



## APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 04, 2016

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Eugene J. Schulze, Denise C. Wilkie,  
and Wesley M. Moyer, Council Members  
Drew Havens, Town Manager  
Timothy L. Donnelly, Assistant Town Manager  
David Hughes, Assistant Town Manager  
Donna B. Hosch, CMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 4, 2016, 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, Eugene J. Schulze, Denise C. Wilkie, and Wesley M. Moyer. 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 : Drew Havens, Town Manager**

##### **Introduction of new employees**

Mr. Havens stated that new employees who will most likely interact with Council will be introduced quarterly.

Mr. Donnelly introduced Amanda Reid, the new Budget and Management Analyst, gave her credentials, and welcomed her to the town.

Mr. Hughes introduced Marty Stone, the new Water Resources Director, gave his credentials, and welcomed him to the town.

## CONSENT AGENDA

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- Consent 01 Minutes of the September 20, 2016 Regular Council Meeting
- Consent 02 Contract for Off-Duty Police Officer Services provided to the Wake County Public School System (WCPSS) and to authorize the Chief of Police to execute the contract
- Consent 03 Transfer of Lot 37 Plot F in Town of Apex Cemetery to Wendy Pendergraft
- Consent 04 Purchase of Lot 80 Plot B in Town of Apex Cemetery for Dorothy Riefner
- Consent 05 Several special event requests
- Consent 06 Budget amendment to appropriate moneys for Salem Pond Park to repair / replace trail that is unsafe and install maintenance drive to athletic field
- Consent 07 General Fund budget ordinance amendment to appropriate grant funds received for the reconstruction of the public tennis courts at Apex Elementary School Park allowing other funds budgeted for the project to be used for other P&R Capital projects
- Consent 08 Set the Public Hearing on October 18, 2016 for rezoning application #16CZ24 (Goldenview PUD, a portion formerly known as James Street PUD) to rezone 3.49± acres located at 210 James Street and 250 James Street from Residential Agricultural (RA) and Medium Density- Conditional Use (MD-CU) to Planned Unit Development- Conditional Zoning (PUD-CZ)
- Consent 09 Set the Public Hearing on October 18, 2016 for rezoning application #16CZ27 (Jones & Crossen Engineering, PLLC) to rezone 2.0± acres located at 7904 Humie Olive Road from Rural Residential (RR) to Medium Density Residential- Conditional Zoning (MD-CZ)
- Consent 10 Changing the Town of Apex Ordinance 15-6 to allow the Rogers Skate Plaza to remain open 24 hours a day effective October 15, 2016 as requested by the Apex Police Department
- Consent 11 Budget ordinance amendment and a capital project ordinance amendment to establish the budget for the Beaver Creek (Kelly Road to Nature Park) Greenway in the Recreation Capital Project Fund
- Consent 12 Budget ordinance amendment and a capital project ordinance amendment to establish the budget for the Middle Creek Greenway in the Recreation Capital Project Fund

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

## REGULAR MEETING AGENDA

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Mayor Olive stated the applicant requested that Public Hearing 02 be continued.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH PUBLIC HEARING 02 BEING HEARD FIRST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## PUBLIC FORUM

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Christine Hilt, representing *Moving Wake County Forward*, explained why she supported the referendum to expand transportation in Apex. This is an economic situation into which we need to look. She spoke about what would be created with a ½ cent sales tax increase, i.e., express lanes and better jobs. Ms. Hilt stated his issue is not controversial, that 10 out of 12 mayors support it. She hoped word would be spread to support this initiative.

## PUBLIC HEARINGS

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**Public Hearing 02 – Quasi-Judicial : Shelly Mayo, Planner**

**Quasi-Judicial Public Hearing and possible motion regarding a Special Use Permit for Elite Waste Services, 37.27 acres located at 520 Pristine Water Drive**

Speaking for the applicant, Jeff Roach, Peak Engineering, confirmed their asking for this Hearing to be moved to November 1<sup>st</sup>. Responding to Council, Mr. Roach stated the continuance was asked for because they don't yet have answers to questions which have arisen from property owners.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE CONTINUING THIS HEARING TO NOVEMBER 1<sup>ST</sup>;; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 01 : Amanda Bunce, Senior Planner**

**Public Hearing and rezoning application #16CZ22 (Isabel Mattox, Mattox Law Firm/Todd Copeland, Apex CP II, LLC aka Bee Safe Storage) to rezone 6.69± acres located at 2500 Creekside Landing Drive from Planned Unit Development-Conditional Zoning (PUD-CZ) to Tech/Flex Conditional Zoning (TF-CZ)**

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff recommended approval with one suggested modification to signage. The Planning Board recommended approval as proposed by the applicant. Responding to Council, staff clarified access to the storage facility and questions about signage and buffers.

Attorney Isabelle Maddox, representing the developers, presented photos of what the site would look like and explained what they proposed aesthetically for the site. Ms. Maddox explained why they were asking for the 15% signage size which they thought would look better than 10%. There was also concern about buffers which Ms. Maddox stated they would be willing to consider beefing up. At the neighborhood meeting, there was no opposition from attendees. She explained how this business would be beneficial to the town.

Staff clarified what it wished to see offered by the developer.

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

Mayor Olive stated any new changes made since what was before Council may not have been vetted by staff. Council was not comfortable with the variety of buffers and explained why. Staff clarified what was submitted by the applicant and stated it recommended approval with the buffers submitted. Council asked if the applicant would consider a solar system for the building. The applicant stated that based on a conversation prior to this meeting, they would consider this if it made economic sense. Council stated he would also like to see stronger buffers around the entire property. After discussion with the applicant, Ms. Maddox stated the changes they would make with respect to buffers. Staff clarified for Council the sizing of the signage on the articulated element of the building.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE  
THE REZONING WITH STAFF'S RECOMMENDATION AND THE APPLICANT-OFFERED BUFFER;  
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

After further discussion with the applicant, Ms. Maddox asked for a compromise to 12 ½% on the signage.

COUNCIL MEMBER MOYER AMENDED HIS MOTION TO APPROVE THE REZONING WITH STAFF'S  
RECOMMENDATION, 12 1/2% ON THE SIGNAGE, AND THE OFFERED B BUFFER.  
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

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### New Business 01 : Drew Havens, Town Manager

Conceptual agreement between the Town and the owners of the Veridea property relating to financing necessary wastewater infrastructure

Havens stated there have been conversations at the staff level regarding the Veridea property and issues related to waste water. Council was asked at one point would the town be willing to pay for the waste water. We have been working with Veridea to try to move this issue along. We've come up with a way to work with Veridea at a substantially reduced risk to the town. Havens explained the conceptual agreement presented and the three points it emphasized. The Planning Committee has met with Veridea several times, and wanted to know if Council wished to persue this on to a formal agreement.

Council asked for clarification of several concerns, to which Havens responded. The Mayor explained the Committee's thinking regarding the cost of infrastructure and the value back to the town. Council was concerned that we might not have given this type of deal to another developer. Council stated we need to find a way to get more jobs here, and we might need to make concessions for what this development will bring in for the town. This would be a big step in the site certification process for the Economic Development Department. Council stated she was fine with getting more information and expressed the same concern about whether or not we would have/would do this for another developer. Council stated it may be time for us to step out of bounds and do something different. She would be willing to support out-of-the-box ideas for any future large-sized development.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE FORWARD WITH THE CONCEPT AND GATHER MORE DETAILS; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor talked a bit about what the future could look like with this type of project.

## CLOSED SESSION

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### Closed Session 01 : To consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE 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,

MAYOR OLIVE ADJOURNED THE MEETING.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor