



Apex Town Council Meeting

Wednesday, January 3, 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 Wednesday, January 3, 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 Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of December 19, 2017
- Consent 02 Budget Ordinance Amendment No. 15 to appropriate a grant from the North Carolina Department of Transportation (NCDOT) to pay 70% of the costs of the Town's Comprehensive Bicycle Plan
- Consent 03 Budget Ordinance Amendment Number 16 and the associated Capital Project Ordinance Amendment Number 2018-5 in the amount of \$250,000 for Humie Olive Road Sidewalk and Crosswalk including signal design services, purchase of easements, and construction of a sidewalk and crosswalk providing a mid-block pedestrian crossing at Apex Friendship High School

- Consent 04 Personnel Committee recommendations to reclassify Police Communications Supervisor at Salary Grade 24 to Police Communications Manager at Salary Grade 26, effective January 1, 2018, and to approve revisions to the Apex Personnel Policy Manual
- Consent 05 Set Public Hearing for the January 16, 2018 Town Council Meeting regarding Rezoning Application #17CZ25. The applicant, Trevel Construction, seeks to rezone approximately 0.41 acres located at 3004 Garris Road from Wake Co. R-30 to Medium Density-Conditional Zoning (MD-CZ).
- Consent 06 Set Public Hearing for the January 16, 2018 Town Council Meeting for Land Use Map Amendment and Rezoning Application #17CZ26. The applicant, Laketime Development, LLC, seeks to rezone approximately 6.89± acres located at 7124 & 0 Apex Barbecue from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ).
- Consent 07 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 Trevel Construction Property (future single-family home) containing .404 acres located at 3004 Garris Road, Annexation #617 into the Town's corporate limits
- Consent 08 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 Calvary Chapel (Schieffelin Road) property containing 1.6367 acres located at 2633 Schieffelin Road, Annexation #623 into the Town's corporate limits
- Consent 09 Surplus and award badge and service handgun to retiring officer Sergeant Kevin Herring

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

PUBLIC FORUM

Tina Sherman spoke regarding paid parental leave. This was the right thing to do for the employees and the community. She presented facts to support the benefit to the town, employees, taxpayers, and economy. Apex is a family-oriented community, so focus should be on community. Ms. Sherman spoke about mother bonding and the increase in father involvement.

Stan Thompson spoke about the lighting installed on a particular piece of property and the variance which was applied for and denied.

Seth Sinclair of Hollands Crossing spoke about a greenway access across Town land that would provide easy access to Olive Chapel Elementary School. Mr. Sinclair also spoke about the benefits of making a safe connection to the Nature Parks. A dedicated multi-use path would be the way to go.

David Hooks congratulated Council Members Gantt and Killingsworth on their election. He stated he hoped the Town was not moving too quickly on paid parental leave. He did not think recruitment would be affected without it. Mr. Hooks spoke about the retention of employees via increased pay. He added that he thought Public Forum was a great opportunity for people to speak. He felt this Forum was beneficial to have at every meeting since it doesn't take much time.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Mary & Howard Holt property containing 6.039 acres located at 7924 Green Level Church Road, Annexation #603 into the Town's corporate limits

Staff oriented Council to the site, stating the applicant needed access to public water. Staff recommended approval. Staff answered questions from Council related to costs for Town services.

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

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town's corporate limits

Staff oriented Council to the site which would allow the applicant to receive water and sewer. Staff recommended approval.

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 GANTT MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Staff answered Council questions related to road connection and the transportation plan.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex a relocated historic house owned by Staley Smith containing 0.688 acres located at 1451 Apex Peakway, Annexation #621 into the Town's corporate limits

Staff oriented Council to the site. This was needed in order to move an historic house to this site and provide public water and sewer. Staff recommended approval. Staff answered Council questions related to a structure being moved to this site and its current location.

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 DOZIER MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 – Quasi Judicial : Liz Loffin, Planner II

This item was previously advertised for the December 19, 2017 Town Council Meeting

Application for a Special Use Permit (#17SUP04) for the Apex Mosque Pre-school located at 733 Center Street

Mayor Olive presented an overview of how the Hearing would proceed. He ensured each Council Member was in possession of the Checklist which he asked each to go through as comments were heard.

Mayor Olive declared the Public Hearing open.

James Eatman, Lynch & Eatman LLP, representing the applicant, introduced himself and witnesses Jerome Eatmon, Lynch & Eatman LLP, and Zineb Gouaalla from the Apex Mosque.

There were no opponents to the request.

Mayor Olive asked Council if any had communications regarding the case, if there were any relational or financial conflicts, and if each could decide the matter impartially. Council Members Dozier and Killingsworth stated they were invited guests. Each Council member stated there were no other communications, no conflicts, and that each could make an impartial decision.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Liz Loffin presented her credentials and employment history. Staff oriented Council to the site and outlined the requested change in zoning. A neighborhood meeting was held. Staff recommended approval as proposed. Staff stated that the Special Use Permit would only allow the preschool and no other school.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Eatman clarified a few points related to room uses and an outdoor area. He addressed the six Standards of the Special Use Permit and stated they had all been met. They met the burden of proof and requested approval of the request.

Zineb Gouaala, Director of the preschool at the Apex Mosque, stated that approval of the request would help to provide a need for more preschool space in this growing community.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: The applicants clarified prayer days and times, stating that very few people attend the Mosque for prayer. Further clarified was the play area and its buffer between the residential area as well as hours of operation.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: None.

QUESTIONS FROM COUNCIL REGARDING THE CHECKLIST: The applicant clarified that this would, in fact, be a preschool.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 05 : Joanna Helms, Economic Development Director
Budget Ordinance Amendment No. 17 regarding the Economic Development budget and the approval of Capital Project Ordinance
Amendment No 2018-6 for the Cash Corporate Center project

Staff presented a brief history of sites that were sought from companies searching for sites in the Triangle Area. Companies locating to Apex would be a win/win for the community. Staff reminded Council of the location of this site.

All parties have agreed to the terms of the agreement. This Hearing was being held per the Statute to begin the Cash Corporate Center. Staff outlined the terms of the agreement/lease and talked about infrastructure expenditures and the proposed funding for such. Staff touched on missed opportunities that could have gone to the table.

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 MOYER MADE THE MOTION TO APPROVE THE APPROPRIATION FOR
ECONOMIC DEVELOPMENT PURPOSES AS PRESENTED, BASED ON THE DETERMINATION THAT THE ACQUISITION
OF THE REAL PROPERTY INTEREST AND THE EXTENSION OF INFRASTRUCTURE AS PROPOSED WOULD
INCREASE THE BUSINESS PROSPECTS OF THE TOWN AND TO APPROVE BUDGET ORDINANCE
AMENDMENT NO. 17 REGARDING THE ECONOMIC DEVELOPMENT BUDGET AND TO APPROVE THE
CAPITAL PROJECT ORDINANCE AMENDMENT NO. 2018-6 FOR THE CASH CORPORATE CENTER
PROJECT; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Council Member Nicole Dozier, Personnel Committee Chair
Approval of six weeks of Paid Parental Leave for Town of Apex employees effective January 1, 2018

Council thanked staff and citizens who provided support for this benefit for our great Town employees. This type of leave is becoming more standardized, and people have started asking about it when looking for work. This would be a great thing to do to make staff benefits more robust. Staff stated that when this was first looked into, there were just a few municipalities providing this type of leave. Now there are a lot more, nothing that Duke is a direct non-municipal competitor with us. Staff

stated we need to do something with pay, agreeing with Mr. Hooks from earlier, but we also need to do something with our benefits. This would be a major decision factor for prospective employees. She believed that six weeks was reasonable since this is what others are doing.

Council stated she was a proponent of this benefit. It is great to be competitive, she would love to see more benefits such as this, and this was a great way to start. She would like to see figures in nine months on how this was panning out.

Council stated he hoped there would have been a compromise coming out of the Personnel Committee, but there was not. He did not think we were losing a competitive edge, and he spoke about the other municipal benefits. Council talked about using sick and vacation time first. He could not support the request as presented.

Council spoke about how parental leave would apply equally to men and women. Maternity leave only applies to women, and he felt the woman should have more time than the man in order to recover.

Council spoke about the associated cost. He wished this was a national and state-wide policy. He was excited to be able to vote for this benefit.

Council stated he did not believe it fair for 100% of taxpayers to pay for 15% of employees who would receive this benefit. There is no benefit to those past child bearing age. Council stated that after this was tabled, it did come back with a more robust policy but staff felt this as presented was a more standardized benefit. What she initially brought back would need more time for thought; it can be looked at again down the line. Staff stated a broader care giver leave was discussed. However, there were a lot of issues related to this, i.e., more administration. The broader policy was a great idea and employees would love it, but it would need more discussion and vetting as to how it would work. Parental leave is already out there, and staff was afraid we would lose applicants if we didn't have such a policy. She talked about those municipalities that have or are looking at elder care.

Council spoke about women and men being different. The trauma to women was more substantial and they need more time to heal. He felt the concept of maternity leave would be a better way to go, which could be supplemented with parental leave, which would also allow a man to be at home. However, he thought there should be three weeks leave for a man and eight to eleven weeks leave for women. He felt the maternity opportunity should be limited to two cycles. Council expressed his opinions about

population growth in the U.S., he did not feel government should support larger families, and he felt this should go back to Committee to be looked at again.

COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE THE REQUEST AS PRESENTED; COUNCIL
MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council Member Jensen felt this was the wrong way to go, that we would just be following towns who have done this incorrectly, and that there was no accounting between men and women. Council Member Moyer stated he would be willing to discuss this in different terms.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, AND GANTT VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS MOYER AND JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive expressed his disappointment that this came out of Committee with a split vote. He hoped we would not start down the path of having a split Council. He would like to see Council work together to find something that works.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Council Member Nicole Dozier, Personnel Committee Chair

Addition of 3 days of paid Bereavement Leave for Town of Apex employees effective January 1, 2018

Council stated this was another benefit which had been discussed, and that it had been brought up several times from employees. Recommendation came from the Employee Relations Council. Council stated she was surprised Apex did not have this already.

Staff stated this had come out in employee surveys and would be a benefit which would be provided to all. As of now, employees could use sick or vacation for bereavement. Staff explained the reasoning behind the three days. Council stated he believed in this, but felt there should be a difference in time if employees were traveling out of state. Council asked for an understanding of how sick time is accrued.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THREE DAYS BEREAVEMENT FOR IMMEDIATE FAMILY MEMBERS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council stated he felt the Town already had robust benefits and could not see adding this on to the current package. He would not support this. Council stated there was a difference in a sick child and a death in the family. This would be a nice benefit.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, JENSEN, AND GANTT VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

CLOSED SESSION

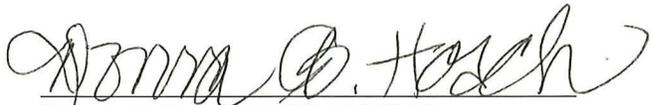
There were no Closed Session items for consideration.

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 adjourned the meeting.


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor

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Apex Town Council Meeting Tuesday, January 16, 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, January 16, 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 Town Manager Drew Havens, Assistant Town
Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

Mayor Olive recognized members of Boy Scout Troup 224 who were in attendance as a requirement to
obtaining their Building a Better World badge.

PRESENTATIONS

Presentation 01 : Stacie Galloway, Communications Manager and Jason Morado, Senior Project Manager, ETC

Presentation of the results of the community survey for the Town of Apex

Ms. Galloway stated this presentation was to give the results of the first community satisfaction survey for
Apex. Three national firms were vetted; ETC came highly recommended.

Mr. Morado stated why this survey was conducted and how. The goal was to receive 400 responses; 554
were received. Some of the major findings were highlighted. Mr. Morado stated Apex responses were
some of the very best in the country. He overviewed those areas in which respondents felt there could
be some improvement.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council Meeting of January 3, 2018
- Consent 02** Public Forum and Public Hearing Participation Policy effective January 16, 2018.
- Consent 03** Award of a construction contract and authorization for the Town Manager to execute same for construction to provide access to the Cash Corporate Center property
- Consent 04** Findings of Fact, Conclusions of Law, and Decision regarding Special Use Permit #17SUP04, Apex Mosque Pre-School
- Consent 05** Statement of the Town Council and Ordinance for Rezoning Case #17CZ24, Vineyard Development, LLC & Brookfield Properties, LLC, petitioners for the property located at 750 Laura Duncan Road
- Consent 06** 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 Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #626 into the Town's corporate limits
- Consent 07** 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 Hipex Properties, LLC (Pinnacle Park) property containing 2.0 acres located at 2430 Reliance Avenue, Annexation #627 into the Town's corporate limits
- Consent 08** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of December 19, 2017
- Consent 09** Supplemental municipal agreement with NCDOT to secure 50% of the additional project cost in federal funds up to \$302,500, requiring \$302,500 in matching local (Town of Apex) funds, in order to add turning lanes at the intersections of Olive Chapel Road and NC 55 at the Apex Peakway in TIP Project No. U-5118 AE. Construction is underway
- Consent 10** Tyler Technologies ExecuTime contract agreement for a multi-year term to include implementation, configuration, and software maintenance, and authorization for the Town Manager to sign the contract
- Consent 11** Amend an Ordinance adopted by the Town Council in 2004 that delegated authority for purchasing to the purchasing manager by adding Section 1 (j) which shall read: "to serve as a deputy finance officer in accordance with GS 159-28(a1) for the purpose of performing the preaudit of purchase orders"
- Consent 12** Sale of Lot 154, Plots C and D, in the Apex Cemetery, to the Town of Apex for \$700.00 as requested by Adonica Tucker
- Consent 13** Apex Tax Report dated 12/03/2017
- Consent 14** Agreement between the Town of Apex and Tim Seagroves related to the cemetery and authorization for the Town Manager to sign the agreement
- Consent 15** Proposal to Wake County requesting funds from the Wake County Hospitality Tax Small Capital Projects Fund to aid in the development of Phase I of Pleasant Park and authorization for the Town Manager to sign all documents related to the submission of the application

Mayor Olive stated it was requested for Consent 06 to be removed for consideration.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE REQUESTED MODIFICATION.

COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Killingsworth requested a New Business item in order to provide an update on a recent health initiative.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE REQUESTED ADDITION. COUNCIL MEMBER

KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Jessy MacNair spoke about cervical cancer, cervical screenings, and this cancer's death rate across the country. She provided her history of having it. As Mrs. Apex international 2018, Mrs. MacNair stated that January was cervical cancer awareness month worldwide. She stated her goal for spreading awareness and asked all to take a stand with her.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Trevel Construction Property (future single-family home) containing .404 acres located at 3004 Garris Road, Annexation #617 into the Town's corporate limits

and

Public Hearing 02 : Shelly Mayo, Planner II

Rezoning application #17CZ25 and Ordinance. The petitioner, Louis Levert for Trevel Construction, wishes to rezone +/- 0.41 acres located at 3004 Garris Road from Wake Co. R-30 to Medium Density-Conditional Zoning (MD-CZ)

Staff oriented Council to the site. Two neighborhood meetings were held. Staff and the Planning Board recommended approval. Staff cited the ten conditions which needed to be met and clarified density.

The applicant, Mr. Lavert, stated he wished to build one single family home on the property and agreed for this to be a condition.

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 ANNEXATION AND REZONING WITH THE STATED CONDITION;
COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Liz Loffin, Planner II

Amendment to the 2030 Land Use Map and Rezoning application #17CZ26. The petitioner, Laketime Development, LLC, sought to amend the 2030 Land Use Map for +/- 6.89 acres located at 7124 and 0 Apex Barbecue Road from Medium Density Residential to Low Density Residential and to rezone the properties from Rural Residential (RR) to Low Density-Conditional Zoning (LD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval as proposed. Staff answered Council questions related to acreage, road connection, and a cul de sac.

Shawn Smith, applicant, thanked staff for working with them on this project. Mr. Smith spoke about buffers, a stormwater pond, density, and their plans for an HOA. He answered Council questions related to buffers, the installation of a solar system on one of the houses as an example, LED lights, insulated garage doors, and three pane windows. Mr. Smith additionally answered questions on concerns related to the neighborhood meeting, preserving the property as much as possible, and lot size.

Mayor Olive declared the Public Hearing open.

Roberto Vila, representing 28 families in Bella Casa, asked Council to vote no to the amendment and gave an overview of the neighborhood. Development will change the nature of the community. Neighbors asked for adjustments at the neighborhood meeting but no adjustments were made. Mr. Vila spoke about safety, tree buffers, and lack of trust between their established neighborhood and the developer. They were not against development, they just wanted reasonable solutions.

Terry Mahaffey concurred with Mr. Vila. He asked for an additional buffer and spoke about the character of the proposed subdivision. Mr. Mahaffey's major concern was a blind corner at one of the intersections; he was also concerned about traffic in general. He asked Council to look at any subdivision using Apex Barbeque Road into town.

Mr. Smith clarified and gave examples of where he had, in fact, communicated with residents of Bella Casa. He stated he would look into extra buffer space. Staff answered Council questions related to road connections and traffic signals, improvements to the bridge, lot size, and buffers.

Mayor Olive declared the Public Hearing closed.

Council presented her concerns about road safety, location, the bridge, buffers, elevations, and the neighbors feeling like they were not heard. Council presented his appreciation for the thoughtful development of the site. Council stated he liked that views would be improved. However, there was a concern about road safety. Council spoke about the connection to Apex Barbeque Road and the speed limit on this road. Council felt her concern for certain things still needed to be addressed. She spoke about those things in which she was in agreement.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE AMENDMENT; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council stated she hoped the applicant would reach out to all, that this could be a condition, and that the speed limit could be addressed. Council spoke about the continuance of stubs.

COUNCIL MEMBERS MOYER, GANTT, AND JENSEN VOTED IN THE AFFIRMATIVE. COUNCIL MEMBERS DOZIER AND KILLINGSWORTH VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-2 VOTE.

The Town Manager stated that the plan for the bridge will be vetted in May of this year.

Mayor Olive called a three minute recess.

Public Hearing 04 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Calvary Chapel (Schieffelin Road) property containing 1.6367 acres located at 2633 Schieffelin Road, Annexation #623 into the Town's corporate limits

Staff oriented Council to the site, stating that staff recommended approval in order for the site to receive Town Services. The applicant, Lance Bell, was in attendance to answer questions.

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 ANNEXATION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 – Quasi-Judicial : Shelly Mayo, Planner II

Application for a Special Use Permit (#17SUP05) for the East Williams Street Cell Tower located at 1501 East Williams Street

Mayor Olive presented the procedure for how the Hearing would be conducted.

Mayor Olive declared the Public Hearing open. The Town Clerk swore in all those intending to speak.

Tom Johnson with Nexen Pruet stated he was in attendance on behalf of the applicant. There was no one in opposition.

Mayor Olive asked Council if any had communication with the applicant, if there were any relational or financial conflicts, and if all could make an impartial decision. All Council stated there was no communication or conflicts and that they could decide the matter impartially. None had viewed the site.

OPENING STATEMENT BY APPLICANT: None.

OPENING STATEMENT BY STAFF: None.

EVIDENCE PRESENTED BY STAFF: Shelly Mayo presented her credentials and employment history. She oriented Council to the site. A neighborhood meeting was held. She presented the background on access to the property and what staff required in order for requirements to be met. This had been done. Ms. Mayo stated staff recommended approval.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Johnson presented a more detailed history of access onto an unmarked drive. All access issues had been resolved.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Johnson answered questions about cell towers and their use and longevity. He referred to a recent Bill passed by Legislature for tower use. He responded to a question related to RCA.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: None.

Mayor Olive declared the Public Hearing closed.

In reference to the Checklist, there were no concerns from Council.

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 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

Council Member Audra Killingsworth

Council stated she was invited to a yoga for health/health for humanity event this past weekend, the event itself spanning two weeks. She was asked to attend and speak on some of the benefits of yoga found through research, yoga and exercise in general being a benefit. She enjoyed being in attendance and the interaction with the community. Council hoped more people would participate in the future. International Yoga Day is coming up in June.

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney related to handling of the matter of the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. NC Environmental Management Commission, NC Department of Environmental and Natural Resources and the Town of Cary and the Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER
MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

WORK SESSION

There were no Work Session items for consideration.

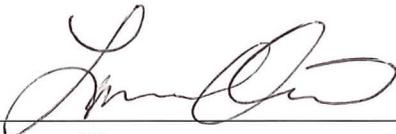
ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting Tuesday, February 6, 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, February 6, 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 Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Barbara Conroy and Stephanie Mitchell

Presentation on the Apex Public School Foundation

Ms. Conroy stated her co-presenter was unable to attend due to illness. She presented background on her family life and professional career. Ms. Conroy also presented background on how this initiative came into being, pointing to the Foundation's mission, vision, and objectives. This would be a win for everyone and the entire community.

Responding to Council, Ms. Conroy stated there is another such foundation in Garner, and one just kicked off in Eastern Wake County. Ms. Conroy stated they do have support from the Wake County school system, but they have not reached out to any County Commissioners. The Mayor suggested conversation with the Apex Downtown Business Association.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council Meeting of January 16, 2018
- Consent 02** Contract for audit services for the fiscal year ending June 30, 2018
- Consent 03** Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit #17SUP05 1501 E. Williams Street Cell Tower
- Consent 04** Design contract for Phase II of the Middle Creek Greenway to Withers and Ravenel and authorization for the Town Manager to sign all documents related to the design of Phase II of the Middle Creek Greenway
- Consent 05** Statement of the Town Council for Rezoning Case #17CZ25, Trevel Construction, petitioner for the property located at 3004 Garris Road
- Consent 06** Encroachment Agreement and authorization for the Town Manager to execute the same for a fence to encroach upon a portion of a 20 foot Public Drainage Easement
- Consent 07** Set the Public Hearing on February 20, 2018 for rezoning application #17CZ27 Castleberry Trails. The applicant, JS Development, LLC, seeks to rezone approximately 11.434± acres located at 605, 617, 621, & 625 Wimberly Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).
- Consent 08** 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 Edith Morris (2 single-family homes) property containing 2.975 acres located at 7208 A & B Green Level Church Road, Annexation #622 into the Town's corporate limits
- Consent 09** Set Public Hearing for the February 20, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 10** Statement of the Town Council and Ordinance for Rezoning Case #17CZ26, Laketime Development, LLC, petitioner for the property located at 7124 & 0 Apex Barbecue Road
- Consent 11** Twelve (12) Town Co-Sponsored Special Event Applications for calendar year 2018
(This item was moved to New Business)
- Consent 12** Amendment to the development fee schedule for recreation subdivision fees in accordance with UDO §14.7.1(B) & various amendments to Commercial Building and Family Dwelling Permit Fees

Mayor Olive requested moving Consent 11 to New Business.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADJUSTMENT TO CONSENT 11. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER 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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

William Bender spoke to the pet ordinance, specifically as it relates to the prohibition of certain animals – livestock. This definition also includes all swine. He spoke about the American mini pig, which is specifically bred to be a pet. He presented the similarities between the pigs and dogs. He has spoken with the Town Manager about changing the ordinance and asked for Council support to do so.

Kyle Denis thanked Council Member Killingsworth for coming to the Apex Downtown Business Association (ADBA) meeting. He would like Council to allocate money for a downtown plan before the budget is set, his believing that hiring someone specializing in the historic preservation of downtown is crucial. He named those municipalities which have hired in such a person. Mr. Denis spoke about the issues of parking, signage, boundaries, aesthetics, future business opportunities, etc., that could be addressed by this new position.

Julia Beam, representing ADDBA as its president, spoke about who they are and what they need. She stated some of their accomplishments and presented their goals. She stated they need the Town's financial support, and they have turned in their funding request. They require more funds since the town has grown in population. They wish to make downtown more accessible, they wish the sidewalks safe, and there are landscape needs. Ms. Beam would also want to see a downtown plan.

Marshall Barnes spoke about MusicFest and the list of downtown events that is continuing to grow. Mr. Barnes would like to see all event street closures listed on the Town's website. He gave an example of one of his neighbors not knowing about MusicFest last year and the inconvenience it caused that person.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunch, Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Hipex Properties, LLC (Pinnacle Park) property containing 2.0 acres located at 2430 Reliance Avenue, Annexation #627 into the Town's corporate limits

Staff oriented Council to the site. The annexation would be in order to receive Town services.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Contract with GreenPower NC for the lease/purchase of a solar photovoltaic electric generation system to be installed on the Public Safety Station 5 and authorization for the Town Manager and Town Attorney to make any additional minor modifications to and execute the contract, and Budget Ordinance Amendment No. 18 to appropriate Fund Balance to pay for the costs of the project

Staff briefly overviewed the progression on this issue to date. Council on both sides have come up with an acceptable agreement to all. Funding would come out of Fund Balance for payment of the system. Staff outlined the financing. There would be no installation until the temporary certificate of occupancy was in place for Station 5. Hopefully, this would be sometime this week. Council spoke about how good of a deal this is for the Town.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE THE CONTRACT AND
AUTHORIZE THE MANAGER AND ATTORNEY TO MAKE MODIFIATIONS, TO EXECUTE THE CONTRACT, AND TO
APPROVE THE BUDGET AMENDMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Discussion regarding an emergency alert siren malfunction on January 19, 2018

Staff stated he wrote a memo explaining what we knew happened. The incident caused some concern in the community and a low-grade panic because there was no communication. There was a malfunction in the control board at the facility. There was no feedback loop to tell them the alarm had been activated, but tests itself every half hour. Staff explained what would happen if there was an actual

emergency. This situation was not like that in Hawaii where someone actually pressed a button. The good coming out of the incident was that now people are more aware of Ready Wake.

Staff answered Council questions about the feedback loop. He stated that we participate in an exercise every year to assess how we would respond to an actual emergency, and that we are graded every other year.

Added New Business 02 : David Wood, Cultural Arts Center Manager

Twelve (12) Town Co-Sponsored Special Event Applications for calendar year 2018

The Mayor stated there had been questions the last couple days related to the application submission process. The question was if Council wanted to approve something on this night or reconsider the Committee recommendations.

Staff spoke about this policy, which has been in effect for two years, and the difference in the two types of events – co-sponsorship and no sponsorship. He overviewed what process staff goes through to analyze the events, specifically the co-sponsored ones. The presented recommendations came from the January 9th Parks, Recreation, and Cultural Resources Committee meeting. Staff also spoke about the on- and off-duty costs for police officers.

Council Committee Chair gave an overview of what happened at the meeting on the 9th. After the meeting, the Committee went through the events and felt all original requests were applicable to be honored. They received some amendments after the meeting, specifically for MusicFest, which were well past the deadline. It was decided to go with the original ask. The Mayor stated some requests came in after the deadline and that the Committee gave them a bit of thought. He emphasized that a deadline is in place for a reason. Staff answered Council questions related to an addendum to an original request which was for additional financing and additional conditions.

Council stated she wished to keep things as fair as possible in considering all requests. She reviewed other requests and decided it was fair to be consistent. Council was in agreement with the Committee recommendation and stated that the deadline was acknowledged by the applicant. Council made suggestions to the applicant as to how money could be raised. Staff reiterated that the applicant was, in fact, on top of things and that they were not at fault for the late submission.

Mayor olive granted the applicant an opportunity to present updated facts to Council on their additional request. The contractor for MusicFest overviewed their submission process and talked about the

application not having a space for all requests, such as in-kind asks. He felt they met all deadlines, but added that they were not specific for all services on their application.

Council asked questions related to how much money other events give back to the community. The Committee Chair offered to pull this item for further discussion.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE 11 ITEMS NOT RELATED TO MUSICFEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO REFER THIS ITEM BACK TO COMMITTEE TO DISCUSS THE MUSICFEST APPLICATION IN MORE DETAIL;
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Staff reminded Council that a decision would need to be made by the first meeting in March in order to meet budget guidelines.

CLOSED SESSION

Closed Session 01

To consider and establish the Town's negotiating position with respect to acquisition of real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER GANTT MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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 adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Annual Budget Retreat

Friday, February 9, 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 Town Council Annual Budget Retreat scheduled for Friday, February 9, 2018, at 8:45 a.m. was held in the Training Room at the Public Works Building, 105 Upchurch Street, Apex

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 Town Manager Drew Havens, Assistant Town Managers David Hughes and Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Interim Electrical Director Rodney Smith, EMS Chief Randall Heath, Police Captain Mitch McKinney, Building Inspections and Permitting Director Rudy Baker, Parks Recreation and Cultural Resources Director John Brown, Public Works and Transportation Director Jose Martinez, Water Resources Director Marty Stone, Economic Development Director Joanna Helms, Finance Director Vance Holloman, Planning Director Dianne Khin, IT Director Erika Sacco, Communications Manager Stacey Galloway, Human Resources Director Mary Beth Manville, Fire Chief Keith McGee, and Budget and Management Analyst Amanda Grogan

COMMENCEMENT

Mayor Olive called the meeting to order and welcomed Council to the Retreat. He stated the purpose of the meeting and the goal which was to ensure representation of the people of Apex. The day's agenda was reviewed. The Mayor also welcomed all staff members, particularly the new ones.

PRESENTATIONS

Community Center Expansion

Robert Carmack and Jay Sikes, smithsinnett, Architecture; Christine Hill, CLH Design

Director Brown presented a brief history of this project from inception to now and introduced the architects.

Robert Carmack presented a high-level overview of the project and introduced Jay Sikes. Mr. Sikes presented a more detailed overview of what has been done over the past two years which included meetings and dialogue with the community and staff, and resulted in design concepts.

Council expressed concern about traffic on Hughes Street. A "total life center" concept was raised along with concerns about landscaping, private spaces, and fundraising plans. There was explanation of the historic classification of the Tunstall House, applicability of this new building on the site, and parking. There was expanded discussion about the new building being built sound enough to support vertical growth. The possible purchasing of Jordan Oil property via eminent domain, if necessary, was mentioned along with underground space. Staff stated solar would be installed on the building.

Staff stated that the price tag would change with going up a story on the building and the timeline would shift. However, staff will work with urgency in order to get this project started as soon as possible. There probably should be a workshop within 60 days to follow up.

Capital Project Update

David Hughes, Assistant Town Manager

Staff presented an overview of the ten most current projects and their associated costs. Staff answered questions posed by Council for understanding of the projects.

Financial Update

Vance Holloman, Finance Director

Staff stated we are doing very well in the General Fund due to ad valorem taxes. We are well ahead in the Water Sewer Fund, and we are not doing all that bad in the Electric Fund. Staff gave an analysis on projected revenues and expenditures and debt comparisons.

Capital Improvement Plan

Amanda Grogan, Budget and Management Analyst

Staff presented a high-level overview of the CIP process, how the draft plan responds to community needs, and how projects are proposed to be funded.

CIP Results and Discussion

Mayor Olive

Mayor Olive addressed Council on the importance of items in the CIP, the quartiles being most important as they identified the items in order of importance to Council. Council engaged in discussion about

parking and a parking deck and long term projects for Apex. There was discussion about Council reasoning behind how items were ranked.

Council was in agreement to moving Safe Routes into the 1st Quartile, combining Lufkin Road to Pristine Water Drive Connector and Pristine Water Drive (Lufkin Road Connector to NC55) and moving it to the 3rd Quartile, moving Dredge Lake – Apex Community Park to the 4th Quartile, and moving Green Level Church and Jenks Road Roundabout to the 2nd Quartile.

Council Initiatives and Priorities (Non-CIP Items)

Mayor Olive

Council identified their priorities in the categories of Sustainable Development and Infrastructure, Economic Vitality, Safe and Secure Community, High Performing Government, and Active, Engaged Citizens and Visitors.

Tax Rate Discussion

Drew Havens, Town Manager, and Mayor Olive

Staff reviewed Apex's tax rate history from 2005 to 2017 and its comparison to inflation. Presented were the tax rates in Wake County.

Mayor Olive stated he felt it would be helpful to the Town Manager if he knew the mind of Council in relation to taxes prior to the Manager formulating the proposed budget. There was discussion between Council and staff regarding understanding the tax rate, funding sources other than taxes, and giving the Town Manager some direction in which to go.

Council expressed their ideas about not being adverse to a tax increase of a few cents in order to provide citizens with those things in which they've expressed interest. Also expressed were wanting to see a budget at the current tax rate and what a tax increase would go towards. Staff reminded Council it was made very clear to citizens that if the park bond passed, it would guarantee a raise in taxes. Consensus was that most of Council was comfortable with a 4 cent tax increase, and direction was given to the Town Manager to devise a budget using such.

General Obligation Bond Issuance Process

Vance Holloman, Finance Director, and Shawn Purvis, Assistant Town Manager

Staff outlined the schedule of events leading up to our receiving funds from the bond. Staff outlined the projects which the bond will cover. Council asked staff to reconsider work on the Peakway.

Wrap Up

Mayor Olive

Council was in agreement that staff did a very good job of running this retreat. Staff stated this process doesn't happen everywhere. He was complimentary of how Council could come together with staff for discussion and even some fun in a cordial setting. The Mayor stated there will be Committee meetings to assist in the budget process.

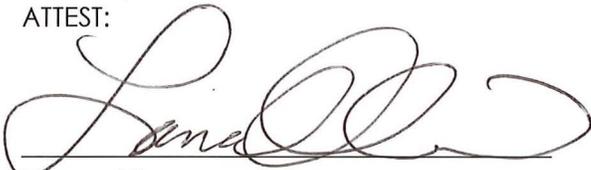
ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, February 20, 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, February 20, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council Meeting of February 6, 2018 and the Annual Budget Retreat of February 9, 2018, and Closed Session Minutes of October 17, 2017, November 7, 2017, November 21, 2017, December 19, 2017, and January 16, 2018 (Closed Session Minutes recorded separately)
- Consent 02** Authorization for the Town Manager to consent on behalf of the Town to the Transfer of Interest of Wells Fargo Affordable Housing Community Development Corporation of 100% of its membership interest in Beechridge II, LLC to Community Revitalization and Preservation Corporation without the Transfer causing the acceleration of the debt owed by Beechridge II, LLC to the Town and authorizing the Town Manager to sign the letter of consent

- Consent 03** Resolution declaring a 2001 HME Silver Fox fire engine as surplus, authorization for the Purchasing Manager to offer the apparatus up for sale via on-line auction, and authorization for the Purchasing Manager and Town Manager to sign documents necessary to complete the sale
- Consent 04** Encroachment Agreement and authorization for the Town Manager to execute the same for a private storm drain, sidewalk and curb easements to encroach upon portions of the Town Public Utility Easement
- Consent 05** Personnel Committee recommendations to reclassify the Public Works and Transportation Director from Salary Grade 34 to Salary Grade 35, effective February 1, 2018, and to approve the authorization of one (1) FTE for an additional Code Enforcement Officer I position in the FY17-18 budget year

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

PUBLIC FORUM

Stan Thompson stated he was in opposition to upcoming lighting ordinance amendments. He touched on the different types of lighting. Mr. Thompson plans to forward paperwork to the Planning Board for their consideration.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planning Manager

Rezoning application #17CZ27 Castleberry Trails. The applicant, JS Development, LLC, seeks to rezone approximately 11.434± acres located at 605, 617, 621, & 625 Wimberly Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Planning Board and staff recommended approval with conditions proposed by the applicant. Staff answered Council questions related to mass grading, wetlands, solar on the houses, and a 25 year storm management system. Staff answered Council questions about a house which was considered a possible health hazard.

Don Curry, representing the applicant, responded to Council questions on preconfiguring houses for solar. There would be no mass grading, there would be no wetlands, and there was no provision for a 25 year storm management system. He stated they intended to meet the requirements of the UDO.

Council expressed concern about developers not trying to find a balance between residential and non-residential and how this is reducing his quality of life. Responding to the health hazard house, Mr. Curry stated the structure was planned to be demolished and the aseptic tank would be removed. He was asked to commit to saving as many trees as possible. Mr. Curry could not speak to the price point of the houses, which will be nice products. Responding to Council, Mr. Curry clarified the buffers. Responding to Council, Mr. Curry responded to questions regarding the safety of crosswalks. He responded to questions regarding street stubs.

Mick Michael, the applicant, addressed Council regarding its questions about price points and infrastructure. He would be agreeable to preconfiguring four houses for solar, but would love to be able to meet in the middle. There was agreement to equipping two of the houses with solar and preconfiguring the rest. He additionally responded to questions related to first floor master bedrooms, which he saw as an amenity that they will drive towards.

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 MOYER MADE THE MOTION TO APPROVE THE
REZONING WITH THE CONDITIONS OF PRECONFIGURING FOR SOLAR ON ALL HOMES AND
INSTALLING SYSTEMS ON TWO HOMES WITH A MINIMUM OF 6KW; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Edith Morris (2 single-family homes) property containing 2.975 acres located at 7208 A & B Green Level Church Road, Annexation #622 into the Town's corporate limits

Staff oriented Council to the site, stating that the annexation would allow for water services to the property.

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 GANTT MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Amanda Bunce, Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. Council offered their thoughts and posed questions regarding building heights, curbing and required landscaping, and cell tower heights. The Planning Board recommended approval of all amendments.

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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Council Members Wesley Moyer and Audra Killingsworth
Report from the Parks and Recreation Committee and possible motion regarding approval of the Special Events application for Music Fest

Chairman Moyer stated the Committee met again with the organizers and recommended additional conditions related to VIP parking and in-kind services for Public Works. The Committee wants to see the ADBA viable on their own and giving to local charities. It was stated that an 80% minimum of funds collected would stay in the ADBA for future expenses according to their stated agenda.

MAYOR OLIVE ASKED FOR A VOTE OF APPROVAL FROM COUNCIL BASED ON COMMITTEE RECOMMENDATIONS.
ALL COUNCIL MEMBERS WERE IN AGREEMENT.

NEW BUSINESS

New Business 01 : Vance Holloman, Finance Director

Resolution authorizing the filing of an application with the Local Government Commission to issue \$1.5 million of GO Refunding Bonds

Staff stated that there would be a financial benefit to the Town for refunding. He overviewed the documents and processes necessary for this to be put in motion.

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

New Business 02 : Sarah Rayfield, Senior Planner

Colby Crossing Master Subdivision Plan located at Colby Chase Drive containing ±7.58 acres and 14 single family homes

Staff oriented Council to the site. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. Planning Board and staff recommended approval with the stated conditions. Staff answered Council questions related to road connectors, a bridge over a stream, flooding concerns, and the pricing of the homes.

Jeff Roach, Peak Engineering and Design, addressed Council questions related to home affordability, the closing of Colby Chase, and the bridge which will be a culvert crossing. He additionally answered questions related to a commitment to solar.

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

New Business 03 : Dianne Khin, Planning Director

Request to the North Carolina General Assembly legislature to annex a portion of Laura Duncan Road containing 1.861 acres located south of North Salem Street/Old Apex Road (Annexation #625) into the Town of Apex Corporate Limits

Staff stated this was being requested in order for the Town to be able to regulate and provide emergency services to this part of the road. Right now response times are hindered because the Sheriff's Department responds to emergencies instead of either Apex's or Cary's police department. After discussing this with Cary, it made more sense for Apex to request the annexation. Responding to Council, staff stated the children who cross the road are Apex residents and all of our school zones have been inventoried for improvements.

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

CLOSED SESSION

There were no Closed Session items for consideration.

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 adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, March 6, 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, March 6, 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 and Council Members
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and Brett D. Gantt
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 Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of February 20, 2018
- Consent 02 Apex Tax Report dated 01/02/18
- Consent 03 Cemetery Refund Request in the amount of \$350 to Michael Zingale
- Consent 04 Street closings for 2018 Olde Fashioned Fourth of July

- Consent 05** Statement of the Town Council and Ordinance for Rezoning Case #17CZ27, Mick Michael, JS Development, LLC / John & Cynthia McMains, Robert Andrew Henry, Mark & Kristy Seaboch, Joanne Shaheen, petitioners for the property located at 605, 617, 621, & 625 Wimberly Road
- Consent 06** Amendment to Section 20-71 (b) of the Town Code of Ordinances with the addition of subsections (3)-(7) establishing one-way traffic flow on sections of streets that have already been constructed to carry traffic in one direction of flow
- Consent 07** Amendment to Section 20-164 of the Town Code of Ordinances with the addition of subsection (27) establishing a No Parking zone on the south side of Reedybrook Crossing, from Creekside Landing Drive to a point 300 feet west
- Consent 08** Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances
- Consent 09** Budget Ordinance Amendment No. 19 to appropriate an additional \$27,727 for the completion of a multi-use path on Apex Barbecue Road to serve Scotts Ridge Elementary School and to authorize the Town Manager to sign the Supplemental Agreement with Wake County Public School System increasing overall project funding
- Consent 10** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of February 20, 2018
- Consent 11** Ordinances modifying Town Code Section 14-14 as to a Portion of Salem Street Closed for a Special Event(s) during Pig Fest and Music Fest
- Consent 12** Set the Public Hearing on March 20, 2018 for rezoning application #18CZ02 Friendship Station PUD Amendment. The applicant, Jones & Cnossen Engineering, on behalf of Friendship Station, LLC, seeks to rezone approximately 203.7± acres located at 0, 3113, 3136, 3148, and 3232 Olive Farm Rd; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Road; 0, 0, 2804, 2816, 2908, and 2916 Richardson Road; 2705 and 2712 Butterfinger Lane; 0 Macintosh Wood Drive; and parts of 2800 Richardson Road from Planned Unit Development-Conditional Zoning (#17CZ04) to Planned Unit Development-Conditional Zoning, to change conditional zoning conditions
- Consent 13** Set the Public Hearing on March 20, 2018 for rezoning application #18CZ03 (Peakway Village PUD Amendment). The applicant, Robert Seymour III, on behalf of Peakway RES Office, LLC, seeks to rezone approximately 1.58± acres located at 1001 Olive Chapel Road from Planned Unit Development-Conditional Use (#03CU17) to Planned Unit Development-Conditional Zoning to change a zoning condition.
- Consent 14** Set Public Hearing for the March 20, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 15** Set Public Hearing for the March 20, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to lighting standards
- Consent 16** Special Event Permit and to close two parking spaces on Salem Street, in front of 113 N. Salem Street, between 4:30 p.m. and 6:15 p.m. on Saturday, March 17, 2018 to allow for a brief performance by the NC State Pipes and Drums band as part of a St. Patrick's Day celebration sponsored by the Salem Street Pub
- Consent 17** Revisions to the Town Standard Specifications and Standard Details

Mayor Olive stated that the requestor for Consent 15 asked that this item be pulled from the Consent Agenda.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF CONSENT 15. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER 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 MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Steve Swamp stated he was in favor of Pleasant Park but that he had serious concerns. He spoke about why he was in favor of the Park, indicating that the Planners took into consideration neighbor concerns. He still, however, had a concern about traffic, nothing that traffic is getting worse even before construction begins. Mr. Swamp spoke about specific areas of congestion and resulting safety concerns. He asked Council for a traffic study.

Mayor Olive stated that comments made by Mr. Swamp should not be considered by Council when making a decision about the subject matter of Quasi-Judicial Public Hearing 01, Pleasant Park.

PUBLIC HEARINGS

Public Hearing 01 – Quasi-Judicial : Sarah Rayfield, Senior Planner

Quasi-Judicial Public Hearing and Major Site Plan for Pleasant Park, 92.19 acres located at 3400 Pleasant Plains Road

Mayor Olive stated the guidelines and process involved in this Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

Brian Myer, Assistant Town Attorney for the Town of Apex, stated he would be representing the applicant, the Town of Apex. There was no one in opposition of the request.

All Council Members stated they had no communication with the applicant, there were no conflicts of any type, and that each would be able to make unbiased decisions. None had intentionally viewed the site.

OPENING STATEMENT BY APPLICANT: Mr. Myers stated this was the next step in the Pleasant Park project following approval of the Bond. The Site Plan met all Standards and the UDO.

OPENING STATEMENT BY STAFF: None.

EVIDENCE PRESENTED BY STAFF: Sarah Rayfield presented her credentials and work history. She oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: Ms. Rayfield answered questions related to the height of the lighting poles. Shannon Cox, Transportation Planner, spoke about updating of the transportation plan and answered questions related to a second exit. Russell Dalton, Senior Transportation Engineer, spoke to the question of a quiet zone. Ms. Rayfield confirmed there would be an open field space and answered questions related to buffers and the location of light poles on fields. Mr. Dalton answered questions about traffic and a signal warrant study.

CROSS EXAMINATION OF STAFF BY THE APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Myers stated he wished the staff report and presentations to be entered into evidence. He asked Council to take note of the Standards of the UDO and the Land Use Plan.

Jason Bertoncino, Withers Ravenel, stated his credentials and work history. Mr. Bertoncino made clarifications related to previous traffic studies, stormwater controls, phasing of the project, lighting, the open field, and the rigorous aspects of this project

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Bertoncino answered Council questions related to buffers, fencing, a pedestrian crossing, an electronic signal, and sidewalks.

REBUTTAL EVIDENCE BY STAFF: None.

REBUTTAL EVIDENCE BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: Mr. Myers stated the request met the Standards and he asked Council for approval of the request.

Mayor Olive referred Council to the Checklist. Council expressed concern about traffic and pedestrian safety.

Mayor Olive declared the Public Hearing closed.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

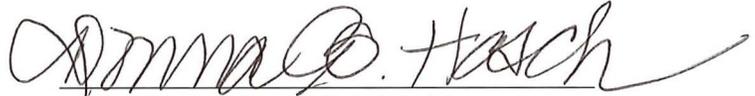
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, March 20, 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, March 20, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Budget Amendment No. 20 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- Consent 02 Minutes of the March 6, 2018 Regular Town Council Meeting
- Consent 03 Encroachment Agreement and authorization for the Town Manger to execute the same for a concrete driveway to encroach upon the Town Public Utility Easement
- Consent 04 Encroachment Agreement and authorization for the Town Manger to execute the same for a private storm drain, sidewalk and curb easements to encroach upon portions of the Town Public Utility Easements

- Consent 05 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 Pulte Home Company, LLC (portion of Greenmoor open space and Brook Pine Trail R-O-W) property containing 0.164 acres located at Brook Pine Trail; west of NC540, Annexation #628_ into the Town's corporate limits
- Consent 06 Set the Public Hearing on April 3, 2018 to designate the Baucom-Olive House located at 206 South Salem Street as a Historic Landmark in compliance with North Carolina General Statute § 160A-400.1 through § 160A-400.15
- Consent 07 Set the Public Hearing on April 3, 2018 to designate the Upchurch-Williams House located at 7213 Roberts Road as a Historic Landmark in compliance with North Carolina General Statute § 160A-400.1 through § 160A-400.15
- Consent 08 Findings of Fact, Conclusions of Law, and Decision approving the Pleasant Park Major Site Plan

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

PUBLIC FORUM

Doris Grose, speaking for a group at Regency at White Oak Creek, expressed objection to the Eagle's project convenience store. The site was rezoned in 2016, and Ms. Grose described what the store would encompass. This would be the worst kind of business across from the high school and surrounded by residential homes. Her concerns were the safety of the children, noise, light pollution, and environmental pollution. Who would clean up the road since it's a State and not a County road. Ms. Grose stated some statistics on the crime rates at these types of stores. She added that the neighborhood does not need the services of this business.

Ms. Grose stated that in 2016, only two neighbors attended the neighborhood meeting. Most people living in the area now were not there at the time. They only became aware of this two weeks ago. She asked that Council delay their decision until June to give the neighbors time to have a say in what type of business should be in the area. The store is not compatible with and will have a negative impact on the neighborhood.

Syleswarom Sukumaram stated strong objection to the Eagle Project. There was a signed partition against it. They only learned of the project two weeks ago. His primary concerns were the safety of the children, noise pollution, and increased traffic. He was not living there in 2016, and asked that Council reconsider to give them time to have a say in what type of business should go on the site.

Lee Purser expressed concern about the long construction time on the Peakway. He has witnessed dangerous situations at the intersection and would like Council to try to nudge along the completion.

Venky Krisunan stated he was a 20 year Wake County resident. He spoke about trying to manage growth and how this was handled when he lived in Morrisville. He urged Council to delay a decision on the Eagle project.

Mayor Olive complimented staff for keeping up with and distributing information related to the Eagle project. The owner has a right to build as desired within the zoning. It would be difficult, if not impossible, for Council to take this right away from the owners. Staff will ensure the zoning conditions are met. This is a correct use, and a pedestrian crossing will provide safe crossing for students.

As for the Peakway and 55 project, the Mayor stated that there was a problem with water mains in the ground and that this caused the delay. It is necessary to wait until the asphalt plants reopen to finish the road.

While not the normal order of business, the Mayor felt a monologue was necessary to help with neighbor concerns. The convenience store would provide alternatives for lunch for students and alternate shopping convenience for citizens. The Planning Department has a long history with these types of projects, and the Mayor believed this project would work out well.

Matthew Myers asked for amendment of the denial to relocate the Apex Tattoo Factory as well as to amend the UDO on tattoo and piercing parlors. He stated tattoos were classified as an adult use but that piercings are allowed for the younger youth. He spoke about the history of the Factory and how after the running of a story on them by the newspaper, then Mayor Weatherly visited their shop and told them they had nothing to worry about. They would be grandfathered in as long as they didn't shut down for more than 30 days.

Mr. Myers stated their shop is unique and that they received number one status of all tattoo shops in the Triangle in 2013 and have maintained that status since. He spoke about their contributions to several

charities. They work with the Art From Stars group which helps women with breast cancer to cover up their scars.

David Lukefahr stated that Mr. Myers has become very successful. Now that he needs more space, Mr. Lukefahr did not see why Mr. Myers would not be able to expand his business. He spoke about the business being family friendly and his wanting to see the business expand and continue to contribute to charities.

Kasey Carter stated he had been working at the Tattoo Factory for five years, there being no complaints. They get a lot of business, and he felt Mr. Myers should be able to move to expand in the same shopping center. He added that their shop had nothing to do with any of the noise issues.

Tony Luparello stated he was a beneficiary of the Tattoo Factory's support. He realized decisions are based on rules, but things have changed. If people were to take a closer look, they would see a different side to this parlor. He talked about the charities that Mr. Myers supports. He was in agreement for Council to take a closer look so that Mr. Myers can expand his business. They are really great guys and he could not say enough good things about them.

Council was in agreement for the matter of tattoo parlors to go before the Planning Committee for review with staff.

PUBLIC HEARINGS

Public Hearing 01 : Liz Loffin, Planner II

Rezoning application #18CZ02 Friendship Station PUD Amendment. The applicant, Jones & Cnossen Engineering, on behalf of Friendship Station, LLC, seeks to rezone approximately 203.7± acres located at 0, 3113, 3136, 3148, and 3232 Olive Farm Rd; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Road; 0, 0, 2804, 2816, 2908, and 2916 Richardson Road; 2705 and 2712 Butterfinger Lane, 0 Macintosh Wood Drive; and parts of 2800 Richardson Road from Planned Unit Development - Conditional Zoning (#17CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions.

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval of the request. Staff stated this was back before Council because of a misunderstanding between staff and the developers. The amendment would provide a more logical phasing into the development, staff explaining how the phasing would work. Staff answered Council questions related to traffic signals and cost shifting for the developer.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, thanked staff for working with them to clarify phasing. This involved the same road improvements, they would just time them out so they would make more sense moving forward.

Council stated she remained concerned about this project. Coming back from a work audit, she almost got hit. She was concerned about the safety of those children who cannot ride the bus and have to walk to school. Mr. Jones stated the DOT reviewed the TIA, and he talked about their decisions regarding turning lanes.

Council asked about adding solar to the houses and the resulting tax credits to those purchasing an equipped house. Council wanted one out of five homes to be committed to a solar PV system as well as some of the commercial buildings.

Mr. Jones stated he was in attendance to talk about transportation conditions since the plan was already approved. He developer was not willing to commit to solar PV but he would commit to conduits for solar. Council asked for a commitment from the applicant to make improvements off schedule if problems or issues arise.

Staff spoke to the traffic analysis and it being consistent with the development plan, under what conditions we would do a study, and how increased traffic does not necessarily warrant a traffic signal. Mr. Jones spoke to their commitment to a sidewalk connection. Council stated why she could not support the request – the lack of safety for the children.

Mayor Olive declared the Public Hearing closed.

Mayor Olive called for a three minute recess.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE AMENDMENT WITH THE CONDITIONS AGREED TO BY THE APPLICANT; COUNCIL MEMBER GANTT SECONDED THE MOTION.

COUNCIL MEMBERS MOYER, GANTT, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBERS DOZIER AND JENSEN VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 02 : Lauren Staudenmaier, Planner I

Rezoning application #18CZ03 (Peakway Village PUD Amendment). The applicant, Robert Seymour III, on behalf of Peakway RES Office, LLC, seeks to rezone approximately 1.58± acres located at 1001 Olive Chapel Road from Planned Unit Development-Conditional Use (#03CU17) to Planned Unit Development-Conditional Zoning (to change a zoning condition).

Staff oriented Council to the site. A neighborhood meeting was held. Planning recommended approval as did the Planning Board with conditions proposed by the applicant. Staff answered Council questions related to a public art easement and road access.

Mayor Olive declared the Public Hearing open.

Robert Seymour, applicant, stated rezoning would allow him to complete the subdivision. The homeowners fully supported this and felt it would benefit their neighborhood. Mr. Seymour answered Council questions related to public art, stating he could not promise an easement would take place tonight. The developer was on board to doing this but couldn't completely commit until the end user tenant approved the easement. Council offered to speak off line with the developer about solar PB. Mr. Seymour answered Council questions related to traffic.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 03 : Shannon Cox, Senior Transportation Planner

Multiple amendments to the Transportation Plan's Bicycle, Pedestrian, and Equestrian Plan map. If approved, these changes would also be reflected on the Parks, Recreation, Greenways, and Open Space Master Plan.

staff oriented Council to the seven amendments. Staff answered questions related to a multi-use path and greenways. The Parks, Recreation, and Cultural Resources Advisory Commission and the Planning Board recommended approval.

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 GANTT MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Amanda Bunce, Planning Manager

Various amendments to the Unified Development Ordinance

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

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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Liz Loffin, Planner II

Friendship Station Section 7 Master Subdivision Plan located at 8132, 8021, and 8116 Humie Olive Road; 0, 2804, 2816, Richardson Road; parts of 2800 Richardson Road containing ±14.22 acres and 82 townhomes

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Advisory Commission recommended for a land dedication onsite or off site to be the focus of the project. The developer is working with staff on land acquisition prior to the option of paying a fee in lieu at the time of the first plat. The Planning Board recommended approval. Staff answered Council questions related to transportation improvements. Stuart Jones, Jones and Clossen Engineering, stated they worked with DOT related to shifting a road in the future and the repairing of a curb.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER GANTT SECONDED THE MOTION.
COUNCIL MEMBERS MOYER, GANTT, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS DOZIER AND JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

New Business 02 : Liz Loffin, Planner II

Grey's Landing Master Subdivision Plan located at 7124 & 0 Apex Barbecue Road containing ±6.89 acres and 14 single family lots

Staff oriented Council to the site. A neighborhood meeting was held and a fee in lieu was proposed. Staff and the Planning Board recommended approval. The developer proposed additional conditions. Staff answered Council questions related to roads, safety concerns, and pedestrian crossings.

Council stated she was not going to support the request based on the nature and quality of the road.

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

New Business 03 : Shelly Mayo, Planner II

Holleman Hills Master Subdivision Plan located at 3024 & 3028 New Hill Holleman Road, 0 Garris Road, and 5112 Church Road containing ±23.97 acres and 71 single family lots

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Advisory Commission recommended a fee in lieu. Planning staff and the Planning Board recommended approval. Staff answered questions related to turning lanes, lack of attendance at the neighborhood meeting, and stage grading. Mike Foley, developer, stated one of the conditions was to prewire the homes for solar.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER 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 01 : To consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER GANTT
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

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 adjourned the meeting.


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, April 3, 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, April 3, 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 Town Manager Drew Havens, Assistant Town
Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the March 20, 2018⁹ Regular Town Council Meeting
- Consent 02 Apex Tax Report dated 02/01/2018
- Consent 03 REMOVED FROM CONSENT AGENDA Facility Encroachment Acceptance Agreement No. CSX846025 between the Town of Apex and CSX Transportation, Inc. and authorization for the Town Manager to execute the Agreement
- Consent 04 Closing of the Chamber of Commerce Parking Lot from 8:00 am on Friday, May 4th through the end of Peak Fest activities on Saturday, May 5th

- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #18CZ02 Friendship Station PUD Amendment, Stuart Jones, Jones & Cnossen Engineering, PLLC/ 1071 Classic Road, LLC; 3 Boys Capital, LLC; 3 Boys Capital, LLC & Music Row Investments, LLC; Kia & John Barbee Jr.; Carol & John Barbee Sr.; Cathel Scott Brown; Linda Walden Brown; Joyce Bunch & Sharon Shields; John & Patricia Butler; Mary L. Evans; Mary H. Evans; GH Harris Heirs; Ronnie Hunter; Elizabeth H. Olive; Bernard Richardson; Floya H Richardson Heirs; Darnell Scott; Carolyn O. Thompson; Willie R. Walden; Friendship Station Development, LLC, petitioners for the property located at 3113, 3136, 3148, and 3232 Olive Farm Road; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Road; 0, 0, 2804, 2816, 2908, and 2916 Richardson Road; 2705 and 2712 Butterfinger Lane; 0 Macintosh Wood Drive; and parts of 2800 Richardson Road
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #18CZ03 Peakway Village PUD Amendment, Robert E. Seymour III/ Peakway RES Office, LLC, petitioners for the property located 1001 Olive Chapel Road
- Consent 07 CORRECTION TO COVER SHEET Set the Public Hearing on April 17, 2018 for rezoning application #18CZ07 (MCI Business Park). The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 2.39± acres located at 5513 Eddie Creek Drive from Rural Residential (RR) to Light Industrial-Conditional Zoning (LI-CZ)
- Consent 08 Capital Project Ordinance Amendment No. 2018-7 to appropriate funds for the purchase of the Morgan, formerly Smith, Property at 1129 Wimberly Road and Budget Ordinance Amendment No. 21 to provide partial funding for the purchase
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of March 20, 2018
- Consent 10 Set the Public Hearing on April 17, 2018 for rezoning application #18CZ04 Horton Park PUD Amendment. The applicant, Jeff Roach, Peak Engineering & Design, on behalf of MFW Investments, LLC, sought to rezone approximately 146.899± acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ19) and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 11 Set Public Hearing for the April 17, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to lighting standards

Mayor Olive stated the Town Attorney requested the removal of Consent 03. The Town Manager stated there was a modification to Consent 07 which involved addition of wording on the cover sheet.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE ABOVE-MENTIONED MODIFICATIONS; COUNCIL MEMBER KILLINGSWORTH 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 JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Stan Thompson addressed Council regarding UDO changes for exterior lights. He spoke about preserving the evenings for rest, and cited several UDO's related to light pollution. He stated an applicant installed lighting on his property without the consent of the Planning Department, wanting the Town to conform to them vs. the other way around. Mr. Thompson spoke about his adversity to the resulting requested UDO special use permit.

Amber Groad spoke about the easement in her yard and work that had been done by Public Works. The ground was torn up and reseeded by the Town. However, she was unhappy with the seed used in the planting. Ms. Groad stated they tried to keep the grass up which took a lot of watering on their part. She asked if another type of seed could be used or if the Town would install sod. The Town Manager agreed to have someone contact Ms. Groad.

PUBLIC HEARINGS

Public Hearing 01 : Liz Loffin, Planner II

Public Hearing and designation of the Baucom-Olive House located at 206 South Salem Street as an Historic Landmark in compliance with North Carolina General Statute § 160A-400.1. through § 160A-400.15

Staff oriented Council to the site and stated reasons why the property should be classified as historical. Planning staff recommended approval. Jeremy E. Bradham, Preservation Specialist with Capital Area Preservation (CAP), Inc., further oriented Council to the site. He gave details of the history of the house as well as noting architectural details. He read the Significance Statement. CAP recommended approval.

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

Mayor Olive gave a brief history of his family's link to the home.

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

Public Hearing 02 : Liz Loffin, Planner II

Public Hearing and designation of the Upchurch-Williams House located at 7213 Roberts Road as an Historic Landmark in compliance with North Carolina General Statute § 160A-400.1. through § 160A-400.15

Staff oriented Council to the site, stating that CAP currently owns the house and it is on the market. Planning staff recommended approval of the designation. Mr. Bradham further oriented Council to the site. He detailed the history of the property, including the recent move of the house. He read the Significance Statement. Staff recommended approval of the designation as did CAP.

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 DOZIER MADE THE MOTION TO APPROVE
THE REQUEST; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Amanda Bunce, Planning Manager

Public hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Pulte Home Company, LLC (portion of Greenmoor open space and Brook Pine Trail ROW) property containing 0.164 acres located at Brook Pine Trail, west of NC540, Annexation #628, into the Town's corporate limits

Staff oriented Council to the site, stating that staff recommended approval.

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 GANTT MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Vance Holloman, Finance Director

Resolutions providing for sale and issuance of \$23 million of 2018 General Obligation Public Improvement Bonds and up to \$1.5 million of 2018 Refunding Bonds

Staff stated these resolutions would authorize the sale of our General Obligation bonds, and he stated the monetary details. The sale is scheduled for April 17th.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE
THE REQUEST; 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

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 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

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Apex Town Council Budget Workshop

Thursday, April 12, 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 Budget Workshop of the Apex Town Council scheduled for Thursday, April 12, at 4:00 p.m. was held in the Third Floor Training Room 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 Town Manager Drew Havens, Assistant Town Managers David Hughes and Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Communications Manager Stacie Galloway, Economic Development Director Joanna Helms, IT Director Erika Sacco, Planning Director Dianne Khin, Human Resources Director Mary Beth Manville, Public Works and Transportation Director Jose Martinez, Water Resources Director Marty Stone, Inspections and Permits Director Rudy Baker, Interim Electric Utilities Director Rodney Smith, Police Chief John Letteney, Fire Chief Keith McGee, EMS Chief Randall Heath, and Parks and Recreation Director John Brown.

COMMENCEMENT

Mayor Olive called the meeting to order.

PRESENTATIONS

The Town Manager presented the draft of the budget, stating that it aligned with Council's strategic goals.

General Fund

The Town Manager stated the General Fund was balanced, although it didn't start out being so. Personnel generated most of the expenditures. The 1 ½ cents tax increase was related to the Bond. The Town Manager spoke about the use of Reserves, which were 25% above the goal of the operating

budget. We will not use nonrecurring revenues for recurring expenditures. The Town Manager stated he was sensitive to this. We were not aware that solar PV on our buildings was coming. This, and three other projects, will come out of Revenues.

Transportation Project Fund and the Recreation Subdivision Fee Fund - The Town Manager outlined the projects in these budgets and from where the funding would come.

Personnel - The Town Manager stated governing body salaries were misstated but that they are now corrected. He explained how and when Council receives pay increases. Presented were the personnel requests with explanations as to what were and were not funded. The Town Manager explained how those to be funded were selected. He spoke about the historic guideline of no more than nine employees/1,000 population. While we try to keep at that level, it will come a day when we will need to go over. We run leaner than other local governments in this area. The Mayor stated it was fine to go over that guideline if the case was solid that we needed more people to do what we need to do.

Vehicle Replacement - The Town Manager spoke about how vehicles are replaced, maintained, and bought. He explained the State contract.

Special Appropriations - The Town Manager explained how the new two year process has improved and how it works. Applications are reviewed by the Finance Committee. TRACS will not be funded this year, since their County funding has increased. The Farmer's Market doubled their request because of their expanding services. Since we are giving them free space in the parking lot, Council stated he wanted to see them rely on us less. Council stated the Market is what makes Apex what it is. Their budget is very lean. If they started to rely on us 100%, then this would be discussed. Council stated the Committee voted to fund this as requested since they bring so much to the town, and there were no negative remarks against them. The SAFEchild organization was explained. Council explained that Western Wake Crisis Ministry was funded as it was this year because of their opening a new branch which will assist the homeless.

Other Post Employment Benefits (OPEB) – The Town Manager briefly explained what this is and stated that we have been paying as we go along. Accounting standards have changed, and we need to make this stand out more in our financial statement. The Finance Department talked to the Finance Committee about coming up with a strategy to handle this situation. We want to establish an irrevocable trust to address the issue, and the Finance Committee will come back to Council with a recommended funding amount for this year. There was some discussion and questions about the fund.

General Fund Revenue - The Town Manager stated we need direction if we want to add revenue for additional projects. The Mayor expressed not wanting/feeling the need to micromanage the manager on projects if the tax rate is increased. Council expressed wanting to increase the fund to help some of the projects and positions that have been put off continually. There was discussion about public art and its possible funding. Council recommended changing the tax rate to \$0.415, a two cents increase on top of the bond increase.

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

Vehicle Tag Fee - The Town Manager stated the Finance Committee recommend an increase to \$20/vehicle and for all the funds to go to the Transportation Capital Reserve Fund. He spoke briefly about what other municipalities are doing

THERE WAS NO OBJECTION FROM COUNCIL TO RAISE THE COST TO \$20/VEHICLE.

Solid Waste - The Town Manager stated our contract caps with an annual 2.5% increase. The Finance Committee recommended a new rate of \$7.83/month.

THERE WAS NO OBJECTION FROM COUNCIL ON THE INCREASE.

Water and Sewer Fund

Expenditures - the Town Manager went through what was requested and what was proposed to be funded.

Revenues - The Town Manager spoke about the water rates being changed to a tiered rate. We are doing well in water, but an increase of 4.3% was recommended for sewer rates. Shown were comparisons to surrounding municipalities.

THERE WAS NO OBJECTION FROM COUNCIL ON THE INCREASE IN SEWER RATES.

Electric Fund

Expenditures – The Town Manager stated the largest purchase was naturally resale. He noted the approved personnel requests. Additionally, we listened to the recent survey and will put in more streetlights. There was a recommended change in the electric rate since our wholesale rate is going up. We also have to consider the cost of running the business. The Town Manager talked a bit out the electric study.

THERE WERE NO OBJECTIONS FROM COUNCIL ON THE TOWN MANAGER'S RECOMMENDATIONS.

Revenues – The Town Manager gave comparison statistics with Duke and Wake Forest. Overall, we are in line with Duke and lower than Wake Forest.

The Town Manager stated that he would make adjustments to the budget based on what was heard in this workshop. He described the next steps which would end with the adoption of the budget – hopefully on June 5th.

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



Apex Town Council Meeting

Tuesday, April 17, 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, April 17, 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 Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Think Apex Day Proclamation. Think Apex Day 2018 is Saturday, April 28. This is a day when Apex residents are encouraged to get out in the community and make a positive impact through selfless actions and volunteerism.

Mayor Pro Tem Dozier read the Proclamation following the Mayor's brief explanation of why Think Apex Day is important to the community. The Mayor presented the Proclamation to Joanna Helms, Economic Development Director.

Presentation 02 : David Sarkisian, NC State Clean Energy Technology Center

Results of the work done by the Clean Energy Technology Center relative to Town policies and procedures related to solar photovoltaic (PV) systems installed on dwellings and businesses in Town

Mr. Sarkisian gave a brief history of his organization. He stated that he was asked to examine Town policies and the power supply contract to determine if changes could be made to our policies to be more solar friendly. The findings were outlined. The Town Manager agreed to consider some of the items presented

that were applicable to incorporate into some policy recommendations. He stated our goal was to be one of the most solar friendly towns in the state. Mr. Sarkisian answered Council questions related to time of use rates.

CONSENT AGENDA

- Consent 01** Minutes of the April 3, 2018 Regular Town Council Meeting
- Consent 02** Apex Tax Report dated 03/01/2018
- Consent 03** Facility Encroachment Acceptance Agreement No. CSX846025 between the Town of Apex and CSX Transportation, Inc. and authorization for the Town Manager to execute the Agreement
- Consent 04** Relocation of an existing 3 phase overhead electric line for NCDOT to replace the bridge on Apex Barbecue Road
- Consent 05** Amendment to Section 20-164 with the addition of subsection (28) establishing No Parking zones on the east and west sides of Lake Pine Drive along the unpaved shoulders in the vicinity of Apex Community Park
- Consent 06** Contract for Sam's Xpress Car Wash for Town-owned Passenger Vehicles
- Consent 07** 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 Salem Baptist Church of Apex property (2 single-family units) containing 1.945 acres located at 1201 and 1220 Salem Church Road, Annexation #631 into the Town's corporate limits
- Consent 08** One "Lieutenant" badge and one handgun declared "surplus", the price for such handgun set at \$1.00 (One Dollar), and the badge and handgun awarded to Lt. Rhodes and one "Sergeant" badge and one handgun declared "surplus", the price for such handgun be set at \$1.00 (One Dollar), and the badge and handgun awarded to Sgt. Towell
- Consent 09** Resolution to direct Town staff to post the Town's System Development Fee analysis for the water and sewer systems to the Town's web site and to solicit and furnish a means for written comments concerning that analysis. The analysis must be displayed for 45 days prior to adoption of the fee by the Town.
- Consent 10** Set the Public Hearing concerning the proposed Fiscal Year 2018-19 Budget for Tuesday, May 1, 2018, at 7:00 p.m. at the Apex Town Hall

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

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER
GANTT 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 : Liz Loffin, Planner II

Proposed 2030 Land Use Map Amendment and rezoning case #18CZ07 (MCI Business Park Expansion) for approximately 2.39± acres located at 5513 Eddie Creek Drive. The applicant, Jones & Cossen Engineering, PLLC, proposed amending the 2030 Land Use Map from Office Employment to Office Employment and Industrial Employment and rezone the property from Rural Residential (RR) to Light Industrial-Conditional Zoning (LI-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval. Staff answered Council questions related to kennels and surrounding land.

Patrick Kiernan, Jones and Cossen Engineering, representing the applicant, reiterated that this was an expansion of the MCI business park. He answered Council questions related to connections.

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 MOYER MADE THE MOTION TO APPROVE THE
AMENDMENT AND REZONING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Amanda Bunce, Planning Manager

Rezoning application #18CZ04 (Horton Park PUD amendment). The applicant, Jeff Roach, Peak Engineering & Design, on behalf of MFW Investments, LLC, sought to rezone approximately 146.899± acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ19) and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff reviewed the six changes to the PUD. Staff summarized previously requested changes related to transportation. Planning staff and the Planning Board recommended approval. The Planning Board asked for consideration by Council to further define one of the conditions. Council expressed concern about the length of the development and wanting to see a multi-use path. Council asked staff to clarify a concern about density.

Jeff Roach, Peak Engineering and Design, representing the applicant, thanked staff for working with them on this project. He explained why they were asking to add acreage, noting that they will not be adding

units. He further explained the zero entry percentage and how they are willing to have flexibility on this point. Mr. Roach addressed the language of a signal installation as requested by Council. He answered Council questions about public art easements and honoring the history of the property with this art, along with questions related to solar properties.

Mike Whitehead, MFW Investments, representing the applicant, presented information regarding solar and answered Council questions related to such. He additionally answered questions related to housing affordability.

Mayor Olive declared the Public Hearing open.

Steven Rhodes asked questions related to a particular intersection. His main concern was traffic and a bridge across Jessie Drive.

Mr. Roach answered further questions from Council. Staff summarized the five new conditions asked for during discussion.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSTORTH MADE THE MOTION TO APPROVE THE REZONING WITH THE FIVE NEW CONDITIONS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council expressed thanks for those things which were improvements and benefits. However, she also noted those things for which she was displeased. She would not be able to support the project. Council spoke about the gap of affordable housing becoming wider and wider and wanting to have conversation on how to address this.

COUNCIL MEMBERS KILLINGSWORTH, MOYER, JENSEN, AND GANTT VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive called for a five minute recess.

Public Hearing 03 : Amanda Bunce, Planning Manager
Amendments to the Unified Development Ordinance related to lighting standards

Staff oriented Council to the amendments requested by the Olive Chapel Swim and Tennis Club and outlined the proposed changes. Planning staff and the Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Chris Davies, representing a group of individuals, provided background on why the swim club made this request. He stated the benefits of the improvements they have already made. He explained that after installation, it was discovered that the use was not permitted by the Planning Department. He explained the dissenting vote at the Planning Board.

John Staley stated he supported the request.

Stan Thompson presented visuals showing why he was in opposition to the request. He talked about how the requestor was at fault for not following proper procedure before installing the lights, how the lights do not save money, and how they are not state of the art.

Leonard Jeffries stated that the lights installed produce a lot of glare, and there is not much of a barrier from the trees when the leaves fall.

Ismail Said stated he realized there was a permitting problem, but they have tried to do things correctly and felt the amendments were a reasonable compromise. He spoke about how they are trying to ensure no noise, etc.

Jennifer Yglesias stated they were excited about the lights because they could exercise in the evening after their work hours. She lives within site of the court, and the lights can be seen from her house. However, it is not an issue for them. The benefits of the lights outweigh any perceived negatives.

Terry Hengse stated he was in attendance representing his family and the swim club. His family has made many friends because of being at the courts. Given work schedules, it was of benefit for them to be able to use the courts when dark.

Will Scudder gave a perspective from the youth of the area. He supported the lights because the time spent by youth at the courts was better than time spent elsewhere.

Mayor Olive declared the public hearing closed.

Staff answered Council questions related to usage of the lights at the swim club and what the town does and does not allow. She showed examples of other courts in Apex and those nearby with extra lighting.

She stated there were no requested changes that would affect public parks. Council expressed concern about the glare, referring to information by IDS.

Staff stated this was not an easy standard to write and would need to be done so by an expert in the field. Council offered that screening on the fencing would help with minimizing glare. He was in agreement with the lighting being of benefit to extending playing time on the courts. There was Council discussion regarding whether there were other ways which might help the glare issue. Staff offered we do not have the equipment or expertise to properly measure glare according to industry reports. There was further discussion about buffers and what could be asked for during the permitting process.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Sarah Rayfield, Senior Planner

South Walk Townhomes Master Subdivision Plan for the properties located at 0 & 804 South Salem Street containing 7.13 acres and 40 lots

Staff oriented Council to the Plan. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. Planning staff recommended approval. Staff answered Council questions about the greenway, property owners possibly being boxed in in the future, and stream buffers. Council addressed solar home preparation with the developer, who committed to solar conduits.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, MOYER, KILLINGSWORTH,
AND GANTT VOTED IN THE AFFIRMATIVE. COUNCIL MEMBER DOZIER DID NOT INDICATE A VOTE.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Drew Havens, Town Manager

Amendment of Section 4-3 of the Apex Code of Ordinances to allow the keeping of miniature pigs within dwellings in the Town of Apex

Staff gave the conditions upon which the Ordinance would allow miniature pigs. People with pet allergies are not sensitive to pigs, they are trainable, and highly intelligent. The Planning Committee recommended that this change be made.

The Mayor recalled his experience visiting a family member who had one of these animals. He confirmed that the pigs are very intelligent and not a problem at all. Council related a similar story, indicating the intelligence of the miniature pigs.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE AMENDMENT; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE OF OINKS.

CLOSED SESSION

Closed Session 01 : Laurie Hohe, Town Attorney

To consult with the Town Attorney regarding HH Trinity Apex Investments, LLC, et. al. v. Town of Apex, and Upright Builders, Inc. v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER
MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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



Apex Town Council Meeting Tuesday, May 1, 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, May 1, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Pro Tem Nicole Dozier

Mayor Pro Tem Dozier will present the third annual "Think Apex" awards. Awards will be given to the "Top Thinker" and "Honorable Mention" in the categories of: Business; Individual or Group; and Non-Profit.

The Mayor and Council joined MPT Dozier up front as she gave the history of the awards and why they were created. She explained the nomination process. All nominees for each category were recognized.

MPT Dozier read the entries submitted from which honorable mentions and the Top Thinkers were selected. All these individuals were presented with an award and congratulated by Council. MPT Dozier expressed appreciation and encouraged all to continue supporting the unique aspects of our community.

Individual Category: Honorable Mention: Kris Taft Miller; Top Thinker: Tahira Hyman

Business Category: Honorable Mention: Stylish Living; Top Thinker: Apex Dental Group

Non-Profit Category: Honorable Mention: Peak UMC; Top Thinker: Citizens Assisting Police in Apex

Presentation 02 : Shannon Cox, Senior Transportation Planner

Shannon Cox, Senior Transportation Planner and Town of Apex representative on the Wake Transit Planning Advisory Committee, will provide a brief update on two major regional studies supporting transit implementation and associated upcoming public engagement opportunities

Staff provided an update on the process and how the community will be engaged for input. She outlined the two major studies. Staff focused conversation on bus services since this is what will be seen most in Apex. At several of the public entertainment events to be held in Apex, there will be information available for distribution to the public. Staff answered questions posed by Council.

Additional Presentation

Mayor Olive read a Proclamation celebrating Municipal Clerk Week and presented such to Apex Town Clerk Donna Hosch.

CONSENT AGENDA

- Consent 01 Minutes of the April 12, 2018 Budget Workshop and the April 17, 2018 Regular Town Council Meeting**
- Consent 02 Budget Ordinance Amendment No. 22 and Capital Project Ordinance Amendment Nos. 2018-8 and 2018-9 to appropriate the proceeds of 2018 Public Improvement Bonds for recreational projects, street improvement projects and issuance costs**
- Consent 03 Budget Ordinance Amendment No. 23 to appropriate the proceeds of 2018 Refunding Bonds to retire the outstanding 2008 Parks and Recreation Bonds and pay issuance costs**
- Consent 04 American Legion using Saturday, May 26, 2018 as the rain date for the car show they have planned for Saturday, May 19th**
- Consent 05 Resolution to rename portions of Green Level Church Road and recommend approval of the road name change by the Wake County Board of Commissioners**
- Consent 06 Set a Public Hearing concerning the Town's System Development Fee Analysis for the Water and Sewer Systems for Tuesday June 5, 2018 at 7:00 p.m. at the Apex Town Hall**
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #18CZ07, Jones & Cnossen Engineering, PLLC/MCI Enterprises, LLC, petitioners for the property located at 5513 Eddie Creek Drive**
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #18CZ04 Horton Park PUD, Jeff Roach, Peak Engineering & Design, on behalf of MFW Investments, LLC, petitioners for the property located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road**
- Consent 09 Set the Public Hearing for the May 15, 2018 Town Council meeting regarding an amendment to the 2030 Land Use Map and rezoning application #18CZ05 (Jordan Oaks PUD) for approximately 31.75± acres located at 0 Horton Road. The applicant, Milestone Developments, LLC, proposes to amend the 2030 Land Use Map from Rural Density Residential to Low Density Residential and to rezone the property from Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).**

- Consent 10 Set the Public Hearing for the May 15, 2018 Town Council meeting regarding an amendment to the 2030 Land Use Map and rezoning application #18CZ06 for approximately ±6.98 acres located at 1113 and 1125 Davis Drive. The applicant, Milestone Developments, LLC, seeks to amend the 2030 Land Use Map from Medium Density Residential to Office Employment and to rezone the properties from Rural Residential (RR) to Office and Institutional-Conditional Zoning (O&I-CZ).
- Consent 11 Set the Public Hearing for the May 15, 2018 Town Council Meeting regarding Rezoning Case #18CZ09. The applicant, Tony M. Tate Landscape Architecture, PA, seeks to rezone approximately ±34.63 acres, for the properties located at 8209 and 8233 Green Level Church Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).
- Consent 12 Set the Public Hearing on May 15, 2018 for rezoning application #18CZ10. The applicant, William G. Daniel & Associates, P.A. seeks to rezone approximately 3.34± acres located at 1490 & 1506 N. Salem Street from Residential Agricultural (RA) to Planned Commercial-Conditional Zoning (PC-CZ).
- Consent 13 Set Public Hearing for the May 15, 2018 Town Council Meeting regarding Rezoning Application #18CZ11 (Discovery Child Development Center) and 2030 Land Use Map Amendment. The applicant, Discovery Child Development Center, seeks to rezone approximately 3.2 acres located at 3005 Evans Road (PIN 0721810212) from Rural Residential (RR) to Office & Institutional - Conditional Zoning (O&I-CZ) and amend the 2030 Land Use Map from Medium Density Residential to Office Employment.
- Consent 14 Set the Public Hearing on May 15, 2018 for rezoning application #18RZ08 (Apex Cemetery) to rezone 0.0184± acre located at 0 Williams Road from High Density Single-Family Residential (HDSF) & Small Town Character Overlay to Conservation Buffer (CB) & Small Town Character Overlay
- Consent 15 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 Jennifer A. Quick (South Walk) property containing 8.19 acres located at 800 S. Salem Street, Annexation #619 into the Town's corporate limits.
- Consent 16 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 Phyllis N. Womble (Jordan Oaks) property containing 31.753 acres located at Estates Edge Drive, east of Horton Ridge Boulevard, Annexation #629 into the Town's corporate limits
- Consent 17 Set Public Hearing for the May 15, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 18 Revisions to the Town Standard Specifications and Details
- Consent 19 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of April 17, 2018 related to lighting standards
- Consent 20 Personnel Committee recommendation to reclassify the position of Purchasing Manager, Grade 24, to Purchasing and Contracts Manager, Grade 25, effective May 2, 2018

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

MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER 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 GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Nick Bryant, new Apex resident, spoke on the FY18-19 Budget, specifically as it related to public art and how much art enhances a community. He asked for monies to be allocated to such.

PUBLIC HEARINGS

Public Hearing 01 : Shawn Purvis, Assistant Town Manager
To receive citizen input on the Fiscal Year 2018-2019 Town Budget

Staff provided a brief overview of this year's process and what the proposed budget encompassed. Council's priorities were included in the budget, and the budget was balanced. Staff answered Council questions on the adoption process and proposed expenditures.

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

Public Hearing 02 : Dianne Khin, Planning Director
Ordinance on the Question of Annexation – Apex Town Council's Intent to annex Salem Baptist Church of Apex property (2 single-family units) containing 1.945 acres located at 1201 and 1220 Salem Church Road, Annexation #631 into the Town's corporate limits

Staff oriented Council to the site. The church wished to annex in order to receive public water and sewer. Staff recommended approval.

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 DOZIER MADE THE MOTION
TO APPROVE THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 – Quasi-Judicial : Shelly Mayo, Planner II

Quasi-Judicial Public Hearing and application for a Special Use Permit (#18SUP01) for the Western Wake Regional Water Reclamation Facility Public Safety Tower located at 3500 Reclamation Road

Mayor Olive read the statement related to quasi-judicial hearings and their proceedings. The Town Clerk swore in all those intending to speak.

Mayor Olive declared the Public Hearing open.

Tom Johnson, attorney and applicant, introduced himself and recognized those on his team.

There was no one present opposed to the request.

All Council members stated there were no conflicts and no communication with the applicant. All felt they could make impartial decisions and none had visited the site.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Ms. Mayo stated her name and gave her credentials and work history. She oriented Council to the site. A neighborhood meeting was held. Staff stated what was proposed by the applicant. Staff recommended approval of the request.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff answered questions related to expansion of the water treatment plant.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Johnson stated they needed to enhance service in the community. Their goal was to improve communications by public safety which does not now exist.

John Higgins stated his work background. He spoke about the tower being needed to improve public safety communication. He stated how the numbers of radios and pagers have grown over the years. There is no radio coverage in several areas of the county. An upgrade of the system is currently underway. Mr. Higgins stated what they were proposing. The tower will serve Apex fire, police, and EMS.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Higgins answered questions related to contract agreements, technology, cell usage, and tower structure and maintenance. He stressed this tower would be used strictly for public service and not, for example, ham operators.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: None.

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
SPECIAL USE PERMIT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager
Resolution declaring a parcel of Town owned land as surplus

Staff gave the location of the land. A citizen desired to purchase the property upon which to move a house. Staff saw no public purpose to the land and asked Council to declare the property surplus and begin the process to sell. Responding to Council, staff outlined the upset bid process. Staff also answered Council questions related to zoning, why this property was not beneficial to the Town, and possible loss of green space. Staff stated the adjoining neighbors would be notified by signage of the request for sale.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO ADOPT THE RESOLUTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

There was discussion on the use of sale proceeds. Council stated he felt the sale would disrupt the area. There was brief discussion about the Town being liable should something occur on the property while in our possession. Staff stated possible uses of the property were examined and nothing was identified. Council asked about the land being used, for example, as a community garden.

COUNCIL MEMBERS JENSEN, DOZIER, AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS GANTT AND KILLINGSWORTH VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Additional Discussion

Council Member Moyer stated he wished to see one roving Special Resource Officer (SRO) funded for elementary schools the next budget year and the effectiveness of this assessed at the end of the year. Maybe we could receive funding assistance from the school board. Council stated she has had conversations with the County and wanted to see larger conversations with the new County staff members. Staff clarified which SROs we fund. Council stated she wished to see safety assessments done in the schools with resulting conversation as to how concerns could be addressed.

There was conversation about the effectiveness of a roving officer and whether or not there was a risk great enough to warrant this position at elementary schools. Council stated he wished to see data from the schools related to this. Also, would this be a good use of an officer? There was agreement from Council regarding wanting to see data and if this was good use of an officer. Council wanted to know what the SRO would be addressing in the elementary schools. Council stated it would improve community relations.

COUNCIL CONSENSUS WAS FOR STAFF TO GATHER DATA RELATED TO THE EFFECTIVENESS OF
A ROVING SRO AND WHAT THE JOB DESCRIPTION MIGHT LOOK LIKE.

The Manager stated that since this would not impact the budget, no workshop would be needed and the budget could be adopted while we continue to work on this.

CLOSED SESSION

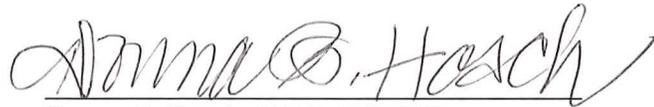
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

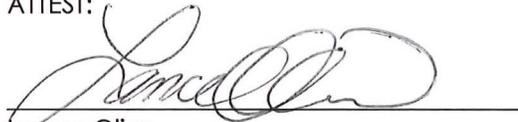
ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive declared the meeting adjourned.

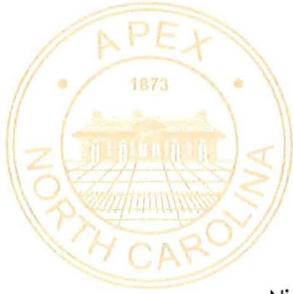


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, May 15, 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, May 15, 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 Town Manager Drew Havens, Assistant Town
Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Kiersten Place, Ms. NC Junior Teen, gaveled the meeting to order. Mayor Olive called the meeting to order and stated that Ms. Place was job shadowing him. Mayor Olive gave the Invocation and led the Pledge of Allegiance. Ms. Place assisted the Mayor in explaining the timer, sign in sheets, and applause preference.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive
National Police Week Proclamation to the Apex Police Department

Mayor Olive read the Proclamation and presented it to Chief John Letteney who was accompanied by approximately 20 members of his police force team.

CONSENT AGENDA

- Consent 01** | **Minutes of the May 1, 2018 Regular Town Council Meeting**
- Consent 02** | **Resolution approving the Local Water Supply Plan (LWSP) required by the State of North Carolina by General Statute 143-355(I)**

- Consent 03 Closing of the Chamber of Commerce Parking Lot on specific dates for entertainment associated with “Finally Friday”
- Consent 04 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 the Robert & Linda Annunziata (Grey’s Landing) property containing 5.227 acres located at 7124 Apex Barbecue Road, Annexation #632, into the Town’s corporate limits
- Consent 05 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 Charles W. Chewing (Pointe at Lake Castleberry) property containing 36.74 acres located at 4213 Green Level West Road, Annexation #624, into the Town’s corporate limits
- Consent 06 Budget ordinance amendment to appropriate insurance proceeds for the replacement of a Chevy Tahoe which was totaled in an accident.
- Consent 07 Budget ordinance amendment for the Police Donations Funds so that donations previously received during the current fiscal year may be used for community activities
- Consent 08 Reconveyance of Lot 204, Plots B and E in the Apex Cemetery back to the Town of Apex
- Consent 09 Transfer of Apex Cemetery Lot 211, Plot G to Laura L. Walters
- Consent 10 Position reclassification of one of the Senior Zoning Compliance Officer positions, Grade 24 to Senior Zoning Compliance Enforcement Officer - Landscaping, Grade 25, effective May 21, 2018

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

REGULAR MEETING AGENDA

The Mayor stated that there was a request to move Public Hearing 07 to be heard first since it would be fairly quick to address. There was also a request to add a Closed Session to receive advice from the Town Attorney.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED MODIFICATIONS.
COUNCIL MEMBER GANTT MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Lisa Glover asked Council not to adopt the resolution proposing the sale of the parcel identified as PIN #0742602371 (New Business 02). The land does not meet lot size standards, and Ms. Glover asked

Council to consider keeping the land as open space. The property is very small, and it would be egregious to sell it with the intent of putting up a house without mitigating the parking situation. Ms. Glover felt this would bring a lot of impervious service, it would not benefit the area environmentally, and that it would bring down a notch what has become "Apex living".

PUBLIC HEARINGS

Public Hearing 07 : Sarah Rayfield, Senior Planner

Public Hearing and rezoning application #18CZ09. The applicant, Tony M. Tate Landscape Architecture, PA, sought to rezone approximately ±34.63 acres located at 8209 and 8233 Green Level Church Road from Rural Residential (RR) to Low Density Residential – Conditional Zoning (LD-CZ)

Mayor Olive stated that staff recommended this Hearing be continued to the June 19, 2018 Council meeting due to it being continued at the Planning Board meeting.

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

Public Hearing 01 : Lauren Staudenmaier, Planner I

Rezoning application #18RZ08 (Apex Cemetery) to rezone 0.0184± acres located at 0 West Williams Road from High Density Single-Family Residential (HDSF); Small Town Character Overlay District to Conservation Buffer (CB); Small Town Character Overlay District

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and staff recommended approval.

Staff answered Council questions related to housing types, density, and zoning.

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 GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Shelly Mayo, Planner II

2030 Land Use Map Amendment and rezoning application #18CZ11. The petitioners, Discovery Child Development Center, wished to amend the 2030 Land Use Map for +/- 3.2 acres located at 3005 Evans Road from Medium Density Residential to Office Employment. They also wished to rezone this property from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ).

Staff oriented Council to the site. The Planning Board unanimously recommended denial of the request; staff recommended approval of the request.

Staff spoke about traffic concerns related to a traffic signal which is now operational. The day care driveway was analyzed, and staff presented its results and recommendations. Staff answered Council questions related to road realignment and cost concerns. Also answered were questions related to start times of the day care center.

Mayor Olive declared the Public Hearing open.

The applicant, Michael Dlott, gave background on this family business. He spoke about the uniqueness of the school and its programs. The site is a natural fit for what they are looking. There are limited childcare options in the area, and his speaking to neighbors confirmed this. Mr. Dlott understood that traffic was a concern and presented statistics which showed there was no impact on the local roads. The benefits of their curriculum was explained, and they have staggered their start times to accommodate neighbor traffic concerns.

Mike McQuillen, engineer and planner for the project, spoke about past revisions to the land use plan. He stated reasons why they disagree that there would be a better place for this establishment elsewhere. Mr. McQuillen stated Mr. Dlott was looking for a safe location for the children who would attend the daycare, and this was a perfect location. He also viewed the site at different times during the day, noting that he witnessed no traffic problems on the road at all.

Andrew Brunn, resident, stated he received a petition from an HOA and a few neighbors. He addressed three items – Evans Road, potential use of the property, and building height.

Ali Carrier, resident, stated she has benefitted from this day care and the excellent curriculum, particularly to her special needs children. They didn't want to leave the center when it was time, so they made use of the center's camps. Ms. Carrier stated it was good to keep private education dollars in the town.

Mark Steele, president of the HOA of Madison at Evans Creek, spoke on behalf of a group of residents. Neighbors have come forward with a second petition of which the residents asked him to represent them. They wished the Planning Board's recommendation of denial held up. Mr. Steele stated the land use map needs to be able to be counted on and should not be spot amended. He talked about what they would like to see in the area and pointed to a better location for the day care center. He talked about why we

should follow the current plan. Mr. Steele spoke to reasons why they moved to Apex and why they want to support Council's agenda of smart growth.

Mayor Olive declared the Public Hearing closed.

Mr. Dlott stated we are a community that supports families, and he wanted to support being able to provide a need for our children. He talked about how many kids are going to benefit from the day care.

Mayor Olive declared the Public Hearing closed.

Council stated she was very concerned about traffic and gave examples of how she felt traffic would be impacted. She did not feel this the right place for this business.

Council stated she was concerned about traffic, the realignment of the road, and more walkers in the area. She could not support this lovely business at this time. The drop off times did not seem realistic.

Council stated his concerns about traffic configuration and hoped the applicant could find another spot for the business. He was not supportive of the request.

Council stated this was a great concept for which he as in favor, expanding on his reasons why.

Council stated his concerns about traffic if this area was to become residential. He felt this a valuable business for the area and recognized that the land use map was evolving. Overall, it would be a benefit for the area, and he felt he could vote for the request with some reservations.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO DENY THE REQUEST;
COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

There was further discussion regarding other listed uses for the area. Staff reminded Council of the Planning Boards' reasons for denial.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, AND GANTT VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS JENSEN AND MOYER VOTED IN THE NEGATIVE.
THE MOTION FOR DENIAL CARRIED BY A 3-2 VOTE.

Public Hearing 03 : Liz Loffin, Planner II

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Phyllis N. Womble (Jordan Oaks) property containing 31.753 acres located at Estates Edge Drive, east of Horton Ridge Boulevard, Annexation #629 into the Town's corporate limits

and

Public Hearing 04 : Liz Loffin, Planner II

2030 Land Use Map Amendment and rezoning case #18CZ05 (Jordan Oaks PUD) for approximately ± 31.75 acres located at 0 Horton Road. The applicant, Milestone Developments, LLC, proposed to amend the 2030 Land Use Map from Rural Density Residential to Low Density Residential and to rezone the property from Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. The PUD would be developed in two phases. Staff recommended approval of the request as did the Planning Board.

Staff answered Council questions on density, buffers, and lot sizes.

Mayor Olive declared the Public Hearing open.

The applicant, Bill Daniel, stated this piece of land was left out of the original rezoning. He clarified Council's question about densities. He spoke about road connections, infrastructure, driveways, and buffers. Mr. Daniel requested that a condition be added related to solar. He would leave out the educational aspect of the condition, as it would not be enforceable.

Emily Webb asked for clarification on some of the plans for buffers.

Dana Stephens, speaking on behalf of a group of neighbors, spoke about why they all moved to New Hill. They were told that this land was too geographically complex to be developed. She spoke about developers cutting down trees. They were asking for buffers between neighborhoods which would help maintain Apex character. They were concerned about private agreements between their HOA and the developer regarding amenities. She expressed their dire wish for a buffer which would provide them privacy.

Staff answered Council questions regarding neighborhood connectivity, buffers, lot premium charges, and open space. Staff explained why this parcel was left out of the original rezoning. Council stated he is now satisfied with the current request.

Mr. Daniel clarified Council questions related to buffers, common areas, slopes being graded away, and amenities.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE LAND USE MAP AMENDMENT, ANNEXATION, AND REZONING WITH CONDITIONS; COUNCIL
MEMBER KILLINGSWORTH SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, KILLINGSWORTH, GANTT, AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive called for a seven minute recess.

Public Hearing 05 : Liz Loffin, Planner II

Rezoning case #18CZ10 for approximately ± 3.34 acres located at 1490 & 1506 N. Salem Street. The applicant, William G. Daniel & Associates, P.A., proposed to rezone the properties from Residential Agricultural (RA) to Planned Commercial-Conditional Zoning (PC-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff proposed an additional condition. Staff recommended approval as did the Planning Board. Staff stated there was an additional condition which involved wording which the applicant would explain.

Staff answered Council questions related to parking.

Mr. Daniel, applicant, explained their goals for the area. He spoke about drives and stated, by request, the uses which would not be allowed. He stated developers would be encouraged to save some of the existing trees. He wished for the solar conditions to be a part of the Minutes [*refer to documentation located in the Planning Department*].

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

Mr. Daniel answered Council questions related to microbreweries. Council stated that as chair of the Environmental Committee, she had a problem if solar was a condition and there was no condition to save some of the large existing trees, which are specimen trees by UDO definition. Mr. Daniel stated he would not be able to dictate this to future developers. There was further discussion about Mr. Daniel's commitment to the neighbors about microbreweries.

Council proposed the removal of several of the approved uses. Council stated he would like to see microbreweries as an additional use. The Town Attorney clarified the process of requesting the addition of a use. There was discussion regarding the various ways that adding a use could move forward. Mr. Daniel stated he wished to keep his commitment to remove microbreweries as a use.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST WITH THE ADDITIONAL OF THE REMOVAL OF THE THREE STATED USES, NO ADDITIONAL USE OF MICROBREWERIES, AND THE USE STATED BY STAFF; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council stated he wanted to see special attention to the trees as discussed earlier. He was disappointed by the removal of microbreweries as a use.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Sarah Rayfield, Senior Planner

2030 Land Use Map amendment and rezoning application #18CZ06. The applicant, Milestone Developments, LLC, sought to amend the 2030 Land Use Map classification of approximately 6.98± acres located at 1113 and 1115 Davis Drive from Medium Density Residential to Office Employment and to rezone the properties from Rural Residential (RR) to Office and Institutional – Conditional Zoning (O&I-CZ).

Staff made note of the corrections which were passed out to Council on this evening. Staff oriented Council to the site. A neighborhood meeting was held.

Staff spoke to why the request was being made and stated the proposed conditional zoning conditions to which staff was agreeable. Staff recommended approval with the additional conditions. The Planning Board recommended approval with the proposed conditions. Questions from Council were answered related to draining the existing pond. Staff provided answers to Council regarding public and private streets and stubs.

Mayor Olive declared the Public Hearing open.

Mr. Daniel, applicant, stated the requested change is far better for office than medium density residential because of the nature of the roadway. He gave reasons why the pond is a problem and why the dams would need to be reconstructed. They have designed a drainage plan for the pond. Mr. Daniel stated he wished to add an additional condition related to solar and LED lighting.

John Brewer, Towerview Office Suites, provided the vision for the project. He gave statistics on their client base and reasons why their business is growing. They hoped this project would be the first of many in Apex.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REQUEST WITH ALL ADDED CONDITIONS INCLUDING SOLAR; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council thanked the applicant for their work on this project.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Amanda Bunce, Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments and answered questions from Council on meandering walkways.

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 GANTT MADE THE MOTION TO APPROVE
THE REQUEST; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 09 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jennifer A. Quick (South Walk) property containing 8.19 acres located at 800 S. Salem Street, Annexation #619 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval.

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 REQUEST; COUNCIL MEMBER GANTT SECONDED THE MOTION.

COUNCIL MEMBERS JENSEN, GANTT, MOYER, AND KILLINGSWORTH VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Contracts with GreenPower NC for the lease/purchase of a solar photovoltaic electric generation system to be installed on Public Safety Station 4 and the Public Works Administration Building and authorize the Town Manager and Town Attorney to make any additional minor modifications to and execute the contract.

Staff stated panels were to be installed on the Public Works Operations building. At the same time, proposals were in to install panels on Public Safety Station 5. The latter was been delayed because staff is not comfortable with this because of the ongoing work at the building. Instead, staff requested the use of the appropriated funds to put panels on Station 4. This required approval of Council was due to a the need for a new contract.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REQUEST; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Staff stated the system which is currently on the Public Works Building is operating very well and performing as promised by the vendor.

THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Sarah Rayfield, Senior Planner

Toad Hollow Master Subdivision Plan for the property located at 1928 Kelly Road containing 3.79 acres and 11 single-family lots

Staff oriented Council to the site. The Planning Board and staff recommended approval.

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

New Business 02 : Drew Havens, Town Manager

Resolution proposing the sale of one parcel identified as PIN #0742602371 and consisting of approximately .17 acres of land for \$20,000.00 subject to the upset bid procedure

Staff stated this request reflected a slight change in wording in the Resolution to state that bids would need to come before Council for approval. After Council would approve the highest bid, then that would start the upset bid process.

Council questioned there being a conflict in lot size for the small town character district, which staff clarified. Council stated there have been concerns about parking and a vehicle from a neighboring town being parked on the property illegally. Staff stated parking regulations would fairly and equitably be looked into for enforcement in this situation.

Staff, responding to Council, stated applicable sections of the UDO. Until plans are submitted, it could not be determined how a house would/would not sit on the property. She confirmed that this is a lot of record.

Council spoke about his previous conversation to put a community garden on this property and requested staff to look into this. Staff spoke about how this concept worked in a city in which he previously worked. However, our lot is not big enough to achieve what was done there.

Staff spoke about police deploying resources to crashes in the area, Council stating he's been to the area and not seen a lot of activity. Council stated she felt the area being used for open/green space was more beneficial. Staff spoke about and answered questions from Council related to liability, and the upset bid process was explained. The Mayor stated that if we keep the property, we should define the public use for the property.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO ADOPT
THE RESOLUTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
COUNCIL MEMBERS MOYER AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS
DOZIER, KILLINGSWORTH, AND GANTT VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 2-3 VOTE.

Council and the Mayor further expressed their views regarding purposes for this property and our fiduciary responsibility of the land to the taxpayers. Staff stated they would look at crash data and parking violations. The Mayor reminded Council that staff could not come up with a feasible Town use for the lot.

Staff stated there were no concerns about utilities. Right now the property is being maintained by the immediately adjacent neighbor. We could take that over and, for example, put a bench on it. Council stated she wished for more neighbors to be heard and then she would make a decision. Council did not understand how parking issues related to this lot.

CLOSED SESSION

ADDED Closed Session 01 : Laurie Hohe, Town Attorney
To receive advice from the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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.

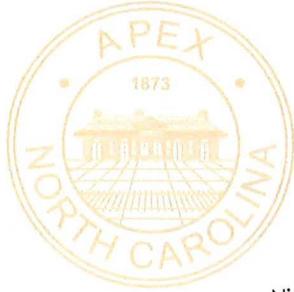


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, June 5, 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, June 5, 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 Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : David Hughes, Assistant Town Manager

Introduction of Electric Department Director, Eric Neumann, and Construction Project Manager, Dennis Brown

Mr. Hughes introduced the two new employees and gave a brief history of their backgrounds and employment histories.

Presentation 02 : Jonathan Whitehurst, AICP, Kimley-Horn & Associates

Jonathan Whitehurst of Kimley-Horn provided an update on the progress of Advance Apex: The 2045 Plan

Staff introduced Mr. Whitehurst who stated he would present the second of four updates on this project. He provided a brief overview on how this community-driven plan will be used and about work on the Land Use map and where we are in this process. Mr. Whitehurst went over the next steps and answered Council questions on the outreach to citizens and how to keep people and staff engaged in the plan.

CONSENT AGENDA

- Consent 01 Apex Tax Report dated 04/03/2018
- Consent 02 Computer Aided Dispatch (CAD) interface for Superior CAD System infrastructure upgrade
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving the Western Wake Regional Water Reclamation Facility Public Safety Communication Tower Special Use Permit
- Consent 04 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 15, 2018
- Consent 05 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #18CZ05 (Jordan Oaks PUD), William G. Daniel & Associates, P.A./Milestone Developments, LLC, petitioners for the property located at 0 Horton Road
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #18CZ10, William G. Daniel & Associates, P.A./Middle Ground Acquisition, LLC, petitioners for the property located at 1409 and 1506 N. Salem Street
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #18RZ08 (Apex Cemetery), Drew Havens, Town Manager, Town of Apex, petitioner for the property located at 0 West Williams Street
- Consent 09 Set the Public Hearing on June 19, 2018 for rezoning application #18CZ16 Lufkin Road. The applicant, Glenn Futrell, JLG Corporation, LLC, on behalf of Margaret Baker Hinton & Relonwidia Hinton, seeks to rezone approximately 2.1± acres located at 2014 and 0 Lufkin Road from Residential Agricultural (RA) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 10 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 11 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to Public Safety Communication Towers
- Consent 12 Revisions to the Town Standard Specifications and Details
- Consent 13 Encroachment Agreement between the Town of Apex and NCDOT related to Phase I of the Middle Creek Greenway and authorization for the Town Manager to execute all related documents
- Consent 14 Statement of Denial of the Town Council for Rezoning Case #18CZ11 (Discovery Child Development Center), Ronald and Margaret Allison, petitioners for the property located 3005 Evans Road
- Consent 15 Statement of the Town Council and Ordinance for Rezoning Case #18CZ06, Milestone Development, LLC, petitioners for the property located at 1113 and 1125 Davis Drive
- Consent 16 Set Public Hearing for the June 19, 2018 Town Council Meeting regarding 2030 Land Use Map Amendment and Rezoning Application #18CZ12 (Olive Glen PUD) and Ordinance. The applicant, Virginia Goodwin Heirs, sought to amend the 2030 Land Use Map from Rural Density Residential to Low Density Residential and rezone approximately 36.46 acres located at 433 New Hill Olive Chapel Road from Rural Residential (RR) and Wake Co. R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 17 Set the Public Hearing on June 19, 2018 for rezoning application #18CZ13 Cool Pools. The applicant, Jeff Roach, Peak Engineering & Design, PLLC, seeks to rezone 0.05± acres located at 0 Old US 1 Highway from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 18 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 Virginia Goodwin Heirs (Olive Glen PUD) property containing 36.54 acres located at 433 New Hill Olive Chapel Road, Annexation #633, into the Town's corporate limits

- Consent 19 **Capital Project Ordinance Amendment No. 2018-10 to appropriate funds for the construction of additional parking and for renovations at the Police Station on Saunders Street**
- Consent 20 **Authorization for the Town Manager to sign a Right of Entry Permit between Wake County and the Town to allow a training exercise between Apex, Cary and Morrisville Fire Departments to be held on the Wake County owned parcel of land behind Fire Station 3 (736 Hunter Street)**
- Consent 21 **Personnel Committee recommendation for approval of Personnel Policy Revisions**
- Consent 22 **FY 18-19 Position Classification Plan**

The Town Manager requested an Add-on item to the Consent Agenda related to amending the Special Event application for Music Fest.

MAYOR OLIVE CALLED A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE WITH THE ADD-ON ITEM; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Killingsworth requested the addition of an Old Business item taken from the May 15th Regular Meeting – Resolution proposing the sale of one parcel identified as PIN #0742602371 and consisting of approximately .17 acres of land for \$20,000.00 subject to the upset bid procedure.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER GANTT 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 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Charles W. Chewning (The Point at Lake Castleberry) property containing 36.74 acres located at 4213 Green Level West Road, Annexation #624, into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval.

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 ORDINANCE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Robert & Linda Annunziata (Grey's Landing) property containing 5.227 acres located at 7124 Apex Barbecue Road, Annexation #632, into the Town's corporate limits

Staff oriented Council to the site.

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.
COUNCIL MEMBERS KILLINGSWORTH, GANTT, JENSEN, AND MOYER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 03 : Vance Holloman, Finance Director and Marty Stone, Water Resources Director

Resolution adopting the Water and Sewer System Development Fee Analysis and the recommended System Development Fees

Staff explained what would be needed for these fees to be charged and by whom the rules and regulations were initiated.

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 RESOLUTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Add-On Old Business 01 : Council Member Audra Killingsworth

Resolution proposing the sale of one parcel identified as PIN #0742602371 and consisting of approximately .17 acres of land for \$20,000.00 subject to the upset bid procedure

Council stated that after reviewing the issue and meeting with a member of the Town, she decided a home would bring in less traffic than a min-park in the area. She wished to reconsider the item and possibly put the land up for bid. Council discussed a possible restriction in the height of the house to 1½ stories. She asked about restriction to the small town overlay on height, staff answering that the property could hold a two-story house. Council thought two stories would be out of place.

The Town Attorney explained two ways the restrictions could be enforced and what would happen if they were not adhered to. Council asked questions to the Town Attorney related to spot zoning. The Mayor asked if staff could research height related to roof pitch, modify the resolution and the rezoning request, and come back to Council. He stated the current upset bid for the property could be held until these questions were answered.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION FOR STAFF TO INVESTIGATE THE HEIGHT GUIDANCE FOR A 1 ½ STORY HOUSE BEING ACCEPTABLE, TO MODIFY THE ZONING CONDITION FOR THE LAND, AND TO BRING THIS INFORMATION BACK TO COUNCIL;
COUNCIL MEMBER DOZIER 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 : Shawn Purvis, Assistant Town Manager FY 2018-2019 Annual Budget Ordinance and FY 2018-2019 Fee Schedule

Staff presented a brief overview of the revisions since the last Public Hearing. He clarified the rise in the tax rate. Staff clarified that the timeframe for Council to introduce initiatives to possibly be funded would be at the Budget Retreat.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE ORDINANCE AND FEE SCHEDULE; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council praised staff for their effort in the budget process. Council stated he was not in favor of the tax increase but appreciated staff's efforts. Council stated the tax increase was necessary to address

transportation issues and provided examples of why the safety of our roads was important. Council stated that as the town grows, we need to be able to ensure there is staff to provide services. She thanked staff for the easy way staff demonstrated the reasoning [infographics] for the budget. Council stated we need to be proactive in order to not get further and further behind.

COUNCIL MEMBERS DOZIER, KILLINGSWORTH, JENSEN, AND GANTT VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

New Business 02 : Shawn Purvis, Assistant Town Manager

FY 2018-2019 Capital Improvement Program and associated capital project ordinances

Staff stated the Plan is 5 years and beyond and only the first year is incorporated into the budget. The remaining four years would still be fluid. Of the \$40 million of capital projects, \$20 million would be covered by Bonds.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE
PROGRAM AND PROJECT ORDINANCES; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Laurie Hohe, Town Attorney

(1) To consult with the Town Attorney and (2) To consult with the Town Attorney regarding HH Trinity Apex Investments, LLC, et. al. v. Town of Apex

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.

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

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE RESOLUTION NO. 18-0605-09 FOR EMINENT DOMAIN PROCEEDINGS RELATED TO
THE HUMIE OLIVE ROAD MULTI-USE PATH PROJECT. COUNCIL MEMBER MOYER MADE THE
MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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Apex Town Council Meeting Tuesday, June 19, 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, June 19, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting order, Council Member Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Lance Olive, Mayor

Proclamation recognizing July as Parks and Recreation Month as designated by the U.S. House of Representatives

Mayor Olive read the Proclamation and presented it to Recreation Program Supervisors Ali Pulaski and Patrick Fitzsimmons of the Parks and Recreation Department.

CONSENT AGENDA

Consent 01 Apex Tax Report dated 05/01/2018

Consent 02 Amend the Special Event application approval for the Apex American Legion Car Show to change the event date to Saturday, June 30, 2018, and to close the Town Hall parking lot and parking lot connector road for that day per the application

- Consent 03 Ratification of the electronic bid publication method and approval of a construction contract and authorization for the Town Manager to execute same for Resurfacing Project (R-18-3)
- Consent 04 Capital Project Ordinance Amendment No. 2018-13 to appropriate funds for the purchase of water and sewer easements which will be funded by developer reimbursements
- Consent 05 Capital Project Ordinances Amendment No. 2018-12 for the Recreation Capital Project Fund
- Consent 06 NCDOT municipal agreement for design review and a professional services agreement with Kimley-Horn and Associates, Inc. for a feasibility study of the improvement and extension of Jessie Drive between Ten-Ten Road and NC 55, and authorization for the Town Manager to execute both agreements, and approval of Budget Ordinance Amendment Number 26 and the associated Capital Project Ordinance Amendment No. 2018-11 in the amount of \$121,000
- Consent 07 Custodial contract with Environmental Service Systems, LLC and authorization for the Town Manager to execute same for custodial services for Town-Owned Buildings
- Consent 08 Landscaping contract with Greenscape, Inc. and authorization for the Town Manager to execute same for landscaping services for both town-owned parcels as well as Roadway Right-of-Ways as shown in the exhibits
- Consent 09 Ordinance amending Section 14-14 of the Apex Code of Ordinances; ordinance amending Section 20-17 of the Apex Code of Ordinances; rescind the formerly approved closure of Salem Street and the Chamber of Commerce Parking lot on September 15, 2018; closing the parking lots off Saunders Street, as shown on the event map, and allowance for the Apex Downtown Business Association to use these lots for this event per the Special Event Application; closing the parking spaces on the north side of Saunders Street between the east entrance to the Municipal parking lot and the west entrance to the Municipal parking lot to public use and allowing this to be parking reserved for and controlled by the organizers of the event for the duration of the event per the Special Event Application; designation of the nine parking spaces on the south side of Templeton Street, west of the Halle Cultural Arts Center rear parking area, as reserved for handicapped parking for the duration of the event per the Special Event Application; approval of the modified Special Events Permit Application.
- Consent 10 Ordinance amending Section 12-48 of the Town of Apex Code of Ordinances
- Consent 11 Guidelines for the Approval of Proclamations and Letters of Honor
- Consent 12 Resolution to approve changes to the Town's Purchasing Policy and Procurement Card Policy to comply with State and federal requirements, establish controls over procurement and vendor cards required by State guidelines, and to adjust the purchase order threshold to a level consistent with similar local governments
- Consent 13 Set the Public Hearing for the July 17, 2018 Town Council Meeting regarding Rezoning Case #17CZ20 (Roberts Crossing PUD). The applicant, Stuart Jones, Jones & Crossen Engineering, PLLC, seeks to rezone approximately ±35.6 acres located at 0, 7013, 7019, 7021, 7029, & 7113 Roberts Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 14 Set the Public Hearing for the July 17, 2018 Town Council Meeting regarding Rezoning Case #18CZ14. The applicant, JVI Building & Development, Inc., sought to rezone approximately ±0.35 acre, for the property located at 7113 Beaver Trail, from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).
- Consent 15 Set the Public Hearing on July 17, 2018 for rezoning application #18CZ15. The applicant, Glen Arbor Capital, LLC sought to rezone approximately ±0.52 acre located at 314 N. Mason Street from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ).

- Consent 16 Set Public Hearing for the July 17, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to new uses
- Consent 17 Set Public Hearing for the July 17, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to parking
- Consent 18 Town of Apex - Wake County Community Development Block Grant Cooperation Agreement for Federal FY2019-2021
- Consent 19 Resolution establishing a capital reserve fund for water and sewer development fees collected after June 30, 2018 as required by House Bill 463
- Consent 20 Transfer of cemetery Lot 127, Plots G and H as requested by Stephen Mills
- Consent 21 Reconveyance of cemetery Lot 289, Plots E, F, and G back to the Town as requested by James Benton's beneficiaries
- Consent 22 Capital Project Ordinance Amendment No. 2018-14 to appropriate funds for the expansion of the existing Town fiber network
- Consent 23 Updates to the Triangle J Council of Government Charter Resolution
- Consent 24 3-year contract with Crawler Pipeline Services, LLC and authorization for the Town Manager to execute same for pumping, hauling, pipe cleaning, CCTV inspection, trenchless point repairs, and trenchless service repairs
- Consent 25 Capital Project Ordinance Amendment No. 2018-15 to appropriate funds for the Inflow and Infiltration Reduction Program, Water Meter ERT/ AMI Program & Pump Station Upgrades & Improvements

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

REGULAR MEETING AGENDA

Mayor Olive requested that Public Hearings 03 and 04 be moved to be heard first during Public Hearings.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED MODIFICATIONS.
COUNCIL MEMBER GANTT MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Merel Devaney spoke regarding the new fiscal year budget. The Reserve is 1% of the proposed budget for next year and that is quite small. It's great that we are not bankrupt. Ms. Devaney stated it is not uncommon for most businesses to keep 5% in reserve, and she wanted to see if the Town could keep more money in budget in the future. The Town Manager briefly explained fund balance and stated we

have large reserves. Staff will speak with Ms. Devaney further to ensure she understands the municipal budgetary process.

PUBLIC HEARINGS

Public Hearing 03 : Shelly Mayo, Planner II

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Virginia Goodwin Heirs (Olive Glen PUD) property containing 36.54 acres located at 433 New Hill Olive Chapel Road, Annexation #633, into the Town's corporate limits and

Public Hearing 04 : Shelly Mayo, Planner II

2030 Land Use Map Amendment, rezoning application #18CZ12 (Olive Glen PUD), and Ordinance. The petitioner, Morningstar Law Group, sought to amend the 2030 Land Use Map for ±36.46 acres located at 433 New Hill Olive Chapel Road from Rural Density Residential to Low Density Residential and to rezone this property from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated the applicant requested continuance of these two Hearings to the August 7th meeting, the applicant being in attendance and confirming this. Staff was in agreement.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE BOTH HEARINGS TO THE AUGUST 7TH REGULAR MEETING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 01 : Lauren Staudenmaier, Planner I

Rezoning application #18CZ13 (Cool Pools). The applicant, Peak Engineering & Design, PLLC, sought to rezone 0.05± acres located at 0 Old US 1 Highway from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval as proposed by the applicant.

Jeff Roach, Peak Engineering Design, further clarified why this piece of property was missed in the original rezoning.

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 APPLICATION;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ09. The applicant, Tony M. Tate Landscape Architecture, PA, sought to rezone approximately ±34.63 acres located at 8209 and 8233 Green Level Church Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval.

Staff answered Council questions related to a stop light, the recommendations coming out of the Bike Plan, and sidewalks. Staff recognized Council's concern related to safety.

The applicant, Tony Tate, spoke about the work which went into the project, the extensive conditions they offered, and how they are looking forward to this project in Apex. Mr. Tate answered Council questions related to the entrance to the property.

Mayor Olive declared the Public Hearing open.

Glen Futrell, developer, stated that it was a pleasure to work with the neighbors on this. This was a healthy process; and they will, in fact, put in a crosswalk and a traffic signal.

Mayor Olive declared the Public Hearing closed.

Council stated she was not comfortable with the project in this location and the amount of time it's taken for us to see safety concerns addressed.

Several Council Members stated their enthusiasm for the development and how the developers have bent over backwards to make this a quality development. However, safety will be an important part of the process.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE APPLICATION; COUNCIL MEMBER MOYER SECONDED THE MOTION WITH THE ADDITIONAL CONDITION.

COUNCIL MEMBERS JENSEN, MOYER, KILLINGSWORTH, AND GANTT VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 05 : Amanda Bunce, Planning Manager

Rezoning case #18CZ16 Lufkin Road for approximately ±2.1 acres located at 2014 and 0 Lufkin Road. The applicant, Glenn Futrell, JLG Corporation, LLC on behalf of Margaret Baker Hinton & Relonwidia Hinton, proposed to rezone the property from Residential Agricultural (RA) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval as proposed.

Staff answered Council questions related to access.

The applicant, Tony Tate, stated this request was on behalf of those wishing to stay on their property as long as they could. This is being folded in to the existing development. Glen Futrell stated they have had two meetings with DOT regarding crosswalks and signals.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 06 : Amanda Bunce, Planning Manager

Amendments to the Unified Development Ordinance related to the height of Public Safety Communication Towers

Staff oriented Council to the reasons for this request. The Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Wyatt Booth, from Williams Mullen, representing the County (the applicant), addressed Council. He stated this was an oversight which occurred previously to not have this tower compatible with the other towers.

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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Amanda Bunce, Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. The Planning Board recommended approval.

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 GANTT MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner II

Castleberry Trails Master Subdivision Plan located at 605, 617, 621, & 625 Wimberly Road containing ±11.31 acres and 22 single-family homes

Staff oriented Council to the site. A neighborhood meeting was held. Since this was a smaller project, there was an automatic ask for a fee in lieu. Staff and the Planning Board recommended approval.

Staff answered Council questions related to RCA, a retention pond, and pedestrian safety.

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

CLOSED SESSION

Laurie Hohe, Town Attorney

To consult with the Town Attorney regarding HH Trinity Apex Investments, LLC, et. al. v. Town of Apex

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

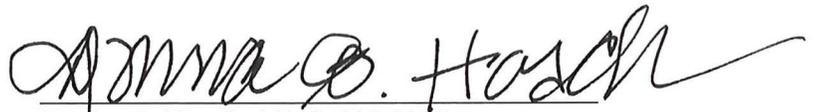
MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

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.



Dorina B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, July 17, 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, July 17, 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, 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 were Mayor Pro Tem Nicole L. Dozier and Council Member Brett D. Gantt

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council meetings of May 15, 2018, June 5, 2018, and June 19, 2018
- Consent 02 3-year contract with L.G. Jordan Oil, Inc. and authorization for the Town Manager to execute same for fuel and fuel tank sales, service and repair
- Consent 03 Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment No. 2019-1 to provide for increased funding in the amount of \$22,000 for the Public Safety Station 5 project to cover legal fees and other miscellaneous costs
- Consent 04 Lease agreement for Wake County Public Safety Radio Tower to be located at Western Wake Regional Water Reclamation Facility

- Consent 05 Contract for School Resource Officers (SRO) services for the 2018-2019 WCPSS school year
- Consent 06 Revisions to the Town Standard Specifications and Details
- Consent 07 One "Captain" badge and one handgun to be declared "surplus", the price for such handgun be set at \$1.00 (One Dollar), and the badge and handgun be awarded to Captain Jacques Gilbert
- Consent 08 Resolution to adopt the updated Water Shortage Response Plan (WSRP) dated April 2018
- Consent 09 Encroachment Agreement and authorization for the Town Manager to execute the same for a concrete driveway and private 4" sewer line to encroach upon the Town Public Utility Easement
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 19, 2018 related to the height of Public Safety communication towers
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of June 19, 2018
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #18CZ09, Tony M. Tate Landscape Architecture, PA, petitioners for the property located at 8209 and 8233 Green Level Church Road
- Consent 13 Statement of the Town Council and Ordinance for Rezoning Case #18CZ13, Peak Engineering & Design, PLLC./Richard and Richere Levert, petitioners for the property located at 0 Old US 1 Highway
- Consent 14 Statement of the Town Council and Ordinance for Rezoning Case #18CZ16, Glenn Futrell, JLG Corporation, LLC/Margaret Baker Hinton & Relonwidia Hinton, petitioners for the property located at 2014 & 0 Lufkin Road
- Consent 15 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 ARNS Associates, LLC (Economy Exterminators) property containing 2.485 acres located at 2160 N. Salem Street Annexation #637 into the Town's corporate limits
- Consent 16 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 Cathel Scott Brown (Friendship Station Section 7) property containing 0.020 acres located at the end of MacBeth Lane, Annexation #638 into the Town's corporate limits
- Consent 17 Right of Entry from NCDOT to allow work to begin on the Apex Barbecue Road Bridge B-5161 Project
- Consent 18 Appoint Renee Pfeifer and Michael Kanters to the Parks, Recreation, and Cultural Resources Advisory Commission

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER
KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Council Member Moyer stated that Captain Gilbert was a treasure and that the Town was blessed to have him, to which all Council Members were in agreement.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planning Manager

Rezoning application #17CZ20 (Roberts Crossing PUD). The applicant, Stuart Jones, Jones & Cnossen Engineering, PLLC, sought to rezone approximately ±35.6 acres located at 0, 7013, 7019, 7021, 7029, & 7113 Roberts Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated the applicant wished this Hearing continued to the August 7, 2018 Regular Council Meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE
THE HEARING AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ14. The applicant, Stuart Jones, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 0.35± acre located at 1912 Kelly Road from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval with conditions proposed by the applicant. Staff answered Council questions related to lot size.

Stuart Jones, Jones and Cnossen Engineering, representing the applicant, clarified lot size and why this request was being made.

Mayor Olive declared the Public Hearing open.

Steve Madritch stated he was in attendance in support of the request. The neighbors approached Mr. Jones asking that the applicant make their lots more similar in size to the current lots.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE
THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Liz Loffin, Planner II

Rezoning case #18CZ15 for approximately ± .52 acre located at 314 N. Mason Street. The applicant, Glen Arbor Capital, LLC., proposed to rezone the property from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff stated the applicant wished this Hearing continued to the August 7, 2018 Regular Council Meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE
THE HEARING AS REQUESTED; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 04 : Jenna Shouse, Transportation Planning Intern

Amendments to the Unified Development Ordinance related to parking

Shannon Cox, Senior Transportation Planner, introduced Jenna Shouse who joined staff as Long Range Planner this past Monday and gave background on her education.

Staff oriented Council to the amendments and outlined the proposed changes which would provide clarity to the UDO. There was Council discussion related to electric bicycles. Staff answered Council questions related to hospital parking and commercial uses.

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 KILLINGSWORTH SECONDED THE MOTION.

Council asked about parking in residential neighborhoods. Staff stated a UDO amendment was set a while ago about driveway length.

THE MOTION CARRIED BY A 3-0 VOTE.

The Mayor presented Ms. Shouse with a "No Parking" sign which was signed by Council as a welcome to the Town.

Public Hearing 05 : Amanda Bunce, Planning Manager

Amendments to the Unified Development Ordinance related to new uses

Staff oriented Council to the amendments. Staff and the Planning Board recommended approval. Staff answered Council questions related to food trucks and commissaries and class levels.

Stuart Jones, Jones and Clossen Engineering, who requested the changes, explained how they were trying to accommodate new and unique businesses which are not already in a category within the UDO. He stated doing so would provide a location not previously available to these types of businesses and how it would bring them into Apex.

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 MOYER MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Sarah Rayfield, Senior Planner

Winston Master Subdivision Plan for the property located at 1912 Kelly Road containing 9.51 acres and 10 single-family lots

Staff oriented Council to the site. Neighborhood meetings were held. The Parks and Recreation Commission recommended a fee in lieu. Staff and the Planning Board recommended approval. Staff answered Council questions related to widening of the ROW and flag-type lots.

Stuart Jones, Jones and Crossen Engineering, answered questions related to the retention pond, lot sizes, the cul de sac, and mass grading. He stated that the existing historic house would be saved.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

To consult with the Town Attorney to preserve attorney client privilege

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 3-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

MAYOR OLIVE CALLED TO MOVE THE MEETING TO THE SECOND FLOOR CONFERENCE ROOM;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

WORK SESSION

Work Session 01 : Mayor Lance Olive

To discuss Council's legislative goals in order to provide input into the North Carolina League of Municipalities advocacy goals process

The Mayor stated he wished to start with the League's issues as a starting point and provide our input to those issues. Staff stated some of the League's issues had already been addressed.

There was lengthy Council conversation related to addressing more affordable housing needs. Council was in agreement to add its wording to the League goals related to fair collection of transportation impact fees, increasing funding to technical schools, budget flexibility regarding sales taxes, municipalities determining what they want their districts to be, flexibility for municipalities to generate their own electricity, and the protection of water supplies (i.e., implementing the Jordan Lake Rules).

Mayor Olive stated that at a later date he wished to look at the legislative goals for the Town and have those ready at the appropriate time for legislature.

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

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Apex Town Council Meeting

Tuesday, August 7, 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, August 7, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Alexis Jenssen, Executive Director & Market Manager, Apex Farmers Market & Local Food Alliance, proclaiming Apex Farmers Market Week

Mayor Olive read the Proclamation and presented it to Ms. Jenssen. He stated he was at the Farmers Market the past Saturday and enjoyed his visit. Ms. Jenssen thanked everyone for their efforts and invited all to visit on Saturdays.

Presentation 02 : Russell Dalton, Senior Transportation Engineer

Findings of the Apex Peakway Southeast Connector Feasibility Study from NC 55 to Schieffelin Road

Staff stated this project started last year. He presented the purpose of the project, gave the project description, and presented an aerial view of the area. There was a public open house and surveys were

conducted. Staff briefly overviewed the survey responses, traffic flows were described, project concerns were addressed, and Council questions were answered. Staff outlined the next steps moving forward.

Presentation 03 : Karen Firehock, Green Infrastructure Center, Inc.

Karen Firehock of Green Infrastructure Center, Inc. on the findings and recommendations of an 18-month long study called Trees to Offset Stormwater

Staff introduced Ms. Firehock, adding that this has been an 18-month project for which there was a matching grant.

Ms. Firehock described this project that is spanning six states encompassing all types of environments. She stated they are looking at the landscape and how it may change in the future and the course of water runoff. The benefits of well-treed communities were stated, and Ms. Firehock explained how trees can assist with runoff. She talked about taking better care of our trees and which neighborhoods and areas might benefit from being greener. Ms. Firehock has provided Apex with a spreadsheet that will calculate canopy scenarios. Based on their policies, Ms. Firehock presented recommendations for plantings. She touched on the benefits of a stormwater fee. She answered questions from Council.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council meeting of July 17, 2018
- Consent 02** Amended Schedule of Rates and fees to modify outdoor lighting rates and to add a new classification for outdoor lighting to reflect the transition to LED fixtures
- Consent 03** Amended electric utility/finance policies to allow for residential solar photovoltaic installations up to 20 kW, allow the customer to choose between a time of use or standard rate schedule, and remove the annual reset of energy credits under the net meter renewable energy facilities credit rider
- Consent 04** Capital Project Ordinance Amendment No. 2019-2 to provide additional funding in the amount of \$523,274 to cover design costs for the Electric Operations Center project
- Consent 05** Design agreement contract for new Town of Apex Electric Operations Center with CRA, Inc. (architect)
- Consent 06** First Amendment and Lease Extension between the Town of Apex and Wake County to continue the lease arrangement of the Eva Perry Library, and Memorandum of Lease to be recorded at Wake County Registry and authorize the Town Manager to execute same
- Consent 07** 3-year contract with J & D Tree Pros, Inc. and authorization for the Town Manager to execute same for tree trimming/removal and stump grinding services
- Consent 08** 3-year contract with Pace Analytical Services, LLC. and authorization for the Town Manager to execute same for chemical testing and bacteriological testing services for collected water samples

- Consent 09 3-year contract with Water and Waste System Construction, Inc. and authorization for the Town Manager to execute same for service and repair of pump station and associated appurtenances
- Consent 10 3-year contract with Biffing Electric, Inc. and authorization for the Town Manager to execute same for electrical service and repair for water/wastewater components
- Consent 11 3-year contract with Carolina Management Team, LLC. and authorization for the Town Manager to execute same for lining, sealing, and grouting services for manhole and wet well rehabilitation
- Consent 12 3-year contract with Carolina Tractor & Equipment Company and authorization for the Town Manager to execute same for equipment sales, service, and rental
- Consent 13 3-year contract with Dixie Electric Motor Service, Inc. and authorization for the Town Manager to execute same for pump repair and other related services for water/wastewater system components
- Consent 14 3-year contract with Jack Moore & Associates, Inc. and authorization for the Town Manager to execute same for valve maintenance sales and service
- Consent 15 3-year contract with JWC Environmental, LLC. and authorizing the Town Manager to execute same for wastewater component sales, service and rental services
- Consent 16 3-year contract with Vision NC, LLC. and authorization for the Town Manager to execute same for pumping, hauling, pipe cleaning, and video inspection services
- Consent 17 Apex Friendship High School Senior Parade (8/27) and Town of Apex Chanukah Festival (12/2) Special Event Applications
- Consent 18 Changes to the existing Public Art / Art in Apex Plan and map with suggestions for the placement of future public art projects
- Consent 19 Statement of the Town Council and Ordinance for Rezoning Case #18CZ14, JVI Building & Development, Inc., petitioner for the property located at 1912 Kelly Road
- Consent 20 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of July 17, 2018 related to parking
- Consent 21 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of July 17, 2018 related to new uses
- Consent 22 Set Public Hearing for the August 21, 2018 Town Council Meeting regarding 2030 Land Use Map Amendment and Rezoning Application #18CZ20 (3050 Lufkin Road). The applicant, Lufkin Leased Fee, LLC., sought to amend the 2030 Land Use Map from Commercial Services to Industrial Employment and rezone approximately 3.33 acres located at 3050 Lufkin Road from Planned Commercial – Conditional Use (PC-CU) to Tech/Flex - Conditional Zoning (TF-CZ).
- Consent 23 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 Maude C. Mann Heirs (single-family home) property containing 1.190 acres located at 1809 N. Salem Street, Annexation #635 into the Town's corporate limits
- Consent 24 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 Lotta Ann Crabtree and Majid Khazaei (single-family home) property containing 2.00 acres located at 1041 Twin Creek Road, Annexation #640 into the Town's corporate limits

- Consent 25 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 Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #626 into the Town's corporate limits
- Consent 26 Apex Tax Report dated 06/11/2018
- Consent 27 Cemetery Refund Request from Adam Khan for Lot 135 Plot D in the Apex Cemetery
- Consent 28 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 Jose Rigoberto Guevara and Gilma Rosibel Argueta (single-family home) property containing .464 acres located at 1304 N Salem Street, Annexation #643 into the Town's corporate limits

Mayor Olive stated there were two add-on items. Council Member Moyer elaborated his thoughts on public art [Consent 18] as discussed in a previous Committee meeting.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION WITH THE ADDITION OF THE TWO ADD-ON ITEMS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated Public Hearings 5 and 6 would not be heard on this evening; they would be scheduled for the August 21, 2018 meeting. Mayor Olive stated that the Town Attorney requested the addition of a Closed Session to meet with the Town Attorney to discuss the handling of the matter HH Trinity Apex Investments LLC et al v. Town of Apex.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION WITH THE STATED MODIFICATIONS; COUNCIL MEMBER GANTT 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 : Shelly Mayo, Planner II

Continued from the June 19, 2018 Town Council Meeting

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Virginia Goodwin Heirs (Olive Glen PUD) property containing 36.54 acres located at 433 New Hill Olive Chapel Road, Annexation #633, into the Town’s corporate limits and

Public Hearing 02 : Shelly Mayo, Planner II

Continued from the June 19, 2018 Town Council Meeting

2030 Land Use Map Amendment, rezoning application #18CZ12 (Olive Glen PUD) and Ordinance. The petitioner, Morningstar Law Group, sought to amend the 2030 Land Use Map for ±36.46 acres located at 433 New Hill Olive Chapel Road from Rural Density Residential to Low Density Residential and to rezone this property from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held; staff outlined the uses proposed by the applicant. The Parks and Recreation Commission recommended a fee in lieu. Staff recommended denial of the Amendment, the reasons why were presented, and staff gave its recommendations to the applicant. The Planning Board recommended approval with buffer changes.

Staff answered Council questions related to roadways, buffers, restricted neighborhood developments, and issues from the Planning Board which did not 100% recommend approval.

Jason Barron, Morningstar Law Group, representing the applicant, stated this age-restricted community would be the first of its kind in Apex. Mr. Barron presented their three top reasons why this would be an appropriate development – lack of senior housing in Apex and benefits of such housing, their agreement with the Jordan Lake Rules, and this being an appropriate transition as a land planning use. One of the neighbors has stated their agreement with the development.

Mr. Barron stated they were excited about this development and respectfully asked support from Council. Council questions were answered related to housing market rates and affordable housing, transportation, enforcement of age restrictions, lot sizes, and buffers.

Mayor Olive declared the Public Hearings open. With no one wishing to speak, Mayor Olive declared the Public Hearings closed.

Council commented on the smaller lot sizes being appropriate for the aging community, protection of the drinking water, and the inclusion of solar. Council further commented on housing for the aging.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE ALL REQUESTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

COUNCIL MEMBERS KILLINGSWORTH, MOYER, JENSEN, AND GANTT VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 03 : Liz Loffin, Planner II

Continued from the July 17, 2018 Town Council Meeting

Rezoning case #18CZ15 for approximately ± .52 acre located at 314 N. Mason Street. The applicant, Glen Arbor Capital, LLC., proposes to rezone the property from Medium Density Residential (MD) to Planned Unit Development -Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. A fee in lieu would be paid at the time of the subdivision plat. Staff recommended approval as did the Planning Board. Questions from Council were answered related to lot width.

Jill Lyeon, developer for Glen Arbor Homes, presented architectural plans for the housing, speaking further about driveways and access points. Ms. Lyeon elaborated on how she was able to keep two additional trees based on comments from the neighborhood meeting. She spoke about how the building of two story houses would fit into the area.

Mayor Olive declared the Public Hearing open.

Bryan Johnson, neighbor and architect, spoke in support of the rezoning. He stated this would be a positive contribution to the neighborhood, adding to its revitalization.

Sean Uhrig, neighbor, expressed support for the project. He expressed his appreciation for Ms. Lyeon's proposed housing for the property. The project would add character to the street, which now looks dead.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION
TO APPROVE THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council complimented the developer on this project.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Amanda Bunce, Planning Manager

Continued from the July 17, 2018 Town Council Meeting

Rezoning application #17CZ20 (Roberts Crossing PUD). The applicant, Stuart Jones, Jones & Cnossen Engineering, PLLC, sought to rezone approximately ±35.6 acres located at 0, 7013, 7019, 7021, 7029, & 7113 Roberts Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. In trying to address the affordable housing issue, a unique use – economy uses – was being proposed. Staff recommended approval as did the Planning Board with a note to Council. Staff answered Council questions regarding a traffic study, stormwater management, pedestrian friendliness, number of affordable units, and densities.

Stuart Jones, Jones and Clossen Engineering, representing the applicant, offered two new conditions which he stated. He addressed the economy housing condition and the theory behind it. A traffic letter had been completed. Mr. Jones asked for Council support. Council questions regarding history of the property and housing cost were answered.

Mayor Olive declared the Public Hearing open.

Alan Hoffler, property owner, stated this project would change the nature of the area. He had concerns about vehicle and foot traffic and asked Council to take these into consideration. Mr. Hoffler stated he wanted preserved the character of the large tracts.

Harold Meder, property owner, was concerned about the density and how it may not fit into the area. He understood the need for affordable housing, but he wanted to stick with what was stated in the original neighborhood meeting a year ago. Mr. Meder requested more fencing to establish boundaries and prevent shortcuts through private property. He expressed concern about drainage.

Mike Smith stated he lives across the street from the proposed development. He was concerned about density and traffic. He felt the results of a traffic study would have been different if it were conducted at a different time. He asked for a new traffic study to be required to determine if a Traffic Impact Analysis (TIA) should be done.

Mayor Olive declared the Public Hearing closed.

Staff answered council questions regarding stub outs, RCA, the traffic study vs. a TIA, sidewalks, and buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council expressed concern about drainage and stormwater management, solar, and legislative considerations. Council expressed his appreciation for everything this developer has done on this project.

COUNCIL MEMBERS MOYER, GANTT, DOZIER, AND KILLINGSWORTH VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive called for a ten minute recess.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex ARNS Associates, LLC (Economy Exterminators) property containing 2.679 acres located at 2160 N. Salem Street, Annexation #637, into the Town's corporate limits

This Hearing was moved to be heard at the August 21, 2018 Regular Meeting.

Public Hearing 06 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Cathel Scott Brown (Friendship Station Section 7) property containing 0.020 acre located at the end of MacBeth Lane, Annexation #638 into the Town's corporate limits

This Public Hearing was moved to be heard at the August 21, 2018 Regular Meeting.

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.

Public Hearing 07 – Quasi-Judicial : Liz Loffin, Planner II

Major Site Plan for SpringHill Suites, 5.29 acres located at 1100 Marco Drive

Mayor Olive declared the Public Hearing open.

Mayor Olive read the Statement pertinent to these types of hearings. The Town Clerk swore in all those wishing to speak. There were no opponents to the request.

Council Members Dozier, Killingsworth, Gantt, and Moyer stated they had not had any communications with the applicant or any conflicts. They stated they would be able to decide the matter impartially. None had visited the site in relation to this matter.

Council Member Jensen asked to be recused due to prior conversation with the applicant.

COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO RECUSE
COUNCIL MEMBER JENSEN; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Liz Loftin presented her credentials and work history. She oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff answered questions related to bicycle parking and height of the building.

CROSS EXAMINATION/DIRECT OF STAFF BY APPLICANT: Staff answered questions about preparation of her report and the Standards being met.

EVIDENCE PRESENTED BY APPLICANT: Dave Neill, Peak Hotels LLC, representing the applicant, asked that staff testimony and all supporting documents be made part of the record and serve as additional support for the request [*these documents reside in the Planning Department*]. Mr. Neill introduced Neal and Anita Patel as the owners, Stuart Jones as the engineer of record, Joshua Reinke with Ramey Kemp and Associates, and Zak Strowd, 161 Architecture, as the architect of record. Mr. Neill offered all except Neal and Anita Patel as experts in their fields.

Anita and Neill Patel stated they are the current owners of the Comfort Inn and have a strong relationship with Apex. Mr. Patel stated they are looking forward to adding this property, stating that they felt Apex needed an upscale brand. They were fortunate to have partnered with Marriott on this project and thanked the Town for their consideration.

Mrs. Patel stated she and her husband have managed the Comfort Inn since it opened. They have a great relationship with Apex and love having their projects here and not in neighboring towns. She talked about how their clientele loves the uniqueness of Apex. This new project will help the Town and all who live here.

Stuart Jones, founder and managing partner of Jones Crossen Engineering, presented his credentials and background. He answered questions posed by Mr. Neill regarding his role in this development and town standards and ordinances.

Joshua Reinke stated his credentials and experience. He provided the trip generation letter and answered questions posed by Mr. Neill.

Russell Dalton, Senior Transportation Engineer with the Town, stated his credentials. Mr. Dalton spoke on the history of the extension of Marco Drive and its improvements. He answered questions posed by Mr. Neill.

Zack Strowd stated his credentials. Answering questions posed by Mr. Neill, he stated he prepared the architectural rendering and materials board. He was familiar with the Town's plans; there would be some visibility from US1.

Mr. Neill summarized the testimony of his expert witnesses. Since there was no rebuttal, Mr. Neill asked Council for their approval.

REBUTTAL EVIDENCE BY STAFF – None.

REBUTTAL EVIDENCE BY APPLICANT – None.

Mayor Olive directed Council to the Checklist, to which there were no questions from Council.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council expressed pleasure in seeing this project come to Apex. The Mayor talked briefly about the need for a convention center atmosphere if that was in the Patel's plans.

THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Added Closed Session: Laurie Hohe, Town Attorney

Consult with the Town Attorney to discuss the handling of the matter HH Trinity Apex Investments LLC et al v. Town of Apex

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.

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

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

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Apex Town Council Meeting

Tuesday, August 21, 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, August 21, 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 David Hughes, Town Clerk Donna B. Hosch,
and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Matt Mitchell, Lead and Co-Founding Pastor of Potter's Hand Church, gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Nicole Bernard, Director of Shield NC, proclaiming Human Trafficking Awareness Week 2018

Mayor Olive read the Proclamation and presented it to Nicole Bernard and Whitney Ludlow. This organization has been working with Apex Police to plan events to help eliminate this type of crime in our country and especially in Apex.

Ms. Bernard thanked Apex Police and Mayor Olive for helping to recognize this important issue.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council meeting of August 7, 2018

Consent 02 Apex Cemetery Transfer Request from E.C. and Janet Hughes of Lot 305 Plot E in the Apex Cemetery

- Consent 03 Apex Cemetery Refund Request from Brenda McFarland for Lot 71 Plot E in the Apex Cemetery
- Consent 04 Apex Tax Report dated 07/05/2018
- Consent 05 Amendment of Town Code Chapter 20, Article III, "PARKING" Section 20-162
- Consent 06 Amendment of Town Code Chapter 20, Article III, "PARKING" Section 20-164
- Consent 07 Budget ordinance amendment to appropriate insurance proceeds for the repair of a Fire Department vehicle
- Consent 08 Amendment to the reimbursement agreement with Meritage Homes of The Carolinas, Inc. for the Deer Creek subdivision
- Consent 09 Purchase of 1.97 acres at 8170 Jenks Road for future water tower lot
- Consent 10 Amendment to the reimbursement agreement with WS-JPA, LLC for the Jordan Pointe Subdivision
- Consent 11 Three year contract with A & D Services, LLC. and authorization for the Town Manager to execute same for wastewater components service and repair
- Consent 12 Findings of Fact, Conclusions of Law, and Decision approving the Marriott SpringHill Suites Major Site Plan
- Consent 13 Three year contract with Clearwater, Inc. and authorization for the Town Manager to execute same for sales, service and repair of water and wastewater infrastructure and appurtenances
- Consent 14 Three year contract with Dun-Right Services, Inc. and authorization for the Town Manager to execute same for lining, sealing, and grouting services for manhole and wet well rehabilitation
- Consent 15 Three year contract with Eurofins Eaton Analytical, LLC. and authorization for the Town Manager to execute same for chemical testing for collected water samples
- Consent 16 Three year contract with Frye Fence Company, Inc. and authorization for the Town Manager to execute same for fence sales, service and repair
- Consent 17 Three year contract with Hydrostructures, P.A. and authorization for the Town Manager to execute same for pumping, hauling, pipe cleaning and video inspection services
- Consent 18 three year contract with On Site Hose, Inc. and authorization for the Town Manager to execute same for sales, service and repair of hydraulic hose and appurtenances
- Consent 19 Three year contract with Pete Duty & Associates, Inc. and authorization for the Town Manager to execute same for pump repair and other related services for water and wastewater system components
- Consent 20 Three year contract with R&J Mechanical & Welding Service, LLC. and authorization for the Town Manager to execute same for metal repair and fabrication services
- Consent 21 Three year contract with State Industrial Products Corporation and authorization for the Town Manager to execute same for chemical and pump service

- Consent 22 Three year contract with Sunbelt Rentals, Inc. and authorizing the Town Manager to execute same for equipment rental services
- Consent 23 Municipal agreement with NCDOT to be eligible for 70% reimbursement of project right of way and construction costs up to \$647,500, requiring up to \$277,500 in matching local (Town of Apex) funds for a total of \$925,000, to construct a contiguous pedestrian route from Olive Chapel Elementary School to Scotts Ridge Elementary School along Kelly Road and Apex Barbecue Road in TIP Project No. U-5604 AA, and authorization for the Town Manager to execute same; and motion to approve Capital Project Ordinance Amendment No. 2019-3 in the amount of \$171,600 to increase the budget to the projected costs, reduce Town funding and increase Federal funding in accordance with the reimbursement agreement
- Consent 24 Statement of the Town Council and Ordinance for Rezoning Case #17CZ20 Roberts Crossing PUD, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioners for the property located at 0, 7013, 7019, 7021, 7029, & 7113 Roberts Road
- Consent 25 Memorandum of Agreement with Triangle local government jurisdictions and their water supply authorities and authorization for the Town Manager to execute same to create a successor to the Jordan Lake Partnership, to be called the Triangle Water Supply Partnership
- Consent 26 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 Crescent Apex, LLC (Linden Grove Way R/W) property containing .484 acres located at Pricewood Lane and Olive Chapel Road, Annexation #642 into the Town's corporate limits
- Consent 27 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 JVI Building & Development, Inc. (Winston & Toad Hollow) property containing 13.990 acres located at 1912 & 1920 Kelly Road, Annexation #644 into the Town's corporate limits
- Consent 28 Statement of the Apex Town Council for the 2030 Land Use Map Amendment and rezoning case 18CZ12 Olive Glen PUD, Jason Barron, Morningstar Law Group and Virginia Goodwin Heirs, petitioners for the property located at 433 New Hill Olive Chapel Road
- Consent 29 Statement of the Town Council and Ordinance for Rezoning Case #18CZ15, Glen Arbor Capital, LLC, petitioner for the property located at 314 N. Mason Street
- Consent 30 Two-year contract with Integrity Services Group and authorization for the Town Manager to execute same for painting services for town buildings and facilities
- Consent 31 Two-year contract with Socaz, Inc. and authorization for the Town Manager to execute same for painting services for town buildings and facilities
- Consent 32 Fifth Addendum to the Lease Agreement between the Town of Apex and the Apex Chamber of Commerce for a term beginning October 1, 2018 and ending September 30, 2019 unless otherwise amended

- Consent 33** Encroachment Agreement and authorization for the Town Manager to execute the same for a 10 x 22' deck to encroach upon a portion of the Town's Public Drainage Easement
- Consent 34** Encroachment Agreement and authorization for the Town Manager to execute the same for the Grantee to install Storm Drainage, Curb and Sidewalk Improvements that will encroach portions of the Town's Public Utility Easements.

Mayor Olive drew Council's attention to the Add-on Consent Item regarding advertisement of Public Hearing 06, which would not be heard this evening.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ONE ADD-ON ITEM. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA WITH THE REMOVAL OF PUBLIC HEARING 06. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER GANTT 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 : Shelly Mayo, Planner II

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. Planning staff recommended the removal of 20 uses, the applicant agreeing to 18. Staff also recommended seven conditions. The Planning Board recommended approval with the additional conditions to which the applicant agreed. Planning staff did not recommend the Land Use Map amendment and reasons for this were stated.

Staff answered Council questions related to staffs' recommendation for non-approval, zoning concerns, uses, and what the location would look like in the future. The Senior Transportation Engineer explained where DOT is in this process.

Bill Marlowe, Brookwood Capital Partners, applicant, spoke to why they requested the particular rezoning, truck traffic, and uses. He addressed Council questions related to neighborhood concerns.

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

Council expressed concern about the applicant not removing the two uses suggested by staff. Council was concerned about traffic safety and not knowing DOT's plans. Council expressed concern about large truck traffic. Council stated he was agreeable to this request and stated the reasons why. He received clarification from staff on outside storage.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST AS SUBMITTED BY THE APPLICANT WITH THE ASSOCIATED LAND USE MAP AMENDMENT. THERE WAS NOT A SECOND; THEREFORE, THE MOTION FAILED.

There was further discussion from Council as to safety concerns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO DENY THE REQUEST; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council received guidance on how the matter would proceed should the request be denied. There was additional conversation on elevation of the building. The applicant spoke further on the elevation and site lines, fencing, truck traffic concerns, and the building supplies use.

COUNCIL MEMBERS DOZIER AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS GANTT, MOYER, AND JENSEN VOTED IN THE NEGATIVE.
THE MOTION TO DENY FAILED BY A 3-2 VOTE.

COUNCIL MEMBER GANTT MADE AN ALTERNATE MOTION TO CONTINUE FOR THE PURPOSES OF EVALUATING USE TYPES, TYPES OF ALLOWABLE TRUCKS, AND THE APPLICANT CONTINUING TO COORDINATE WITH STAFF ON THE ADVANCE APEX PLAN AND THAT THIS BE DONE BY SEPTEMBER 18, 2018;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council expressed concern about truck traffic. Council expressed concern about the working with staff and Advance Apex aspect.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Duane D. Raver (single-family) properties containing 4.565 acres located at 2637, 2641, and 2701 Whistling Quail Run, Annexation #626 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval.

Mr. Raver, the applicant, stated they were wishing to obtain water and sewer via this annexation.

Staff answered Council questions related to lot sizes, zoning, and stubs.

Mayor Olive declared the Public Hearing open.

Jeff Babcock, who lives close to the applicant, explained the agreement he has with the applicant regarding the property. He spoke about how he's been approached by developers and asked for protection from Council for the neighborhood properties to remain as they are.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions related to services.

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

Public Hearing 03 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Maude C. Mann Heirs (single-family home) property containing 1.190 acres located at 1809 N. Salem Street, Annexation #635 into the Town's corporate limits

Staff oriented Council to the site. The request was in order to receive water and sewer. Staff recommended approval.

Staff answered Council questions related to zoning.

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 MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Annexation Ordinance #637 - ARNS Associates, LLC (Economy Exterminators) property containing 2.679 acres located at 2160 N. Salem Street

Staff oriented Council to the site. The request was to obtain water and sewer due to negative water testing for which the applicant was eligible for a grant.

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 DOZIER MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex The Townes at Friendship Station Developers, LLC (Friendship Station Section 7) property containing 0.020 acre located at the end of MacBeth Lane, Annexation #638 into the Town's corporate limits

staff oriented Council to the site.

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 06 : Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Lotta Ann Crabtree and Majid Khazaei (single-family home) property containing 2.00 acres located at 1041 Twin Creek Road, Annexation #640 into the Town's corporate limits

As voted on earlier by Council, this Hearing was set to be heard at the September 4, 2018 Regular Council meeting.

Public Hearing 07 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jose Rigoberto Guevara and Gilma Rosibel Argueta (single-family home) property containing 0.464 acre located at 1304 N. Salem Street, Annexation #643 into the Town's corporate limits

Staff oriented Council to the site and stated it recommended approval in order for the applicant to receive water and sewer. Questions from Council were answered related to why these types of requests were being received.

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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Shannon Cox, Senior Transportation Planner

Multiple proposed amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map associated with the Apex Peakway Southeast Connector, Walden Road, and Kelder Lane

Staff oriented Council to the various amendment requests which were related to the feasibility study report. The Planning Board recommended approval as did staff.

Staff answered Council questions related to the report, intersection design, road connection, and posting requirements.

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 AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

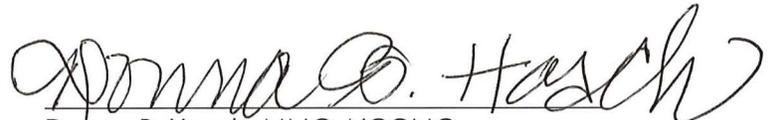
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With 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

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Apex Town Council Meeting

Tuesday, September 4, 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 4, 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Melissa Bolton from Hope Chapel gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Jennifer Park, CHES, MPH, Director of Local Program Development and Regulations

N.C. Division of Public Health, Tobacco Prevention and Control Branch

Tobacco-free policies and their public health benefits

Ms. Park presented an overview of the results of data reports on tobacco and electronic cigarettes, local government authority to regulate smoking, and evidence-based options. She spoke about preventative measures and solutions towards cessation.

Research has been conducted regarding tobacco consumption in parks, and Ms. Park presented reasons why it is harmful in this environment. Information available for those who wish to quit smoking was given, along with her agency's contact information. Ms. Park answered Council questions related to the inclusion of greenways in a no smoking policy, the increase in both forms of smoking products, and the risk of second hand smoke from both products.

**Presentation 02 : Mary Kate Morookian, Transit Service Planner, GoTriangle
Update on the progress of the Wake Transit Bus Implementation Plan**

Ms. Morookian expounded on what the Plan would mean for Apex, beginning as early as 2020. She overviewed the Youth Go Pass. Questions from Council related to limited and ad hoc stop service, charging stations, fare rates for adults, and smart [rate] cards were answered.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council meeting of August 21, 2018
- Consent 02 Amendment to Section 20-164 with the addition of subsection (30) establishing No Parking zones on all legs of the intersection of E Chatham Street and N Hughes Street for the distances specified
- Consent 03 Agreement with Background Investigative Bureau LLC to conduct background checks on volunteers (coaches and instructors) associated with programs offered by Parks, Recreation, and Cultural Resources
- Consent 04 Cemetery Refund Request from Estar Creech for Lot 185 Plots A and B in the Apex Cemetery
- Consent 05 Master Agreement, valid through June 30, 2021, with CDM Smith and authorizing the Town Manager to execute same for On-Call Professional Services for Water Distribution and Sanitary Sewer Collection
- Consent 06 Master Agreement, valid through June 30, 2021, with Falcon Engineering and authorizing the Town Manager to execute same for On-Call Professional Services for Environmental, Geotechnical, and Construction Services
- Consent 07 Master Agreement, valid through June 30, 2021, with Highfill Infrastructure Engineering and authorizing the Town Manager to execute same for On-Call Professional Services in the following areas of expertise: (1) Wastewater Treatment, and (2) Water Distribution and Sanitary Sewer Collection
- Consent 08 Master Agreement, valid through June 30, 2021, with Hydrostructures and authorizing the Town Manager to execute same for On-Call Professional Services for Water Distribution and Sanitary Sewer Collection (inflow/infiltration issues and rehabilitation)
- Consent 09 Master Agreement, valid through June 30, 2021, with McAdams and authorizing the Town Manager to execute same for On-Call Professional Services in the following areas of expertise: (1) Surveying, (2) Stormwater.
- Consent 10 Master Agreement, valid through June 30, 2021, with S&ME and authorizing the Town Manager to execute same for On-Call Professional Services for Environmental, Geotechnical, and Construction Services.
- Consent 11 Master Agreement, valid through June 30, 2021, with Taylor Wiseman & Taylor and authorizing the Town Manager to execute same for On-Call Professional Services for Surveying
- Consent 12 Master Agreement, valid through June 30, 2021, with Terracon and authorizing the Town Manager to execute same for On-Call Professional Services for Environmental, Geotechnical, and Construction Services
- Consent 13 Master Agreement, valid through June 30, 2021, with The Wooten Company and authorizing the Town Manager to execute same for On-Call Professional Services in the following areas of expertise: (1) Surveying, (2) Wastewater Treatment, (3) Water Distribution and Sanitary Sewer Collection

- Consent 14 Master Agreement, valid through June 30, 2021, with WithersRavenel and authorizing the Town Manager to execute same for On-Call Professional Services in the following areas of expertise: (1) Surveying, (2) Stormwater, (3) Greenway Design
- Consent 15 3-year contract with Southern Grounds Control, Inc. and authorizing the Town Manager to execute same for water and sewer construction and repair services
- Consent 16 Revisions to the Town Standard Specifications and Details
- Consent 17 Set the Public Hearing for the September 18, 2018 Town Council Meeting regarding Rezoning Case #18CZ19. The applicant, Town of Apex, seeks to rezone approximately ±121.316 acres, for the property located at 2100 Production Drive from Light Industrial (LI) to Light Industrial-Conditional Zoning (LI-CZ).
- Consent 18 Set the Public Hearing for the September 18, 2018 Town Council Meeting regarding Rezoning Case #18C23. The applicant, Town of Apex, seeks to rezone approximately ±.17 acres, for the property located at 0 Culvert Street from Medium Density Residential (MD) to Medium Density Residential-Conditional Zoning (MD-CZ).
- Consent 19 Set the Public Hearing for the September 18, 2018 Town Council Meeting regarding Rezoning Case #18CZ25. The applicant, Perry and Debra Cox, seek to rezone approximately ±0.14 acres, for the property located at 0 Hudson Avenue from Office and Institutional (O&I) to Mixed Office-Residential-Retail, Conditional Zoning (MORR-CZ).
- Consent 20 Set Public Hearing for the September 18, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 21 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 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
- Consent 22 Agreement for Collection of Soft Recyclables by Simple Recycling of North Carolina and authorize the legal department to finalize the contract language and the Town Manager to execute the contract
- Consent 23 Contract for Off-Duty Police Officer Services provided to the Wake County Public School System (WCPSS)
- Consent 24 Resolution delegating leasing authority to the Town Manager
- Consent 25 Letter to future residents regarding solar photovoltaic generation systems

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

PUBLIC FORUM

Ananya Rakshabandham gave the meaning and purpose of Hindu Swayamsevak Sangh (HSS) and exemplified activities in which they have been involved. The HSS team tied arm ribbons on those on the dais. Mayor Olive thanked HSS for their efforts and gesture of kindness.

Bill Jollie also thanked HSS for their efforts. He stated he was in support of stronger tobacco ordinances. Mr. Jolly related a story of his daughter having an asthma attack from someone who walked by her with a lit cigarette. He has sold treatments for lung diseases and has been involved in helping to write state health initiatives.

Dick Beaver stated now that the Tree Study had come in, he wanted to compliment the Town going forward with its plans. He stated that the Peakway was no place for 18 wheelers.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Lotta Ann Crabtree and Majid Khazaei (single-family home) property containing 2.00 acres located at 1041 Twin Creek Road, Annexation #640 into the Town's corporate limits

Staff oriented Council to the site, stating the applicant was seeking town services. Staff recommended approval.

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 ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Staff answered Council questions related to zoning and connection.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Crescent Apex, LLC (Linden Grove Way R/W) property containing .484 acres located at Pricewood Lane and Olive Chapel Road, Annexation #642 into the Town's corporate limits

Staff oriented Council to the site. The applicant was seeking Town services. Staff recommended approval.

Staff answered Council questions related to density.

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

Staff answered Council questions related to zoning, connection, and density. Council stated she would not vote for this annexation.

THE MOTION CARRIED BY A 5-0 VOTE, WITH COUNCIL MEMBER DOZIER ABSTAINING FROM VOTING.

Public Hearing 03 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex JVI Building & Development, Inc. (Winston & Toad Hollow) property containing 13.990 acres located at 1912 & 1920 Kelly Road, Annexation #644 into the Town's corporate limits

Staff oriented Council to the site. Town services. Staff recommended approval.

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.

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.

Public Hearing 04 – Quasi-Judicial : Shelly Mayo, Planner II

Special Use Permit (#18SUP02) for the revised lighting plan for the Olive Chapel Swim and Tennis Club located at 1221 Ainsley Place

Mayor Olive presented the process by which the Hearing would be conducted. All those wishing to speak were sworn in by the Town Clerk.

Mayor Olive declared the Public Hearing open.

Paul Flick, attorney, introduced himself as representing the applicant.

Stan Thompson, Apex citizen, stated he wished to cross examine witnesses but not provide expert testimony and gave accounting for his having the standing to cross examine. The Town Attorney stated Mr. Thompson would have to have damages especially to him. After further conversation with Mr. Thompson, it was declared that there was no standing for cross examination by him. However, the Mayor

stated there might be a slot as to how he could be called as a witness. He was sworn in by the Town Clerk.

Mayor Olive asked Council if there had been any communication with the applicant, if there were any relational or financial conflicts, and if all could provide an impartial decision. The Mayor stated he'd had a conversation with the applicant approximately six months ago and that he'd viewed the site before the SUP came up. Council Member Moyer stated he'd observed the area prior to the SUP. Council Member Killingsworth asked to be recused. In April she viewed the site and had extensive conversations with the community without knowing this Hearing would be quasi-judicial. Some of the recommendations she offered were in the agreement.

MAYOR OLIVE CALLED FOR A MOTION TO RECUSE COUNCIL MEMBER KILLINGSWORTH. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Killingsworth stepped down from the dais.

All remaining Council stated there not had been any communication with the applicant, there were no relational or financial conflicts, and that they could make impartial decisions.

OPENING STATEMENT BY APPLICANT: Paul Flick stated he represented the swim club of over 700 families. He commended staff for working to try to find a solution to this issue. Mr. Flick stated he was in attendance because after discussion, they decided to redo the existing tennis courts. He spoke about the process of having lighting installed. After they were turned on, a complaint came in. The Town determined the UDO Standards weren't met. Mr. Flick named those who would be his expert witnesses.

OPENING STATEMENT BY STAFF: None.

TESTIMONY OF STAFF: Ms. Mayo presented her credentials and work history with the Town. Staff oriented Council to the site. A neighborhood meeting was held, and the reason why the applicant was asked to hold a second meeting was stated. Staff believed the Standards had been met.

CROSS EXAMINATION OF STAFF BY COUNCIL: None.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

TESTIMONY OF APPLICANT: Mr. Flick presented Mr. Frasure, LSI Lighting, who stated his name, credentials, and occupation. Mr. Frasure responded to questions from Mr. Flick related to tennis court lighting.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Frasure responded to questions related to spill light levels.

CROSS EXAMINATION OF APPLICANT BY STAFF: Mr. Frasure clarified questions related to a submitted map and calculated values.

TESTIMONY OF APPLICANT: Mr. Flick presented Chris Davies, president of the swim club. Mr. Davies stated his name, address, and position with the Olive Chapel Swim and Tennis Club. He responded to questions from Mr. Flick related to the neighborhood, the Club, and their renovation process of the court facility.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: None.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

REBUTTAL EVIDENCE FROM STAFF: None.

REBUTTAL EVIDENCE FROM APPLICANT: None.

TESTIMONY BY RESIDENT STAN THOMPSON: Mr. Thompson spoke about his observations of the effect the new court lighting had on his viewpoint of the court and the inside of his home.

CROSS EXAMINATION OF MR. THOMPSON BY COUNCIL: Mr. Thompson was given an opportunity to answer questions related to how he feels about the applicant offering to help mitigate his issues. Council stated she felt the applicant would be good neighbors. Mr. Thompson answered questions related to lighting from the poles.

CLOSING ARGUMENT FROM STAFF: None.

CLOSING ARGUMENT FROM APPLICANT: Mr. Flick summarized their stand on this issue.

QUESTIONS FROM COUNCIL: staff answered questions related to the height of trees.

Mayor Olive declared the Public Hearing closed.

Council expressed wanting to see everyone enjoy the facility without much adverse impact on anyone. Council expressed wanting to see staff review the UDO for lighting. Council stated there were three levels of protection to help reduce the effects of the lighting and that the applicant went above and beyond to help mitigate negative impacts.

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

Council Member Killingsworth returned to the dais.

Mayor Olive called a three minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Councilwoman Audra Killingsworth

Discussion and possible motion to amend Article III, Section 10-31 – 35 of the Town of Apex Code of Ordinances to prohibit smoking in Town Parks and to prohibit the use of vaping products, and tobacco products in Town buildings, vehicles, and parks

Council stated she felt this needed to be assessed as a reasonable protection of our most vulnerable. She pointed to those municipalities which have implemented such a policy. Her proposal was to look at the current Ordinance and determine if it needed to be amended.

Council Chairman of the Parks, Recreation, and Cultural Resources Committee voiced his adversity to the request, stating that he has had zero complaints concerning any type of tobacco products. Therefore, there was no need to enact a law that doesn't need to be fixed. Further, how would it be enforced? The Police Department is already operating as efficiently as possible. He stated examples of not being

able to enforce helmets and pads at the skate park. The remaining Council Members stated their thoughts on this issue.

The Parks and Recreation Director stated he has had less than a handful of complaints during his long tenure with the Town; the Town Manager stated he has only had a few complaints since his tenure. Further discussion ensued related to what stressed law enforcement, effects of smoking on children, an educational campaign on smoking, designated smoking areas, and banning smoking on the greenways.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION AND TO ADD WORDING FOR GREENWAYS; AN IMPLEMENTATION DATE OF JANUARY 1 WITH LANGUAGE FOR DESIGNATED AREAS; AND EDUCATIONAL CAMPAIGN; AND STAFF TO REWORD THE ORDINANCE AND BRING BACK BEFORE COUNCIL. COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS KILLINGSWORTH, DOZIER, JENSEN, AND GANTT VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Council Member Moyer stated that clearly education is not going to make a dent in not smoking. This was making way too many laws for no reason.

CLOSED SESSION

(1) To consult with the Town Attorney regarding the handling of the matter of HH Trinity Apex Investments LLC, et. al. v. Town of Apex, and (2) for a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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.



Dohna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



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 Alfa 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 Loffin, 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



Apex Town Council Meeting

Tuesday, October 2, 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, October 2, 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 David Hughes, Town Clerk Donna B. Hosch,
and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Nate Marriner, Peak City Church, gave the Invocation,
and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Todd and Karen Helton proclaiming "Live Like Ellie Day"

Mayor Olive read the Proclamation before presenting it to Todd and Karen Helton. Mr. and Mrs. Helton
expressed their appreciation to all those involved in this effort.

CONSENT AGENDA

Consent 01 Minutes of the Regular Town Council meeting of September 18, 2018

Consent 02 Apex Tax Report dated 8/2/2018

Consent 03 Apex Cemetery Refund Request from Danny and Susan Carter for Lot 82 Plots F, G, and H in the Apex Cemetery

Consent 04 Apex Cemetery Refund Request from Judy Crumpler for Lot 22 Plot G in the Apex Cemetery

- Consent 05 Master Services Agreement, valid through June 30, 2021, with Southern Cross Utilities, Inc. and authorization for the Town Manager to execute same for water and sewer construction and repair services
- Consent 06 Custodial contract with American Facility Services, Inc. and authorization for the Town Manager to execute same for custodial services for Town-Owned Buildings
- Consent 07 Capital Project Ordinance Amendment No. 2019-4 to appropriate \$50,000 for completion of multi-use path on Laura Duncan Road between Apex Peakway and Pinewood Drive, and authorization for the Town Manager to execute the reimbursement agreement provided by NC Office of State Budget and Management
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #18CZ19, Town of Apex, petitioner for the property located at 2100 Production Drive
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #18CZ23, Drew Havens, Town of Apex, petitioner for the property located on 0 Culvert Street
- Consent 10 Set Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Application #18CZ01 (Sweetwater PUD Amendment). The applicant, Experience One Homes, LLC sought to rezone approximately 44.76 acres located at 0 Core Banks St; and 0, 3115, 3233 US 64 HWY West from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 11 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ22 (Tullamore PUD). The applicant, Jones & Clossen Engineering, PLLC, sought to rezone approximately ±13.31 acres, for the properties located at 1805, 1745, and 0 Holt Road, from Rural Residential (RR) and Medium Density Residential-Conditional Use (MD-CU #94CU23) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 12 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ24. The applicant, Peak Engineering & Design PLLC, sought to rezone approximately ±1.28 acres, for the properties located at 1200 and 1204 Old Raleigh Road, from Residential Agricultural (RA) and Office & Institutional (O&I) to Neighborhood Business-Conditional Zoning (B1-CZ).
- Consent 13 Set Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Application #18CZ27 (540 Flex). The applicant, Jones & Clossen Engineering, PLLC, sought to rezone approximately 10.04 acres located at 1600 Olive Chapel Road from Tech/Flex-Conditional Zoning (TF-CZ) to Tech/Flex-Conditional Zoning (TF-CZ).
- Consent 14 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 Town of Apex (future Olive Farm Park) properties containing 22.213 acres located at 0, 0, 3020 & 3024 Olive Farm Road, Annexation #639 into the Town's corporate limits
- Consent 15 Revisions to the Town Standard Specifications and Details
- Consent 16 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of September 18, 2018
- Consent 17 Statement of Denial of the Town Council for Rezoning Case #18CZ20 (3050 Lufkin Road), Lufkin Leased Fee, LLC, petitioners for the property located 3050 Lufkin Road
- Consent 18 Statement of the Town Council and Ordinance for Rezoning Case #18CZ25, Perry and Debra Cox, petitioners for the property located on 0 Hudson Avenue

- Consent 19 Set the Public Hearing on October 16, 2018 for rezoning application #18RZ26 (Olive Farm Park) to rezone 22.213± acres located at 0, 0, 3020, 3024 Olive Farm Road from Wake County Residential-40W (R-40W) to Conservation Buffer (CB)
- Consent 20 Set the Public Hearing for the October 16, 2018 Town Council Meeting regarding Rezoning Case #18CZ17 (Jordan Vistas PUD). The applicant, Peak Engineering & Design, sought to rezone approximately ±52.71 acres, for the properties located at 2500, 2508, 2520, and 2532 New Hill Olive Chapel Road, from Wake County Residential-40W (R-40W) and Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 21 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 Nina Church, Michelle Demers, Kenneth and Jennifer Proulz and William and Deborah Elmore (Jordan Vistas) property containing 53.139 acres located at 2500, 2508, 2520 and 2532 New Hill Holleman Road, Annexation #636 into the Town's corporate limits
- Consent 22 Memorandum of Understanding (MOU) and Cost Reimbursement Agreement between the Town and the FBI identifying the responsibilities of each agency and authorizing the Police Chief to execute the same

The Town Manager requested an add-on item to approve the Apex Friendship High School Parade.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED ADD-ON ITEM.

COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated there was a request to remove New Business 01 from this evening's Agenda.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE AGENDA WITH THE REMOVAL OF THE STATED ITEM; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Shauna Shakelton stated she reached out to Council Member Dozier last year regarding this effort and asked this year for a Proclamation from the Mayor. That request was denied. Ms. Shakelton stated she wanted Council to realize the benefits of their organization to the community, and she spoke about the Mayor asking for the relativity to the community. Ms. Shakelton enlightened Council on the history of native americans in the area. She hoped awarding a Proclamation would be reconsidered. This would recognize the first peoples of this land.

Candance Blackley, on behalf of the League of Women Voters of Wake County, stated that her organization held its annual Women's Equality Day Celebration in August. Council Member Audra Killingsworth was honored at this event. Council Member Dozier could not attend; therefore, she was here this evening to make the presentation to Council Member Dozier. On behalf of the League, Ms. Blackley thanked Council Members Dozier and Killingsworth for their service to the community.

Joey Bender stated that under our noise ordinance, there are specified times times but not days for noise to cease. He spoke about construction across the street from Apex Friendship High School going on on the holidays. He asked for restrictions on five or six of the major holidays. He added that there are delivery vehicles showing up between seven and eight at night. He wanted to know why were these vehicles parking there when there is no one present to accept deliveries. Council requested that the Town Manager review the ordinance and see what might be improved for this situation.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance 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

Staff oriented Council to the site. This would be for the requestor to receive public services. Staff recommended approval.

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

OLD BUSINESS

Old Business 01 : Drew Havens, Town Manager

Amend Article III, Section 10-31 – 35 of the Town of Apex Code of Ordinances to prohibit smoking in Town Parks and to prohibit the use of vaping products, and tobacco products in Town buildings, vehicles, parks and greenways, except in designated areas

Staff stated that as instructed, the ordinance had been modified. Staff clarified that employees who work in the park would have to smoke in designated areas. There is no rule now on designated smoking areas on campus, but that is being worked on.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE AMENDMENTS;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council Member Moyer stated reasons why he was opposed to this modification.

THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Russell Dalton, Senior Transportation Engineer

Amendment to Section 20-164 of the Town of Apex Code of Ordinances with the addition of subsection (31) establishing No Parking along North Tunstall Avenue between Culvert Street and East Chatham Street

This item was removed from the Agenda by Council vote earlier in the meeting.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

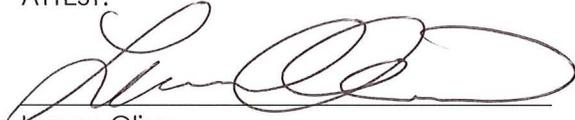
ADJOURNMENT

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



Apex Town Council Meeting

Tuesday, October 16, 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, October 16, 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, Audra M. Killingsworth, and Brett D. Gantt

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 Wesley M. Moyer

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Mat Curry of Apex Baptist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Jeff McCauley, Chief Financial Officer, Greenville Utilities Commission

Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting by Jeff McCauley, GFOA State Representative, to Vance Holloman, Finance Officer, and Suzanne Parmentier, Accounting and Budget Manager

Mr. McCauley outlined the requirements to win this award. The Town has received this recognition 24 consecutive years. Mr. McCauley presented the Certificate of Achievement to Mr. Holloman and Ms. Parmentier.

Mr. Holloman thanked Mr. McCauley for coming from Greenville to present the award. He thanked staff, particularly Ms. Parmentier, who were involved in the process.

CONSENT AGENDA

- Consent 01 **Budget Ordinance Amendment No. 4 for reimbursement to be made to WS-JPA LLC per the amendment to the Developer's Agreement.**
- Consent 02 **Apex Tax Report dated 09/06/2018**
- Consent 03 **Master Agreement, valid through June 30, 2021, with Kleinfelder, Inc., and authorization for the Town Manager to execute same for On-Call Professional Services for Environmental, Geotechnical, and Construction**
- Consent 04 **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 05 **Budget Ordinance Amendment No. 5 to provide funding in the amount of \$12,000 to cover study and planning costs for moving the Inspections Department from Town Hall to the Mason Street building**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE WITH A CORRECTION TO THE PUBLIC HEARING DATE IN CONSENT 04;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the Town Attorney asked for a Closed Session to consult with the Town Attorney.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER DOZIER MADE THE MOTION WITH THE ADDITION OF THE CLOSED SESSION; COUNCIL MEMBER JENSEN 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 : Lauren Staudenmaier, Planner I

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Nina Church, Michelle Demers, Kenneth and Jennifer Proulx and William and Deborah Elmore (Jordan Vistas) property containing 53.139 acres located at 2500, 2508, 2520, and 2532 New Hill Olive Chapel Road, Annexation #636 into the Town's corporate limits

and

Public Hearing 02 : Lauren Staudenmaier, Planner I

Public Hearing and possible motion on rezoning application and Ordinance for #18CZ17 (Jordan Vistas PUD). The applicant, Jeff Roach, Peak Engineering & Design, on behalf of William and Deborah Elmore, Nina Lynn Church, Michelle Demers, Kenneth and Jennifer Proulx, seeks to rezone approximately 52.909± acres located at 2500, 2508, 2520, & 2532 New Hill Olive Chapel Road; from Wake County Residential-40W (R-40W) & Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff stated that the applicant asked for these two Hearings to be continued to the November 20, 2018 Regular Council Meeting. Jeff Roach, applicant, who was in attendance, confirmed the request.

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

Public Hearing 03 : Lauren Staudenmaier, Planner I

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex (future Olive Farm Park) properties containing 22.213 acres located at 0, 0, 3020, & 3024 Olive Farm Road, Annexation #639 into the Town's corporate limits and

Public Hearing 04 : Lauren Staudenmaier, Planner I

Rezoning application and Ordinance #18RZ26 (Olive Farm Park) to rezone 22.213± acres located at 0, 0, 3020, and 3024 Olive Farm Road from Residential-40W (R-40W) to Conservation Buffer (CB).

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval.

Mayor Olive declared the Public Hearing open.

Holly Zhang stated she was a member of Triangle People Power and briefly explained the purpose of the Environmental Justice movement. It was determined by the Mayor that Ms. Zhang's comments were more appropriate for Public Forum. However, she was allowed to continue her presentation.

Mayor Olive declared the Public Hearing closed with no one wishing to speak.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE
THE ORDINANCE AND REZONING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ22 (Tullamore PUD) to rezone approximately 13.31± acres located at 1805, 1745, & 0 Holt Road from Rural Residential (RR) & Medium Density Residential-Conditional Use (MD-CU #94CU23) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The Parks, Recreation, and Cultural Resources Commission heard the issue. The Planning Board and Planning staff recommended approval with conditions offered by the applicant.

Staff answered Council questions related to buffers.

Stewart Jones, Jones and Crossen Engineering, representing the applicant, detailed this age-targeted neighborhood. He spoke about a parcel of land which was in question. It was up for rezoning on this evening, and Mr. Jones explained how they view the parcel.

Mr. Jones answered Council questions related to grading; economy housing pricing, Council not in agreement with the pricing being considered economy pricing; stream buffers; HOA land being part of the RCA; and a retention pond.

Mayor Olive declared the Public Hearing open.

Alex Corvin, president of Charleston Village HOA, explained why the HOA Board decided to sell the property and the process to do so. There was strong neighbor support to sell.

Stan Jackson, against the sale of the property, explained the reasons why he and his neighbors bought land backing up to this acreage. He detailed how the land was part of the original development. The resource conservation area, economic issues, and drainage of the pond were discussed. He asked that Council not rezone the land and let it be used as a resource conservation area.

Doug Jacobs, on behalf of the family that owns the majority of the land and in favor of the rezoning, spoke about the history of the property. His family sought to be able to provide for their family and support their mother with this sale.

Mayor Olive declared the Public Hearing closed.

Mr. Jones answered Council questions related to buffers. Council expressed appreciation towards age-targeted with first floor master bedrooms. However, the point of affordability had not been met with this Plan. Council expressed appreciation for the included solar considerations and talked about how we might be able to get to true affordable housing.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE REZONING WITH THE DISCUSSED CONDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive made a friendly suggestion to the neighbors as to how to help ease the problem of the sale of the HOA property.

Public Hearing 06 : Shelly Mayo, Planner II

Rezoning application #18CZ27. The applicant, 540 Flex & Business Park, LLC, sought to rezone approximately 10.04 acres located at 1600 Olive Chapel Road from Tech/Flex-Conditional Zoning (TF-CZ #14CZ20) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and Planning staff recommended approval with the stated additional condition. Staff answered Council questions related to wording definitions.

Stuart Jones, Jones and Clossen Engineering, representing the applicant, offered a few key points related to the request. He answered Council questions regarding fencing and solar.

Mayor Olive declared the Public Hearing open.

Sarha Shtakloft stated she was speaking for her sister who is an owner in the building. She stated her sister was in opposition to the request and gave the reasons why.

Mayor Olive declared the Public Hearing closed.

Council asked Staff questions related to some of the uses that could be located in the buildings.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE REZONING WITH THE STATED CONDITION; THERE WAS NOT A SECOND.
THE MOTION FAILED.

COUNCIL MEMBER GANTT MADE THE MOTION TO DENY THE REQUEST. THERE WAS NOT A SECOND.

Council asked if it would be possible for the applicant and Council to work to resolve any matters.

COUNCIL MEMBER GANTT WITHDREW HIS MOTION BECAUSE OF A LACK OF A SECOND.

COUNCIL MEMBER GANTT MADE A MOTION TO CONTINUE THIS HEARING TO THE NOVEMBER 20, 2018 REGULAR COUNCIL MEETING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive called for a five minute recess.

Public Hearing 07 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ24 to rezone approximately 1.28± acres located at 1200 and 1204 Old Raleigh Road, from Residential Agricultural (RA) and Office & Institutional (O&I) to Neighborhood Business-Conditional Zoning (B1-CZ)

Staff oriented Council to the site. A neighborhood meeting was held for this conditional zoning. Staff stated some of the permitted uses. Staff recommended approval with added conditions. The Planning Board recommended approval. Staff answered Council questions related to traffic and a concrete island.

Jeff Roach, Peak Engineering Design, spoke about access points and preparation for any future development. He answered questions from Council related to access and solar.

Mayor Olive declared the Public Hearing open.

Gary Brown stated he had no future plans for development of this, his property, and that he had no problem with the rezoning. Mr. Brown spoke about buffers and outside kennels.

Tom Colhoun, representing the property owner, expressed concern about restricting traffic access.

Mayor Olive declared the Public Hearing closed.

Council expressed concern about restricting access. Council asked for clarification of access from staff, which was explained. Staff answered Council questions related to buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE REZONING WITH INCLUSION OF THE SOLAR CONDITION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

There was further discussion about access.

THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Amanda Bunce, Planning Manager

Rezoning application #18CZ01 (Sweetwater PUD Amendment). The applicant, ExperienceOne Homes, LLC seeks to rezone approximately 44.76 acres located at located at 0 Core Banks St; and 0, 3115, 3233 US 64 HWY West from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff and the Planning Board both recommended approval. Questions were answered related to story height.

Mark Ashness, applicant, stated they have worked on mixed use buildings. Marvin Waldo, president of Retail Strategies, stated they have been thinking about solar but there is an astronomical cost. They prefer to be able to keep rents reasonable. He detailed what the site is going to look like. He was agreeable to pre-conduit for solar but that would be it for right now. Council asked questions about the status of a basketball court.

David Schmidt spoke about the tenants who will be in the units. There would be very few children in the area, thus giving reason to why there are no plans for basketball courts. He detailed some of the other 55 events they plan to hold on site. He spoke about how solar remains cost prohibitive.

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 GANTT MADE THE MOTION TO APPROVE
THE REZONING WITH THE STATED CONDITION RELATED TO CONDUIT; COUNCIL
MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council expressed his disappointment with there being no provision for solar to which further discussion ensued between Council and the requestors on a solar PV system. The requestor agreed to running conduit in the buildings and to exploring solar further.

COUNCIL MEMBERS GANTT, KILLINGSWORTH, AND DOZIER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planning Manager

Sweetwater Phase 9 Master Subdivision Plan for the properties located at 0, 3115, 3233 US 64 Hwy West containing ±24.59 acres with nine (9) nonresidential/mixed use lots

Staff oriented Council to the site. Staff recommended approval, as did the Planning Board.

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

ADDED Closed Session 01 : Laurie Hohe, Town Attorney

To consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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

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



Apex Town Council Workshop

Thursday, October 25, 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 Workshop scheduled for Thursday, October 25, 2018, at 4:30 p.m. was held in Training Room A on the third floor 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis,

Town Clerk Donna B. Hosch, and Town Attorney Laurie Hohe

Also in attendance were Planning Director Dianne Khin, Planning Manager Amanda Bunce, Senior

Transportation Planner Shannon Cox, Senior Transportation Engineer Russell Dalton,

Parks and Greenways Planner Angela Reinke, and Long Range Planner Jenna Shouse

Also in attendance was Jeff Roach, interested citizen

Cox stated the purpose of the meeting and the procedure by which the presentations from Allison Fluit and Jonathan Whitehurst would proceed, whom she then introduced.

Fluit presented a brief overview of the program and went over the agenda. The goals for this community-driven program were to establish a vision, identify needs, guide growth, recommend specific projects, and create an action plan.

Process Recap

Fluit stated we were pretty far along in the process toward the plan of adoption. She reminded the group of what was outlined in Outreach Phase 1 which was presented earlier. She went over the highlights of that Phase. The second Phase of public outreach was a public workshop, and Fluit outlined what went on in that workshop.

Context Areas

Fluitt stated these areas were talked about in a previous briefing. The map was expanded to look at four different areas; considered for consistency were the current and future land uses. Fluitt stated the public has viewed the Context Areas map and there were no changes proposed.

Roadway Recommendations Review

Fluitt explained what they attempted to do within the map, and she went over the map Legend. A new designation was identified – a 6-lane superstreet. The different types of streets were detailed. Fluitt overviewed modifications which were made to the current Plan. She addressed questions asked by Council. Staff also offered answers to Council questions. In this process, several streets were rededicated. Fluitt stated the elements involved in prioritizing roadways.

Bicycle and Pedestrian Recommendations Review

Fluitt stated the recommendations for Bike Apex, noting that they wanted to keep the momentum going on the projects already in development. Staff presented more information on the projects and their current status. The Parks, Recreation, and Cultural Resources Commission recommended approval of the plan.

Transit Recommendations

Whitehurst presented the purpose of the update and what was involved in the process. Staff spoke about some of the elements in the description of land uses, particularly related to densities. Whitehurst spoke about the changes between the old plan and the new plan. There was group conversation about grandfathering.

Land Use Update

There was brief discussion on the four focus areas.

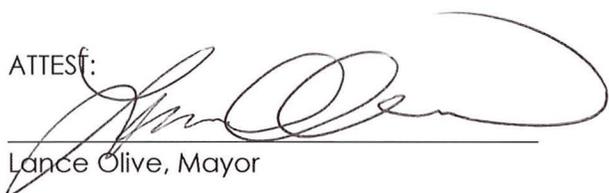
ADJOURNMENT

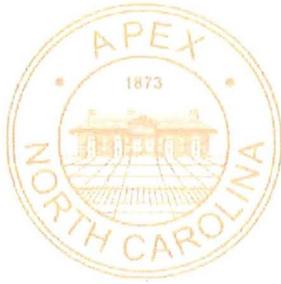
With there being no further business and with no objection from Council, Mayor Olive declared the meeting adjourned.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive, Mayor



Apex Town Council Meeting

Tuesday, November 6, 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, November 6, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council meetings of October 2 and October 16, 2018 and the Town Council Workshop of October 25, 2018
- Consent 02 Cemetery Refund Request from Patrick and Pameula Kane, Lot 268 Plots C and D, in the Apex Cemetery
- Consent 03 Cemetery Refund Request from William "Todd" King, Lot 256 Plots A, E, H, D, B, and C, in the Apex Cemetery
- Consent 04 Cemetery Transfer Request from Wilton Hafer, Lot 225 Plot H, in the Apex Cemetery
- Consent 05 Amend Town Code of Ordinances Section 14-33 to restrict noise from construction activities
- Consent 06 Budget Ordinance Amendment No. 7 for an additional reimbursement of \$98,840 to be made to WS-JPA LLC per the amendment to the Developer's Agreement

- Consent 07 Statement of the Town Council for Rezoning Case #18RZ26 (Olive Farm Park), Drew Havens, Town Manager, Town of Apex petitioner for the property located at 0, 0, 3020, and 3024 Olive Farm Road
- Consent 08 Amend Town Code of Ordinances Section 20-143 to restrict the use of scooters and skateboards on downtown sidewalks
- Consent 09 Master Services Agreement, valid through June 30, 2021, with Piedmont Hoist & Crane, Inc. and authorizing the Town Manager to execute same for vehicle hoist and crane repair
- Consent 10 Budget Ordinance Amendment No. 6 for reimbursement to be made to Meritage Homes of the Carolinas, Inc. for the Deer Creek subdivision per the second amendment to the Developer's Agreement
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #18CZ01, Sweetwater PUD Amendment, Mark Ashness, CE Group/ExperienceOne Homes & KEP Apex, LLC, petitioners for the property located at 0 Core Banks St and 0, 3115, 3233 US 64 HWY West
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #18CZ22 Jones & Clossen Engineering, PLLC, petitioner for the properties located at 1805, 1745, & 0 Holt Road
- Consent 13 Statement of the Town Council and Ordinance for Rezoning Case #18CZ24, Peak Engineering & Design PLLC, petitioner for the property located at 1200 & 1204 Old Raleigh Road
- Consent 14 Set Public Hearing for the November 20, 2018 Town Council Meeting regarding Rezoning Application #18CZ28 (Olive Chapel Road Assemblage PUD) and Ordinance. The applicant, Toll Brothers, Inc., sought to rezone approximately 70.80 acres located at 3417, 0, 3329, 0 & 3309 Olive Chapel Road and 0 New Hill Olive Chapel Road from Wake County Residential (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 15 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 Katherine Chalk, James Lawrence, Kathy and John Bartholomew, Peggy Gray, Trustee Survivor's Trust A, Grace and Don Goodwin and Amy and Joseph Power (Olive Chapel Road Assemblage) property containing 70.79 acres located at 3417, 0, 3329, 0 & 3309 Olive Chapel Road and 0 New Hill Olive Chapel Road, Annexation #645 into the Town's corporate limits
- Consent 16 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 Cariello Holdings, LLC (Green Level Market) property containing 3.67 acres located at 3705 Green Level West Road, Annexation #648 into the Town's corporate limits
- Consent 17 Apex Friendship High School Academy of Engineering and DACA to coordinate with Town staff to transform the tree set up in front of the Depot into a "Performing Tree" by synchronizing lights on the tree with music
- Consent 18 NCDOT Certification of Municipal Declaration to Enact Speed Limits and Request for Concurrence 1074310, 1074312, and 1074316 for 45 mph speed limit along Richardson Road south of Olive Chapel Road within Apex municipal limits
- Consent 19 Lease agreement with CSX for improvements to Seaboard Street to accommodate an off street parking area and to authorize Town Manager to execute the lease

The Town Manager requested an Add-on Item for a claims release related to damage to a police vehicle and a modification to Consent 19, a lease agreement with CSX.

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

PUBLIC FORUM

Samantha Oleschuk, along with two other students from Apex Friendship High School, spoke about their involvement in the Make A Wish program. Explained was their hope that with support from Town, they could achieve their goal of contributing to this program. The ask was to transform the Christmas tree in front of the Depot into a performing tree. In addition, groups from the school would come out and perform for the community. Ms. Oleschuk stated the need to maintain a connection with the Town in order to keep their program going. She was sure they would be able to grant a wish with the Town's help.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance 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

Staff oriented Council to the site, noting that a part of the subdivision had previously been approved. Staff recommended approval.

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 ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

An audio recording of the following Quasi-Judicial Public Hearings 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.

Public Hearing 02 – Quasi-Judicial : Shelly Mayo, Planner II

Special Use Permit (#18SUP03) for the South Landfill Public Safety Tower located at 6110 Old Smithfield Road. The subject property is identified on Wake County Tax Maps as PIN 0740437240.

The Mayor stated the procedure by which the Hearing would proceed.

Mayor Olive declared the Public Hearing open. The Town Clerk swore in all those wishing to speak.

Ronald Rodgers, Wake County, was in attendance for the applicant. There were no opponents in attendance.

All Council Members stated they had had no communications with the applicant, that there were no conflicts, and that they would be able to make impartial decisions. None had viewed the site.

OPENING STATEMENT BY STAFF: Shelly Mayo presented her credentials and her work history. Council was oriented to the site and the reason for the request was stated. A neighborhood meeting was held. Staff clarified questions by Council on the requested tower.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

OPENING STATEMENT BY APPLICANT: Ron Rodgers stated he concurred with staff evidence and asked for all materials to be submitted into evidence. This would be part of a county-wide upgrade. This Council approved a 400 foot tower previously. The current tower is old and needs to be replaced.

John Higgins, IT Director and Chief Technology Officer for Wake County, spoke about the number of radios in the system and who uses those radios. The current tower is reaching the end of its life and it is at its max capacity. A new tower is needed for new digital technology. Mr. Higgins stated other benefits of a new tower. John Goins, TEP, answered Council question as to the structural design of the tower.

CROSS EXAMINATION OF APPLICANT BY STAFF: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Rodgers detailed how all Standards had been met.

REBUTTAL EVIDENCE BY STAFF: None.

CLOSING ARGUMENT BY STAFF: None.

CLOSING ARGUMENT BY APPLICANT: None.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE SPECIAL USE PERMIT; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 – Quasi-Judicial : Sarah Rayfield, Senior Planner

Major Site Plan for Hanna Imports Parking Improvements, 12.5 acres located at 1405 Vision Drive. The subject property is identified on Wake County Tax Maps as PIN 0732781596.

Mayor Olive declared the Public Hearing open. All those wishing to speak were sworn in by the Town Clerk.

William (Bill) Daniel, registered professional engineer, stated he was representing the applicant. There were no opponents in attendance.

The Town Attorney clarified the limitations by which Mr. Daniel's presentation would be subject. Mr. Daniels was comfortable with the limitations and was ready to proceed.

All Council stated there had been no communication with the applicant, that there were no conflicts, and that each could decide the case impartially.

OPENING STATEMENT BY STAFF: Sarah Rayfield presented her credentials and work history. Staff oriented Council to the site. A neighborhood meeting was held. Staff directed Council to updated information placed at their seats. Staff recommended approval with conditions.

Staff answered Council questions related to land swaps, possible changes to the Master Plan, and road connectivity.

OPENING STATEMENT BY APPLICANT: Mr. Daniel presented his background and his work history. He detailed the compatibility of the project with surrounding areas and how the site plan met the Standards.

CROSS EXAMINATION BY STAFF OF APPLICANT: None.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

Mayor Olive declared the Public Hearing closed. The Town Attorney asked that the Staff Report distributed at this meeting be made part of the record.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

**New Business 01 : John Letteney, Police Chief; Keith McGee, Fire Chief; Shawn Purvis, Assistant Town Manager
Transitioning Apex's primary public-safety answering points (PSAP) from Raleigh-Wake Communications to the Town of Cary and
possible motion to approve the associated budget amendment**

Assistant Town Manager Purvis presented background on PSAP options and stated the Chiefs would outline the benefits and challenges of the request.

Chief Letteney described how the current 911 call routing works and how it would work in the future. He outlined the current concerns and how we are looking to improve the overall operation of the system. A major concern was that we do not have a backup system which was removed without the Town's knowledge or approval. The benefits of the CAM partnership were presented.

Chief McGee presented challenges of the current system affecting the Fire Department, giving an example of an unacceptable situation the past. He presented an alarm processing performance comparison.

Staff presented the annual operating costs of the service, stating there was a March 5th target date for implementation. Council questions were answered related to contract length and other towns possibly sharing this partnership.

The Mayor and Council spoke on the need for continuous improvement and how important this effort is to the lives of our citizens. The Town Manager praised the work of this team and the detailed thought that went into this proposal.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE TRANSITION AND BUDGET AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Council Member Bill Jensen

Discussion and request for staff direction regarding implementation of a Property Assessed Clean Energy (PACE) financing program

Council outlined the PACE program. He thought the Town could make financing less expensive than banks/lenders for solar. We would make money doing so in the long run. Council stated he was asking for permission for staff to look into this and come back with recommendations. The concept is popular on the west coast. Council presented questions for which staff will obtain answers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ASK STAFF TO EXPLORE WHAT IT WOULD TAKE FOR THE TOWN TO IMPLEMENT A PACE PROGRAM;
COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

To consult with the Town Attorney regarding the handling of the matter of the Town of Apex v. Beverly L. Rubin

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

WITH NO OBJECTIONS 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



Apex Town Council Meeting Tuesday, November 20, 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, November 20, 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 and Council Members William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and Brett D. Gantt
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 Pro Tem Nicole L. Dozier

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

**Presentation 01 : Keith Joyce, Joyce and Company, Independent Auditor
June 30, 2018 audit report from Joyce and Company**

Mr. Joyce presented highlights of the Comprehensive Annual Financial Report (CAFR) (incorporated by reference). This was a clean audit. A certificate of achievement of excellence was received by the Town for the 24th consecutive year. Mr. Joyce answered Council questions regarding Fund Balance and tax rates and OPEP funding. In the Management Letter, there was one technical aspect mentioned. Staff has taken steps to correct this for next year.

CONSENT AGENDA

Consent 01 Minutes of the November 6, 2018 regular Town Council Meeting

Consent 02 Sale of Lot 22, Plots G and H, in the Apex Cemetery to Rhonda Stewart

- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit #18SUP03 South Landfill Public Safety Tower
- Consent 04 Findings of Fact, Conclusions of Law, and Decision approving the Hanna Imports Parking Improvements Major Site Plan
- Consent 05 Construction contract and authorization for the Town Manager to execute same for Seaboard Street Parking Project (R-18-4)
- Consent 06 Master Services Agreement, valid through June 30, 2021, with Ezzell Electrical Components, Inc. and authorization for the Town Manager to execute same for wastewater components service and repair and general electrical repair
- Consent 07 Set a Public Hearing for Tuesday, December 4, 2018 at 7:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2019-2020 Annual Budget
- Consent 08 Amendment of the Special Event application *Christmas on Salem Street* to modify street closure on Salem Street extending the previous closing point of Center and Salem to now Hunter and Salem. The event is scheduled for November 30th.
- Consent 09 Revisions to the Town Standard Specifications and Details
- Consent 10 Sale of Lot 232, Plot G, in the Apex Cemetery to Virginia Enzor
- Consent 11 Authorization for the Town Manager to sign the amendment to the current Fire Protection Agreement with Wake County Fire Services which authorizes the County to reimburse the Town for providing NFPA 1582 compliant physicals for members of the fire department
- Consent 12 Resolution to use Construction Management at Risk services for construction of the Pleasant Park project
- Consent 13 Resolution to use Construction Management at Risk services for construction of the Senior Center project
- Consent 14 Apex Tax Report dated 10/6/2018
- Consent 15 Motion to approve Mutual Aid and Emergency Assistance Agreement with Duke Energy Progress, Inc. and authorization for the Town Manager to sign the agreement

Staff requested a change in language regarding indemnity for Consent 05. There was an add-on item requested for a resolution for ETJ appointments by the County.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE STATED MODIFICATIONS.

COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER GANTT SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Staff requested an add-on item under New Business related to a request from Friendship High School Academy.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED ADD-ON ITEM.

COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Jennifer Job stated she was present to deliver a petition containing 164 signatures calling for an action plan for a stop light at Kelly Road and Beaver Creek Drive. The request was for immediate construction, as this is now a serious situation which has been covered by the news and resulted in police giving out tickets daily. Ms. Job outlined the process that is being taken by the developer who is proceeding slowly. This was supposed to be done by May.

Ms. Job stated she hoped the petition highlighted the serious flaw in how developments are constructed in Apex. Conducting traffic studies should be done before ground is permitted to be broken.

The Mayor stated the developer was met with on this day and the Town asked for the poles to be ordered to get this done. We will continue to actively work with the developer.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Staudenmaier, Planner I

**Ordinance on the Question of Annexation – Nina Church, Michelle Demers, Kenneth and Jennifer Proulx and William and Deborah Elmore (Jordan Vistas) property containing 53.139 acres located at 2500, 2508, 2520, and 2532 New Hill Olive Chapel Road, Annexation #636 into the Town's corporate limits
and**

Public Hearing 02 : Lauren Staudenmaier, Planner I

Rezoning application and Ordinance for #18CZ17 (Jordan Vistas PUD). The applicant, Jeff Roach, Peak Engineering & Design, on behalf of William and Deborah Elmore, Nina Lynn Church, Michelle Demers, Kenneth and Jennifer Proulx, sought to rezone approximately 52.909± acres located at 2500, 2508, 2520, & 2532 New Hill Olive Chapel Road from Wake County Residential-40W (R-40W) & Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board unanimously recommended approval. Planning staff recommended approval with conditions offered by the applicant.

Jeff Roach, Peak Engineering & Design, representing the applicants, stated they were looking 15+ years out with this PUD. He detailed what their plan was for the site, pointing out access, a multiuse path, and

their working with staff to try to identify and save a few large trees on the property. These are slotted to be homes on larger lots. Mr. Roach spoke to the three added conditions.

Mr. Roach answered Council questions related to the building of roads, traffic signals, and solar systems.

Mayor Olive declared the Public Hearing open.

John Demers stated he and his wife fully supported this effort, noting that the community needs to grow. They were delighted with the Town supporting the growth and its interest in solar.

Mayor Olive declared the Public Hearing closed.

Council offered that the developer should name which lots would be designated for solar. Staff detailed the plat process and what would be the best manner for staff enforcement of solar.

Gordon Poulson, applicant, explained why encumbrances to property can be a problem down the road. Staff went into further explanation of installation of solar/aspects of solar. Mr. Roach offered further conditional wording.

Conversation ensued related to future traffic signals, with clarification presented by the Town Attorney.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE
ANNEXATION ORDINANCE, REZONING, AND ORDINANCE FOR #18CZ17 WITH STATED
CONDITIONS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Shelly Mayo, Planner II

**Ordinance on the Question of Annexation – Katherine Chalk, James Lawrence, Kathy and John Bartholomew, Peggy Gray, Trustee Survivor's Trust A, Grace and Don Goodwin and Amy and Joseph Power (Olive Chapel Road Assemblage) property containing 70.79 acres located at the southeast quadrant of the intersection of Olive Chapel Road and New Hill Olive Chapel Road, Annexation #645 into the Town's corporate limits
and**

Public Hearing 04 : Shelly Mayo, Planner II

Rezoning application #18CZ28 (Olive Chapel Road Assemblage PUD) and Ordinance amending the Zoning Map. The applicant, Toll Brothers, Inc., sought to rezone approximately 70.80 acres located at the southeast corner of Olive Chapel Road and New Hill Olive Chapel Road from Wake Co. R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Planning recommended approval with conditions offered by the applicant. Staff answered Council questions related to roads, walkability, and a Traffic Impact Analysis.

Jason Barron, Morningstar Law Group, representing the applicant, further detailed the aspects of this project, including the historic home on the property. He outlined the concepts of PUDs, the challenges of access placement, solar placement, and water quality. He recognized there was neighbor opposition to the PUD.

Mayor Olive declared the Public Hearing open.

Tracey Schelting expressed opposition to the main entrance to the proposed subdivision. She has a barn directly across from the entrance, and she was concerned about the horses on her property being spooked by traffic noise. She showed pictures of the road depicting how she felt this entrance would be dangerous. She asked for an independent study of the location of the entrance.

Sarah McGrath, competition rider, stated that horses could become spooked by traffic pulling in and out of the proposed entrance. She detailed how this could also be a danger the people riding the horses.

Jeff Robke spoke about his daughter's love for riding horses and the impact riding lessons has had on her. He spoke about Council's past desire for managed growth. This PUD would not fit with the old time character.

Heidi Snyder was concerned about the proposed entrance and also spoke about the benefits of her child being able to ride horses. She spoke about Tracy's property and business being a benefit to the community. She asked for protection of Tracy's barn.

Ninette Yengling asked Council and the applicant to set a time to view how Tracy teaches the children.

Lori Tryon spoke about the inherent danger of the road being directly in front of the barn. Horses being spooked and them and people being hurt is a real scenario. She showed photos of what happened to her when her horse was spooked and threw her.

Mayor Olive declared the Public Hearing closed.

Council stated the position of the proposed road would put a lot of people in danger, and she wanted to prevent as many injuries as possible. Mr. Barron stated the entrance points would be studied to ensure there is not a safety problem. The Mayor touched on at what point in the process these entrances would be finalized, staff providing a more detailed explanation. Mr. Barron answered Council questions related to buffers. Staff answered questions related to sidewalks.

Mayor Olive reopened the Public Hearing.

Dr. Johnson Russel talked about the health issues horses could face with the traffic, and how an entrance across from the barn could cause malicious behavior by humans. A buffer would not help to ensure the safety of the horses or the riders. He asked for this to be tabled until there was a solution to the proposed road.

Mayor Olive declared the re-opened Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE ANNEXATION ORDINANCE, THE REZONING, AND ORDINANCE FOR #18CZ28 WITH CONDITIONS FROM STAFF
AND THE APPLICANT; COUNCIL MEMBER GANTT SECONDED THE MOTION.

Council restated her objection to an entrance across from the barn. Council stated he hoped there would be further consideration of the entrance and that he liked the location of the pond. Council clarified what he meant by 'buffers'.

THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive called for a five minute recess.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Cariello Holdings, LLC (Green Level Market) property containing 3.67 acres located at 3705 Green Level West Road, Annexation #648 into the Town's corporate limits

Staff oriented Council to the site which was a proposed future Goddard School. Staff recommended approval. Staff answered Council questions related to connectivity.

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

OLD BUSINESS

Old Business 01 : Shelly Mayo, Planner II

This item was continued from the October 16, 2018 Town Council meeting.

Rezoning application #18CZ27. The applicant, 540 Flex & Business Park, LLC, sought to rezone approximately 10.04 acres located at 1600 Olive Chapel Road from Tech/Flex-Conditional Zoning (TF-CZ #14CZ20) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. The applicant added conditions since being presented previously. Staff recommended approval with the additional conditions.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE
WITH ALL EIGHT CONDITIONS; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner II

Oak Pointe Phase 2 Revised Master Subdivision Plan located at 0 Old Jenks Road containing ±28.48 acres and 56 single-family homes

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval of the Plan. Ron Acres, Engineer with McAdams, answered Council questions related to the water line and through traffic.

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

New Business 02 : Amanda Bunce, Planning Manager

Jordan Oaks Master Subdivision Plan located at 0 Horton Road containing ±31.61 acres and 50 single-family homes

Staff oriented Council to the site and answered questions related to access.

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 4-0 VOTE.

Added New Business 03 : Drew Havens, Town Manager

**Allowing Apex Friendship High School Academy of Engineering and DACA to change their plan for "Performing Lights"
(synchronizing lights and music) in front of the Depot**

Staff stated that because of aesthetic/technical issues, instead of the school putting lights on the tree, lights were placed on the roof and around the bushes in front of the Depot. The Mayor was disappointed that the original plan was changed without approval from the Town. If this is going to look gaudy, he would want to see the show before it gets shown to a large group of people. There was no one in attendance representing the school; Council conversation ensued regarding how to receive clarity of the proposed lighting plan.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE INSTALLATION AS REQUESTED; COUNCIL MEMBER JENSEN SECONDED THE MOTION. COUNCIL MEMBERS GANTT AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS KILLINGSWORTH AND MOYER VOTED IN THE NEGATIVE.

REQUIRED TO BREAK THE TIE VOTE, MAYOR OLIVE STATED HE DID NOT LIKE SETTING A PRECEDENT, THE SCHOOL SHOULD HAVE ASKED BEFORE CHANGING THE PLAN; THEREFORE, HE VOTED IN THE NEGATIVE.

Following further conversation, Council proposed the formation of an ad hoc committee to be delegated to discuss this with the Town Manager.

COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO FORM A CHRISTMAS LIGHT AD HOC COMMITTEE (CLAC) OF TWO COUNCIL MEMBERS TO MEET WITH THE TOWN MANAGER TO DETERMINE THE APPROPRIATENESS OF THE NEW LIGHTING PLAN. COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive stated that a letter had been received from the Mayor of River Bend, NC, thanking the Town for its assistance in storm relief.

CLOSED SESSION

There were no Closed Session items for consideration.

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

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Apex Town Council Meeting

Tuesday, December 4, 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, December 4, 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Keith McGee, Fire Chief

Introduction of Preston Clark, the new Assistant Fire Chief

Chief McGee introduced Assistant Fire Chief Clark and outlined the process by which he was employed. His past exemplary employment and educational background were outlined, Chief McGee stating that these things helped to separate Assistant Chief Clark from the rest of the applicants.

Presentation 02 : Laurie Hohe, Town Attorney

Introduction of Chris Welch, the new Assistant Town Attorney

Hohe introduced Assistant Attorney Welch and outlined his educational background.

Presentation 03 : Mayor Lance Olive

Presentation of the Proclamation declaring December 12, 2018 as Arbor Day in the Town of Apex

Mayor Olive read the Proclamation before presenting it to John Brown, Parks, Recreation, and Cultural Resources Director. Brown spoke briefly about the Tree Canopy Study, those associated with the project, and what it entailed. The tree planting will be advertised on the Town website.

CONSENT AGENDA

- Consent 01 Ordinance modifying Section 18-11 of the Town of Apex Code of Ordinances**
- Consent 02 Ordinance modifying Article VIII – Parking - of the Town of Apex Code of Ordinances**
- Consent 03 Ordinance modifying Section 20-71 of the Town Code of Ordinances with the addition of subsection (b) (3) establishing one-way traffic flow on Hudson Avenue with traffic moving from West Moore Street to Holleman Street**
- Consent 04 Resolution correcting the Ordinance for Rezoning Case #04CU09, Pointe at Davis Drive, petitioners for the property located at 1001 Davis Drive**
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #18CZ27, 540 Flex & Business Park, LLC, petitioner for the property located at 1600 Olive Chapel Road**
- Consent 06 Resolution Directing the Town Clerk to Investigate Petition Received, accepting Certificate of Sufficiency by the Town Clerk, and adoption of a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex AmandaLee2, LLC (Sutton Pointe) property containing 5.13 acres located at 7429 and 7433 Roberts Road, Annexation #650 into the Town's corporate limits**
- Consent 07 Set the Public Hearing for the December 18, 2018 Town Council Meeting regarding Rezoning Case #18CZ29 Courtyards on Holt PUD. The applicant, EPCON Communities, sought to rezone approximately ±28.839 acres - for the properties located at 305 & 313 Catlette Street and 0, 1345, 1313, & 1337 Holt Road - from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)**
- Consent 08 Set Public Hearing for the December 18, 2018 Town Council meeting regarding Rezoning Application #18CZ31 Westford PUD Amendment. The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 98.653 acres located at 0 & 8101 Jenks Road and 2812, 2900 & 3300 US Hwy 64 West from Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ) to amend sign requirements.**
- Consent 09 Statement of the Town Council for Rezoning Case #18CZ17 Jordan Vistas PUD, Jeff Roach, Peak Engineering & Design, PLLC/ William and Deborah Elmore, Nina Lynn Church, Michelle Demers, Kenneth and Jennifer Proulx petitioners for the property located at 2500, 2508, 2520, & 2532 New Hill Olive Chapel Road**
- Consent 10 Statement of the Town Council for Rezoning Case #18CZ28 Olive Chapel Road Assemblage PUD, Toll Brothers, Inc. petitioner for the property located at the southeast corner of Olive Chapel Road and New Hill Olive Chapel Road**
- Consent 11 Set Public Hearing for the December 18, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance**
- Consent 12 Sale of Lot 214 Plot D in the Apex Cemetery to Jay Bowers**
- Consent 13 Five (5) year contract with Marsh & McLennan Agency and authorization for the Town Manager to execute the same for Benefits Consulting Services**
- Consent 14 Three (3) year contract with Cornerstone OnDemand and authorization for the Town Manager to execute the same for Performance and Learning Management Software Services**
- Consent 15 Personnel Committee recommendations to reclassify one Senior Planner position, Grade 26, to Long Range Planning Manager, Grade 29, effective January 1, 2019, and to approve revisions to the Apex Personnel Policy Manual effective January 1, 2019 as noted**

Consent 16 *Pulled for Discussion*: Appointments to the Board of Adjustment, the Planning Board, and the Parks, Recreation, and Cultural Resources Commission

Consent 17 Appointments to the Tree Citizen Advisory Panel (TreeCap)

Council Member Killingsworth requested that Consent 16 be pulled for discussion. Mayor Olive stated this item would become New Business 02.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH THE STATED MODIFICATION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

The Mayor stated that along with the addition of New Business 02, the Town Attorney requested a Closed Session to discuss positions for property.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH THE STATED MODIFICATIONS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Walter Manthey, speaking for a group, stated his comments concerned the 64 improvement project, specifically related to Lane Pine Drive and Shepherds Vineyard Drive. Mr. Manthey presented a third concept which he felt was superior to the other concepts. He detailed what his concept would involve and how it would be an unprecedented improvement to non-motorized traffic. He also spoke about the proposed tunnel. Mayor Olive asked the Town Manager to look into what Mr. Manthey presented to determine if the third option could be considered.

PUBLIC HEARINGS

Public Hearing 01 : Shawn Purvis, Assistant Town Manager

Citizen input regarding the formulation of the Fiscal Year 2019-2020 Annual Budget

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

The Town Manager stated the process by which citizens could contact staff with comments concerning the budget.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Tom Colwell, Public Art Committee Chair

Call for artists to submit proposals for a mural to be located on the north-facing façade of Fire Station 1 and approval for location of APIX Spot in front of the train depot along Salem Street

Mr. Colwell stated that the two projects with which they wish to proceed were approved last year in the budget. The projects would be a mural and a sculpture downtown. Outlined were the particulars of the projects. Mr. Colwell stated the Committee felt these two artworks would be attractive in downtown. Mr. Colwell asked for approval of both projects and the Committee being able to proceed with the call for artists.

The mural would be on the side of Fire Station 1 and the sculpture would be in front of the Depot. Staff stated there needed to be caution about Station 1 since it will be renovated the following fiscal year. It was not known at the time if the brick on the side of the building would remain intact. Responding to Council, the Town Manager answered questions related to the design of the Station. Mr. Colwell stated they are flexible in terms of the timeline.

Mr. Colwell stated the Committee looked for other art options, but all had one hurdle or another. The Committee was open to other recommendations or suggestions. Mr. Colwell answered Council questions related to the design of the frame in front of the depot and of what it would be made. The Town Manager stated the funds for the mural could be placed into a forthcoming fiscal year budget. Mr. Colwell stated Planning supported the location of the frame in front of the Depot.

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

**Added New Business 02: Council Member Killingsworth
Appointments to the Board of Adjustment, the Planning Board, and the Parks, Recreation, and Cultural Resources Commission**

Council stated she asked for this to be pulled from Consent for discussion because of the problems it presented. She recommend that Council vote on the nominees and then direct staff to make changes to the Ordinances and UDO to create an appointment committee to review all board applications prior to the nominees being placed on the Agenda for approval.

The Mayor spoke about how with a committee this process would take a longer amount of time. He talked about the process as it was when he was elected Mayor, there being no real process. He consequently asked to have a form put on the website for interested persons. The Mayor thought that if the process was too formal, it might stifle participation. He wanted the process to be more transparent and explained how he viewed the process he instituted. The Mayor stated he had no problem following Council guidance. He felt he had been fair in his selections.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO APPROVE THE NOMINATIONS AS PRESENTED; COUNCIL MEMBER MOYER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated this might be a good time to have one-on-ones with new board members with staff. He wished the Planning Board, in particular, to become more functional so that outcomes from that Board coming before Council are thoroughly considered by all. The Mayor stated Council will want to know from Planning the reasons behind 'no' votes from the Planning Board. There is some perception that Council does not listen to the Planning Board.

Council stated the Mayor has done an open and fair job in putting Boards in place. He agreed with Council's intent regarding a committee, but he was not sure he wanted to drag the process out by going to a committee for selection. Conversation ensued about attendance/quorum issues and how to best address this.

COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO MAKE CHANGES TO ORDINANCES GOING FORWARD RELATED TO THE APPOINTMENTS OF MEMBERS TO THE PARKS AND RECREATION ADVISORY COUNCIL, THE TREE ADVISORY COMMITTEE, AND SIMILAR COMMITTEES; AND CHANGES TO THE UDO RELATED TO APPOINTMENTS TO THE PLANNING BOARD AND BOARD OF ADJUSTMENT BEING REFERRED TO AN APPOINTMENT COMMITTEE TO MAKE DECISIONS REGARDING RECOMMENDATIONS FOR APPOINTMENTS THAT WOULD BE BROUGHT BEFORE COUNCIL; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Discussion ensued with reasons Council would or would not be in support of an appointment committee and the proposed process. The Mayor stated he would make sure Council was furnished background information on proposed appointees.

COUNCIL MEMBERS KILLINGSWORTH, DOZIER, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS MOYER AND GANTT VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

CLOSED SESSION

Closed Session : Laurie Hohe, Town Attorney

Closed Session to consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

The Mayor expressed appreciation to staff for their involvement in the holiday festivities the past weekend. He found staff to be friendly, visible, and helpful. He loved the new route for the horses.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE A MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE JAMES STREET SIDEWALK PROJECT FOR THE IMPROVEMENT OF THE APEX STREET AND SIDEWALK SYSTEM; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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Apex Town Council Meeting

Tuesday, December 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, December 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 Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order; Rabbi Cotlar, Chabad of Cary, gave the Invocation; and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 **Minutes of the November 20, 2018 Regular Town Council Meeting**
- Consent 02 **Capital Project Ordinance Amendment 2019-5 and Budget ordinance Amendment No. 9 to appropriate funds for a water line extension to the Irongate community**
- Consent 03 **MCImetro Access Transmission Services Corp. – Pole Attachment Agreement and authorization for the Town Manager to sign the agreement**

Consent 04 Total equipment purchase, installation, and maintenance for APX600 Portables, APX6500 Mobiles and APX7500 Consolettes using Wake County Bid Contract Pricing in consideration of sole source and proprietary issues associated with this planned public safety infrastructure upgrade and corresponding budget amendment

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

PUBLIC FORUM

Daniel McMains, J&D Tree Growers, gave a brief background of his business. He stated he received a notice of violation and explained why it was received. He complied with what the State informed him he had to do, but he is now being fined \$2,400/month. He has already spent \$30,000 complying with State rules. Mr. McMains stated he is trying to do things by the book, and that this is stressful on his company. He would like for everyone to try to figure out a way to help small businesses in the area.

The Mayor further explained Mr. McMains situation and asked the Town Manager to examine all the facts to see if the Town could be of assistance.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

Rezoning application #18CZ31 (Westford PUD Revision). The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 98.653 acres located at 0 & 8101 Jenks Road and 2812, 2900 & 3300 US Hwy. 64 West from Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ) to amend sign requirements.

Staff oriented Council to the site. Stated were the conditions offered the applicant. The Planning Board and Planning staff recommended approval. Staff answered questions from Council related to the location of signs. Given was the background on the original requestor of amending the sign standards.

The applicant, Peter Cnossen, Jones and Cnossen Engineering, further explained why this sign was being requested.

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

Public Hearing 02 : Amanda Bunce, Planning Manager

Rezoning application #18CZ29 Courtyards on Holt PUD. The applicant, EPCON Communities, sought to rezone approximately ±28.839 acres - for the properties located at 305 & 313 Callette Street and 0, 1345, 1313, & 1337 Holt Road - from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held; and the Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. The Planning Board and Planning staff recommended approval with conditions recommended by the applicant. Staff answered questions from Council related to a greenway connection, the outlook for the current pond and procedures for drainage, and slab on grade construction.

Mr. Ghosh, Morningstar Law Group, representing the applicant, presented background on EPCON and its commitment to age-targeted communities which are currently underserved. Mr. Ghosh stated EPCON was committed to solar on several of the housing units and offered language concerning solar options. The applicant thought this a great project for Apex. Staff presented verbiage on solar, with which the applicant was in agreement.

Mayor Olive declared the Public Hearing open.

Council asked Jason Coffee, applicant, questions related to mobility in the homes, amenities, and the age restrictions of the owners. Council asked if there could be homes targeted to lower-income individuals. Mr. Coffee stated this would be difficult to achieve and explained the reasons why. Mr. Coffee responded to Council on questions related to the Grimley property.

Council echoed earlier Council concern related to there not being an opportunity for affordable housing in this development, and she offered ways in which this could be achieved.

Mayor Olive declared the Public Hearing closed.

Council explained how he felt regarding the housing market in Apex and Wake County as a whole. Council spoke about how we are driving out such individuals as teachers and firemen and how it would be nice for them to have an option to be able to live in Apex. Council stated his preference for this property to be developed as a whole [to include the Grimley property] for a more cohesive development. The Mayor spoke about how he felt this was a great project and provided reasons why.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REZONING WITH ALL CONDITIONS OFFERED; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Mr. Ghosh asked what the process would be in the event the motion failed, and this was explained by the Mayor. Mr. Coffee stated they are continuing to work with Mr. Grimley, and he is working with others as well regarding the Grimley property.

Council discussed the lower utility costs utilizing solar, adding that the Town needs to think about ways to work with developers on low-cost housing.

COUNCIL MEMBERS JENSEN AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS DOZIER, KILLINGSWORTH, AND GANTT VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 3-2 VOTE.

COUNCIL MEMBER JENSEN MADE A MOTION TO CONTINUE THIS TO THE JANUARY 15 REGULAR COUNCIL MEETING; COUNCIL MEMBER GANTT SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, GANTT, DOZIER, AND KILLINGSWORTH VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 03 : Amanda Bunce, Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex AmandaLee2, LLC (Sutton Pointe) property containing 5.13 acres located at 7429 and 7433 Roberts Road, Annexation #650 into the Town's corporate limits

Staff oriented Council to the site. This annexation was so that the requestor could receive water and sewer services. Staff answered Council questions related to uses.

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 ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Amanda Bunce, Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the two amendments which were at the request of the Planning Committee. Discussion ensued regarding signs and all parties operating within the same set of rules. The Planning Board unanimously recommended approval.

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 AMENDMENTS; COUNCIL MEMBER GANTT SECONDED THE MOTION.
COUNCIL MEMBERS KILLINGSWORTH, GANTT, DOZIER, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Olive called for a four minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner II

Townes at Westford Revised Master Subdivision Plan located at 2812, 2900, & 3300 US 64 Hwy W containing ±55.73 acres and 315 townhomes

Staff oriented Council to the site and explained why this request was back before Council. Staff and the Planning Board recommended approval. Staff answered Council questions related to sidewalk accessibility.

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

New Business 02 : Sarah Rayfield, Senior Planner

Ellsworth Master Subdivision Plan located at 8209 & 8233 Green Level Church Road containing ±33.58 acres and 36 single-family homes

Staff oriented Council to the site. A neighborhood meeting was held. Council questions related to greenway connections were answered. Staff recommended approval as did the Planning Board. Answered were Council questions related to Roberts Road access.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Conversation ensued related to development fees.

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

There were no Closed Session items for consideration.

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