support efficient and effective internal operations while maintaining effective management oversight. The UNC School of Government provides guidance that "responsibility for contracting should be allocated in a manner that best balances the need for efficiency and flexibility with the need to comply with legal contracting and fiscal internal control requirements." Delegation of contract signing authority to the Assistant Manager level is common practice in North Carolina Local Governments of Fuquay-Varina's size, and very large units of local government often delegate to the Department Head level. In the professional opinion of Town Management, the delegation of contract authority to the Assistant Manager level appropriately balances compliance, consistency, and efficiency for the Town's current needs. For this reason, Town Management recommends the Town Board adopt a resolution authorizing the Town Manager to delegate contract signing authority to the Assistant Town Managers as recommended and presented.

Discussion – Mayor Byrne asked if the Town Attorney would still be reviewing contracts before execution. Town Manager Mitchell advised that the Town Attorney would review contracts in advance.

Recommendation – Adopt a resolution authorizing the Town Manager to delegate contract signing authority to the Assistant Town Managers as presented and recommended.

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

Resolution No. 20-1681

OTHER BUSINESS

A. Town Manager's Report – a brief report on the following was provided:

- Arts Center: Creative crosswalks project at the intersection Fuquay Avenue and Vance Street has been completed. Arts Center continues to produce and broadcast virtual performances. Recently hired David Wright for the Theatre Technical Director full-time position.
- Parks & Recreation: Fall Youth Sports are going well, and season play will begin this week in most of our sports. South Lakes Greenway is currently closed due to replacement of the boardwalks. During demolition it was discovered that the boardwalks had more damage than previously identified. All 24 wood piles will be replaced with concrete footings at a cost of \$29,000. The Town can cover the additional cost due to savings from not having full fall sports menu of programs. The greenway project should be completed by the first week in October 2020.
- Public Works: Recently hired Jerry Lee Burch as a Debris Equipment Operator
- Information Technology: Recently brought employees back to work from the teleworking status following the Governor's move to Phase 2.5 of the COVID-19 response.
- Finance Department: Continues to work with our auditors to complete the financial audit process. The Utility Billing staff has been successful in connecting all COVID related unpaid residential customer accounts with financial assistance programs and establishing repayment plans consistent with the Governor's executive orders.
- Police Department: Hired Officer Rama Jones and Philip Wallinger. Currently interviewing three additional applicants for the Police Department. Some Police Department employees attended Diversity and Inclusion Training last week, facilitated by Tru Pettigrew. Two in-service Police Officer Instructors are attending a Fair and Impartial Policing and Implicit Explicit Bias Train-the-Trainer course.
- Fire Department: The National Fire Prevention Association will be filming the installation of a Knox box in a residential home in Fuquay-Varina tomorrow. Progress continues to work on specification development for Fire Station #4 and the replacement ladder truck.
- Planning Department: Hired Stephen Overman as our Infrastructure Plans Examiner. The Wake Technical College Park & Ride construction portion is now complete. We are waiting on GoTriangle to install the necessary signage.
- Inspections Department: Hired two new Field Inspectors to fill vacancies; Pedro Arruda and Garrett Scott. Still seeing strong numbers in permitting and certificates of occupancy through mid-September.
- Engineering Department: Wilbon Road has been reopened and the realignment of Bridge Street with the new portion of NW Judd Parkway is now complete. Norfolk Southern has now advised the Town that they will install signals in late October. Old Honeycutt Road and Purfoy Road improvements are now complete except for crosswalk installations.
- Public Utilities: Hired Jeffrey Burnett as the Utility Line Locator. Requests for Qualifications have been issued for the Water Capacity Conveyance System Project (the transmission line from the Sanford Water Treatment Plant to the Fuquay-Varina distribution system).

- Economic Development: Director Alyssa Byrd has been meeting with local stakeholders and state and county Economic Development Officials to introduce herself and begin talking about vision and goals for our economic development priorities.
- Human Resources Department: Busy with new hires. David Taylor (former Police Officer) was hired as our new Safety and Risk Management Officer.
- Communications Department: Director Susan Weis continues focusing on website content and social media content development. She is working with a larger group of individuals on plans for Christmas in downtown.

B. Fall Events Update – COVID-19 Modifications

- Due to COVID-19 the Town will be cancelling the Haunted Trail but the public can participate in a family friendly photo opportunities within downtown walking area that will feature a Halloween Fall Façade, Oct. 23-31 10:00 am – 8:00 pm at Centennial Square.
- Evaluating modifications to the annual Christmas Tree Lighting Ceremony event. Will offer the Festival of Lights at the Fuquay-Varina Mineral Spring Park.

C. Strategic Plan Process Overview

- Town Manager Mitchell gave a detailed overview of the Strategic Plan Development Process. He stated that the plan is a guide used by many local governments to steer the use of investments, personnel, and resources to achieve a shared vision. Specifically, it results in a document designed to be a multi-year presentation of the Town's mission. It outlines what a community hopes to achieve through a long-term and annual goal setting process and provides steps and a clear path for reaching those goals. It is designed to focus on five to ten-year horizons. It is not intended to replace the annual operating budget nor the five-year capital improvement plan, but rather complement and guide both.

The plan will include:

- 1) Core Value/Goal Statements – *the foundation for the Town's mission statement*
 - 2) Long-range Objectives – *further defining the goals*
 - 3) Multi-Year Initiatives – *the action items to be executed to achieve the objectives*
 - 4) Annual Tasks – *captured in separate working document for each department and involves a process for evaluating progress*
- The end goal is to develop an outward facing plan that is visible by the community that transparently demonstrates the foundation for which the Strategic Plan and Departmental Strategic Plans are built upon that clearly identify the objectives and initiatives the Town wishes to achieve and that are used to inform the annual budgeting process.

Many of our peers have adopted or are currently developing strategic plans to clearly identify the governing body's priorities, align resources and work plans with the board's vision, and adapt to short term realities while pursuing and evaluating progress on long term goals. Town Manager Mitchell encouraged the Town Board to review links to strategic plans of other municipalities as provided in their agenda materials. He then presented a schedule for the next steps to develop the plan. The Town Board

consented to begin the process of developing a Strategic Plan as presented and recommended.

D. Transportation Capital Project Plan Update – (Mitchell/Seymour/Stephenson)

- Town Manager Mitchell presented a comprehensive list of Town transportation projects; as requested by the Town Board during the FY21 budget process, that town staff, CAMPO and NCDOT has been focusing on, to better inform the Board about prioritizing vehicle fee revenues that are being collected and set aside for transportation improvements.

The first five project are projects that the Town has already committed funding to as follows:

- 1) NW Judd Parkway (U5317)
- 2) Sunset Lake Phase 2
- 3) Old Honeycutt/Purfoy Intersection(U6096)
- 4) NE Judd Parkway & Broad Street Turn Lanes
- 5) S. Judd Parkway/S. Main Intersection

The Five Points Intersection Reconfiguration (U-5751) project was moved back by NCDOT to start October 2033 and with a completion date of October 2037, The project was originally planned for an earlier schedule but due to funding issues at the NCDOT level they have recently announced that they have to move the project back. Staff is working closely with NCDOT and CAMPO to evaluate and access if there are ways to move that project back up in the schedule. This plan (U-5751), along with the Intelligent Signals System plan (U-6022) that is scheduled for completion in October 2024, are planned to be 100% funded by NCDOT through their State Transportation Improvement Plan.

There are several projects that the Town will benefit from with 100% funding by NCDOT through the NC540 Bonus Allocation program if we are willing and prepared to wait for the schedule that they on. There are two projects that would be prime candidates for advancement with local funds from vehicle fee reserves. He recommends that the Town Board consider advancing the Johnson Pond/Whitted Road Roundabout project (a NC540 Bonus Allocation Project) and the Bellchase Project (an Economic Development project). Town Manager Mitchell then presented a list of smaller local proposed projects that are under consideration by Town staff (*not being considered by NCDOT or CAMPO*) that the Town Board may want to advance. After more discussion, the Town Board consented to two roadway projects: Johnson Pond/Whitted Road Roundabout project and the Holland/Purfoy Intersection project, and two pedestrian projects: Ennis Street RR Crossing and the Academy Street RR Crossing were identified for further study for advancement in the schedules as recommended by Town Manager Mitchell.

E. Zoning Map Amendment & Land Use Plan Amendment - Carolina Land Group, LLC - 1408, 1409, 1420, 1501, 1520, 1524, 0, & 0 Rogers Road - PINs 0665245656, 0665341690, 0665144948, 0665148249, 0665142122, 0665258696, 0665340146, and a portion of 0665049250 - REZ-2020-14 - FIRST READING

TOWN BOARD MEMBER COMMENTS

Mayor Pro-Tem Massengill stated that he participated as a virtual guest at the Ballentine Elementary School 3rd graders. He stated that the students were happy to talk about the Town's plans for future recreation projects.

Commissioner Smith stated that he attended the grand opening of the AFC Urgent Care, located at 1298 N. Main Street. He stated that he enjoyed hearing excellent complements about Town staff that interacted with the developers and landowners of the Urgent Care facility. They spoke highly and commended our Inspections staff, Police Department and Planning Director Pam Davison and her staff for their assistance with the project. He commended them all for a job well done.

Commissioner Harris stated that on last Wednesday and Thursday he attended a virtual meeting of the NC League of Municipalities (NCLM). He reported that there was a presentation by Catherine Turner who identified adaptive leadership as being the method now to address a lot of the unique changes in our culture in our country. She focused on how leaders can adapt our leadership styles to be inclusive as it relates to the issues around COVID-19, diversity, and protest all over the country. The NCLM Board also had presentations by the State Treasurer Dale Folwell, Governor Roy Cooper, and Dr. Mandy Cohen regarding COVID-19 updates as well as Care monies coming to NC.

He stated that the League is in the process of developing new Legislative priorities and he urged members of the Town Board to give input. He also reported that League is appointing a Racial Equality Task Force and he was appointed as a co-chair on the Task Force.

Commissioner Wunsch stated thanked the Town Board for the plant and card sent to him during the loss of his grandmother last week in New York. He stated that he also enjoyed the ribbon cutting event at the new AFC Urgent Care. He also wished Commissioner Harris a happy belated birthday.

Commissioner Gardner stated that she heard several positive comments about the 9/11 video produced by the Town. She stated that she toured the new UNC Rex Healthcare Hospital in Holly Springs last week and was very impressed. She also stated that she attended the ribbon cutting at the new Urgent Care facility and she feels that this is a great location and fit for this type of facility.

Mayor Byrne reported that he also received lots of comments about our Town staff at the Urgent Care ribbon cutting event. He then reviewed other meetings that he attended in the previous week as well as upcoming events as follows:

Past Events

9/9 – Filming for Piney Grove Baptist Church 200th Anniversary Celebration

9/11 – Filming for Briargate Video

9/16 – CAMPO meeting

9/21 – Town of Fuquay-Varina Hosting Wake County Mayor's Assoc.

Upcoming Events

- 9/25 – Lincoln Heights 2nd Graders Virtual Meeting
- 9/25 – NC Metro Mayors
- 9/27 – Speak at Piney Grove Baptist Church 200th Anniversary Celebration
- 9/28 – Police Officer Swearing In
- 9/29 – Speak to Cub Scouts Pack #320
- 10/1 – Centennial Authority Meeting

ADJOURN

A motion was then made to adjourn the meeting at 8:42 p.m.

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

Adopted this the 5th day of October 2020 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA

John W. Byrne, Mayor

ATTEST:

(TOWN SEAL)

Rose H. Rich, Town Clerk

