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# Apex Town Council Meeting

Tuesday, July 16, 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, July 16, 2019, 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**

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Call to Order : Invocation : Pledge of Allegiance

## **PRESENTATIONS**

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Presentation 01

**Kenneth Withrow, Senior Transportation Planner, Capital Area MPO**

Informational update regarding the regional Southwest Area Study led by the Capital Area MPO and the North Carolina Department of Transportation.

## **CONSENT AGENDA**

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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 Meeting of June 18, 2019 and the Special Council Meeting of June 28, 2019

[Consent 02](#) Motion to approve Closed Session Minutes of June 5, 2018; October 16, 2018; November 6, 2018; and December 4, 2018 (*Closed Session Minutes Recorded Separately*)

[Consent 03](#) Motion to adopt a Resolution delegating cemetery plot transfer authority to the Town Clerk

- [Consent 04](#) Motion to approve Statement of the Town Council for Rezoning Case #19CZ06, Ben T. Brooks, petitioner for the property located at 3512 Old US 1 HWY
- [Consent 05](#) Motion to adopt Statement of the Town Council for Rezoning Case #19CZ11 Olive Chapel Professional Park, Olive Chapel Professional Park, LLC petitioner for the property located at 0, 1400, & 1480 Chapel Ridge Road
- [Consent 06](#) Motion to approve agreement with Background Investigative Bureau LLC (BIB) to conduct background checks on volunteers and instructors associated with programs offered by Parks, Recreation, and Cultural Resources
- [Consent 07](#) Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of June 18, 2019
- [Consent 08](#) Motion to approve contract renewal between Wake County Public Schools and the Town of Apex for Off-Duty Police Officer Services, 2019-2020
- [Consent 09](#) 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 Fahey Family Farm, LLC (portion of West Village) property containing .0014 acres located at 2525 Kelly Road, Annexation #668 into the Town's corporate limits
- [Consent 10](#) 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 Nelson Nai-Cheng Liu, Barbara S. Anderson Revocable Family Trust and Barbara S. Anderson Charitable Remainder Unit Trust (Ellsworth) property containing 33.584 acres located at 8209 & 8233 Green Level Church Road, Annexation #634 into the Town's corporate limits
- [Consent 11](#) 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 Anil K. and Megha Singh, Kondapa Tammineni, Thanuja Puchakayala, and ST Investments (Ellsworth) property containing 3.556 acres located at 8201 & 8217 Green Level Church Road, Annexation #670 into the Town's corporate limits
- [Consent 12](#) Motion to approve a construction project contract Notice of Award to Laughlin-Sutton Construction Company for the replacement of the Tertiary Filters at the Water Reclamation

Facility, authorize the Town Manager to execute the contract and approve corresponding Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment 2020-01

[Consent 13](#) Motion to approve, and to authorize the Town Manager to sign and execute, a Special Operating Funding Agreement between Town of Apex, Capital Area Metropolitan Planning Organization, and GoTriangle for the Apex Circulator Study

[Consent 14](#) Motion to appoint individuals to the Parks, Recreation, and Cultural Resources Advisory Commission and to the Public Art Committee

[Consent 15](#) Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and Dan Ryan Homes, LLC, regarding Wake County PIN#0733-71-7547, Lot 21, Wayland Grove Phase 2, Book of Maps 2018, Page 02231, 551 Wayland Grove Lane, Cary, NC 27523

[Consent 16](#) Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-141-5128, Lot 172, Peak 502 South Phase 2, Book of Maps 2018, Page 02253, 1117 Finch Court, Apex, NC, 27502

[Consent 17](#) Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Jin S. Lee and Young H. Lee, regarding Wake County PIN#0733145811, Lot 4, Pines at Wake Crossing Phase 1A, Book of Maps 2017, Pages 761-763, 2214 Pollard Place, Cary, NC, 27519

[Consent 18](#) Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-14-2471, Lot 44, Peak 502 South Phase 2, Book of Maps 2018, Page 0253, 2230 Red Knot Lane, Apex, NC, 27502

[Consent 19](#) Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and Beazer Homes, LLC, regarding Wake County PIN#0732-14-2329, Lot 45, Peak 502 South Phase 2, Book of Maps 2018, Page 0253, 2234 Red Knot Lane, Apex, NC, 27502

## **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**

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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**

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### [Public Hearing 01](#)

**Lauren Staudenmaier, Planner I**

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Mark Maletta (3112 New Hill Holleman Road) property containing 2.474 acres located at 3112 New Hill Holleman Road, Annexation #658 into the Town's corporate limits

**and**

### [Public Hearing 02](#)

**Lauren Staudenmaier, Planner I**

Public Hearing and possible motion regarding Rezoning Application #19CZ08 and Ordinance. The applicant, Mark Maletta, seeks to rezone approximately 2.413 acres located at 3112 New Hill Holleman Road from Wake County Residential-30 (R-30) to Neighborhood Business-Conditional Zoning (B1-CZ).

### [Public Hearing 03](#)

**Sarah Rayfield, Senior Planner**

Public Hearing and possible motion regarding an amendment to the 2045 Land Use Map and Rezoning Case #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ.)

*[The applicant requests this item to be continued to the August 20, 2019 regular Town Council meeting.](#)*

### [Public Hearing 04](#)

**Amanda Bunce, Current Planning Manager**

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance

## **OLD BUSINESS**

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There are no Old Business items for consideration

## **UNFINISHED BUSINESS**

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There are no Unfinished Business items for consideration.

## **NEW BUSINESS**

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### [New Business 01](#)

**Vance Holleman, Finance Director**

Possible motion to approve a resolution making findings and determinations regarding the need to finance the construction of an administration and operation warehouse facility for the Electric Department, authorizing staff to file an application with the Local Government Commission (LGC) to approve a combined enterprise system revenue bond in an amount not to exceed \$9.5 million for that purpose and requesting that the LGC conduct a private sale of the bond to the winning bidder as recommended by staff.

## **CLOSED SESSION**

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Possible Motion to go into Closed Session (1) to discuss the acquisition of property; and (2) pursuant to GS 143-318.11(a)(3), to preserve attorney-client privilege

## **WORK SESSION**

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There are no Work Session items for consideration

## **ADJOURNMENT**

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