



## Apex Town Council Meeting

Tuesday, June 4, 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, June 4, 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, Audra M. Killingsworth, and Brett D. Gantt

Also in attendance were Town Manager Drew Havens, Town Clerk

Donna B. Hosch, and Town Attorney Laurie L. Hohe

Absent was Council Member Wesley M. Moyer

### **COMMENCEMENT**

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

### **PRESENTATIONS**

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There were no Presentations to be made.

### **CONSENT AGENDA**

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Consent 01 Minutes of the Regular Town Council Meeting of May 21, 2019

Consent 02 Multi-year Maintenance Agreement, valid until notice of termination by the Town, with Itron, Inc., and authorization for the Town Manager to execute same for FCS AND FDM software support and associated equipment maintenance

Consent 03 License agreement for Wake County EMS to utilize space within the Fire Administration building for the operation of one ambulance and the associated personnel

- Consent 04 FY 19-20 Position Classification Plan and Salary Ranges
- Consent 05 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #19CZ05 Jainix Green, Vapresh Bobby Jain, petitioner for the property located on 0 Jenks Road
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #19CZ07, Drew Havens, Town Manager, Town of Apex, petitioner for the property located on 315 West Williams Street
- Consent 08 Set the Public Hearing for the June 18, 2019 Town Council Meeting regarding Rezoning Case #19CZ06. The applicant, Benjamin T. Brooks, sought to rezone approximately ±0.86 acres, for the property located at 3512 Old US 1 HWY, from Wake County Highway Commercial (HC) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).
- Consent 09 Set the Public Hearing for the June 18, 2019 Town Council Meeting regarding Rezoning Case #19CZ11 Olive Chapel Professional Park. The applicant, Olive Chapel Professional Park, LLC, sought to rezone approximately ±8.52 acres located at 0, 1400, & 1480 Chapel Ridge Road from Office & Institutional-Conditional Zoning (#16CZ11) to Office & Institutional-Conditional Zoning (O&I-CZ) in order to add the use "Barber and beauty shop".
- Consent 10 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 Benjamin and Emily Brooks property containing 0.958 acres located at 3512 Old US 1 Hwy, Annexation #647 into the Town's corporate limits
- Consent 11 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 Sylvia E. Martin (Lake Pine Animal Hospital) property containing 1.5143 acres located at 1204 Old Raleigh Road, Annexation #663 into the Town's corporate limits
- Consent 12 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 Rich & Richere Levert and Richer & Richere V. Levert (Cool Pools) property containing 3.4215 acres located at 2309 Old US 1 Hwy, Annexation #667 into the Town's corporate limits

- Consent 13 Continuing to utilize ESRI Small Municipal Government Enterprise License Agreement (ELA) for the three-year term to include software maintenance and authorization for the Town Manager to sign the contract
- Consent 14 Transfer of cemetery plot from Ricky Canady to Walter McLamb
- Consent 15 Resolution installing four temporary speed humps in the Pemberley subdivision
- Consent 16 Set Public Hearing for the June 18, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **REGULAR MEETING AGENDA**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **PUBLIC FORUM**

Leah Krevat, student volunteer for Students Demand Action for Gun Sense in America, stated this Saturday they would be holding their 'wear orange' event to raise awareness of gun violence in America and to honor victims of gun violence. She asked that the Mayor sign a proclamation declaring June 7<sup>th</sup> Gun Violence Awareness Day.

She spoke about the active shooter on the UNC Charlotte campus in April, those killed, and those injured. Two of those injured are from Apex. Ms. Krevat provided figures on those taken by gun violence. She spoke about children growing up in a world where lock door drills are a common part of life for them. Ms. Krevat spoke about how the two Apexers' lives were impacted and how their lives would never be the same.

Ms. Krevat expressed that this was not a political, left or right issue. This was an Apex issue. She invited Council to join them at their upcoming event on Saturday June 8<sup>th</sup> in Raleigh. Mayor Olive stated he would look over the Proclamation and contact Ms. Krevat if he has follow up questions.

## **PUBLIC HEARINGS**

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex SM Raleigh, LLC, Tony & Judy Sears and Fahey Family Farm, LLC (West Village) property containing 109.1320 acres located at a portion of 0 and 2508 Kelly Road, 2420 and 2517 Kelly Road and 0 Old US 1 Hwy, Annexation #641 into the Town’s corporate limits

Staff oriented Council to the site. Staff recommended approval.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT  
THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **OLD BUSINESS**

There were no Old Business items for consideration.

## **UNFINISHED BUSINESS**

Unfinished Business 01 : Tom Colwell, Public Art Committee Chair

Revisions to the Public Art Policy and approval of new location for the proposed art piece

Mr. Colwell stated Council asked Committee and staff to revisit the policy and make modifications. He outlined the edits which had been made. He answered Council questions related to recommendation/approval of the edits which were made. Council expressed her appreciation for the Committee going back through the policy.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE  
THE REVISIONS; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

Mr. Colwell stated Council asked for a new location for the structure, and the recommendation was for the structure to be located on the Town campus. This was a good location, and the structure would not

be in the way of upcoming construction on campus. Mr. Colwell answered Council questions related to selecting the new location, the Committee already having targeted the campus as a possible location.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE NEW LOCATION; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **NEW BUSINESS**

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**New Business 01 : Shannon Cox, Long Range Planning Manager**

**Temporary closing of two parking spaces along North Salem Street from Friday, June 14 to 11:00 am on Friday, June 21, for the purposes of a tactical urbanism project supporting the Downtown Master Plan and Parking Study**

Staff stated this request was related to the Downtown Master Plan and the Traffic Study, and she explained why the request was being made. Outlined was what had been done as far as public input. Staff explained that a parklet is a mini park area that uses one or more parking spaces. Citizens were asked would they be willing to give up two parking spaces for this, and the responses were an overwhelming 'yes'. Staff gave the meaning of "tactical urbanism" and explained why it would work in Apex.

The parklet would be temporary for the upcoming charette, this being suggested by the consultant. The design formulated by the steering committee was shown, and the parklet construction was detailed. This would take no funding – there are volunteers and donors. Staff stated that there would be recognition of the merchants who donated.

Staff answered Council questions related to the water barriers, traffic safety, and the types of announcements for the project. There was discussion related to the length of time the parklet would be in place. Council consensus was to give this a window of time extended beyond the original ask – up to two weeks, if feasible, in order to collect more data which would be more reliable.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE CONSTRUCTION OF THE PARKLET AND TO EXTENDED THE CLOSING OF THE PARKING SPACES UP TO 14 DAYS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

There was no objection to recognition of the merchant donors. Council stated this would show the value of the parking spots.

**New Business 02 : Drew Havens, Town Manager**

**Resolution to forgive two loans made to DHIC to pay their acreage and capacity fees associated with the development of the Beechridge Apartment project**

Staff provided the history of these loans being given to this successful, low income housing project. DHIC has asked for forgiveness of the loans for \$163,940.00 to make their current financing much easier. DHIC will then invest money into Beechridge to improve both the interior and exterior. Since there is no interest on the loans, no principal payments were being made. There was to be a balloon payment at the end of the loan.

Council stated to provide this service is the right thing to do, and she was looking forward to working with more who understand poverty. Council agreed, stating any way we can help would be great for housing that's missing in the triangle area. Council stated we want to integrate our schools but not society, so this a great way of keeping lower income people in our community and automatically enhancing schools. Council agreed, stating this was a great company and great people to work with.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO ADOPT THE RESOLUTION AND TO ALLOW THE MANAGER TO NEGOTIATE ANY NECESSARY DOCUMENTS;  
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

**New Business 03 : Shawn Purvis, Assistant Town Manager**

**FY2019-2020 Annual Budget Ordinance and FY2019-2020 Fee Schedule**

Staff stated nothing had changed since the initial budget. There had been no public comment and position discussions did not affect the numbers. Staff gave the Fund numbers, stating that the approximate total budget was \$144 million.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO ADOPT THE ORDINANCE AND FEE SCHEDULE; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

The Mayor stated this was an outstanding effort by staff. The budget is now much more grown up and mature. To understand the budget has never been more transparent. This is the most important thing we do before providing services to the Town. He expressed special thanks to Shawn [Purvis] and Amanda [Grogan] and to all staff who contributed.

Havens stated this process starts with Council. Not all elected bodies are this involved, and this is appreciated by staff.

New Business 04 : Shawn Purvis, Assistant Town Manager

**FY2019-2020 Capital Improvement Program and associated capital project ordinances**

Staff explained the capital plan set up by Amanada [Grogan] and Vance [Holloman]. Council had seen all these projects previously, and this would establish those projects. Staff answered Council questions related to projects coming from citizens and if and when they could be a part of this plan. Council stated he liked this process and the layout of the documents. Council expressed appreciation for the updated process this year; there was less paper to deal with.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO ADOPT THE PROGRAM AND ASSOCIATED ORDINANCES; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **CLOSED SESSION**

Closed Session (1) pursuant to GS 143-318(a) (3) to preserve attorney-client privilege; and (2) to discuss the acquisition of property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

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

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive, Mayor