



Apex Town Council Meeting

Tuesday, June 5, 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, June 5, 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : David Hughes, Assistant Town Manager

Introduction of Electric Department Director, Eric Neumann, and Construction Project Manager, Dennis Brown

Mr. Hughes introduced the two new employees and gave a brief history of their backgrounds and employment histories.

Presentation 02 : Jonathan Whitehurst, AICP, Kimley-Horn & Associates

Jonathan Whitehurst of Kimley-Horn provided an update on the progress of Advance Apex: The 2045 Plan

Staff introduced Mr. Whitehurst who stated he would present the second of four updates on this project. He provided a brief overview on how this community-driven plan will be used and about work on the Land Use map and where we are in this process. Mr. Whitehurst went over the next steps and answered Council questions on the outreach to citizens and how to keep people and staff engaged in the plan.

CONSENT AGENDA

- Consent 01 Apex Tax Report dated 04/03/2018
- Consent 02 Computer Aided Dispatch (CAD) interface for Superior CAD System infrastructure upgrade
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving the Western Wake Regional Water Reclamation Facility Public Safety Communication Tower Special Use Permit
- Consent 04 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 15, 2018
- Consent 05 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #18CZ05 (Jordan Oaks PUD), William G. Daniel & Associates, P.A./Milestone Developments, LLC, petitioners for the property located at 0 Horton Road
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #18CZ10, William G. Daniel & Associates, P.A./Middle Ground Acquisition, LLC, petitioners for the property located at 1409 and 1506 N. Salem Street
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #18RZ08 (Apex Cemetery), Drew Havens, Town Manager, Town of Apex, petitioner for the property located at 0 West Williams Street
- Consent 09 Set the Public Hearing on June 19, 2018 for rezoning application #18CZ16 Lufkin Road. The applicant, Glenn Futrell, JLG Corporation, LLC, on behalf of Margaret Baker Hinton & Relonwidia Hinton, seeks to rezone approximately 2.1± acres located at 2014 and 0 Lufkin Road from Residential Agricultural (RA) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 10 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 11 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to Public Safety Communication Towers
- Consent 12 Revisions to the Town Standard Specifications and Details
- Consent 13 Encroachment Agreement between the Town of Apex and NCDOT related to Phase I of the Middle Creek Greenway and authorization for the Town Manager to execute all related documents
- Consent 14 Statement of Denial of the Town Council for Rezoning Case #18CZ11 (Discovery Child Development Center), Ronald and Margaret Allison, petitioners for the property located 3005 Evans Road
- Consent 15 Statement of the Town Council and Ordinance for Rezoning Case #18CZ06, Milestone Development, LLC, petitioners for the property located at 1113 and 1125 Davis Drive
- Consent 16 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding 2030 Land Use Map Amendment and Rezoning Application #18CZ12 (Olive Glen PUD) and Ordinance. The applicant, Virginia Goodwin Heirs, sought to amend the 2030 Land Use Map from Rural Density Residential to Low Density Residential and rezone approximately 36.46 acres located at 433 New Hill Olive Chapel Road from Rural Residential (RR) and Wake Co. R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 17 Set the Public Hearing on June 19, 2018 for rezoning application #18CZ13 Cool Pools. The applicant, Jeff Roach, Peak Engineering & Design, PLLC, seeks to rezone 0.05± acres located at 0 Old US 1 Highway from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 18 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 Virginia Goodwin Heirs (Olive Glen PUD) property containing 36.54 acres located at 433 New Hill Olive Chapel Road, Annexation #633, into the Town's corporate limits

- Consent 19 Capital Project Ordinance Amendment No. 2018-10 to appropriate funds for the construction of additional parking and for renovations at the Police Station on Saunders Street
- Consent 20 Authorization for the Town Manager to sign a Right of Entry Permit between Wake County and the Town to allow a training exercise between Apex, Cary and Morrisville Fire Departments to be held on the Wake County owned parcel of land behind Fire Station 3 (736 Hunter Street)
- Consent 21 Personnel Committee recommendation for approval of Personnel Policy Revisions
- Consent 22 FY 18-19 Position Classification Plan

The Town Manager requested an Add-on item to the Consent Agenda related to amending the Special Event application for Music Fest.

MAYOR OLIVE CALLED A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE WITH THE ADD-ON ITEM; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Killingsworth requested the addition of an Old Business item taken from the May 15th Regular Meeting – Resolution proposing the sale of one parcel identified as PIN #0742602371 and consisting of approximately .17 acres of land for \$20,000.00 subject to the upset bid procedure.

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

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Charles W. Chewning (The Point at Lake Castleberry) property containing 36.74 acres located at 4213 Green Level West Road, Annexation #624, into the Town's corporate limits

Staff oriented Council to the site. Staff 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH 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 Robert & Linda Annunziata (Grey's Landing) property containing 5.227 acres located at 7124 Apex Barbecue Road, Annexation #632, into the Town's corporate limits

Staff oriented Council to the site.

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 ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
COUNCIL MEMBERS KILLINGSWORTH, GANTT, JENSEN, AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 03 : Vance Holloman, Finance Director and Marty Stone, Water Resources Director

Resolution adopting the Water and Sewer System Development Fee Analysis and the recommended System Development Fees

Staff explained what would be needed for these fees to be charged and by whom the rules and regulations were initiated.

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 RESOLUTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Add-On Old Business 01 : Council Member Audra Killingsworth

Resolution proposing the sale of one parcel identified as PIN #0742602371 and consisting of approximately .17 acres of land for \$20,000.00 subject to the upset bid procedure

Council stated that after reviewing the issue and meeting with a member of the Town, she decided a home would bring in less traffic than a min-park in the area. She wished to reconsider the item and possibly put the land up for bid. Council discussed a possible restriction in the height of the house to 1½ stories. She asked about restriction to the small town overlay on height, staff answering that the property could hold a two-story house. Council thought two stories would be out of place.

The Town Attorney explained two ways the restrictions could be enforced and what would happen if they were not adhered to. Council asked questions to the Town Attorney related to spot zoning. The Mayor asked if staff could research height related to roof pitch, modify the resolution and the rezoning request, and come back to Council. He stated the current upset bid for the property could be held until these questions were answered.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION FOR STAFF TO INVESTIGATE THE HEIGHT GUIDANCE FOR A 1 ½ STORY HOUSE BEING ACCEPTABLE, TO MODIFY THE ZONING CONDITION FOR THE LAND, AND TO BRING THIS INFORMATION BACK TO COUNCIL;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Shawn Purvis, Assistant Town Manager
FY 2018-2019 Annual Budget Ordinance and FY 2018-2019 Fee Schedule

Staff presented a brief overview of the revisions since the last Public Hearing. He clarified the rise in the tax rate. Staff clarified that the timeframe for Council to introduce initiatives to possibly be funded would be at the Budget Retreat.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE ORDINANCE AND FEE SCHEDULE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council praised staff for their effort in the budget process. Council stated he was not in favor of the tax increase but appreciated staff's efforts. Council stated the tax increase was necessary to address

transportation issues and provided examples of why the safety of our roads was important. Council stated that as the town grows, we need to be able to ensure there is staff to provide services. She thanked staff for the easy way staff demonstrated the reasoning [infographics] for the budget. Council stated we need to be proactive in order to not get further and further behind.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, JENSEN, AND GANTT VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

New Business 02 : Shawn Purvis, Assistant Town Manager

FY 2018-2019 Capital Improvement Program and associated capital project ordinances

Staff stated the Plan is 5 years and beyond and only the first year is incorporated into the budget. The remaining four years would still be fluid. Of the \$40 million of capital projects, \$20 million would be covered by Bonds.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE
PROGRAM AND PROJECT ORDINANCES; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Laurie Hohe, Town Attorney

(1) To consult with the Town Attorney and (2) To consult with the Town Attorney regarding HH Trinity Apex Investments, LLC, et. al. v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER GANTT MADE
THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE RESOLUTION NO. 18-0605-09 FOR EMINENT DOMAIN PROCEEDINGS RELATED TO
THE HUMIE OLIVE ROAD MULTI-USE PATH PROJECT. COUNCIL MEMBER MOYER MADE THE
MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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