



APEX TOWN COUNCIL MEETING

TUESDAY, APRIL 5, 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, April 5, 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, stating that there were minor adjustments requested to the Agenda – an added Presentation on the Wake County Transit Plan and the removal of Consent Items 04 and 05. There were no other adjustments requested.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION
TO APPROVE THE AGENDA WITH THE STATED ADJUSTMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council Member Schulze gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Russell Dalton, Transportation Engineer, acknowledging Building Safety Month

Mayor Olive read the Proclamation before presenting it to Mr. Dalton.

Presentation 02 : Tim Gardner, Wake County Transportation Planner

Wake County Transit Plan

Mr. Gardner stated they were talking to elected officials and citizens before making important decisions about this Plan. He elaborated on the meetings they have had, stating that the Plan would not go into effect unless there was a positive referendum in November 2016.

Brought together were all the groups who plan for transit so that this would be a unified plan. There is a two-pronged issue – extremely fast growth and the impacts this will place on the roadways. Mr. Gardner showed a map of current and likely future congestion, nothing that they have seen shifts in the types of communities, i.e., the walkability for citizens. He detailed the Transit Plan development process which included events, videos, surveys, and marketing. He detailed the recommended Transit Plan or what they're calling "Four Big Moves" – stronger regional connections; connections to all communities; frequent, reliable bus service in urban areas; and enhanced access to transit.

Mr. Gardner talked about local revenues needed for the Plan to be put in place, how their assumption was set up, and from where the money would come along with the cost of the Plan over 20 years. He hoped the Plan would be adopted in the Spring for the referendum to be on the ballot in November. Responding to Council, Mr. Gardner stated there is no connection to RDU in the first phase of the Plan. He explained the fare box and what expenses it would cover.

CONSENT AGENDA

- Consent 01 Minutes of the March 15, 2016 Regular Council Meeting
- Consent 02 Apex Tax Report dated 2/1/2016
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #16CZ05, Jeff Mangas, EMH&T/Hendrick Automotive Group, petitioners for the property located at 1917 Laura Duncan Road
- Consent 04 THIS ITEM REMOVED FROM THE AGENDA : Set a Public Hearing for the April 19, 2016 Town Council Meeting regarding amendments to the Unified Development Ordinance and 2030 Land Use Map Amendments for the purpose of incorporating a non-residential percentage minimum in the Mixed Use Classification areas
- Consent 05 THIS ITEM REMOVED FROM THE AGENDA : Closing the parking lot in front of the Chamber of Commerce from 5:00 p.m. until 9:00 p.m. on the fourth Friday of the months of April, May, June, July, August, and September for the Finally Friday events sponsored by the Apex Downtown Business Association (ADBA)
- Consent 06 Amendment to Section 20-164 (20) of the Town of Apex Code of Ordinances prohibiting parking on both sides of Pine Plaza Drive between Shepherds Vineyard Drive and Laura Duncan Road
- Consent 07 Professional services agreement with VHB Engineering NC, P.C. in the amount of \$287,978.15 for Phase 2 of the grade separated design of the Apex Peakway at CSX Railroad/South Salem Street and authorize the Town Manager to execute same and associated Capital Project Ordinance Amendment in the amount of \$290,000

- Consent 08 Contracts for Phase I of Salem Pond Park to include grading, irrigation, sod, trail reconstruction, and parking lot improvements
- Consent 09 Policy on closing public rights of way for streets, roads, and alleys
- Consent 10 Set Public Hearing for the April 19, 2016 Town Council Meeting regarding application #16CZ02 Deer Creek II, containing 2.85 acres located along New Hill Road approximately 1850 feet south of US 64, to amend the 2030 Future Land Use Map from Mixed Use Commercial Services/High Density Residential/ Office Employment to Low Density Residential and rezone subject parcels from Rural Residential to PUD-CZ
- Consent 11 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 Pulte Home Corporation (Greenmoor Phase 2) property containing 20.210 acres located at Roberts Road and 0, 7405 Hickory Mountain Court, Annexation #575 into the Town’s corporate limits
- Consent 12 Set Public Hearing for the April 19, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 13 Street closure request for the 2016 Latino Art Festival
- Consent 14 Authorization for the Mayor to sign an updated Emergency Management Mutual Aid Agreement with Wake County
- Consent 15 Set the Public Hearing on April 19, 2016 for a Land Use Map amendment from Medium Density Residential to Commercial Services, and a rezoning application #16CZ07 (Roberts/ Green Level Church) to rezone 4.67 ± acres located at 7625 & 0 Roberts Road, and 8112 Green Level Church Road from Rural Residential (RR) to Neighborhood Business Conditional Zoning (B1-CZ)

MAYOR OLIVE 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 Olive stated the Regular Agenda was addressed at the start of the meeting.

PUBLIC FORUM

Veronica Alcine, member of the Raleigh Transportation Committee, addressed the Transit Plan stating that we need to look to alternative transportation options. She outlined how would these options would benefit all and provide vibrant communities. Wake County has consistently made investments in other areas that improve quality of life. Wake up Wake County supports the Plan to further improve that quality of life.

Tazra Mitchell addressed the Transit Plan. She related a story about a person she sees walking each morning along the highway. She asked Council to support Wake County Commissioners to get this referendum on the ballot. The Plan will enhance mobility and enable the economy to thrive. Public transportation is important to the young community. Ms. Mitchell talked about how expensive maintaining a vehicle can be. Transportation enhances productivity by getting a jump start on the work day in that one is free to respond to email, read the paper, etc. She encouraged Council to be proactive in having staff working together to make sure these systems are where people live and work.

Lib McGowan addressed repealing HB2 or the bathroom bill. This Bill was poorly written, rushed through, and is shown to have a negative effect on our State. Ms. McGowan stated there are three major issues in the Bill which have nothing to do with bathrooms and she named those issues. This Bill is already hurting us economically.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Hendrick Automotive Group property containing 1.897 acres located at 1917 Laura Duncan Road, Annexation #572 into the Town's corporate limits

Staff oriented Council to the site which is an expansion of Hendrick Toyota. Staff recommended approval.

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 ADOPT
THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex MI/Homes of Raleigh, LLC (Middleton) property containing 10.92 acres located between Howell Road and Holt Road, Annexation #573 into the Town's corporate limits

Staff oriented Council to the site stating this was not included in the original annexation. This would be for a pump station, and staff recommended approval.

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 ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE 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

There were no New Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

Work Session 01 : Stacie Galloway, Communications Manager
Continued discussion of logo design

Mayor Olive provided background on the discussions about a logo which were based originally on what would go on the newly-painted water tower. Staff presented two designs which Council liked previously, which were tweaked per Council request.

After some discussion by Council as to what it did and did not like about both designs, consensus was to use design number one with some further tweaking to the railroad tracks. Staff stated she will have the modification made then make another presentation to Council. Staff expressed her pleasure in being able to work with the local resident who submitted the design.

Work Session 02 : Vance Holloman, Finance Director
Discussion of Special Assessment Bonds

Staff stated Apex has not done these Bonds in the past. He made a brief presentation in February to the Planning Committee, and the decision was made to present this to Council. Staff gave a history of the assessments. He stated they allow local governments to levy special assessments and stated what that entailed. Explained were expenses through the life of the debt noting that NC is considered a good debt state.

Staff talked about the Local Government Commission (LGC) and overviewed their policies. The LGC would have to make a finding of feasibility. Assurances would need to be made, and staff outlined what would happen if there was a default on special assessments. He detailed the nine LGC policies on the use of Special Assessment Bonds (SABs). This type of process is not for every project. They would be limited to what was believed to be important to the town. These would not be used for a simple development project but for something special. Staff talked about the use of SABs in NC where there have been no defaults, the benefits of such a loan to the developer, and the fairness of this type of financing.

Responding to Council, staff stated if there are defaults, there would be resulting foreclosures. It would be important that the assessment was fully disclosed to property owners. It can be made a stipulation that the developer makes this disclosure up front. The Town can recover the cost of administering this, so it should not be an issue for the Town. Staff explained the differences between a TIF, responding to Council, and assessments. He additionally talked about why this has not been used much in NC.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor