



Apex Town Council Meeting

Tuesday, September 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, September 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 Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Assistant Town Attorney Brian Meyer

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Rodney Finch of Calvary Chapel gave the Invocation, and Mayor Olive invited the audience and members of Boy Scout Pack 312 to participate in the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Presentation of Proclamation to John Demers, Producer, recognizing Peak City International Film Festival Day

Mayor Olive read the Proclamation and presented it to Mr. Demers, Mr. Black, and Mr. Bell. Mr. Demers showed a short video which was a synopsis of the last three festivals.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council meeting of September 4, 2018

Consent 02 3-year contract with Dail Mechanical, Inc and authorization for the Town Manager to execute same for HVAC/Mechanical services for town buildings and facilities

- Consent 03 Master Agreement, valid through June 30, 2021, with Alta Planning + Design and authorization for the Town Manager to execute same for On-Call Professional Services for Greenway Design
- Consent 04 Master Agreement, valid through June 30, 2021, with Black & Veatch and authorization for the Town Manager to execute same for On-Call Professional Services for Water Distribution and Sanitary Sewer Collection
- Consent 05 Master Agreement, valid through June 30, 2021, with McKim & Creed and authorization for the Town Manager to execute same for On-Call Professional Services for Surveying
- Consent 06 Master Agreement, valid through June 30, 2021, with Stewart Engineering and authorization for the Town Manager to execute same for On-Call Professional Services for Greenway Design
- Consent 07 Master Agreement, valid through June 30, 2021, with Wetherill Engineering and authorization for the Town Manager to execute same for On-Call Professional Services for Greenway Design
- Consent 08 3-year contract with Cameron Testing Services, Inc. and authorization for the Town Manager to execute same for chemical testing for collected water samples
- Consent 09 Design agreement contract for new Town of Apex – Pleasant Park with WithersRavenel (designer/engineer)
- Consent 10 Musco Sports Lighting as the sole source provider for “Control Link” system approved for installation on athletic lighting systems at various sites controlled by the Town of Apex
- Consent 11 Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit 18SUP02 Olive Chapel Swim & Tennis Club Private Recreation Facility Lighting Renovation
- Consent 12 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 Joanne Satterfield Shaheen, Mark & Kristy Seaboch, Robert Andrew Henry and Edge Real Estate Company, LLC properties (Castleberry Trails) containing 12.182 acres located east of Dorset Grove Road between Wimberly Road and the American Tobacco Trail, Annexation #646 into the Town’s corporate limits
- Consent 13 Master Services Agreement, valid through June 30, 2021, with Salz & Miller Electrical Contracting, Inc. and authorization for the Town Manager to execute same for electrical service and repair for water/wastewater components
- Consent 14 Amend the Special Event application approval for Music Fest to change the date of the event from September 15, 2018 to Saturday, October 27, 2018 and adjust the time of the event to begin at 2:00 p.m. and end at 11:00 p.m.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER

MOYER MADE THE MOTION; COUNCIL MEMBER GANTT 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

KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER 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 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ19 to rezone approximately 121.31± acres located at 2100 Production Drive from Light Industrial (LI) to Light Industrial-Conditional Zoning (LI-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval with conditions offered by the applicant. Staff answered Council questions related to collectors, buffers, and a greenway easement.

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 REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Sarah Rayfield, Senior Planner

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jack1, LLC (Cash Corporate Center) property containing 121.3050 acres located at the end of Burma Drive and Production Drive (south of Pinnacle Park), Annexation #630 into the Town's corporate limits

Staff stated that the information from Public Hearing 01 applied to this annexation. Council questions related to prospects for this land were answered.

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.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Liz Loftin, Senior Planner

Rezoning application #18CZ23 (0 Culvert Street). The applicant, Town of Apex, seeks to rezone approximately 0.17± acre located at 0 Culvert Street from Medium Density Residential (MD) to Medium Density Residential-Conditional Zoning (MD-CZ)

Staff oriented Council to the site, stating the property was currently vacant. A neighborhood meeting was held, and staff stated the uses. Staff recommended approval. The Planning Board recommended approval with a condition brought about by the neighbors. Council questions were answered as to why staff was not in agreement with the condition recommended by the Planning Board. Conversation ensued about a future sidewalk, types of uses for the property, architectural standards, and driveway size.

Mayor Olive declared the Public Hearing open.

Lisa Glover stated she did not object to the rezoning but requested additional conditions since this was an oddly shaped, non-conforming lot. With the Town being the owner, Ms. Glover felt there should be a higher level of responsibility to the community. She asked for park passive usage instead of residential. Residents now enjoy this lot as a green space. If made residential, Ms. Glover asked Council to consider setbacks and driveways.

Jenine Atoji stated she agreed with Ms. Glover. She wished for this lot to be a public park. Ms. Glover has been taking care of the lot and should be offered to purchase the property. If developed, Ms. Atoji asked for conditions related to parking and a sidewalk. She asked if a traffic study had been done. She asked Council to consider a right of way, a standard setback, a sound curtain, and she stated what she would want to see architecturally.

Mayor Olive declared the Public Hearing closed.

The Mayor acknowledged that parking on the street could be difficult; the pedestrian plan addresses the sidewalk issue. The Mayor gave a history of the property and stated the process by which the property would be sold. The Assistant Town Attorney stated that if a use were to be added, this Hearing would need to be re-noticed.

Council discussion ensued about a park use, onsite parking requirements, and on-street parking. Staff was asked to look into a no parking street. Council asked for re-noticing to include park use, staff responding that it had been determined the lot was too small for a park in addition to other issues. However, a private park could be doable.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE REZONING WITH THE TWO ADDED CONDITIONS AND THE TWO CONDITIONS LISTED IN THE STAFF REPORT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Lauren Staudenmaier, Planner

Rezoning application #18CZ25 (0 Hudson Avenue). The applicants, Perry and Debra Cox, sought to rezone approximately 0.14± acre located at 0 Hudson Avenue from Office & Institutional (O&I) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval with conditions offered by the applicant. Staff answered Council questions related to consistency of appearance and types of permitted structures.

Mayor Olive declared the Public Hearing open.

Laura Grimes stated she and the neighbors wanted any house built in the area to conform to similar features of the existing houses.

Mayor olive declared the Public Hearing closed.

Council asked for clarification of items in the small town character overlay district related to architectural standards, to which staff read from the UDO. Staff also stated the conditions offered by the applicant. Discussion ensued about porches. Deborah Cox, applicant, stated there were no plans drawn yet for the home. She added that the neighbors have stoops, and she did not want to commit to a type of porch.

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

Public Hearing 05 : Shannon Cox, Senior Transportation Planner

Amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map associated with the Production Drive extension and multiple collector streets between East Williams Street and Smith Road

Staff oriented Council to the five proposed amendments. The Planning Board requested an additional condition which was supported by staff. Staff and the Planning Board recommended approval with the conditions offered.

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.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Amanda Bunce, Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the seven amendments. Staff and the Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Julia Beam, representing the Apex Downtown Business Association (ADBA), thanked Council for funding the downtown plan. She stated that the ADBA formed a committee to determine desired improvements. Ms. Bean named the improvements and indicated they met with staff regarding these. She stated that storefronts going to non-retail or office provides negative effects on downtown. Marshall Barnes, downtown building owner, stated he supported the changes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Shelly Mayo, Planner II

This item was continued from the August 21, 2018 Town Council meeting.

2030 Land Use Map Amendment and rezoning application #18CZ20. The petitioners, Lufkin Leased Fee, LLC, wished to amend the 2030 Land Use Map for +/- 3.33 acres located at 3050 Lufkin Road from Commercial Services to Industrial Employment. They also wished to rezone this property from Planned Commercial–Conditional Use (PC-CU) to Tech/Flex–Conditional Zoning (TF-CZ).

Staff oriented Council to the site and the uses which stemmed from discussions with staff and the Planning Board. With removal of four land uses which were removed by the applicant, this was previously recommended for approval by the Planning Board. At the request of Council related to large trucks, further discussion with staff ensued. Staff worked with the applicant who agreed to remove two uses which took away staff concerns about large truck traffic. Staff did not recommend modifying the land use map. Reasons for this were explained; the conditions under which staff would recommend approval were stated.

Council stated she was not in support of changing the Land Use Map and gave her reasons why. Council asked questions related to church uses. Council stated she was in agreement with staff and gave her reasons why.

MAYOR OLIVE CALLED FOR A VOTE. COUNCIL MEMBER DOZIER MADE THE MOTION TO DENY THE REQUEST; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION. COUNCIL MEMBERS DOZIER, KILLINGSWORTH, GANTT, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION TO DENY CARRIED BY A 4-1 VOTE.

Old Business 02 : Drew Havens, Town Manager

Discussion on a resolution authorizing sale of town land and upset bid process

Staff stated this was the same resolution as seen earlier. Now that the property had been rezoned, the resolution was to proceed to the upset bid process. Staff outlined the upset bid process and answered Council questions related to such.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE RESOLUTION; COUNCIL MEMBER MOYER 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 : Sarah Rayfield, Senior Planner

Lenmar Estates Master Subdivision Plan for the property located at 2705 Evans Road containing 2.63 acres and 5 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held. Staff answered Council questions related to buffers and a greenway easement. Staff recommended approval.

Jeff Roach, Peak Engineering Design, applicant, stated he would not offer a Type B buffer and explained why there was no change to the current E buffer.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION. COUNCIL MEMBERS MOYER, JENSEN, KILLINGSWORTH, AND GANTT VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

New Business 02 : Amanda Bunce, Planning Manager

Horton Park (Pods 5-8) Master Subdivision Plan for the property located at 5101, 5125 & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road containing 146.899 acres with 223 single-family lots and 48 townhome lots

Staff oriented Council to the site and answered Council questions related to a greenway connection. Staff and the Planning Board recommended approval with two conditions requested by staff. Staff stated there would be traffic calming measures installed.

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

CLOSED SESSION

Closed Session to discuss a personnel matter

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.

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

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