



Apex Town Council Meeting

Tuesday, December 19, 2017

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, December 19, 2017, 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, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Allison Fluitt, PE, AICP, Kimley-Horn & Associates

Special presentation to update Town Council on Advance Apex: The 2045 Plan

Ms. Fluitt gave background on the planning effort and some of the activities in which they've been engaged to get this Plan in place. The Long Range Transportation Plan and Land Use Plan are being looked at together, and the reasons why were given. This will be a community-driven effort, and Ms. Fluitt explained how the Plans will be used. Highlighted were the expectations and trends for the Town. Ms. Fluitt stated they were extremely pleased with the response to their survey as well as written-in comments.

The key findings were presented with traffic and congestion being the number one concern. There was major concern about affordable housing. The main reason people choose to live in Apex is the small town charm. Ms. Fluitt spoke to the three main challenges facing Apex. She hit the highlights of each of the focus groups. Their next step will be recommendation development.

Responding to Council question, Ms. Fluitt spoke about the differences between Apex and other municipalities with which her company has worked. She stated our data shows Apex citizens have a great passion for the town.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of December 5, 2017
- Consent 02 Apex Tax Report dated 11/07/2017
- Consent 03 Appointment of members to serve on the Planning Board and Board of Adjustment
- Consent 04 Authorization for the Town Manager to sign the “Bike/Ped Program Agreement” in support of installation and maintenance of permanent bicycle and pedestrian counting equipment at three locations in the Town of Apex
- Consent 05 Budget Ordinance Amendment No. 13 to appropriate a grant of \$23,200 received from the Wake County Alcohol Beverage Commission for the purchase of Impaired Driver Simulator. The funds have already been received by the Town but cannot be expended until budgeted.
- Consent 06 Construction contract and authorization for the Town Manager to execute same, and Budget Ordinance Amendment No. 14 for intersection improvements
- Consent 07 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 Mary & Howard Holt property containing 6.039 acres located at 7924 Green Level Church Road, Annexation #603, into the Town’s corporate limits
- Consent 08 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 a relocated historic house owned by Staley Smith containing 0.688 acres located at 1451 Apex Peakway, Annexation #621, into the Town’s corporate limits
- Consent 09 Set a Public Hearing for January 3, 2018 to consider a budget amendment regarding the Economic Development budget and the approval of the capital project ordinance for the Cash Corporate Center project
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 21, 2017 related to site plan exemptions
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 21, 2017 related to the Sustainable Development-Conditional Zoning District
- 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 November 21, 2017
- Consent 13 Authorize and direct the Town Manager and Town staff to work with the owners of the property, surveyors, and others to undertake the dedication of private water and sewer infrastructure as well as necessary easements described on the attached plats to bring the infrastructure into the Town’s water and sewer system

Consent 14 Two new Street Right of Way Technicians positions at Salary Grade 13 and to reclassify one current Street Right of Way Technician to position of Street ROW Crew Field Supervisor at Salary Grade 17

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

Council stated she was glad to see one of her Public Forum items acted upon in such a timely manner.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated Public Hearing 08 would not be heard at this meeting. The Town Attorney requested a Closed Session to provide guidance to Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REGULAR AGENDA WITH THE STATED MODIFICATIONS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

In accordance with North Carolina General Statute 160A-81.1, the Apex Town Council will hold Public Forum during the first Regular Council Meeting of each month

PUBLIC HEARINGS

Public Hearing 01 : Amanda Grogan, Budget and Management Analyst
Citizen input regarding the formulation of the Fiscal Year 2018-2019 Annual Budget

Staff stated this was the annual process prior to staff preparation of the budget.

Mayor Olive declared the Public Hearing open.

Tom Colwell of the Parks, Recreation, and Cultural Resources Council spoke about public art, how it enhances the community, and the types of art which they are contemplating for recommendation. He outlined the programs they'd like to see continued. Mr. Colwell stated their request for \$76,000 of funding in the next budget year.

Mayor Olive declared the Public Hearing closed.

Public Hearing 02 : Shelly Mayo, Planner II

Rezoning application #17CZ24. The petitioners, Vineyard Development, LLC & Brookfield Properties, LLC, wish to rezone +/- 1.8 acres located at 750 Laura Duncan Road from Planned Commercial (PC) and Office & Institutional (O&I) to Planned Commercial-Conditional Zoning (PC-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff and the Planning Board recommended approval of the rezoning. Staff answered questions from Council regarding noise, business closing times, and buffers.

Mayor Olive declared the Public Hearing open.

Jason Barron, Morningstar Law Group, representing the applicant, provided information on how this parcel was created and what its uses would be. He clarified questions Council regarding noise, business closing times, and buffers. Frank Morisey, Northview Partners, answered Council questions related to ROWs and traffic.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 03 : Shannon Cox, Senior Transportation Planner

Amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to add two future Major Collector streets between Kelly Road and Old US 1, downgrade a portion of future Kelly Road to a 3-lane Thoroughfare, and add two new roundabouts in the same vicinity

Staff oriented Council to the proposed amendments as requested by the Alliance Group and staff, which would include four changes to the map. The request was consistent with the Traffic Impact Analysis, and staff stated the advantages of the amendments. Staff and the Planning Board recommended approval. Staff answered several questions from Council related to traffic and traffic signals.

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 APPROVE
THE AMENDMENTS; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

Staff oriented Council to the three proposed amendments. Staff answered questions from Council regarding the Overlay District. This was recommended for approval by the Planning Board.

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 WITH THE TWO AMENDMENTS FROM COUNCIL; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Pending Council action, this Public Hearing will be re-advertised to be heard at the January 3, 2018 Regular Council Meeting.
Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town’s corporate limits

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO SET THIS HEARING FOR THE JANUARY 3RD MEETING; COUNCIL MEMBER DOZIER 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 Merquiades Cespedes (single-family home) property containing .99 acres located at 7824 Green Level Church Road, Annexation #618, 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 DOZIER MADE THE MOTION TO APPROVE 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 Richard & Anne Casper, Larry & Dorothea Gardner, Glenn & Christine Rinne, Michael Ferrari, Sharon Heaton, Michael & Joy Wilkes and William & Virginia Ott (Linden Master Subdivision Plan) property containing 87.233 acres located at 1600,1612,1617,1632, 1641 & 1645 Pricewood Lane, Annexation #620, into the Town’s corporate limits

Staff oriented Council to the site, stating the associated project was previously approved by Council. 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 ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council Member Dozier stated she did not vote for this project previously.

THE MOTION CARRIED BY A 5-0 VOTE, WITH COUNCIL MEMBER DOZIER ABSTAINING FROM VOTING.

Public Hearing 08 – Quasi Judicial : Liz Loftin, Planner II

Quasi-Judicial Public Hearing and possible motion regarding an application for a Special Use Permit (#17SUP04) for the Apex Mosque located at 733 Center Street

As approved by Council earlier, this Hearing will be heard at a later date.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Vance Holloman, Finance Director

Resolution declaring the results of the November 7, 2017 referendum for the \$48 Million Parks and Recreational Facilities Bonds, approving a Statement of Result of the Bond Referendum, and instructing the Town Clerk to publish that Statement

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

THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Added Closed Session 01 for Council to receive guidance from the Town Attorney

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

Mayor Olive reminded Council that citizens can use our website to report problems. He finds it easier to give out the link. Staff stated this information has previously been provided on the utility bills. However, we will do a hard roll-out of an app to report problems, *Apex Connect*, a bit later.

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