



REGULAR TOWN COUNCIL MEETING

Tuesday, June 02, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order, Pastor Jahmar Cobb of Oak Grove Missionary Baptist Church gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Pro Tem Nicole Dozier

Environmental Stewardship Award to the Apex Mosque

Mayor Pro Tem Dozier stated the purpose of the award, encouraging all to be good stewards of our environment. Mayor Pro Tem Dozier, Mayor Gilbert, and Council Member Gantt presented the Award to Mr. Asif Ansari. Mr. Ansari thanked Council on behalf of the Mosque for the award, stating that all in the Mosque were behind this initiative. Concern for saving the environment is all our concern. He encouraged all to consider going this route as well.

PR2 Mayor Jacques Gilbert

Proclamation - Community and Firearms Safety Awareness Day

Council Member Stallings stated the Proclamation was the product of the time and effort of several individuals passionate about the Town and wanting the best for Apex. She thanked all for their participation. All Council Members shared in the reading of the Proclamation.

PR3 Mayor Jacques Gilbert

Proclamation – Love and Unity Month

Mayor Gilbert spoke about the pandemic currently facing us and the situation currently existing due to police action. He spoke about his passion for unifying people and this community. This was about all coming together in unity to promote change.

Council Member Killingsworth gave remarks related to June being LGBTQIA month, calling for all to become more understanding and more accepting of this dynamic group of people. She spoke of the beauty and diversity of LGBTQIA individuals. Council Member Killingsworth led as all Council followed to share in the reading of the Proclamation.

Mayor Gilbert noted that Ms. Joanna Emery helped in construction of the Proclamation.

CONSENT AGENDA

CN1 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 May 19, 2020

CN2 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the June 16, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance as requested by Planning staff

CN3 Sarah Van Every, Senior Planner

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 Tony Karr, Timothy V. Streeter, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Wolfe, Jr., Donna G. Wolfe, William D. Bunce II and Gail E. Bunce and John Terry Paton, (Rezoning Case #19CZ22 Wolfe Properties PUD) property containing 44.357 acres located at 1209, 1401, 1405 and 1409 Wimberly Road and 1000 & 1012 Double Helix Road, Annexation #677 into the Town’s corporate limits

CN4 Sarah Van Every, Senior Planner

Set Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #19CZ22 Wolfe Properties PUD and Ordinance. The applicant, Josh Swindell, Envision Homes, LLC., sought to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723504154, 0723508938, &

- 0723601654) from Wake County R-80W and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN5 Sarah Van Every, Senior Planner
Set Public Hearing for the June 16, 2020 Town Council Meeting regarding Rezoning Application #19CZ23 2524 & 2604 Kelly Road. The applicant, Brian Griffith, sought to rezone approximately 2.1 acres located at 2524 & 2604 Kelly Road (PINs 0731433004 & 0731424892) from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).
- CN6 Shelly Mayo, Planner II
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 ATM Development, LLC (New Hill Holleman Road) property containing 0.981 acres located at 3036 New Hill Holleman Road, Annexation #685 into the Town’s corporate limits
- CN7 Shelly Mayo, Planner II
Set the Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #20CZ02 3036 New Hill Holleman Road and Ordinance. The applicant, Alonzo Wilson for ATM Development, sought to rezone approximately 0.981 acres from Wake Co. GB to Medium Density-Conditional Zoning (MD-CZ). The proposed zoning is located at 3036 New Hill Holleman Road.
- CN8 Lauren Staudenmaier, Planner I
Set Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #20CZ03 James Street. The applicant, Jones & Cossen Engineering, PLLC., sought to rezone approximately 4.09 acres for the property located at 1200 James Street (PIN 0741789012), from Medium Density Residential (MD) to Tech/Flex-Conditional Zoning (TF-CZ).
- CN9 Dianne Khin, Director of Planning and Community Development
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 Jason Lucia and Trish Klenow (1121 Twin Creek Road) property containing 2.938 acres located at 1121 Twin Creek Road, Annexation #689 into the Town’s corporate limits
- CN10 Dianne Khin, Director of Planning and Community Development
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 Jainix, LLC (Jainix Green) property containing 6.5791 acres located west of 540 and south of Spire Bend (Greenmoor subdivision) Annexation #690 into the Town’s corporate limits

- CN11 Vance Holloman, Finance Officer
Budget Ordinance Amendment No. 15 and Capital Project Ordinance Amendment No. 2020-15 to appropriate the proceeds of the Town's recent sale of general obligation bonds
- CN12 Michael Deaton, Water Resources Director
Emergency interconnection between the Town's water system and Aqua North Carolina, Inc. water system that currently serves the Merion public water system in the area near Colby Chase Road
- CN13 Mary Beth Manville, Human Resources Director
Five (5) year contract with Cornerstone OnDemand, and authorization for the Town Manager to execute the same, for Recruiting, Performance and Learning Management Software Services
- CN14 Vance Holloman, Finance Officer
Designation of J. P. Morgan Chase Bank as an official depository for the Town of Apex
- CN15 Mary Beth Manville, Human Resources Director
FY20-21 Position Classification Plan and Salary Ranges
- CN16 Mary Beth Manville, Human Resources Director
Approval and amendment of Personnel Policies
- CN17 Vance Holloman, Finance Director
Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- CN18 Michael Deaton, Water Resources Director
Fee-in-lieu for 169 linear feet of 8" gravity sewer as part of the Smith Farm Phase 2 development. Due to environmental impacts, this section of sewer cannot be permitted and built at this time. Once development proceeds upstream and this section of sewer is required, the fee-in-lieu funds can be utilized.
- CN19 Colleen Merays, Downtown and Small Business Development Coordinator
Apex Chamber of Commerce and Town of Apex special event permit application for a banner and yard sign. Signage to include (25+/-) yard type signs installed at various intersections and locations around Apex, and a banner hung across N. Salem Street.
- CN20 Vance Holloman, Finance Director
Budget Ordinance Amendment No. 16 which appropriates fund balance in the Recreation Capital Reserve Fund for the purpose of transferring those funds to the Recreation Capital Project Fund
- CN21 Mike Deaton, Water Resources Director
Capital Project Ordinance Amendment No. 2020-16 to appropriate funds for the Inflow and Infiltration Reduction Program & Filter Upgrades Project

CN22 Keith McGee, Fire Chief

Authorization for the Town Manager to sign a Right of Entry Permit between Wake County and the Town to allow a training exercise between Apex, Cary and Morrisville Fire Departments to be held on the Wake County owned parcel of land behind Fire Station 3 (736 Hunter Street)

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Bridgett Taylor spoke on the fiscal year 2020/2021 Budget and Fee Schedule, stating there was no reason to raise any rates seeing as reserve monies are set aside every year. Those savings could be used to meet the budget needs. Too many residents are trying to recover from the shutdown and shouldn't be burdened with additional fees.

Phil Welch offered words of thanks and appreciation for keeping greenways open the past few months. Doing so has been a lifesaver for exercise and contemplation. The greenways were maintained, his bumping into staff dumping trashcans, etc. He even bumped into Council Members along Beaver Creed Greenway in particular. Even though there may have been risks, his experience was that residents were sensitive to keeping distances and being friendly and being sensitive to the conditions we are under due to COVID-19.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown and Small Business Development Coordinator
Closure of up to 30 on-street parallel parking spaces along N. Salem Street from Saunders St. to Chatham St. to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through September 30, 2020.

Staff stated her department was looking to extend and amend Town Ordinances per Executive Order by Governor Cooper to allow for this request. She asked for one amendment – for this to extend through September 18 to allow for Peak Fest to have the spaces available for them during their event. Responding to Council, staff explained the unassigned spaces process. The spaces would be considered private dining spaces and comply with government guidelines. The spaces would be the personal design of the businesses, plans for which would come back to TRC to ensure adherence to town guidelines.

Staff stated that a letter from the ADBA which included retail businesses and restaurants fully supported the request. All conversations were positive, and all were looking forward to helping their neighbors to head towards 'normal'.

Council stated the change of date was a smart thing to do. Responding to Council, staff stated one day would be enough for clean up after Peak Fest and that staff would work with the restaurants to ensure their items are moved. Staff stated that if July 4th events occur, we would work within whatever parameters to accommodate the event. Staff stated the idea was to get broad authority to close the spaces for this length of time. If another event does occur, we would let the restaurants know that they would need to move their items and we would move the barricades.

Responding to Council, staff stated that after going through TRC approval, it would take about a week for staff to have the spaces become usable by the restaurants. The spaces would be closed down all at the same time.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to approve the request with the September 18th change of date;

Council Member Dozier seconded the motion.

Council stated she was glad that we were able to do this for the businesses and that the ADBA was supportive. She was looking forward to this being a permanent situation where people could safely engage with the community.

Council stated this felt like a dry run for coming years and that this would be great for businesses. This will help restaurants who are only allowed 50% inside capacity; the expansion will allow them to almost meet their previous capacity. Upcoming ABC license changes will also help.

Council stated the parklet was a nice beginning experiment, this now coming full scale. He was looking forward to it becoming permanent.

The motion carried by a 5-0 vote.

NB2 Shawn Purvis, Assistant Town Manager

FY2020-2021 Annual Budget Ordinance and FY2020-2021 Fee Schedule

Staff gave a brief update on changes made between the Workshop and now. He stated we would not depend on grants. We will plan for them, but they would not be set up until funds become available. Responding to Council, staff explained the cuts/changes in capital items.

Mayor Gilbert called for a motion. Council Member Gantt made a motion to adopt the Budget Ordinance and Fee Schedule; Council Member Dozier seconded the motion.

Council thanked staff for the input he felt he was able to make into the budget. The process was smooth, and he appreciated the level of engagement. Staff put together something 'miraculous' while managing to keep the tax rate flat. He spoke about supporting the tax increase, which was partly directed by the voters.

Council stated the budget is an indication of the priorities of Council collectively. He was excited about the projects and spoke about being able to see immediate benefits of spending locally. The budget affects the day to day lives of the community, and Council stated he enjoyed having a strong impact on the local level.

Council agreed with the presented Council comments. The budget process does reflect Council priorities and citizen input. She thanked staff and Council for the collaborative efforts.

Council was also in agreement with presented comments. Everyone shared in things that the people wanted to see. The budget represented everyone paying to help all community members.

Council stated she agreed that the budget reflected the value of the Council and citizens. She was excited about the need to invest in affordable housing and hoped that Apex would be a leader in this and other areas.

The Mayor stated that Apex, speaking of being a leader, was the leader in adopting its budget before anyone else in Wake County.

The motion carried by a 5-0 vote

NB3 Shawn Purvis, Assistant Town Manager

FY2020-2021/24 Capital Improvement Program and associated capital project ordinances

Staff stated these projects were not part of the operating budget, that these were things which would carry over multiple years. He explained some projects would be added to and some would be new. We want to get these set up so that we can get started at the appropriate time. These projects may be the hardest to prioritize and staff thanked everyone for their guidance.

Council asked about the Salem and Saunders Streets projects. Staff stated Fund Balance was appropriated to keep these moving as requested by Council. He explained the timing perspective and logistics issues of the projects.

Council stated he was anxious to get something going on the downtown project; he did not want the projects to languish. He asked about the Tunstall House renovation and the timeline for this. He did not want to see the house decay for another year. Staff explained the steps to the renovation and noted that discussions would need to take place for the use of the property. He stated that the project would move forward over consecutive years. He spoke briefly about the property needing to conform to historic guidelines.

Council asked if there was any idea on grant funding for the Peakway project, staff stating that this was indefinite at this point. However, there was an update forthcoming after which there would be a work session to let Council know where projects would be heading.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to adopt the Program and Ordinances; Council Member Stallings seconded the motion.

The motion carried by a 5-0 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 without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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