



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 & Clossen 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