



REGULAR TOWN COUNCIL MEETING

Tuesday, December 01, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, and Cheryl F. Stallings. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis (remotely), Town Clerk Donna B. Hosch, and Town Attorney Brian Meyer.

Absent were Council Member Terry Mahaffey and Town Attorney Laurie L. Hohe.

COMMENCEMENT

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

PRESENTATIONS

PR1 Shannon Cox, Long Range Planning Manager with HR&A Advisors, Inc.

Informational update to the Town Council regarding the ongoing development of the Town of Apex Affordable Housing Plan

Staff overviewed the various aspects of the presentation. They have been working on the identified housing needs, drafting the affordable housing plan, and reviewing with the steering committee. Recommendations would be presented this evening. The full plan will be presented to the public for comment, and asking Council for adoption of the plan would be forthcoming in January. Staff stated the steering committee used public input to develop the plan, vision, and goal. She presented the developed vision and goal statements. We will be gathering additional public input on these statements.

Sarah Kirk, HR&A Advisors, Inc., talked about the three types of actions taken to achieve the goals laid out by staff. She detailed the recommendations. Staff outlined the next steps in the process, giving dates and times as to when each step would occur.

Responding to Council, staff presented background on the steering committee and its members. She spoke about the County having direct input into our plan which was helpful in filling in gaps and showing where there might be partnering opportunities.

PR2 Drew Havens, Town Manager

Brief update from Town Manager on various topics

The Mayor requested that this presentation be moved prior to Closed Session.

CONSENT AGENDA

CN1 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 November 17, 2020

CN2 Adam Stephenson, Engineering Supervisor

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 17, 2020 related to the Flood Damage Prevention Overlay District

CN3 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the December 15, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance

CN4 Shelly Mayo, Planner II

Statement of the Town Council for Rezoning Case #20CZ09 Holleman Hills South. Alonzo Wilson is the petitioner for the properties located at 5131 and 5145 Church Road.

CN5 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 MCI Enterprises LLC (MCI Business Park Buildings 3 & 4) property containing 5.53 acres located at MCI Business Park, Annexation #697 into the Town's corporate limits

CN6 Michael S. Deaton, P.E. - Director

Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Wesley Pitman and wife, Jessica Szydowski (Grantees), regarding Wake County, NC PIN#0722-30-5447, 2901 Water Tower Lane, recorded in Book of Maps 2018, Page 923, Wake County Register of Deeds

- CN7 Shawn Purvis, Assistant town Manager
Set the Public Hearing for Tuesday, December 15, 2020 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2021-2022 Annual Budget
- CN8 Jeffrey Maynard, Assistant Chief of Fire
Budget Ordinance Amendment No.10 appropriating funds received from an insurance reimbursement to the Apex Fire Department Vehicle Maintenance and Repairs Account of the General Fund
- CN9 Keith McGee, Fire Chief
Authorization for the Town Manager to sign a Memorandum of Understanding (MOU) between the Town of Apex (Apex Fire Department) and Wake Technical Community College (WTCC) to allow WTCC instructors to utilize Town of Apex owned equipment while instructing members of the Apex Fire Department and others who are registered to participate in certification courses. The MOU covers the five-year period from January 1, 2021 through December 31, 2025.
- CN10 Joanna Helms, Economic Development Director
Set the Public Hearing for the December 15, 2020 Town Council meeting to consider and receive public input on the conveyance of +/-28 acres of the Cash Corporate Center located at 2100 Production Drive for \$2,105,880.00 for the purposes of Economic Development, pursuant to N.C.G.S 158-7.
- CN11 Russell Dalton, Senior Transportation Engineer
Resolution requesting the North Carolina Department of Transportation to release a portion of Kings View Trail (SR 6112, Wake County) for inclusion in the Town's street system
- CN12 Marty Stone, Assistant Town Manager
Resolution to Abandon Portions of Existing Public Utility Easements in Sweetwater Subdivision

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.
The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Dozier made the motion; Council Member Gantt seconded the motion.
The motion carried by a 4-0 vote.

PUBLIC FORUM

Tommy Williamson spoke about life risks and mitigating those risks. DHHS statistics state that the risk of death for youth athletes is low. None of the NC deaths due to the pandemic have been by school children, and Dr. Fauci says deaths in this age range are low. So students should be allowed to play various sports games. NC has taken no action to shut down football, and those individuals are older and at higher risk of death than high school basketball. Mr. Williamson asked Council to consider facts, be flexible, reverse status, and reopen winter basketball.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Jenna Shouse, Long Range Planner II

Updates on the Town of Apex Wayfinding Signage Program including a summary of public input received on the sign design and gather input from Town Council on sign design, kiosk display type, and gateway options.

Staff stated the purpose of the program. We are now working on programming and what signs will look like. Staff asked for Council input on the flat or scalloped edging on the signs. Council conversation ensued about the scalloped design being unique to Apex, and there was conversation about if the curvature of gateway signs could be used. Consensus was the scallops would be used for uniqueness. Staff overviewed the two types of display kiosks. Conversation ensued about the preference for each and how many of each should be purchased. Consensus was to use all static kiosks with the opportunity to update in the future.

Staff overviewed the gateway sign options. Conversation ensued as to placement of the signs and Council's preference for each. Council went with the first choice.

PUBLIC HEARINGS

PH1 Joanna Helms, Economic Development Director by Assistant Town Manager Shawn Purvis

Purchase of +/-10 acres of the Cash Corporate Center located at 2100 Production Drive for \$595,560.00 for the purposes of Economic Development, pursuant to N.C. G. S 158-7, and Budget Ordinance Amendment No. 9 to allocate money from General Fund balance

Staff reviewed the site. There were no questions or concerns from Council.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the \$595,560.00 purchase and Budget Ordinance Amendment No. 9; Council Member Dozier seconded the motion.
The motion carried by a 4-0 vote.

PH2 Joanna Helms, Economic Development Director by Assistant Town Manager Shawn Purvis
Conveyance of +/-10 acres of the Cash Corporate Center located at 2100 Production Drive for \$752,100.00 for the purposes of Economic Development, pursuant to N.C.G.S 158-7.

Staff outlined this would be for Project Protein and gave a brief overview of what the project would bring to the Town. He additionally outlined the next steps, stating this is moving forward pretty quickly.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the conveyance of +/- 10 acres at Cash Corporate Center;
Council Member Stallings seconded the motion.
The motion carried by a 4-0 vote.

PH3 Dianne Khin, Director of Planning and Community Development
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex MCI Enterprises LLC (MCI Business Park Buildings 3 & 4) property containing 5.53 acres located at MCI Business Park, Annexation #697 into the Town's corporate limits.

The public hearing will not be held until December 15th, 2020.

Staff stated that due to a miscommunication in noticing this Hearing, the process would need to start over.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

PH4 Sarah Van Every, Senior Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan for Crossroads Ford Truck Center located at 1200 Key Ring Drive

Mayor Gilbert read the Statement detailing the process and procedures for this Hearing.

All those wishing to speak were sworn in by the Town Clerk.

No one in attendance was in opposition to the request.

In response to question from the Mayor, all Council Members stated they had not had any communications with the applicant, there were no relational or financial conflicts, and that all could be impartial in their decisions. No Council Member had viewed the site.

Mayor Gilbert declared the Public Hearing open.

OPENING STATEMENT BY STAFF: Mrs. Van Every stated her credentials. She oriented Council to the site. A neighborhood meeting was held. Responding to Council, staff explained why the parking spaces triggered this review, including questions about stormwater and traffic flow.

OPENING STATEMENT BY APPLICANT: Leann Brown, attorney, representing the applicant, called upon Bill Daniel with William G. Daniel & Associates to detail the project.

Mr. Daniel introduced himself and stated his credentials. He detailed the various aspects of site and the project. Responding to Council, he clarified fencing around the pond and his response to a neighbor about trees. Council thanked Mr. Daniel for the buffer they would provide. He answered questions about light pollution.

Ms. Brown asked for incorporation of their presentations and Mr. Daniel's testimony into the record.

Responding to Council, staff clarified the question of amenities.

Mayor Gilbert asked Council to review their Checklist. There were no questions or concerns.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the Major Site Plan; Council Member Killingsworth seconded the motion. The motion carried by a 4-0 vote.

PR2 Drew Havens, Town Manager

Brief update from Town Manager on various topics

Staff stated he was asked to provide the public an update on projects and other things going on around town. He outlined the \$70 million of large capital projects that are ongoing. They are all on schedule.

Staff outlined the activity going on with the Senior Center, Pleasant Park, Electric Operations Center, the Greenway Projects, and signal projects. There is an upcoming pre-budget public hearing, and staff encouraged the public to come speak at that hearing with their wishes or to submit those via email.

Firefighters have painted hydrants orange to show support for one of our firefighters battling leukemia. They are also doing other things to help support him and his family. Electric and Parks and Recreation have teamed up to add lights to the volleyball and basketball courts. Economic Development graduated 14 from the Launch Apex Program. They asked everyone to shop local and shop small, especially during holiday times. Work on the audit is done. Human Resources will wrap up the required diversity and inclusion training for all employees.

Staff took the opportunity to brag on staff during this pandemic. Business has continued without interruption. Everyone adjusted with great speed. We have made some adjustments which follow public health guidelines. Staff has been at work in person or virtually without complaint. Staff stated he could not overemphasize the quality of our staff serving the people of this Town. Council gave a standing ovation to staff.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor