



Apex Town Council Meeting

Tuesday, November 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, November 6, 2018, at 7:00 p.m. will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street. The meeting will adjourn when all business is concluded or at 11:00 p.m., whichever comes first.

COMMENCEMENT

Call to Order : Invocation : Pledge of Allegiance

PRESENTATIONS

There are no presentations to be made

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

- [Consent 01](#) Motion to approve Minutes of the Regular Town Council meetings of October 2 and October 16, 2018 and the Town Council Workshop of October 25, 2018
- [Consent 02](#) Motion to approve Cemetery Refund Request from Patrick and Pameula Kane, Lot 268 Plots C and D, in the Apex Cemetery
- [Consent 03](#) Motion to approve Cemetery Refund Request from William "Todd" King, Lot 256 Plots A, E, H, D, B, and C, in the Apex Cemetery
- [Consent 04](#) Motion to approve a Cemetery Transfer Request from Wilton Hafer, Lot 225 Plot H, in the Apex Cemetery
- [Consent 05](#) Motion to amend Town Code of Ordinances Section 14-33 to restrict noise from construction activities
- [Consent 06](#) Motion to approve Budget Ordinance Amendment No. 7 for an additional reimbursement of \$98,840 to be made to WS-JPA LLC per the amendment to the Developer's Agreement

- [Consent 07](#) Motion to approve Statement of the Town Council for Rezoning Case #18RZ26 (Olive Farm Park), Drew Havens, Town Manager, Town of Apex petitioner for the property located at 0, 0, 3020, and 3024 Olive Farm Road
- [Consent 08](#) Motion to amend Town Code of Ordinances Section 20-143 to restrict the use of scooters and skateboards on downtown sidewalks
- [Consent 09](#) Motion to approve a Master Services Agreement, valid through June 30, 2021, with Piedmont Hoist & Crane, Inc. and authorizing the Town Manager to execute same for vehicle hoist and crane repair
- [Consent 10](#) Motion to approve Budget Ordinance Amendment No. 6 for reimbursement to be made to Meritage Homes of the Carolinas, Inc. for the Deer Creek subdivision per the second amendment to the Developer's Agreement
- [Consent 11](#) Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #18CZ01, Sweetwater PUD Amendment, Mark Ashness, CE Group/ExperienceOne Homes & KEP Apex, LLC, petitioners for the property located at 0 Core Banks St and 0, 3115, 3233 US 64 HWY West
- [Consent 12](#) Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #18CZ22 Jones & Clossen Engineering, PLLC, petitioner for the properties located at 1805, 1745, & 0 Holt Road
- [Consent 13](#) Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #18CZ24, Peak Engineering & Design PLLC, petitioner for the property located at 1200 & 1204 Old Raleigh Road
- [Consent 14](#) Motion to set Public Hearing for the November 20, 2018 Town Council Meeting regarding Rezoning Application #18CZ28 (Olive Chapel Road Assemblage PUD) and Ordinance. The applicant, Toll Brothers, Inc., seeks to rezone approximately 70.80 acres located at 3417, 0, 3329, 0 & 3309 Olive Chapel Road and 0 New Hill Olive Chapel Road from Wake County Residential (R-80W) to Planned Unit Development–Conditional Zoning (PUD-CZ).
- [Consent 15](#) Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Katherine Chalk, James Lawrence, Kathy and John Bartholomew, Peggy Gray, Trustee Survivor's Trust A, Grace and Don Goodwin and Amy and Joseph Power (Olive Chapel Road Assemblage) property containing 70.79 acres located at 3417, 0, 3329, 0 & 3309 Olive Chapel Road and 0 New Hill Olive Chapel Road, Annexation #645 into the Town's corporate limits

[Consent 16](#) Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Cariello Holdings, LLC (Green Level Market) property containing 3.67 acres located at 3705 Green Level West Road, Annexation #648 into the Town's corporate limits

[Consent 17](#) Motion to allow Apex Friendship High School Academy of Engineering and DACA to coordinate with Town staff to transform the tree set up in front of the Depot into a "Performing Tree" by synchronizing lights on the tree with music

[Consent 18](#) Motion to approve NCDOT Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence 1074310, 1074312, and 1074316 for 45 mph speed limit along Richardson Road south of Olive Chapel Road within Apex municipal limits

[Consent 19](#) Motion to approve a lease agreement with CSX for improvements to Seaboard Street to accommodate an off street parking area and to authorize Town Manager to execute the lease

REGULAR MEETING AGENDA

Mayor Olive will call for additional Agenda items from Council or Staff and set the Agenda prior to taking action

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address an item that appears as a Public Hearing scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

[Public Hearing 01](#)

Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Joanne Satterfield Shaheen, Mark & Kristy Seaboch, Robert Andrew Henry and Edge Real Estate Company, LLC properties (Castleberry Trails) containing 12.182 acres located east of Dorset Grove Road between Wimberly Road and the American Tobacco Trail, Annexation #646 into the Town's corporate limits

[Public Hearing 02 – Quasi-Judicial](#)

Shelly Mayo, Planner II

Quasi-Judicial Public Hearing and possible motion regarding an application for a Special Use Permit (#18SUP03) for the South Landfill Public Safety Tower located at 6110 Old Smithfield Road. The subject property is identified on Wake County Tax Maps as PIN 0740437240.

[Public Hearing 03 – Quasi-Judicial](#)

Sarah Rayfield, Senior Planner

Quasi-Judicial Public Hearing and possible motion regarding a Major Site Plan for Hanna Imports Parking Improvements, 12.5 acres located at 1405 Vision Drive. The subject property is identified on Wake County Tax Maps as PIN 0732781596.

OLD BUSINESS

There are no Old Business items for consideration

UNFINISHED BUSINESS

There are no Unfinished Business items for consideration

NEW BUSINESS

[New Business 01](#)

John Letteney, Police Chief; Keith McGee, Fire Chief; Shawn Purvis, Assistant Town Manager

Consideration of transitioning Apex's primary public-safety answering points (PSAP) from Raleigh-Wake Communications to the Town of Cary and possible motion to approve the associated budget amendment

[New Business 02](#)

Council Member Bill Jensen

Discussion and request for staff direction regarding implementation of a Property Assessed Clean Energy (PACE) financing program

CLOSED SESSION

Closed Session

Laurie Hohe, Town Attorney

Possible motion to go into Closed Session to consult with the Town Attorney regarding the handling of the matter of the Town of Apex v. Beverly L. Rubin

WORK SESSION

There are no Work Session items for consideration

ADJOURNMENT
