



## Apex Town Council Meeting Wednesday, January 3, 2018

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and  
Brett D. Gantt, Council Members  
Drew Havens, Town Manager  
David Hughes, Assistant Town Manager  
Shawn Purvis, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Wednesday, January 3, 2018, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and Brett D. Gantt

Also in attendance were Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

### **COMMENCEMENT**

Mayor Olive called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

### **PRESENTATIONS**

There were no Presentations to be made.

### **CONSENT AGENDA**

- Consent 01 Minutes of the Regular Town Council Meeting of December 19, 2017
- Consent 02 Budget Ordinance Amendment No. 15 to appropriate a grant from the North Carolina Department of Transportation (NCDOT) to pay 70% of the costs of the Town's Comprehensive Bicycle Plan
- Consent 03 Budget Ordinance Amendment Number 16 and the associated Capital Project Ordinance Amendment Number 2018-5 in the amount of \$250,000 for Humie Olive Road Sidewalk and Crosswalk including signal design services, purchase of easements, and construction of a sidewalk and crosswalk providing a mid-block pedestrian crossing at Apex Friendship High School

- Consent 04 Personnel Committee recommendations to reclassify Police Communications Supervisor at Salary Grade 24 to Police Communications Manager at Salary Grade 26, effective January 1, 2018, and to approve revisions to the Apex Personnel Policy Manual
- Consent 05 Set Public Hearing for the January 16, 2018 Town Council Meeting regarding Rezoning Application #17CZ25. The applicant, Trevel Construction, seeks to rezone approximately 0.41 acres located at 3004 Garris Road from Wake Co. R-30 to Medium Density-Conditional Zoning (MD-CZ).
- Consent 06 Set Public Hearing for the January 16, 2018 Town Council Meeting for Land Use Map Amendment and Rezoning Application #17CZ26. The applicant, Laketime Development, LLC, seeks to rezone approximately 6.89± acres located at 7124 & 0 Apex Barbecue from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ).
- Consent 07 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Trevel Construction Property (future single-family home) containing .404 acres located at 3004 Garris Road, Annexation #617 into the Town's corporate limits
- Consent 08 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Calvary Chapel (Schieffelin Road) property containing 1.6367 acres located at 2633 Schieffelin Road, Annexation #623 into the Town's corporate limits
- Consent 09 Surplus and award badge and service handgun to retiring officer Sergeant Kevin Herring

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER  
MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## **REGULAR MEETING AGENDA**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER  
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## **PUBLIC FORUM**

Tina Sherman spoke regarding paid parental leave. This was the right thing to do for the employees and the community. She presented facts to support the benefit to the town, employees, taxpayers, and economy. Apex is a family-oriented community, so focus should be on community. Ms. Sherman spoke about mother bonding and the increase in father involvement.

Stan Thompson spoke about the lighting installed on a particular piece of property and the variance which was applied for and denied.

Seth Sinclair of Hollands Crossing spoke about a greenway access across Town land that would provide easy access to Olive Chapel Elementary School. Mr. Sinclair also spoke about the benefits of making a safe connection to the Nature Parks. A dedicated multi-use path would be the way to go.

David Hooks congratulated Council Members Gantt and Killingsworth on their election. He stated he hoped the Town was not moving too quickly on paid parental leave. He did not think recruitment would be affected without it. Mr. Hooks spoke about the retention of employees via increased pay. He added that he thought Public Forum was a great opportunity for people to speak. He felt this Forum was beneficial to have at every meeting since it doesn't take much time.

## **PUBLIC HEARINGS**

**Public Hearing 01 : Dianne Khin, Planning Director**

**Ordinance on the Question of Annexation – Apex Town Council's intent to annex Mary & Howard Holt property containing 6.039 acres located at 7924 Green Level Church Road, Annexation #603 into the Town's corporate limits**

Staff oriented Council to the site, stating the applicant needed access to public water. Staff recommended approval. Staff answered questions from Council related to costs for Town services.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE  
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 02 : Dianne Khin, Planning Director**

**Ordinance on the Question of Annexation – Apex Town Council's intent to annex Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town's corporate limits**

Staff oriented Council to the site which would allow the applicant to receive water and sewer. Staff recommended approval.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE  
THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Staff answered Council questions related to road connection and the transportation plan.

THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 03 : Dianne Khin, Planning Director**

**Ordinance on the Question of Annexation – Apex Town Council's intent to annex a relocated historic house owned by Staley Smith containing 0.688 acres located at 1451 Apex Peakway, Annexation #621 into the Town's corporate limits**

Staff oriented Council to the site. This was needed in order to move an historic house to this site and provide public water and sewer. Staff recommended approval. Staff answered Council questions related to a structure being moved to this site and its current location.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE  
THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 04 – Quasi Judicial : Liz Loftin, Planner II**

**This item was previously advertised for the December 19, 2017 Town Council Meeting**

**Application for a Special Use Permit (#17SUP04) for the Apex Mosque Pre-school located at 733 Center Street**

Mayor Olive presented an overview of how the Hearing would proceed. He ensured each Council Member was in possession of the Checklist which he asked each to go through as comments were heard.

Mayor Olive declared the Public Hearing open.

James Eatman, Lynch & Eatman LLP, representing the applicant, introduced himself and witnesses Jerome Eatmon, Lynch & Eatman LLP, and Zineb Gouaalla from the Apex Mosque.

There were no opponents to the request.

Mayor Olive asked Council if any had communications regarding the case, if there were any relational or financial conflicts, and if each could decide the matter impartially. Council Members Dozier and Killingsworth stated they were invited guests. Each Council member stated there were no other communications, no conflicts, and that each could make an impartial decision.

**OPENING STATEMENT BY STAFF:** None.

**OPENING STATEMENT BY APPLICANT:** None.

**EVIDENCE PRESENTED BY STAFF:** Liz Loftin presented her credentials and employment history. Staff oriented Council to the site and outlined the requested change in zoning. A neighborhood meeting was held. Staff recommended approval as proposed. Staff stated that the Special Use Permit would only allow the preschool and no other school.

**CROSS EXAMINATION OF STAFF BY COUNCIL:** None.

**CROSS EXAMINATION OF STAFF BY APPLICANT:** None.

**EVIDENCE PRESENTED BY APPLICANT:** Mr. Eatman clarified a few points related to room uses and an outdoor area. He addressed the six Standards of the Special Use Permit and stated they had all been met. They met the burden of proof and requested approval of the request.

Zineb Gouaala, Director of the preschool at the Apex Mosque, stated that approval of the request would help to provide a need for more preschool space in this growing community.

**CROSS EXAMINATION OF APPLICANT BY COUNCIL:** The applicants clarified prayer days and times, stating that very few people attend the Mosque for prayer. Further clarified was the play area and its buffer between the residential area as well as hours of operation.

**REBUTTAL BY STAFF:** None.

**REBUTTAL BY APPLICANT:** None.

**CLOSING ARGUMENT BY STAFF:** None.

**CLOSING ARGUMENT BY APPLICANT:** None.

**QUESTIONS FROM COUNCIL REGARDING THE CHECKLIST:** The applicant clarified that this would, in fact, be a preschool.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE  
THE REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 05 : Joanna Helms, Economic Development Director**

**Budget Ordinance Amendment No. 17 regarding the Economic Development budget and the approval of Capital Project Ordinance Amendment No 2018-6 for the Cash Corporate Center project**

Staff presented a brief history of sites that were sought from companies searching for sites in the Triangle Area. Companies locating to Apex would be a win/win for the community. Staff reminded Council of the location of this site.

All parties have agreed to the terms of the agreement. This Hearing was being held per the Statute to begin the Cash Corporate Center. Staff outlined the terms of the agreement/lease and talked about infrastructure expenditures and the proposed funding for such. Staff touched on missed opportunities that could have gone to the table.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE APPROPRIATION FOR  
ECONOMIC DEVELOPMENT PURPOSES AS PRESENTED, BASED ON THE DETERMINATION THAT THE ACQUISITION  
OF THE REAL PROPERTY INTEREST AND THE EXTENSION OF INFRASTRUCTURE AS PROPOSED WOULD  
INCREASE THE BUSINESS PROSPECTS OF THE TOWN AND TO APPROVE BUDGET ORDINANCE  
AMENDMENT NO. 17 REGARDING THE ECONOMIC DEVELOPMENT BUDGET AND TO APPROVE THE  
CAPITAL PROJECT ORDINANCE AMENDMENT NO. 2018-6 FOR THE CASH CORPORATE CENTER  
PROJECT; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## **OLD BUSINESS**

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**Old Business 01 : Council Member Nicole Dozier, Personnel Committee Chair**

**Approval of six weeks of Paid Parental Leave for Town of Apex employees effective January 1, 2018**

Council thanked staff and citizens who provided support for this benefit for our great Town employees. This type of leave is becoming more standardized, and people have started asking about it when looking for work. This would be a great thing to do to make staff benefits more robust.

Staff stated that when this was first looked into, there were just a few municipalities providing this type of leave. Now there are a lot more, nothing that Duke is a direct non-municipal competitor with us. Staff

stated we need to do something with pay, agreeing with Mr. Hooks from earlier, but we also need to do something with our benefits. This would be a major decision factor for prospective employees. She believed that six weeks was reasonable since this is what others are doing.

Council stated she was a proponent of this benefit. It is great to be competitive, she would love to see more benefits such as this, and this was a great way to start. She would like to see figures in nine months on how this was panning out.

Council stated he hoped there would have been a compromise coming out of the Personnel Committee, but there was not. He did not think we were losing a competitive edge, and he spoke about the other municipal benefits. Council talked about using sick and vacation time first. He could not support the request as presented.

Council spoke about how parental leave would apply equally to men and women. Maternity leave only applies to women, and he felt the woman should have more time than the man in order to recover.

Council spoke about the associated cost. He wished this was a national and state-wide policy. He was excited to be able to vote for this benefit.

Council stated he did not believe it fair for 100% of taxpayers to pay for 15% of employees who would receive this benefit. There is no benefit to those past child bearing age. Council stated that after this was tabled, it did come back with a more robust policy but staff felt this as presented was a more standardized benefit. What she initially brought back would need more time for thought; it can be looked at again down the line. Staff stated a broader care giver leave was discussed. However, there were a lot of issues related to this, i.e., more administration. The broader policy was a great idea and employees would love it, but it would need more discussion and vetting as to how it would work. Parental leave is already out there, and staff was afraid we would lose applicants if we didn't have such a policy. She talked about those municipalities that have or are looking at elder care.

Council spoke about women and men being different. The trauma to women was more substantial and they need more time to heal. He felt the concept of maternity leave would be a better way to go, which could be supplemented with parental leave, which would also allow a man to be at home. However, he thought there should be three weeks leave for a man and eight to eleven weeks leave for women. He felt the maternity opportunity should be limited to two cycles. Council expressed his opinions about

population growth in the U.S., he did not feel government should support larger families, and he felt this should go back to Committee to be looked at again.

COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE THE REQUEST AS PRESENTED; COUNCIL  
MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council Member Jensen felt this was the wrong way to go, that we would just be following towns who have done this incorrectly, and that there was no accounting between men and women. Council Member Moyer stated he would be willing to discuss this in different terms.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, AND GANTT VOTED IN THE AFFIRMATIVE;  
COUNCIL MEMBERS MOYER AND JENSEN VOTED IN THE NEGATIVE.  
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive expressed his disappointment that this came out of Committee with a split vote. He hoped we would not start down the path of having a split Council. He would like to see Council work together to find something that works.

## **UNFINISHED BUSINESS**

There were no Unfinished Business items for consideration.

## **NEW BUSINESS**

**New Business 01 : Council Member Nicole Dozier, Personnel Committee Chair**

**Addition of 3 days of paid Bereavement Leave for Town of Apex employees effective January 1, 2018**

Council stated this was another benefit which had been discussed, and that it had been brought up several times from employees. Recommendation came from the Employee Relations Council. Council stated she was surprised Apex did not have this already.

Staff stated this had come out in employee surveys and would be a benefit which would be provided to all. As of now, employees could use sick or vacation for bereavement. Staff explained the reasoning behind the three days. Council stated he believed in this, but felt there should be a difference in time if employees were traveling out of state. Council asked for an understanding of how sick time is accrued.



MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THREE DAYS BEREAVEMENT FOR IMMEDIATE FAMILY MEMBERS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council stated he felt the Town already had robust benefits and could not see adding this on to the current package. He would not support this. Council stated there was a difference in a sick child and a death in the family. This would be a nice benefit.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, JENSEN, AND GANTT VOTED IN THE AFFIRMATIVE;  
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.  
THE MOTION CARRIED BY A 4-1 VOTE.

### **CLOSED SESSION**

There were no Closed Session items for consideration.

### **WORK SESSION**

There were no Work Session items for consideration.

### **ADJOURNMENT**

With there being no further business and with no objection from Council, Mayor Olive adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor

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