



## TOWN COUNCIL MEETING

TUESDAY, MARCH 4, 2014

**William M. Sutton, Mayor**  
**Eugene J. Schulze, Mayor Pro Tempore**  
**William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,**  
**and Denise C. Wilkie, Council Members**  
**Bruce A. Radford, Town Manager**  
**Donna B. Hosch, CMC, NCCMC, Town Clerk**  
**Henry C. Fordham, Jr., Town Attorney**

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 4, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie. Also in attendance were Town Manager Bruce A. Radford, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

### COMMENCEMENT

Mayor Sutton called the meeting to order, Council Member Dozier gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

### PRESENTATIONS

**Presentation 01 : Nicole Loeffler, Chairman of the Board, Apex Chamber of Commerce**

**Presentation and request from the Apex Chamber of Commerce**

Ms. Loeffler stated the Chamber is requesting seed money for a joint event they wish to hold with the Town, that event being the 100<sup>th</sup> anniversary of the Train Depot. Proposed is a cocktail reception on Friday, April 25<sup>th</sup> from 6:00-9:00 p.m. with a VIP reception, a public reception, and silent auction from which proceeds would go to the Historical Society. There will be a keynote address. The Chamber is targeting \$8,000 in expenses, of which they are requesting \$7,500 in seed money from the Town so that some of their vendors can go under contract. The Chamber will return \$2,500 after the event. Ticket prices will be between \$35 and \$50, the event will be held at the Chamber, and anticipated is 150-200 attendees.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUESTED SEED MONEY; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

**Presentation 02 : Dianne Khin, Planning Director; Kent Jackson, Engineering Director; Lee Smiley, Finance Director**  
Annual presentation of growth and development, building and construction and financial statistics and trends including a review of 2013 and a forecast for 2014

Staff members outlined some of the pertinent data that will be presented at the upcoming Council Retreat. Multifamily vs. single family housing projections and the availability of fund balances were discussed.

## CONSENT AGENDA

- Consent 01** Apex Tax Report dated 01/06/2014
- Consent 02** 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 property containing 28.09 acres located at Mt. Zion Church Road and Blazing Trail, Annexation #503 into the Town’s corporate limits
- Consent 03** Public Hearing for the March 18, 2014 Town Council Meeting regarding Rezone #13CZ30, 293± acres for the property located at 0, 9524 Horton Road, 3916 Old US 1 Hwy from R-80 W and R-40 W (Wake County) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification and 2030 Land Use Map Amendment for a portion of properties from Rural Density Residential to Low Density Residential
- Consent 04** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of January 21, 2014
- Consent 05** Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ28, Peter Cabrera and Isabel Hidalgo, petitioners for the property located at 1009 N Salem Street
- Consent 06** Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ35, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioner, for the property located at 8012 Green Level Church Road and 7529 Roberts Road
- Consent 07** Statement of the Apex Town Council and Ordinance for Rezoning Case #14CZ01, Standard Pacific of the Carolinas, petitioners for the property located at 532 Wimberly Road and 4325 Green Level West Road
- Consent 08** Contract for audit for the fiscal year ending June 30, 2014
- Consent 09** Authorization for the Town Manager to execute a 1-year extension of the Yard Waste Agreement originally entered into with Greenway Waste Solutions of Apex, LLC (formerly Highway 55 C&D Landfill, LLC) in 2002
- Consent 10** Minutes of the February 18, 2014 Regular Council Meeting

Council Member Jensen requested to pull Consent 10, Resolution In Support of Implementation of the Jordan Lake Reservoir Nutrient Strategy Rules, for discussion as New Business 02.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE WITH THE STATED CHANGE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

## REGULAR MEETING AGENDA

Mayor Sutton presented the Regular Meeting Agenda to which there were no requested changes.

## PUBLIC HEARINGS

There were no Public Hearings to be heard.

## OLD BUSINESS

**Old Business 01 : Tim Donnelly, Public Works Director**

**Resolution authorizing entry and notice of entry pursuant to N.C.G.S. §40A-11 and N.C.G.S 136-120 to study routes for a Town of Apex public sewer connection**

Staff presented a brief history of the function of Public Works. Explained was how water lines cannot be run and locations connected without going across a citizen's property. Sometimes citizens do not want this. Surveying was approved in Brookfield in November, and casing was placed expecting that someday sewer would flow. The property owners were met with for the purpose of surveying, and they were not comfortable. Therefore, it has now come to Council for authority to do so via a Resolution.

This is a field topographic survey, and the only damage would be walking on grass or trimming a bush for line of sight. Damage would be the ultimate responsibility of the Town, but we would work with surveyor on their fee to see how we could afford it. Stated was that GIS information is good, but it can be off as much as 2-3 feet. A survey would only be off a tenth of a foot. This surveying would be for an 8" gravity sewer line. After the survey, the next step would be to present a design and then to see if easements could be obtained. Staff gave a brief history of pump stations and explained why gravity sewer is a better way to go.

Council expressed dissatisfaction that the developer has not attempted to make resolution with the property owners so that this would not fall completely on the Town. Staff stated that the developer claimed property owners were offered \$20,000 by the developer for an easement and there were no takers. **The property owners stated they never received such a letter.**

Peter Crossen, Jones and Crossen Engineering, stated he's looked at possible routes for sewer and explained his findings. He has met with the property owners, and they are not interested one bit. Therefore, they are looking for options.

## PUBLIC FORUM

Lisa Weaver, Terry Groce, Barbara Collins, Roland Boyd, **Margie Lemoine, JoAnn Miller, and Ashleigh Mole** all spoke against the above surveying. Their concerns centered around property values seemingly being devalued, fill on property, the effect on plantings, the sewer line being on the other side of the Peakway, the possibility of a pump station being built, and people showing up on their land without any notice to them.

Pre-existing sewer lines were talked about and casing being put in under false premises. **Mr. Groce stated** the previous developer threatened eminent domain, and letters from the Town seem to be the strong arm of the builder. The citizens felt they have been ignored and taken lightly. An additional route should be considered and surveyed before any final decisions are made. It was stated to Council that the area floods onto property when it rains, taking soil out from under the property. Additional flooding goes down the drive and takes out a backyard. One citizen stated they are not fighting the sewer, **there's a lot more to it**, and it's simply that they are paying for the mistakes made on the front end. Also spoken about was disruptive activity, climate change, and wildlife being forced out of their homes. There is oil in the creeks, play areas are gone, and garbage is being thrown. Why not put the sewer through land that is already destroyed.

With no one else wishing to speak during Public Forum, Mayor Sutton called for a brief recess at 8:25 p.m.; the meeting reconvened at 8:32 p.m.

Responding to the pre-existing sewer concern, staff stated that on a drawing dated July 2, 2008, it shows a similar route and other drawings have been proposed. Explained was the process of looking at

drawings for logic, and there was nothing on the July drawing that noted pre-existing sewer. Peter Crossen stated that there are approved construction drawings for Trakside South phases 1 and 2. He doesn't know of anything that noted preapproved easements, but the approved construction drawing said easements would be required. Staff's thought is to survey everything and then look at the options vs. asking property owners if they mind people coming across their property.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO TABLE THIS ISSUE.

Council stated that not everything has been looked at; everything needs to be surveyed. The owner of the rental property needs to be contacted to determine if he wants the survey. If so, then the option of the line running through just his property should be explored. This should be able to be resolved without Council getting involved.

MAYOR PRO TEM SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

## NEW BUSINESS

### **New Business 01 : Lee Smiley, Finance Director**

#### **Budget ordinance amendment for purchase of Police Records and Mobile Computing Software**

Staff stated this item came before Council on November 19<sup>th</sup>. It is being suggested that we now pay outright for the software instead of leasing it. It would work out better financially seeing as the contracts were not presented correctly. The first year of support will be covered; there will then be an annual maintenance fee.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE BUDGET AMENDMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

### **Added New Business 02: Council Member Jensen**

#### **Resolution In Support of Implementation of the Jordan Lake Reservoir Nutrient Strategy Rules**

Council spoke about the Clean Water Act and why this was put off. Pollutants need to be reduced going into our lake. Council wished to direct staff to send the Resolution along with a cover letter to all of our State representatives and Cary, Morrisville, Sanford, and Fayetteville town councils as we need more town on our side of this.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION AND FORWARD IT AS STATED ABOVE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council discussed making water drinkable and the DWQ who are being directed by politicians. We are not water quality experts and have to assume that the rules governing Jordan Lake safeguard the water quality. We need to make a statement to the people that we serve so that we will have support for this.

COUNCIL MEMBERS JENSEN, DOZIER, WILKIE, AND LASSITER VOTED IN THE AFFIRMATIVE;  
MAYOR PRO TEM SCHULZE VOTED IN THE NEGATIVE.  
THE MOTION CARRIED BY A 4-1 VOTE.

## CLOSED SESSION

**Closed Session 01 : To receive legal advice from the Town Attorney**

The Town Attorney stated that this item could wait until a future meeting.

## WORK SESSION

There were no Work Session items for consideration.

## ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. MAYOR PRO TEM SCHULZE  
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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William M. Sutton, Mayor