



Apex Town Council Meeting

Wednesday, November 06, 2019

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
Shawn Purvis, Assistant Town Manager
Marty Stone, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Wednesday, November 06, 2019, at 7:00 PM will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street. The meeting will adjourn when all business is concluded or at 11:00 p.m., whichever comes first.

COMMENCEMENT

Call to Order : Invocation : Pledge of Allegiance

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

[CN1](#) Donna Hosch, Town Clerk

Motion to approve Minutes of the October 1, 2019 Council Workshop, the October 1, 2019 Regular Council Meeting, and the October 15, 2019 Regular Council Meeting

[CN2](#) Shelly Mayo, Planner II

Motion to approve the Statement of the Town Council and the Ordinance for Rezoning Case #19CZ15 Mt. Zion Church Road PUD. The petitioners are Lector Atwater, Jerome Kenneth Atwater Heirs, Vaughn King, and Jeff Road, Peak Engineering & Design, PLLC. for the properties located at 2504, 2508, 2512, 2516, and 2600 Mt. Zion Church Road.

[CN3](#) Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the November 19, 2019 Town Council meeting regarding various amendments to the Unified Development Ordinance.

[CN4](#) Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of October 15, 2019.

[CN5](#) Liz Loffin, Senior Planner

Motion to set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ18 (113 West Street). The applicant, Maureen Hughes, seeks to rezone approximately 0.19 acres located at 113 West Street (PIN 0741295052) from Office and Institutional (O&I) to Medium Density-Conditional Zoning (MD-CZ).

[CN6](#) Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ19 3605 & 3700 Old US 1 Hwy. The applicants, Michael Pfeifer & Jennifer Crank, seek to rezone approximately 4.33 acres located at 3605 & 3700 Old US 1 Hwy from Wake County Residential-40W (R-40W) & Highway Commercial (HC) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

[CN7](#) Amanda Bunce, Current Planning Manager

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex David L. Heindinger and New Hill Baptist Church & Cemetery Trustees property containing 3.992 acres located at 3605 and 3700 Old US 1 Highway, Annexation #674 into the Town's corporate limits.

[CN8](#) Dianne Khin, Planning Director

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex William and Marilyn Shenton (single-family) property containing 2.859 acres located at 2013 Ramblewood Drive, Annexation #678 into the Town's corporate limits.

[CN9](#) Sarah Rayfield, Senior Planner

Motion to set Public Hearing for the November 19, 2019 Town Council Meeting regarding Rezoning Application #19CZ02 Morris Acres PUD. The applicant, Kaplan Residential, seeks to rezone approximately 17.4376 acres located at 0, 7208, & 7208B Morris Acres Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

[CN10](#) Adam Stephenson, Engineering Supervisor

Motion to approve Capital Project Ordinance Amendment 2020-05 appropriating additional funds for the Laura Duncan Multi-use Path project

[CN11](#) Keith McGee, Fire Chief

Motion to authorize the Town Manager to sign a reciprocal automatic aid agreement between the Town of Apex (Apex Fire Department), the Town of Cary (Cary Fire Department), and the Town of Morrisville (Morrisville Fire Department).

[CN12](#) David Wood, Cultural Arts Center Manager

Motion to close Templeton Street on November 25th from 8am – 6pm for aerial lift access to second floor of Halle Cultural Arts Center.

[CN13](#) Lance Olive, Mayor

Motion to approve travel expenses estimated at \$350 for Lance Olive to attend a follow up session to the training he took last year in Houston, TX.

[CN14](#) David Wood, Halle Cultural Arts Center Manager

Motion to approve adjusted dates for the Apex Farmers Market – Winter Market (2019/20) to: December 14; December 28; January 11; January 25; February 8; February 22; March 14; and March 28 to be held in the Depot Parking Lot from 7:00 am to 1:30 pm. The Special Event Permit was originally approved by Council on April 2nd, 2019.

[CN15](#) Shawn Purvis

Consider possible motion to approve a Sub-recipient Agreement with Wake County for Community Development Block Grant (CDBG) funds and to authorize the Town Manager to sign the Agreement and all related documents and make minor modifications or amendments as necessary to accomplish the purpose and intent of the Agreement.

[CN16](#) Vance Holloman

Motion to adopt a Resolution establishing the Local Government Other Post-Employment Benefit Trust (OPEB Trust), adopting the Trust Agreement that establishes the OPEB Trust as an irrevocable trust fund, appointing trustees and officials of the OPEB Trust and authorizing participation in the Ancillary Governmental Participants Investment Program (AGIP) established by the North Carolina Department of State Treasurer (NCDST).

[CN17](#) Dennis Brown

Motion to approve and authorize the town manager to execute contract with Construction Manager at Risk, Barnhill Contracting Company, in amount of \$117,817.00 (for the pre-construction fee only) for the new Apex Senior Center. Guaranteed Maximum Price (GMP) will be developed and added to this contract by an amendment after subcontractor bidding is completed.

[CN18](#) Eric Neumann, PE, Electric Director

Motion to approve Viatec as a sole source provider for Electric PTO (Power Take Off) boom operators and approve Budget Amendment 5 to account for grant revenues and the purchase and installation of battery operated aerial devices for 3 electric utility boom operated vehicles.

PRESENTATIONS

REGULAR MEETING AGENDA

Mayor Olive will call for additional Agenda items from Council or Staff and set the Agenda prior to taking action

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address an item that appears as a Public Hearing scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

[PH1](#) 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 Don F. and Callie Sorrell (single-family) property containing 22.418 acres located at 1221 Salem Church Road, Annexation #654 into the Town's corporate limits.

[PH2](#) 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 Treva Weaver (single-family) property containing 0.959 acres located at 1608 Salem Church Road, Annexation #665 into the Town's corporate limits.

[PH3](#) Sarah Rayfield, Senior Planner

Quasi-Judicial Public Hearing and possible motion regarding a REVISED Major Site Plan for The Reserve at Mills Farm, 11.23 acres located at 2010 & 2030 Laura Duncan Road. The subject property is identified on Wake County Tax Maps as PINs 0752084185 & 0752081005.

[PH4](#) Amanda Bunce, Current Planning Manager

Public Hearing and possible motion on Rezoning Application #19CZ16 Horton Park PUD Amendment & TF-CZ. The applicant, MFW Investments, LLC, seeks to rezone approximately 146.9 acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; and 8140 (portion of), 8252, 8306 & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Tech/Flex-Conditional Zoning (TF-CZ).

OLD BUSINESS

[OB1](#) Marty Stone, Assistant Town Manager

Discussion of concerns shared by residents who live near the site of the new Electric Operation Center and possible changes to the site to help mitigate those concerns.

UNFINISHED BUSINESS

NEW BUSINESS

CLOSED SESSION

[Laurie](#) Hohe, Town Attorney

Possible motion to go into closed session to (1) consult with the Town Attorney to protect attorney-client privilege; (2) to discuss the handling of the matter of Upright Builders v. TOA; and (3) to discuss the

handling of the matter of Rubin v. TOA et al. (GS 143-318.11(a)(3)); and (4) discuss a personnel matter (GS 143-318.11(a)(6)).

WORK SESSION

ADJOURNMENT
