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# Apex Town Council Meeting

Tuesday, December 17, 2019

Jacques K. Gilbert, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,  
and Terry Mahaffey, 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 Tuesday, December 17, 2019, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

## COMMENCEMENT

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Mayor Gilbert called the meeting to order, Pastor David Garcia of Focus Church gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

## PRESENTATIONS

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PR1 Keith McGee, Fire Chief

Introduction of Assistant Fire Chief Jeff Harrison to Town Council

Chief McGee presented Assistant Fire Chief Harrison's background. He spoke briefly about the search for this new position and stated why he feels that we have been fortunate to get the best of the best in the field.

PR2 Mayor Jacques K. Gilbert

Presentation to the Apex Cougars Pop Warner PeeWee football 2019 team

Mayor Gilbert spoke about Coach Clint Rogers and his contributions to the school, team, and community before reading a Letter of Honor that he presented to the Coach. The Coach presented Mayor Gilbert with a game ball. Monica Johnson, Commissioner, presented Mayor Gilbert with a token of appreciation.

## CONSENT AGENDA

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CN1 Donna Hosch, Town Clerk

Minutes of the December 3, 2019 Organizational Meeting of the Apex Town Council

- CN2 Mayor Jacques K. Gilbert  
Appointments to the Planning Board, Board of Adjustment, Environmental Advisory Board, and Bee City Committee
- CN3 Dianne Khin, Planning Director  
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 Subdivision) property containing 4.513 acres located at Linden Grove Drive & Olive Chapel Road, Annexation #679 into the Town's corporate limits
- CN4 Dianne Khin, Planning Director  
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 James and Jennifer Davis, Charles Catlette Jr., Martha B. Catlette Revocable Trust and Jennifer Davis (Courtyards on Holt) property containing 26.897 acres located at 0, 1337 and 1345 Holt Road, 305 and 313 Catlette Street, Annexation #680 into the Town's corporate limits
- CN5 Matt Echols, Utilities Engineer  
Sewer rehabilitation contract to Insituform Technologies, LLC and authorization for the Town Manager to execute the contract on behalf of the town.
- CN6 Dennis Brown  
Contract and authorization for the Town Manager to execute contract with Construction Manager at Risk, J M Thompson, in amount of \$181,710.00 (for the pre-construction fee only) for the new Pleasant Park Project. Guaranteed Maximum Price (GMP) will be developed and added to this contract by an amendment after subcontractor bidding is completed.
- CN7 Vance Holloman, Finance Director & Dennis Brown, Construction Project Manager  
Capital Project Ordinance Amendment No. 2020-8 and Contract Amendment #1 for the construction of the Apex Senior Center and authorize the Town Manager to execute same
- CN8 Jose Martinez, Public Work & Transportation Director  
Implementation of software in current fiscal year (FY 19/20) and authorization for the Town Manager to execute the contract on behalf of the town
- CN9 Russell H. Dalton, PE, Senior Transportation Engineer  
Ordinance amending Section 20-164 with the addition of subsection (36) to enforce a No Parking restriction along the south side of Olive Street from S Elm Street to S Hughes Street

CN10 Marty Stone, Assistant Town Manager

Resolution to "Abandon portions of Existing Public Utility Easements" as shown on its attached plat

CN11 Marty Stone, Assistant Town Manager

Resolution authorizing the "Contract Between the State of North Carolina and the Towns of Apex and Cary for Water Supply storage in B. Everett Jordan Lake" and authorization for the Town Manager to execute an agreement substantially like the Contract and to provide such notices and take such actions as Contract contemplates

CN12 Drew Havens, Town Manager

Apex Farmers' Market to utilize a portion of their Town appropriation in FY 2019-20 for management services

Mayor Gilbert called for a motion to approve the Consent Agenda. Council Member Gantt made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

## REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

## PUBLIC FORUM

Diane Long expressed interest in a way to welcome newcomer's to the area. People are moving here from all over the country and there should be programs in place to inform them about the history of the town. Apex is a role model, Ms. Long exemplifying the revitalization of downtown. She has ideas as to how she can go forward with her ideas to welcome newcomers.

Nick Bryant was concerend about the early start time of Council meetings in 2020. He felt 6:00 p.m. was too early for those who work and need to tend to children, especially for a citizen who likes to attend and participate.

Yume Iwakura, a junior at Apex High School, spoke about lights at Apex Community Park on the basketball courts. She felt it unfair that these courts are not lighted. After contacting the Mayor, she was informed plans are already in motion to address the situation. She asked those playing on the basketball courts if lights would be appreciated, and the answer was 'yes'. Ms. Iwakura asked for the installation of solar

panels for the lights as they would be a cheaper option. Ms. Iwakura thanked the Mayor and Town Manager. She was grateful her concern was being addressed.

## PUBLIC HEARINGS

PH1 Amanda Morrell, Landscape Architect - Stantec with Shannon Cox, Long Range Planning Manager – Town of Apex

Adoption of the Downtown Plan

Ms. Morrell presented the draft of the Plan (incorporated by reference). She explained what the Plan represented and then outlined its facets, commenting on each chapter contained therein. Focus and public meetings were conducted, surveys were sent to citizens, there was a four day charette – all allowing the community to develop the Plan with them. Ms. Morrell thanked all those who touched the process, which only made it better.

Ms. Morrell stated the Plan functions as three smaller districts, and she described how to tie the three districts together. A Housing Market Study was conducted, and Ms. Morrell outlined the results of that Study. A Parking Study was done and an analysis presented. The data did not support the construction of a parking deck at this time. A cost analysis was done should a deck be planned for in the future.

Ms. Morrell outlined the Plan's Nine Key Goals and shared their recommendations. She summarized the public comments. The Planning Board recommended approval of the Plan.

Ms. Morrell thanked the Town for having the opportunity to design this Plan for the community.

Ms. Morrell answered Council questions related to Shangri La residents being included in the process and if feedback had been received by them, the impact of schools with increased housing, possible re-evaluation of the small town character overlay district due to the proposed housing, zoning, water shed and flooding standards, housing for diverse incomes, more retail businesses in downtown, and youth involvement in the process.

Mayor Gilbert declared the Public Hearing open.

Shane Reese, representing the Apex Downtown Business Association, stated they supported the Plan. They saw it as an opportunity not just for the businesses but for a place to make family memories and to protect some of the small businesses. He spoke about how the business people are just like everyone else, particularly in the sense that most of them do not own the buildings they are in.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the presented Plan; Council Member Dozier seconded the motion.

Council complimented all who were involved in the process. Council stated she was impressed with the amount of work which went into the process.

The motion carried by a 5-0 vote.

PH2 Lauren Staudenmaier, Planner I

Rezoning Application #19CZ20 2708 Blazing Trail Drive. The applicant, Jones & Cnossen Engineering, PLLC., seeks to rezone approximately 2.00 acres located at 2708 Blazing Trail Drive from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff outlined conditions which have not been commonly offered. The Planning Board unanimously recommended approval as did staff with the offered conditions.

Staff answered Council questions related to sidewalks, and lot sizes.

Peter Cnossen, representing the applicant, thanked staff for their assistance. He stated the added elements are consistent with current standards. Mr. Cnossen spoke about the greenway trail and his speaking with the HOA regarding this trail. He outlined access and lot sizes and answered Council questions related to location of the property and its surrounding environment.

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

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the rezoning; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH3 Liz Loffin, Senior Planner

Removal of the Historic Landmark status for the property located at 4525 Green Level West Road in compliance with North Carolina General Statute 160A-400.4 through 160A-400.15

Staff stated this historic structure was completely destroyed by fire. The family wished the historic designation removed in order to rebuild.

Gary Roth, President of Capital Area Preservation, presented background on the dwelling. He presented the WCHPC staff recommendations. Vice Chair of the WCHPC, Jeff Hastings, stated they unanimously recommended removing the historic designation.

Mr. Roth answered Council questions related to fire prevention in these older, private homes.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to remove the Landmark status; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

PH4 Liz Loffin, Senior Planner

Designating the property located at 2708 Olive Chapel Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4 through 160A-400.15

Staff oriented Council to the property, giving background on rehabilitation of the property. The community recognizes the house as an important historical place. Staff recommended approval.

Gary Roth, representing the Asey Thomas Olive House, presented history of the property, the family, and how the family was very involved in the community. He detailed the architectural elements of the home. Mr. Roth presented the Significance Statement. The Society recommended approval. Jeff Hastings stated they also recommended approval.

Mr. Roth answered Council questions as to how to get an historic designation.

Mike Ingram, property owner, stated he is proud of the house and considers it a privilege to be able to work on it. He appreciated Council's consideration of the designation.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the designation; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH5 Shelly Mayo, Planner II

Resolution adopting the 2020-2025 Wake County Multi-Jurisdictional Hazard Mitigation Plan

Staff oriented Council to the Federal Law, and the history of the changes and coordination of the Plan (incorporated by reference). Federal reviews of the Plan have been completed and the Plan complies. The Planning Board unanimously recommended approval as did staff.

Staff answered Council questions related to the medical fragility of individuals and getting supplies to those individuals in case of an emergency, how the information was commented on and coordinated, high flood prone areas, and the Plan being a guiding list.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Resolution; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PH6 Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Tim and Lauren Medlin property containing 1.929 acres located at 6517 Roosondall Court, Annexation #681 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval of the request.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH7 Shawn Purvis, Assistant Town Manager

To receive citizen input regarding the formulation of the Fiscal Year 2020-2021 Annual Budget

Staff stated this was not a requirement of the budget process, rather an opportunity for citizens to provide input prior to staff putting numbers together. Council questions were answered about this being the proper time for citizen input and capital projects. Staff stated the various ways in which citizen input could be forwarded to staff. Any comments received would be forwarded to Council. Mailers would be sent to the public in addition to social media outreach.

Mayor Gilbert declared the Public Hearing open.

Bridget Taylor had questions regarding money in the past budget: cemetery funds which seem to her to be a slush fund and retiree spending with special conditions for police officers. She hoped there would be no more money taken out of the budget for retirees.

Mayor Gilbert declared the Public Hearing closed.

#### OLD BUSINESS

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No items for consideration.

#### UNFINISHED BUSINESS

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No items for consideration.

#### NEW BUSINESS

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No items for consideration.

#### CLOSED SESSION

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No items for consideration.

#### WORK SESSION

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No items for consideration.



## ADJOURNMENT

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

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor