



## 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 20<sup>th</sup> 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**

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- 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 38<sup>th</sup> 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 14<sup>th</sup> 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 installation 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**

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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.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Nicole L. Dozier, Mayor Pro Tem