



Apex Town Council Meeting

Tuesday, October 2, 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, October 2, 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 Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch,
and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Nate Marriner, Peak City Church, gave the Invocation,
and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Todd and Karen Helton proclaiming "Live Like Ellie Day"

Mayor Olive read the Proclamation before presenting it to Todd and Karen Helton. Mr. and Mrs. Helton
expressed their appreciation to all those involved in this effort.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council meeting of September 18, 2018

Consent 02 Apex Tax Report dated 8/2/2018

Consent 03 Apex Cemetery Refund Request from Danny and Susan Carter for Lot 82 Plots F, G, and H in the Apex Cemetery

Consent 04 Apex Cemetery Refund Request from Judy Crumpler for Lot 22 Plot G in the Apex Cemetery

- Consent 05 Master Services Agreement, valid through June 30, 2021, with Southern Cross Utilities, Inc. and authorization for the Town Manager to execute same for water and sewer construction and repair services
- Consent 06 Custodial contract with American Facility Services, Inc. and authorization for the Town Manager to execute same for custodial services for Town-Owned Buildings
- Consent 07 Capital Project Ordinance Amendment No. 2019-4 to appropriate \$50,000 for completion of multi-use path on Laura Duncan Road between Apex Peakway and Pinewood Drive, and authorization for the Town Manager to execute the reimbursement agreement provided by NC Office of State Budget and Management
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #18CZ19, Town of Apex, petitioner for the property located at 2100 Production Drive
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #18CZ23, Drew Havens, Town of Apex, petitioner for the property located on 0 Culvert Street
- Consent 10 Set Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Application #18CZ01 (Sweetwater PUD Amendment). The applicant, Experience One Homes, LLC sought to rezone approximately 44.76 acres located at 0 Core Banks St; and 0, 3115, 3233 US 64 HWY West from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 11 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ22 (Tullamore PUD). The applicant, Jones & Clossen Engineering, PLLC, sought to rezone approximately ±13.31 acres, for the properties located at 1805, 1745, and 0 Holt Road, from Rural Residential (RR) and Medium Density Residential-Conditional Use (MD-CU #94CU23) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 12 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ24. The applicant, Peak Engineering & Design PLLC, sought to rezone approximately ±1.28 acres, for the properties located at 1200 and 1204 Old Raleigh Road, from Residential Agricultural (RA) and Office & Institutional (O&I) to Neighborhood Business-Conditional Zoning (B1-CZ).
- Consent 13 Set Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Application #18CZ27 (540 Flex). The applicant, Jones & Clossen Engineering, PLLC, sought to rezone approximately 10.04 acres located at 1600 Olive Chapel Road from Tech/Flex-Conditional Zoning (TF-CZ) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 14 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 Town of Apex (future Olive Farm Park) properties containing 22.213 acres located at 0, 0, 3020 & 3024 Olive Farm Road, Annexation #639 into the Town’s corporate limits
- Consent 15 Revisions to the Town Standard Specifications and Details
- Consent 16 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 18, 2018
- Consent 17 Statement of Denial of the Town Council for Rezoning Case #18CZ20 (3050 Lufkin Road), Lufkin Leased Fee, LLC, petitioners for the property located 3050 Lufkin Road
- Consent 18 Statement of the Town Council and Ordinance for Rezoning Case #18CZ25, Perry and Debra Cox, petitioners for the property located on 0 Hudson Avenue

- Consent 19 Set the Public Hearing on October 16, 2018 for rezoning application #18RZ26 (Olive Farm Park) to rezone 22.213± acres located at 0, 0, 3020, 3024 Olive Farm Road from Wake County Residential-40W (R-40W) to Conservation Buffer (CB)
- Consent 20 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ17 (Jordan Vistas PUD). The applicant, Peak Engineering & Design, sought to rezone approximately ±52.71 acres, for the properties located at 2500, 2508, 2520, and 2532 New Hill Olive Chapel Road, from Wake County Residential-40W (R-40W) and Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 21 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 Nina Church, Michelle Demers, Kenneth and Jennifer Proulz and William and Deborah Elmore (Jordan Vistas) property containing 53.139 acres located at 2500, 2508, 2520 and 2532 New Hill Holleman Road, Annexation #636 into the Town’s corporate limits
- Consent 22 Memorandum of Understanding (MOU) and Cost Reimbursement Agreement between the Town and the FBI identifying the responsibilities of each agency and authorizing the Police Chief to execute the same

The Town Manager requested an add-on item to approve the Apex Friendship High School Parade.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM.

COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated there was a request to remove New Business 01 from this evening’s Agenda.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE AGENDA WITH THE REMOVAL OF THE STATED ITEM; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Shauna Shakelton stated she reached out to Council Member Dozier last year rearding this effort and asked this year for a Proclamation from the Mayor. That request was denied. Ms. Shakelton stated she wanted Council to realize the benefits of their organization to the community, and she spoke about the Mayor asking for the relativity to the community. Ms. Shakelton enlightened Council on the history of native americans in the area. She hoped awarding a Proclamation would be reconsidered. This would recognize the first peoples of this land.

Candance Blackley, on behalf of the League of Women Voters of Wake County, stated that her organization held its annual Women’s Equality Day Celebration in August. Council Member Audra Killingsworth was honored at this event. Council Member Dozier could not attend; therefore, she was here this evening to make the presentation to Council Member Dozier. On behalf of the League, Ms. Blackley thanked Council Members Dozier and Killingsworth for their service to the community.

Joey Bender stated that under our noise ordinance, there are specified times times but not days for noise to cease. He spoke about construction across the street from Apex Friendship High School going on on the holidays. He asked for restrictions on five or six of the major holidays. He added that there are delivery vehicles showing up between seven and eight at night. He wanted to know why were these vehicles parking there when there is no one present to accept deliveries. Council requested that the Town Manager review the ordinance and see what might be improved for this situation.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

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

Staff oriented Council to the site. This would be for the requestor to receive public services. Staff recommended approval.

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

Old Business 01 : Drew Havens, Town Manager

Amend Article III, Section 10-31 – 35 of the Town of Apex Code of Ordinances to prohibit smoking in Town Parks and to prohibit the use of vaping products, and tobacco products in Town buildings, vehicles, parks and greenways, except in designated areas

Staff stated that as instructed, the ordinance had been modified. Staff clarified that employees who work in the park would have to smoke in designated areas. There is no rule now on designated smoking areas on campus, but that is being worked on.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE AMENDMENTS;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council Member Moyer stated reasons why he was opposed to this modification.

THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Russell Dalton, Senior Transportation Engineer

Amendment to Section 20-164 of the Town of Apex Code of Ordinances with the addition of subsection (31) establishing No Parking along North Tunstall Avenue between Culvert Street and East Chatham Street

This item was removed from the Agenda by Council vote earlier in the meeting.

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 with no objection from Council, Mayor Olive declared the meeting adjourned.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

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