



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 & Cnossen 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.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor