



## APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 16, 2016

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,  
and Wesley M. Moyer, Council Members  
Drew Havens, Interim Town Manager  
Tim Donnelly, Interim Assistant Town Manager  
Donna B. Hosch, CMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, February 16, 2016, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer  
Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

### COMMENCEMENT

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

### PRESENTATIONS

There were no presentations made.

### CONSENT AGENDA

- Consent 01 Minutes of the January 19, 2016 and February 2, 2016 Regular Council Meetings, Minutes of the January 29 and January 30, 2016 Strategic Planning Retreat, and Minutes of the December 15, 2015 and January 19, 2016 Closed Sessions (*Closed Session Minutes recorded separately*)
- Consent 02 Apex Tax Report dated 01/15/2016
- Consent 03 Statement of the Town Council for denial of Rezoning Case #15CZ28, Glenda Toppe and Kent Mclver, petitioners for the property located on the west side of W. Williams Street, south of Olive Chapel Road and north of Bryan Drive
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #15CZ36 (Kelly Road Retail); Matt Kirkpatrick of Kirkpatrick & Associates, LLC is the petitioner for the property located at 1450 Kelly Road

- 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 1-3 LLC, Jackie and Amy Mitchem, Alfred and Jean Goodwin, Nathaniel and Danielle Weaver and William Rubin (McKenzie Ridge) property containing 64.675 acres located at 0 and 2600 Richardson Road, 7916 and 8000 Ragan Road and 8216 Humie Olive Road, Annexation #568 into the Town’s corporate limits
- Consent 06 Encroachment Agreement with Lennar Carolinas, LLC and authorization for the Interim Town Manager to execute same
- Consent 07 Findings of Fact, Conclusions of Law, and Decision approving the Flats at 540 Major Site Plan
- Consent 08 One day modification from Town of Apex Ordinance Section 14-4 to allow the possession and consumption of malt beverages and unfortified wine during the Apex Music Festival (formerly Apex Jazzfest). The modification is requested on September 17, 2016 from the hours of 3:00 pm to 11:59 pm and will apply only as described in the attached draft ordinance.
- Consent 09 Road closures for the Farm to Market 5K run on April 23, 2016 from 8 a.m. to 11 a.m.
- Consent 10 Street Closings for 2016 Peak Fest and 2016 July 4th Celebrations
- Consent 11 **PULLED BY COUNCIL FOR DISCUSSION AT A LATER DATE AND TIME** - Motion to approve Personnel Committee recommendation for Reclassification of 2 fulltime positions
- Consent 12 Lot 87 Plot E to be transferred to Timothy James Holland
- Consent 13 Statement of the Town Council for Rezoning Case #15CZ32 (Smith Farm); Tony M. Tate is the petitioner for the 23 parcels located between US 64 and Olive Chapel Road, east of the American Tobacco Trail, and west of the Sweetwater Development

Council Member Wilkie stated she wished to pull Consent 11 to defer this to a future meeting in order to have more time to study the item. Mayor Olive asked staff to come back with a recommendation of a future Agenda date for this to be discussed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE  
CONSENT AGENDA MINUS CONSENT 11; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## REGULAR MEETING AGENDA

There were no requested modifications to the Agenda by Council. However, Mayor Olive stated it was estimated that the Agenda as presented would lend six hours of discussion. So that no one would be here into the next day, he wished to identify a few items to push off to a future meeting. Mayor Olive suggested deferring to a time, date, and place certain, in approximately one week, Public Hearing 07, Public Hearing 08, New Business 01, New Business 02, and Closed Session 01. This should shave a little over an hour off tonight’s meeting. Mayor Olive suggested meeting on the items on Tuesday, February 23,

2016 at 7:00 p.m. Council Member Schulze stated he would like to hear Closed Session 01 on this evening. There were no objections to either request from Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THE STATED ITEMS TO THE STATED DATE AND TIME; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REMAINDER OF THE AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION TO HEAR CLOSED SESSION 02. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive charged the audience, while Council was in Closed Session, to select a speaker for those issues where there were many in attendance wishing to speak. If comments were consolidated, he would be willing to give that one person a little extra time to speak.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## PUBLIC FORUM

No one wished to speak during Public Forum.

## PUBLIC HEARINGS

Public Hearing 01 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jean and John Goodwin and Colin and Bridget MacNair properties (Goodwin MacNair PUD) containing 123.546 acres located at 2301 and 2505 Richardson Road, Annexation #548 into the Town's corporate limits  
and

Public Hearing 02 : Michael Clark, Senior Planner

Public hearing and rezoning application #15CZ18 Goodwin McNair PUD and Ordinance, 122.972 acres located west of Richardson Road between Olive Chapel Road and Humie Olive Road, from R-80 W and Rural Residential to Planned Unit Development Conditional Zoning (PUD-CZ), and to amend the 2030 Land Use Map from Rural Residential and Medium Density Residential to Low Density Residential

Staff oriented Council to the site, and the requested conditions by the applicant were detailed. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval of both the annexation and rezoning, as did the Planning Board.

Glenda Topp, Topp and Associates, applicant, stated their request complied with buffers and setbacks. Buffers and setbacks had not come up, so they did not ask for a reduction. She detailed the development of which they have been working the rezoning for over a year. They wanted a name that had history in the community, and the name was approved. There are multiple pocket parks that are planned in addition to an amenity area. They have provided different lot sizes for affordability. The request complied with all recommendations of the traffic study, and will contribute \$1 million in park fees. There was no opposition to the development from anyone. The development was consistent with all Apex Plans. Staff cleared up that there were no discrepancies for setbacks and buffers.

Withers and Ravenel explained what would be done on Richardson Road, which will be widened to add turn lanes.

Mayor Olive declared the Public Hearing open.

Bridges Gibbons McNair stated that Ms. Topp had done a great job and felt this would be a wonderful development. As a property owner, he explained the history of the land and how the neighbors have always helped each other. Now they are surrounded by development. He explained how he wants future development to be an asset. He believed Topp and Associates would do that and asked Council for their support of this request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE ANNEXATION. COUNCIL MEMBER SCHULZE  
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REZONING AND AMENDMENT OF THE LAND USE MAP.  
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 03 : Michael Clark, Senior Planner**

*This agenda item was temporarily withdrawn by the applicant. The item will be re-noticed and a public hearing will be held at a later date.*

Public hearing and possible motion regarding rezoning application #15CZ33, West Village PUD, 163.64 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

There were no objections from Council as to this being heard at a later date.

**Public Hearing 04 : Amanda Bunce, Planner II**

Public hearing and rezoning #16CZ03 (US 64 Hwy/Old Jenks Road/Davis Drive) to rezone 45.1423± acres located north of US 64 Hwy, west of Old Jenks Road and to the east and west of Davis Drive from Residential Agricultural (RA), Rural Residential (RR), Office & Institutional (O&I) and Planned Commercial (PC) to Planned Commercial Conditional Zoning (PC-CZ)

Staff oriented Council to the site. Three neighborhood meetings were conducted. The Planning Board requested additional conditions. Staff recommended denial of the rezoning and the reasons were stated. The Planning Board did, however, unanimously recommend approval with additional buffer enhancements.

Bill Daniel, William G. Daniel & Associates, PA, representing Crossroads Holdings LLC, stated he disagreed with the staff denial. He spoke about the Planning Board recommendation of an increased buffer; he wished to propose a Type B buffer with a 30 foot width. He stated it was obvious that items 1, 3, 5, 9, and 10 of the staff report were not issues. For items 4 and 8, they spent a lot of time on specific issues with abutting property owners. All surrounding owners were in agreement with these. Item 6 was largely tied to the development in the community. The impact would be minimal since they were not adding to the population. Mr. Daniel stated significant improvements will occur. For items 2 and 7, the tax base will be beneficial and a significant enabler. This being a compatibility use was a key factor. This use will generate less traffic than many alternate uses. Mr. Daniel talked about lighting and what will be seen from where.

Mayor Olive reminded Council of the illustrative aspects of Mr. Daniel's comments and asked Mr. Daniel to be brief related to those. Mr. Daniel stated there has been a lot of communication with adjoining property owners. While not everyone would agree to a development this large, the use was in compliance. Mr. Daniel asked for Council's support.

Mr. Daniel responded to Council questions on buffers. Council expressed its concern about overflow. The Town Attorney explained what conditions the Council could and could not ask to be placed on a particular parcel.

Mayor Olive declared the Public Hearing open.

Speaking in favor were former Council Member and Mayor James Austin, Ms. Casey, Patty Patrick, Holly Donaldson, Brian White, Lou Fortunato, Staley Smith, Eddie Bacon, Bill Booth, Steve Blough, Claude Burkhead, and Lee Godbold. Their reasons included a \$35 million tax value which would bring employment opportunities and the widening of the road which would be paid for by the developer; Council not denying property owners the right to sell their property; the site not being in a historical district; Mr. Daniel's proposal being in the best interest of the church and community; Mr. Daniel being a good business partner; this development having a positive impact; the applicant would not spend a lot of money to come in and then leave; this fitting Council's charge of less residential and more commercial; someone would object no matter what comes in; Mr. Daniel agreeing to everything asked of them; people asking for their names to be removed from the petition; the Chamber of Commerce being in agreement via a Resolution; the use being consistent with the Land Use Map and Plan; the belief that the applicant will do this properly; the hope that the streets would be in better condition than they are currently; Mr. Daniels addressing concerns about keeping the area as 'natural' as possible; pilots wanting to remove their names from the petition because things have changed and Mr. Daniels making concessions for the pilots; and less traffic impact.

In opposition were Kimberly Daniels, Sandra Webb, Val Creager, Kyle Denis, Melanie Lane, Michelle Henrick, Tina Sherman, William Burney, Mike Shore, and Kate McDonald. Their issues were traffic on Davis Road; approved big businesses looking awful; car dealerships not pretty; not trading values and vision for the Town for a tax base; impacting the gateway into downtown; how this will look coming off various roads; other uses would be better and elevate the character of the area; will not fit with the accolades Apex has received for being unique and appealing; applicant has a history of moving frequently; disappointment in the Planning Board not following staff recommendation; already have two very large auto lots coming into Apex; if we keep bringing in large commercial development, the area will look like Capital Boulevard; Council's opportunity to determine how land will be used long term; parcels are so huge, that 300' notification radius sometime only pulls in a few people; dealerships could locate on the other three corners; and concerns for buffers. There was also conversation from Kimberly Daniels, owner of the petition. It was classified as fake and taken down. She offered that folks could Google how to remove their names from the petition. About 200 names were removed but 2,260 signatures were still there. Responding to Council, Ms. Daniels stated the petition does not have addresses.

Kate McDonald asked for a show of hands for those who had concerns but did not speak. Mayor Olive asked for a show of hands of those who did not speak but were in favor.

Mayor Olive declared the Public Hearing closed.

Mayor Olive reminded Council that they were only considering a rezoning. Staff asked Council questions about vehicle storage. Council gave reasons why this might be a good fit, especially as it does not contain houses. There was a compatibility concern about buffers. If passed, we would lose an opportunity to put something else there at the gateway to Apex. If we went with this and didn't correct the southwest corner, there would be a spillover problem.

Council stated she was leaning against this because of compatibility, this project being huge and massive. She understood property owners not being able to sell their land and the number of owners involved in this. Traffic would be impacted. The out-parcels could be used for something which would bring in more cars.

Council stated conversations have been respectful of each other. Most people want to honor Apex history and character. There is great value in this plan, and Mr. Daniels has been professional. But this may not be the proper business at this entryway. Council was concerned with what this could stretch out to be and the resulting esthetics. Some of the other approved uses may be more fitting. Council agreed with the professional staff and was apologetic to the applicant and property owners.

Council stated we talk, talk, talk about economic development and we're saying no to one of the largest car dealerships on the east coast. He respected the background and credentials of the Planning Board; they have nothing to lose, and they recommended this. The money it would bring in would improve our infrastructure.

Council stated he didn't know Crossroads started here and wanted them to come back. However, he did not feel this use was compatible for this area. We need to be responsible with our growth as we go forward. We didn't have to make this decision on this evening and should listen to the citizens.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO DENY THE REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council stated he could live with this if he was not afraid we would get a whole lot more such requests. He talked about buffers and how they're not opaque for about 10 years. Council stated a lot of other things could be done in this location. Council asked was there any way to continue this to ask the applicant not to build on one corner. The Mayor stated Council owed a vote to this. The applicant owns both parcels and there is no reason they couldn't come back and ask to rezone the other corner. The Town Attorney stated that if the request was denied, then there would be a one year waiting period for

the same type of request. This could be continued to the next meeting to see if conversations would take place between Council and the property owners. Mayor Olive questioned what Council would be negotiating. He would not want to continue this.

Mr. Daniel stated he would be in favor of a continuance but not a withdrawal. Council was concerned that we would be deal making. Staff clarified what would happen if this matter was continued or withdrawn. Council did not like the idea of a continuance. The applicant could come back sooner than a year if there was a significant enough change in their application.

COUNCIL MEMBERS MOYER, DOZIER, SCHULZE, AND JENSEN VOTED IN THE AFFIRMATIVE;  
COUNCIL MEMBER WILKIE VOTED IN THE NEGATIVE.  
THE VOTE CARRIED BY A 4-1 VOTE TO DENY THE REQUEST.

Mayor Olive called for a seven minute recess.

**Public Hearing 05 : Brendie Vega, Principal Planner**

**Public Hearing and rezoning application #16CZ04 (Green Level West). The applicant, Jeremy Spivey with JS Development, seeks to rezone approximately 18.79 acres located Green Level West Road from Rural Residential to Low Density Conditional Zoning.**

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval.

Council asked what percentage would be in the flood zone seeing as they were talking about density transfers. Staff spoke about the new State legislation in effect.

Mayor Olive declared the Public Hearing open.

Andy Petty, in response to Council, stated 29 units would be in the flood zone. This zone, however, was very small with a small stream. They were offering less units than they were required to offer.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO  
APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Susan Castlebury, Trustee, Benjamin Whitley, Doug Whitley POA, Charles Wilkinson, Billy Wilkinson, 6101 Collins LLC/Dallas Herndon Heirs, Virginia Wilkinson and Mary Lou Breedlove Heirs property (Oak Pointe) containing 46.247 acres located Old Jenks Road, east of NC 55, Annexation #569 into the Town’s corporate limits

Staff oriented Council to the site, stating that staff recommended approval.

Kurt Berger, representing the applicant, stated this had been through the planning and zoning processes and the site plan approval process. They added conditions to accommodate neighbors; a gate was not recommended by the fire and safety staff.

Mayor Olive declared the Public Hearing open.

Steve Blaugh stated there was concern in Castlewood about connectivity into their subdivision. He was also concerned about traffic on Jenks Road and access to 64.

Mayor Olive declared the Public Hearing closed.

Council asked was there anything we could do to address the traffic issue that was raised. Council stated there was an option, but it would go through wetlands and be very expensive. Council asked about the one way in, and the Mayor reminded Council they were only talking about annexation at this point. Mr. Berger stated a stub street had been planned for Vision Drive.

MAYOR OLIVE 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 5-0 VOTE.

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

Public Hearing 07 : Angela Reincke, Parks Planner and Land Acquisition Specialist

Public Hearing and possible motion to approve proposed changes to the current Parks, Recreation, Greenways, and Open Space Master Plan

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

Public Hearing 08 : Michael Clark, Senior Planner

Public hearing and possible motion regarding proposed amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Transportation Plan as requested by Apex Planning Department

Public Hearing 09 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments and answered questions about traffic calming and residential densities.

Mayor Olive declared the Public Hearing open.

Lynn Smith stated she appreciated Council trying to find a solution to this problem to not create a hardship for the students. However, she wanted to see parking in yards and not just the paved driveways until the end of the school year. Parking in driveways only would cause an inconvenience. If enforced, it would affect many more students and parents.

JT Murphy, on behalf of students, stated that this also affects after school activities. Busses can't take them home, sometimes parents work, and he did not think this would be that big of a problem for three months. This also affects those who carpool.

David Rowland showed pictures of Laura Duncan and Knollwood Drive. The parking doesn't send a good message about our community. He questioned if the proposed ordinance was merely a suggestion. We need to enforce the current ordinance.

Mayor Olive declared the Public Hearing closed.

Council stated he understood the dilemma, but that this has been going on for years. While it is an egregious violation, it would not be out of line to apply the proposed ordinance for the next three months and then crack down on violators 100% afterwards. He asked for a restriction that cars not be allowed to park in the right of way. With a question about wording, Council stated this could go back to the Planning Committee. However, staff had alternate wording which was read. This would be removed from the UDO in June, and letters would be sent to residents letting them know they could be fined if they allowed the parking. Council stated she thought we should speak with the schools. Council stated she'd spoken with the Principal and that this is a difficult situation.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST WITH THE ALTERNATE WORDING READ BY STAFF; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

## OLD BUSINESS

There were no Old Business items for consideration.

## UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

## NEW BUSINESS

### THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

New Business 01 : Michael Clark, Senior Planner

Possible motion approving McKenzie Ridge Master Subdivision Plan - for the properties located at the intersection of Humie Olive Road and Regan Road to Richardson Road. This project consists of approximately 64.67 acres and proposes 181 new single-family lots

### THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

New Business 02 : Brendie Vega, Principal Planner

Possible motion approving Salem Pointe King Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 12.52 acres and 69 Townhome lots and an area reserved by owner

## CLOSED SESSION

Closed Session 01 : to discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

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

Closed Session 02 : to discuss the location of a business or industry in the Town of Apex  
This item was heard earlier in the proceedings.

## WORK SESSION

There were no Work Session items for consideration.

## ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING TO TUESDAY, FEBRUARY 23, 2016 AT 7:00 P.M.

**The Regular meeting of February 16, 2016 was reconvened on Tuesday, February 23, 2016 at 7:00 p.m.  
in the Council Chamber on the second floor of Town Hall, 73 Hunter Street**

In attendance were: Mayor Lance Olive, Council Member Bill Jensen, Council Member Eugene Schulze, Council Member Denise Wilkie, and Council Member Wesley Moyer. Absent was Mayor Pro Tem Nicole Dozier. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna Hosch, and Town Attorney Laurie Hohe.

Mayor Olive called the meeting to order. He recapped the items that were being continued. He also pointed to the Add-On item to approve Minutes of the January 29 and 30, 2016 Strategic Planning Retreat.

Mayor Olive gave the Invocation and led the Pledge of Allegiance.

Mayor Olive confirmed with the Town Attorney that since this was a meeting being continued and not a new meeting, the absence of Mayor Pro Tem Dozier would result in an affirmative vote except for rezonings. He confirmed Consent 11 does not need to be added. There were no changes requested by Council or staff.

**Public Hearing 07 : Angela Reincke, Parks Planner and Land Acquisition Specialist**

**Public Hearing and changes to the current Parks, Recreation, Greenways, and Open Space Master Plan**

Staff oriented Council to the Plan. Staff talked about sidewalks on the Center Street Bridge in response to questions from Council. Briefly touched on were the items coming up in the Greenway Master Plan.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE CHANGES; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 08 : Michael Clark, Senior Planner**

**Public hearing and amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Transportation Plan as requested by Apex Planning Department**

Staff oriented Council to the Plan, stating that it was almost the same as Public Hearing 07.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**New Business 01 : Michael Clark, Senior Planner**

**McKenzie Ridge Master Subdivision Plan for the properties located at the intersection of Humie Olive Road and Regan Road to Richardson Road. This project consists of approximately 64.67 acres and proposes 184 new single-family lots**

Staff oriented Council to the site. The Planning Board requested a condition to which the applicant agreed. The Parks and Recreation Commission requested fee in lieu, the Planning Board recommended approval as did staff. Staff stated this involved all single family residential homes.

Stewart Jones, Jones and Crossen Engineering, explained the product types and two lot sizes. Improvements would be made to a portion of Richardson Road to create an extra turn lane and three acres of land would be used for widening of the road.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
COUNCIL MEMBERS WILKIE, SCHULZE, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.  
THE MOTION CARRIED BY A 4-1 VOTE.

Council Member Jensen stated the density and small lot sizes were not a fit, and the roadways were going to be a mess because of density.

**New Business 02 : Brendie Vega, Principal Planner**

**Salem Pointe King Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 12.52 acres and 69 Townhome lots and an area reserved by owner**

Staff oriented Council to the Plan. The Parks and Recreation Commission recommended a fee in lieu. Stub streets were going to be provided. The Planning Board and staff recommended approval.

Jeff Roach, Peak Engineering, explained the road improvements which would be made. There is a fee in lieu for about a three-foot wide strip. Housing price points be the mid \$200's to the upper \$300's. They will be two story and all will have garages.

Council stated we need to start thinking about traffic. This is a good place for the development, but roads will not be able to handle the extra traffic. Staff explained how the fee in lieu does not fund the roads. Talked about briefly was how to get right of way dedications as developments come in.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Consent 11 Motion to approve Personnel Committee recommendation for Reclassification of 2 fulltime positions**

Council stated this had been discussed and she was comfortable with the item.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE RECOMMENDATION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR CALLED FOR A MOTION TO APPROVE THE MINUTES OF THE JANUARY 29 AND 30, 2016 STRATEGIC PLANNING RETREAT. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive explained that this meeting would be adjourned and that Council would, at this point, hold a Workshop to talk about a Town logo.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER WILKIE  
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

\_\_\_\_\_  
Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor