



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

THIS PAGE INTENTIONALLY LEFT BLANK