



Apex Town Council Meeting Tuesday, March 5, 2019

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, March 5, 2019, 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, called for a moment of silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Chief Keith McGee, Fire Department

Presentation of Fire Officer designation to Deputy Fire Marshal David Dillon

Chief McGee stated that David Dillon is now one of 453 credentialed Fire Officers in the world, there roughly being 30,000 fire departments in America. He outlined the extensive training and other processes Dillon went through in order to achieve this honor. When asked if he wished to say a few words, Dillon simply reminded folks of upcoming Daylight Savings Time and to change the batteries in their smoke detectors. Chief McGee, chuckling, commented this was David in true form.

Presentation 02 : Beth Bordeaux, Executive Director, Western Wake Crisis Ministries

Update on the impact WWCM is making in our community, their outcomes from 2018 and what they are seeing as needs for 2019

Ms. Bordeaux stated WWCM is now 36 years old. She shared their mission statement and told of the work that has been done in Apex. She shared stories of WWCM working with several individuals in unfortunate situations. There are close to 300 people relying on them for assistance per month, and they have seen an increase in repeat clients. Ms. Bordeaux shared the number of Apex individuals they have served.

Ms. Bordeaux spoke about WWCM's financial situation, their board membership, volunteers, and activities in which they are involved. Their services have been enhanced. Ms. Bordeaux thanked everyone for their support over the years.

Presentation 03 : Kenneth Withrow, Capital Area Metropolitan Planning Organization

Overview of the 2018 Southwest Area Study. This regional plan will update regional transportation initiatives for the study area encompassing Apex, Holly Springs, Fuquay-Varina, and Angier as well as portions of Wake and Harnett counties.

Mr. Withrow presented the current status of the Study which focuses on transportation needs. Mr. Withrow spoke about the principles which guide the Study and the changes which have been made since the original Study. The bus plan over the next 10 years was highlighted. Apex was selected to receive community funding.

Safe routes to schools are now being taken into account for kids walking and biking to school, with focus on elementary schools. The two significant hot spots in Apex were outlined as well as grade separations. Mr. Withrow stated a lot of public input has been received over the past several months. There will be an upcoming public meeting in April which will be the final opportunity to share input. Mr. Withrow stated what their next steps would be.

CONSENT AGENDA

- Consent 01 Town of Apex Electronic Signature Policy, effective March 5, 2019
- Consent 02 Apex Tax Report dated 01/07/2019
- Consent 03 Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance (UDO) as required by General Statute GS 160A-77
- Consent 04 Closure of the Chamber/Town Parking lot located at 220 N. Salem Street for Town's Concert at Depot 2019 Summer Series
- Consent 05 Special Event Permit request for St. Patrick's Day Salem Street Pub event on March 17, 2019
- Consent 06 Master Agreement, valid through June 30, 2021, with UEC, Pike Electric and McGill Associates and authorization for the Town Manager to execute same for On-Call Professional Services in the following areas of expertise: (1) Electric system design, (2) substation design and maintenance (3) Protection and controls, (4) Distribution system analysis

- Consent 07 Budget Ordinance Amendment No. 11 to appropriate funds for a transfer from the General Fund to the General Capital Project Fund and Capital Project Ordinance Amendment No. 2019-7 to expend those funds for design and renovation of the old Grocery Boy Jr. building on Mason Street into a new space for the Building Inspections Department
- Consent 08 Amendment of the Town Code of Ordinances Article IV – Transient and Mobile Food Vendors to meet National Fire Protection Association (NFPA) recommendations for food truck safety
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of February 19, 2019
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #18CZ30, Cozy Homes, LLC, petitioners for the properties located at 7808 and 7824 Stephenson Road
- Consent 11 Set the Public Hearing for the for the March 19, 2019 Town Council Meeting regarding an amendment to the 2045 Land Use Map and rezoning application #18CZ35. The applicants, ST Investment One, LLC, Anil K. Singh, and Glenn Futrell, seek to amend the 2045 Land Use Map for a portion of the area from Office Employment/Low Density Residential and Low Density Residential to Office Employment and to rezone approximately ±7.35 acres, for the properties located at 8201, 8217, 8209, and 8233 Green Level Church Road, from Rural Residential (RR) and Low Density Residential-Conditional Zoning (LD-CZ #18CZ09) to Low Density Residential-Conditional Zoning (LD-CZ) and Office & Institutional-Conditional Zoning (O&I-CZ)
- Consent 12 Set Public Hearing for the March 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ01 (Summit Church). The applicant, Heritage Leadership Academy, seeks to rezone approximately 8.31 acres located at 3000 Lufkin Road from Light Industrial and Planned Commercial-Conditional Use to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 13 Set the Public Hearing for the March 19, 2019 Town Council Meeting regarding Rezoning Case #19CZ03 Broadstone Station PUD amendment. The applicant, KRG Peakway @55, LLC, seeks to rezone approximately ±19.95 acres located at 0 Apex Peakway from Planned Unit Development-Conditional Zoning (#10CZ10) to Planned Unit Development-Conditional Zoning (PUD-CZ) in order to amend uses and development standards
- 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 John Norman, Randel and Janet Sink, Sandra Barefoot, Timothy and Lori McKinnish, Owen and Joann Wynne, Zachary and Christina Darden and Philip and Cynthia Johnson (Olive Ridge PUD) properties containing 58.87 acres located at 2125, 2205, 2217, 2237 and 2301 New Hill Olive Chapel Road; 8836 and 8848 Twin Ponds Lane, Annexation #652 into the Town’s corporate limits
- Consent 15 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 Bove Investments, LLC (Crossroads Ford Truck Center) property containing 18.0558 acres located at 1402 North Salem Street, Annexation #655, into the Town’s corporate limits
- Consent 16 Set Public Hearing for the March 19, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- Consent 17 Set Public Hearing for the March 19, 2019 Town Council meeting regarding amendments to the Unified Development Ordinance related to the subdivision process

Consent 18 Set the Public Hearing for the March 19, 2019 Town Council Meeting regarding Rezoning Case #18CZ34 Olive Ridge PUD and Ordinance. The applicant, Weekly Homes, LLC, seeks to rezone approximately ±57.17 acres - for the properties located at 2125, 2205, 2217, 2237, 2301 New Hill Olive Chapel Road; and 8836, 8848 Twin Ponds Lane from Wake County R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ)

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

PUBLIC FORUM

Susan Davis spoke about the plan to expand the police department parking lot. The oak trees on the property are being dismantled for concrete and asphalt. Ms. Davis spoke about the characteristics of old trees, positive and negative. She spoke about their importance to wild life. The expansion seems to be a short-term gain for a permanent loss of historical character.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the two amendments related to the Land Use Map and voting power for both the Planning Board and Board of Adjustment. The Planning Board 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 GANTT MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Joanna Helms, Economic Development Director

Public input on providing an economic development incentive for Project Protein in accordance with the Town's policy (Development Investment Grant)

Staff detailed the Grant's purpose and structure. She identified Project Protein's business and detailed what they are looking for and their benefit to the community. Staff outlined the investment incentive related to taxes.

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

Staff answered questions related to land, range of investment, and number of jobs.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE
THE INCENTIVE GRANT AS PRESENTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated it was exciting to see this project happen. The Mayor talked a bit about incentives and how we are looking forward to having this good employer in our Town.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Shawn Purvis, Assistant Town Manager

Order Closing the Right-of-Way (ROW) on Wilcon Way, a cul-de-sac located on the south side of Energy Drive

Staff stated this area was not developed, and that the other portion of the property has been developed into a larger site. This will serve the developer's needs for access. The project has been through the Town's processes.

Mayor Olive declared the Public Hearing open.

Patrick Kiernan, Jones and Clossen Engineering, stated the project is the Peak City Business Park. He explained how the property will be used and how the utilities will stay in place. This requested property will serve as an entrance into the park. Responding to Council, staff stated there will not be a future need to undue this request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE ORDER; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Request the General Assembly to enact a local act to allow Apex, subject to voter referendum, to levy a ¼ of one percent local option sales tax with all proceeds of said tax restricted to be used for street improvements

Staff stated we keep an eye on what is going on in the Legislature. Two acts are currently underway which would allow Council to ask voters if they wished a ¼ cent local sales tax. Is this something we want to do via referendum? Revenue is restricted from transportation improvements. If passed by Legislature, this would be another tool to fund the projects in the Capital Improvement Plan.

Council stated it can't hurt to ask for this since transportation was the number one concern on several surveys. Council stated it is good this is a sales tax – a lot of people from other areas shop in Apex, ride our streets, etc. This will be good for our citizens. Staff clarified the ¼ cent distribution. Council stated he wished for more information on what would be the use for the resulting dollars.

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