



---

# Apex Town Council Meeting

Tuesday, September 17, 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  
Shawn Purvis, Assistant Town Manager  
Marty Stone, 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, September 17, 2019, at  
7:00 PM 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, Brett D. Gantt, and Audra M. Killingsworth  
Also in attendance were Town Manager Drew Havens, Assistant Town Manager  
Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

## COMMENCEMENT

---

Mayor Olive called the meeting to order, asked for a moment of silent reflection, and led the Pledge of Allegiance.

The Mayor stated that the applicant for Public Hearing 01 asked for continuance to the October 15th Regular Council Meeting. The Town Attorney stated the applicant could ask for one continuance according to the Ordinance, at which time she read the applicable verbiage.

## PRESENTATIONS

---

PR1 Mayor Lance Olive

Proclamation for the Peak City International Film Day Festival

Mayor Olive read the Proclamation before presenting it to John Demers. Mr. Demers delighted Council and the audience with a film summary of last year's event.

## CONSENT AGENDA

---

- CN1 Donna Hosch, Town Clerk  
Minutes of the Joint Conversational Meeting of July 30, 2019 between Apex Town Council and Wake County Board of Commissioners
- CN2 Donna Hosch, Town Clerk  
Apex Tax Report dated 08/06/19
- CN3 Drew Havens, Town Manager  
Ordinance to amend Chapter 2 of the Code of Ordinances of the Town of Apex to create the Apex Environmental Advisory Board
- CN4 Steve Adams, Real Estate and Public Utilities  
Temporary Encroachment Agreement between the Town of Apex and Colonial Pipeline Company
- CN5 Russell Dalton, Senior Transportation Engineer and Angela Reincke, Parks and Greenways Planner  
Approval and authorization for the Town Manager to execute the Design Build Project Agreement with the North Carolina Department of Transportation for NC 540 enhancements (Project R-2721) and approve corresponding Capital Project Ordinance Amendment 3
- CN6 Amanda Bunce, Current Planning Manager  
Findings of Fact, Conclusions of Law, and Decision approving the Sweetwater Phases 9A2 and 9B Mixed Use Major Site Plan
- CN7 Shannon Cox, Long Range Planning Manager  
Approval and authorization for the Town Manager to execute the Agreement for Provision of Transit Planning Services with the Town of Cary for the Apex Circulator Study
- CN8 Dianne Khin, Planning Director  
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 Teresa Allen (single-family) property containing 3.175 acres located at 1001 Greenlea Drive, Annexation #669 into the Town's corporate limits.
- CN9 Vance Holloman, Finance Officer  
Capital Project Ordinance Amendment No. 2 and Budget Ordinance Amendment No. 3 to appropriate funds for the construction and equipping of the Electric Department's new Operations Center and Warehouse

The Town Manager requested an add-on item which he summarized to Council: authorization for the Town Manger to execute contract with General Contractor, TCC Enterprises, in amount of \$9,894,000 for the construction of the new Electric Operations Center on Milano Avenue.

Mayor Olive called for a motion to approve the Consent Agenda with the addition of the add-on item.

Council member Moyer made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

## PUBLIC FORUM

Candace Blackley, on behalf of the League of Women Voters of Wake County, stated that the League recently held its Annual Women's Equality Day reception in commemoration of the 19<sup>th</sup> amendment to the US Constitution recognizing women's right to vote. That night all elected women in Wake County were recognized. Honored among them was Audra Killingsworth; Nicole Dozier was unable to attend. Therefore, Ms. Blackley wished to present Ms. Dozier with her certificate at this meeting, reading the certificate before presenting it to Ms. Dozier.

## REGULAR MEETING AGENDA

Mayor Olive called for a motion to approve the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Moyer seconded the motion.

The motion carried by a 5-0 vote.

## PUBLIC HEARINGS

PH1 Sarah Rayfield, Senior Planner

Amendment to the 2045 Land Use Map and Rezoning Case #19CZ02. The applicant, Kaplan Residential, sought to amend the 2045 Land Use Map from Medium Density Residential to High Density Residential and to rezone approximately ±17.4376 acres, for the properties located at 0, 7208, and 7208B Morris Acres Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Mayor Olive stated the applicant requested a continuance to the October 15th Regular Meeting. Jason Barron, Morningstar Law Group representing the applicant, stated there continued to be concerns about density. There might have been the possibility of reducing this. His client was willing to be creative and wanted to come back in a month to address the concerns. He did not check with Planning to determine if the changes would mean going back before the Planning Board. Staff stated the process would need to start over if the use was changed.

Mayor Olive called for a motion. Council Member Gantt made the motion to approve the continuance as requested by the applicant; Council Member Jensen seconded the motion.

Council stated she was disappointed this would not be heard this evening seeing as there was such a large turnout of citizens. If the issues had already been addressed, then this could have been heard this evening. But they had not. She stated she was supporting the continuance only because her own policy says she had to; she was not in favor of delaying in order to come to an agreement.

The motion carried by a 5-0 vote.

Mayor olive called for a two minute recess.

PH2 Liz Loftin, Senior Planner

Rezoning Application #19CZ17, Woodbury PUD Amendment. The applicant, Pulte Home Company, LLC, sought to rezone approximately 42 acres located at 2564, 2567, 2556, 2552, 2548, 2544, 2540, 2536, 2532, 2528, 2516, 2527, 2531, 2545 Collection Court; 2552, 2536, 2531, 2547 Kylewynd Place; 2532, 2528, 2524, 2520, 2516, 2512, 2508, 2504, 2500, 2501, 2505, 2511, 2515, 2519, 2523, 2527, 2531, 2535, 2539, 2543 Impulsion Drive; 2701 Old US Highway 1 (portion of) from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ) in order to update an architectural standard.

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval as did Planning. Staff answered Council questions about the location of garages.

Craig Dewar, Pulte Homes, further explained the location of the garages, there being no intention for them to be contentious. He stated that he'd worked with Planning on solutions.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

The applicant answered Council question about sewer service to a particular community member.

Council liked the side entry garage.

Mayor Olive called for a motion. Council Member Jensen made the motion to approve the amendment; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Shannon Cox, Long Range Planning Manager

Amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Comprehensive Transportation Plan and the Comprehensive Bike Network map of the Comprehensive Bicycle Plan

Staff gave history of the Plan, stating that it had taken the Plan through a quality review process. Staff identified items that needed to be changed, and explanation was given as to each of those changes. Staff explained the one change which received comment from the Planning Board.

Council questions regarding alignments and pedestrian connectivity were answered. Planning and the Parks and Cultural Resources staff and the Advisory Commission and Planning Board all 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 Dozier seconded the motion.

The motion carried by a 5-0 vote.

Council spoke about the preference of presenting fewer changes at one time.

Mayor Olive called for a three minute recess.

PH4 Amanda Bunce, Current Planning Manager

Amendments to the Unified Development Ordinance related to the size of menu board signs Staff oriented Council to the changes. Planning recommended denial and its reasons were explained. The Planning Board recommended approval by a 4-3 vote.

Discussion ensued on side by side signage, and staff answered Council questions related to such.

Mark Wesseb, Springfield Sign out of Missouri representing applicant, stated he's been doing this type of work for 30 years. He spoke about the number of projects they've done, only running into sign issues 3% of the time. They were trying to find alternatives that didn't increase signage size; he explained the challenges of this. He talked about studies that had been done with pre-sale boards at a particular establishment. He wished to represent the community they're coming into.

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 Moyer seconded the motion.

Council stated his reasons for making the approval motion. He thought this a fair trade, and he wanted to give businesses options. Council echoed these thoughts.

The motion carried by a 5-0 vote.

PH5 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance Staff stated these amendments were requested by Administration; the amendments were detailed. The Planning Board recommended approval and asked for the term 'environment' to be defined in relation to Council. The Planning Board 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 Gantt made the motion to approve the amendments with the word 'natural' being added to environment item; Council

Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Mayor Olive recognized Scout Troop 209 out of Apex who were in attendance to satisfy requirements of their community badges.

### OLD BUSINESS

There were no Old Business items for consideration.

### UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

### NEW BUSINESS

There were no New Business items for consideration.

### CLOSED SESSION

Governing Body : Closed Session to discuss a personnel matter

Mayor Olive called for a motion to go into Closed Session. Council Member Dozier 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 objection 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 adjourned the meeting.

---

Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

---

Lance Olive, Mayor