



## TOWN COUNCIL MEETING

TUESDAY, AUGUST 6, 2013

Keith H. Weatherly, Mayor  
Eugene J. Schulze, Mayor Pro Tempore  
Terry L. Rowe, Scott R. Lassiter,  
William S. Jensen, and Lance Olive, Council Members  
Bruce A. Radford, Town Manager  
J. Michael Wilson, Assistant 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, August 6, 2013, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Keith H. Weatherly, Mayor Pro Tempore Eugene J. Schulze, and Council Members Terry L. Rowe and Scott R. Lassiter.

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager J. Michael Wilson, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

Absent were Council Members William S. Jensen and Lance Olive.

### COMMENCEMENT

Mayor Weatherly called the Meeting to order, Council Member Lassiter gave the Invocation, Mayor Weatherly led the Pledge of Allegiance.

### PRESENTATIONS

#### **Presentation 01 : Chief Mark Haraway, Fire Department**

**Recognition of Battalion Chief Alan Capps, Lieutenant Kevin Butts and Engineer Jody Paxton as recipients of the 2013 Higgins and Langley Award for Swiftwater Rescue Excellence**

Chief Haraway introduced the recipients and explained the history behind this award. Our employees are the only two to win this international award in the United States. This is the second time the award has been won in Apex. Mayor Weatherly and Mayor Pro Tempore Schulze expressed their appreciation to the recipients for their dedication to service.

#### **Presentation 02 : Joey Browning, Electric Utilities**

**Recognition of Ken Weatherman, Jon Rose, Dustin Prince, and Eric Martin for competing in the North Carolina Association of Municipal Electric Systems 16th Annual Lineman Rodeo in Greenville on May 23, 2013**

Mr. Browning introduced the recipients and overviewed the competitions in which they competed. Mayor Weatherly expressed his congratulations to the group. Town Manager Radford stated that Ken Weatherman's win was only the second time in history that the same person won this award back to back.

## CONSENT AGENDA

Consent 01 Minutes of the July 16, 2013 Regular Council Meeting and the July 24, 2013 Economic Development Committee Meeting

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 Yang, Partlow and Johnson properties containing 57.949± acres located off Castleberry and Green Level West Roads, Annexation #491 into the Town's corporate limits

Consent 03 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 Standard Pacific of the Carolinas, LLC (portion of Salem Village Subdivision) property containing 34.66± acres located south of S. Salem Street, northwest of the Apex Peakway, Annexation #493 into the Town's corporate limits

Consent 04 Public Hearing for the August 20, 2013 Town Council Meeting regarding Rezone and 2025 Land Use Plan Amendment #13CZ07, 15.67 acres located at 0, 1005, 1013, and 1015 North Salem Street from Neighborhood Business Conditional Use Zoning and Residential Agricultural Zoning to Planned Unit Development Conditional Zoning and a 2025 Land Use Amendment from Medium Density Residential to High Density Residential and Commercial

Consent 05 Public Hearing for the August 20, 2013 Town Council Meeting regarding rezone #13CZ17, 107.682 acres located at Green Level West Road and Castleberry Road from Rural Residential and Wake County-R-80W to Low Density-Conditional Zoning

Consent 06 Public Hearing for the August 20, 2013 Town Council Meeting regarding rezone #13CZ19, 10.75 acres located at 1640 Olive Chapel Road from RR to Tech Flex-Conditional Zoning (TF-CZ) and 2025 Land Use Plan Amendment from Medium Density to Office Employment

- Consent 07 Public Hearing for the August 13, 2013 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Public Hearing for the August 20, 2013 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 09 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ09, ROC Construction Inc., Empire Contractors, PJV Investment Group, petitioner for the property located at 400, 410, 420, 430, & 510 Upchurch Street
- Consent 10 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ10, Donna Kincaid, petitioner for the property located at 102 & 104 W. Chatham Street
- Consent 11 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ11, Morning Star Law Group/Ashton Woods Homes, petitioner for the property located at 6501 Old Jenks Road
- Consent 12 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ14, Jones & Clossen Engineering, PLLC, petitioner for the property located at 2932 and 3008 Evans Road, 0 and 7732 Humie Olive Road
- Consent 13 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ15, Stuart Jones/Jones & Clossen Engineering, PLLC, petitioner for the property located at 2717 Evans Road
- Consent 14 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ16, Jones & Clossen Engineering, PLLC/JVI Development II, petitioners for the property located at 3000, 3008, and 3012 Holland Road and 2805 Walden Road
- Consent 15 Contract with Wake County Public School System for one School Resource Officer for Apex High School for the 2013-2014 school year
- Consent 16 Revision of the Town's Renewable Energy Program to include net metering

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER LASSITER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

## REGULAR MEETING AGENDA

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Mayor Weatherly presented the Regular Meeting Agenda. Town Manager Radford requested the addition of a New Business Item regarding the boundary agreement with Holly Springs. Council Member Lassiter requested a Closed Session to receive advice from Counsel.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE ADDITION OF REQUESTED TWO ITEMS; COUNCIL MEMBER ROWE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

## PUBLIC HEARINGS

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### **Public Hearing 01 : Brendie Vega, Principal Planner**

#### **Public Hearing and update to the Apex Comprehensive Plan and adoption of the 2030 Land Use Map.**

Kate Pearce with LandDesign thanked all those involved in the development of the Plan. The Plan's background information, goals, and early strategy recommendations were overviewed. The Land Use Map was presented and its formulation explained. The UDO needs to be updated to take full advantage of the new Land Use Plan. Recommendations were made for those things which would keep Apex on target.

Mayor Weatherly declared the Public Hearing open.

Craig Manaday spoke on the mixed use areas of the land use map. Bunching stores and homes in one area would take away from Apex's character. There seems to be a push to put in mixed use when there are areas available that are more suitable.

A resident of the Abbington subdivision expressed concern that her neighborhood is in the midst of the mixed use areas. This would be detrimental to the residential atmosphere and character. It would be nice to have a greenway in this area.

Dave Cozarati expressed he had concerns about Beaver Creek but now feels it was the right development for the area. Mixed use will improve the value of homes if done appropriately.

Council explained how the UDO will protect property values. The Plan is a tool; approvals would still need to be gained through public, staff, and Council.

Mayor Weatherly declared the Public Hearing closed.

Council Member Lassiter stated there were two amendments to the Plan he wished considered:

- (1) Whitley Property: 23 acres at the northeast intersection of Goodwin Road/US 64 to mixed use commercial services. Staff is in agreement with this amendment.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO INCLUDE THIS AMENDMENT IN THE PLAN; MAYOR PRO TEMPORE SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

- (2) Three acres located at the southwest corner of Kelly Road and Olive Chapel Road to Office Employment. Staff is in agreement with this amendment.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO INCLUDE THIS AMENDMENT IN THE PLAN; MAYOR PRO TEMPORE SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

An Abbingdon resident stated the Plan indicates medium density residential except for one area and asked why it didn't carry into that area. Staff stated this has been in the 2025 Land Use Plan, so it was not changed. Residents were aware the change was not going to be made in order to be sensitive to them.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE PLAN WITH THE TWO AMENDMENTS; MAYOR PRO TEMPORE SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

**Public Hearing 02 : Dianne Khin, Planning Director**

**Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Wardensky and Foster property containing .0238± acres located off Roosondall Court, Annexation #492 into the Town's corporate limits**

Staff oriented Council to the site and stated it recommended approval of the request.

Mayor Weatherly declared the Public Hearing open.

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

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO ADOPT THE ANNEXATION ORDINANCE; COUNCIL MEMBER ROWE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

**Public Hearing 03 : June Cowles, Senior Planner**

**The applicant requested to continue the Public Hearing to August 20, 2013 regarding Rezone #13CZ05 0.73 acres located at 2621 and 2629 Schieffelin Road from Residential Agricultural Zoning to Light Industrial Conditional Zoning**

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER ROWE MADE THE MOTION TO CONTINUE THE PUBLIC HEARING AS REQUESTED; COUNCIL MEMBER LASSITER ECONDDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

**OLD BUSINESS**

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**Old Business 01 : Mike Deaton, Environmental Programs Manager**

**Service contract between the Town of Apex and American Road Conservation, LLC, for street and parking lot sweeping services and to authorize the Town Manager to execute same**

Staff stated additional staff was not approved by Council in the current budget year for street sweeping, and that street sweeping will satisfy State requirements. Staff recommended approval of the contract in the amount of \$107,929.90 for 3 years with the option to extend for two additional one-year periods. The Town Manager stated this contracted service was approved in the 2013/2014 budget.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE CONTRACT; COUNCIL MEMBER ROWE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

**PUBLIC FORUM**

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No one wished to speak during Public Forum.

## NEW BUSINESS

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### **New Business 01 : Bruce Radford, Town Manager**

#### **Extending the lease of the depot space to the Apex Chamber of Commerce**

Town Manager Radford asked that this item come back before Council in two weeks. Council was in agreement.

### **New Business 02 : Lee Smiley, Finance Director**

#### **Budget ordinance amendment for the Town's share of CDBG project for improvements on Second Street**

Staff explained that roughly \$400,000 worth of work will be performed of which the Town would pay 20% and the County 80%, the monies coming from the General Fund.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENT; COUNCIL MEMBER LASSITER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

### **Add-on New Business 03 : Bruce Radford, Town Manager**

#### **Resolution to set a Public Hearing for August 20, 2013 regarding an annexation agreement with the Town of Holly Springs**

Staff stated terms have been reached with Holly Springs and that a Resolution would need to be approved calling for a Public Hearing at the Regular August 20<sup>th</sup> Meeting.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE RESOLUTION; COUNCIL MEMBER ROWE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

## CLOSED SESSION

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### **Add-on Closed Session 01**

#### **Closed Session to receive advice from the Town Attorney**

MAYOR WEATHERLY CALLED FOR A MOTION TO GO INTO CLOSED SESSION.  
MAYOR PRO TEMPORE SCHULZE MADE THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

MAYOR WEATHERLY CALLED FOR A MOTION TO RETURN TO OPEN SESSION.  
MAYOR PRO TEMPORE SCHULZE MADE THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 3-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR WEATHERLY CALLED FOR A MOTION TO ADJOURN.  
COUNCIL MEMBER ROWE MADE 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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Keith H. Weatherly  
Mayor