



## Apex Town Council Meeting

Tuesday, February 20, 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 Regular Meeting of the Apex Town Council scheduled for Tuesday, February 20, 2018, 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**

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Mayor Olive called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

### **PRESENTATIONS**

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There were no presentations to be made.

### **CONSENT AGENDA**

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- Consent 01 Minutes of the Regular Town Council Meeting of February 6, 2018 and the Annual Budget Retreat of February 9, 2018, and Closed Session Minutes of October 17, 2017, November 7, 2017, November 21, 2017, December 19, 2017, and January 16, 2018 (*Closed Session Minutes recorded separately*)
- Consent 02 Authorization for the Town Manager to consent on behalf of the Town to the Transfer of Interest of Wells Fargo Affordable Housing Community Development Corporation of 100% of its membership interest in Beechridge II, LLC to Community Revitalization and Preservation Corporation without the Transfer causing the acceleration of the debt owed by Beechridge II, LLC to the Town and authorizing the Town Manager to sign the letter of consent

- Consent 03 Resolution declaring a 2001 HME Silver Fox fire engine as surplus, authorization for the Purchasing Manager to offer the apparatus up for sale via on-line auction, and authorization for the Purchasing Manager and Town Manager to sign documents necessary to complete the sale
- Consent 04 Encroachment Agreement and authorization for the Town Manager to execute the same for a private storm drain, sidewalk and curb easements to encroach upon portions of the Town Public Utility Easement
- Consent 05 Personnel Committee recommendations to reclassify the Public Works and Transportation Director from Salary Grade 34 to Salary Grade 35, effective February 1, 2018, and to approve the authorization of one (1) FTE for an additional Code Enforcement Officer I position in the FY17-18 budget year

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 5-0 VOTE.

## **REGULAR MEETING AGENDA**

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

## **PUBLIC FORUM**

Stan Thompson stated he was in opposition to upcoming lighting ordinance amendments. He touched on the different types of lighting. Mr. Thompson plans to forward paperwork to the Planning Board for their consideration.

## **PUBLIC HEARINGS**

Public Hearing 01 : Amanda Bunce, Planning Manager

Rezoning application #17CZ27 Castleberry Trails. The applicant, JS Development, LLC, seeks to rezone approximately 11.434± acres located at 605, 617, 621, & 625 Wimberly Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Planning Board and staff recommended approval with conditions proposed by the applicant. Staff answered Council questions related to mass grading, wetlands, solar on the houses, and a 25 year storm management system. Staff answered Council questions about a house which was considered a possible health hazard.

Don Curry, representing the applicant, responded to Council questions on preconfiguring houses for solar. There would be no mass grading, there would be no wetlands, and there was no provision for a 25 year storm management system. He stated they intended to meet the requirements of the UDO.

Council expressed concern about developers not trying to find a balance between residential and non-residential and how this is reducing his quality of life. Responding to the health hazard house, Mr. Curry stated the structure was planned to be demolished and the aseptic tank would be removed. He was asked to commit to saving as many trees as possible. Mr. Curry could not speak to the price point of the houses, which will be nice products. Responding to Council, Mr. Curry clarified the buffers. Responding to Council, Mr. Curry responded to questions regarding the safety of crosswalks. He responded to questions regarding street stubs.

Mick Michael, the applicant, addressed Council regarding its questions about price points and infrastructure. He would be agreeable to preconfiguring four houses for solar, but would love to be able to meet in the middle. There was agreement to equipping two of the houses with solar and preconfiguring the rest. He additionally responded to questions related to first floor master bedrooms, which he saw as an amenity that they will drive towards.

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  
REZONING WITH THE CONDITIONS OF PRECONFIGURING FOR SOLAR ON ALL HOMES AND  
INSTALLING SYSTEMS ON TWO HOMES WITH A MINIMUM OF 6KW; COUNCIL MEMBER GANTT 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 Edith Morris (2 single-family homes) property containing 2.975 acres located at 7208 A & B Green Level Church Road, Annexation #622 into the Town's corporate limits**

Staff oriented Council to the site, stating that the annexation would allow for water services to the property.

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

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

Staff oriented Council to the amendments. Council offered their thoughts and posed questions regarding building heights, curbing and required landscaping, and cell tower heights. The Planning Board recommended approval of all amendments.

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 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 Members Wesley Moyer and Audra Killingsworth**  
**Report from the Parks and Recreation Committee and possible motion regarding approval of the Special Events application for Music Fest**

Chairman Moyer stated the Committee met again with the organizers and recommended additional conditions related to VIP parking and in-kind services for Public Works. The Committee wants to see the ADBA viable on their own and giving to local charities. It was stated that an 80% minimum of funds collected would stay in the ADBA for future expenses according to their stated agenda.

MAYOR OLIVE ASKED FOR A VOTE OF APPROVAL FROM COUNCIL BASED ON COMMITTEE RECOMMENDATIONS.  
ALL COUNCIL MEMBERS WERE IN AGREEMENT.

## **NEW BUSINESS**

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**New Business 01 : Vance Holloman, Finance Director**

**Resolution authorizing the filing of an application with the Local Government Commission to issue \$1.5 million of GO Refunding Bonds**

Staff stated that there would be a financial benefit to the Town for refunding. He overviewed the documents and processes necessary for this to be put in motion.

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

**New Business 02 : Sarah Rayfield, Senior Planner**

**Colby Crossing Master Subdivision Plan located at Colby Chase Drive containing ±7.58 acres and 14 single family homes**

Staff oriented Council to the site. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. Planning Board and staff recommended approval with the stated conditions. Staff answered Council questions related to road connectors, a bridge over a stream, flooding concerns, and the pricing of the homes.

Jeff Roach, Peak Engineering and Design, addressed Council questions related to home affordability, the closing of Colby Chase, and the bridge which will be a culvert crossing. He additionally answered questions related to a commitment to solar.

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

**New Business 03 : Dianne Khin, Planning Director**

**Request to the North Carolina General Assembly legislature to annex a portion of Laura Duncan Road containing 1.861 acres located south of North Salem Street/Old Apex Road (Annexation #625) into the Town of Apex Corporate Limits**

Staff stated this was being requested in order for the Town to be able to regulate and provide emergency services to this part of the road. Right now response times are hindered because the Sheriff's Department responds to emergencies instead of either Apex's or Cary's police department. After discussing this with Cary, it made more sense for Apex to request the annexation. Responding to Council, staff stated the children who cross the road are Apex residents and all of our school zones have been inventoried for improvements.

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

## **CLOSED SESSION**

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There were no Closed Session items for consideration.

## **WORK SESSION**

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There were no Work Session items for consideration.

## **ADJOURNMENT**

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

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor