



APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 20, 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 20, 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, Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie. Absent was Mayor Pro Tem Eugene J. Schulze. Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

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

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the October 06, 2015 Regular Council Meeting
- Consent 02 Set the Public Hearing on November 17, 2015 for rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street (from Residential Agricultural (RA) to Medium Density – Conditional Zoning
- Consent 03 Set the Public Hearing on November 17, 2015 for a rezoning application #15CZ23 (McKenzie Meadows PUD) to rezone 61.41± acres located at 8216 Humie Olive Road, 7916 and 8000 Ragan Road, and 0 and 2600 Richardson Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 04 Set the Public Hearing on November 17, 2015 for rezoning application #15CZ24 (Eastern and Western Terminations of Colby Chase Drive) to rezone 7.58± acres located between the Pemberley and Merion residential developments (PIN 0750-26-4926) from Residential Agricultural (RA) to Medium Density – Conditional Zoning (MD-CZ)

- Consent 05 Set the Public Hearing on November 17, 2015 for rezoning application #15CZ27 (206 S. Salem Street) to rezone 0.38± acres from Office & Institutional (O&I) to Mixed Office-Residential-Retail – Conditional Zoning (MORR-CZ)
- Consent 06 Set the Public Hearing on November 17, 2015, for rezoning application #15CZ28 (West Williams Street Retail) to rezone 5.01± acres located on the west side of West Williams Street south of Olive Chapel Road from Planned Unit Development-Conditional Use (PUD-CU) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 07 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ13 (Salem Pointe PUD), +/- 10.74 acres located approximately 900 feet from the intersection of N. Salem Street and Salem Church Road. The applicant proposes changing the properties from Residential Agricultural, Medium Density, Medium Density Conditional Use, and Office and Institutional Conditional Use to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 08 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ22 (Beaver Creek Crossing PUD Amendment), +/- 28.56 acres located at 2501 Creekside Landing Drive. The applicant proposes an amendment to the PUD.
- Consent 09 Set the Public Hearing on November 17, 2015 for a 2030 Land Use Map amendment from Planned Commercial to Medium Density Residential and rezoning application #15CZ29 (1200 Kelly Road) to rezone 17.33± acres located on the west side of Kelly Rd south of US 64 Hwy from Planned Commercial-Conditional Use (PC-CU) to Medium Density Residential-Conditional Zoning
- Consent 10 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ30 (Mangum Property Commercial Rezoning), +/- 1.74 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes changing the properties from Planned Commercial Conditional Use to from Planned Commercial Conditional Zoning (PC-CZ)
- Consent 11 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding a proposed 2030 Land Use Map Amendment and Rezoning Case #15CZ31 (Mangum Property Residential Rezoning) for +/-19.5 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes amending the 2030 Land Use Map from Commercial Services to High Density Residential, and changing the zoning district from Planned Commercial Conditional Use (PC-CU) to High Density Multi-Family Residential Conditional Zoning (HDMF-CZ)
- Consent 12 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 13 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 (Crestmont 1-3) property containing 2.00 acres located at 8028 Green Level Church Road, Annexation #556, into the Town's corporate limits
- Consent 14 Budget amendment to appropriate \$30,000 to stabilize the Tunstall House. The Council voted to use \$30,000 to stabilize the building at its October 7, 2014 meeting
- Consent 15 Addendum to the lease agreement between the Town of Apex and the Apex Chamber of Commerce and authorization for the Town Manager to execute said addendum
- Consent 16 Contract to convert the soccer field at Hunter Street Park to synthetic turf, authorization for the Town Manager to execute all contracts related to the conversion, and associated budget amendment

Consent 17 Order a Power Transformer for Mt. Zion substation to Delta Star and budget amendment in the Electric Substation Project Fund for the purchase

Consent 18 Street closure on Salem Street from Chatham Street to Center Street for Trick or Treating on October 24, 2015

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

There were no requested modifications to the Agenda from Council or staff.

PUBLIC FORUM

Helen Brantley, resident, stated they're having problems with water under their roof which the contract company installed improperly. She distributed pictures and a list of building codes. NC building codes are not detailed enough for metal roofs, so many are improperly installed. She can't get the NC building codes amended. So that no one else would have to go through this, Ms. Brantley asked that the town do an amendment which would be suitable for metal roofs. Catana was the builder and he went bankrupt right after they bought the house. Staff stated we will look into this.

Marlo Campbell, resident and Director of the Apex Football Alliance, stated they are looking forward to the agreement with Apex Parks and Recreation. He thanked John Brown for his assistance.

Graham Wilson recognized the numerous boy scouts in attendance who are working on badges. He thanked Council members for meeting with them. He also thanked the town for its support of Peak City Pigfest. Last year, \$10,000 was given to the Western Wake Crisis Ministry and that amount will be given this year. The remainder of the funds are used to support various projects during the year. June 17 and 18 are the dates for Peak Fest in 2016.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Continuation from the October 6, 2015 - 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 Abbingon subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #550 (Sweetwater) into the Town’s corporate limits

On Friday, October 16, 2015, the applicant withdrew this request for annexation. Council asked if this will come back before Council before or after Council changes [due to the election]. Staff stated the request was completely withdrawn, so the applicant would be required to restart the process.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Salem Pointe Properties, LLC and John L. Riggs property (Salem Pointe) containing 9.848 acres located at 1530, 1534, 1604 Salem Church Road and 0 North Salem Street, Annexation #552 into the Town’s corporate limits

Staff oriented Council to the site and recommended approval.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering Design and representing the owner, stated he was available to answer any questions.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and Rezone #15CZ21, Cambridge Village PUD Amendment, 15.71 acres located at South Hughes Street and Apex Peakway from Planned Unit Development Conditional Zoning and Planned Commercial to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The applicant would like to amend the PUD, and staff detailed the requested changes. A full TIA was determined to not be needed. Staff recommended approval with the changes offered by the applicant.

Mayor Sutton declared the Public Hearing open.

David York, Smith Moore Leatherwood, stated he and his associates were present to answer any questions. The facility has been very well received by the community.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff detailed the requested amendments.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Mayor William Sutton

Discussion regarding the location of a Senior Center

The Mayor stated this has been talked about for some time. We need to now focus on where to put a senior center, especially since the town has put out RFOs for its design. The RFOs should be in this week. Staff will pursue, interview, and select a consultant; a contract could be awarded in December. The consultant, therefore, must have a site certain. The Mayor asked John Brown, Parks and Rec Director, where he would like to see the center and why.

Brown stated 99% of the seniors want this tagged onto the existing community center for a variety of reasons. If so, then we won't have to duplicate the large program space since the gyms are here on site. Seniors like the idea of interacting with other ages. Like seniors, Brown felt it best to tag onto the community center. Council stated that at the retreat he was asked to get with Marty Mitchell, Facilities Director, to see if this was feasible since this is where seniors want the center. After meeting with Mitchell, it is possible to put the center on this campus. A concept design was shown.

Council stated she wanted to get this more out of an idea phase and bring it to reality. Many other places have these centers and we don't. She does not want to keep talking about this; she wants to do something. Therefore,

COUNCIL MEMBER DOZIER MADE A MOTION TO HAVE THE SENIOR CENTER LOCATED ON TOWN CAMPUS;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Mitchell stated there is another option which would accomplish the same thing. He asked for permission to explore and bring back to Council the option of placing a center in front of the water tower. It would require closing the pond, but this is a viable option. Mitchell talked to several staff members and they support this. We need to remember that twenty years from now we will need another building for staff.

Council saw this as a three option scenario which would also include the land across the street. He would like to see Mitchell give the pros and cons to all three. Council stated it did not want to see seniors walking across the street. Mitchell asked again to allow staff to review and compile data on the first two proposals. Brown stated he has not seen option two. Council asked about double decking the parking lot instead of covering the pond. Staff stated this has been talked about, but there is a design issue as to how it would be accommodated.

Council discussed what would happen if this issue went to a new Council. The second option will be sketched out for review in November. Council wanted to look at a three story building, which Mitchell agreed with.

Council stated she would amend her motion if staff comes back in November with a concept. Brown explained his concept further with the gym spaces and office spaces. Maybe should look at other concept. The Mayor stated he was wondering how long this was going to go on. He felt this is being delayed and that staff does not want a decision. It's up to this Council to decide where the center should go. He wished to go along with Brown since he will need to run the programs.

COUNCIL MEMBER DOZIER RESTATED HER MOTION AND INCLUDED OPTIONS FOR THE FIRST
TWO SCENARIOS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council stated there's no money to get this done. Council stated all other places have them so we should too; we do have the money. Staff stated recommendations will be ready to present to Council at the second meeting in November.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Discussion regarding buffering along the Apex Peakway

Council stated there has been a request from the folks in Amherst where there is no buffering along Amherst subdivision. He wished to see a policy that when we cut the Peakway, we will place Type A buffers where possible. This would be a means of improving the quality and look of the town and buffering the people along the Peakway.

Council stated this was a great idea; we need more trees along that area. Council wished a note attached that it will provide the cost of this first before the policy is finalized. Staff stated we are putting 33 trees between 55 and North Salem now. Council also wishes to see buffering for residents. Staff talked about a median that can't be planted and explained why crepe myrtles would be used.

COUNCIL MEMBER JENSEN MADE A MOTION FOR STAFF TO WRITE A POLICY AS STATED;

COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : John Brown, Director of Parks, Recreation and Cultural Resources

Multi-year use agreement with The Triangle Football Club (TFC) for selected use of multi-use fields owned and controlled by the Town of Apex

Staff showed a picture of what the fields would look like. We have the opportunity to enter into agreement with the local soccer club so that there will be space for their program. This will generate revenue and give kids an opportunity to play here in Apex without traveling all over the county. It will help with economic development by bringing tournaments to Apex. The five year agreement will give them space at various parks within our control.

Staff has met with TFC and they are willing to pay a \$24,000 lump sum up front and a years' worth of rental fees in order to have access to some of this space. Staff has also talked to the lacrosse folks about opportunity for the high school when they need space. This is in response to Council request at the retreat. This has gone through the Recreation Commission and they are in agreement. Seymour athletic field would probably be the next place looked at. Staff talked about turf fields and how much safer they are and how confident we are to recommend them. There was brief discussion about how tournaments could impact the economy.

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

APPROVE THE AGREEMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session to consult with the Town Attorney about legal issues and potential litigation

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER LASSISTER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton
Mayor