



REGULAR TOWN COUNCIL MEETING

Tuesday, August 04, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert and 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

Absent was Mayor Pro Tem Nicole L. Dozier

In attendance were Mayor Jacques K. Gilbert 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, and Town Attorney Laurie L. Hohe.

Absent was Mayor Pro Tem Nicole L. Dozier.

Mayor Gilbert called the meeting to order, read a statement of diversity and inclusion related to religion, and called for a moment of silence. Council Member Cheryl Stallings gave the Invocation, after which the Mayor led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jessica Bolin, Environmental Engineering Manager

Introduction of newly hired Sustainability staff

Ms. Bolin presented bios as she introduced and welcomed two new staff members to the Town: Megan Pendell, Sustainability Program Coordinator and Valerie Mera, Sustainability Analyst.

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 July 21, 2020

CN2 Amanda Bunce, Current Planning Manager

- Set the Public Hearing for the August 18, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance
- CN3 Amanda Bunce, Current Planning Manager
Statement of the Town Council and Ordinance for Rezoning Case #20CZ01 Depot 499 PUD, Stephen Dorn, Lennar, petitioner for the property located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road
- CN4 Sarah Van Every, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Application #20CZ05 West Village PUD Amendment. Josh Decker, McAdams Company, petitioner for the property located at 2412 Kelly Road (PIN 0731331798)
- CN5 Liz Loftin, Senior Planner
Set Public Hearing for the August 18, 2020 Town Council meeting regarding Rezoning Application #20CZ06 204 & 206 Lynch Street. The applicant, Trinity Henderson, seeks to rezone approximately .45 acres for the properties located at 204 & 206 Lynch Street from High Density Single-Family Residential (HDSF) to High Density Single-Family Residential -Conditional Zoning (HDSF-CZ).
- CN6 Shelly Mayo, Planner II
Findings of Fact, Conclusions of Law and Decision approving the 540 Flex and Business Park Major Site Plan located at 1600 Olive Chapel Road
- CN7 Dianne Khin, Director of Planning and Community Development
Amendments to the Town of Apex Address Policy, originally approved on August 5, 2003, to clarify authority and update street naming processes
- CN8 Dianne Khin, Director of Planning and Community Development
Amendment to Chapter 18 of the Apex Town Code to correspond to the Town's Address Policy
- CN9 Marty Stone, Assistant Town Manager
Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Rahul Govindan and Divya Sushma Nair, husband and wife regarding Wake County, NC PIN#0723-70-0306, 2678 Tunstall Grove Drive, as recorded in Book of Maps 2018, Page 01500, Wake County Register of Deeds
- CN10 Eric Neumann
Approval and authorization for the Town Manager to execute an Encroachment Agreement between the Town of Apex and Town of Cary to relocate an underground primary electric line in a Town of Cary right-of-way on Westhigh Street
- CN11 Shawn Purvis, Assistant Town Manager
Lease agreement between the Town and the Apex Chamber of Commerce for use of space in The Apex Depot
- CN12 Jessica Bolin, Environmental Engineering Manager

Approval and authorization for the Town Manager to execute the same for a Master Services Agreement between the Town and Aqualis Stormwater Management for monthly maintenance of all Town-owned Stormwater Control Measures (SCMs) for a 3-year period (ending 06/30/2023) with the option to approve two one-year contract extensions after that date

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 4-0 vote.

REGULAR MEETING AGENDA

Council Member Mahaffey requested that New Business 01 be pulled as more time was needed to evaluate the Ordinance.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Mahaffey made the motion with the adjustment as stated to New Business 01;

Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

PUBLIC FORUM

Annie Scott addressed Council about Apex Friendship High School students parking on her field. She stated she was reached out to by parents to allow this parking. Each year it gets tougher and tougher for students to find parking. There had been complaints stemming from people taking shortcuts and dropping off students but not from parking on her property. Ms. Scott stated she'd spoken with the principal, and he thought parking on her property a great idea. Most who park in her yard are those not fortunate enough to get parking spaces on school property. She asked that this parking be allowed.

Ms. Scott stated she has lived in the community 65 years and has always been a community person. She presented a petition started by family members. Ms. Scott stated that Town staff has bullied her about parking for four years, and she felt the situation got personal when she pushed back. She lives in the county and not in the city.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Annexation Ordinance – Charles and Annette Herndon and J Dallas Herndon Heirs
(Tullamore) property containing 10.1869 acres located at 1745 and 1805 Holt Road,
Annexation #686 into the Town's corporate limits
Staff oriented Council to the site, stating it recommended approval.

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

Mayor Gilbert called for a motion to adopt the Ordinance. Council Member Gantt
made the motion; Council Member Mahaffey seconded the motion.
The motion carried by a 4-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development
Annexation Ordinance – Faithwill Homes, LLC (Ananda at Bella Casa) property containing
2.0058 acres located at 2708 Blazing Trail Drive, Annexation #691 into the Town's
corporate limits
Staff oriented Council to the site, stating it recommended approval.

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

Mayor Gilbert called for a motion to adopt the Ordinance. Council Member
Killingsworth made the motion; Council Member Stallings seconded the motion.
The motion carried by a 4-0 vote.

PH3 Dianne Khin, Director of Planning and Community Development
Annexation Ordinance - Construction Masters, LLC (Humie Olive Place) property
containing 2 acres located at 7904 Humie Olive Road, Annexation #694 into the
Town's corporate limits
Staff oriented Council to the site, stating it recommended approval.

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

Mayor Gilbert called for a motion to adopt the Ordinance. Council Member
Stallings made the motion; Council Member Mahaffey seconded the motion.
The motion carried by a 4-0 vote.

Mayor Gilbert called for the return to Public Forum to hear a recorded comment from Alexia Kline. Ms. Kline stated she was an ambassador for the Borgen Project which seeks to engage local citizens for stronger U.S. leadership and to improve living conditions around the world. Ms. Kline outlined the importance of recognizing there is a global not just a local struggle during the pandemic. She spoke about how the pandemic will negatively affect the economy around the world. She wished for Council to pay more attention to this issue by calling on our legislators to support international development programs.

OLD BUSINESS

OB1 Tom Colwell, Chairman, Public Art Committee

Public art mural to be located on a wall of the public works warehouse building facing NC 55 and update on other public art initiatives being undertaken by the Apex Public Art Committee

Mr. Colwell provided an update on ongoing public art projects. The raised manholes have received positive feedback, and these will continue to be painted. The art walk sculpture show will have several sculptures on loan; and if successful, we can do this on an annual basis. The sculptures would show up in a short period time and be walkable for people to enjoy. The installation would be temporary, and a call would go out for artists this fall.

The mural for the Public Works building was put out for public comment. All comments received were well thought out. Mr. Colwell was happy to see the mural coming to Apex. The artist made tweaks based on public comments, and Mr. Colwell presented the final rendition. If approved by Council, the mural would be completed by the end of September.

Council stated the manhole covers look good. He thought about the covers in the roadways and not just on the greenways. Mr. Colwell said the ones in the greenways were a test to see if the artwork was liked and if they would hold up. Potentially, these can be expanded.

Responding to Council, Mr. Colwell clarified the art work for the art walk. It was hoped to have 6 and 8 pieces of art work for the walk.

Council stated she liked the "people/personholes". Council stated he felt art helps to improve the quality of life in Apex. Mayor Gilbert thanked Mr. Colwell for getting this done.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the mural; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 This item was pulled from the Agenda as requested by Council

Terry Mahaffey, Council Member

Discussion and possible motion to amend Section 14-33 of the Apex Code of Ordinances related to prohibited noises

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Closed Session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege; pursuant to N.C.G.S. §143-318.11(a)(3) related to the matter of AB Goodrich Contracting, LLC v. Town of Apex and Stewart Cooper Newell, Architects, P.A.; and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e)

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

Mayor Gilbert called for a return to Open Session with no objections from Council.

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