



Apex Town Council Meeting

Tuesday, July 16, 2019

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 16, 2019, 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, Audra M. Killingsworth, and Brett D. Gantt
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 was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the meeting to order, gave personal reflections, called for a moment of silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Kenneth Withrow, Senior Transportation Planner, Capital Area MPO

Informational update regarding the regional Southwest Area Study led by the Capital Area MPO and the North Carolina Department of Transportation

Mr. Withrow stated he would present their recommendations since finishing work with the consultants. He pointed to areas of concern related to safety based on crash history. Mr. Withrow spoke about eight hotspots that they were able to identify in the study. Active modes were presented and explained as well as strategic connections across CSX lines. The next step would be a public hearing in August, resulting in a possible endorsement so that things could move forward.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of June 18, 2019 and the Special Council Meeting of June 28, 2019
- Consent 02 Closed Session Minutes of June 5, 2018; October 16, 2018; November 6, 2018; and December 4, 2018 (*Closed Session Minutes Recorded Separately*)
- Consent 03 Resolution delegating cemetery plot transfer authority to the Town Clerk
- Consent 04 Statement of the Town Council for Rezoning Case #19CZ06, Ben T. Brooks, petitioner for the property located at 3512 Old US 1 HWY
- Consent 05 Statement of the Town Council for Rezoning Case #19CZ11 Olive Chapel Professional Park, Olive Chapel Professional Park, LLC petitioner for the property located at 0, 1400, & 1480 Chapel Ridge Road
- Consent 06 Agreement with Background Investigative Bureau LLC (BIB) to conduct background checks on volunteers and instructors associated with programs offered by Parks, Recreation, and Cultural Resources
- Consent 07 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of June 18, 2019
- Consent 08 Contract renewal between Wake County Public Schools and the Town of Apex for Off-Duty Police Officer Services, 2019-2020
- Consent 09 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 Fahey Family Farm, LLC (portion of West Village) property containing .0014 acres located at 2525 Kelly Road, Annexation #668 into the Town’s corporate limits
- Consent 10 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 Nelson Nai-Cheng Liu, Barbara S. Anderson Revocable Family Trust and Barbara S. Anderson Charitable Remainder Unit Trust (Ellsworth) property containing 33.584 acres located at 8209 & 8233 Green Level Church Road, Annexation #634 into the Town’s corporate limits
- Consent 11 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 Anil K. and Megha Singh, Kondapa Tammineni, Thanuja Puchakayala, and ST Investments (Ellsworth) property containing 3.556 acres located at 8201 & 8217 Green Level Church Road, Annexation #670 into the Town’s corporate limits
- Consent 12 Construction project contract Notice of Award to Laughlin-Sutton Construction Company for the replacement of the Tertiary Filters at the Water Reclamation Facility, authorize the Town Manager to execute the contract and approve corresponding Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment 2020-01
- Consent 13 Authorization for the Town Manager to sign and execute, a Special Operating Funding Agreement between Town of Apex, Capital Area Metropolitan Planning Organization, and GoTriangle for the Apex Circulator Study
- Consent 14 Appointment of individuals to the Parks, Recreation, and Cultural Resources Advisory Commission and to the Public Art Committee

- Consent 15 Authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and Dan Ryan Homes, LLC, regarding Wake County PIN#0733-71-7547, Lot 21, Wayland Grove Phase 2, Book of Maps 2018, Page 02231, 551 Wayland Grove Lane, Cary, NC 27523
- Consent 16 Authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-141-5128, Lot 172, Peak 502 South Phase 2, Book of Maps 2018, Page 02253, 1117 Finch Court, Apex, NC, 27502
- Consent 17 Authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Jin S. Lee and Young H. Lee, regarding Wake County PIN#0733145811, Lot 4, Pines at Wake Crossing Phase 1A, Book of Maps 2017, Pages 761-763, 2214 Pollard Place, Cary, NC, 27519
- Consent 18 Authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-14-2471, Lot 44, Peak 502 South Phase 2, Book of Maps 2018, Page 0253, 2230 Red Knot Lane, Apex, NC, 27502
- Consent 19 Authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-14-2329, Lot 45, Peak 502 South Phase 2, Book of Maps 2018, Page 0253, 2234 Red Knot Lane, Apex, NC, 27502

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 4-0 VOTE.

The Mayor noted that Mr. Carusona and Mr. Roach were in attendance, our being happy to have them as part of the Parks, Recreation, and Cultural Resources Advisory Commission.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Staudenmaier, Planner I

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Mark Maletta (3112 New Hill Holleman Road) property containing 2.474 acres located at 3112 New Hill Holleman Road, Annexation #658 into the Town’s corporate limits and

Public Hearing 02 : Lauren Staudenmaier, Planner I

Rezoning Application #19CZ08 and Ordinance. The applicant, Mark Maletta, seeks to rezone approximately 2.413 acres located at 3112 New Hill Holleman Road from Wake County Residential-30 (R-30) to Neighborhood Business-Conditional Zoning (B1-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff pointed to changes indicated on the document which was placed at Council’s seat. The Planning Board and Planning staff recommended approval. Staff answered Council questions related to access points, public art, and buffers.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering Design representing the applicant, clarified Council questions related to access points, public art, and buffers. Explained were zonings in the surrounding area. This would be the first such non-residential project in the area in a long while. Questions from Council were answered related to cross access.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE ANNEXATION AND THE REZONING WITH CONDITION PRESENTED BY STAFF AND AS ADDED ON THIS EVENING; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated that everyone needs to commit to trying to help the world, his being disappointed by there being no solar offerings.

COUNCIL MEMBERS GANTT, MOYER, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 03 : Sarah Rayfield, Senior Planner

Public Hearing and possible motion regarding an amendment to the 2045 Land Use Map and Rezoning Case #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ.)

The applicant requested this item be continued to the August 20, 2019 regular Town Council meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE CONTINUANCE;
COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff detailed the proposed eight amendments and answered questions from Council. The Planning Board as well as 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 JENSEN MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council explained Committee's thinking behind and recommendation for incremental steps in increasing trees.

THE MOTION CARRIED BY A 4-0 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 : Vance Holleman, Finance Director

Resolution making findings and determinations regarding the need to finance the construction of an administration and operation warehouse facility for the Electric Department, authorizing staff to file an application with the Local Government Commission (LGC) to approve a combined enterprise system revenue bond in an amount not to exceed \$9.5 million for that purpose and requesting that the LGC conduct a private sale of the bond to the winning bidder as recommended by staff.

Staff explained the actions that would result from the adoption of the resolution. We would receive a 2% interest rate for 20 years. Staff stated these bonds would never go public.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO ADOPT THE RESOLUTION;
COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Joanna Helms, Economic Development Director and Laurie Hohe, Town Attorney

To discuss the acquisition of property; and (2) pursuant to GS 143-318.11(a)(3), to preserve attorney-client privilege

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION
WITH NO OBJECTION FROM COUNCIL.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION AUTHORIZING
EMINENT DOMAIN PROCEEDINGS RELATED TO THE KELLY ROAD AND APEX BARBECUE ROAD SIDEWALK PROJECT FOR THE
IMPROVEMENT OF THE APEX STREET AND SIDEWALK SYSTEM; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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 declared the meeting adjourned.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive, Mayor