



Apex Town Council Meeting

Tuesday, December 18, 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, December 18, 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

Mayor Olive called the meeting to order; Rabbi Cotlar, Chabad of Cary, gave the Invocation; and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the November 20, 2018 Regular Town Council Meeting
- Consent 02 Capital Project Ordinance Amendment 2019-5 and Budget ordinance Amendment No. 9 to appropriate funds for a water line extension to the Irongate community
- Consent 03 MCImetro Access Transmission Services Corp. - Pole Attachment Agreement and authorization for the Town Manager to sign the agreement

Consent 04 Total equipment purchase, installation, and maintenance for APX600 Portables, APX6500 Mobiles and APX7500 Consolettes using Wake County Bid Contract Pricing in consideration of sole source and proprietary issues associated with this planned public safety infrastructure upgrade and corresponding budget amendment

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

PUBLIC FORUM

Daniel McMains, J&D Tree Growers, gave a brief background of his business. He stated he received a notice of violation and explained why it was received. He complied with what the State informed him he had to do, but he is now being fined \$2,400/month. He has already spent \$30,000 complying with State rules. Mr. McMains stated he is trying to do things by the book, and that this is stressful on his company. He would like for everyone to try to figure out a way to help small businesses in the area.

The Mayor further explained Mr. McMains situation and asked the Town Manager to examine all the facts to see if the Town could be of assistance.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

Rezoning application #18CZ31 (Westford PUD Revision). The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 98.653 acres located at 0 & 8101 Jenks Road and 2812, 2900 & 3300 US Hwy. 64 West from Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ) to amend sign requirements.

Staff oriented Council to the site. Stated were the conditions offered the applicant. The Planning Board and Planning staff recommended approval. Staff answered questions from Council related to the location of signs. Given was the background on the original requestor of amending the sign standards.

The applicant, Peter Cnossen, Jones and Cnossen Engineering, further explained why this sign was being requested.

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

Public Hearing 02 : Amanda Bunce, 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 Catlette 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. A neighborhood meeting was held; and the Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. The Planning Board and Planning staff recommended approval with conditions recommended by the applicant. Staff answered questions from Council related to a greenway connection, the outlook for the current pond and procedures for drainage, and slab on grade construction.

Mr. Ghosh, Morningstar Law Group, representing the applicant, presented background on EPCON and its commitment to age-targeted communities which are currently underserved. Mr. Ghosh stated EPCON was committed to solar on several of the housing units and offered language concerning solar options. The applicant thought this a great project for Apex. Staff presented verbiage on solar, with which the applicant was in agreement.

Mayor Olive declared the Public Hearing open.

Council asked Jason Coffee, applicant, questions related to mobility in the homes, amenities, and the age restrictions of the owners. Council asked if there could be homes targeted to lower-income individuals. Mr. Coffee stated this would be difficult to achieve and explained the reasons why. Mr. Coffee responded to Council on questions related to the Grimley property.

Council echoed earlier Council concern related to there not being an opportunity for affordable housing in this development, and she offered ways in which this could be achieved.

Mayor Olive declared the Public Hearing closed.

Council explained how he felt regarding the housing market in Apex and Wake County as a whole. Council spoke about how we are driving out such individuals as teachers and firemen and how it would be nice for them to have an option to be able to live in Apex. Council stated his preference for this property to be developed as a whole [to include the Grimley property] for a more cohesive development. The Mayor spoke about how he felt this was a great project and provided reasons why.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REZONING WITH ALL CONDITIONS OFFERED; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Mr. Ghosh asked what the process would be in the event the motion failed, and this was explained by the Mayor. Mr. Coffee stated they are continuing to work with Mr. Grimley, and he is working with others as well regarding the Grimley property.

Council discussed the lower utility costs utilizing solar, adding that the Town needs to think about ways to work with developers on low-cost housing.

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

COUNCIL MEMBER JENSEN MADE A MOTION TO CONTINUE THIS TO THE JANUARY 15 REGULAR COUNCIL MEETING; 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.

Public Hearing 03 : Amanda Bunce, Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex AmandaLee2, LLC (Sutton Pointe) property containing 5.13 acres located at 7429 and 7433 Roberts Road, Annexation #650 into the Town's corporate limits

Staff oriented Council to the site. This annexation was so that the requestor could receive water and sewer services. Staff answered Council questions related to uses.

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

Staff oriented Council to the two amendments which were at the request of the Planning Committee. Discussion ensued regarding signs and all parties operating within the same set of rules. The Planning Board unanimously 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 GANTT SECONDED THE MOTION.
COUNCIL MEMBERS KILLINGSWORTH, GANTT, DOZIER, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive called for a four 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 : Shelly Mayo, Planner II

Townes at Westford Revised Master Subdivision Plan located at 2812, 2900, & 3300 US 64 Hwy W containing ±55.73 acres and 315 townhomes

Staff oriented Council to the site and explained why this request was back before Council. Staff and the Planning Board recommended approval. Staff answered Council questions related to sidewalk accessibility.

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

New Business 02 : Sarah Rayfield, Senior Planner

Ellsworth Master Subdivision Plan located at 8209 & 8233 Green Level Church Road containing ±33.58 acres and 36 single-family homes

Staff oriented Council to the site. A neighborhood meeting was held. Council questions related to greenway connections were answered. Staff recommended approval as did the Planning Board. Answered were Council questions related to Roberts Road access.

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

Conversation ensued related to development fees.

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