



Apex Town Council Meeting

Tuesday, October 01, 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, October 01, 2019, at
7:00 PM 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, Brett D. Gantt, 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 Mayor Lance Olive

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order, requested a moment of silent reflection, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Nicole Dozier, Mayor Pro Tem

On behalf of Mayor Olive, Mayor Pro Tem Dozier read the Proclamation intended to raise public awareness of Indigenous Peoples' Day in Apex 2019. Pictures were then taken with Council and members of the community.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the September 3, 2019 Regular Council Meeting
- CN2 Drew Havens, Town Manager
Ordinance Amendment related to Mobile Food Vendors
- CN3 Shawn Purvis, Assistant Town Manager
Capital Project Ordinance Amendment No. 4 and Budget Ordinance Amendment No. 4 to appropriate funds for legal services and repairs related to Public Safety Station #5
- CN4 Liz Loftin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #19CZ17 Woodbury PUD Amendment, Pulte Home Company, LLC, petitioners for the property located 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)
- CN5 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 17, 2019
- CN6 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 17, 2019 related to the size of menu board signs
- CN7 Shelly Mayo, Planner II
Set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ15 (Mt. Zion Church Rd PUD). The applicant, Vaughn King, seeks to rezone approximately 11.3 acres located at 2504, 2508, 2512, 2516 & 2600 Mt. Zion Church Rd. (PINs 072143255, 0721435444, 07214355322, 0721434156 & 0721424940) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN8 Amanda Bunce, Current Planning Manager
Set Public Hearing for the October 15, 2019 Town Council Meeting regarding Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional

Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

CN9 Amanda Bunce, Current Planning Manager

Set Public Hearing for the October 15, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance

CN10 Drew Havens, Town Manager

Change of date for the American Legion Fall Car Show to November 16th, 2019. The application was originally approved by Council on April 2nd, 2019

Council Member Gantt requested that CN2 related to food vendors be moved for discussion, Mayor Pro Tem Dozier stating it would be discussed as New Business 2.

Mayor Pro Tem Dozier called for a motion to approve the Consent Agenda. Council

Member Killingsworth made the motion with the stated modification;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

The Town Manager requested a change in the order of the Agenda which was to hear the Work Session item prior to the Closed Session. The Town Attorney requested that Closed Session 1 be removed from the Agenda.

Mayor Pro Tem Dozier called for a motion to approve the Regular Meeting Agenda.

Council Member Killingsworth made the motion with the stated modifications;

Council Member Jensen seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Beth Bordeau, Executive Director of Western Wake Crisis Ministry, spoke on the transit plan. She advocated for a stop at Western Wake, noting that they've done a survey where 30% of the participants

indicated it is hard for them to get to Western Wake. She next spoke about affordable housing and encouraged Council to prioritize this issue carefully. She distributed information indicating instances where affordable housing does not negatively affect the community. She asked that those who would take advantage of affordable housing be invited to take part in the planning process and that their voices be equitably heard.

Tina Sherman spoke about the recent parental paid leave policy as it related to birth mothers. She spoke about how this leave should be extended to fathers, making the policy gender neutral. Ms. Sherman spoke about nine agencies which have adopted such a gender neutral policy – 8 weeks for both mothers and fathers. Ms. Sherman asked Council to consider expanding the current policy to add two additional weeks of paid parental leave for mothers and fathers and to also offer parental leave to all employees to care for loved ones facing health issues.

Rozanna Lindorfer thanked Council for recognizing Indigenous Peoples' Day in Apex. She wore a teal shirt with white lettering and explained what the colors meant to her family. She thanked Council for recognizing her ancestors. She asked for a copy of the Proclamation which was presented to her by the Town Clerk.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Mayor Pro Tem Dozier declared the Public Hearing open. With no one wishing to speak, Mayor Pro Tem declared the Public Hearing closed.

Staff oriented Council to the amendments and answered Council questions related to buffers. The Planning Board and staff recommended approval.

There was discussion related to RCA standards for certified sites.

Mayor Pro Tem Dozier called for a motion. Council Member Killingsworth made the motion to approve the amendments with a minimum 10% RCA.

Staff outlined what types of businesses could locate to the Cash Corporate Center and where the RCA would be designated.

Council Member Moyer seconded the motion. Council Member Jensen asked for an increase to 15%; Council Members Killingsworth and Moyer were in agreement.

Council Members Killingsworth, Moyer, Jensen, and Dozier voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

PH2 Dianne Khin, Planning Director

Ordinance 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

Mayor Pro Tem Dozier declared the Public Hearing open. With no one wishing to speak, Mayor Pro Tem declared the Public Hearing closed.

Staff oriented Council to the site.

Mayor Pro Tem Dozier called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

OB1 Bill Jensen, Council Member

Discussion and possible motion to amend the Town’s personnel policy to include 2 weeks of paid maternity leave

Council stated he’d brought this up about four months ago and wanted the Legal Department to decide if there were any legal issues. Personnel also looked at the verbiage and wrote the policy. Council stated this was to allow a female two extra weeks of leave to heal and felt the extra time off would be embraced.

Council and Chairman of the Personnel Committee stated this was brought before her committee, and she stated at the time there was agreement to take baby steps towards any modifications to the policy.

Council Member Dozier made a motion to amend the current policy to extend

parental leave from six weeks to eight weeks effective October 1, 2019.
This would remove the 'additional complications' wording from the policy.

Council Member Killingsworth seconded the motion.

Council stated he disagreed with the motion and presented his reasons why. He felt we should massage the program to meet the needs of women in particular.

Council spoke about the separation of the term "mothers", i.e., birth mother from adoptive mother. She felt mothers are mothers and fathers are fathers. She reminded Council that this request was not agreed to by the Personnel Committee.

Council Members Dozier, Killingsworth, and Gantt voted in the affirmative;

Council Members Jensen and Moyer voted in the negative.

The motion carried by a 3-2 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Bill Jensen, Council Member

Request staff to perform necessary study or studies to pursue a potential bond issue for the installation of parking canopies with solar photovoltaic systems over Town of Apex parking lots

Council stated a resolution has been passed regarding solar being at 80% renewable energy by 2035. Placing panels on roof tops would not meet this goal. The Town Manager mentioned placing solar canopies over the parking lot at Town Hall. Council stated he took it a step further to encompass all parking lots.

Council stated he felt it beneficial to employ the use of an expert to determine our costs and returns. He outlined how we could pay for the systems. He asked that staff be allowed to work with solar experts to determine costs and returns.

Council Member Jensen made the motion to have staff evaluate placing solar canopies on our parking lots and to determine the rate of return; Council Member Gantt seconded the motion.

Council wanted to know what other way we could meet the 80% besides just with solar canopies; she wished to keep this broad. Would it be appropriate to pass this on to the Environmental Committee or Environmental Review Board.

Council provided several alternatives to meet the 80%; however, the best route would be using a solar expert.

Council Member Jensen amended his motion to include looking at all options and focusing on the best ones.

Council spoke about ROR alternatives such as converting LED lighting. He wanted to possibly see an energy audit which one of the universities might could help with. Council also asked that staff come back to Council with a cost of employing an energy expert.

Council Member Killingsworth seconded the motion.

There was brief discussion as to the priority of this ask in relation to funding.

Council Members Jensen, Killingsworth, Gantt, and Dozier voted in the affirmative;
Council Member Moyer voted in the negative.
The motion carried by a 4-1 vote.

NB2 Drew Havens, Town Manager

Ordinance Amendment related to Mobile Food Vendors

Council stated he wished for it to be explained how this procedure would work for the benefit of Council and the public. Staff stated this would allow service from a Town right of way. There are spots where this would be appropriate, and there are spots where it would not be appropriate. A vendor would still need to apply for a permit. Detailed were all the specifics and how locations would be identified.

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

The motion carried by a 5-0 vote.

WORK SESSION

WS1 Dianne Khin, Planning Director

Discussion about UDO Sec. 2.2.18.B.5 *Continuance of Public Hearing* in order to provide direction to staff relative to possible work on a future UDO amendment

Staff outlined the history of this provision. How the provision has been used in the past was outlined. Alternatives to the provision were stated. Discussion ensued on wording of the provision. The Town Attorney outlined the legalities of the continuance of public hearings.

Council Member Gantt made a motion to change the language giving Council, the Planning Board, and Board of Adjustment more discretion regarding continuances;

Council Member Killingsworth seconded the motion.

Council Members Gantt, Killingsworth, Dozier, and Jensen voted in the affirmative;

Council Member Moyer voted in the negative.

The motion carried by a 4-1 vote.

CLOSED SESSION

Laurie Hohe, Town Attorney

Closed session to discuss a personnel matter (GS 143-318.11(a)(6))

Mayor Pro Tem Dozier called for a motion to go into Closed Session. Council Member Killingsworth made the motion; council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Mayor Pro Tem Dozier called for a return to Open Session with no objection from Council.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Pro Tem Dozier adjourned the meeting.

Donna B. Hosch, MMC, NCCMC

Town Clerk

ATTEST:

Nicole L. Dozier

Mayor Pro Tem

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