



Apex Town Council Meeting Tuesday, February 6, 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, February 6, 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, 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Barbara Conroy and Stephanie Mitchell

Presentation on the Apex Public School Foundation

Ms. Conroy stated her co-presenter was unable to attend due to illness. She presented background on her family life and professional career. Ms. Conroy also presented background on how this initiative came into being, pointing to the Foundation's mission, vision, and objectives. This would be a win for everyone and the entire community.

Responding to Council, Ms. Conroy stated there is another such foundation in Garner, and one just kicked off in Eastern Wake County. Ms. Conroy stated they do have support from the Wake County school system, but they have not reached out to any County Commissioners. The Mayor suggested conversation with the Apex Downtown Business Association.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of January 16, 2018
- Consent 02 Contract for audit services for the fiscal year ending June 30, 2018
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit #17SUP05 1501 E. Williams Street Cell Tower
- Consent 04 Design contract for Phase II of the Middle Creek Greenway to Withers and Ravenel and authorization for the Town Manager to sign all documents related to the design of Phase II of the Middle Creek Greenway
- Consent 05 Statement of the Town Council for Rezoning Case #17CZ25, Trevel Construction, petitioner for the property located at 3004 Garris Road
- Consent 06 Encroachment Agreement and authorization for the Town Manager to execute the same for a fence to encroach upon a portion of a 20 foot Public Drainage Easement
- Consent 07 Set the Public Hearing on February 20, 2018 for rezoning application #17CZ27 Castleberry Trails. The applicant, JS Development, LLC, seeks to rezone approximately 11.434± acres located at 605, 617, 621, & 625 Wimberly Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).
- Consent 08 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 Edith Morris (2 single-family homes) property containing 2.975 acres located at 7208 A & B Green Level Church Road, Annexation #622 into the Town’s corporate limits
- Consent 09 Set Public Hearing for the February 20, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #17CZ26, Laketime Development, LLC, petitioner for the property located at 7124 & 0 Apex Barbecue Road
- Consent 11 Twelve (12) Town Co-Sponsored Special Event Applications for calendar year 2018
(This item was moved to New Business)
- Consent 12 Amendment to the development fee schedule for recreation subdivision fees in accordance with UDO §14.7.1(B) & various amendments to Commercial Building and Family Dwelling Permit Fees

Mayor Olive requested moving Consent 11 to New Business.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADJUSTMENT TO CONSENT 11. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER 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 KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

William Bender spoke to the pet ordinance, specifically as it relates to the prohibition of certain animals – livestock. This definition also includes all swine. He spoke about the American mini pig, which is specifically bred to be a pet. He presented the similarities between the pigs and dogs. He has spoken with the Town Manager about changing the ordinance and asked for Council support to do so.

Kyle Denis thanked Council Member Killingsworth for coming to the Apex Downtown Business Association (ADBA) meeting. He would like Council to allocate money for a downtown plan before the budget is set, his believing that hiring someone specializing in the historic preservation of downtown is crucial. He named those municipalities which have hired in such a person. Mr. Denis spoke about the issues of parking, signage, boundaries, aesthetics, future business opportunities, etc., that could be addressed by this new position.

Julia Beam, representing ADBA as its president, spoke about who they are and what they need. She stated some of their accomplishments and presented their goals. She stated they need the Town's financial support, and they have turned in their funding request. They require more funds since the town has grown in population. They wish to make downtown more accessible, they wish the sidewalks safe, and there are landscape needs. Ms. Beam would also want to see a downtown plan.

Marshall Barnes spoke about MusicFest and the list of downtown events that is continuing to grow. Mr. Barnes would like to see all event street closures listed on the Town's website. He gave an example of one of his neighbors not knowing about MusicFest last year and the inconvenience it caused that person.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunch, Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Hipex Properties, LLC (Pinnacle Park) property containing 2.0 acres located at 2430 Reliance Avenue, Annexation #627 into the Town's corporate limits

Staff oriented Council to the site. The annexation would be in order to receive Town services.

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 ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Contract with GreenPower NC for the lease/purchase of a solar photovoltaic electric generation system to be installed on the Public Safety Station 5 and authorization for the Town Manager and Town Attorney to make any additional minor modifications to and execute the contract, and Budget Ordinance Amendment No. 18 to appropriate Fund Balance to pay for the costs of the project

Staff briefly overviewed the progression on this issue to date. Council on both sides have come up with an acceptable agreement to all. Funding would come out of Fund Balance for payment of the system. Staff outlined the financing. There would be no installation until the temporary certificate of occupancy was in place for Station 5. Hopefully, this would be sometime this week. Council spoke about how good of a deal this is for the Town.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE THE CONTRACT AND
AUTHORIZE THE MANAGER AND ATTORNEY TO MAKE MODIFIATIONS, TO EXECUTE THE CONTRACT, AND TO
APPROVE THE BUDGET AMENDMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Discussion regarding an emergency alert siren malfunction on January 19, 2018

Staff stated he wrote a memo explaining what we knew happened. The incident caused some concern in the community and a low-grade panic because there was no communication. There was a malfunction in the control board at the facility. There was no feedback loop to tell them the alarm had been activated, but tests itself every half hour. Staff explained what would happen if there was an actual

emergency. This situation was not like that in Hawaii where someone actually pressed a button. The good coming out of the incident was that now people are more aware of Ready Wake.

Staff answered Council questions about the feedback loop. He stated that we participate in an exercise every year to assess how we would respond to an actual emergency, and that we are graded every other year.

Added New Business 02 : David Wood, Cultural Arts Center Manager

Twelve (12) Town Co-Sponsored Special Event Applications for calendar year 2018

The Mayor stated there had been questions the last couple days related to the application submission process. The question was if Council wanted to approve something on this night or reconsider the Committee recommendations.

Staff spoke about this policy, which has been in effect for two years, and the difference in the two types of events – co-sponsorship and no sponsorship. He overviewed what process staff goes through to analyze the events, specifically the co-sponsored ones. The presented recommendations came from the January 9th Parks, Recreation, and Cultural Resources Committee meeting. Staff also spoke about the on- and off-duty costs for police officers.

Council Committee Chair gave an overview of what happened at the meeting on the 9th. After the meeting, the Committee went through the events and felt all original requests were applicable to be honored. They received some amendments after the meeting, specifically for MusicFest, which were well past the deadline. It was decided to go with the original ask. The Mayor stated some requests came in after the deadline and that the Committee gave them a bit of thought. He emphasized that a deadline is in place for a reason. Staff answered Council questions related to an addendum to an original request which was for additional financing and additional conditions.

Council stated she wished to keep things as fair as possible in considering all requests. She reviewed other requests and decided it was fair to be consistent. Council was in agreement with the Committee recommendation and stated that the deadline was acknowledged by the applicant. Council made suggestions to the applicant as to how money could be raised. Staff reiterated that the applicant was, in fact, on top of things and that they were not at fault for the late submission.

Mayor olive granted the applicant an opportunity to present updated facts to Council on their additional request. The contractor for MusicFest overviewed their submission process and talked about the

application not having a space for all requests, such as in-kind asks. He felt they met all deadlines, but added that they were not specific for all services on their application.

Council asked questions related to how much money other events give back to the community. The Committee Chair offered to pull this item for further discussion.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE 11 ITEMS NOT RELATED TO MUSICFEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO REFER THIS ITEM BACK TO COMMITTEE TO DISCUSS THE MUSICFEST APPLICATION IN MORE DETAIL;
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Staff reminded Council that a decision would need to be made by the first meeting in March in order to meet budget guidelines.

CLOSED SESSION

Closed Session 01

To consider and establish the Town's negotiating position with respect to acquisition of real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER GANTT MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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 adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

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