



Apex Town Council Meeting

Tuesday, July 17, 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 Tuesday, July 17, 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, and Council Members William S. Jensen, Wesley M. Moyer, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent were Mayor Pro Tem Nicole L. Dozier and Council Member Brett D. Gantt

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council meetings of May 15, 2018, June 5, 2018, and June 19, 2018
- Consent 02 3-year contract with L.G. Jordan Oil, Inc. and authorization for the Town Manager to execute same for fuel and fuel tank sales, service and repair
- Consent 03 Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment No. 2019-1 to provide for increased funding in the amount of \$22,000 for the Public Safety Station 5 project to cover legal fees and other miscellaneous costs
- Consent 04 Lease agreement for Wake County Public Safety Radio Tower to be located at Western Wake Regional Water Reclamation Facility

- Consent 05 Contract for School Resource Officers (SRO) services for the 2018-2019 WCPSS school year
- Consent 06 Revisions to the Town Standard Specifications and Details
- Consent 07 One “Captain” badge and one handgun to be declared “surplus”, the price for such handgun be set at \$1.00 (One Dollar), and the badge and handgun be awarded to Captain Jacques Gilbert
- Consent 08 Resolution to adopt the updated Water Shortage Response Plan (WSRP) dated April 2018
- Consent 09 Encroachment Agreement and authorization for the Town Manager to execute the same for a concrete driveway and private 4” sewer line to encroach upon the Town Public Utility Easement
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 19, 2018 related to the height of Public Safety communication towers
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of June 19, 2018
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #18CZ09, Tony M. Tate Landscape Architecture, PA, petitioners for the property located at 8209 and 8233 Green Level Church Road
- Consent 13 Statement of the Town Council and Ordinance for Rezoning Case #18CZ13, Peak Engineering & Design, PLLC./Richard and Richere Levert, petitioners for the property located at 0 Old US 1 Highway
- Consent 14 Statement of the Town Council and Ordinance for Rezoning Case #18CZ16, Glenn Futrell, JLG Corporation, LLC/Margaret Baker Hinton & Relonwidia Hinton, petitioners for the property located at 2014 & 0 Lufkin Road
- Consent 15 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 ARNS Associates, LLC (Economy Exterminators) property containing 2.485 acres located at 2160 N. Salem Street Annexation #637 into the Town’s corporate limits
- Consent 16 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 Cathel Scott Brown (Friendship Station Section 7) property containing 0.020 acres located at the end of MacBeth Lane, Annexation #638 into the Town’s corporate limits
- Consent 17 Right of Entry from NCDOT to allow work to begin on the Apex Barbecue Road Bridge B-5161 Project
- Consent 18 Appoint Renee Pfeifer and Michael Kanters to the Parks, Recreation, and Cultural Resources Advisory Commission

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Council Member Moyer stated that Captain Gilbert was a treasure and that the Town was blessed to have him, to which all Council Members were in agreement.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planning Manager

Rezoning application #17CZ20 (Roberts Crossing PUD). The applicant, Stuart Jones, Jones & Clossen Engineering, PLLC, sought to rezone approximately ±35.6 acres located at 0, 7013, 7019, 7021, 7029, & 7113 Roberts Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated the applicant wished this Hearing continued to the August 7, 2018 Regular Council Meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE
THE HEARING AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ14. The applicant, Stuart Jones, Jones & Clossen Engineering, PLLC, sought to rezone approximately 0.35± acre located at 1912 Kelly Road from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval with conditions proposed by the applicant. Staff answered Council questions related to lot size.

Stuart Jones, Jones and Clossen Engineering, representing the applicant, clarified lot size and why this request was being made.

Mayor Olive declared the Public Hearing open.

Steve Madritch stated he was in attendance in support of the request. The neighbors approached Mr. Jones asking that the applicant make their lots more similar in size to the current lots.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE
THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Liz Loftin, Planner II

Rezoning case #18CZ15 for approximately ± .52 acre located at 314 N. Mason Street. The applicant, Glen Arbor Capital, LLC., proposed to rezone the property from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated the applicant wished this Hearing continued to the August 7, 2018 Regular Council Meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE
THE HEARING AS REQUESTED; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 04 : Jenna Shouse, Transportation Planning Intern

Amendments to the Unified Development Ordinance related to parking

Shannon Cox, Senior Transportation Planner, introduced Jenna Shouse who joined staff as Long Range Planner this past Monday and gave background on her education.

Staff oriented Council to the amendments and outlined the proposed changes which would provide clarity to the UDO. There was Council discussion related to electric bicycles. Staff answered Council questions related to hospital parking and commercial uses.

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 AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council asked about parking in residential neighborhoods. Staff stated a UDO amendment was set a while ago about driveway length.

THE MOTION CARRIED BY A 3-0 VOTE.

The Mayor presented Ms. Shouse with a "No Parking" sign which was signed by Council as a welcome to the Town.

Public Hearing 05 : Amanda Bunce, Planning Manager

Amendments to the Unified Development Ordinance related to new uses

Staff oriented Council to the amendments. Staff and the Planning Board recommended approval. Staff answered Council questions related to food trucks and commissaries and class levels.

Stuart Jones, Jones and Crossen Engineering, who requested the changes, explained how they were trying to accommodate new and unique businesses which are not already in a category within the UDO. He stated doing so would provide a location not previously available to these types of businesses and how it would bring them into Apex.

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
AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Sarah Rayfield, Senior Planner

Winston Master Subdivision Plan for the property located at 1912 Kelly Road containing 9.51 acres and 10 single-family lots

Staff oriented Council to the site. Neighborhood meetings were held. The Parks and Recreation Commission recommended a fee in lieu. Staff and the Planning Board recommended approval. Staff answered Council questions related to widening of the ROW and flag-type lots.

Stuart Jones, Jones and Crossen Engineering, answered questions related to the retention pond, lot sizes, the cul de sac, and mass grading. He stated that the existing historic house would be saved.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

To consult with the Town Attorney to preserve attorney client privilege

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

MAYOR OLIVE CALLED TO MOVE THE MEETING TO THE SECOND FLOOR CONFERENCE ROOM;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

WORK SESSION

Work Session 01 : Mayor Lance Olive

To discuss Council's legislative goals in order to provide input into the North Carolina League of Municipalities advocacy goals process

The Mayor stated he wished to start with the League's issues as a starting point and provide our input to those issues. Staff stated some of the League's issues had already been addressed.

There was lengthy Council conversation related to addressing more affordable housing needs. Council was in agreement to add its wording to the League goals related to fair collection of transportation impact fees, increasing funding to technical schools, budget flexibility regarding sales taxes, municipalities determining what they want their districts to be, flexibility for municipalities to generate their own electricity, and the protection of water supplies (i.e., implementing the Jordan Lake Rules).

Mayor Olive stated that at a later date he wished to look at the legislative goals for the Town and have those ready at the appropriate time for legislature.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

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