



APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 06, 2015

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
Bonnie J. Brock, CMC, NCCMC, Deputy Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 06, 2015, 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. Wilke. Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Deputy Town Clerk Bonnie J. Brock and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Sutton called the meeting to order at 7:00 p.m. Mayor Pro Tem Schulze gave the invocation, and Mayor Sutton led the Pledge of Allegiance.

CONSENT AGENDA

Council Member Jensen requested to move Consent Item 03 to New Business Item 02.

Consent 01 Motion to approve Minutes of the September 15, 2015 Regular Council Meeting

Consent 02 Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #15CZ25, Rich and Richere Levert, petitioner for the property located at 7628 Vaudry Court.

Consent 03 Moved to New Business Item 02

Consent 04 Motion to approve street closure for a portion of Hunter Street from Salem Street to Laura Duncan Road on Sunday October 11th from 11 a.m. to 6 p.m. for Peak-a-Palooza

Consent 05 Motion to approve Statement of the Town Council for UDO amendments approved September 15, 2015.

Consent 06 Motion to set public hearing for October 20, 2015 for Rezoning Case #15CZ21, Cambridge Village PUD Amendment containing 15.71 acres located at S. Hughes Street and Apex Peakway from Planned Unit Development Conditional Zoning and Planned Commercial to Planned Unit Development Conditional Zoning (PUD-CZ).

Consent 07 Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Salem Pointe Associates, LLC and John L. Riggs property containing 10.74 acres located between North Salem Street and Salem Church Road, Annexation #552 (Salem Pointe) into the Town's corporate limits.

Consent 08 Motion to set public hearing for the October 20, 2015 Town Council meeting regarding various amendments to the Unified Development Ordinance.

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

REGULAR MEETING AGENDA

Mayor Sutton called for additional Agenda items from Council or Staff and set the Agenda prior to taking action. Town Manager Radford requested Old Business Item 01 to be removed from the agenda regarding a request from a wireless communication tower company to build on the Jaycee Park property; the applicant has withdrawn this request.

PUBLIC FORUM

Reta Reardon of Abbington asked Council to reconsider Sweetwater subdivision; it is not a good plan and it will increase traffic and put an additional burden on schools. Mayor Pro Tem Schulze stated this is not the time to speak on this item, but it is on the agenda.

Jack Clark of 313 Chantclair Drive in Abbington stated he is concerned about the clutter of political signs; he would like Council to consider looking at and adopting the state regulations on political signs.

Lou Fortunato, Board member of the Apex Chamber stated they support the Transportation Bond that would allocate funds to complete the unfinished portions of the Apex Peakway and that the Chamber

is running the Candidates Forum. He summarized the event to be held at the Apex Friendship High School.

PUBLIC HEARINGS

[Public Hearing 01](#)

Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties containing 164.154 acres located south of US 64 Hwy and west of Abbingtion subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #550 (Sweetwater) into the Town’s corporate limits. The petitioner is requesting that this public hearing be continued to the November 17, 2015 Town Council meeting.

The petitioner, David Schmidt stated they don’t have construction documents approved yet and the bank loans cannot close until all approvals are in place. The current landowners do not want to annex until all of the approvals are in place; they would have to pay taxes.

Council, Town Staff and the applicant discussed the process and timing of annexation and the approval of construction drawings. The developer cannot close until all approvals are met and they want to postpone annexation to November 17, 2015 which is after the Technical Review Committee (TRC) meets and reviews the construction plans; the review of the plans would not be done by the next Council meeting on October 20, 2015.

MAYOR SUTTON OPENED THE PUBLIC HEARING.

Property owners Mallie Jenks and Ted Mills both stated they want Experience One to annex after the closing. Property owner Vivian Lamb stated she does not want to annex until the buyer is ready to close. This is the time to sell their land and the developer has done everything the town required. Steve Ulrich of Abbingtion stated he is concerned with rescheduling to after the election and asked Council to not approve the annexation. Joe Hakoos stated he is opposed to Sweetwater; the density is too high. Gala Zolie stated there are no other elementary schools planned for Apex, we’re growing too fast. Sherry Degen stated that ten years ago, there weren’t enough schools, there still aren’t enough schools today and there is too much traffic. Ray Patrino of Abbingtion stated Council should consider schools, roads; congestion and overcrowding.

MAYOR SUTTON CALLED FOR THE MOTION. COUNCIL MEMBER JENSEN MADE THEM MOTION TO CONTINUE THE PUBLIC HEARING TO THE OCTOBER 20, 2015 MEETING. COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 3-2 VOTE. COUNCIL MEMBERS WILKIE AND LASSITER VOTED NAY. COUNCIL MEMBER WILKIE STATED SHE VOTED NAY BECAUSE TRC WOULD NOT HAVE MET BEFORE THE NEXT COUNCIL MEETING.

Public Hearing 02

Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Richard and Sandra Fox property (well failure) containing 4.7 acres located at 2801 Holland Road, Annexation #553, into the Town’s corporate limits. The property owners are experiencing a well failure and need to annex in order to receive town water services.

MAYOR SUTTON OPENED THE PUBLIC HEARING; WITH NO ONE COMING FORWARD TO SPEAK, MAYOR SUTTON CLOSED THE PUBLIC HEARING AND CALLED FOR THE MOTION.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ANNEXATION. COUNCIL MEMBER WILKIE SECONDED. THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01

Mayor Pro Tem Schulze

Possible motion regarding proposed changes to the Personnel Policy. The Town has a nepotism policy where relatives of officials cannot be hired. We currently have an employee who has been with the town for about ten years who is the brother-in-law of candidate Wes Moyer. If Moyer wins the election, the firefighter would have to resign or Moyer would not be able to take office. We don’t want to lose a good employee nor prohibit someone from running for office. The changes in the policy addresses this issue. Council Members Lassiter and Jensen asked to be recused from the vote. Town Attorney Hohe explained the recusal process.

MAYOR SUTTON CALLED FOR THE MOTION. MAYOR PRO TEM SCHULZE MADE A MOTION TO RECUSE COUNCIL MEMBERS LASSITER AND JENSEN FROM THE VOTE. COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED WITH A 3-0 VOTE

MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE THE PERSONNEL POLICY CHANGES. COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED WITH A 3-0 VOTE

New Business 02

Motion to approve a Resolution of Intent to rename a portion of Old Holly Springs Apex Road. Councilmen Jensen stated staff should address this because it looks confusing to have a road to stop and start. Kent Jackson, Director of Engineering and Construction Management stated what’s driving this is NCDOT hired a design/build contractor, DOT is pressing for a road name which triggered Mr. Hendrickson of Veridea to make the request. It would work for DOT to work from interchange to interchange. The rules from Wake County is if you have an intersection point you can do this even though US1 and Old Holly Springs Road do not actually intersect. Staff is open for other limits on this. Council and staff discussed options and costs.

COUNCIL MEMBER JENSEN MADE A MOTION TO NOT CHANGE THE ROAD NAME. COUNCIL MEMBER WILKIE ASKED THE REASON FOR THE CHANGE. TOWN MANAGER RADFORD STATED VERIDEA REQUESTED THIS AS AN ECONOMIC DEVELOPMENT EFFORT, ENHANCING THE NAME VERIDEA; 540 WILL BE HEAVILY TRAVELLED TOLL ROAD AND THIS GETS THEIR NAME ON 540. COUNCIL MEMBER JENSEN WITHDREW HIS MOTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO RECOMMEND EXTENDING OLD HOLLY SPRINGS ROAD TO TINGEN ROAD. COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED WITH A 5-0 VOTE.

CLOSED SESSION

There are no Closed Session items for consideration

WORK SESSION

There are no Work Session items for consideration

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk

ATTEST:

William M. Sutton
Mayor