



Apex Town Council Meeting

Tuesday, May 5, 2020

This meeting was additionally conducted by use of simultaneous communication

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, 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, May 05, 2020, at 6:00
p.m. was held in the Council Chamber of Apex
Town Hall, 73 Hunter Street

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier (remotely), and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe. All attendees participating remotely arrived prior to 6:00 p.m.

COMMENCEMENT

Mayor Gilbert called the meeting to order, read a statement recognizing diversity in religion, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Chief John Letteney

Presentation of National Police Week Proclamation

Mayor Gilbert stated he believed the Apex Police Department to be one of the best in America, and that he was proud to have served on the police force and to see what it is today. Mayor Gilbert read the Proclamation, stating it was his honor to sign such.

PR2 Drew Havens, Town Manager

Proclamation recognizing May 3-9 as Public Service Recognition Week

Council Member Gantt read the Proclamation, stating it was his honor to do so. Mayor Gilbert signed the Proclamation.

PR3 Chief John Letteney
Presentation of National Telecommunicator Week Proclamation

Council Member Mahaffey read the Proclamation before it being signed by Mayor Gilbert.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the April 7, 2020 Special Council Meeting and the April 21, 2020 Regular Council Meeting
- CN2 Donna Hosch, Town Clerk
Apex Tax Report dated March 4, 2020
- CN3 Mayor Jacques Gilbert and Mayor Pro Tem Nicole Dozier
Request to the General Assembly for a Charter amendment regarding Clerk appointment
- CN4 Shannon Cox, Long Range Planning Manager
Resolution Supporting the Development of the Rail Corridors Referred to as the S-Line and SA-Line for the Benefits of Improved Passenger Rail, Improved Freight Movement, Improved Commuting Options and Economic Development
- CN5 Shannon Cox, Long Range Planning Manager
Resolution of the Apex Town Council to the North Carolina General Assembly supporting rail as an integral component of North Carolina's transportation future
- CN6 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the May 19, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance as requested by Planning staff
- CN7 Mary Beth Manville, Human Resources Director
Reclassification of one of the Water Resources Department's Senior Engineer positions, Grade 28, to Environmental Engineering Manager, Grade 29, and Stormwater & Utility Engineering Manager position, Grade 31, to Utilities Engineering Manager, Grade 29
- CN8 Dianne Khin, Director of Planning and Community Development
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 1800 N Salem, LLC property containing 1.97 acres located at 1800 N Salem Street, Annexation #688 into the Town's corporate limits

CN9 Adam Stephenson, Engineering Supervisor

Revisions to the Town Standard Specifications and Details.

CN10 Shawn Purvis, Assistant Town Manager

Set the Public Hearing concerning the proposed Fiscal Year 2020-2021 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 19, 2019 at 6:00 p.m. at the Apex Town Hall

CN11 Michael Deaton, Water Resources Director

Sewer main construction contract to Carolina Civilworks, Inc. and authorization for the Town Manager to execute the contract on behalf of the Town

CN12 Adam Stephenson, Engineering Supervisor

Capital Project Ordinance Amendment No. 2020-14 appropriating an additional \$5,935 in funds for the Laura Duncan Multi Use Path project

CN13 Marty D. Stone, Assistant Town Manager

Resolution to authorize Town Manager or his designee to execute Right of Way Encroachment Agreements with North Carolina Department of Transportation

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Council Member Mahaffey requested a Closed Session prior to New Business.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to adopt the Regular Meeting Agenda with the requested modification; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Public comment from Mark Urban submitted via online form was read:

"I want to express concern that Apex Police seem to be poorly used. These brave men and women protect this community and investigate the crimes that happen here, but I'm shocked at the number of times I see them doing speed traps, especially on state roads that are already patrolled by the SHP (64, 55). What a waste, and the additional contact during the pandemic just underscores the hazards of this activity. If this is being done because of funding needs, then that's just wrong: the Police are our shield, not our piggy bank. I ask the Council to consider directing the Chief to re-prioritize the Officers towards more criminal enforcement. Thank you for your time. [If the Council is curious, I haven't gotten a ticket in 15 years]"

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments related to composition of the Planning Board. The Planning Board recommended approval but disagreed with the change to the length of terms and the number of terms, recommending both remain as they are currently. Council clarified the reasons the Planning Committee unanimously recommended its changes. Staff stated the terms of the other advisory boards. Conversation ensued surrounding all the terms being consistent.

Staff oriented Council to the proposed compensation to boards as authorized by the Town Council in the annual budget. The Planning Board recommended Council approve up to a \$50 per meeting reimbursement rather than compensation. Responding to Council, staff stated the amount was as suggested by the Planning Board. Staff also clarified that compensation could cause more paperwork for staff. Council stated he preferred the stipend-type compensation [reimbursement] and making this a straight model. Council expressed her views on compensation, pointing out the possible paperwork and rules that would be involved, several Council Members being in agreement.

Staff oriented Council to the amendments recommended by staff related to uses and standards. She detailed what staff recommended. A clean up item was also detailed. Planning Board recommended approval of these items.

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

Council outlined the items he initially took to the Planning Committee for consideration and thanked Council for his assistance with these. He stated his intentions and reasons for suggesting the changes to the Planning Board.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the request as presented; Council Member Killingsworth seconded the motion.

Council Member Gantt requested an amendment to extend Planning Board terms from four to five, to which Council Members Mahaffey and Killingsworth had no objection.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Vance Holloman, Finance Director

Resolution Providing for the Sale and Issuance of \$1,800,000 General Obligation Parks and Recreation Bonds, Series 2020A, the Resolution Providing for the Sale and Issuance of \$28,000,000 General Obligation Parks and Recreation Bonds, Series 2020B and the Resolution Providing for the Sale and Issuance of Not to Exceed \$3,200,000 General Obligation Refunding Bonds, Series 2020

Giving some good news, staff stated that on this day, the Local Government Commission approved the issuance of \$1.8 of our requested bonds. In addition, Standard and Poor's and Moody's Investors Services gave the Town a AAA rating for all three of our bond issues, reaffirming our AAA rating. He stated this reflects on the leadership of Council and the Manager and of all departments.

Staff detailed the request. He pointed out the inclusion of language to allow the Finance Director to shorten the length of the term of the two-thirds bonds as suggested by our financial advisor. He detailed the financial impact of this.

Responding to Council, staff spoke on his thoughts on the current debt market. He stated he saw good improvement and that we will be very successful.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to Approve the request; Council Member Killingsworth seconded the motion.
The motion carried by a 5-0 vote.

CLOSED SESSION

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

NEW BUSINESS

NB1 Marty D. Stone, Assistant Town Manager

Future use of Town properties located at 320 and 322 N. Mason Street and direction on the same
Staff stated these properties are the site of the Old Grocery Boy Junior purchased in 2017 because of its proximity to Town campus and the potential for office space in the future. In 2019, we purchased the residential house on the site, which would open up flexibility for us. The intention was to demolish the house when it was purchased. There are now options to consider: the Old Junior Boy could be renovated adding new space, or it could be taken down to start the whole site with a clean slate. Staff presented reasons why keeping the Old Junior Boy may not be a good decision because of its closeness to the road and the structural elements of the building.

Raising both structures would allow a new building design that would be in keeping with the Town's architectural standards for the small town overlay district without the need for exceptions. Once a decision was made for the property, staff would move forward with the consultant for a design that would be efficient and effective for the citizens.

Responding to Council, staff answered questions about the surrounding neighbors being consulted. Staff stated that the zoning for the property has been changed, and we are within our rights to develop for office space. We have had conversations with the owner of the surrounding houses, ensuring her that there would be a good buffer between our property and her houses. Signage will go up, and we can mail something out to the HOA and adjacent neighbors informing them of what would be coming. Staff added that being able to start with a blank canvass would allow us easier building of something more fitting to the neighborhood.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to move forward on these properties with a clean slate, taking down the two existing buildings; Council Member Stallings seconded the motion.

Council Member Gantt stated he initially wanted to reuse the building, but it didn't make sense in this case.

The motion carried by a 5-0 vote.

Mayor Gilbert wished Mr. Stone Happy Birthday on behalf of the Council!

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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