



Apex Town Council Meeting Tuesday, September 3, 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, September 3, 2019, 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, and Audra M. Killingsworth
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Council Member Brett D. Gantt

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Presentation of Fire Officer Designation to Fire Captain David Dague
Chief McGee presented background on the Designation program. He additionally presented background on Captain Dague's journey to receiving this designation, providing history on his education and work background. Captail Dague thanked his family and the Town for their support. He acknowledged all those who helped him in his 27 year career.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council Meeting of August 20, 2019

Consent 02 Apex Tax Report dated 07/10/2019

- Consent 03 Resolution requesting that the Wake County Board of Commissioners appoint Glenda Alexander to the Board of Adjustment and Tim Royal to the Planning Board as ETJ Representatives
- Consent 04 Authorization for the Town Manager to sign a reciprocal Automatic Aid Contract between the Town of Apex (Apex Fire Department) and the Moncure Volunteer Fire Department in Chatham County. This contract enables each department to be automatically dispatched to structure fires in the identified areas in the contract
- Consent 05 Ordinance amending Section 20-164 with the addition of subsection (35) to enforce a No Parking restriction along both sides of Marco Drive from East Williams Street to a point 600 feet east
- Consent 06 Contract renewal between Wake County Public Schools (WCPSS) and the Town of Apex in which WCPSS will subsidize salaries of four School Resource Officers for schools located in the Town of Apex, NC
- Consent 07 Set Public Hearing for the September 17, 2019 Town Council Meeting regarding 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
- Consent 08 Set Public Hearing for the September 17, 2019 Town Council meeting regarding an amendment to the Unified Development Ordinance related to the size of menu board signs
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #19CZ09, Dan Ryan Builders, petitioners for the property located at 2236 Olive Chapel Road
- Consent 10 Statement and Ordinance of the Town Council and Ordinance for Rezoning Case #19CZ13, Olive Chapel West Associates, LLC, petitioners for the property located at 2213 East Williams Street
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #19STC14, Drew Havens, Town of Apex, petitioner for the property located at 320 and 322 North Mason Street
- Consent 12 Set Public Hearing for the September 17, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

Consent 13 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of August 20, 2019

Consent 14 Temporary modification to Town of Apex Ordinance Section 14-14 to allow the sale and possession of malt beverages and unfortified wine in connection with the Apex Music Festival on September 14, 2019

Mayor Olive stated the Town Manager requested an add-on item regarding a rental and sales contract for DeeJay's Rentals, LLC.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Cheryl Stallings spoke about the student who was struck by a vehicle at Apex High School this past Tuesday. There were comments from concerned citizens online. A flashing sign was placed at the crosswalk the next day, and she appreciated the quick response. However, the sign has now been removed. Community Forum comments also talked about citizen safety in general. Ms. Stallings cited several incidents have happened in school crosswalks over the years. She asked for a systematic study of crosswalks which would be made public. She also asked that as a local government entity, the Town be proactive in citizen safety.

The Town Manager spoke about the studies which have been conducted by the Town and how equipment has been and will continue to be strategically employed.

PUBLIC HEARINGS

Public Hearing 01 – Quasi Judicial : Amanda Bunce, Current Planning Manager

Major Site Plan for Sweetwater Ph. 9A2 & 9B (Mixed Use) located at 0, 3115 US 64 Hwy & 2700 Core Banks Street. The subject properties were identified on Wake County Tax Maps as PINs 0722550034 (portion of), 0722544768 (portion of), and 0722554159.

Staff oriented Council to the site.

Mayor Olive declared the Public Hearing open.

Mayor Olive read the Statement outlining the quasi-judicial process. All those wishing to speak were sworn in by the Town Clerk.

No Council Member had any communication with the applicant, there were no financial conflicts, and all stated they could make impartial decisions based on the evidence presented. None had viewed the site.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Ms. Bunce presented her credentials and work history. She proceeded to orient Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Bob Brady, Attorney, ExperienceOne Homes, representing the applicant, expressed his delight in being in attendance this evening with this project. He pointed to all UDO requirements being met with one rated as exceeded. Mr. Brady presented the credentials and work relationships of his experts Mitch Craig, Rynal Stephenson, and Brett Powell. To speak for the developer, Mr. Brady stated Lannie Coldwell and Corey Schmidt were also present.

Mr. Craig answered questions from Mr. Brady concerning this project and its conformity with the UDO. Mr. Stephenson answered questions from Mr. Brady concerning the requirements of the UDO being met. Mr. Brady read the UDO statements related to setback standards. He stated all applicable standards of the UDO had been met. Mr. Craig was recalled to further speak to compliance with the UDO. Mr. Brady asked that all testimony be entered as expert testimony.

QUESTIONS FOR THE APPLICANT BY COUNCIL: None.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

REBUTTAL EVIDENCE BY STAFF: None.

REBUTTAL EVIDENCE BY APPLICANT: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Brady asked that Council approve the request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE
REQUEST; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Vance Holloman

Bond order authorizing the sale and issuance of Combined Enterprise System Revenue Bonds, Series 2019, in an amount not to exceed \$10,000,000 and authorizing the execution and delivery of related documents.

Staff stated bids have come in a bit higher than anticipated. Requested was authorization from Council for a Bond Order, and staff stated what this Order would entail. Approval of the debt was scheduled to be heard by the Local Government Commission on September 17th which would also serve as the closing date of the debt.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE BOND ORDER; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Staff answered Council questions related to requesting smaller funds and doing so with no prepayment penalty.

THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Change order to the current contract with Southern Solar Systems to add 108 kW of additional solar PV panels to the roof(s) on the Public Works Operations Buildings and approve Budget Amendment No. 2 to appropriate \$151,200 from General Fund Balance for this work

Staff stated we are currently putting solar panels on most of our appropriately facing roofs. One roof, however, was not included at the Public Works Operations building as it was the test building. The contractor was in town and would be able to install the additional panels.

Staff answered questions as to whether the panels were performing financially as expected. This was a good idea and good use of fund balance. There were trees indicated to be removed; however, they would remain as no significant degradation of solar would result from them being left in place. Staff answered Council questions related to the expected financial performance.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE CHANGE ORDER AND BUDGET AMENDMENT WITH NO REMOVAL OF TREES;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Staff explained further why the Loblolly Pine trees would remain.

THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session 01 : Joanna Helms, Economic Development Director

To discuss the acquisition of property

MAYOR OLIVE 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 4-0 VOTE.

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

WORK SESSION

Work Session 01 : Drew Havens, Town Manager and Keith McGee, Fire Chief

MAYOR OLIVE CALLED FOR A MOTION TO MOVE THE WORK SESSION TO TRAINING ROOM A. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Discussion ensued on future plans for maintaining an operating fire station at 210 N. Salem Street. Staff highlighted the history of the fire station. This is the most challenging work/live station. The previously designed renovation project was outlined. Staff stated the limitations identified by Davis Kane, the architects selected to estimate the renovations. The three renovation options were outlined. It would cost less to build a new building than to fully renovate the current building. This does not include, however, any surprises along the way.

Conversation ensued about Fire administration going to Mason Street with Inspections. The Fire Chief outlined the goal to cover 90% of our habitable jurisdiction with a five minute travel time from a fire station. Envirosafe evaluated and recommended solutions to fire station placement, the Chief outlining those solutions.

The question this evening was whether or not we wanted a fire station downtown. Council's thought was to demolish the building and build something else seeing as the current structure is not historic. The Mayor liked the presence of a fire station downtown; we should move Station 3. Council was not in favor of renovating the downtown building; we should move Station 3. Council stated she wanted to go back and look at her emails and apply her thoughts to those. Staff gave the history of why the two stations are so close together, one of the buildings starting out housing the volunteer fire department.

Staff reiterated that consensus of council was to maintain a presence downtown, the steps moving forward being outlined. There was discussion about honoring the volunteer fire department.

CLOSED SESSION

Closed Session 02 : Governing Body

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 4-0 VOTE.

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

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Olive adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive, Mayor