



Apex Town Council Meeting

Thursday, January 3, 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 Thursday, January 3, 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 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

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

PRESENTATIONS

**Presentation 01 : Ken Redfoot, AIA, Designer with CRA Associates, Inc
Electric Operations Center Site and Building Design Development Plans**

Mr. Redfoot introduced himself and his associate David Taylor. He stated that after a comprehensive process, the needs of the building were identified. There is a large oak tree which will remain and be showcased on the site. The layout of this efficient building was presented. Mr. Redfoot outlined how solar will be incorporated.

Questions from Council were answered related to a possible exercise space and sleeping quarters and how the sun shades would work. Mr. Redfoot stated they will move on to the next phase of the design.

CONSENT AGENDA

- Consent 01 Minutes of the December 4, 2018 and December 18, 2018 Regular Council Meetings
- Consent 02 Revisions to a policy regarding the administration of the Façade Grant program within the Central Business District
- Consent 03 Contract between Town of Apex and LexisNexis and authorization for the Town Manager to execute the agreement
- Consent 04 Master Services Agreement, valid through June 30, 2021, with KB Power Systems, LLC, and authorization for the Town Manager to execute same for miscellaneous electrical and generator repair services
- Consent 05 Reclassification of the Meter Services Supervisor position from Grade 19 to Grade 21
- Consent 06 Authorization for the Town Manager to sign a Right of Entry Permit between Wake County and the Town to allow a training exercise between Apex, Cary and Morrisville Fire Departments to be held on the Wake County owned parcel of land behind Fire Station 3 (736 Hunter Street)
- Consent 07 Standard Services Contract, valid through June 30, 2020, with Evoqua Water Technologies, LLC, and authorization for the Town Manager to execute same for supplying odor control chemicals and servicing pump station chemical tanks
- Consent 08 Termination of escrow agreement between Town of Apex and Town of Morrisville and Town of Cary and New Hill Community Center and Southern Coalition for Social Justice and authorization for the Town Manager to execute the agreement
- 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 December 18, 2018
- Consent 10 Set the Public Hearing for the January 15, 2019 Town Council meeting regarding an amendment to the 2030 Land Use Map and rezoning application #16CZ32 Trinity Apex PUD for approximately 25.5± acres located at 0 & 1709 E. Williams Street. The applicants - Page Two Holdings, LLC and Rodessa, LLC – propose to amend the 2030 Land Use Map from Medium-High Density Residential/High Density Residential to Medium-High Density Residential/High Density Residential/Office Employment/Commercial Services and to rezone the properties from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 11 Set Public Hearing for the January 15, 2019 Town Council Meeting regarding Rezoning Application #18CZ32 Old Mill Village Lot 1 PUD Amendment. The applicant, Jones & Cnossen Engineering, PLLC, seeks to rezone approximately 2.82 acres located at 400 & 450 N. Mason Street from Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ) to update allowed uses and development requirements.
- Consent 12 Set Public Hearing for the January 15, 2019 Town Council Meeting regarding Rezoning Application #18CZ33 (7800 Secluded Acres Road). The applicants, Jeffrey & Lindy Morris, sought to rezone approximately 5.61 acres located at 7800 Secluded Acres Road from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ).
- Consent 13 Set Public Hearing for the January 15, 2019 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 14 Statement of the Town Council and Ordinance for Rezoning Case #18CZ31, Jones & Cnossen Engineering, PLLC/ Westford Commercial WEH LP, Westford Apartments WEH LP, and Taylor Morrison of Carolinas, Inc., petitioners for the property located on 0 & 8101 Jenks Road and 2812, 2900 & 3300 US Hwy 64 West
- Consent 15 Apex Tax Report dated 11/01/2018

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council Member Moyer stated he did not fully support Consent 09.

THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Vinitha Panchikarla, introduced herself on behalf of Hindu Swayamsevak Sangh, a non profit and social organization, established in 1989. She gave the number of ways in which they preserve and practice Hindu ideas. One of these ways is through yoga, which is not a religious practice. Yoga has physical benefits, and Ms. Panchikarla gave a brief description of each yoga pose. She stressed that there are some individuals who cannot perform the exercises.

Ms. Panchikaria stated that from January 12th to the 27th they would be hosting a Surya Namaskar Yanga event. Council stated she has tried this type of exercise and found it a very good workout. The Mayor complimented Ms. Panchikaria on her presentation.

PUBLIC HEARINGS

Public Hearing 01 : Shannon Cox, Long Range Planning Manager

Bike Apex: The Comprehensive Bicycle Plan

Staff presented background on this Plan coming to its final form for Council consideration. There was a walkthrough of each of the chapters of the Plan, which were formulated with input from the community. The community felt this issue very important. Recommendations of the steering committee were presented. The Parks, Recreation, and Cultural Resources Commission recommended approval of the Plan as did the Planning Board.

Staff responded to questions presented by Council on electric bikes and what accommodating them would entail. The Mayor complimented staff on the Plan and the effort put into its formation.

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 KILLINGSWORTH MADE THE MOTION
TO ADOPT THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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 : Shannon Cox, Long Range Planning Manager, and Russell Dalton, Senior Transportation Engineer
Potential extension of Shepherds Vineyard Drive under US 64 as part of the North Carolina Department of Transportation project U-5301, US 64 Corridor Improvements

Staff gave background on this project. Shown was the proposed interchange, and staff stated the uses along Shepherds Vineyard Drive. Staff stated some of the negatives presented against the project. Wake County is in support.

Staff clarified the impact of the median in the area and answered Council questions related to connections and safety risks. Staff clarified funding of noise abatement and enhancements and projected traffic volumes. Staff was in support of the project and its recommendations were stated. Staff stated the next steps would include NCDOT meetings with the neighborhood in Shepherds Vineyard and the selection of a preferred alternative for the US 64 corridor. Staff answered several more Council questions related to traffic,

CLOSED SESSION

Closed Session 01 : Laurie Hohe, Town Attorney

Meeting with the Town Attorney concerning Upright Builders v. Town of Apex

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

MAYOR OLIVE CALLED FOR A MOTION TO 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 objections from Council, Mayor Olive declared the meeting adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor

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Apex Town Council Workshop

Thursday, January 3, 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 Workshop for the Apex Town Council
scheduled for Thursday, January 3, 2019, at 5:30
p.m. was held in Training Room 3A at
Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive 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 Managers David Hughes
and Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the workshop to order and stated the purpose of the meeting was to set Apex's
Legislative Agenda for 2019.

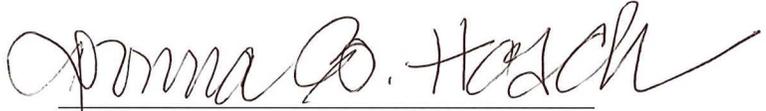
DISCUSSION

The Mayor stated he wished to get a head start on the Agenda for 2019. Council reviewed previous goals
to determine if any were not met and needed to go on the 2019 Agenda. Discussed and agreed upon
were goals related to land use, aesthetic control, water and sewer utilities, hydraulic fracturing, Jordan
Lake Rules, building code inspections, parks and clean water funding, roadway congestion, sales tax
distribution, school site design, school authority, drones, and affordable housing. Council agreed upon
the priority of the list.

The Mayor stated that staff would review the goals for clarification. The Agenda would then go on an
upcoming Consent Agenda for Council approval.

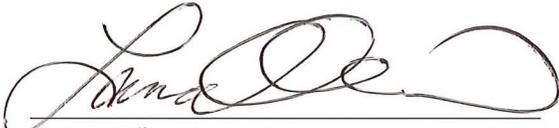
ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive declared the Workshop adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, January 15, 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, January 15, 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, read a section of a Native American prayer written by Blue Turtle, called for a moment of silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Council Workshop of January 3, 2019 and the Regular Town Council Meeting of January 3, 2019
- Consent 02 Apex Town Council Legislative Goals and direct staff to send same to delegation to the North Carolina General Assembly
- Consent 03 Interlocal agreement between with Cary and Morrisville establishing expectations and requirements related to Cary serving as the primary public-safety answering point for Apex
- Consent 04 Apex Tax Report dated 12/06/2018
- Consent 05 Assignment and estoppel of Option and Ground Lease Agreement for cellular tower located at Kelly Road Park from Durham Tower, LLC to SBA Towers X, LLC and authorization for the Town Manager to execute the due diligence letter and Assignment document upon presentation

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

PUBLIC FORUM

Walter Manthey stated he sent an email to DOT regarding the 64 improvement project on which he cc'd Council. He thanked Council Members Jensen and Olive for their response. Mr. Manthey spoke about his being a child and his bike riding experiences, transitioning to his being older and being a driver. He asked for decisions to be made based on the perspective of Shepherds Vineyard residents. Mr. Manthey spoke about why they want a part of their neighborhood to remain intact. Stripping out the trees and putting in a concrete drive will affect their property values. He stated that Chimney Hill Drive would be used as a cut through by students which will affect the safety of their neighborhood. He stated the specific asks for Council consideration.

Ed Purchase spoke about the peaceful living in his neighborhood. He embraced the changes to 64, but the "tunnel" would change this and cost the public millions. It is not an appropriate entrance to a neighborhood. Mr. Purchase stated there would be no way to prevent people from speeding through and that this would be a safety hazard.

Harvey Richmond stated he wished to present a new business resolution. He hoped it would be endorsed and gave an outline of his professional background. The resolution would educate people about climate change and greenhouse emissions. These are real, and Mr. Richmond asked Council to support the resolution and follow up with concrete steps.

Charles Gatlette stated he owned the land to be discussed in the Unfinished Business item. He wanted Epcon to be able to buy the property and gave background on his family's Apex residency. They want to sell because it is very expensive to live in Wake County. Before his mother passed, she stated the family

might want to sell some of the land. His intent is to leave an inheritance for his children and to take care of his family.

Harlan Stafford talked about enjoying the benefits of living in Wake County and Apex. He agreed 64 needs some improvements, but also agreed with those who spok this evening about reconsidering the current plans. He asked Council to consider all neighbors and do what could be done to not cause impact to the library.

Lesley White stated she was representing 78 neighbors and her children. She spoke about it not being totally safe or accessible to sidewalks, and the original design for the neighborhood. They did not want the tree buffer removed to put in a sidewalk; they wanted the Town to put in curb and gutter instead. She asked for their sound protection to be maintained.

Reid Davidson stated he and wife didn't want the sidewalk completion project. It would lower property value and increase noise and light projections. He didn't see benefit of installing curb and gutter. This would also negatively impact the stormwater system. There are other options for connecting the sidewalks.

Mayor Olive asked the Town Manager and staff to take the comments presented into consideration. It could possibly be a conversation for the upcoming retreat. Staff noted that DOT owns the 64 project and the highway. Opinions and thoughts would need to go through them at their January 28th meeting. The Town would not be voting on this project.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

Rezoning Application #18CZ33 (7800 Secluded Acres Road). The applicants, Jeffrey & Lindy Morris, sought to rezone approximately 5.61 acres located at 7800 Secluded Acres Road from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval. Staff responded to Council questions regarding street properties, sidewalks, greenways, and accessory apartments.

Jeff Morris, applicant and property owner, stated they don't have a buyer for the property as yet. He was in attendance to answer any Council questions. He was asking for the rezoning because he saw it as the best usage of the property to benefit his family's future.

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 KILLINGSWORTH MADE THE MOTION
TO APPROVE THE REZONING; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Shannon Cox, Long Range Planning Manager

Amendment to remove a future Minor Collector street from the Thoroughfare and Collector Street Plan map in the vicinity of the proposed Trinity Apex Planned Unit Development

Staff detailed the proposed amendment. Planning staff recommended approval as did the Planning Board. Staff answered Council questions related to connectivity.

Jason Barron, Morningstar Law Group and representing the applicant, stated he was in attendance to support the request.

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 AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Shelly Mayo, Planner II

Rezoning Application #18CZ32 Old Mill Village Lot 1 PUD Amendment. The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 2.82 acres located at 400 & 450 N. Mason Street from Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ) to update allowed uses and development requirements

Staff oriented Council to the site and gave background on past changes to the property and why this rezoning was being requested. A neighborhood meeting was held. Staff clarified the specifics of each of the proposed uses and to what the applicant was agreeable to provide in relation to uses. Planning recommended approval as did the Planning Board. Staff answered Council questions related to past decisions regarding the property, possible parking, and traffic.

Staff detailed the trip generation table related to the current and proposed zoning and at what point a traffic impact analysis would be conducted.

Peter Cnossen, Jones and Cnossen Engineering, representing the applicant, expressed appreciation to staff. He presented a brief history of the owner who wished to construct a day care center on this

property. Mr. Cnossen and the owner believed this would be a good use for the area. Mr. Cnossen encouraged the rezoning, hoping that Council would see this as a positive. He answered questions from Council regarding the feasibility of further decisions about the property being made this evening and a privacy fence.

Mayor Olive declared the Public Hearing open.

Lynnette Cardillo did not want the property rezoned for day care, and she gave her reasons why. She wanted the property developed as originally planned.

Lori Kemeny, founding parent of Primrose, spoke about how Primrose did not have a choice in moving its location. Primrose provides a high level of education. She understood the concern about parking, but felt this use would be a benefit vs. retail and its traffic.

Kerry Stockman, owner of Primrose, spoke about having to shift gears after finding out the school had to move. They needed to get a new school quickly. The effect of how this could affect their employees was addressed along with event parking and fire alarms not being distracting.

Content Truelove, consultant at Primrose, spoke about the accredited curriculum, revenue stream, employees, and students.

Beth Tsai stated she was opposed to the daycare, asking what responsibility the Town has to those already living in the area. She wanted to have what was promised them.

Mike Chirico was opposed, stating that he bought his home with the previous plan as mixed use/retail in mind. He spoke about Council's past zoning decisions, the impact of traffic, and their having a right to have a say in what is built on the land.

Brad Kelly stated his son attends Primrose and that it's above and beyond the place to go. He spoke about what they focus on that other day cares don't. More walkability would be helpful. Mr. Kelly stated Primrose would not have traffic seven days a week as would some of the other uses. He supported this great place that cares about the kids and the community.

Karin Cleary stated she was also representing her mother. She talked about Apex being a great place, noting her concern about places for the elderly to live without stairs. She encouraged Council to help bring in elderly and older housing and to keep the original plan for condos, if possible.

Kathryn Morgan spoke about why she chose to move to Apex, the live/work concept being one of the reasons. She read from the advertising material which outlined the original uses. She opposed the day care zoning and talked about parking.

Lori Pfister stated the idea of three preschools within a short distance was not a problem because of those moving into the area who need the service. She was a friend of Primrose, and empathetic to the owners and all they're going through. She did not feel the noise of the fire alarm was as loud as a leaf blower.

Barbara Collins, a Primrose grandparent, would love for Primrose to stay in Apex. The business of Council was to find the best use for the property. She spoke about how other commercial/retail spaces are all vacant.

Cathy East stated her concern was about parking.

Teri Nelson did not want Council to make a hasty decision on this. The original plan was why they purchased their home, and Council was asked to stick to that plan. They love the downtown and go there every week.

Eric Rifkin, Halle Companies, stated the original plan was not buildable now because of building code changes. Primrose was only three years old, and already they were being asked to move. He spoke about specifics of the site and supported Primrose even in relation to all the concerns that had been expressed this evening. Primrose is an early education center, not just day care.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions related to traffic flow. Mr. Clossen agreed to two entrances to the site. Mr. Rifkin answered Council questions related to the choice of this location vs. another location and parking spaces. Staff responded to a sidewalk question.

Council felt the day care would not significantly increase traffic. Stated was how the retail is market driven and way bigger than we are. This was an opportunity to do something right for a local small business who did not know this was going to happen to them. This exception needed to be made.

Council was very impressed when the day care first opened. This would be a very hard decision; but based on people's expectations, there could not be support for the request. This nonsupport decision did not make Council happy.

Council felt Primrose would be good for the area, but neighbors expected the original plan. Council did not intend to support the request.

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

Staff reminded this would be with conditions stated on this evening. There was further discussion about the privacy fence and buffers. The Mayor stated there was probably a better place for this business based on neighbors' expectation of mixed use as originally stated.

COUNCIL MEMBERS MOYER, KILLINGSWORTH, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS DOZIER AND GANTT VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive called for a five-minute recess.

With no objections from Council, Mayor Olive stated the ending item on the Agenda would be deferred in order to go into Closed Session with a clear mind [in view of the late time].

Public Hearing 04 : Amanda Bunce, Current Planning Manager

2030 Land Use Map amendment and rezoning application #16CZ32 Trinity Apex PUD. The applicants - Page Two Holdings, LLC and Rodessa, LLC - proposed to amend the 2030 Land Use Map from Medium-High Density Residential/High Density Residential to Medium-High Density Residential/High Density Residential/Office Employment/Commercial Services and to rezone ±25.5 acres located at 0 & 1709 E. Williams Street from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff detailed the amendment and oriented Council to the site. A neighborhood meeting was held. Planning was in support of the amendment in the context it was being proposed. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. Planning and the Planning Board recommended approval.

Staff answered Council questions related to road construction and buffers.

Jason Barron, Attorney at Morningstar Law Group, representing the applicant, further detailed the specifics of the PUD. They were of the belief this was a good Plan for the site with public benefits into the future. They had agreed to a condition related to solar.

Mayor Olive declared the Public Hearing open.

Ingrid and Joel Toy, sellers, pulled together 23 family members to get this accomplished. They worked with the developer every step of the way and had done everything that was asked of them. The property had been in their family 78 years, and they were excited to be part of something that would give new life to 55. Council was asked for their support and approval.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE AMENDMENT AND REZONING WITH THE SOLAR CONDITION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the five proposed amendments and answered questions related to lighting.

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 AMENDMENTS; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council expressed concern about the angle of signage. Staff will let Council know if this becomes problematic.

THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Amanda Bunce, Current Planning Manager

Rezoning application #18CZ29 Courtyards on Holt PUD. The applicant, EPCON Communities, sought to rezone approximately ±28.839 acres - for the properties located at 305 & 313 Callette Street and 0, 1345, 1313, & 1337 Holt Road - from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The applicant added two solar conditions. Staff defined 'age restricted' and felt this would be enforced by the HOA. Jason Barron, Attorney with Morningstar Law Group, stated the HOA would have to file with the federal government compliance with the age restrictions.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council asked for consideration of the applicant's wishes related to not being able to afford the high taxes on this property. Council expressed unhappiness related to the sidewalk.

COUNCIL MEMBERS GANTT, MOYER, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBERS DOZIER AND KILLINGSWORTH VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Resolution Supporting the Goals of the Paris Climate Change Agreement

Council Member Jensen stated he was in agreement with this item being continued to the February 5th meeting.

CLOSED SESSION

Closed Session : Joanna Helms, Economic Development Director and Laurie Hohe, Town Attorney

Closed Session (1) to discuss the location or expansion of business or industry in the Town of Apex, and (2) to meet with the Town Attorney to discuss the handling of the matter of Upright Builders v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION 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.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Joint Conversational Meeting with Holly Springs

Tuesday, January 29, 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 Joint Conversational Meeting scheduled for Tuesday, January 29, 2019, at 6:00 p.m. was held at the Halle Cultural Arts Center, 237 N. Salem Street, Apex

In attendance from Apex were 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

In attendance from Holly Springs were Mayor Dick Sears, Mayor Pro Tem Tom O'Brien, and Council Members Cheri Lee, Peter Villadsen, Dan Berry, and Christine Kelly

Also in attendance were Town Manager Randy Harrington, Assistant Town Manager Daniel Weeks, Assistant Town Manager J. Scott Chase, and Town Clerk Linda McKinney

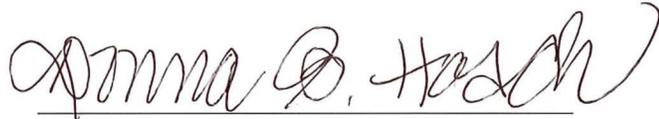
Note: this was an informal, joint conversational, dinner meeting with the Town of Holly Springs, geared towards both Councils becoming better acquainted and to share ideas on those things which would enhance both communities. All discussion was candid and presented on an informational basis only.

Mayor Pro Tem Dozier welcomed everyone to the meeting. Each person identified themselves, stated their day job, and gave a one-word descriptor of their town.

Conversation touched on projects in which both towns could partner, balancing the needs and wants of the citizens, investing in elements that would enhance the downtowns, the current presence of regionalism and its positive effects, Apex's Community Center and Skate Park, location of parks, the school systems and resulting traffic issues, public swimming pools, purchase of park land, Veridea, the landfill in Holly Springs, environmental and noise issues with trains, Council committees and their purpose, and Retreat formats.

Council Members gave one word descriptors as to how they felt after the discussion.

Town Manager Havens thanked everyone for attending and spoke about the benefits of the kind of dialog that was expressed this evening. Town Manager Harrington thanked all for their participation and expressed his views on the positives of joint dialogs.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Nicole Dozier, Mayor Pro Tem



Apex Town Council Budget Retreat Friday, February 1, 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 Retreat for the Apex Town Council
scheduled for Friday, February 1, 2019, at 8:45
a.m. was held at the Halle Cultural Arts Center,
237 N. Salem Street, Apex

In attendance were Mayor Lance Olive 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 Managers David Hughes
and Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Finance Director Vance
Holloman, Communications Manager Stacie Galloway, IT Director Erika Sacco,
Parks and Recreation Director John Brown, Permits and Inspections Director Rudy Baker, Budget and
Management Analyst Amanda Grogan, Public Works and Transportation Director
Jose Martinez, Planning Director Dianne Khin, Human Resources Director Mary Beth Manville,
Electric Technical Services Manager Rodney Smith, Police Chief John Letteney,
Senior Transportation Engineer Russell Dalton, and Parks and Greenway Planner Angela Reinke

COMMENCEMENT

Mayor Olive welcomed everyone and presented the Agenda for the Retreat.

AGENDA

CAPITAL PROJECTS UPDATE

Community Center Expansion

Smith-Sinnett, Architects, outlined the development process of the Community Center Expansion (senior center). Outside elevations of the Center were presented as well as the interior design. Final completion is due for late 2020.

Smith-Sinnett, responding to Council, stated they are trying to keep as many trees on the property as possible. There was Council/staff discussion surrounding access to North Hughes Street.

In reference to Hughes Street, two Council Members were in favor of the street opening with the stated safety features; three Council Members were in favor a stub street with improvement of Hughes taking place at a later time.

Pleasant Park

Withers Ravenel presented an illustration of the Master Plan, going through the various Phases. Phasing will allow opening parts of the project while keeping construction and equipment away from those using the park. Council questions were responded to regarding bathroom facilities, concession buildings, tennis courts doing double duty as pickle ball courts, walkability, and a fish pond.

Peakway Southwest

Staff outlined the recent progress on this project. Answered were Council questions related to walls, LED lights, and acreage. Completion of the project is scheduled for late 2022.

Consensus from Council was to have the railings designed to accommodate future solar.

Greenways

Staff outlined the progress of the various phases of Beaver Creek, Middle Creek, and White Oak Creek Greenways. Council questions were answered related to funding, connectivity, and cul de sacs.

STORMWATER UTILITY

Staff outlined the various aspects of this water-based program, our Phase II permit being issued by the State in 2005. Staff detailed the required aspects of the program and our compliance with each.

Council questions related to our compliance, impervious surfaces, and fees were answered. Staff explained what would happen if we do not keep up with our infrastructure.

Council consensus was to go with #3 on the Potential Timeline, and to give staff time to review the fee and report back to Council.

CAPITAL IMPROVEMENT PLAN, CIP PRIORITIZATION RESULTS AND DISCUSSION, and COUNCIL INITIATIVES AND PRIORITIES (Non-CIP items)

Staff explained the Plan, outlining the projects listed in each of the four quartiles. The Mayor facilitated discussion on the details of the projects. Council, through consensus, organized the projects in order of their importance per quartile.

There was Council discussion about subjects they wished to see placed in the Plan. Council, looking at all projects presented, made their selections for what was most important to them.

TAX RATE DISCUSSION

Staff presented current and upcoming tax rates. It was noted that residents were informed of the tax rate hike this year because of passage of the bond. Apex has the third lowest tax rate in Wake County, up one from last year.

Mayor Olive stated he would not want to see a tax increase this year, which was echoed by several Council Members and not by others. There was further discussion regarding the tax rate.

FINANCIAL UPDATE

Staff clarified several statements from last year's Fund Balance. The Other Post Employment Benefits (OPEB) process which the Town must establish was briefly outlined. Council questions regarding debt were clarified.

SUBDIVISION APPROVAL DISCUSSION

Staff outlined the types of decisions which Council will be called upon to make. Specifically referred to was subdivision approval, which would either be administrative or quasi-judicial. School of Government recommendations were outlined.

Staff outlined the types of subdivisions, the specifications of each, and the process these plans go through. Staff recommended changes which would take subdivision approval from a 6-month to a 4-month process. There would need to be changes to the UDO, application, and schedule.

The Mayor explained why this revised process was being proposed, primarily to ensure a more efficient process for staff and builders. He explained compliance. His recommendation was to adopt the new process outlined by staff. Implementation could be by July 1, 2019.

Staff, responding to Council, stated the new process would not affect public outreach.

Consensus of Council was to adopt the new process as outlined by staff.

WRAP UP

Staff clarified information related to the budget.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive declared the Retreat adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, February 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, February 5, 2019, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

Mayor Olive called the meeting to order, presented thoughts of thanks and appreciation and healing, provided time for silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Beth Bordeaux, Executive Director, Western Wake Crisis Ministries

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

Mayor Olive stated that this presentation would not be heard on this evening due to illness of the presenter.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of January 15, 2019 and the Joint Conversational Meeting with Holly Springs on January 29, 2019
- Consent 02 Reconveyance of cemetery plots from Todd King to the Town in the amount of \$3,600
- Consent 03 Construction contract and authorization for the Town Manager to execute same for Microsurfacing Project (R-19-1), bid alternate A
- Consent 04 Contract for audit services for the fiscal year ending June 30, 2019
- Consent 05 Resolution of Intent for the closing of a right-of-way (ROW) on Wilcon Way, a cul-de-sac located on the south side of Energy Drive, and to call for a Public Hearing at the March 5, 2019 Council Meeting
- Consent 06 Design agreement contract with Davis Kane Architects for pre-design study for the Renovation and Addition of Fire Station 1 and authorization for the Town Manager to execute the design agreement contract

- Consent 07 Utility Construction Agreement for Project Number R-2635A, I540 Section A between North Carolina Department of Transportation and the Town and authorization for the Town Manager to execute the Agreement on behalf of the Town. Also Capital Project Ordinance Amendment 2019-6 to appropriate additional funds for the project.
- Consent 08 Updated Interlocal Agreement between Apex, Cary, and Chatham County for service to Chatham County to continue to access their Jordan Lake water supply allocation via the Cary/Apex Jordan Lake intake facility and associated Resolution and authorization for the Town Manager to execute the Agreement on behalf of the Town of Apex
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #16CZ32, Trinity Apex PUD, Page Two Holdings, LLC and Rodessa, LLC petitioners for the property located at 0 and 1709 E. Williams Street
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #18CZ29, Courtyard on Holt PUD, EPCON Communities/Jason Barron, Morningstar Law Group petitioners for the property located at 305 & 313 Catlette Street; 0, 1345, 1313, & 1337 Holt Road
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #18CZ32 Old Mill Village Lot 1 PUD, Apex First Development, LLC, petitioners for the property located on 400 & 450 North Mason Street
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #18CZ33, Jeffrey & Lindy Morris, petitioners for the property located on 7800 Secluded Acres Road
- Consent 13 Construction contract with Southern Solar Systems and authorization for Town Manager to execute same for installation of Solar PV panels on Town of Apex buildings
- Consent 14 Set Public Hearing for the February 19, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- Consent 15 License agreement between the Town of Apex and Wake County to establish the framework from which Wake County EMS will continue to house an ambulance in the Fire Administration building located at 315 W. Williams Street
- Consent 16 Set the Public Hearing for the February 19, 2019 Town Council Meeting regarding Rezoning Case #18CZ30. The applicant, Cozy Homes, LLC, seeks to rezone approximately ±4.12 acres, for the properties located at 7808 & 7824 Stephenson Road, from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).
- Consent 17 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 Empire Estate, LLC (Stop-n-Go) property containing .73 acres located at the southeast quadrant of the intersection of NC 55 Bypass and E. Williams Street, Annexation #649 into the Town's corporate limits
- Consent 18 *Removed at the Request of the Requestor* – 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 MFW Investments, LLC, (Colby Crossing) property containing 7.578 acres located along a portion of the future connection of Colby Chase Drive between Merion and Pemberley subdivisions, Annexation #651 into the Town's corporate limits
- Consent 19 3-year term Master Service Agreement with Enviro-master Services and authorization for the Town Manager to execute agreement. Enviro-master Services is a "Deep Cleaning Restroom Hygiene and Sanitization Services" company to be used on an individual request to clean a restroom beyond normal custodial cleanings/capabilities.
- Consent 20 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of January 15, 2019

- Consent 21 Contract and authorization for the Town Manager to execute same for Building Automation System upgrade for all HVAC-controlled buildings operated by Town. The Town's Building Automation System (BAS) is the system that controls the HVAC system for all buildings within the town. Currently, the Town uses the legacy "Insight Workstation" which has been in existence since 1998. This new update to the "Desigo CC Workstation" will be required to operate our HVAC system in the future.
- Consent 22 3-year term Master Service Agreement with Siemens Industry, Inc and authorization for the Town Manager to execute the agreement. Master Service Agreement will cover work with HVAC repairs, Mechanic, Automation, Energy, Fire, Security, Electrical Specialists, and Monitoring.
- Consent 23 Surplus of Aries camera sewer equipment with an estimated value of \$80,000
- Consent 24 Set a Public Hearing to consider and receive public input on providing an economic development incentive for Project Protein in accordance with the Town's policy (Development Investment Grant)

The Town Manager stated that the requestor asked for Consent 18 to be removed from the Agenda.

MAYOR OLIVE CALLED FOR A MOTION TO ACCEPT THE CONSENT AGENDA WITH THE REMOVAL OF CONSENT 18.
COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Jensen stated he wished to reverse the order of the two New Business items.

MAYOR OLIVE CALLED FOR A MOTION TO ACCEPT THE REGULAR AGENDA WITH THE STATED
MODIFICATION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Harvey Richmond gave his work background as an environmental science professional. He asked for adoption of the resolutions proposed by Council Member Jensen.

John Buck presented his background as a special needs educator. He stated that sustainable housing is unattainable for many groups in our society. CASA works to provide affordable housing for those who might not otherwise be able to afford such. Mr. Buck has spoken with CASA's CEO to ask what the community can do to help, noting that Chapel Hill is the only municipality to have an affordable housing

community. This is very significant, and Mr. Buck hoped affordable housing will be a part of the UDO. He provided information on what Chapel Hill uses as their model.

PUBLIC HEARINGS

**Public Hearing 01 : Shannon Cox, Long Range Planning Manager and Allison Fluit, Kimley Horn and Associates
Advance Apex: The 2045 Transportation Plan and Advance Apex: The 2045 Land Use Map Update**

Staff stated the reasons both Plans were being heard together. Outlined were the three phases of the process and what had been accomplished in each. Staff stated the public was involved during each process.

Focus areas were identified and alternatives were presented to the public. Final recommendations were made as a way of moving forward. Public comments were received since posting of the Transportation Plan last year. Staff explained the public comments and presented recommendations to which the Planning Board was in agreement.

Staff answered Council questions related to density, equestrian use, rail and bus use, project timelines, ease of access, public comments, development standards, and a citizen request from the past. Staff explained how these would affect the development plans cycle. Staff recommended adoption of the Plans.

Mayor Olive declared the Public Hearing open.

Jason Barron, Morningstar Law Group, representing two clients, asked for a change in density classification which would help his clients achieve their wishes. He was personally opposed to the minimums, because it would constrain creativity coming out of zoning.

Dan Baucom, representing the family owning the property, read a letter from his family members. They wished to see medium density zoning maintained, and he gave the reasons why.

Andrew George, speaking for a large number of residents in attendance, spoke to traffic, buffers, compromising the small town feel, water runoff, and visual obstructions. They were concerned that the new designation of high density would not be responsible growth and not have the proper infrastructure. They wished for Council to delay adoption 30 days to give residents time to go over the draft Plan.

John Kozlowski agreed with the comments presented by Mr. George.

Tim Brent, on behalf of his family trust, spoke about their property in the future Land Use Plan related to density and future connectors. His recommendation was to keep the family parcels medium density as was the case with two surrounding projects.

Jim Mead stated that he was thankful Castlewood residents were listened to about a change in density. They plan to live in Apex for the long term.

Sarah Merz, representing AHA and herself, stated the Plans would promote health in Wake County. Work done on these Plans was health wise, supporting more walking and biking. She felt that some high density and paying attention to paths would really promote health.

Mayor Olive declared the Public Hearing closed.

Council stated she wished not to make a decision this evening in order to give the public more time to review the Plans and to allow the comments heard this evening a chance to sink in. Based on comments this evening, she would like this sent back to staff to see if we could do this well and timely and determine if there were alternatives as were given in the other phases.

Council stated there were quite a few changes to this big Plan. Most of it was done well. She agreed we should step back and look at areas more closely to address some concerns that came up tonight.

Council stated he would like to see a written list of the changes proposed this evening.

Council was opposed because the longer we wait, we would run into existing projects.

Staff stated it was prepared with recommendations based on comments heard this evening related to the Heelan and Morris Acres properties. Recommendation was for them to remain as they currently are, to which the audience expressed vast approval. Staff also recommended the Jenks and Wimberly property remain as is. Council asked for clarification of densities which staff explained, along with an O&I designation.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE PLAN AND MAP UPDATE WITH THE FOLLOWING CHANGES; COUNCIL MEMBER DOZIER SECONDED THE MOTION:

- 1) KEEP 2030 LAND USE MAP DESIGNATION FOR HEELAN PROPERTIES; 2) KEEP 2030 LAND USE MAP DESIGNATION FOR MORRIS ACRES AREA; 3) KEEP 2030 LAND USE MAP DESIGNATION FOR JENKS ROAD AT WIMBERLY;

4) USE THE WORD "PREFERENCE" IN SECTION REGARDING DENSITY MINIMUMS; 5) AMEND AREA AT 2008 OLD US 1 TO ALL OFFICE EMPLOYMENT WHERE IT IS SHOWN AS STRIPED OFFICE EMPLOYMENT/MEDIUM DENSITY RESIDENTIAL.

Council felt the recreational use, in particular, was brilliant.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE ADDENDUM WITH THE FOLLOWING LANGUAGE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION: ANY APPLICATION FOR DEVELOPMENT THAT DOES NOT HAVE SITE OR SUBDIVISION PLAN APPROVAL AT THE TIME OF ADOPTION OF ADVANCE APEX: THE 2045 TRANSPORTATION PLAN MUST MEET THE REQUIREMENTS OF ADVANCE APEX: THE 2045 TRANSPORTATION PLAN, UNLESS OTHERWISE SPECIFIED IN APPROVED ZONING CONDITIONS.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a six minute recess.

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 : Council Member Bill Jensen

Resolution Supporting the Goals of the Paris Climate Change Agreement

Council Member Jensen stated it was a team effort with the other Council Members to formulate the Resolution. Council Member Gantt read the resolution.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council stated this would have zero impact and he did not believe this was necessary to do. Council stated she looked forward to supporting this. Council stated this was consistent with an executive order which can help to roll out programs related to this. Council stated he is a life-long environmentalist and felt it was a privilege for him to vote for this.

Council Member Jensen stated this would not economically impact our community. We will be saving money for our taxpayers with the installation of solar.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER GANTT SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, GANTT, DOZIER, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

New Business 02 : Council Member Bill Jensen

Resolution Endorsing the Goals of Achieving 100% Clean Energy by 2050

Council Member Jensen read the Resolution. Council asked where this was on the Council's priorities list and questioned what the budget allocation was for such. Council Member Jensen stated the allocation and explained how this would benefit the Town in the long run. There was Council discussion regarding solar and renewable energy.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER GANTT SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, GANTT, DOZIER, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

CLOSED SESSION

Closed Sessions : Joanna Helms, Economic Development Director and Laurie Hohe, Town Attorney

(1) The location or expansion of business or industry in the Town of Apex, and (2) handling of the matter of Upright Builders v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

Mayor Olive stated there was a disparaging comment on Next Door [social media] regarding the Town Manager. The Mayor stated the comments were inappropriate and inaccurate.

WORK SESSION

There were no Work Session items for consideration.

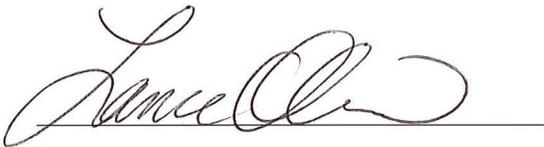
ADJOURNMENT

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



Apex Town Council Meeting Tuesday, February 19, 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, February 19, 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 David Hughes, 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

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the February 1, 2019 Council Budget Retreat and the February 5, 2019 Regular Council Meeting
- Consent 02 Master Services Agreement, valid through June 30, 2021, with CITI, LLC, and authorization for the Town Manager to execute same for instrumentation and control system services for water and wastewater projects
- Consent 03 Set a Public Hearing to consider and receive public input on providing an economic development incentive for Project Protein in accordance with the Town's policy (Development Investment Grant)
- Consent 04 Set a Public Hearing for the March 5, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- Consent 05 Personnel Committee recommendation to reclassify the Public Works Senior Program Support Specialist position, Grade 16, to Public Works Data Operations Technician, Grade 18, effective upon approval

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

REGULAR MEETING AGENDA

Council Member Killingsworth requested New Business items: (1) a Resolution declaring February African American and Black History Month in Apex, and (2) to enact a local act to impose and collect transportation and development or facility fees.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER GANTT MADE THE
MOTION WITH THE STATED ADDITIONS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Rozanna Stewart Lindorfer, a Native American whose family has not left the area, stated her family was instrumental in Friendship getting its name and the Pow Wow that brought together the different cultures in the area. She was happy to see recognition for black history month and hoped it would open the door for Native Americans who have been forgotten to stand tall and be considered as being a part of what has made North Carolina what it is. Ms. Lindorfer gave a brief history of her family going back to the 1600's on land once owned by Native Americans.

Debbie Hamm on behalf of Multiple Sclerosis stated their fourth walk was coming up – 22 miles from Apex to Holly Springs. The walk has gained sponsorships from local business owners, with proceeds to go the MS Society. Ms. Hamm provided background on the disease, stating there were guests in attendance who live with the disease. The meaning of the walk was presented. Mayor Olive stated that he would present a Proclamation at the upcoming walk.

PUBLIC HEARINGS

Public Hearing 01 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ30 to rezone approximately +4.12 acres located at 7808 and 7824 Stephenson Road from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ)

Staff oriented Council to the site, stating that neighborhood meetings were held. A revised condition of the Staff Report was distributed because the applicant added two uses. Staff detailed the conditions.

Staff recommended approval with conditions proposed by the applicant as did the Planning Board with the conditions presented at that time.

Staff answered Council questions related to a round-a-bout, wetlands, coordinating with surrounding municipalities, traffic and an entrance to the subdivision, cycling, and a turning lane.

Nil Gosh, Morningstar Law Group, representing the applicant, detailed access points. Mr. Gosh gave background on Cozy Homes which has not been in Apex as of yet. They are finding a way to make the smaller pieces of land work for the community and for them. He spoke of some of the challenges with the property. Mr. Gosh answered Council questions related to type of housing. Council asked Mr. Gosh to take into consideration the saving of as many trees as possible and stormwater standards.

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

Staff answered Council questions related to stub outs.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE
THE APPLICATION WITH CONDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Empire Estate, LLC (Stop-n-Go) property containing .73 acres located at the southeast quadrant of the intersection of NC 55 Bypass and E. Williams Street, Annexation #649, into the Town's corporate limits

Staff oriented Council to the site, stating that part of the area was previously annexed. Staff recommended approval.

Staff answered Council questions related to the annexation process.

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 GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments, stating the primary change was related to homes in the small town district. Staff and the Planning Board recommended approval. Staff answered Council questions related to square footage and the small town character overlay.

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 KILLINGSWORTH MADE THE MOTION
TO APPROVE THE AMENDMENTS; COUNCIL MEMBER DOZIER 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

ADDED New Business 01 : Council Member Killingsworth

Council Member Killingsworth gave a history of the African American presence in Apex (attached). Council Members Dozier and Killingsworth read the proposed Resolution.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO
ADOPT THE RESOLUTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

ADDED New Business 02 : Council Member Killingsworth

Council Member Killingsworth stated she had a discussion with one of our Representatives who encouraged the Town to put forth a resolution approving our intention to ask the General Assembly to enact a local act in order to charge transportation development fees. She asked the Town Attorney and Town Manager to work with legislators to draft an act in our favor. Mayor Olive read the resolution.

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

Staff answered Council questions related to what the legislation will enable us to do, guidelines, and roads
that would be covered.

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

To meet with the Town Attorney to discuss the handling of the matter of Upright Builders v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL
MEMBER KILLINGSWORTH SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

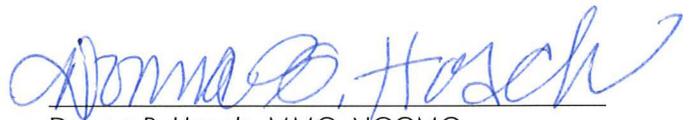
MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.

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.


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive, Mayor

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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 WWC 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 Fulrell, 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 Phillip 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 Bovestments, 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 Cnossen 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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Apex Town Council Meeting Tuesday, March 19, 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 19, 2019, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street. T

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 Attorney Laurie L. Hohe, and Marketing and Communications Specialist Kerrin Cox

Absent was Town Clerk Donna B. Hosch

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Presentation of the Proclamation declaring March 22, 2019 as Arbor Day in the Town of Apex

Mayor Olive read the Proclamation which would be presented to the Planning Department.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council Meeting of February 19, 2019 and March 5, 2019

Consent 02 Ordinance amending Section 20-164 with the addition of subsection (33) to enforce a No Parking restriction along portions of Glaston Court

- Consent 03 Bid to purchase Town-owned property on the corner of Culvert Street and North Tunstall Avenue, PIN#0742-60-2371, in the amount of \$93,500 from Stephen Keith and Lisa Glover
- Consent 04 Budget Ordinance Amendment No. 12 to appropriate funds to pay administrative costs associated with legal issues concerning the Water and Sewer Fund
- Consent 05 Budget Ordinance Amendment No. 13 to appropriate funds to pay Towns of Apex's share of White Oak Creek Greenway Construction
- Consent 06 Revisions to the Town Standard Specifications and Details
- Consent 07 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of March 5, 2019
- Consent 08 Governmental Entity Commercial Card Agreement and the Terms and Conditions of that Agreement and authorize the Finance Officer to execute the Agreement
- Consent 09 Abandonment of the Permanent Drainage Easement containing 0.105 acres and a Slope Easement containing 0.187 acres, all as shown on the Deed recorded at Book 15935, Page 1826, Wake County Registry and Permanent Drainage Easement containing 0.091 acres and a Slope Easement containing 0.198 acres, all as shown on the Deed recorded at Book 15935, Page 1838, Wake County Registry
- Consent 10 Resolution accepting a non-warranty deed conveying property in fee simple to the Town

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

REGULAR MEETING AGENDA

Mayor Olive stated Public Hearings 03 and 04 were proposed to be continued to the April 2, 2019 Regular Meeting and New Business 01 was proposed to be removed from the Agenda. Mayor Olive introduced the addition of two Closed Session items.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE PROPOSED MODIFICATIONS. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Cheryl Stallings of 209 Abby Knoll Drive, expressed concerns with traffic as a Haddon Hall resident. She mentioned Peark Charter Academy as a traffic issue.

Barbara Collins' of 901 Norwood Lane, concern was about quality of life. She read a summary of social media posts from Council members regarding construction. She expressed the desire to see managed growth. Ms. Collins agreed with Ms. Stallings, her neighbor.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

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).

Staff stated a Church is the primary use; Applicant wanted to add additional uses. Additional uses would provide opportunity to bring in additional funding. They are not the property owner; they are currently in a long term lease. Staff read some of the potential added uses. Staff and the Planning Board recommended approval.

Discussion:

Council expressed general concerns regarding traffic congestion which should be looked at while reviewing the Special Use Permits.

Mayor Olive declared the Public Hearing open.

The applicant, David Arnold, was in attendance. Council asked for history of Heritage Leadership Academy? Applicant responded that it was started by a mom who homeschooled her children, and was looking for a modified home school schedule.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 02 : Sarah Rayfield, Senior Planner

Rezoning Case #18CZ35 – The applicants, ST Investments One, LLC/Anil K. Singh/Glenn Futrell/Kondapa Tammineni & Thanuja Puhakayala sought to amend the 2045 Land Use Map for a portion of the area to be rezoned from Low Density Residential and Office Employment/Low Density Residential to Office Employment and rezone approximately ±7.35 acres from Rural Residential (RR) and Low Density Residential-Conditional Zoning (LD-CZ #18CZ09) to Office & Institutional District-Conditional Zoning (O&I-CZ) and Low Density Residential-Conditional Zoning (LD-CZ) located at 8201, 8217, and portions of 8209 and 8233 Green Level Church Road

Discussion: Request was to clean-up this small part of 2045. Staff brought Exhibit B to the meeting and went through the newly proposed conditions. Staff recommended approval.

Gantt and Mayor expressed concern/wanted to ensure a u-turn can be made northbound on Green Level Church Rd ideally without going through the neighborhood.

Mayor Olive declared the Public Hearing open.

1. Anil Singh talked about basic conversations and traffic concerns that were addressed.
2. Glenn Futrell talked about making improvements to help both development and the significant improvement to the intersection.
3. Luis Lima of Silver Dew Ct, stated he was heavily concerned with traffic. Mr. Lima was concerned with new roads and continual road improvements. Stated that he had seen an increase in accidents in the area. Supports project.

Mayor Olive declared the Public Hearing closed.

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

[Public Hearing 03](#)

Liz Loffin, Senior Planner

Public Hearing and possible motion to adopt an Ordinance 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

and

[Public Hearing 04](#)

Liz Loffin, Senior Planner

Public Hearing and possible motion regarding Rezoning Case #18CZ34 Olive Ridge PUD and Ordinance. The applicant, Weekley Homes, LLC, seeks to rezone approximately ±57.17 acres 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 MOVE THESE TWO HEARINGS TO THE APRIL 2, 2019 REGULAR COUNCIL MEETING AS REQUESTED. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Amanda Bunce, Current Planning Manager

Rezoning application #19CZ03, Broadstone Station PUD Amendment. The applicant, KRG Peakway @55, LLC, sought 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.

Discussion: GIS analyst worked with data and this is the one site that meets all requirements. Planning recommends approval. There was an additional PUD condition handed out for 19CZ03.

1. Council asked if affordable housing requirements were in the report? Staff answered that requirements were on Page 2 of agenda.

The applicant, Greg Warren, President of DHIC, went through current properties. Phase 1 cost = \$13 million. \$8 million would be given back through businesses buying the grants.

Council expressed satisfaction in the project. Council asked if the buffer at N Hughes Street could be increased? Applicant stated that it could be reevaluated.–

Mayor Olive declared the Public Hearing open.

1. John Buck – Good comments about affordable housing. Appealed for Council support.
2. Beth Bordeaux - Executive Director of WWCM, asked for support of Council. 1-12 households per day are not meeting their monthly bills and seeking financial assistance. 1-4 are at a critical level.

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

Public Hearing 06 : Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Bovestments, LLC (Crossroads Ford Truck Center) property containing 18.0558 acres located at 1402 North Salem Street, Annexation #655, into the Town's corporate limits

Discussion: Staff stated they were recommending approval.

COUNCIL MEMBER JENSEN MADE A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

MAYOR OLIVE CALLED FOR A MOTION TO CONTINUE THIS HEARING TO THE APRIL 2, 2019 REGULAR COUNCIL MEETING. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance related to subdivisions

Discussion: Staff stated this agenda item was originally presented to Council at Council Retreat regarding Master Subdivision Plan approval amendment to be at a staff level. Staff explained that when a project reaches the Master Subdivision Plan level, approval is established administratively not through a policy setting capacity. However, the PRCR Advisory Commission will still come before Council and before TRC staff approval. Planning Board and staff recommend approval of this UDO amendment.

1. Council stated for neighborhood meetings, they go over those concerns. How will this change? Staff stated they also go over them; and if they see an issue, they will further investigate to determine if it needs to be a UDO amendment.
2. Council asked if staff could add a button on the website regarding neighborhood meetings? The Town manager stated he would have a conversation with staff about that.
3. Council stated that since it would be giving up control, he would like to widen the filter of complaints to UDO that we as Council see. The Town Manager stated staff is quick recognize needed changes that are brought before Council.
4. Council stated he was not ready to give up control of Master Subdivision Plan.

Council stated this amendment had been a 3 year want and that rezoning agenda items are when Council can place additional conditions on a project. 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 KILLINGSWORTH MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.
COUNCIL MEMBERS KILLINGSWORTH, MOYER, DOZIER, AND GANTT VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 08 : Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Discussion: 1 and 2 (of 3) proposed amendments were requested by the Planning Committee. The Planning Board and staff recommend approval.

1. Council stated they had requested proposed amendments 1 and 2. He felt like some were old and some helped current businesses be in compliance.

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 KILLINGSWORTH MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER MOYER 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](#)

Shelly Mayo, Planner II

Possible motion to approve the Old Mill Village Lot 5 Master Subdivision Plan located at 0 Old Mill Village Drive containing ±1.44 acres and 11 townhomes

This item was requested to be removed from the Agenda.

New Business 02 : Amanda Bunce, Current Planning Manager

Revised Pinnacle Park Center Non-residential Master Subdivision Plan located on Pinnacle Park Center Drive containing ±25.35 acres and 6 non-residential lots

Discussion: Proposed revision is regarding a traffic condition connected to the land use. Staff recommended approval.

1. Council stated that updating the type of uses would make it more suitable for traffic. If road improvements on Ten Ten are delayed, what will happen with this?

Staff – proposal would help applicant to not construct the dual left turn lane. Instead applicant has requested ae-in-lieu instead of doing the construction. Project will not see any more delays in the Ten Ten Road improvements. 2023 is as far as it can get pushed.

2. Council – what could the fee be contributed to? Staff – it would be added to the TIP project which will end up with a dual left turn lane.
3. Council – what percentage of total business is out at Pinnacle Business Park, 110,000 square feet? Concerned with reducing this. Warehouses don't give us the jobs we

want. Applicant wanted to go with 145,000 square feet and accept the fee in lieu.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE
THE REQUEST AS PROPOSED WITH THE STRIKE THROUGH OF 145,000 SQUARE FEET;
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Council Member Audra Killingsworth

Resolution recognizing March as Women's History Month in Apex

Discussion: Council Member Killingsworth discussed the item providing history and context to the resolution. 1648 was when women asked for the right to vote but didn't get it until 1920. Council Member Dozier continued and read the resolution.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO ADOPT
THE RESOLUTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

ADDED Closed Sessions items: Possible motion to go into Closed Session (1) to consider and establish the Town's negotiating position with respect to property acquisition; and (2) to consult with the Town Attorney regarding the matter of AB Goodrich Contracting, LLC v. Town of Apex and Stewart-Cooper-Newell Architects PA.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE
THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

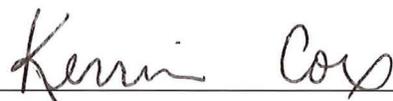
MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

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.



Kerrin Cox
Marketing and Communications Specialist

ATTEST:

A handwritten signature in cursive script, appearing to read "Lance Olive", is written over a horizontal line.

Lance Olive, Mayor

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Apex Town Council Meeting Tuesday, April 2, 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, April 2, 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 David Hughes, 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

ADD ON Presentation 01 : Mayor Lance Olive

Presentation of Proclamation to Mike Sayers proclaiming 2019 as American Legion Year

Mayor Olive stated several members of the Apex American Legion were in attendance. He read the Proclamation prior to presenting it to Mr. Sayers.

CONSENT AGENDA

Consent 01 Apex Tax Report dated 02/04/2019

Consent 02 Master Services Agreement, valid through June 30, 2022, with Alternative Power Sales & Rental, LLC., and authorization for the Town Manager to execute same for electrical service and repair

- Consent 03 Master Services Agreement, valid through June 30, 2022, with Griffin Sales, Inc., dba Rodders & Jets Supply Co., and authorization for the Town Manager to execute same for miscellaneous repair service for CCTV equipment and other sewer related tools and equipment
- Consent 04 Memorandum of Understanding (MOU) between the County of Wake and the Town of Apex for Census 2020
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #19CZ01 (Summit Church) located on 3000 Lufkin Road. The petitioner for the property is Heritage Leadership Academy.
- Consent 06 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of March 19, 2019 related to subdivisions
- Consent 07 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of March 19, 2019
- Consent 08 Statement of the Town Council and Ordinance for 2045 Land Use Map amendment and Rezoning Case #18CZ35, ST Investments One, LLC, Anil Singh, and Glenn Futrell, petitioners for the properties located at 8201, 8217, 8209, & 8233 Green Level Church Road
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #19CZ03 Broadstone Station PUD amendment, KRG Peakway @ 55, LLC/Timothy Fisher, DHIC, LLC petitioners for the property located at 0 Apex Peakway
- Consent 10 Set Public Hearing for the April 16, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- Consent 11 Master Services Agreement, valid through June 30, 2022, with Charles R. Underwood, Inc., and authorization for the Town Manager to execute same for pump station equipment repair and service
- Consent 12 Special Event Permit requests and Town Co-Sponsorship requests for 2019 and 2020

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

REGULAR MEETING AGENDA

Mayor Olive stated Council Member Jensen wished an addition to the Agenda related to environmental boards. This would be added as New Business. Council Member Dozier asked for a New Business item on how to handle requests (funding) for human services and human resources.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION WITH THE ADDITIONAL TWO REQUESTS; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

John Buck stated he was in support of New Business 01 [affordable housing]. He looked forward to Council's continuing support of this endeavor.

Jeff Hastings spoke in support of Peak Fest and presented figures on how much has been given in grants. He stated the grant window was now open, these scheduled to be given out at Peak Fest.

PUBLIC HEARINGS

Public Hearing 01 : Liz Loffin, Senior Planner

Continued From the March 19, 2019 Meeting

**Ordinance 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
and**

Public Hearing 02 : Liz Loffin, Senior Planner

Rezoning Case #18CZ34 Olive Ridge PUD and Ordinance. The applicant, Weekley Homes, LLC, seeks to rezone approximately ±57.17 acres 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)

Staff oriented Council to the site. A neighborhood meeting was held. The Parks, Recreation and Cultural Resources Commission recommended a fee in lieu. Planning staff recommended approval with conditions offered by the applicant, as did the Planning Board.

Staff answered Council questions related to the amount of the fee in lieu and road improvements.

Jason Barron, Morningstar Law Group, on behalf of the applicant, introduced the members of his team. He noted that the applicant landowners were also present. He spoke about development density and other elements of the plan. He spoke about conditions and how his firm worked hard to address concerns raised as a part of this process. He spoke about the additional trees that will be provided. He clarified questions related to road improvements and signaling. Mr. Barron provided further explanation related to buffers and answered Council questions related to the possible removal of mature trees. Council asked for every effort to be made to save the trees.

Mayor Olive declared the Public Hearing open.

Wendy Barefoot spoke about her family's consideration in selling their property. They fully supported the project and were impressed with the builder.

Tim McKinnish thought he would never be leaving the area. What has been proposed is setting a standard for other builders to follow and meet.

Michelle Gardner supported the project and felt it would be an asset to New Hill.

Terry Mahaffey did not oppose development in general or this project. He was opposed to the plan due to conservation issues. He spoke about the concerns he has expressed in the past and how he felt there had been little to no addressing of these concerns. He also expressed his concerns about the changes the applicant proposed on this evening.

Owen Wynne, property owner, spoke about how this project would affect him and the other property owners. He presented his personal reasons for wanting to move on and the financial impact not doing so would have on him and his family.

Mayor Olive declared the Public Hearing closed.

Mr. Barron presented draft wording related to tree saving which was acceptable to Council. Council stated her biggest issue continued to be traffic and no assurance as to when road improvements would be made. Staff answered a question related to and provided the total unit numbers at two other developments. He was concerned about traffic in a curve. He was also concerned about upgraded/LED signage in that curve.

Council stated she appreciated the landowners and those most impacted. She remained unsupportive of this project, at this time, in this location. Council spoke to the developer adhering to what we want our Town to look like according to the approved Plan and what value will be brought to the Town. Council stated he has become a bit weary of the growth in New Hill. With all things considered, he is now in support of the project after careful consideration on his part.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE ANNEXATION ORDINANCE #652, REZONING #18CZ34, AND THE LATTER'S ASSOCIATED ORDINANCE INCLUDING ALL CONDITIONS AND THE GOOD FAITH EFFORT TO SAVING TREES; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council stated he would like to see lower density on these projects which would need to be done through the UDO. He gave an example of where solar could go.

COUNCIL MEMBERS MOYER, GANTT, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS KILLINGSWORTH AND DOZIER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-2 VOTE.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 – Quasi-Judicial : Shelly Mayo, Planner II

Special Use Permit #19SUP01 for Heritage Leadership Academy located at 3000 Lufkin Road

Mayor Olive read the Opening Statement.

Mayor Olive declared the Public Hearing open.

All those wishing to speak were sworn in by the Town Clerk. Paul "Skip" Stam identified himself as representing the applicant. There was no one in attendance in opposition.

No Council Member had any communication with the applicant or financial or relational conflicts, and all stated they were able to make an impartial decision in this matter. No Council Member had viewed the site.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: Mr. Stam introduced those on this team who would be able to speak if the need arose. Also, the administrator and head of the school were in attendance in case there are questions for them. Mr. Stam stated this would be a private school inside a church.

EVIDENCE PRESENTED BY STAFF: Shelly Mayo presented her credentials. She oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff answered questions related to linear footage and whether or not the public school stipulation could be removed.

CROSS EXAMINATION OF STAFF BY APPLICANT: Staff answered questions related to compatibility, adverse impacts, environmental impacts, public facilities impacts, and compliance with other provisions of the UDO. Staff added there would be offset operation times in order to help with operating hours of other surrounding schools. There was an added condition related to stacking.

EVIDENCE PRESENTED BY THE APPLICANT: Rynal Stephenson, Ramey Kemp and Associates, presented his credentials and past work history. A Traffic Impact Analysis was done and they were following NCDOT guidelines related to this project.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Stam restated this being the co-operating use of one facility, and he hoped the request would pass.

Mayor Olive declared the Public Hearing closed.

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

OLD BUSINESS

There were no Old Business items for consideration.

CLOSED SESSION

Closed Session 01 : Laurie Hohe, Town Attorney
To consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

UNFINISHED BUSINESS

Unfinished Business 01 : Dianne Khin, Planning Director

Continued from the March 19, 2019 meeting; the Public Hearing on this item was closed.

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Bovevements, LLC (Crossroads Ford Truck Center) property containing 18.0558 acres located at 1402 North Salem Street, Annexation #655 into the Town's corporate limits

Staff did not have any additional information to present.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, GANTT, KILLINGSWORTH, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Resolution entitled "Town of Apex Resolution Granting Funds for Affordable Housing to DHIC"

Staff explained it would be important for DHIC to have a partnering relationship with the Town so that they could obtain additional funding. Something similar to this was done more than 20 years ago. This would be a \$150,000 grant.

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

Staff further explained how our participation will make DHIC look better in the eyes of those distributing the grant. Affordable housing was a priority at our retreat and this would be a good way to successfully achieve that goal. It would be a big win for Council. Council was excited about this possibility.

THE MOTION CARRIED BY A 5-0 VOTE.

ADDED New Business 02 : Council Member Bill Jensen

Environmental Boards

Council stated he wished to recommend the formation of an environmental review board to look at projects early on. He wanted staff to look at the projects and provide feedback. The Mayor requested changing this type of review to a citizen's advisory board for consistency. There was discussion about leaving this as "environmental" or removing environmental to make the scope more broad. After some discussion, Apex Environmental Advisory Board was proposed. Consensus was that this will be passed along to the Town Manager to make further assessment. Council discussed how this Board would work in conjunction with the Environmental Committee.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE A MOTION FOR THIS TO GO TO THE TOWN MANAGER FOR FURTHER ASSESSMENT; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

ADDED New Business 03 : Council Member Nicole Dozier

Funding Requests for Human Services and Resources

Council stated this was brought up leading to the new budget. Folks have been talking to Council about what they'd like to see happen in the way of assistance. Council mentioned our current policy. This would be a good time to take a good policy and make it exceptional and more transparent. Council wanted to make sure any requests for funding went through a committee or Council so everyone would hear the requests. The decisions need to be made as a body.

The Town Manager explained the process of the current policy. Council explained what further changes she would like to see related to requests outside of the budget cycle. The Town Manager stated there is a contingency line in the budget that could be used for such and explained how it works. He explained fund balance related to monies not expended at the end of the budget year. The Town Manager will consider Council's request and bring back recommendations.

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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Apex Town Council Meeting Tuesday, April 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, April 16, 2019, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Mayor Lance Olive

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Home Builders Association of Raleigh Representatives

Representatives from the Home Builders Association of Raleigh-Wake County made a brief presentation regarding their *Operation Coming Home* program and provide information about their next project which is to be located in Apex

Paul Kane, CEO of Home Builders Association, stated they are also affiliated with Operation Coming Home. This project is coming to Apex, and Mr. Kane gave a brief history of its background. They consider the Triangle to be the home of this organization which is for veterans and their families. Apex will see the organization's 20th home built. More recently, the focus has been on families of fallen veterans. Mr. Kane gave background on who is involved in the process of their homes being given as a gift.

Corey Schmidt, Experience One Homes and developer of the project, spoke about how thrilled they are to be building this home. They were on the waiting list to build a home for almost three years. He

presented a brief history of the fallen veteran and his recipient family. His partners have eagerly volunteered to participate.

Mr. Schmidt asked Council for a waiver of fees for construction of the home.

Presentation 02 : Mayor ProTem Nicole Dozier

Think Apex Day Proclamation. Think Apex Day 2019 is Saturday, April 27. This is a day when Apex residents are encouraged to get out in the community and make a positive impact through selfless actions and volunteerism.

Mayor Pro Tem Dozier read the Proclamation which would be presented to the Economic Development Director Joanna Helms.

Presentation 03 : Mayor Pro Tem Dozier

Proclamation recognizing April 8 through April 14, 2019 as National Telecommunicator Week

Mayor Pro Tem Dozier read the Proclamation which she then presented to Rick Thomas and Captain McKinney of the Police Department.

CONSENT AGENDA

- Consent 01** Minutes of the April 2, 2019 Regular Town Council Meeting
- Consent 02** Encroachment Agreement and authorization for the Town Manager to execute the same for Grantee to install certain improvements, more particularly described as a concrete driveway that will encroach into the Town's Variable Width Public Drainage Easement
- Consent 03** Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit #19SUP01 Heritage Leadership Academy
- Consent 04** Authorization for Town Manager to execute design agreement contract with Hobbs Architects for the design and construction administration for the Renovation and Addition to the existing Grocery Boy Jr. Building at 322 Mason Street for the new location for the Permitting and Inspections Department
- Consent 05** Master Services Agreement, valid through June 30, 2022, with Sanford Electrical Contractors, Inc., and authorization for the Town Manager to execute same for electrical service and repair of water and wastewater components
- Consent 06** Statement of the Town Council for Rezoning Case #18CZ34, Weekley Homes, LLC/Jeff Roach, Peak Engineering & Design, PLLC, petitioners for the property located on 2125, 2205, 2217, 2237, 2301 New Hill Olive Chapel Road; and 8836, 8848 Twin Ponds Lane
- Consent 07** Resolution authorizing the sale of 1.583 acres of land as Right of Way and .346 acres of Temporary Construction Easement to NCDOT to facilitate the Apex Barbeque Road Bridge replacement project, authorization to accept a \$53,500.00 payment from NCDOT for the land and easements, and authorization for the Town Manager to make minor modifications to and execute the documents to transfer title to NCDOT

- Consent 08** Set the Public Hearing concerning the proposed Fiscal Year 2019-2020 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1) and stormwater fee schedule (pursuant to NCGS 160A-314), for Tuesday, May 7, 2019 at 7:00 p.m. at the Apex Town Hall
- Consent 09** ADD ON: Temporary parking ordinance to prohibit on-street parking from Saturday, April 27, 2019 at 11:00 p.m. through Sunday, April 28, 2019 at 8:00 a.m. on named Apex streets

The Town Manager stated Consent 07 was modified to remove reference to a Resolution, an Add On Consent item was requested to enact a temporary parking Ordinance prohibiting street parking to allow the moving of a house from Mason Street to Saunders Street, and Consent 08 reflected a corrected cover sheet.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED MODIFICATIONS.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

MAYOR PRO TEM DOZIER CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Elaine Okal, one of the co-chairs of the League of Women Voters Wake County ER18 and the League of the Congressional District 2 Team for the ERNC Alliance, thanked Council for its consideration in support of the ratification of the Equal Rights Amendment (ERA). Ms. Okal read Section 1 of the Amendment and talked about why the ERA is important to the economic status of women. She offered statistics of the wage gap between women and men and how the poverty rate could be improved if there was equal pay.

Retta Riordan commended Council Member Killingsworth for her efforts in ratifying the Equal Rights Amendment. It's unfortunate that women continue to be discriminated against because of gender. Ms. Riordan presented statistics on wage differences between women and men in Wake County. The lapse also follows women into senior-hood, as social security is based on income. Ms. Riordan has heard objections to passage of the resolution. She reminded that the Constitution doesn't provide equal protection to women. With an Apex vote, North Carolina could make history being the 38th state ratifying the ERA.

Jennie Kotora-Lynch stated we are behind on the ERA. She spoke about how the Amendment did not pass in the 70's. We need to have our rights protected in the Constitution.

Cheryl Stallings gave statistics on the percentage of women who make up our population. The US Constitution, even as ratified, fails to guarantee gender equality. The 14th Amendment does not provide a constitutional guarantee against gender discrimination. Ms. Stallings gave earning figures between white, black, and hispanic women compared to men in the state and stated how the quality of life would be increased if the earnings gap were closed.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments and answered Council questions related to the amendments. Staff and the Planning Board recommended approval.

Mayor Pro Tem Dozier declared the Public Hearing open. With no one wishing to speak, Mayor Pro Tem Dozier declared the Public Hearing closed.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Tom Colwell, Chair, Public Art Committee
Sculpture / public art project to be located in front of the Apex Depot

Tom Colwell asked for approval of a sculpture to be installed downtown as part of a photographic project, noting that a sculpture program was approved for the 2018 budget year. The Selection Committee recommended an artist, Dan Kuehl. Mr. Colwell described the concept of Mr. Kuel's structure, Trajectory, and what it represented and reflected.

Mr. Colwell answered Council questions related to where the artist is from, how many ideas were submitted, and the color of the sculpture.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE A MOTION TO APPROVE

THE SCULPTURE AT THE CHAMBER BUILDING WITH DISCRETION GIVEN TO THE COMMITTEE IN RELATION TO ITS COLOR, IF DESIRED; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council stated he thought this would be a show piece as our first art instillation in the Town.

Council stated he could not support our money being spent on public art. We should spend our money in other areas, and we should think more locally for an artist and art and not go with someone across the United States. There was further discussion regarding color with several Council Members stating their like of the structure.

COUNCIL MEMBERS GANTT, KILLINGSWORTH, JENSEN, AND DOZIER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Discussion and possible direction to staff related to a proposed Environmental Stewardship Award Program

Council stated staff was given direction to come up with an outline for this program, which was done. He was now asking staff to "put meat on the bones" and come back to Council with findings. Council explained how this would reward those who make environmental conservation efforts.

Council stated she thought this a great idea as it would encourage people to move in this direction.

Council explained why he structured the program as he did. There was some conversation on separating out residential and commercial.

Council directed staff to make the award process more robust.

New Business 02 : Drew Havens, Town Manager

Resolution to provide a grant of up to \$1,300 to Operation Coming Home to cover the actual costs for Building Plan Review, Building Permits/Inspections, and fees associated with Building Permits/Inspections

Staff stated this grant would cover our review and plan process costs.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated it is wonderful what these people are doing. It was an easy use of Town money to facilitate this. Council stated those involved are doing a phenomenal job. They were thanked for doing this and going above and beyond.

THE MOTION CARRIED BY A 5-0 VOTE.

**New Business 03 : Council Member Audra Killingsworth
Resolution in support of NC House Bill 271 ratifying the Equal Rights Amendment**

Council Member Killingsworth stated this Resolution would encourage State officials to pass this measure. She's heard questions about there being a need for this in NC and Apex. Council spoke about the history of equal rights and stated why passage of this Bill was needed. Council spoke about female percentages within the Town and what she would like to see in terms of improvement.

Mayor Pro Tem Dozier read the Resolution.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council asked staff questions about a blind hiring process and the hiring process currently used in Apex. He stated he did not see this as being a problem with Town employees. Council was reminded that the resolution did not ask for a change in the hiring process.

Council stated he did not see this as an issue in Apex. Discussion ensued about the ratio of women to men employees. Council stated she would be happy to address such issues in a Personnel Committee meeting.

Council stated that even if we don't have an issue right now, we are in the world, and this does impact us. She would be happy to have a more robust conversation on this subject at a later date.

Council stated he supported the ERA but was in agreement that this was not appropriate for Apex, this being more of a State issue.

Council Member Gantt stated he would want to make a substitute motion to table the vote on the Resolution and have the town manager present an annual report of the gender and racial makeup of staff, and non-identifiable incidences of discrimination if they exist, and any resulting disciplinary action, and highlights of the Town's efforts to address hiring inequities and discrimination overall, and possibly any efforts toward blind hiring.

Council stated that Council's substitute motion was focused on the Town. However, the Resolution focused on every woman in America. We need to encourage the General Assembly to take a look at this, and Council stated he supported the Resolution. He stated reasons why he saw we hire men more heavily – because of the jobs. He stated it's about time that we did something in the United States to get this passed; we are only one state away from it being so.

Council stated that an alternate motion would fall into the types of inequities which the Resolution outlined. She stated that it would be up to Council Member Killingsworth to alter her motion. Council Member Killingsworth did not wish to do so. Therefore, the motion stood as a motion to adopt the Resolution as presented.

COUNCIL MEMBERS KILLINGSWORTH, DOZIER, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS MOYER AND GANTT VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

CLOSED SESSION

Closed Session 01 : Town Attorney Laurie Hohe
Closed Session to consult with the Town Attorney

MAYOR PRO TEM DOZIER CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Pro Tem Dozier called for a five minute recess.

WORK SESSION

Work Session 01 : Dennis Brown, Construction Projects Manager
Staff direction concerning the Electric Operations Building project

Staff presented the site layout of the electric operations building. The six deviations for the building were detailed. Council came to consensus on the deviations, giving guidance to staff.

There was some discussion about the Town making allowances for this project that it may not have made for a developer of another project. As for public art, there will not be a lot of public traffic in the area, so no public art was considered for this location. There was discussion, however, about having a utility worker sculpture for one of the building's support poles.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Pro Tem Dozier declared the meeting adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Nicole L. Dozier, Mayor Pro Tem



Apex Town Council Meeting Tuesday, May 7, 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, May 7, 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, Pastor Bryan Finley of Hope Church in Apex gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation recognizing National Police Week and Peace Officers' Memorial Day

Mayor Olive read the Proclamation and presented it to Police Chief John Letteney. Chief Letteney spoke about the role his officers play in the Town and how proud of them he is. He was happy to honor the officers with the Proclamation and spoke briefly about the brave, fallen officers across the country.

Presentation 02 : Mayor Lance Olive

Proclamation recognizing May 5, 2019 – May 11, 2019 as Public Service Recognition Week

Mayor Olive read the Proclamation and presented it to Human Resources Director Mary Beth Manville. Ms. Manville spoke about the great employees in Apex and thanked everyone in Town for their support.

Presentation 03 : Mayor Lance Olive

Proclamation recognizing May 2019 as Building Safety Month

Mayor Olive read the Proclamation and presented it to Director of Permits and Inspections Rudy Baker. Mr. Baker thanked everyone who supports them in doing their jobs every day.

Presentation 04 : Mayor Pro Tem Nicole Dozier

Mayor Pro Tem Dozier presented the fourth annual "Think Apex" awards. Awards will be given to the "Top Thinker" and "Honorable Mention" in the categories of: Business; Individual or Group; and Non-Profit.

Council Member Dozier asked Council to join her in presenting the awards. She thanked everyone for attending and stated her vision for these awards. She explained who is recognized and how the nominations were considered. The nominees were named:

- Individual or Group category: Asif Ansari, Barbara Cross, Diana Hasegawa Brown, Doris Battle, Rick Gardner, Robert Cadran, Shane Reese, and Stacy Kivett
- Business category: Louie D'Elia, Neighbor Boy Inc., and The Rusty Bucket

Council Member Dozier gave background on the winner of the:

- Honorable Mention in the Individual Category. Stacy Kivett was presented with the award.
- Top Thinker in the Individual Category. Rick Gardner was presented with the award.
- Honorable Mention in the Business Category. Neighbor Boy was presented with the award.
- Top Thinker in the Business Category. Rusty Bucket was presented the award.
- Honorable Mention in the Non Profit Category. Peak Lab Rescue was presented with the award.
- Top Thinker in the Non Profit Category. Apex Sunrise Rotary Found was presented with the award.

Council Member Dozier thanked the Think Apex team and the Town of Apex and congratulated all the nominees and winners.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council Meeting of March 19, 2019
- Consent 02** Apex Tax Report dated March 4, 2019
- Consent 03** Budget Ordinance Amendment No. 15 and Capital Project Ordinance Amendment No. 2019-9 to fund certain projects in the Water Sewer Capital Project Fund and an amendment to Resolution No. 18-0619-11 regarding the use of water and sewer capital reimbursement fees
- Consent 04** Budget Ordinance Amendment No. 14 which will establish the budget for Fund 74, Water Sewer HB 463 Capital Reserve

- Consent 05 Capital Project Ordinance Amendment No. 2019-8 which will budget for the transfer of certain revenues from the Street Improvement Project Fund to the Transportation Capital Reserve
- Consent 06 Temporary parking ordinance to prohibit on-street parking on from Saturday, May 11, 2019 at 11:00 p.m. through Sunday, May 12, 2019 at 8:00 a.m. on specified streets to allow the moving of a house from 323 N. Mason Street to 305 Saunders Street
- Consent 07 Abandonment of the easements shown on Exhibit A as “30’ Access Easement” and “Temporary Construction Easement” by the terms stated in the Resolution
- Consent 08 Encroachment Agreement and Town Manager authorization to execute the same for Grantee to install certain improvements, more particularly described as a concrete driveway and lead walk that will encroach into the Town’s Public Utility Easement
- Consent 09 To be discussed as New Business: Ordinance amendment to the Apex Town Code to establish an Appointments Committee
- Consent 10 Resolution correcting the Ordinance for Rezoning Case #18CZ31 Westford PUD Amendment. Jones & Crossen Engineering, PLLC/ Westford Commercial WEH LP, Westford Apartments WEH LP, and Taylor Morrison of Carolinas, Inc., petitioners for the property located on 0 & 8101 Jenks Road and 2812, 2900 & 3300 US Hwy 64 West
- Consent 11 Resolution to provide a grant of up to \$8,900 to Operation Coming Home to cover the actual costs for Building Plan Review, Building Permits/Inspections, fees associated with Building Permits/Inspections, and town utility fees related to their project
- Consent 12 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of April 16, 2019
- Consent 13 Set the Public Hearing for the May 21, 2019 Town Council Meeting regarding Rezoning Case #19CZ07, Town of Apex Fire Administration Office. The applicant, Town of Apex, seeks to rezone approximately ±.39 acres located at 315 West Williams Street from High Density Single Family (HDSF) to Office & Institutional -Conditional Zoning (O&I-CZ).
- Consent 14 Set Public Hearing for the May 21, 2019 Town Council Meeting regarding Rezoning Application #19CZ05 (Jainix Green). The applicant, Vipresh Bobby Jain, seeks to rezone approximately 6.5 acres located at 0 Jenks Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ).
- 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 Caryco, Inc. and Rogers Road 3415 LLC (Green Level Market Lot 2) property containing 6.09 acres located at 3651 and 3675 Green Level West Road, Annexation #656 into the Town’s corporate limits.
- Consent 16 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 Shree Girirajgoverdham Properties, LLC and Sameer Dave (Freedom Square) property containing 5.35 acres located at 8375 Green Level Church Road, Annexation #657 into the Town’s corporate limits.
- Consent 17 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 Kelly and Tina Labunski (future single-family home) property containing 0.230 acres located on the south side of the end of Lynch Street, Annexation #659 into the Town’s corporate limits.

- Consent 18** 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 (portion of future Jenks Road right-of-way) property containing 0.0041 acres located at the southwest quadrant of the intersection of Jenks Road and Wimberly Road, Annexation #661 into the Town's corporate limits.
- Consent 19** 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 (portion of Walden Road right-of-way) property containing 0.0198 acres located at the southeast quadrant of the intersection of Terrmini Drive and Walden Road, Annexation #662 into the Town's corporate limits.

Council Member Moyer asked for Consent 09 to be pulled; Mayor Olive stated it would be discussed as New Business 05. Staff stated Consent 06 had been modified to reflect a new moving date as set by NC DOT.

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

REGULAR MEETING AGENDA

Mayor Olive requested moving New Business 04 before New Business 01. He stated he might choose to leave early because of family matters.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED MODIFICATION.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Daniel Khodaparast, speaking on behalf of his immediate neighbors, stated they approved of the roundabout and extension of the street in the New Business item. He spoke about how both of these would increase safety and the attractiveness into Apex.

Laura Holley, volunteer member of the Town's Public Art Committee, thanked Council for its support of the arts. She talked a bit about what public art is and provided a brief history. There are pieces that were birthed around the country under great controversy. Public art is neither straight forward nor easy, but it should not be cause for alarm. Ms. Holley explained the good that public art promotes and how the

pieces have challenged her to become a better human being. She asked for continued support of the process regardless of this night's decision.

Nicole Bernard, Director of Shield NC, spoke at length about human trafficking and the lengths that have been gone to by many individuals to stop this injustice. This has included partnering with state and local organizations, a meeting with President Trump, and Ms. Bernard's pod cast. Ms. Bernard detailed what has been done in Apex to bring light to ending human trafficking.

Agent Karl Wall, Special Agent in Charge with the NC State Bureau of Investigation, stated he was pleased to work with Shield NC, the Town of Apex, and Chief John Letteney on this issue. The Proclamation would put Apex on the cusp of something that only one other municipality has accomplished by bringing light to human trafficking. He hoped Apex would become the model for other cities to see what works in this effort.

Council stated JC Knowles asked for the reading of an email from him since he could not be attendance due to family matters. Mr. Knowles was in opposition to the art piece proposed for downtown as, in his opinion, it did not fit the historic character of downtown. He asked Council to continue its search for something more appropriate. The Mayor stated he was not recommending the reading of emails as a precedent. However, as JC Knowles was the Ambassador of Apex and given his situation, the Mayor felt this exception was reasonable. Not every email will be read into the record going forward.

PUBLIC HEARINGS

Public Hearing 01 : Shawn Purvis, Assistant Town Manager

Citizen input on the Fiscal Year 2019-2020 Annual Budget including proposed economic development expenditures

Staff provided an overview of the proposed budget. The process moving forward was explained.

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

OLD BUSINESS

Old Business 01 : Council Member Audra Killingsworth

Discussion regarding the decision made at the April 16, 2019 Council Meeting relative to placing a sculpture, as part of the Town's Public Art effort, in a space between Salem Street and the Depot's parking lot

Council stated that after thinking about the previous meeting's vote, the piece of art, and looking into it, she had problems with the art and its placement. She wished to address two issues: the art being placed in front of the Depot and the Public Art Policy.

COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO RECONSIDER HER PREVIOUS MOTION TO APPROVE THE ART AND TO ENGAGE IN FURTHER DISCUSSION; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS KILLINGSWORTH, DOZIER, JENSEN, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER GANTT VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Council stated her new thought was that she liked the art but that the Depot was not a good place for it. Possibly this could be kicked back to the Public Art Committee to find a more appropriate place in a newer, more contemporary area. Maybe we could find something with more historical context to go in front of the Depot. People should feel good about public art, and it should fit with the context of its placement.

Council agreed the Depot may not be the best fit for that piece of art but that art is subjective. The Public Art Committee did a lot of work on the project, but folks felt like there wasn't enough time or opportunities outside of Council meeting for public input. Since public input is related to the Downtown Plan, Council wondered if there could be consideration for this to be sent back to the Committee and have this pulled into that Plan.

COUNCIL MEMBER KILLINGSWORTH REVISED HER MOTION: MOTION TO APPROVE THE ART CONDITIONED UPON THIS GOING BACK TO THE PUBLIC ART COMMITTEE, FINDING A DIFFERENT PLACE FOR THE SCULPTURE AND BRINGING THIS BACK TO COUNCIL FOR APPROVAL, AND TO ALSO ASK THE COMMITTEE TO INCORPORATE ART INTO THE DOWNTOWN PLAN AS A VENUE FOR FORWARD-LOOKING ART SELECTIONS, LOCATIONS, ETC.

Council stated this piece of art is meant to be interactive, and he didn't know another place where this could happen. He was concerned about keeping downtown the same sleepy old town; this artwork will make it more vibrant. Council also pointed out that this will attract younger folks downtown. The art won't be representing the building, because it would be close to the road and not the building. The art would be associated with the downtown area and not just the Depot building. If placed elsewhere, the art won't get walking-by inter-activeness like this spot would.

Council stated he was disappointed with the previous decision because of his thoughts about using public funds for art and was glad this was being reconsidered. He did not like the art, but stated that art is subjective. Council did not feel this art would fit with the history of the Town in the proposed spot. He

suggested speaking with Ambassador J.C. Knowles, who knows much of the Apex history, for his thoughts. Maybe we should not be in a hurry to place something, and Council asked that we think local and find an artist here.

Council explained why this was back on the table. Reconsideration for her was because of personal contact and not seeing where there was an appropriate venue for public input and not because of pressure from social media posts.

Council stated he liked the art but was in agreement with JC Knowles that it didn't fit the area. He was in favor of incorporating art into the Downtown Plan and giving the Committee an opportunity to expand its viewpoint. He was sure that the Committee tried to find someone local.

The Mayor stated he was surprised the art was approved and that anyone thought the Depot was an appropriate placement. The art could go elsewhere, such as on the Town campus, or somewhere similar where it could still be interactive. He liked the element of art in the Downtown Plan. He spoke about the climate of downtown Apex and how art should fit into that. If we only received two local submissions, maybe we need to keep looking. We should not feel like we are in a hurry.

Staff stated we have not contracted for this particular piece of art.

Council asked for clarification of what could happen if this subject goes through the Downtown Plan. Council answered and stated that she felt there should be more robust public input. She felt we should make a decision this evening because of the grant. We should also think local.

THE MOTION CARRIED BY A 5-0 VOTE.

Council spoke about her second concern, the Public Art Policy. She realized she didn't see public comment in regards to this and in the process, and that bothered her. She wished to revisit the Policy and look at its specifications. Public input should be important. She explained, for example, how displays can be utilized to get what people feel is best and then take the matter under advisement. Staff stated he felt a modified policy which includes public input can be accomplished.

COUNCIL CONSENSUS WAS TO TURN THIS OVER TO STAFF FOR FURTHER ACTION IN
COOPERATION WITH THE PUBLIC ART COMMITTEE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 04 : Mayor Lance Olive

Resolution incorporating an anti-human trafficking contract clause and directing the Town Attorney to incorporate such clause into the Town's standard contract language

Mayor Olive thanked Ms. Bernard and Agent Wall. He spoke about going to Houston on a grant to discuss human trafficking issues. Because we adopted a Proclamation and a pod cast was launched, it kicked open doors that he would not have believed. These things are putting this issue on the map faster than he was aware. The Mayor explained what he had to do in order to receive the grant. He spoke about the pitfalls of human trafficking and the importance of an appropriate human trafficking clause being part of our contracts.

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

The Mayor talked extensively about being educated and informed about human trafficking and the plan he sees coming after tonight. This was a first step, and he was excited that Apex gets to be on the tip of this sphere. Council discussion ensued on what would happen if there was a breach of contract by a contractor and legal recourses of the breach.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a short recess, at which time he left the dais and passed the gavel to Mayor Pro Tem Nicole Dozier to continue the meeting.

New Business 01 : Russell Dalton, Senior Transportation Engineer

Presentation summarizing the proposal for a roundabout to be constructed at the intersection of South Salem Street and Tingen Road/Lynch Street

Staff stated this was a potential project that we started looking at six months ago. He overviewed the traffic patterns and how traffic may disburse in the future. He spoke about how signalization in this area was challenging and not a good idea. We have looked at a street extension. Staff showed the current road and bicycle plans.

We thought the roundabout would be the best solution now and in the future and staff explained why. We have been in conversation with some of the residents and businesses in the area that might be impacted. The time frame of the project and its cost was presented. There was concern about public thoughts and the overlapping of the Peakway project.

Staff answered Council questions related to the project and possible obstacles. Discussion ensued as to whether or not to delay this project until the Peakway is finished and whether or not the two aspects of the project could be separated out.

COUNCIL CONSENSUS WAS TO REVISIT LYNCH STREET AND TO ABANDON THE ROUNDABOUT.

**New Business 02 : Shannon Cox, Long Range Planning Manager and Marty Stone, Water Resources Director
Amendment No. 1 to Client-Engineer Agreement from Highfill Infrastructure Engineering, P.C. to design approximately 800 feet of missing sidewalk along Chatham Street as part of the Chatham Street Waterline Project and authorization for the Town Manager to execute the same**

Staff gave an overview of the project and stated policy recommendations. She explained why it's so expensive to build this sidewalk and how it will not be any less expensive in the future. Staff answered Council questions related to the water line, design process, Safe Routes to School, and other grant funding.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE COMMITTING \$57,600 FOR THE COMBINED PROJECT; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Drew Havens, Town Manager

Discussion regarding live streaming of Town Council meetings and Council direction to staff regarding same

Staff reiterated what had been discussed previously regarding live streaming, stating we are pretty much ready to go with this technology if that is what Council desires.

Council gave a background on this transparency task and talked about the progression of video to live streaming. Stated were the benefits of live streaming vs. next day viewing as talked about by citizens.

Staff stated it would be just the one camera for now which would be zero cost. We would be able to provide data on how many people are watching live. Discussion ensued on there being a delay in streaming and if this would be a need.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO DIRECT THE MANAGER TO GO FORWARD WITH STREAMING AND AN APPROPRIATE TIME DELAY, TO EXPLORE OPTIONS AT A LATER DATE FOR MAKE IT BETTER FOR PEOPLE TO ENGAGE DEPENDING UPON THE COST WHICH WILL BE BROUGHT BACK TO COUNCIL, AND TO FORMULATE A POLICY FOR LIVE STREAMING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

**Discussion of Consent 09 : Ordinance amendment to the Apex Town Code to establish an Appointments Committee
Council Member Wes Moyer**

Council stated staff was supposed to look into this and get back to Council with a recommendation. He felt it was unnecessary to take this away from the mayor and that he was not in favor of doing so.

Council stated she originally suggested this idea to make appointments more transparent. The Mayor would still be a part of the process.

Council agreed and stated it would be a more robust conversation which include diversity if appointments were discussed in committee. The Mayor, however, would still be the decision maker.

Council stated he did not agree this being the only way to have transparency, and he was opposed to this. Council stated why he did not think the process is broken.

Discussion ensued on how the applicant information could be distributed to Council ahead of a proposed committee meeting. The Town Attorney explained how the proposed ordinance would work.

MAYOR PRO TEM DOZIER CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO PUT THIS OFF FOR TWO WEEKS AND TO HAVE DISCUSSION ON ADDING A POLICY; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

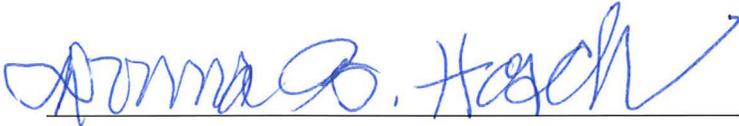
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

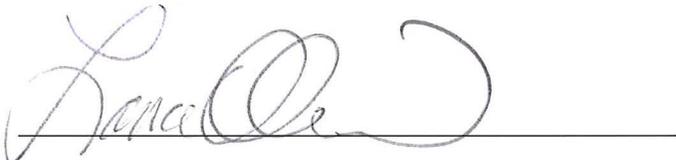
ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Pro Tem Dozier declared the meeting adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Nicole L. Dozier, Mayor Pro Tem

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Apex Town Council Meeting

Tuesday, May 21, 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, May 21, 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
David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meetings of April 16, 2019 and May 7, 2019
- Consent 02 Apex Tax Report dated 04/08/2019
- Consent 03 Standard Services Contract, valid through June 30, 2022, with Buckhorn Vegetation Control, LLC, and authorization for the Town Manager to execute same for weed control services
- Consent 04 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 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

- Consent 05 Standard Services Contract, valid through June 30, 2022, with FCX Performance, Inc., dba Instrumentation Services, Inc., and authorization for the Town Manager to execute same for field engineering to calibrate three rotameters on the water meter test bench
- Consent 06 Master Services Agreement, valid through June 30, 2022, with Leaf & Limb, LLC. and authorization for the Town Manager to execute same for tree trimming/removal and stump grinding services on an as needed basis
- Consent 07 *Pulled for further discussion as New Business 01: Appointment to the Planning Board: Member (current Bedotto seat): Tommy Pate, 813 Wickham Ridge Road | 05/22/2019 – 12/31/2019*
- Consent 08 Resolution establishing the Local Government Other Post-Employment Benefit Trust (OPEB Trust), Trust Agreement that establishes the OPEB Trust as an irrevocable trust fund, appointment of trustees and officials of the OPEB Trust and participation in the Ancillary Governmental Participants Investment Program established by the North Carolina State Treasurer
- Consent 09 Amendment to the Swift Creek Land Management Plan between and among the Town of Apex, Town of Cary, Town of Garner, City of Raleigh and Wake County
- Consent 10 Easement to the Town of Cary and to authorize the Town Manager to execute the same for public waterline easements on Town of Apex owned property

Council Member Killingsworth requested that Consent 07 be pulled for discussion. Mayor Olive stated it would become New Business 01.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION WITH THE STATED MODIFICATION; COUNCIL MEMBER GANTT 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 TO APPROVE WITH THE ADDITION OF THE NEW BUSINESS ITEM;
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Staudenmaier, Planner I

Rezoning Application #19CZ05 (Jainix Green). The applicant, Vipresh Bobby Jain, sought to rezone approximately 6.50 acres located at 0 Jenks Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval. Staff recommended approval with conditions proposed by the applicant.

The applicant, Vipresh Bobby Jain, clarified Council's question related to zero access. He spoke about being able to do more with less, especially with rising costs in home ownership. Mr. Jain outlined his plans for the property and the building of duplex homes. He stated the additional conditions to which he agreed. Mr. Jain stated he went door to door speaking with the neighbors in addition to holding the neighborhood meeting. He explained that the lower floors would not only be for the elderly.

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

Council stated he did not feel this plan fit with the existing density of the area. Council stated he felt this was a unique product that fit fine. Council stated the suggestions she made to the applicant were not put into the plan even though she liked the duplex option. Council stated he felt the applicant was doing what he could reasonably do. Council stated she liked the lower price point; the plan was different.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE APPLICATION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, KILLINGSWORTH, AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS GANTT AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 02 : Liz Loffin, Senior Planner

Rezoning Application #19CZ07, Town of Apex Fire Administration Office. The applicant, Town of Apex, sought to rezone approximately ±.39 acres located at 315 West Williams from High Density Single Family (HDSF) to Office & Institutional-Conditional Zoning (O&I-CZ).

Staff oriented Council to the site, stating DOT plans to widen the roadway impact the structures in the area. A neighborhood meeting was held. The Planning Board recommended approval as did staff. Staff answered Council questions related to the dome building and parking.

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 APPLICATION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Caryco, Inc. and Rogers Road 3415 LLC (Green Level Market Lot 2) property containing 6.09 acres located at 3651 and 3675 Green Level West Road, Annexation #656 into the Town's corporate limits

Staff oriented Council to the site, stating it recommended approval. Staff answered Council questions related to Town services.

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 MOYER MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Shree Girirajgoverdham Properties, LLC and Sameer Dave (Freedom Square) property containing 5.35 acres located at 8375 Green Level Church Road, Annexation #657 into the Town's corporate limits

Staff oriented Council to the site, stating it 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 ADOPT THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Kelly and Tina Labunski (future single-family home) property containing 0.230 acres located on the south side of the end of Lynch Street, Annexation #659 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval and answered Council questions related to property use.

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 DOZIER MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex (portion of future Jenks Road right-of-way) property containing 0.0041 acres located at the southwest quadrant of the intersection of Jenks Road and Wimberly Road, Annexation #661 into the Town's corporate limits

Staff oriented Council to the site, stating that this was a clean-up item.

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 KILLINGSWORTH MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex (portion of Walden Road right-of-way) property containing 0.0198 acres located at the southeast quadrant of the intersection of Termini Drive and Walden Road, Annexation #662 into the Town's corporate limits

Staff oriented Council to the site, stating that this was also a clean-up item.

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 ADOPT THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Ordinance amendment to Apex Town Code to establish an Appointments Committee and to approve a policy regarding the appointment process

Staff stated the policy had been drafted as requested by Council and was being presented along with the Ordinance.

The Mayor stated he thought this unnecessary and did not know why this was brought up; it could have been talked about and solved without an Ordinance. Council was in agreement with the Mayor. Council stated she felt like it was always good to have extra eyes on committee appointments regardless as to who was the sitting Mayor. She appreciated the policy.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO ADOPT THE POLICY AND ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council stated that by pulling the item for discussion, the process used currently was being followed. Council stated he wanted to see the Mayor provide Council with information on the applicants. Possibly there could be a procedure to follow where the information is sent to Council, thus eliminating the need for a committee. The Mayor stated that at the start of his term, he requested applications be submitted via a form on the website. This information is kept by the Town Clerk. He spoke about his opposition to changing the process as he has made this a transparent process.

Council stated she would rehash this issue since the Mayor was taking the suggestion personally. She explained she was asking that transparency be open now and in the future. The Town Attorney will determine if the submitted applications are public record.

Conversation ensued on the selection process. Council expressed his desire to see a list of applicants prior to the Council meeting where the nomination would be presented to Council. Council was in agreement.

Conversation ensued as to whether or not the two Council Members should meet with the Mayor to hash out the policy. While there was agreement by the involved Members, Council stated he was not agreeable and thought this should be discussed openly. There was conversation as to who should write the policy.

COUNCIL MEMBER KILLINGSWORTH WITHDREW HER MOTION.

The Mayor talked about his desire to see people seated who really care about Apex. Council spoke about her desire for the process and a request for a little more transparency. Council talked about all Members receiving the applications and then being able to interact with the Mayor. Council spoke about her wanting to see a solid process that would safeguard the process in the future. She did not want to see the process changed by future mayors.

Unfinished Business 02 : Council Member Nicole Dozier and Council Member Audra Killingsworth

Adding a second School Resource Officer assigned to rotate among the five elementary schools in Apex, and Council direction to staff regarding this position. Discussion and staff direction regarding an alternative program for future years

Council overviewed the background on bringing on the SROs. She talked about a conversation process that took place. She learned that Cary has removed SROs from their elementary schools, and that other programs are available.

CONSENSUS WAS THERE WAS NO NEED TO EXPAND THE PROGRAM, AND THAT WE SHOULD LOOK AT INNOVATIVE WAYS TO DO THINGS TO SUPPORT THE CURRENT SROS AND SCHOOLS.

Conversation ensued about the Peace Builders program, officers promoting team building, and other needs in the Police Department. Wake County stated they did not need nor would they support another SRO.

Staff answered Council questions related to how the proposed SRO staffing was determined. He outlined what the SRO roles are in the schools. Council talked about the need for SROs in elementary schools. Council clarified that this request was not staff driven; she explained how the group who discussed this was formed. Council read an email from a parent opposed to this, the Mayor stating he didn't want such readings to be a precedent.

Staff detailed the training levels of the officers, especially as it pertains to young adults and those with special needs. He talked about positions that might be wanted if the Police Department didn't get the

SRO. Council stated he wanted it part of record that staff is, in fact, was asking for an SRO and not a partnership with Wake County schools. The Mayor talked about the value of SROs.

COUNCIL MEMBER KILLINGSWORTH MADE A MOTION FOR THE STAFFING AND PROGRAM TO REMAIN AS
THEY ARE AT PRESENT; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
COUNCIL MEMBERS KILLINGSWORTH, JENSEN, DOZIER, AND GANTT VOTED IN THE AFFIRMATIVE.
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Council stated she wished for staff to investigate the Peace Builders program to see if it would work including the funding. Since this is a partner program, we would need to partner with Wake County. There was discussion was to whether or not we should undertake this and not leave it with the County.

Unfinished Business 03 : Drew Havens, Town Manager

Live streaming of Town Council meetings and Council direction to staff regarding same

Staff stated a policy had been drafted, there was a zero cost option, but this was not what was being recommended. Staff recommended a one time \$2,500 cost for a second camera. The current camera would record and the second one would live stream. Staff will do an evaluation as to how many people are watching, which will help future investments, if applicable.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT AND IMPLEMENT THE POLICY,
AND TO DIRECT STAFF TO PURCHASE THE \$2,500 CAMERA, AND TO BEGIN LIVE
STREAMING; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a five minute recess.

NEW BUSINESS

Pulled for further discussion as New Business 01: Council Member Killingsworth

Appointment to the Planning Board: Member (current Bedotto seat): Tommy Pate, 813 Wickham Ridge Road | 05/22/2019 – 12/31/2019

Council explained that she was not aware of the Planning Board opening and did not know to whom this applicant we being compared. Trying to look up this person was an interesting task. It did not seem that the applicant submitted using his correct name, making it difficult to find other information.

The Mayor stated that Mr. Pate attended a Planning Board meeting where he was introduced to several members. The Mayor did not understand why Council was looking up Mr. Pate; he would have been happy to meet with her if she had of called him. The Mayor explained why Mr. Pate was on his radar.

The Mayor again stated that he felt he was being attacked while he was only doing his job. He explained why he moved in earnest to fill this position – a quorum at the Planning Board meetings was needed. After a bit more conversation, Council stated this was the type of conversation she was seeking to have; the ability to talk about prospective board members prior to Council taking a vote.

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

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

Pursuant to GS § 143-318.11(a)(3) to discuss the handling of the matters of Allgrove v. the Town of Apex and Upright Builders v. the Town of Apex

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 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION 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.

A handwritten signature in cursive script, reading "Donna B. Hosch", written over a horizontal line.

Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:

A handwritten signature in cursive script, reading "Lance Olive", written over a horizontal line.

Lance Olive, Mayor



Special Meeting of the Apex Town Council Tuesday, May 28, 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 Special Meeting of the Apex Town Council
scheduled for Tuesday, May 28, 2019, at 7:30
a.m. was held in the Council Chamber of Apex
Town Hall, 73 Hunter Street

In attendance were 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, Assistant Town Manager
Shawn Purvis, and Town Attorney Laurie L. Hohe
Absent were: Mayor Lance Olive, Council Member Wesley M. Moyer, and Town Clerk Donna B. Hosch

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order at 7:33 a.m.

MOTION BY COUNCILWOMAN KILLINGSWORTH, SECOND BY COUNCILMAN GANTT TO GO INTO CLOSED SESSION
TO DISCUSS, WITH THE TOWN ATTORNEY, A MATTER RELATED TO UPRIGHT BUILDERS VS. THE TOWN OF APEX.
CARRIED BY UNANIMOUS VOICE VOTE.

MOTION BY COUNCILWOMAN KILLINGSWORTH, SECOND BY COUNCILMAN JENSEN TO GO OUT OF CLOSED SESSION.
CARRIED UNANIMOUSLY.

ADJOURNMENT

Upon returning to open session, and with no other business to be conducted, the meeting was
adjourned at 7:54 a.m.



Drew Havens, Town Manager

ATTEST:



Nicole L. Dozier, Mayor Pro Tem



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

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

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 7th 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 8th 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

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 GANIT 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.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

A handwritten signature in cursive script, appearing to read "Lance Olive", written over a horizontal line.

Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, June 18, 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 18, 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, recited a reflection he'd written concerning governance, asked
for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Special Town Council Meeting of May 28, 2019 and the Regular Town Council Meeting of June 4, 2019
- Consent 02 Ordinance amending Section 20-164 with the addition of subsection (34) to enforce a No Parking restriction along
a portion of Rapp Lane in the Carriage Downs subdivision.
- Consent 03 Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances in accordance
with the provisions of Sections 20-60.1 and 20-68

- Consent 04 Amendment to the Swift Creek Land Management Plan between and among the Town of Apex, Town of Cary, Town of Garner, City of Raleigh and Wake County
- Consent 05 Budget Ordinance Amendment No. 18 to the FY18-19 budget to allocate funds for the potential purchase of real property
- Consent 06 Budget Ordinance Amendment No. 16 to the FY18-19 budget to appropriate funds for a community program conducted by the Police Department
- Consent 07 Budget Ordinance Amendment No. 17 to appropriate funds to pay the settlement for the matter of Upright Builders, LLC. v. TOA
- Consent 08 Capital Project Ordinance Amendment No. 2019-17 to provide additional funding for the Regional Waste Water Treatment Plant constructed in partnership with the Town of Cary
- Consent 09 Construction contract and authorization for the Town Manager to execute same for 2019 Road Rehabilitation (R-19-3)
- Consent 10 Facility Encroachment Acceptance Agreement No. CSX884583 between the Town of Apex and CSX Transportation, Inc. and to authorize the Town Manager to execute the Agreement
- Consent 11 Set the Public Hearing for the July 16, 2019 Town Council Meeting regarding an amendment to the 2045 Land Use Map and Rezoning Case #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, sought to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and rezone approximately ±16.95 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 12 Set Public Hearing for the July 16, 2019 Town Council Meeting regarding Rezoning Application #19CZ08 (3112 New Hill Holleman Road). The applicant, Mark Maletta, sought to rezone approximately 2.413 acres located at 3112 New Hill Holleman Road (PIN 0629090376) from Wake County Residential-30 (R-30) to Neighborhood Business-Conditional Zoning (B1-CZ).
- Consent 13 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 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
- Consent 14 Set Public Hearing for the July 16, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- Consent 15 Apex Tax Report dated 05/06/2019
- Consent 16 Capital Project Ordinance Amendments 2019-15 & 2019-16 which will transfer funds from the FY 2018-2019 operating budget to corresponding Capital Project Funds
- Consent 17 Contract for Community Branding Study
- Consent 18 Revisions to the Town Standard Details
- Consent 19 Closed Session Minutes of February 5 and February 19, 2019; April 2, 2019; May 28, 2019; and June 04, 2019 (Closed Session Minutes Recorded Separately)

The Mayor stated staff requested an add-on item to approve Budget Ordinance Amendment No. 19 to the FY18-19 budget to allocate funds for refunding of overpayment for subdivision recreation fees.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

Tina Sherman stated she was excited to see the expanded family leave policy. She was hoping for gender equity, however, and the proposed policy only affects women. Ms. Sherman expanded on the role men play in assisting women pre and post pregnancy. In addition, it was inappropriate for Council to set policy which would establish the number of children it would affect. Ms. Sherman wanted to see the addition of two weeks for moms and dads and paid family leave for all employees for family member care.

Anna Lineback spoke about the Pride Resoution. She talked about the difficulties she experienced growing up by choosing to be herself. She was thankful that Apex rejects the stigmas and that the Town sees value in her and others like her.

Carla Zegerman also spoke about Pride Month. She has been witness to challenges to the gay community. She spoke about those things troubling to her as these people struggle for safety and support. The Town would benefit from a community free from discrimination.

PUBLIC HEARINGS

Public Hearing 01 : Sarah Rayfield, Senior Planner

Ordinance 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 US1 Hwy, Annexation #647 into the Town's corporate limits

and

Public Hearing 02 : Sarah Rayfield, Senior Planner

Rezoning Case #19CZ06, Benjamin T. Brooks, petitioner 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)

Staff oriented Council to the proposed annexation site. Neighborhood meetings were conducted. Changes were made to the original conditions, and staff directed Council's attention to the handouts with the corrected information. Planning Board and staff recommended approval.

Ben Brooks, property owner, stated a house would remain on the property in which his daughter would live. He was in the process of restoration. He would consider solar but pointed out the home is older and may not be suitable for such.

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 MOYER MADE THE MOTION TO ADOPT THE ORDINANCE AND APPROVE THE REZONING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Amanda Bunce, Current Planning Manager

Rezoning application #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".

Staff oriented Council to the site and stated the applicant's intention for the property. A neighborhood meeting was held. Lighting levels have been brought into compliance. The beauty and barber shop use was originally removed, but the applicant now wished for this use to be reconsidered. Staff stated the use was appropriate. Planning staff recommended approval as did the Planning Board with an additional condition.

Staff answered Council questions related to traffic, lighting concerns, site condition being in compliance with the UDO, and buffers.

Representing the applicant, Patrick Kiernan, Jones and Clossen Engineering, explained his firm's understanding as to why the proposed use was initially eliminated – there was a fundamental misunderstanding with the engineer and developer. The history of the use was stated. He agreed his firm dropped the ball and made a mistake. Mr. Kiernan emphatically stated that they were not trying to pull

a 'fast one' asking for the use to be reincorporated. He stated the salon owners were in attendance, their being an innocent couple caught up in the middle of this situation. Staff had confirmed to his firm that there would not be increased traffic.

Mayor Olive declared the Public Hearing open.

Anne Cain stated that this was presented as an upscale professional park, Council feeling this kind of development was needed. The developer presented its uses, and commercial uses were discussed between the neighbors and the developer. Beauty shop was not an oversight; it was removed as a result of requests from the neighborhood meeting. This proposed use is different than what is at the professional park. If approved, this could be viewed as a precedent.

Rita Boykin stated the original citizen concerns are still viable today. She felt they would continue to come back with rezonings in order to fill office space. Ms. Boykin spoke about the condition of the property at the site where the neighborhood sign was originally placed, potholes, grass, erosion failure, lighting, survey flags, and more. They have attempted to contact the developers but to no avail.

Douglas and Tiffany Weaver [proposed salon owners] stated they have been in the hair industry for 20 years. They wished to launch a great upscale business where they would pay their employees well. They picked the park because of the appearance. They were willing to curb their hours to accommodate resident concerns. There is a problem, but they are not part of it. Mrs. Weaver, chocked up, spoke about this being a dream of hers. She hoped they would not be casualties of someone else's problem.

John Gasinowski, developer, stated he wished they could do 100% medical and legal, but this was limited by the Town because of parking. He felt the beauty salon was a perfect fit. There are other shops around, but not elite ones like this one for women. He admitted fault on the part of the developer, but he had no idea a beauty shop could not be put there. Council received positive emails about the Weavers and the prospective salon.

Dianne Hinson stated this was a simple request; but if approved, would chip away at the desirability and value of their homes because of the type of traffic it would bring in. She felt like this was a 'fast one' being pulled even though it might not be. She asked for their homes to be preserved.

Mayor Olive declared the Public Hearing closed.

Council asked for history of the neighborhood sign from Mr. Kiernan; he did not know the history. He stated the salon operating hours would fit into the other business hours of operation. Council asked if rezoning could be setup for only one salon, staff answering in the affirmative if it was offered by the developer. Gasinowski stated this salon would be exclusive to the entire park.

Responding to Council question about the sign, Kenneth Dickenson, representing the general contractor, stated it had to be removed in order to comply with Town ordinance. Council asked Mr. Gasinowski about holes in the buffer, his stating he would be willing to install additional plantings. Answering Council questions, Mr. Gasinowski stated the condition of the site is per the UDO, and he felt all citizen concerns had been addressed. Council stated she would like to see better communication with neighbors. Staff stated she was not aware of any violations on the site. Council stated she wanted to see the developer being more of a good neighbor by taking care of issues before the Town needs to get involved. She was concerned about how this has all gone down.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REZONING WITH THE THREE CONDITIONS AGREED TO IN THIS MEETING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council stated he saw the impact as very minimal. This was a good developer and everything asked by the Town had been done. Council stated she did not originally want this project. She was disappointed that there were questions with no answers. There was evidence that uses were pulled out in good faith, so this would set up an expectation for people. She was concerned what would happen if the use was put back in. Council stated he thought the developer would bend over backwards to accommodate the neighbors. Council stated he was disappointed since this has been talked about before.

COUNCIL MEMBERS MOYER AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS DOZIER, GANTT, AND KILLINGSWORTH VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 3-2 VOTE.

Mayor Olive called for a five minute recess.

Public Hearing 04 : Dianne Khin, Planning Director

Ordinance 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

Staff oriented Council to the site, stating Planning 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 ADOPT
THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance 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

Staff oriented Council to the site. Planning recommended approval. Staff answered Council questions related to roads.

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 DOZIER MADE THE MOTION TO ADOPT THE
ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the two proposed amendments. Planning Board and 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 KILLINGSWORTH MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Council Member Bill Jensen
Environmental Stewardship Award Program

Council stated staff had taken a look at this, doing exactly as was asked. He felt the program would work fine. Questions were answered related to the meaning of "clubs" and types of awards.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE PROGRAM WITH STATED WORDSMITHING AND STAFF TO DETERMINE THE APPEARANCE OF THE AWARD; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Amendment to the Town's benefits policy to provide expectant mothers two weeks of maternity leave per birth cycle in addition to the existing six weeks of paid parental leave. There will be a lifetime benefit limit of four weeks of maternity leave.

Council stated he wished to pull the request this evening and directed staff to study IBM's policy and the Governor's policy and discover why they can do as he proposed but we can't.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO PROCEED AS STATED ABOVE, TO RESEARCH HOW CURRENT POLICY IS WORKING, TO RESEARCH FUTURE CAREGIVER-STYLE LEAVE PLANS, TO RESEARCH WHO'S USING ADDITIONAL TIME, AND FOR THIS TO GO TO PERSONNEL COMMITTEE AFTER THE RESEARCH; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Mayor Lance Olive
Creation of a "Bee City USA" Committee

The Mayor stated we have had discussion in the past about honey bees and other pollinators. We were awarded being a tree city, and we wanted to receive the same type of designation for bees. He gave examples of what we could do to comply with this. The Mayor wanted to form a committee to help move toward being certified and to determine placement for an educational beehive on Town property. After some further discussion,

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE A STANDALONE COMMITTEE WITH THE STATED INTENT; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

**New Business 03 : Council Members Audra Killingsworth and Nicole Dozier
Resolution recognizing Pride Month**

Council stated statistics for the number of LGBTQIA individuals in the county and state. This population should be recognized. Council Members Killingsworth and Dozier read the Resolution.

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

Council asked staff if any LGBTQIA individual had been mistreated by staff and if orientation could be asked about upon employment. We need to stay focused on what is relevant to Apex and this was not relevant.

Mayor Olive stated he wanted to have a future process for resolutions going on the agenda. Conversation ensued about a policy for this. Council stated there are events during Pride Month which are educational. Maybe next year we should have events by the Town. Conversation ensued about recognizing Black History Month, Women's History Month, etc. There were comments made by Council related to Juneteenth. Council stated the town as a whole needed to be more compassionate of other people.

COUNCIL MEMBERS KILLINGSWORTH, DOZIER, JENSEN, AND GANTT VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

CLOSED SESSION

Laurie Hohe, Town Attorney : Pursuant to GS 143-318.11(a)(3) to preserve attorney-client privilege

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.

Mayor Olive stated that 'snarky' comments had been made from one Council Member to another [during New Business 03], but that he heard the comments differently than the receiving Council Member. The Mayor read his thoughts on resolutions. He perceived there could be too many ineffective resolutions

presented during the year. He asked Council to leave partisan thoughts outside and concentrate on efforts that had already been identified.

WORK SESSION

There were no Work Session items for consideration.

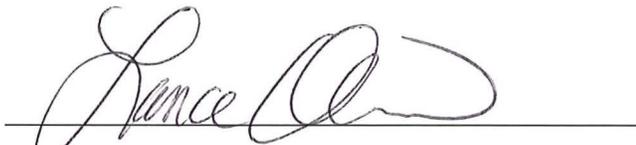
ADJOURNMENT

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



Apex Town Council Special Meeting

Friday, June 28, 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 Special Meeting of the Apex Town Council scheduled for Friday, June 28, 2019, at 7:15 a.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

- Meeting called to order at 7:15 am by Mayor Olive (Gantt, Jensen, Killingsworth present)
- Shawn Purvis presented staff's request and recommendation to extend the parklet up to Nov. 4.
 - Mayor asked for staff to dedicate someone to be responsible for checking on the parklet to ensure safety and upkeep during extended time
 - Mr. Gantt asked for staff to explore alternative safety precautions to the cones on the street side that would be safe but also more aesthetically pleasing.
- Ms. Killingsworth made motion to approve staff recommendation, second Mr. Gantt, unanimous approval

ADJOURNMENT

- Mayor adjourned the meeting at 7:25 am

A handwritten signature in blue ink, appearing to read "D. Shawn Purvis", is written over a horizontal line.

D. Shawn Purvis, Assistant Town Manager

ATTEST:

A handwritten signature in black ink, appearing to read "Lance Olive", is written over a horizontal line.

Lance Olive, Mayor



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. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive 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
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

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

PRESENTATIONS

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

Mr. Withrow stated he would present their recommendations since finishing work with the consultants. He pointed to areas of concern related to safety based on crash history. Mr. Withrow spoke about eight hotspots that they were able to identify in the study. Active modes were presented and explained as well as strategic connections across CSX lines. The next step would be a public hearing in August, resulting in a possible endorsement so that things could move forward.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of June 18, 2019 and the Special Council Meeting of June 28, 2019
- Consent 02 Closed Session Minutes of June 5, 2018; October 16, 2018; November 6, 2018; and December 4, 2018 (*Closed Session Minutes Recorded Separately*)
- Consent 03 Resolution delegating cemetery plot transfer authority to the Town Clerk
- Consent 04 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 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 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 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 Contract renewal between Wake County Public Schools and the Town of Apex for Off-Duty Police Officer Services, 2019-2020
- Consent 09 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 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 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 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 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 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 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 Authorization for 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 Appointment of individuals to the Parks, Recreation, and Cultural Resources Advisory Commission and to the Public Art Committee

- Consent 15 Authorization for 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 Authorization for 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 Authorization for 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 Authorization for 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 Authorization for 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

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

The Mayor noted that Mr. Carusona and Mr. Roach were in attendance, our being happy to have them as part of the Parks, Recreation, and Cultural Resources Advisory Commission.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Staudenmaier, Planner I

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

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).

Staff oriented Council to the site. A neighborhood meeting was held. Staff pointed to changes indicated on the document which was placed at Council's seat. The Planning Board and Planning staff recommended approval. Staff answered Council questions related to access points, public art, and buffers.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering Design representing the applicant, clarified Council questions related to access points, public art, and buffers. Explained were zonings in the surrounding area. This would be the first such non-residential project in the area in a long while. Questions from Council were answered related to cross access.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE ANNEXATION AND THE REZONING WITH CONDITION PRESENTED BY STAFF AND AS ADDED ON THIS EVENING; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated that everyone needs to commit to trying to help the world, his being disappointed by there being no solar offerings.

COUNCIL MEMBERS GANTT, MOYER, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

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 requested this item be continued to the August 20, 2019 regular Town Council meeting.

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

Public Hearing 04 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff detailed the proposed eight amendments and answered questions from Council. The Planning Board as well as 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 AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council explained Committee's thinking behind and recommendation for incremental steps in increasing trees.

THE MOTION CARRIED BY A 4-0 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 : Vance Holleman, Finance Director

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.

Staff explained the actions that would result from the adoption of the resolution. We would receive a 2% interest rate for 20 years. Staff stated these bonds would never go public.

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

CLOSED SESSION

Joanna Helms, Economic Development Director and Laurie Hohe, Town Attorney

To discuss the acquisition of property; and (2) pursuant to GS 143-318.11(a)(3), to preserve attorney-client privilege

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION
WITH NO OBJECTION FROM COUNCIL.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ADOPT THE RESOLUTION AUTHORIZING
EMINENT DOMAIN PROCEEDINGS RELATED TO THE KELLY ROAD AND APEX BARBECUE ROAD SIDEWALK PROJECT FOR THE
IMPROVEMENT OF THE APEX STREET AND SIDEWALK SYSTEM; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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



Joint Conversational Meeting of the Apex Town Council and Wake County Board of Commissioners

Tuesday, July 30, 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

This Special Joint Conversational Meeting
scheduled for Tuesday, July 30, 2019, at 6:00 p.m.
was held at the Halle Cultural Arts Center, 237 N.
Salem Street

In attendance for the Town of Apex were Mayor Lance Olive and 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 for Apex were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, and Town Clerk Donna B. Hosch

In attendance for Wake County were Commissioners Vickie Adamson, Matt Calabria, Susan Evans, and James West

Also in attendance were County Manager David Ellis, Assistant County Managers Chris Dillon and Denise Foreman, County Clerk Denise Hogan, and Communications Manager Kelly Stratton

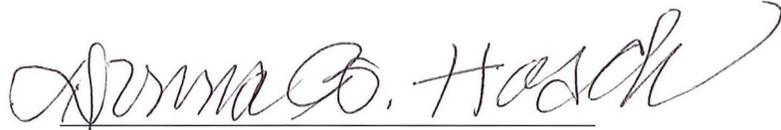
COMMENCEMENT

Mayor Olive called the meeting to order.

Conversation ensued between Council and Commissioners on density issues, permitting issues, new development for schools, employment, encouragement of a living wage, and business practices. Thoughts were given as to what each entity would want to see new and what each would want to see improved in the respective municipalities. There was discussion as to how each could work together to possibly make these types of things happen.

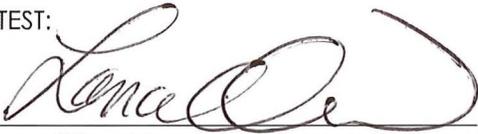
ADJOURNMENT

Mayor Olive thanked everyone in attendance and adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, August 6, 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, August 6, 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 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the meeting to order. He recognized all those including law enforcement who fight for our freedom and sacrifice their time. He asked for remembrance of the victims of the recent tragedies in Dayton and El Paso and Mississippi and that the families left behind would be able to deal with their tragic losses. Mayor Olive asked for a moment of silent reflection leading to the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Presentation of Human Trafficking Awareness Week Proclamation to Nicole Bernard of Shield North Carolina

Mayor Olive stated this was our third time presenting a Proclamation acknowledging Human Trafficking Awareness Week. He read the Proclamation before presenting it to Ms. Bernard, Nikki Miller standing with her. The Mayor thanked the Police Department for participating in this the past three years and explained their involvement.

Ms. Bernard thanked everyone for the platform for educating citizens of Apex on human trafficking. She also thanked the Police Department for their involvement in making our town safe.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of July 16, 2019
- Consent 02 NCDOT Reimbursement Agreement No. 8841 to be eligible for 80% reimbursement of \$1,316,102 in project construction costs (up to \$1,052,881 reimbursement) associated with the Beaver Creek Greenway connection between Kelly Road Park and the Apex Nature Park (TIP No. EB-6021) and authorize Town Manager to execute same.
- Consent 03 Resolution authorizing *Interlocal Agreement No. 3 for Provision of Sewer Services for Colvin Park Pump Station Service Area* to include additional flow.
- Consent 04 Personnel grant from the Governor's Highway Safety Program for a traffic officer to include the addition of one (1) full-time equivalent position authorization to be used solely for the purpose of the grant.
- Consent 05 NCDOT Reimbursement Agreement 8832 to be eligible for 70% reimbursement of project construction costs up to \$387,800, requiring \$166,200 in matching Town of Apex funds for a total of \$554,000, to construct Laura Duncan Road Pedestrian Improvement Project TIP No. EB-6019, and to authorize Town Manager to execute same.
- Consent 06 Set Public Hearing for the August 20, 2019 Town Council Meeting regarding Rezoning Application #19CZ09 (Linden Lot 22 PUD). The applicant, Dan Ryan Builders, seeks to rezone approximately 4.52 acres located at 2236 Olive Chapel Road (PIN 0722602549) from Rural Residential to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 07 Set Public Hearing for the August 20, 2019 Town Council Meeting regarding Rezoning Application #19STC14 (320 & 322 North Mason Street). The applicant, Town of Apex, seeks to rezone approximately 1.74 acres located at 320 & 322 North Mason Street (PINs 0742518584 & 0742610531) from Neighborhood Business (B1) to Neighborhood Business (B1) & Small Town Character Overlay District. The Town of Apex proposes to add the subject properties into the Small Town Character Overlay District and apply the non-residential standards in Section 6.3 of the Unified Development Ordinance to any site development.
- Consent 08 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 Hwy 64

Holdings, LLC (Security Self Storage) property containing 19.22 acres located at 7300, 7301 and 7325 Vanclaybon Drive, Annexation #660 into the Town's corporate limits.

- Consent 09 Set Public Hearing for the August 20, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance.
- Consent 10 Statement of the Town Council for Rezoning Case #19CZ08, Mark Maletta, petitioner for the property located on 3112 New Hill Holleman Road.
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of July 16, 2019.
- Consent 12 Set Public Hearing for the August 20, 2019 Town Council Meeting regarding Rezoning Application #19CZ13 (2213 East Williams Street). The applicant, Olive Chapel West Associates, LLC, seeks to rezone approximately 3.11 acres located at 2213 East Williams Street (PIN 0740944591) from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ).
- Consent 13 Special Event Permits for Apex Friendship HS Senior Parade on August 26, 2019; Apex Friendship High School Homecoming Parade on October 11, 2019, Apex HS Homecoming Parade on September 27, 2019 and the Chanukah Festival Celebration in Depot courtyard December 22, 2019
- Consent 14 Appoint the following individuals to the Public Art Committee: Anissa Ortiz, 1045 Torrence Drive, from August 7, 2019 until June 30, 2022 and to appoint Bethany Bryant as Vice-Chair from August 7, 2019 until June 30, 2020
- Consent 15 Position reclassification requests, as recommended from the Personnel Committee.
- Consent 16 Amendment of the Town's Personnel Policies, Article VII Section 17, regarding Family Medical Leave to expand the definition of "family member" and remove the age limit for children.

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

REGULAR MEETING AGENDA

Mayor Olive stated that Public Hearing 04 was requested to be continued and would be heard first.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE CONTINUANCE OF PUBLIC HEARING 04. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Crickett Thornton of Raleigh spoke in support of the 5K run requested by the Church of Latter Day Saints of Jesus Christ. The run was meant to be a literal and spiritual journey back to the Temple. There are only 168 Temples in the world, and they were proud to be in Apex. The Temple has been closed for almost two years and this run would take place three weeks before reopening to remind members to come back and rededicate their hearts to the Lord. Ms. Thornton gave figures of anticipated attendance and the number of Temple members. She spoke about some of their events. The runs are done across the country and are not competitive. They did not need to close any streets or greenways. Ms. Thornton explained the greenway would be safest route and be least inconvenient. She invited Council to the open house in September, nothing that invitation to view the Temple has happened only one other time.

PUBLIC HEARINGS

Public Hearing 04 – Quasi-Judicial : Amanda Bunce, Current Planning Manager

Quasi-Judicial Public Hearing and possible motion regarding a Major Site Plan for Sweetwater Ph. 9A2 & 9B (Mixed Use) located at 0, 3115 US 64 Hwy & 2700 Core Banks Street. The subject properties are identified on Wake County Tax Maps as PINs 0722550034 (portion of), 0722544768 (portion of), and 722554159. The applicant requested this item be continued to the September 3, 2019 regular Town Council meeting.

Staff stated this request was due to a change in engineers and the requestor not being ready to go with a change in the lighting plan.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE CONTINUANCE AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance 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.

Staff oriented Council to the site, stating it recommended approval. Staff answered Council questions related to zoning.

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 4-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance 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.

Staff oriented Council to the site, stating it 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
ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Ordinance 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.

Staff oriented Council to the site, stating it 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 KILLINGSWORTH MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER GANTT 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 : Drew Havens, Town Manager
Creating an Environmental Advisory Board

Staff stated Council instructed staff to look at the creation of this Board to advise on environmental issues. Other municipalities were looked at. Staff met several times to ensure this would not create legal problems. The recommendation of staff was now before Council.

Staff explained how the process would work and what would be presented to Council. Council questions were answered related to what was being done in other municipalities and what we would want to see done here. Council stated it was previously discussed that this this new Board would replace the current Council's Environmental Committee and he hoped this would be revisited.

Council stated he thought this was a good idea, but he didn't want to see this Board replace the Environmental Committee. He thought the developers would value direction early on, it would be great to have someone taking in-depth looks, and that early citizen input would be valuable.

COUNCIL CONSENSUS WAS TO CONTINUE ON THIS PATH TO A FORMAL DOCUMENT.

NEW BUSINESS

New Business 01 : David Wood, Halle Cultural Arts Center Manager

Non-approval of a Special Event Permit for Raleigh NC Temple Run 5K on September 2, 2019

Staff oriented Council to the aspects of the run. The request had been through internal departmental review for the greenway and a neighborhood road course options. Staff did not recommend either

option and presented its reasons for this recommendation. A run during this time of a holiday may pose challenges. Department policy does not allow these runs except for town-run 5K events such as the Turkey Trot.

Staff answered Council questions related to the option preference of the requestor. The greenway would not be closed, but there would be user conflicts because of the holiday. The race would run from 9-11 a.m. Staff did not see a problem with the purpose of the run being a return to the Temple, but he didn't want to set a precedent.

Council asked for clarification of town policy which staff provided. Staff stated we receive 4-5 requests per month for use of the greenways. We get constant complaints because of user conflicts. Staff explained the process which requests go through where several departments are involved in the recommendation.

Council asked was there a consideration of a date other than labor day weekend as was requested. Council was concerned about parking and inquired about a staggered start. Crickett Thornton, requestor, stated that parking would not be an issue as they had permission for parking at the elementary school. There will also be parking at the Temple, and there will be shuttles running. Therefore, there should not be a lot of congestion. Ms. Thornton was not opposed to a staggered start. They could bump up the start to an hour sooner, but the times nicely coincided with the holiday for others to explore the Temple. She stated that perhaps people would sleep in and not do their regular runs on a holiday.

Council asked about public safety, and staff explained how an officer would need to be posted for roads and how the runners would be directed. Council stated that if we were going to break precedent for this one-time race, it would be a learning opportunity for us.

Council stated she didn't want to set a precedent for any and every 5K race to be approved or considered. But this was a one-time thing. Her preference would be for the race to start earlier, as in from 8-10 a.m.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST WITH ALL CONDITIONS INCLUDING TAKING NOTES AND IT BEING CLEAR THAT THIS WOULD NOT SET A PRECEDENT AS THIS WOULD BE A LEARNING EXPERIENCE.

Mayor Olive stated he liked an earlier starting time, but earlier exercisers needed to be thought about. He thought 8-10 a.m. would be least impactful. The Mayor liked the opportunity to learn from the event and possibly have someone take notes for what did and did not go well, this person also monitoring complaints.

Council stated he felt it would be beneficial to get everyone back together to determine everything that was going to happen. There should be more talk about possible restrictions.

Council was concerned about the precedent and the date. He liked the idea about studying the event. He asked if staff would have a change of opinion if adjustments were made. Staff explained that a new policy would need to be quickly drawn in order to control incoming requests. Responding to the Mayor, Council stated a Committee meeting could be called quickly. Council felt bringing the Temple into focus could have been done another way, i.e., a food drive.

COUNCIL MEMBERS MOYER AND GANTT VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS
KILLINGSWORTH AND JENSEN VOTED IN THE NEGATIVE.

The Mayor talked about the impact of 5k runs. He stated he would vote for this one but with caveats in place. He loved the idea of pilot programs like the parklet downtown. He asked staff to work with the applicant, stating that he wanted to see a post-race report and how this impacted the citizens of Apex.

THE MOTION CARRIED BY A 3-2 VOTE, WITH MAYOR OLIVE CASTING THE TIE-BREAKING VOTE.

New Business 02 : Dennis Brown, Construction Project Manager

Further direction upon presentation of information requested by Council concerning the Pleasant Park project and the Senior Center project

Staff detailed the five Pleasant Park deviations. Council asked for clarification of the courts, specifically related to the one volleyball court. How programming needs are identified was explained. There was some discussion about tennis courts being striped for dual duty for volleyball, even though it was unknown if there was a demand for hard court volleyball. Staff stated other locations have been looked at for the sand volleyball court.

Jason Bertoncino, Vice President of Land Development with WithersRavenel, spoke about the RCA exceeding what was in the previous plan, parking areas, grading, and added maintenance capacity.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE PLEASANT PARK SECTION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Staff detailed the four senior center deviations. Council asked how we handle other developers who request deviations. Staff explained how the UDO allows for creativity to save existing trees. These four deviations have already been exempted by the Planning Director according to the UDO.

Staff stated that in relation to the property line from Jordan Oil, Council had been informed in the past that the senior center could not be put on this property if this deviation was not allowed. Some conversation ensued about what would go between our property and Jordan Oil's. Jordan Oil needs their space, and they expressed wanting something in that area to curb foot traffic. Robert Carmac, Principal with smithsinnett ARCHITECTURE, stated they have made this road as tight as possible and he detailed the challenges. The road has been discussed with Jordan Oil. Staff stated bollards may be the best solution.

The Mayor stated he liked the idea of bollards and having the sidewalk on the other side, thereby eliminating the need for a fence. He was fine with the deviations because they would move the project forward. He felt closing a portion of Hughes Street was a mistake and may be revisited at a later time.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE SENIOR CENTER. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, GANTT, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Town Manager Drew Havens stated this would be David Hughes' last night sitting as Assistant Town Manager as he would be retiring in September. This was Hughes' second stint with the Town, and his history with Apex was stated. Havens stated Hughes was dedicated to the citizens, we have relied on his counsel, and he is a unique engineer. Marty Stone will assume Hughes' position. Havens thanked Hughes, stating that the citizens owe him a debt of gratitude. Hughes stated that this is a great place to work and he has enjoyed every minute.

CLOSED SESSION

Laurie Hohe, Town Attorney : To consult with the Town Attorney concerning the handling of the Trinity, et. al. v. Town of Apex matter

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and without objection from Counsel, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Apex Town Council Meeting Tuesday, August 20, 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, August 20, 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of August 6, 2019
- Consent 02 Apex Tax Report dated 06/05/2019
- Consent 03 Access easement on Town Property on Beaver Creek Commons Drive
- Consent 04 *Design Build Project Utility Construction Agreement (UCA) between the North Carolina Department of Transportation and the Town of Apex for the relocation of water and sewer utilities impacted by construction of NC 540 (Project R-2721A) and authorization for the Town Manager to execute the same*

Consent 05 Town Manager authorization to execute an Encroachment Agreement between the Town and MCG Contracting, Inc. regarding Wake County, LO13R, Old Mill Village, Lot 3, Phase 2, BM2011-00382, 525 Mill Hopper Lane, Apex, NC 27502

Consent 06 Street and parking lot closures for 2019 Apex Music Festival on September 14, 2019

Mayor Olive stated the Town Manager requested an add-on item relating to the reconveyance of two cemetery plots back to the Town as requested by E.C. and Janet Hughes.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADDITIONAL ITEM.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH 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 JENSEN MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Joe Foresta stated he knew the history of the fire station downtown very well. There is a blue stream running through it, and he spoke briefly about water issues that others were having. He talked about options for the building, one of them being an historic site. He stated this could be income generating. He suggested selling the property if it is not going to be rehabbed for a fire station. He felt a new station should be built on the Peakway as was originally planned which would fit the growth. However, he wanted to keep the fire station presence downtown.

PUBLIC HEARINGS

Public Hearing 01 :_Sarah Rayfield, Senior Planner

Amendment to the 2045 Land Use Map and Rezoning Case #19CZ02. The applicant, Kaplan Residential, sought 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 (PINs 0732289587, 0732382530, & 0732382709), from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ.)

To be continued to the September 17, 2019 Town Council meeting
so that a recommendation may be received from the Planning Board.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO
CONTINUE THE HEARING AS REQUESTED; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Liz Loffin, Senior Planner

Rezoning Application #19CZ09, Linden Lot 22 PUD. The applicant, Dan Ryan Builders, sought to rezone approximately 4.52 acres located at 2236 Olive Chapel Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. A fee in lieu would be required. The applicant offered an additional transportation condition along with several other conditions. Planning recommended approval with the conditions offered by the applicant. The Planning Board recommended approval. Staff answered Council question related to a cross walk.

Mayor Olive declared the Public Hearing open.

Charlie Yokley, Senior Planner with McAdams and representing the applicant, addressed how the site met the statements and standards. They were proposing a public sidewalk to fill in a gap. Mr. Yokley stated that they wished to add another four conditions which he detailed. He answered Council question as to what would make this development unique. The price range for the houses would start in the \$400,000's.

Ryan Acres, Engineer with McAdams, spoke about the RCA and why they wished to continue with a stormwater control measure. He spoke to Council question about LED lighting in the homes. He spoke further about the cross walk and its characteristics and their willingness to actively address public safety with DOT.

Kyle Damborsky stated he and his neighbors were concerned, stemming from the original Town Hall meeting, about runoff and how it would be mitigated. He also spoke about abutments and how they wanted to see the developers come in as good neighbors.

Maria Geiss stated that during the meeting with the developers, it was stated that the property would be brought to grade. However, lot 22 is a big hole. Two properties have experienced adverse impacts because of drainage, and Ms. Geiss explained how additional water flow is affecting the area.

Mayor Olive declared the Public Hearing closed.

Council asked the applicant questions related to the sedimentation pond.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST WITH ALL THE CONDITIONS ORIGINALLY OFFERED AND THOSE OFFERED THIS EVENING; COUNCIL MEMBER MOYER SECONDED THE MOTION. COUNCIL MEMBERS JENSEN AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS GANTT, DOZIER, AND KILLINGSWORTH VOTED IN THE NEGATIVE. THE MOTION FAILED BY A 3-2 VOTE.

Council stated he wanted to see the 3% RCA in the development. Council asked if this could be reconsidered at a later date.

Mayor Olive called for a three minute recess.

The attorney explained how Council's request to reconsider could be met.

COUNCIL MEMBER GANTT MADE A MOTION TO RECONSIDER THE VOTE; COUNCIL MEMBER JENSEN SECONDED THE MOTION. COUNCIL MEMBERS GANTT, JENSEN, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS DOZIER AND KILLINGSWORTH VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-2 VOTE.

Council asked the applicant about adding RCA to certain buffers. Mr. Yokley stated they would add to the RCA, but he was not sure if he could keep the same size stormwater pond by doing so. Mr. Acres explained how and why the pond would change and still meet the requirements. Both applicants clarified their desire to add an additional condition related to the RCA.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE REQUEST WITH ALL THE ADDITIONAL CONDITIONS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Responding to Council, the applicant stated the new conditions would add to the cost of the housing. Council was appreciative of the cross walk and the safety it will bring.

COUNCIL MEMBERS GANT, JENSEN, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBERS DOZIER AND KILLINGSWORTH VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 03 : Lauren Staudenmaier, Planner

Rezoning Application #19CZ13, 2213 East Williams Street. The applicant, Olive Chapel West Associates, LLC., sought to rezone approximately 3.11 acres located at 2213 East Williams Street from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval; Planning recommended approval with conditions offered by the applicant.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering & Design, representing the applicant, spoke about why this would be a wonderful non-residential site. He committed to an additional condition related to solar. Mr. Roach thanked staff for working with them on the conditions. Mr. Roach answered Council questions related to lighting and how it would be shielded and the option for the dimming of the lights.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION
TO APPROVE THE REZONING WITH ALL CONDITIONS OFFERED BY THE APPLICANT;
COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Liz Loffin, Senior Planner

Rezoning Application #19STC14 (320 and 322 North Mason Street). The applicant, Town of Apex, sought to rezone approximately 1.74 acres located at 320 and 322 North Mason Street from Neighborhood Business (B1) to Neighborhood Business (B1) and Small Town Character Overlay District.

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval. Council questions were answered related to the overlay district.

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 DOZIER MADE THE MOTION
TO APPROVE THE REZONING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director
Amendment to the MORR note on the 2045 Land Use Map

Staff oriented Council to the note. 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 GANTT MADE THE MOTION
TO APPROVE THE NOTE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director
Annexation Ordinance – Hwy 64 Holdings, LLC (Security Self Storage) property containing 19.22 acres
located at 7300, 7301 and 7325 Vanclaybon Drive, Annexation #660, into the Town's corporate limits

Staff oriented Council to the site. 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 DOZIER MADE THE MOTION
TO ADOPT THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Shannon Cox, Long Range Planning Manager
Amendment to Transit Plan Map of the Comprehensive Transportation Plan.

Staff spoke about the amendment as it related to a bus route which will be funded by Wake County and operated by the Town of Cary. Cary and Apex have done further study on how this route would service Apex. The details of the study were explained. Town staff and the Planning Board recommended approval.

Staff answered Council questions related to ridership numbers and why the route was devised as it was.

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 KILLINGSWORTH MADE THE MOTION
TO APPROVE THE AMENDMENT; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Amanda Bunce, Current Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the three amendments. Council questions were answered related to RCA, practices of other towns, and lights in trees. Staff recommended approval.

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

Council stated she was uncomfortable with the amendments, and conversation ensued as to her reasons why. The rest of Council presented their thoughts. As a result, the Town Manager requested a continuance of the first amendment in order to confer further with staff.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION
TO APPROVE AMENDMENTS TWO AND THREE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Discussion ensued concerning the first amendment going through the Environmental Committee. The Chair for the Committee did not feel this was necessary; she simply wanted more data on from where the numbers came. Council asked for the pros and cons of a 50 foot buffer. The Town Manager would have staff provide the requested information to bring back to Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO CONTINUE THE
AMENDMENT ONE ITEM TO OCTOBER 15 TO ALLOW FOR ADDITIONAL STAFF RESEARCH INTO 50 FEET VS. 100 FEET; COUNCIL MEMBER
JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council added that if information arises concerning this issue, it can be brought back to Council prior to October 15.

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 : Jenna Shouse, Long Range Planner

Updates regarding the Apex Circulator Study, an implementation study for the priority transit route identified in the Town's Comprehensive Transportation Plan

Staff stated the uses of funding; we will be coordinating with Cary. The scope of the program was outlined along with the public input strategy. Council questions related to the latter were answered. The test route resulted in an hourly frequency.

CLOSED SESSION

To consult with Town Attorney concerning (1) the handling of the Town of Apex v. Rubin, and (2) the handling of the Torres v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive, Mayor

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Apex Town Council Meeting Tuesday, September 3, 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, September 3, 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, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager
Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Council Member Brett D. Gantt

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Presentation of Fire Officer Designation to Fire Captain David Dague
Chief McGee presented background on the Designation program. He additionally presented background on Captain Dague's journey to receiving this designation, providing history on his education and work background. Captail Dague thanked his family and the Town for their support. He acknowledged all those who helped him in his 27 year career.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council Meeting of August 20, 2019
Consent 02 Apex Tax Report dated 07/10/2019

- Consent 03 Resolution requesting that the Wake County Board of Commissioners appoint Glenda Alexander to the Board of Adjustment and Tim Royal to the Planning Board as ETJ Representatives
- Consent 04 Authorization for the Town Manager to sign a reciprocal Automatic Aid Contract between the Town of Apex (Apex Fire Department) and the Moncure Volunteer Fire Department in Chatham County. This contract enables each department to be automatically dispatched to structure fires in the identified areas in the contract
- Consent 05 Ordinance amending Section 20-164 with the addition of subsection (35) to enforce a No Parking restriction along both sides of Marco Drive from East Williams Street to a point 600 feet east
- Consent 06 Contract renewal between Wake County Public Schools (WCPSS) and the Town of Apex in which WCPSS will subsidize salaries of four School Resource Officers for schools located in the Town of Apex, NC
- Consent 07 Set Public Hearing for the September 17, 2019 Town Council Meeting regarding Rezoning Application #19CZ17 (Woodbury PUD Amendment). The applicant, Pulte Home Company, LLC, sought to rezone approximately 42 acres located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) in order to update an architectural standard
- Consent 08 Set Public Hearing for the September 17, 2019 Town Council meeting regarding an amendment to the Unified Development Ordinance related to the size of menu board signs
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #19CZ09, Dan Ryan Builders, petitioners for the property located at 2236 Olive Chapel Road
- Consent 10 Statement and Ordinance of the Town Council and Ordinance for Rezoning Case #19CZ13, Olive Chapel West Associates, LLC, petitioners for the property located at 2213 East Williams Street
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #19STC14, Drew Havens, Town of Apex, petitioner for the property located at 320 and 322 North Mason Street
- Consent 12 Set Public Hearing for the September 17, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

Consent 13 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of August 20, 2019

Consent 14 Temporary modification to Town of Apex Ordinance Section 14-14 to allow the sale and possession of malt beverages and unfortified wine in connection with the Apex Music Festival on September 14, 2019

Mayor Olive stated the Town Manager requested an add-on item regarding a rental and sales contract for DeeJay's Rentals, LLC.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM. 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 MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Cheryl Stallings spoke about the student who was struck by a vehicle at Apex High School this past Tuesday. There were comments from concerned citizens online. A flashing sign was placed at the crosswalk the next day, and she appreciated the quick response. However, the sign has now been removed. Community Forum comments also talked about citizen safety in general. Ms. Stallings cited several incidents have happened in school crosswalks over the years. She asked for a systematic study of crosswalks which would be made public. She also asked that as a local government entity, the Town be proactive in citizen safety.

The Town Manager spoke about the studies which have been conducted by the Town and how equipment has been and will continue to be strategically employed.

PUBLIC HEARINGS

Public Hearing 01 – Quasi Judicial : Amanda Bunce, Current Planning Manager

Major Site Plan for Sweetwater Ph. 9A2 & 9B (Mixed Use) located at 0, 3115 US 64 Hwy & 2700 Core Banks Street. The subject properties were identified on Wake County Tax Maps as PINs 0722550034 (portion of), 0722544768 (portion of), and 0722554159.

Staff oriented Council to the site.

Mayor Olive declared the Public Hearing open.

Mayor Olive read the Statement outlining the quasi-judicial process. All those wishing to speak were sworn in by the Town Clerk.

No Council Member had any communication with the applicant, there were no financial conflicts, and all stated they could make impartial decisions based on the evidence presented. None had viewed the site.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Ms. Bunce presented her credentials and work history. She proceeded to orient Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Bob Brady, Attorney, ExperienceOne Homes, representing the applicant, expressed his delight in being in attendance this evening with this project. He pointed to all UDO requirements being met with one rated as exceeded. Mr. Brady presented the credentials and work relationships of his experts Mitch Craig, Rynal Stephenson, and Brett Powell. To speak for the developer, Mr. Brady stated Lannie Coldwell and Corey Schmidt were also present.

Mr. Craig answered questions from Mr. Brady concerning this project and its conformity with the UDO. Mr. Stephenson answered questions from Mr. Brady concerning the requirements of the UDO being met. Mr. Brady read the UDO statements related to setback standards. He stated all applicable standards of the UDO had been met. Mr. Craig was recalled to further speak to compliance with the UDO. Mr. Brady asked that all testimony be entered as expert testimony.

QUESTIONS FOR THE APPLICANT BY COUNCIL: None.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

REBUTTAL EVIDENCE BY STAFF: None.

REBUTTAL EVIDENCE BY APPLICANT: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Brady asked that Council approve the request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE
REQUEST; 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 : Vance Holloman

Bond order authorizing the sale and issuance of Combined Enterprise System Revenue Bonds, Series 2019, in an amount not to exceed \$10,000,000 and authorizing the execution and delivery of related documents.

Staff stated bids have come in a bit higher than anticipated. Requested was authorization from Council for a Bond Order, and staff stated what this Order would entail. Approval of the debt was scheduled to be heard by the Local Government Commission on September 17th which would also serve as the closing date of the debt.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE BOND ORDER; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Staff answered Council questions related to requesting smaller funds and doing so with no prepayment penalty.

THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Change order to the current contract with Southern Solar Systems to add 108 kW of additional solar PV panels to the roof(s) on the Public Works Operations Buildings and approve Budget Amendment No. 2 to appropriate \$151,200 from General Fund Balance for this work

Staff stated we are currently putting solar panels on most of our appropriately facing roofs. One roof, however, was not included at the Public Works Operations building as it was the test building. The contractor was in town and would be able to install the additional panels.

Staff answered questions as to whether the panels were performing financially as expected. This was a good idea and good use of fund balance. There were trees indicated to be removed; however, they would remain as no significant degradation of solar would result from them being left in place. Staff answered Council questions related to the expected financial performance.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE CHANGE ORDER AND BUDGET AMENDMENT WITH NO REMOVAL OF TREES; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Staff explained further why the Loblolly Pine trees would remain.

THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session 01 : Joanna Helms, Economic Development Director
To discuss the acquisition of property

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

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

WORK SESSION

Work Session 01 : Drew Havens, Town Manager and Keith McGee, Fire Chief

MAYOR OLIVE CALLED FOR A MOTION TO MOVE THE WORK SESSION TO TRAINING ROOM A. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Discussion ensued on future plans for maintaining an operating fire station at 210 N. Salem Street. Staff highlighted the history of the fire station. This is the most challenging work/live station. The previously designed renovation project was outlined. Staff stated the limitations identified by Davis Kane, the architects selected to estimate the renovations. The three renovation options were outlined. It would cost less to build a new building than to fully renovate the current building. This does not include, however, any surprises along the way.

Conversation ensued about Fire administration going to Mason Street with Inspections. The Fire Chief outlined the goal to cover 90% of our habitable jurisdiction with a five minute travel time from a fire station. EnviroSAFE evaluated and recommended solutions to fire station placement, the Chief outlining those solutions.

The question this evening was whether or not we wanted a fire station downtown. Council's thought was to demolish the building and build something else seeing as the current structure is not historic. The Mayor liked the presence of a fire station downtown; we should move Station 3. Council was not in favor of renovating the downtown building; we should move Station 3. Council stated she wanted to go back and look at her emails and apply her thoughts to those. Staff gave the history of why the two stations are so close together, one of the buildings starting out housing the volunteer fire department.

Staff reiterated that consensus of council was to maintain a presence downtown, the steps moving forward being outlined. There was discussion about honoring the volunteer fire department.

CLOSED SESSION

Closed Session 02 : Governing Body

To discuss a personnel matter

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

MAYOR OLIVE CALLED FOR THE RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, September 17, 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
Shawn Purvis, Assistant Town Manager
Marty Stone, 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, September 17, 2019, at
7:00 PM 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, Brett D. Gantt, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager
Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

The Mayor stated that the applicant for Public Hearing 01 asked for continuance to the October 15th Regular Council Meeting. The Town Attorney stated the applicant could ask for one continuance according to the Ordinance, at which time she read the applicable verbiage.

PRESENTATIONS

PR1 Mayor Lance Olive

Proclamation for the Peak City International Film Day Festival

Mayor Olive read the Proclamation before presenting it to John Demers. Mr. Demers delighted Council and the audience with a film summary of last year's event.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the Joint Conversational Meeting of July 30, 2019 between Apex Town Council and Wake County Board of Commissioners
- CN2 Donna Hosch, Town Clerk
Apex Tax Report dated 08/06/19
- CN3 Drew Havens, Town Manager
Ordinance to amend Chapter 2 of the Code of Ordinances of the Town of Apex to create the Apex Environmental Advisory Board
- CN4 Steve Adams, Real Estate and Public Utilities
Temporary Encroachment Agreement between the Town of Apex and Colonial Pipeline Company
- CN5 Russell Dalton, Senior Transportation Engineer and Angela Reincke, Parks and Greenways Planner
Approval and authorization for the Town Manager to execute the Design Build Project Agreement with the North Carolina Department of Transportation for NC 540 enhancements (Project R-2721) and approve corresponding Capital Project Ordinance Amendment 3
- CN6 Amanda Bunce, Current Planning Manager
Findings of Fact, Conclusions of Law, and Decision approving the Sweetwater Phases 9A2 and 9B Mixed Use Major Site Plan
- CN7 Shannon Cox, Long Range Planning Manager
Approval and authorization for the Town Manager to execute the Agreement for Provision of Transit Planning Services with the Town of Cary for the Apex Circulator Study
- CN8 Dianne Khin, Planning Director
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 Teresa Allen (single-family) property containing 3.175 acres located at 1001 Greenlea Drive, Annexation #669 into the Town's corporate limits.
- CN9 Vance Holloman, Finance Officer
Capital Project Ordinance Amendment No. 2 and Budget Ordinance Amendment No. 3 to appropriate funds for the construction and equipping of the Electric Department's new Operations Center and Warehouse

The Town Manager requested an add-on item which he summarized to Council: authorization for the Town Manger to execute contract with General Contractor, TCC Enterprises, in amount of \$9,894,000 for the construction of the new Electric Operations Center on Milano Avenue.

Mayor Olive called for a motion to approve the Consent Agenda with the addition of the add-on item.

Council member Moyer made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Candace Blackley, on behalf of the League of Women Voters of Wake County, stated that the League recently held its Annual Women's Equality Day reception in commemoration of the 19th amendment to the US Constitution recognizing women's right to vote. That night all elected women in Wake County were recognized. Honored among them was Audra Killingsworth; Nicole Dozier was unable to attend. Therefore, Ms. Blackley wished to present Ms. Dozier with her certificate at this meeting, reading the certificate before presenting it to Ms. Dozier.

REGULAR MEETING AGENDA

Mayor Olive called for a motion to approve the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Moyer seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC HEARINGS

PH1 Sarah Rayfield, Senior Planner

Amendment to the 2045 Land Use Map and Rezoning Case #19CZ02. The applicant, Kaplan Residential, sought 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, and 7208B Morris Acres Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Mayor Olive stated the applicant requested a continuance to the October 15th Regular Meeting. Jason Barron, Morningstar Law Group representing the applicant, stated there continued to be concerns about density. There might have been the possibility of reducing this. His client was willing to be creative and wanted to come back in a month to address the concerns. He did not check with Planning to determine if the changes would mean going back before the Planning Board. Staff stated the process would need to start over if the use was changed.

Mayor Olive called for a motion. Council Member Gantt made the motion to approve the continuance as requested by the applicant; Council Member Jensen seconded the motion.

Council stated she was disappointed this would not be heard this evening seeing as there was such a large turnout of citizens. If the issues had already been addressed, then this could have been heard this evening. But they had not. She stated she was supporting the continuance only because her own policy says she had to; she was not in favor of delaying in order to come to an agreement.

The motion carried by a 5-0 vote.

Mayor olive called for a two minute recess.

PH2 Liz Loffin, Senior Planner

Rezoning Application #19CZ17, Woodbury PUD Amendment. The applicant, Pulte Home Company, LLC, sought to rezone approximately 42 acres located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) in order to update an architectural standard.

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval as did Planning. Staff answered Council questions about the location of garages.

Craig Dewar, Pulte Homes, further explained the location of the garages, there being no intention for them to be contentious. He stated that he'd worked with Planning on solutions.

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

The applicant answered Council question about sewer service to a particular community member.

Council liked the side entry garage.

Mayor Olive called for a motion. Council Member Jensen made the motion to approve the amendment; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Shannon Cox, Long Range Planning Manager

Amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Comprehensive Transportation Plan and the Comprehensive Bike Network map of the Comprehensive Bicycle Plan

Staff gave history of the Plan, stating that it had taken the Plan through a quality review process. Staff identified items that needed to be changed, and explanation was given as to each of those changes. Staff explained the one change which received comment from the Planning Board.

Council questions regarding alignments and pedestrian connectivity were answered. Planning and the Parks and Cultural Resources staff and the Advisory Commission and Planning Board all 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 Killingsworth made the motion to approve the amendments; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Council spoke about the preference of presenting fewer changes at one time.

Mayor Olive called for a three minute recess.

PH4 Amanda Bunce, Current Planning Manager

Amendments to the Unified Development Ordinance related to the size of menu board signs Staff oriented Council to the changes. Planning recommended denial and its reasons were explained. The Planning Board recommended approval by a 4-3 vote.

Discussion ensued on side by side signage, and staff answered Council questions related to such.

Mark Wesseb, Springfield Sign out of Missouri representing applicant, stated he's been doing this type of work for 30 years. He spoke about the number of projects they've done, only running into sign issues 3% of the time. They were trying to find alternatives that didn't increase signage size; he explained the challenges of this. He talked about studies that had been done with pre-sale boards at a particular establishment. He wished to represent the community they're coming into.

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 amendments; Council Member Moyer seconded the motion.

Council stated his reasons for making the approval motion. He thought this a fair trade, and he wanted to give businesses options. Council echoed these thoughts.

The motion carried by a 5-0 vote.

PH5 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff stated these amendments were requested by Administration; the amendments were detailed. The Planning Board recommended approval and asked for the term 'environment' to be defined in relation to Council. 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 with the word 'natural' being added to environment item; Council

Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Mayor Olive recognized Scout Troop 209 out of Apex who were in attendance to satisfy requirements of their community badges.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Governing Body : Closed Session to discuss a personnel matter

Mayor Olive called for a motion to go into Closed Session. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Olive called for a return to Open Session with no objection 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 adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, October 01, 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, October 01, 2019, at
7:00 PM was held in the Council Chamber of
Apex Town Hall, 73 Hunter Street

In attendance were Mayor Pro Tem Nicole L. Dozier, and
Council Members William S. Jensen, Wesley M. Moyer, Brett D. Gantt, and Audra M. Killingsworth

Also in attendance were Town Manager Drew Havens, Assistant Town Manager
Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

Absent was Mayor Lance Olive

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order, requested a moment of silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Nicole Dozier, Mayor Pro Tem

On behalf of Mayor Olive, Mayor Pro Tem Dozier read the Proclamation intended to raise public awareness of Indigenous Peoples' Day in Apex 2019. Pictures were then taken with Council and members of the community.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the September 3, 2019 Regular Council Meeting
- CN2 Drew Havens, Town Manager
Ordinance Amendment related to Mobile Food Vendors
- CN3 Shawn Purvis, Assistant Town Manager
Capital Project Ordinance Amendment No. 4 and Budget Ordinance Amendment No. 4 to appropriate funds for legal services and repairs related to Public Safety Station #5
- CN4 Liz Loffin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #19CZ17 Woodbury PUD Amendment, Pulte Home Company, LLC, petitioners for the property located 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of)
- CN5 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 17, 2019
- CN6 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 17, 2019 related to the size of menu board signs
- CN7 Shelly Mayo, Planner II
Set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ15 (Mt. Zion Church Rd PUD). The applicant, Vaughn King, seeks to rezone approximately 11.3 acres located at 2504, 2508, 2512, 2516 & 2600 Mt. Zion Church Rd. (PINs 072143255, 0721435444, 07214355322, 0721434156 & 0721424940) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN8 Amanda Bunce, Current Planning Manager
Set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional

Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

CN9 Amanda Bunce, Current Planning Manager

Set Public Hearing for the October 15, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

CN10 Drew Havens, Town Manager

Change of date for the American Legion Fall Car Show to November 16th, 2019. The application was originally approved by Council on April 2nd, 2019

Council Member Gantt requested that CN2 related to food vendors be moved for discussion, Mayor Pro Tem Dozier stating it would be discussed as New Business 2.

Mayor Pro Tem Dozier called for a motion to approve the Consent Agenda. Council

Member Killingsworth made the motion with the stated modification;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

The Town Manager requested a change in the order of the Agenda which was to hear the Work Session item prior to the Closed Session. The Town Attorney requested that Closed Session 1 be removed from the Agenda.

Mayor Pro Tem Dozier called for a motion to approve the Regular Meeting Agenda.

Council Member Killingsworth made the motion with the stated modifications;

Council Member Jensen seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Beth Bordeau, Executive Director of Western Wake Crisis Ministry, spoke on the transit plan. She advocated for a stop at Western Wake, noting that they've done a survey where 30% of the participants

indicated it is hard for them to get to Western Wake. She next spoke about affordable housing and encouraged Council to prioritize this issue carefully. She distributed information indicating instances where affordable housing does not negatively affect the community. She asked that those who would take advantage of affordable housing be invited to take part in the planning process and that their voices be equitably heard.

Tina Sherman spoke about the recent parental paid leave policy as it related to birth mothers. She spoke about how this leave should be extended to fathers, making the policy gender neutral. Ms. Sherman spoke about nine agencies which have adopted such a gender neutral policy – 8 weeks for both mothers and fathers. Ms. Sherman asked Council to consider expanding the current policy to add two additional weeks of paid parental leave for mothers and fathers and to also offer parental leave to all employees to care for loved ones facing health issues.

Rozanna Lindorfer thanked Council for recognizing Indigenous Peoples' Day in Apex. She wore a teal shirt with white lettering and explained what the colors meant to her family. She thanked Council for recognizing her ancestors. She asked for a copy of the Proclamation which was presented to her by the Town Clerk.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Mayor Pro Tem Dozier declared the Public Hearing open. With no one wishing to speak, Mayor Pro Tem declared the Public Hearing closed.

Staff oriented Council to the amendments and answered Council questions related to buffers. The Planning Board and staff recommended approval.

There was discussion related to RCA standards for certified sites.

Mayor Pro Tem Dozier called for a motion. Council Member Killingsworth made the motion to approve the amendments with a minimum 10% RCA.

Staff outlined what types of businesses could locate to the Cash Corporate Center and where the RCA would be designated.

Council Member Moyer seconded the motion. Council Member Jensen asked for an increase to 15%; Council Members Killingsworth and Moyer were in agreement.

Council Members Killingsworth, Moyer, Jensen, and Dozier voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

PH2 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Teresa Allen (single-family) property containing 3.175 acres located at 1001 Greenlea Drive, Annexation #669 into the Town's corporate limits

Mayor Pro Tem Dozier declared the Public Hearing open. With no one wishing to speak, Mayor Pro Tem declared the Public Hearing closed.

Staff oriented Council to the site.

Mayor Pro Tem Dozier called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

OB1 Bill Jensen, Council Member

Discussion and possible motion to amend the Town's personnel policy to include 2 weeks of paid maternity leave

Council stated he'd brought this up about four months ago and wanted the Legal Department to decide if there were any legal issues. Personnel also looked at the verbiage and wrote the policy. Council stated this was to allow a female two extra weeks of leave to heal and felt the extra time off would be embraced.

Council and Chairman of the Personnel Committee stated this was brought before her committee, and she stated at the time there was agreement to take baby steps towards any modifications to the policy.

Council Member Dozier made a motion to amend the current policy to extend

parental leave from six weeks to eight weeks effective October 1, 2019.
This would remove the 'additional complications' wording from the policy.

Council Member Killingsworth seconded the motion.

Council stated he disagreed with the motion and presented his reasons why. He felt we should massage the program to meet the needs of women in particular.

Council spoke about the separation of the term "mothers", i.e., birth mother from adoptive mother. She felt mothers are mothers and fathers are fathers. She reminded Council that this request was not agreed to by the Personnel Committee.

Council Members Dozier, Killingsworth, and Gantt voted in the affirmative;

Council Members Jensen and Moyer voted in the negative.

The motion carried by a 3-2 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Bill Jensen, Council Member

Request staff to perform necessary study or studies to pursue a potential bond issue for the installation of parking canopies with solar photovoltaic systems over Town of Apex parking lots

Council stated a resolution has been passed regarding solar being at 80% renewable energy by 2035. Placing panels on roof tops would not meet this goal. The Town Manager mentioned placing solar canopies over the parking lot at Town Hall. Council stated he took it a step further to encompass all parking lots.

Council stated he felt it beneficial to employ the use of an expert to determine our costs and returns. He outlined how we could pay for the systems. He asked that staff be allowed to work with solar experts to determine costs and returns.

Council Member Jensen made the motion to have staff evaluate placing solar canopies on our parking lots and to determine the rate of return; Council Member Gantt seconded the motion.

Council wanted to know what other way we could meet the 80% besides just with solar canopies; she wished to keep this broad. Would it be appropriate to pass this on to the Environmental Committee or Environmental Review Board.

Council provided several alternatives to meet the 80%; however, the best route would be using a solar expert.

Council Member Jensen amended his motion to include looking at all options and focusing on the best ones.

Council spoke about ROR alternatives such as converting LED lighting. He wanted to possibly see an energy audit which one of the universities might could help with. Council also asked that staff come back to Council with a cost of employing an energy expert.

Council Member Killingsworth seconded the motion.

There was brief discussion as to the priority of this ask in relation to funding.

Council Members Jensen, Killingsworth, Gantt, and Dozier voted in the affirmative;

Council Member Moyer voted in the negative.

The motion carried by a 4-1 vote.

NB2 Drew Havens, Town Manager

Ordinance Amendment related to Mobile Food Vendors

Council stated he wished for it to be explained how this procedure would work for the benefit of Council and the public. Staff stated this would allow service from a Town right of way. There are spots where this would be appropriate, and there are spots where it would not be appropriate. A vendor would still need to apply for a permit. Detailed were all the specifics and how locations would be identified.

Mayor Pro Tem Dozier called for a motion. Council Member Gantt made the motion to approve the amendment; Council Member Jensen seconded the motion.

The motion carried by a 5-0 vote.

WORK SESSION

WS1 Dianne Khin, Planning Director

Discussion about UDO Sec. 2.2.18.B.5 *Continuance of Public Hearing* in order to provide direction to staff relative to possible work on a future UDO amendment

Staff outlined the history of this provision. How the provision has been used in the past was outlined. Alternatives to the provision were stated. Discussion ensued on wording of the provision. The Town Attorney outlined the legalities of the continuance of public hearings.

Council Member Gantt made a motion to change the language giving Council, the Planning Board, and Board of Adjustment more discretion regarding continuances;

Council Member Killingsworth seconded the motion.

Council Members Gantt, Killingsworth, Dozier, and Jensen voted in the affirmative;

Council Member Moyer voted in the negative.

The motion carried by a 4-1 vote.

CLOSED SESSION

Laurie Hohe, Town Attorney

Closed session to discuss a personnel matter (GS 143-318.11(a)(6))

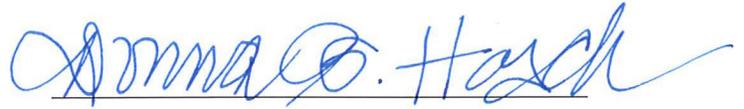
Mayor Pro Tem Dozier called for a motion to go into Closed Session. Council Member Killingsworth made the motion; council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Mayor Pro Tem Dozier called for a return to Open Session with no objection from Council.

ADJOURNMENT

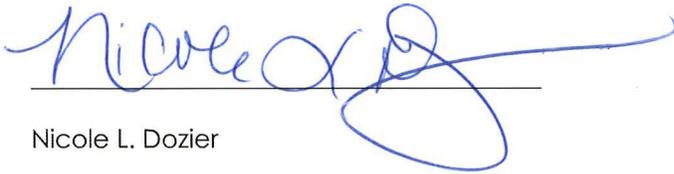
With there being no further business and with no objection from Council, Mayor Pro Tem Dozier adjourned the meeting.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:



Nicole L. Dozier

Mayor Pro Tem

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Apex Town Council Meeting

Tuesday, October 15, 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
Shawn Purvis, Assistant Town Manager
Marty Stone, 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 15, 2019, at
7:00 PM was held in the Council Chamber of
Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive and Council Members
William S. Jensen, Wesley M. Moyer, Brett D. Gantt, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager
Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the meeting to order, presented words of reflection, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Lance Olive

Presentation of Proclamation to Nicole Bernard, Western Wake Crisis Ministry

Mayor Olive stated this presentation would take place at a future date due to the unavailability of the recipient and a need for revised wording.

CONSENT AGENDA

CN1 Amanda Grogan, Budget & Management Analyst

Updates to the 2019/2020 Fee Schedule

- CN2 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of October 1, 2019
- CN3 Dianne Khin, Planning Director
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 Don F. and Callie Sorrell (single-family) property containing 22.418 acres located at 1221 Salem Church Road, Annexation #654 into the Town's corporate limits
- CN4 Dianne Khin, Planning Director
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 Treva Weaver (single-family) property containing .959 acres located at 1608 Salem Church Road, Annexation #665 into the Town's corporate limits
- CN5 Marty Stone, Assistant Town Manager
Approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town of Apex and Toll NC II LP, a North Carolina Limited Partnership, regarding Wake County PIN#0723-75-5956, Lot 114, Regency at White Oak Creek Phase 6, Book of Maps 2018, Page 00596, 2501 Cedar Hedge Court, Apex, NC, 27502
- CN6 Mary Beth Manville, Human Resources Director
Addition of one position for the Permits and Inspections Department to add a Residential Field Supervisor, Grade 27
- CN7 Shawn Purvis, Assistant Town Manager
Resolution of Intent for the partial closing of a right-of-way (ROW) between Chatham St. and Olive St. adjacent to 314 E. Chatham St. and to call for a Public Hearing at the November 19, 2019 Council Meeting

The Town Manager stated that staff requested Consent 7 be discussed as New Business 1. Also, a continuance had been requested for Public Hearing 3. The Town Manager asked that Public Hearing 3 be moved to follow Public Hearing 1.

Mayor Olive called for a motion to approve the Consent Agenda. Council Member Jensen made the motion with the stated modifications;

Council Member Gantt seconded the motion.
The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Mayor Olive called for a motion to approve the Regular Meeting Agenda. Council Member Moyer made the motion; Council Member Killingsworth seconded the motion.
The motion carried by a 4-0 vote.

PUBLIC FORUM

Peter Kaplan stated he was against Morris Acres because growth needs to be controlled. The Town had done an exceptional job on the 2045 Plan. This plan may not be perfect, but it should be our touchstone for controlled growth – the Plan has massive growth built into it. Mr. Kaplan stated there are unelected special interests, in and out of government, who have their own idea of how Apex should grow. The 2045 Plan can and should be our guidepost going forward. Mr. Kaplan wanted to see an end to ratcheting growth density and felt that zoning changes should require unanimous approval from the Planning Board and Council.

Sid Basu spoke in opposition to the Wake County public school system reassignments. He detailed the reasons for his opposition which included the issue of crowding and a calendar change.

Xin Xu distributed a handout for Council. He spoke about the school rezoning, crowding, and calendar variations. Mr. Xu felt it would be easier to add trailers to White Oak Elementary School than to move the students. His district has changed and is losing voting power for school board members. Mr. Xu also spoke about students now having to cross very busy roadways.

Farida Oonwala stated the traditional school calendar going to the year round calendar doesn't work for them. She did not understand why they are being zoned out to a new school, and she wanted this looked into. They were given an option to choose where their children would go to school when they moved to the community. It is not right to take it away now. Safety is a concern to have to move the children to the other side of the highway.

Tara McMahon stated her son loves his current friends and teachers. They just bought their first house, and the school is five minutes down the road. The rezoning looked mainly at data and potential growth and did not consider the children and the changes they will go through and their emotional well-being. Ms. McMahon asked why White Oak can't be capped and send the overflow elsewhere. They chose the traditional school zone in order to help with her family seeing her parents in Ireland.

Nate Burrum looked into school districts before buying his house and has been blindsided by the rezoning. He was excited by the greenway which would have allowed them to take their kids to school on foot. Mr. Burrum talked about how friendships are forged between children in the same area.

Jagroop Singh stated they bought their house close to the school that they wished their children to attend. He spoke about his children growing up with a traditional school schedule and how year-round is unacceptable to them as a parents. One of their children would not be on the same schedule, and he asked Council to stop the rezoning.

The Mayor stated the County runs the schools, and the Town does not have much say at all in their operation. Former school board member and now commissioner Ms. Evans was in attendance and heard the concerns. The Mayor was sure she still has contacts on the school board, and she is an Apex resident. He understood the difficulty felt by the parents, and encouraged them to contact Lindsey Mahaffey who is on the school board and would be able to talk to them and understand their problems. Council stated he did not understand why there were not mobil classrooms. This would be better for the environment in terms of traffic, etc.

PUBLIC HEARINGS

PH1 Sarah Rayfield, Senior Planner

Amendment to the 2045 Land Use Map and Rezoning Case #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, sought 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 (PINs 0732289587, 0732382530, & 0732382709), from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated she wished to defer to the applicant. Jason Barron, Morningstar Law Group, on behalf of the applicant, stated his client has made categorical changes to density, nature of the use, and reduced

building height. The request for a land use map amendment, therefore, is now not needed. Mr. Barron stated he could not present this evening because they have to go back through the process again.

There was brief conversation clarifying what would be needed from Council this evening because of the significant changes in the request.

Mayor Olive called for a motion. Council Member Killingsworth made the motion to refer the request to the Planning Board; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

Council Member Killingsworth was excused from the dais.

PH3 Amanda Bunce, Current Planning Manager

The applicant has requested that this item be continued to the November 6, 2019 meeting.

Public Hearing and possible motion on Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

Jeff Roach, Peak Engineering Design, representing the developer, requested the continuance because of the tight timeline between last night's Planning Board meeting and this meeting.

Mayor Olive called for a motion. Council Member Moyer made the motion to approve the continuance; Council Member Gantt seconded the motion.

The motion carried by a 3-0 vote.

Council Member Killingsworth returned to the dais.

PH2 Shelly Mayo, Planner II

Public Hearing and possible motion on Rezoning Application #19CZ15 Mt. Zion Church Road PUD. The applicant, Vaughn King, sought to rezone approximately 11.3 acres located at 2504, 2508, 2512, 2516 & 2600 Mt. Zion Church Road (PINs 072143255, 0721435444, 07214355322, 0721434156 &

0721424940) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. Planning staff and the Planning Board recommended approval. Staff answered Council questions related to RCA and a crosswalk.

Jeff Roach, Peak Engineering Design, representing the applicant, spoke about the crosswalk. If they can get one placed there, they will absolutely do so. In terms of the realignment, they looked at the transportation plan; and Mr. Roach spoke about how this property is sort of a donut hole. They held two neighborhood meetings and made changes, along with talking to Council Member Moyer. Subsequently, they removed the townhomes at the request of staff and Council Member Moyer.

Mr. Roach spoke about zero entry homes, the landscape buffer, points of access, and the RCA. He read a statement related to solar installations and outlined what they're willing to make a condition. Council applauded Mr. Roach for his listening to and working with the neighbors.

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 Killingsworth made the motion
to approve the request with the added condition related to solar;

Council Member Moyer seconded the motion.

The motion carried by a 4-0 vote.

PH4 Jenna Shouse, Long Range Planner

Presentation of *Town of Apex Transit Circulator Study Draft Recommendations* with an associated amendment to Transit Plan Map of the Comprehensive Transportation Plan

Staff outlined the formation of the various Plans of the Study and how this was in cooperation with Cary. Discussed would be the new local bus route, funding opportunities, and next steps. Staff outlined why a local bus in Apex was considered, and the proposed route and stops were shown.

The needs of the bus stops were outlined, and staff answered Council questions related to these. Cary staff answered Council questions related to ridership and service being on time. There was some discussion about a market plan and Sunday service. Funding opportunities were outlined as well as the next steps.

Council stated he did not feel this fit with Council's priorities even though he appreciated the effort put forth by staff. Council stated she supported the project and explained why.

Mayor Olive declared the Public Hearing open.

Susan Evans, from the Wake County Board of Commissioners, stated her support for the direction in which the staff proposed moving and presented her reasons why. She wanted to see the Eva Perry library on the route. Perhaps it can be so at a later date as this becomes more and more of a success. Ms. Evans encouraged Council to move forward with this. Wake County has had a lot of luck with their youth program, and Ms. Evans explained how if they start young, youth are more willing to use public transit in the south.

Mayor Olive called for a motion. Council Member Jensen made the motion to approve the request; Council Member Killingsworth seconded the motion.

Council stated free ridership the first few years would be beneficial in building group ridership along with interfacing with other bus lines.

Council wanted to see a higher priority on bus shelters.

Council Members Jensen, Killingsworth, Dozier, and Gantt voted in the affirmative;

Council Member Moyer voted in the negative.

The motion carried by a 3-1 vote.

Mayor Olive called for a five minute recess.

PH5 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments, of which the Planning Board recommended approval of all. Staff answered Council questions related to gravel.

Mayor Olive called for a motion. Council Member Killingsworth made the motion to approve the amendments; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Shawn Purvis, Assistant Town Manager

Resolution of Intent for the partial closing of a right-of-way (ROW) between Chatham St. and Olive St. adjacent to 314 E. Chatham St. and to call for a Public Hearing at the November 19, 2019 Council Meeting

Staff stated the request was made for a half closing. The applicant understood there might be some question from Council related to the Downtown Plan where there are plans for use of spaces such as this. Staff explained the 10 foot strip is between Chatham and Olive. The closing would expand the requestor's property by five feet.

Council expressed his thoughts to not grant the request based on how he viewed use of the property in the Plan.

Council stated he was inclined not to move ahead as it may take away our options for the future.

The Mayor was not in favor of the closing and stated his reasons why.

Staff stated he would contact the requestor that Council was not in favor of the closing.

CLOSED SESSION

Laurie Hohe, Town Attorney

To consult with the Town Attorney to protect attorney-client privilege (GS 143-318.11(a)(3)) and to discuss the Town's negotiation position for acquisition of real property (GS 143-318.11(a)(5)).

Mayor Olive called for a motion to go into Closed Session. Council Member Killingsworth 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.

Mayor Olive called for a motion to adopt a Resolution Authorizing Eminent Domain Proceedings Related to the Laura Duncan Road Multi-use Path Project. Council Member Jensen made the motion; Council Member Killingsworth seconded the motion.

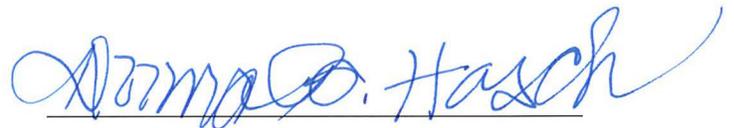
The motion carried by a 4-0 vote.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

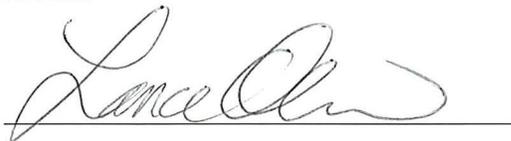
With there being no further business and with no objection from Council, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:



Lance Olive

Mayor

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Apex Town Council Meeting

Wednesday, November 06, 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
Shawn Purvis, Assistant Town Manager
Marty Stone, 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 Wednesday, November 06, 2019,
at 7:00 PM 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, Brett D. Gantt, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Council Member Wesley M. Moyer

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Matt Mitchell gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

Mayor Olive recognized the Scouts and Webelos from Boyscout Troop 201 who were in attendance and assisted in leading the Pledge of Allegiance.

PRESENTATIONS

[Add-on Item] Mayor Olive read a Proclamation recognizing Food Insecurity Awareness Month before presenting it to Beth Bordeaux, Western Wake Crisis Ministry. Ms. Bordeaux spoke about the November 20th Food Conversation which will be held at Town Hall. There will also be a book study on the American way of eating on November 25th. Both events are open to the public. Ms. Bordeaux spoke about an

individual who visited Western Wake who was in immediate need of food. She thanked Council for being attentive to this cause, not just in Apex but across our region as well.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the October 1, 2019 Council Workshop, the October 1, 2019 Regular Council Meeting, and the October 15, 2019 Regular Council Meeting
- CN2 Shelly Mayo, Planner II
Statement of the Town Council and the Ordinance for Rezoning Case #19CZ15 Mt. Zion Church Road PUD. The petitioners are Lector Atwater, Jerome Kenneth Atwater Heirs, Vaughn King, and Jeff Road, Peak Engineering & Design, PLLC. for the properties located at 2504, 2508, 2512, 2516, and 2600 Mt. Zion Church Road.
- CN3 Amanda Bunce, Current Planning Manager
Set Public Hearing for the November 19, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance
- CN4 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of October 15, 2019
- CN5 Liz Loftin, Senior Planner
Set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ18 (113 West Street). The applicant, Maureen Hughes, seeks to rezone approximately 0.19 acres located at 113 West Street (PIN 0741295052) from Office and Institutional (O&I) to Medium Density-Conditional Zoning (MD-CZ).
- CN6 Amanda Bunce, Current Planning Manager
Set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ19 3605 & 3700 Old US 1 Hwy. The applicants, Michael Pfeifer & Jennifer Crank, seek to rezone approximately 4.33 acres located at 3605 & 3700 Old US 1 Hwy from Wake County Residential-40W (R-40W) & Highway Commercial (HC) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

CN7 Amanda Bunce, Current Planning Manager

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 David L. Heidinger and New Hill Baptist Church & Cemetery Trustees property containing 3.992 acres located at 3605 and 3700 Old US 1 Highway, Annexation #674 into the Town's corporate limits

CN8 Dianne Khin, Planning Director

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 William and Marilyn Shenton (single-family) property containing 2.859 acres located at 2013 Ramblewood Drive, Annexation #678 into the Town's corporate limits

CN9 Sarah Rayfield, Senior Planner

Set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to rezone approximately 17.4376 acres located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN10 Adam Stephenson, Engineering Supervisor

Capital Project Ordinance Amendment 2020-05 appropriating additional funds for the Laura Duncan Multi-use Path project

CN11 Keith McGee, Fire Chief

Authorization for the Town Manager to sign a reciprocal automatic aid agreement between the Town of Apex (Apex Fire Department), the Town of Cary (Cary Fire Department), and the Town of Morrisville (Morrisville Fire Department)

CN12 David Wood, Cultural Arts Center Manager

Closing of Templeton Street on November 25th from 8am – 6pm for aerial lift access to second floor of Halle Cultural Arts Center

CN13 Lance Olive, Mayor

Travel expenses estimated at \$350 for Lance Olive to attend a follow up session to the training he took last year in Houston, Texas

CN14 David Wood, Halle Cultural Arts Center Manager

Adjusted dates for the Apex Farmers Market – Winter Market (2019/20) to: December 14; December 28; January 11; January 25; February 8; February 22; March 14; and March 28 to be held in the Depot Parking Lot from 7:00 am to 1:30 pm. The Special Event Permit was originally approved by Council on April 2nd, 2019.

CN15 Shawn Purvis, Assistant Town Manager

Sub-recipient Agreement with Wake County for Community Development Block Grant (CDBG) funds and authorization for the Town Manager to sign the Agreement and all related documents and make minor modifications or amendments as necessary to accomplish the purpose and intent of the Agreement

CN16 Vance Holloman, Finance Director

Resolution establishing the Local Government Other Post-Employment Benefit Trust (OPEB Trust), adopting the Trust Agreement that establishes the OPEB Trust as an irrevocable trust fund, appointing trustees and officials of the OPEB Trust and authorizing participation in the Ancillary Governmental Participants Investment Program (AGIP) established by the North Carolina Department of State Treasurer (NCDST)

CN17 Dennis Brown

Approval of and authorization for the Town Manager to execute contract with Construction Manager at Risk, Barnhill Contracting Company, in amount of \$117,817.00 (for the pre-construction fee only) for the new Apex Senior Center. Guaranteed Maximum Price (GMP) will be developed and added to this contract by an amendment after subcontractor bidding is completed.

CN18 Eric Neumann, PE, Electric Director

Viatec as a sole source provider for Electric PTO (Power Take Off) boom operators and Budget Amendment 5 to account for grant revenues and the purchase and installation of battery operated aerial devices for 3 electric utility boom operated vehicles

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 Meeting Agenda. Council Member Dozier made the motion; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

PUBLIC FORUM

Dr. Ann Nyland, Sarthak Raina, Joseph Malfeo, Jennifer Rose, Amy Foster, Jonathan Benton, and Kimberly Pierson all spoke about the upcoming Public Works Operations facility with the following thoughts:

- The facility will be beside Bella Casa which is a beautiful subdivision with strict Covenants; why would the building go in a residential area and not an industrial park?
- The facility will compromise public safety; there will be an increase in vehicular traffic, especially bucket trucks; expensive materials will be stored there inviting theft in the area; there is no knowledge of what the gravel pad will be used for; consideration should be given to moving the facility.
- Town expansion is understood; however, the Town had a fiduciary responsibility to speak with the community about the facility; proper notice was not presented.
- There was a moral and ethical responsibility to reevaluate and reassess the location of this facility out of a residential neighborhood; the needs of the neighborhoods should be heard; there is not another such facility in Apex in a neighborhood.
- Truck traffic in the area will affect the safety of neighborhood children; this will affect the perception of the neighborhood.
- Council Members had been asked to pause the project until this meeting with community and Town could be held, but his was not done; the project was hard to find in Town records.
- The facility should be rethought; there has not been a traffic study done; what will the Town do to ensure the safety of individuals; things have been done that should not have been done without public input.

Thomas Jablonske spoke about job automation and the loss of jobs that will occur with this automation. He stated there are routes that can be taken in order to help individuals keep their jobs, and there should be dialog related to this.

Lindsey Logan asked Council to review and modify Ordinance 14-28 which addresses playing on streets and sidewalks. Yards are not justified for bike riding. Police have been called when children are riding

bikes in the street. Scotts Mill is full of children who sometimes play in the street. She has tracked the number of vehicles going through her neighborhood and she counted maybe two.

Steve Swamp thanked those Council Members leaving this year for their service and their assistance to him personally for the West Village project. He outlined how projects have been successful over the years because of Council and their dedication to responsible growth.

PUBLIC HEARINGS

PH1 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Don F. and Callie Sorrell (single-family) property containing 22.418 acres located at 1221 Salem Church Road, Annexation #654 into the Town's corporate limits

Staff oriented Council to the site. 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 adopt the Ordinance; Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

PH2 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Treva Weaver (single-family) property containing 0.959 acres located at 1608 Salem Church Road, Annexation #665 into the Town's corporate limits

Staff oriented Council to the site. 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 Gantff made the motion to adopt the Ordinance; Council Member Dozier seconded the motion.

The motion carried by a 4-0 vote.

PH3 Sarah Rayfield, Senior Planner

Quasi-Judicial. Revised Major Site Plan for The Reserve at Mills Farm, 11.23 acres located at 2010 & 2030 Laura Duncan Road. The subject property is identified on Wake County Tax Maps as PINs 0752084185 & 0752081005.

Mayor Olive read the prepared statement provided by the Legal Department.

Mayor Olive declared the Public Hearing open.

All those wishing to speak were sworn in by the Town Clerk.

Nil Gosh, Morningstar Law Group, representing the applicant, was recognized. There was no one in attendance who opposed the request.

All Council Members stated they had not had any communications with applicant, there were no financial conflicts, and all stated they could judge the request fairly. No Council Member had viewed the site.

OPENING STATEMENT BY STAFF: Sarah Rayfield stated her credentials and Town work experience. She stated this was due to a revised site plan, and she oriented Council to the site and revisions. A neighborhood meeting was held. This was coming back to Council because of a unit count difference. The correct count was 153, and there were no other changes whatsoever.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff clarified the site layout was not changing.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

OPENING STATEMENT BY APPLICANT: Nil Gosh stated staff did a wonderful job explaining the issue. He presented clarifying information to the question asked of staff by Council.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Gosh answered Council question related to parking spaces.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

Mr. Gosh clarified the completion date of the project. There were no additional statements by staff.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: The applicant respectfully requested approval of the request.

Mayor Olive declared the Public Hearing closed.

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 4-0 vote.

PH4 Amanda Bunce, Current Planning Manager

Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. The changes submitted by the applicant were presented. Staff reviewed the history of the project. Staff outlined its significant concerns about the impact to the roadways. A TIA was submitted and questions from staff were not all answered. Staff recommended denial of the request and stated its reasons.

Staff answered Council questions related to traffic lights and the revised TIA, which was not complete.

Jeff Roach, Peak Engineering Design, representing the applicant, clarified Council question related to the TIA. Mr. Roach spoke about the improvements they wish to address which will all be done up front. They asked for the previous delay because of Planning Board concerns. Mr. Roach explained their proposal for added access points. All Apex Plans were being followed.

Ronald Stevenson, Raney Kemp and Associates, stated what they were asking for and the impact the asks would have on traffic, specifically as they related to Ten Ten Road. He answered Council questions related to traffic signals.

Mayor Olive declared the Public Hearing open.

Mike Whitehead spoke about how he thought this project was good to go. He reviewed what they have done for the project related to infrastructure and a pump station. He stated they have done everything for which the Town has asked except for changes to Ten Ten which they cannot make.

Steven Rhodes stated his neighborhood concerns related to Ten Ten Road and Jessie Drive. He had concerns about Town staff not being in favor of the request. He asked Council to support safe development.

Hunter Muse stated he appreciated everyone working with their concerns. He showed two videos showing the road conditions on his street. If Colby Chase were opened up, it would increase traffic which is already difficult.

John Bouchard stated this is a county subdivision. If Colby Change is opened, it would be a safety concern to the children in the area. He asked to hold off opening until other roads are opened.

Molly Capps was very much concerned with the sunset issue and keeping her neighborhood safe. She wanted to keep Colby Chase closed until other roads are opened. Ms. Capps was concerned with the condition of the roads and how difficult it is to get them fixed. They have problems with water lines; they have a lot of infrastructure concerns.

Mayor Olive declared the Public Hearing closed.

Jeff Roach made a final statement: they have spoken with the neighbors and have agreed to everything that they asked for. He talked about the road issues are for DOT and the County to address.

Council stated he had a hard time going against staff recommendation. He trusted staff's opinion that it would be too much for the roads to handle.

Council stated he also did not want to go against staff. This could go back to the Planning Board for their input since they denied the request. The Mayor stated this was a valid request.

Council stated she was not willing to go along with the proposed changes, particularly since the State budget does not have funding for projects like Ten Ten. She was not able to support the request at this time.

Council echoed the comments from staff and Council Members. She agreed Ten Ten could not handle any more traffic.

Mayor Olive called for a motion. Council Member Dozier made the motion to deny the request; Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

Mayor Olive called for a five minute recess.

OLD BUSINESS

OB1 Marty Stone, Assistant Town Manager

Discussion of concerns shared by residents who live near the site of the new Electric Operation Center and possible changes to the site to help mitigate those concerns

Staff stated a meeting was held with Council and staff and Bella Casa. A number of concerns were discussed, and staff stated how they might be mitigated. Staff presented its five concerns, asking for guidance on what needs to be researched and brought back to Council.

The pole barn would need to go back to the designer to address neighbor concerns, the dumpster could probably be moved, the fence appearance was an aesthetic issue, and we could place more plantings in the buffers. As for light pollution, the lights on site are dimmable. Maybe we could remove one light. Council asked about a sound wall, berms, and types of buffers. Staff stated a substantial amount of plantings have been scheduled for site. Council asked could a decrease in light be made and is there anything planned for cell tower, to which staff replied 'no'.

Council asked about a written plan if an emergency happened at the facility, and what theft measures would be in place.

Council asked if the easement was no longer needed on the property, could it be closed and planted. Staff stated it was not our easement, it's on HOA land. Council asked the use of the pad, staff replying it would be used as a storage area.

Staff explained the possible traffic by employees in and out of the facility. Herbicides will follow protocols as to how they're stored, Council asking if only a small quantity could be kept at the facility.

Staff stated it was in the works to develop better signage alerting citizens as to what's going on. Council asked for a policy statement to be developed addressing trucks cutting through neighborhoods.

Council consensus was to have staff investigate the identified items and bring back mitigation measures with costs.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

CLOSED SESSION

Laurie Hohe, Town Attorney

To (1) consult with the Town Attorney to protect attorney-client privilege; (2) to discuss the handling of the matter of Upright Builders v. TOA; and (3) to discuss the handling of the matter of Rubin v. TOA et al. (GS 143-318.11(a)(3)); and (4) discuss a personnel matter (GS 143-318.11(a)(6)).

Mayor Olive called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Dozier 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

Mayor Olive called for a motion to adopt a Resolution Authorizing Eminent Domain Proceedings Related to the Roberts Road Off-site Water Line Project for the Improvement of the Apex Sewer System.

Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

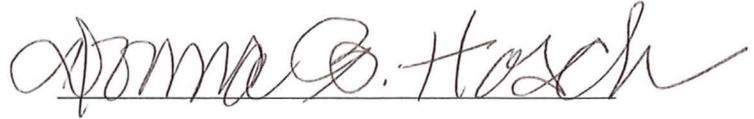
The motion carried by a 4-0 vote.

WORK SESSION

There were no Work Session items.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:

Nicole L. Dozier, Mayor Pro Tem for
Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, November 19, 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
Shawn Purvis, Assistant Town Manager
Marty Stone, 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 19, 2019, at 7:00 PM 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 Assistant Town Attorney Brian Moyer

COMMENCEMENT

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

PRESENTATIONS

PR1 Lance Olive, Mayor

Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting to Vance Holloman, Finance Officer and Suzanne Parmentier, Accounting and Budget Manager

Mayor Olive presented the Certificate to Vance Holloman and Suzanne Parmentier, stating that this had been the 25th consecutive year the Town has received the award. Mr. Holloman thanked staff for their support and he thanked Keith Joyce. He additionally thanked Ms. Parmentier and her staff for all their hard work. Mr. Holloman introduced his newest employee, Preeta Nayak.

PR2 Keith Joyce, Joyce and Company, Independent Auditor

Presentation of June 30, 2019 audit report from Joyce and Company

Mr. Joyce congratulated the Town for its receipt of the Award, noting that only a small percentage of municipalities receive this Award, even fewer receiving it so many consecutive years. He presented highlights of the audit. There was one interim finding and a management letter item, each of which was explained.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Cemetery refund of \$1,200 to H.R. and Brenda M. Morton
- CN2 Donna Hosch, Town Clerk
Apex Tax Reports dated September 4, 2019 and October 1, 2019
- CN3 Mary Beth Manville, Human Resources Director
Addition of one position for the Permits and Inspections Department to add a Code Enforcement Officer, Grade 21
- CN4 Adam Stephenson
Revisions to the Town Standard Specifications and Details.
- CN5 Adam Stephenson
Construction contract and authorization for the Town Manager to execute same and corresponding Budget Ordinance Amendment No. 6 and Capital Project Ordinance Amendment 7 for U-5530AC James Street to Downtown Pedestrian Improvements
- CN6 Russell Dalton
Chatham Street Sidewalk Review and Oversight Agreement with NCDOT and corresponding Capital Project Ordinance Amendment 2020-6
- CN7 Amanda Bunce, Current Planning Manager
Statement of the Town Council for Rezoning Case #19CZ16, Horton Park PUD Amendment and TF-CZ, MFW Investments, LLC, petitioner for the property located 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road
- CN8 Sarah Rayfield, Senior Planner
Findings of Fact, Conclusions of Law, and Decision approving the Reserve at Mills Farm Major Site Plan

CN9 Marty Stone, Assistant Town Manager

Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town of Apex and the Townes at North Salem Homeowners Association, Inc. The grantee wishes to install art pieces within the Town's right-of-way in accordance with the approved Master Subdivision Plan approved on September 20, 2016.

Mayor Olive called for a motion to approve the Consent Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Olive stated that the Town Manager requested the addition of a New Business item: to permit an organized fun run on a portion of the Beaver Creek Greenway on Thursday, November 28, 2019 beginning at 9:00 a.m.

Council Member Killingsworth requested the addition of an Unfinished Business item to present general comments.

Mayor Olive called for a motion to approve the Regular Meeting Agenda. Council Member Gantt made the motion with the addition of the stated items;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Joseph Malfeo spoke about the funding of the Electric Operations building, stating that notice of the project was made to him via his HOA. He stated he received this notice after grading began. He asked that the project be stopped until further talks with neighbors. The neighbors were opposed to a cell tower. They foresaw safety issues.

Ann Nyland stated they have asked for additional information regarding the electric operations building that has yet to be received. She spoke about the change in the dynamics of the property now that a residential neighborhood is in place. Children will be at risk because of truck traffic.

PUBLIC HEARINGS

PH1 Sarah Rayfield, Senior Planner

Rezoning Case #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, sought to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, & 7208B Morris Acres Road (PINs 0732289587, 0732382530, & 0732382709) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held and a traffic study was done. A fee in lieu was recommended. Planning staff recommended approval with conditions offered by the applicant; Planning Board also recommended approval. Staff answered Council questions related to fees and stormwater mitigation.

Jason Barron, Morningstar Law Group, explained they tried to work with neighbors to get this to something that would fit. At the neighborhood meeting, they presented the updated plans to what seemed to be to the satisfaction of the neighbors. He detailed all the changes they were able to make. Mr. Barron pointed out the recommendation of approval from staff and the Planning Board. He respectfully asked for approval by Council.

Mayor Olive declared the Public Hearing open.

Ryan Simmons presented concerns of several neighbors related to buffers, sanitary lines, and stormwater issues.

Mayor Olive declared the Public Hearing closed.

Council questioned staff about water flow in relation to storm events. Mr. Peter Clossen, Jones and Clossen Engineering, stated a flood study was done; but they've never gone to a 100 year stormwater design. Conversation ensued along these lines. The applicant also answered Council questions related to setbacks and buffers. Mr. Barron will speak with his client about the other concerns presented by Mr. Simmons. He explained why this development would be in the best interest of the public. After conferring with his client, Mr. Barron stated they would commit to increasing buffer size on part of the property.

Council stated he felt this should be held off until further development of the area.

Council stated she felt the proposed development could be beneficial at some point in the future.

Council stated he hoped the family would be able to sell the property and move forward with their lives.

Council stated he was concerned about the quality of the development.

Mayor Olive called for a motion. Council Member Gantt made the motion to deny the rezoning with the additional stated condition; Council Member Dozier seconded the motion.

Council Members Gantt, Dozier, Jensen, and Killingsworth voted in the affirmative; Council Member Moyer voted in the negative.

The motion for denial carried by a 4-1 vote.

PH2 Liz Loftin, Senior Planner

Rezoning Application #19CZ18 (113 West Street). The applicant, Maureen Hughes, sought to rezone approximately 0.19 acres located at 113 West Street (PIN 0741295052) from Office and Institutional (O&I) to Medium Density-Conditional Zoning (MD-CZ).

Staff oriented Council to the site. Planning staff recommended approval as did the Planning Board.

Mayor Olive declared the Public Hearing open.

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

Mayor Olive called for a motion. Council Member Killingsworth made the motion to approve the rezoning; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex David L. Heidinger and New Hill Baptist Church & Cemetery Trustees property containing 3.992 acres located at 3605 and 3700 Old US 1 Highway, Annexation #674, into the Town's corporate limits.

This item is to be heard with Rezoning #19CZ19 3605 & 3700 Old US 1 Hwy.

PH4 Amanda Bunce, Current Planning Manager

Rezoning Application #19CZ19 3605 & 3700 Old Us 1 Hwy and Ordinance. The applicants, Michael Pfeifer & Jennifer Crank, sought to rezone approximately 4.33 acres located at 3605 & 3700 Old

US 1 Hwy from Wake County Residential-40W (R-40W) & Wake County Highway Commercial (HC) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

Staff oriented Council to the site. Staff recommended approval as did the Planning Board. Staff answered Council questions related to zoning and the existing cemetery.

The applicant answered Council questions related to why the wells were contaminated and with what.

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 adopt the Annexation Ordinance and the rezoning and to adopt the Ordinance related to rezoning;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PH5 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex William and Marilyn Shenton (single-family) property containing 2.859 acres located at 2013 Ramblewood Drive, Annexation #678, into the Town's corporate limits

Staff oriented Council to the site and stated it recommended approval.

Mayor Olive called for a motion. Council Member Dozier made the motion to adopt the Ordinance; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH6 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. The Planning Board recommended denial of the first amendment, staff outlining the reasons why. Staff answered Council questions related to types of continuances and conversation ensued along this line.

Mayor Olive declared the Public Hearing open.

Jeff Roach stated that asking for a continuance is never taken lightly by them, and he explained the consequences to the builder as well as to the community if the process was removed.

Mayor Olive declared the Public Hearing closed.

Item one: Council wondered if anyone else in the builder community had weighed in, the Mayor and Town Manager responding 'no'.

Council stated he could not see denying this outright.

Council stated he wanted the automatic part to remain in the the Ordinance.

Council Member Jensen made a motion to deny a change to item one;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Items two through five: staff stated the Planning Board recommended approval of these items.

Mayor Olive called for a motion. Council Member Dozier made the motion to adopt Items two through five; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Olive called for a ten minute recess.

Mayor Olive, needing to leave the meeting, requested that Mayor Pro Tem Dozier continue with the meeting.

OLD BUSINESS

OB1 Bill Jensen, Council Member

Direction to staff to move work on the proposed study relative to meeting the Council's Clean Energy Goals from the Fiscal 2020-21 budget and work plan, to the current year budget and work plan

Council stated he voted for this but was unaware of what he voted for. He wanted to see this done this fiscal year, moving ahead if that could be done at a reasonable cost. Maybe the study could be broken into two parts – one for lights and one for canopies. Council spoke about the advances being made in this area. He requested taking a look at this issue this fiscal year, the study being done with the possibility of a bond issue in November.

Council stated moving this would affect the current budget, it would push staff, and a bond for this issue was not at the top of what she was hearing from citizens. She wanted the item to remain where it was prioritized, where it would be predictable for staff.

Council agreed, stating that they wanted the Environmental Committee to interact with the study because he felt they would do so effectively.

Council agreed, stating she wanted to see this done but did not want it rushed. The public is telling them that there are other priorities, and she didn't want to see this as a bond issue.

Council Member Jensen made a motion to deny the request;

Council Member Killingsworth seconded the motion.

The motion to deny carried by a 5-0 vote.

UNFINISHED BUSINESS

UB1 Audra Killingsworth, Council Member

ADDED ITEM : Council stated a Transgender Day of Remembrance vigil would be held at the State Capitol tomorrow, Wednesday.

Council stated she should have said something earlier about this, and that she apologized for not doing so. She stated that earlier in the year, she had the support of three of the Council Members in supporting a Resolution for LGBTQIA Pride Month. Several residents reached out to her expressing their thanks.

The dissenting member of Council made disparaging comments about the LGBTQIA community, stating they are not relevant to Apex, as well as making disrespectful comments about the African American community and Juneteenth, dismissing them as sarcasm. These comments were made specifically to Mayor Pro Tem Dozier, and the comments continued as Council went into Closed Session. Council stated

she was in shock and disappointed in herself for not standing up and putting a stop the comments. She apologized.

Council spoke about anti-racism and how everyone deserves respect and servility. She cited quotes from several well-known individuals. Council stated the Mayor Pro Tem had earned the respect of Council and deserved respectful treatment.

NEW BUSINESS

NB1 Drew Havens, Town Manager

ADDED ITEM : Staff stated Paul Petersen, owner of Wake Zone, intended to have a few runners gather at his location for a fun run to support Western Wake Crisis Ministry. He thought he would get only a few interested runners, but the event grew larger than he'd planned. Staff explained the route and how the run would be managed. Mr. Peterson was asking for the run to take place on a portion of the Beaver Creek Greenway.

Council asked if guidelines are being worked on for such events, staff responding 'yes'. Staff did not see any major problems from the request. Council asked that staff would devise guidelines that would allow staff to approve such requests during some situations without Council approval.

Mayor Pro Tem Dozier called for a motion. Council Member Killingsworth made the motion to approve the request; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

CLOSED SESSION

Drew Havens, Town Manager

To discuss a personnel matter

Mayor Pro Tem Dozier called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Pro Tem Dozier called for a return to Open Session with no objections from Council.

WORK SESSION

There were no Work Session items.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Pro Tem Dozier adjourned the meeting.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:

Nicole Dozier, Mayor Pro Tem



Apex Town Council Meeting

Tuesday, December 03, 2019

Lance Olive, Mayor
Jacques K. Gilbert, Mayor Elect
Nicole L. Dozier, Mayor Pro Tempore
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and
Brett D. Gantt, Council Members
Cheryl F. Stallings and Terry Mahaffey, Council Members Elect
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, 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, December 03, 2019, at 7:00 PM 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 Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

Additionally in attendance were Jacques K. Gilbert, Mayor Elect, and Cheryl F. Stallings, Council Member Elect and Terry Mahaffey, Council Member Elect

COMMENCEMENT

Mayor Olive called the meeting to order, Dr. Zeb Cook, Pastor of Apex Baptist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

Mayor Olive recognized the following attendees: Greg Ford, Chairman, Wake County Board of Commissioners; TJ Cawley, Mayor, Morrisville; Vickie Adamson, Vice Chair, Wake County Board of Commissioners; Julie Von Haefen, NC House of Representatives; Bill Sutton, former Apex Mayor, Town Manager, and Council Member; Denise Wilkie, former Apex Council Member; and Bruce Radford, former Apex Town Manager.

PRESENTATIONS

Mayor Olive called forward the dais Savannah Morel and her parents, Jim and Sarah. Mayor Olive read a letter of honor to Ms. Morel who saved a three year old toddler from drowning. This is the kind of thing

we should strive to, stated Mayor Olive. We should look at our fellow human beings with compassion no matter what. Sometimes the truth comes from a child.

Mark Blatchford, graduate of the 2019 Apex Peak Academy, addressed Council. He spoke about the in-depth, exciting, and fun look at the inner workings of the Town of Apex, this being much more than a 30,000 foot view. He overviewed what they experienced in each of the sessions. There were three chief takeaways for them: how incredibly how complex it is to run a town like this, the people they met who are all dedicated to making this town run, and the tax dollars are being carefully managed and well invested.

On behalf of the graduating class, Mr. Blatchford read and presented Mayor Olive with a plaque of appreciation. He stated he hoped that this program would continue.

CONSENT AGENDA

CN1 Dianne Khin, Planning Director

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 Tim and Lauren Medlin property containing 1.929 acres located at 6517 Roosondall Court, Annexation #681 into the Town's corporate limits.

CN2 Sarah Rayfield, Senior Planner

Statement of the Town Council for Rezoning Case #19CZ02, Morris Acres PUD, Kaplan Residential/Edith S. Morris/ Jason Barron, Morningstar Law Group petitioners for the property located at 0, 7208 and 7208B Morris Acres Road.

CN3 Liz Loftin, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #19CZ18, Maureen Hughes, petitioner, for the property located on 113 West Street.

CN4 Amanda Bunce, Current Planning Manager

Statement of the Town Council for Rezoning Case #19CZ19, Michael Pfeifer & Jennifer Crank, petitioners for the properties located at 3605 & 3700 Old US 1 Hwy.

CN5 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of November 17, 2019.

- CN6 Lauren Staudenmaier, Planner I
Set Public Hearing for the December 17, 2019 Town Council Meeting regarding Rezoning Application #19CZ20 2708 Blazing Trail Drive. The applicant, Jones & Crossen Engineering, PLLC., seeks to rezone approximately 2.00 acres located at 2708 Blazing Trail Drive from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ).
- CN7 Liz Loftin, Senior Planner
Set the Public Hearing on December 17, 2019 to designate the property located at 2708 Olive Chapel Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- CN8 Liz Loftin, Senior Planner
Set the Public Hearing on December 17, 2019 to de-landmark the property located at 4525 Green Level West Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- CN9 Joanna Helms, Economic Development Director
Budget amendment for Economic Development for economic development incentive payment
- CN10 Angela Reincke, Parks and Greenways Planner
Construction contract in the amount of \$303,415.82 with Bridge Point Civil, LLC for construction of a portion of Phase II of the Middle Creek Greenway from Reunion Pointe to Straywhite Avenue in Miramonte and to authorize the Town Manager to execute all necessary documents for the project.
- CN11 John M. Brown, Director Parks Recreation and Cultural Resources
Property deed restrictions for Salem Pond Park and authorize Town Manager to sign any associated documents to complete the transaction
- CN12 Laurie Hohe
Settlement agreement and release between the Town of Apex and MREC KLP STILLWATER, LLC related to a dispute concerning reimbursement for the cost of construction of a multi-use path as part of the Stillwater development and authorize the Town Manager to execute same and approve Budget Ordinance Amendment No. 7 appropriating funds for the settlement.
- CN13 Donna Hosch, Town Clerk
Minutes of the November 19, 2019 Regular Meeting and Closed Session Minutes of June 18, July 16, August 6, August 20, September 3, September 17, October 1, October 15, November 6, and November 19, 2019 (Closed Session Minutes recorded separately)

CN14 Marty Stone, P.E., Assistant Town Manager

Master Services Agreement, valid through June 30, 2022, with Ellington Contractors, Inc. and authorization for the Town Manager to execute same for pumping, hauling, pipe cleaning, and video inspection services on an as needed basis.

CN15 Shawn Purvis, Assistant Town Manager

Set a Public Hearing for Tuesday, December 17, 2019 at 7:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2020-2021 Annual Budget.

Mayor Olive called for a motion to approve the Consent Agenda. Council Member Moyer made the motion; Council Member Killingsworth 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 Gantt seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Kimberly Pierson spoke about Buckhorn Preserve. She addressed Council earlier about the electric operations center which will be built in the area. She was wondering what neighbor concerns had been mitigated. She continued to be concerned about the safety in the area.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

CLOSED SESSION

There were no Closed Session items.

WORK SESSION

There were no Work Session items.

NEW BUSINESS

NB1 Recognition of Outgoing Council Members

Lance Olive, William S. Jensen, and Wesley M. Moyer will be recognized for their service with the Town

Mayor Olive expressed appreciation to Council Member Moyer for his four years of service and presented him with a plaque. Council Member Moyer stated it was his pleasure to serve and he thanked the citizens of Apex for the opportunity. Council Member Moyer retired his seat.

Mayor Olive expressed appreciation to Council Member Jensen for his twenty years of service and presented him with a plaque. Council Member Jensen stated that Mayor Olive had done an outstanding job and had been extremely fair with this committee and board appointments. He stated his appreciation to the Town Manager, adding that he is an honorable man. Town staff is outstanding, and everyone here should be proud of the work being done. Council Member Jensen retired his seat.

Mayor Pro Tem Dozier expressed words of appreciation to Mayor Olive before reading and presenting him with a plaque which included the gavel he's been using the past four years.

SINE DIE

Mayor Olive adjourned the meeting Sine Die.

ORGANIZATIONAL PROCEEDINGS

After a brief recess, Mayor Pro Tem Dozier reconvened the meeting to begin the Organizational Proceedings.

Administering of Oaths

Jacques K. Gilbert, surrounded by his immediate family, was sworn in as Mayor by Town Clerk Donna B. Hosch. Mayor Gilbert thanked his family, his parents, his siblings including his sister who was watching on livestream, his grandmother, and all those who helped him along the way. He spoke about unity being the driving force of moving Apex forward. He thanked Mayor Olive for carrying the baton well, and he thanked Council for their efforts. Mayor Gilbert encouraged everyone to stay united because we are all in this together.

Mayor Gilbert brought forward Rev. James Taylor, the Pastor of St. Mary AME Church, who has been the Mayor's Pastor for a good part of his life. He also brought forward Senior Pastor Rodney Finch, Sr. of Calvary Chapel Cary who helped shape his life. Each Pastor presented brief comments before covering Mayor Gilbert prior to his taking his seat on the dais.

Mayor Gilbert continued with the ceremonial proceedings.

Cheryl F. Stallings, accompanied by her husband and family members, was sworn in as Council Member by Mayor Pro Tem Nicole L. Dozier. Council Member Stallings stated she was honored, humble, and blessed for being able to serve on the Council. Apex is an amazing town and this is about getting better through a collective effort. She thanked her family for being in attendance. Council Member Stallings recommitted to her campaign promises, and complimented staff for being dedicated and committed. She stated she is not a politician; she is a public servant, and she is here to serve the people. Council Member Stallings took her seat on the dais.

Terry Mahaffey, accompanied by his immediate family, was sworn in as Council Member by Greg Ford, Chair of the Wake County Board of Commissioners. Council Member Mahaffey thanked his family and several individuals who helped him along the way. He thanked staff and expressed his excitement for working with Mayor Gilbert and the rest of Council.

Selection of Mayor Pro Tempore

Mayor Gilbert stated the duties of Mayor Pro Tempore according to Town Ordinances. Mayor Gilbert called for a nomination.

Council member Killingsworth nominated and made the motion to appoint Council Member Dozier as Mayor Pro Tem; Council Member Stallings seconded the motion.

Council Member Killingsworth spoke about Council Member Dozier's six year tenure on the Council. She presented some of her accomplishments: Council Member Dozier created Think Apex; she is the founder of the Environmental Committee; as chair of the Personnel Committee, she introduced paid family leave and expanded the definition of family under FMLA for Town Employees. She has worked towards a more diverse and equitable environment for Town employees.

Council Member Dozier accepted the nomination. She thanked Council for their support and stated she is proud to serve Apex.

The motion carried by a 5-0 vote.

With Mayor Gilbert by her side, Council Member Dozier was sworn in as Mayor Pro Tempore by Town Clerk Donna B. Hosch.

Mayor Gilbert stated Mayor Pro Tem Dozier is vested here, and has done so much for the community. He thanked her for all her work done for the community and for encouraging him.

Appointments of Standing Committees and Liaisons

Mayor Gilbert made the following appointments:

Committees:

Finance – Council Member Killingsworth, Chair; Council Member Stallings

Personnel – Council Member Dozier, Chair; Mayor Gilbert

Planning – Council Member Gantt, Chair; Council Member Mahaffey

Environmental – Council Member Dozier, Chair; Council Member Gantt

Economic Development – Mayor Gilbert, Chair; Council Member Stallings

Liaisons:

Apex Chamber of Commerce – Mayor Gilbert, Primary; Council Member Dozier

Triangle J Council of Governments – Council Member Gantt, Primary; Council Member Killingsworth

Executive Board of CAMPO – Mayor Gilbert, Primary; Council Member Mahaffey
Downtown Business Association – Council Member Mahaffey, Primary; Mayor Gilbert

The Parks, Recreation, and Cultural Resources Committee and Commission were eliminated.

NEW BUSINESS

NB1 Donna Hosch, Town Clerk

Calendar of Town Council meetings for 2020 and 2021, setting the start time of the meetings, and setting the location of the meeting.

Mayor Gilbert stated the Town Ordinance related to Council meetings. Council Member Mahaffey stated it was clear there needed to be more talk about the meetings. Discussions should be held with staff and discussion should continue in, for example, a workshop.

Council Member Mahaffey made the motion to approve Option A of the calendar for 2020 [for Council to meet the first and third Tuesdays] and Option B for 2021 [for Council to meet the second and fourth Tuesdays].

Council Member Mahaffey presented other changes he wished to be considered and discussed at a later date.

Council Member Killingsworth wished to amend the motion for a start time of 6:00 p.m. and ending time of 10:00 p.m. Council Member Dozier wished to see a hard stop of 10:00 p.m. At 9:30 there could be a temperature check to determine if Council wished to push through. Mayor Gilbert stated he wished input from staff as to the effect of the time changes.

Reiteration of the motion: to approve Option A of the calendar for 2020 for Council [to meet the first and third Tuesdays] and Option B for 2021 [for Council to meet the second and fourth Tuesdays] amended to include a meeting start time of 6:00 p.m. with a hard stop at 10:00 p.m.

Council Member Killingsworth seconded the motion.

Council stated she wished cancellation of the following meetings in order to provide longer breaks for staff: June 16, July 7, and December 15 for 2020. For 2021, June 15, July 6, November 2, and December 21. These could be discussed at a later date in a workshop.

Council stated she wished consideration of the November 3 meeting being cancelled or moved to November 4.

After some discussion about the hard stop time, there was no opposition to reconsidering this if there are late comers who do not have the opportunity to sign up for Public Forum.

The motion carried by a 5-0 vote.

NB2 Audra Killingsworth, Council Member
Discussion regarding Town Council Resolutions

Council stated she'd sent an email regarding resolutions for the coming year. It would be great if most of them were proclamations. Her preference is to have a more thorough discussion at an upcoming workshop to discuss details.

ADJOURNMENT

Mayor Gilbert thanked everyone for coming out to what was a big moment for Council and the Town. With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:



Jacques K. Gilbert, Mayor



Apex Town Council Meeting

Tuesday, December 17, 2019

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, Council Members
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, 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, December 17, 2019, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

Mayor Gilbert called the meeting to order, Pastor David Garcia of Focus Church gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Keith McGee, Fire Chief

Introduction of Assistant Fire Chief Jeff Harrison to Town Council

Chief McGee presented Assistant Fire Chief Harrison's background. He spoke briefly about the search for this new position and stated why he feels that we have been fortunate to get the best of the best in the field.

PR2 Mayor Jacques K. Gilbert

Presentation to the Apex Cougars Pop Warner PeeWee football 2019 team

Mayor Gilbert spoke about Coach Clint Rogers and his contributions to the school, team, and community before reading a Letter of Honor that he presented to the Coach. The Coach presented Mayor Gilbert with a game ball. Monica Johnson, Commissioner, presented Mayor Gilbert with a token of appreciation.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the December 3, 2019 Organizational Meeting of the Apex Town Council

- CN2 Mayor Jacques K. Gilbert
Appointments to the Planning Board, Board of Adjustment, Environmental Advisory Board, and Bee City Committee
- CN3 Dianne Khin, Planning Director
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 Crescent Apex, LLC (Linden Subdivision) property containing 4.513 acres located at Linden Grove Drive & Olive Chapel Road, Annexation #679 into the Town's corporate limits
- CN4 Dianne Khin, Planning Director
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 James and Jennifer Davis, Charles Catlette Jr., Martha B. Catlette Revocable Trust and Jennifer Davis (Courtyards on Holt) property containing 26.897 acres located at 0, 1337 and 1345 Holt Road, 305 and 313 Catlette Street, Annexation #680 into the Town's corporate limits
- CN5 Matt Echols, Utilities Engineer
Sewer rehabilitation contract to Insituform Technologies, LLC and authorization for the Town Manager to execute the contract on behalf of the town.
- CN6 Dennis Brown
Contract and authorization for the Town Manager to execute contract with Construction Manager at Risk, J M Thompson, in amount of \$181,710.00 (for the pre-construction fee only) for the new Pleasant Park Project. Guaranteed Maximum Price (GMP) will be developed and added to this contract by an amendment after subcontractor bidding is completed.
- CN7 Vance Holloman, Finance Director & Dennis Brown, Construction Project Manager
Capital Project Ordinance Amendment No. 2020-8 and Contract Amendment #1 for the construction of the Apex Senior Center and authorize the Town Manager to execute same
- CN8 Jose Martinez, Public Work & Transportation Director
Implementation of software in current fiscal year (FY 19/20) and authorization for the Town Manager to execute the contract on behalf of the town
- CN9 Russell H. Dalton, PE, Senior Transportation Engineer
Ordinance amending Section 20-164 with the addition of subsection (36) to enforce a No Parking restriction along the south side of Olive Street from S Elm Street to S Hughes Street

CN10 Marty Stone, Assistant Town Manager

Resolution to "Abandon portions of Existing Public Utility Easements" as shown on its attached plat

CN11 Marty Stone, Assistant Town Manager

Resolution authorizing the "Contract Between the State of North Carolina and the Towns of Apex and Cary for Water Supply storage in B. Everett Jordan Lake" and authorization for the Town Manager to execute an agreement substantially like the Contract and to provide such notices and take such actions as Contract contemplates

CN12 Drew Havens, Town Manager

Apex Farmers' Market to utilize a portion of their Town appropriation in FY 2019-20 for management services

Mayor Gilbert called for a motion to approve the Consent Agenda. Council Member Gantt made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Diane Long expressed interest in a way to welcome newcomer's to the area. People are moving here from all over the country and there should be programs in place to inform them about the history of the town. Apex is a role model, Ms. Long exempling the revitalization of downtown. She has ideas as to how she can go forward with her ideas to welcome newcomers.

Nick Bryant was concerend about the early start time of Council meetings in 2020. He felt 6:00 p.m. was too early for those who work and need to tend to children, especially for a citizen who likes to attend and participate.

Yume Iwakura, a junior at Apex High School, spoke about lights at Apex Community Park on the basketball courts. She felt it unfair that these courts are not lighted. After contacting the Mayor, she was informed plans are already in motion to address the situation. She asked those playing on the basketball courts if lights would be appreciated, and the answer was 'yes'. Ms. Iwakura asked for the installation of solar

panels for the lights as they would be a cheaper option. Ms. Iwakura thanked the Mayor and Town Manager. She was grateful her concern was being addressed.

PUBLIC HEARINGS

PH1 Amanda Morrell, Landscape Architect - Stantec with Shannon Cox, Long Range Planning Manager – Town of Apex
Adoption of the Downtown Plan

Ms. Morrell presented the draft of the Plan (incorporated by reference). She explained what the Plan represented and then outlined its facets, commenting on each chapter contained therein. Focus and public meetings were conducted, surveys were sent to citizens, there was a four day charette – all allowing the community to develop the Plan with them. Ms. Morrell thanked all those who touched the process, which only made it better.

Ms. Morrell stated the Plan functions as three smaller districts, and she described how to tie the three districts together. A Housing Market Study was conducted, and Ms. Morrell outlined the results of that Study. A Parking Study was done and an analysis presented. The data did not support the construction of a parking deck at this time. A cost analysis was done should a deck be planned for in the future.

Ms. Morrell outlined the Plan's Nine Key Goals and shared their recommendations. She summarized the public comments. The Planning Board recommended approval of the Plan.

Ms. Morrell thanked the Town for having the opportunity to design this Plan for the community.

Ms. Morrell answered Council questions related to Shangri La residents being included in the process and if feedback had been received by them, the impact of schools with increased housing, possible re-evaluation of the small town character overlay district due to the proposed housing, zoning, water shed and flooding standards, housing for diverse incomes, more retail businesses in downtown, and youth involvement in the process.

Mayor Gilbert declared the Public Hearing open.

Shane Reese, representing the Apex Downtown Business Association, stated they supported the Plan. They saw it as an opportunity not just for the businesses but for a place to make family memories and to protect some of the small businesses. He spoke about how the business people are just like everyone else, particularly in the sense that most of them do not own the buildings they are in.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the presented Plan; Council Member Dozier seconded the motion.

Council complimented all who were involved in the process. Council stated she was impressed with the amount of work which went into the process.

The motion carried by a 5-0 vote.

PH2 Lauren Staudenmaier, Planner I

Rezoning Application #19CZ20 2708 Blazing Trail Drive. The applicant, Jones & Cnossen Engineering, PLLC., seeks to rezone approximately 2.00 acres located at 2708 Blazing Trail Drive from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff outlined conditions which have not been commonly offered. The Planning Board unanimously recommended approval as did staff with the offered conditions.

Staff answered Council questions related to sidewalks, and lot sizes.

Peter Cnossen, representing the applicant, thanked staff for their assistance. He stated the added elements are consistent with current standards. Mr. Cnossen spoke about the greenway trail and his speaking with the HOA regarding this trail. He outlined access and lot sizes and answered Council questions related to location of the property and its surrounding environment.

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

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the rezoning; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH3 Liz Loffin, Senior Planner

Removal of the Historic Landmark status for the property located at 4525 Green Level West Road in compliance with North Carolina General Statute 160A-400.4 through 160A-400.15

Staff stated this historic structure was completely destroyed by fire. The family wished the historic designation removed in order to rebuild.

Gary Roth, President of Capital Area Preservation, presented background on the dwelling. He presented the WCHPC staff recommendations. Vice Chair of the WCHPC, Jeff Hastings, stated they unanimously recommended removing the historic designation.

Mr. Roth answered Council questions related to fire prevention in these older, private homes.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to remove the Landmark status; Council Member Mahaffey seconded the motion.
The motion carried by a 5-0 vote.

PH4 Liz Loftin, Senior Planner

Designating the property located at 2708 Olive Chapel Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4 through 160A-400.15

Staff oriented Council to the property, giving background on rehabilitation of the property. The community recognizes the house as an important historical place. Staff recommended approval.

Gary Roth, representing the Asey Thomas Olive House, presented history of the property, the family, and how the family was very involved in the community. He detailed the architectural elements of the home. Mr. Roth presented the Significance Statement. The Society recommended approval. Jeff Hastings stated they also recommended approval.

Mr. Roth answered Council questions as to how to get an historic designation.

Mike Ingram, property owner, stated he is proud of the house and considers it a privilege to be able to work on it. He appreciated Council's consideration of the designation.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the designation; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH5 Shelly Mayo, Planner II

Resolution adopting the 2020-2025 Wake County Multi-Jurisdictional Hazard Mitigation Plan

Staff oriented Council to the Federal Law, and the history of the changes and coordination of the Plan (incorporated by reference). Federal reviews of the Plan have been completed and the Plan complies. The Planning Board unanimously recommended approval as did staff.

Staff answered Council questions related to the medical fragility of individuals and getting supplies to those individuals in case of an emergency, how the information was commented on and coordinated, high flood prone areas, and the Plan being a guiding list.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Resolution; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PH6 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Tim and Lauren Medlin property containing 1.929 acres located at 6517 Roosondall Court, Annexation #681 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval of the request.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH7 Shawn Purvis, Assistant Town Manager

To receive citizen input regarding the formulation of the Fiscal Year 2020-2021 Annual Budget

Staff stated this was not a requirement of the budget process, rather an opportunity for citizens to provide input prior to staff putting numbers together. Council questions were answered about this being the proper time for citizen input and capital projects. Staff stated the various ways in which citizen input could be forwarded to staff. Any comments received would be forwarded to Council. Mailers would be sent to the public in addition to social media outreach.

Mayor Gilbert declared the Public Hearing open.

Bridget Taylor had questions regarding money in the past budget: cemetery funds which seem to her to be a slush fund and retiree spending with special conditions for police officers. She hoped there would be no more money taken out of the budget for retirees.

Mayor Gilbert declared the Public Hearing closed.

OLD BUSINESS

No items for consideration.

UNFINISHED BUSINESS

No items for consideration.

NEW BUSINESS

No items for consideration.

CLOSED SESSION

No items for consideration.

WORK SESSION

No items for consideration.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Gilbert declared the meeting adjourned.



Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:



Jacques K. Gilbert, Mayor

