



## TOWN COUNCIL SPECIAL MEETING

WEDNESDAY, NOVEMBER 5, 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**  
**Drew Havens, Assistant Town Manager**  
**Donna B. Hosch, CMC, NCCMC, Town Clerk**  
**Henry C. Fordham, Jr., Town Attorney**

The Special Meeting of the Apex Town Council scheduled for Wednesday, November 5, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

### COMMENCEMENT

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

### PRESENTATIONS

There were no presentations to be made. Mayor Sutton recognized the Apex High School students in attendance who were learning about local government.

### CONSENT AGENDA

- Consent 01** Minutes of the October 21, 2014 Regular Council Meeting, the October 21, 2014 Closed Session (Closed Session Minutes Recorded separately), the October 16, 2014 Environmental Committee Meeting, and the October 23, 2014 Planning Committee Meeting
- Consent 02** Statement and Ordinance of the Town Council for Rezoning Case #14CZ13, KC2 Enterprises, LLC (Bradley Commons) petitioners, for the property located at 950 Windy Road
- Consent 03** Statement of the Town Council and Ordinance for Rezoning Case #14CZ14 (Deer Creek PUD), Meritage Homes, petitioners, for the property located at US 64 Hwy and New Hill Olive Chapel Road
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #14CZ18, Hope Community Church, petitioners for the property located at 2080 E Williams Street
- Consent 05** 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 Charles Womble, Clarence Goodwin, Mark Esposito, Ashley Gasiorowski and

Kenneth and Sue Marks properties containing 133.411 acres located west of Richardson Road, northeast of Ragan Road, Annexation #505 (Stillwater Subdivision) into the Town's corporate limits

- Consent 06 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 Edward and Peggy Riggsbee property (a single-family residence) containing 1.584 acres located at 1100 Greenlea Drive, Annexation #522 into the Town's corporate limits
- Consent 07 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 MJ Evans Homes, LLC (Lucas Farms) property containing 8.73 acres located at 0 and 2605 Olive Chapel Road, Annexation #525 into the Town's corporate limits
- Consent 08 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone and Ordinance #14CZ05, Stillwater (previously known as Richardson Forest) 133.1 acres located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road from Wake County R80-W and Rural Residential to Low Density Residential Conditional Zoning
- Consent 09 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone #14CZ17, Greenmoor PUD Plan 50.2 acres located at 7616 and 7716 Green Level Church Road from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 10 Set the Public Hearing on November 18, 2014 for rezone #14CZ24 (3913 US 64 West) from Rural Residential (RR) and to Neighborhood Business-Conditional Zoning (B1-CZ). The subject property is approximately 5.36 acres generally located at 3313 US 64 Highway West.
- Consent 11 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone #14CZ26 (Woodall Tract), +/- 27.11 acres located at 6515 Apex Barbecue Road from Rural Residential to High Density Single Family Conditional Zoning
- Consent 12 Deed of property located adjacent to Jaycee Park from BRG Construction Company
- Consent 13 Resolution requesting the North Carolina Department of Transportation to release a portion of North Salem Street from the State highway system for inclusion in the Town's street system
- Consent 14 Amend Chapter 18, Apex Code of Ordinances, concerning placement of private irrigation systems within the public right of way
- Consent 15 Street closure requests for "Christmas on Salem" and the "Apex Christmas Parade"
- Consent 16 Statement and Ordinance of the Town Council for Rezoning Case #14CZ20, Jones & Cnossen Engineering/540 Flex & Business Park LLC/JVI Development II, Inc., petitioners for the property located at 1640 Olive Chapel Road
- Consent 17 Budget ordinance amendment to fund remaining change order related expenditures for the Public Works facilities project

MAYOR SUTTON CALLED FOR A MOTION TO ACCEPT THE CONSENT AGENDA. MAYOR PRO TEM SCHULZE  
MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## REGULAR MEETING AGENDA

Mayor Sutton asked if anyone requested modification of the Agenda. Council Member Jensen requested the addition of a New Business item – discussion on determining how much land to set aside to assure business opportunities in Apex and providing jobs for citizens. Town Manager Radford requested discussion on removing New Business 01 – discussion regarding an erosion problem along Old Raleigh Road – and sending this to the Environmental Committee. Council was in agreement with these two modifications.

## PUBLIC FORUM

No one wished to speak during Public Forum.

## PUBLIC HEARINGS

There were no Public Hearings to be heard.

## OLD BUSINESS

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

**Funding of the multiuse path easement procurement along Wimberly Road and Jenks Road and Budget Ordinance Amendment No. 9 and Capital Project Ordinance Amendment**

Staff reviewed this project which would be in the White Oak Basin and its associated cost factors. Restated was the process previously approved to obtain easements. Council asked the estimated cost of this project. Staff stated this would encompass several estimating procedures and pointed out the possibility that the multi-use paths would not be where we wanted or needed them to be. The developers would not be expected to pay the costs; a budget amendment from the General Fund would be needed. The agreement would also need to be modified. Staff gave the advantages/disadvantages of trying to put the paths in now vs. when the area develops. Council felt this was cost prohibitive.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION NOT TO GO FURTHER WITH MULTI-USE PATHS AT THIS TIME; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## NEW BUSINESS

### **New Business 01 : Council Member Bill Jensen**

#### **Discussion and regarding an erosion problem along Old Raleigh Road**

Council Member Jensen had no objections to this matter going first to the Environmental Committee.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO REFER THIS TO THE ENVIRONMENTAL COMMITTEE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

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

#### **Discussion on determining how much land to set aside to assure business opportunities in Apex and providing jobs for citizens**

Council stated he wished for staff to take a more detailed look at this issue. If a study is not done and we shoot way under on the land to be set aside, we would become a bedroom community. That would bring higher taxes. We need to fly in the light instead of in the dark.

Council asked how would we quantify this? We can look at other areas like Pinnacle Park and get an idea from Veridia. We can't get an exact number, but we can set assumptions on where we wish go.

Staff stated a draft of the acreage has been reviewed. Staff will need to discuss this further, and, if necessary we need to get someone with greater economic background to determine the information we're looking for. Council stated this should be market driven, and we should not spend too much time on this. Council explained why this study would be a selling point for the Town. Council further discussed how self-sufficient we want Apex to be, if we need to play into the Wake County scenario, and our need to be careful regarding roads, schools, utilities, etc.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO REFER THIS TO THE PLANNING COMMITTEE AFTER THE STUDY IS COMPLETED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

## CLOSED SESSION

### **Closed Session 01 to discuss a personnel matter**

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPOINT LAURIE HOHE AS INTERIM TOWN ATTORNEY AND TO AUTHORIZIE THE TOWN MANAGER TO APPOINT PARKER POE AS ASSISTANT TOWN ATTORNEYS AND TO REDEFINE THEIR CONTRACT TO REFLECT SUCH. COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## WORK SESSION

There were no Work Session items to be considered.

## ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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William M. Sutton, Mayor