



# Apex Town Council Meeting

Tuesday, December 03, 2019

Lance Olive, Mayor  
Jacques K. Gilbert, Mayor Elect  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and  
Brett D. Gantt, Council Members  
Cheryl F. Stallings and Terry Mahaffey, Council Members Elect  
Drew Havens, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, 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, December 03, 2019, at 7:00 PM 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 Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

Additionally in attendance were Jacques K. Gilbert, Mayor Elect, and Cheryl F. Stallings, Council Member Elect and Terry Mahaffey, Council Member Elect

## COMMENCEMENT

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Mayor Olive called the meeting to order, Dr. Zeb Cook, Pastor of Apex Baptist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

Mayor Olive recognized the following attendees: Greg Ford, Chairman, Wake County Board of Commissioners; TJ Cawley, Mayor, Morrisville; Vickie Adamson, Vice Chair, Wake County Board of Commissioners; Julie Von Haefen, NC House of Representatives; Bill Sutton, former Apex Mayor, Town Manager, and Council Member; Denise Wilkie, former Apex Council Member; and Bruce Radford, former Apex Town Manager.

## PRESENTATIONS

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Mayor Olive called forward the dais Savannah Morel and her parents, Jim and Sarah. Mayor Olive read a letter of honor to Ms. Morel who saved a three year old toddler from drowning. This is the kind of thing

we should strive to, stated Mayor Olive. We should look at our fellow human beings with compassion no matter what. Sometimes the truth comes from a child.

Mark Blatchford, graduate of the 2019 Apex Peak Academy, addressed Council. He spoke about the in-depth, exciting, and fun look at the inner workings of the Town of Apex, this being much more than a 30,000 foot view. He overviewed what they experienced in each of the sessions. There were three chief takeaways for them: how incredibly how complex it is to run a town like this, the people they met who are all dedicated to making this town run, and the tax dollars are being carefully managed and well invested.

On behalf of the graduating class, Mr. Blatchford read and presented Mayor Olive with a plaque of appreciation. He stated he hoped that this program would continue.

## CONSENT AGENDA

CN1 Dianne Khin, Planning Director

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 Tim and Lauren Medlin property containing 1.929 acres located at 6517 Roosondall Court, Annexation #681 into the Town’s corporate limits.

CN2 Sarah Rayfield, Senior Planner

Statement of the Town Council for Rezoning Case #19CZ02, Morris Acres PUD, Kaplan Residential/Edith S. Morris/ Jason Barron, Morningstar Law Group petitioners for the property located at 0, 7208 and 7208B Morris Acres Road.

CN3 Liz Loftin, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #19CZ18, Maureen Hughes, petitioner, for the property located on 113 West Street.

CN4 Amanda Bunce, Current Planning Manager

Statement of the Town Council for Rezoning Case #19CZ19, Michael Pfeifer & Jennifer Crank, petitioners for the properties located at 3605 & 3700 Old US 1 Hwy.

CN5 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of November 17, 2019.

- CN6 Lauren Staudenmaier, Planner I  
Set Public Hearing for the December 17, 2019 Town Council Meeting regarding Rezoning Application #19CZ20 2708 Blazing Trail Drive. The applicant, Jones & Crossen Engineering, PLLC., seeks to rezone approximately 2.00 acres located at 2708 Blazing Trail Drive from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ).
- CN7 Liz Loftin, Senior Planner  
Set the Public Hearing on December 17, 2019 to designate the property located at 2708 Olive Chapel Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- CN8 Liz Loftin, Senior Planner  
Set the Public Hearing on December 17, 2019 to de-landmark the property located at 4525 Green Level West Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- CN9 Joanna Helms, Economic Development Director  
Budget amendment for Economic Development for economic development incentive payment
- CN10 Angela Reincke, Parks and Greenways Planner  
Construction contract in the amount of \$303,415.82 with Bridge Point Civil, LLC for construction of a portion of Phase II of the Middle Creek Greenway from Reunion Pointe to Straywhite Avenue in Miramonte and to authorize the Town Manager to execute all necessary documents for the project.
- CN11 John M. Brown, Director Parks Recreation and Cultural Resources  
Property deed restrictions for Salem Pond Park and authorize Town Manager to sign any associated documents to complete the transaction
- CN12 Laurie Hohe  
Settlement agreement and release between the Town of Apex and MREC KLP STILLWATER, LLC related to a dispute concerning reimbursement for the cost of construction of a multi-use path as part of the Stillwater development and authorize the Town Manager to execute same and approve Budget Ordinance Amendment No. 7 appropriating funds for the settlement.
- CN13 Donna Hosch, Town Clerk  
Minutes of the November 19, 2019 Regular Meeting and Closed Session Minutes of June 18, July 16, August 6, August 20, September 3, September 17, October 1, October 15, November 6, and November 19, 2019 (Closed Session Minutes recorded separately)

CN14 Marty Stone, P.E., Assistant Town Manager

Master Services Agreement, valid through June 30, 2022, with Ellington Contractors, Inc. and authorization for the Town Manager to execute same for pumping, hauling, pipe cleaning, and video inspection services on an as needed basis.

CN15 Shawn Purvis, Assistant Town Manager

Set a Public Hearing for Tuesday, December 17, 2019 at 7:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2020-2021 Annual Budget.

Mayor Olive called for a motion to approve the Consent Agenda. Council Member Moyer made the motion; Council Member Killingsworth 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 Dozier made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

## PUBLIC FORUM

Kimberly Pierson spoke about Buckhorn Preserve. She addressed Council earlier about the electric operations center which will be built in the area. She was wondering what neighbor concerns had been mitigated. She continued to be concerned about the safety in the area.

## PUBLIC HEARINGS

There were no Public Hearings.

## OLD BUSINESS

There were no Old Business items.

## UNFINISHED BUSINESS

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There were no Unfinished Business items.

## CLOSED SESSION

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There were no Closed Session items.

## WORK SESSION

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There were no Work Session items.

## NEW BUSINESS

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NB1 Recognition of Outgoing Council Members

Lance Olive, William S. Jensen, and Wesley M. Moyer will be recognized for their service with the Town

Mayor Olive expressed appreciation to Council Member Moyer for his four years of service and presented him with a plaque. Council Member Moyer stated it was his pleasure to serve and he thanked the citizens of Apex for the opportunity. Council Member Moyer retired his seat.

Mayor Olive expressed appreciation to Council Member Jensen for his twenty years of service and presented him with a plaque. Council Member Jensen stated that Mayor Olive had done an outstanding job and had been extremely fair with this committee and board appointments. He stated his appreciation to the Town Manager, adding that he is an honorable man. Town staff is outstanding, and everyone here should be proud of the work being done. Council Member Jensen retired his seat.

Mayor Pro Tem Dozier expressed words of appreciation to Mayor Olive before reading and presenting him with a plaque which included the gavel he's been using the past four years.

## SINE DIE

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Mayor Olive adjourned the meeting Sine Die.

## ORGANIZATIONAL PROCEEDINGS

After a brief recess, Mayor Pro Tem Dozier reconvened the meeting to begin the Organizational Proceedings.

### Administering of Oaths

Jacques K. Gilbert, surrounded by his immediate family, was sworn in as Mayor by Town Clerk Donna B. Hosch. Mayor Gilbert thanked his family, his parents, his siblings including his sister who was watching on livestream, his grandmother, and all those who helped him along the way. He spoke about unity being the driving force of moving Apex forward. He thanked Mayor Olive for carrying the baton well, and he thanked Council for their efforts. Mayor Gilbert encouraged everyone to stay united because we are all in this together.

Mayor Gilbert brought forward Rev. James Taylor, the Pastor of St. Mary AME Church, who has been the Mayor's Pastor for a good part of his life. He also brought forward Senior Pastor Rodney Finch, Sr. of Calvary Chapel Cary who helped shape his life. Each Pastor presented brief comments before covering Mayor Gilbert prior to his taking his seat on the dais.

Mayor Gilbert continued with the ceremonial proceedings.

Cheryl F. Stallings, accompanied by her husband and family members, was sworn in as Council Member by Mayor Pro Tem Nicole L. Dozier. Council Member Stallings stated she was honored, humble, and blessed for being able to serve on the Council. Apex is an amazing town and this is about getting better through a collective effort. She thanked her family for being in attendance. Council Member Stallings recommitted to her campaign promises, and complimented staff for being dedicated and committed. She stated she is not a politician; she is a public servant, and she is here to serve the people. Council Member Stallings took her seat on the dais.

Terry Mahaffey, accompanied by his immediate family, was sworn in as Council Member by Greg Ford, Chair of the Wake County Board of Commissioners. Council Member Mahaffey thanked his family and several individuals who helped him along the way. He thanked staff and expressed his excitement for working with Mayor Gilbert and the rest of Council.

### Selection of Mayor Pro Tempore

Mayor Gilbert stated the duties of Mayor Pro Tempore according to Town Ordinances. Mayor Gilbert called for a nomination.

Council member Killingsworth nominated and made the motion to appoint Council Member Dozier as Mayor Pro Tem; Council Member Stallings seconded the motion.

Council Member Killingsworth spoke about Council Member Dozier's six year tenure on the Council. She presented some of her accomplishments: Council Member Dozier created Think Apex; she is the founder of the Environmental Committee; as chair of the Personnel Committee, she introduced paid family leave and expanded the definition of family under FMLA for Town Employees. She has worked towards a more diverse and equitable environment for Town employees.

Council Member Dozier accepted the nomination. She thanked Council for their support and stated she is proud to serve Apex.

The motion carried by a 5-0 vote.

With Mayor Gilbert by her side, Council Member Dozier was sworn in as Mayor Pro Tempore by Town Clerk Donna B. Hosch.

Mayor Gilbert stated Mayor Pro Tem Dozier is vested here, and has done so much for the community. He thanked her for all her work done for the community and for encouraging him.

### Appointments of Standing Committees and Liaisons

Mayor Gilbert made the following appointments:

#### Committees:

Finance – Council Member Killingsworth, Chair; Council Member Stallings

Personnel – Council Member Dozier, Chair; Mayor Gilbert

Planning – Council Member Gantt, Chair; Council Member Mahaffey

Environmental – Council Member Dozier, Chair; Council Member Gantt

Economic Development – Mayor Gilbert, Chair; Council Member Stallings

#### Liaisons:

Apex Chamber of Commerce – Mayor Gilbert, Primary; Council Member Dozier

Triangle J Council of Governments – Council Member Gantt, Primary; Council Member Killingsworth

Executive Board of CAMPO – Mayor Gilbert, Primary; Council Member Mahaffey

Downtown Business Association – Council Member Mahaffey, Primary; Mayor Gilbert

The Parks, Recreation, and Cultural Resources Committee and Commission were eliminated.

## NEW BUSINESS

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NB1 Donna Hosch, Town Clerk

Calendar of Town Council meetings for 2020 and 2021, setting the start time of the meetings, and setting the location of the meeting.

Mayor Gilbert stated the Town Ordinance related to Council meetings. Council Member Mahaffey stated it was clear there needed to be more talk about the meetings. Discussions should be held with staff and discussion should continue in, for example, a workshop.

Council Member Mahaffey made the motion to approve Option A of the calendar for 2020 [for Council to meet the first and third Tuesdays] and Option B for 2021 [for Council to meet the second and fourth Tuesdays].

Council Member Mahaffey presented other changes he wished to be considered and discussed at a later date.

Council Member Killingsworth wished to amend the motion for a start time of 6:00 p.m. and ending time of 10:00 p.m. Council Member Dozier wished to see a hard stop of 10:00 p.m. At 9:30 there could be a temperature check to determine if Council wished to push through. Mayor Gilbert stated he wished input from staff as to the effect of the time changes.

Reiteration of the motion: to approve Option A of the calendar for 2020 for Council [to meet the first and third Tuesdays] and Option B for 2021 [for Council to meet the second and fourth Tuesdays] amended to include a meeting start time of 6:00 p.m. with a hard stop at 10:00 p.m.

Council Member Killingsworth seconded the motion.



Council stated she wished cancellation of the following meetings in order to provide longer breaks for staff: June 16, July 7, and December 15 for 2020. For 2021, June 15, July 6, November 2, and December 21. These could be discussed at a later date in a workshop.

Council stated she wished consideration of the November 3 meeting being cancelled or moved to November 4.

After some discussion about the hard stop time, there was no opposition to reconsidering this if there are late comers who do not have the opportunity to sign up for Public Forum.

The motion carried by a 5-0 vote.

NB2 Audra Killingsworth, Council Member

Discussion regarding Town Council Resolutions

Council stated she'd sent an email regarding resolutions for the coming year. It would be great if most of them were proclamations. Her preference is to have a more thorough discussion at an upcoming workshop to discuss details.

## ADJOURNMENT

Mayor Gilbert thanked everyone for coming out to what was a big moment for Council and the Town. With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor