



## Apex Town Council Meeting

Tuesday, January 17, 2017

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Eugene J. Schulze, Denise C. Wilkie,  
and Wesley M. Moyer, Council Members  
Drew Havens, Town Manager  
Timothy L. Donnelly, Assistant Town Manager  
David Hughes, 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, January 17, 2017, 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 William S. Jensen, Eugene J. Schulze, Denise C. Wilkie, and Wesley M. Moyer  
Also in attendance were Town Manager Drew Havens, Assistant Town Manager David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

### **COMMENCEMENT**

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

### **PRESENTATIONS**

#### **Presentation 01 : Mayor Lance Olive**

#### **Presentation of Service Awards to David Rowland and Lou Gregus**

Mayor Olive introduced David Rowland and provided a brief history of his employment with the Town of Apex and as a member of the Board of Adjustment. He presented him a plaque for his years of service on the Board of Adjustment. Mr. Rowland stated he appreciated the staff's service to the Town and noted that he thought the Town was moving in the right direction.

Mayor Olive introduced Lou Gregus, provided a brief history of his time on the Board of Adjustment, and presented him a plaque for his years of service. Mr. Gregus thanked Council for the opportunity to serve and stated he would be willing to serve in other capacities as well.

**Presentation 02 : T.J. Lynch, AWWA-WEA Trustee Board Member (WEA Delegate) and Assistant Utilities Director for the City of Raleigh**

**Presentation of the 2016 Wastewater Treatment Plant Operations & Maintenance Excellence Award for the Central Region to the Town of Apex Water Reclamation Plant staff**

Mr. Lynch gave a brief history of how his Committee selects its awardees. He provided Water Reclamation statistics and cited some of the accomplishments of the Apex team. John Cratch, Manager, Water Reclamation, accepted the plaque from Mr. Lynch and congratulated his staff. He stated he appreciated the support of management and thanked Council for the resources necessary to achieve his team's goals.

**Presentation 03 : Donald Gintzig, President and CEO of Wake-Med**

**Presentation updating Council on what is happening with Wake-Med in general and specifically their Apex campus**

Mr. Gintzig gave a presentation on Wake Med, the largest employer in the area. He complimented Council on the outstanding job they do for the Town.

## **CONSENT AGENDA**

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- Consent 01** Minutes of the December 20, 2016 Regular Council Meeting, the January 3, 2017 Regular Council Meeting, and the December 20, 2016 and January 3, 2017 Closed Session Minutes (*Closed Session Minutes recorded separately*)
- Consent 02** Statement of the Town Council and Ordinance for Rezoning Case #16CZ25 Harris Property PUD, Jason Barron, attorney for Northview Partners LLC/ Gerald Ray and Sandra M. Harris, petitioners for the property located at 2010 Laura Duncan Road
- Consent 03** Identity Theft Prevention Program Annual Risk Assessment 2016
- Consent 04** Douglas Roscoe (Ross) Stocks, P.E., appointment to the Board of Adjustment
- Consent 05** Construction contract, and authorization for the Town Manager to execute same, and budget ordinance amendment and capital project ordinance amendment for sidewalk construction on Evans Road
- Consent 06** Apex Tax Report dated 12/06/16
- Consent 07** Set a Public Hearing for Tuesday, February 7, 2017 at 7:00 p.m. to receive citizen input regarding the formulation of the Fiscal Year 2017-18 Annual Budget
- Consent 08** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of December 20, 2016
- Consent 09** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of December 20, 2016 regarding Wireless Support Structures
- Consent 10** Budget Ordinance Amendment Number 17 and a Water Sewer Capital Project Ordinance Amendment to appropriate funds for current water projects which are being constructed under the Cary/Apex Water Agreement

**Consent 11    Joint request with the Town of Cary for a local act in the North Carolina General Assembly to temporarily extend the jurisdictional limits of the Apex Police Department into the corporate limits of the Town of Cary, specifically at the temporary location of Apex High School (7612 Roberts Road)**

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 CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER  
MOYER MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## **PUBLIC FORUM**

In accordance with North Carolina General Statute 160A-81.1, the Apex Town Council will hold Public Forum during the first Regular Council Meeting of each month

## **PUBLIC HEARINGS**

**Public Hearing 01 : Shannon Cox, Transportation Planner**

**Amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map within Pinnacle Park as requested by the Town of Apex Planning Department**

Staff oriented Council to the site, explaining this was a clean-up item. The Planning Board 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 APPROVE THE AMENDMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 02 : Amanda Bunce, Senior Planner**

**Amendments to the Unified Development Ordinance. This item was continued at the December 20, 2016 to allow more time for public input.**

Staff oriented Council to the amendments, answering Council questions on buffers.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, spoke about the buffer situation, indicating those with which he had issues.

Jeff Roach, Peak Engineering and Design, stated he basically had the same concerns as Mr. Jones. He asked for more time for the development community to evaluate the impact of the proposed buffers. He also spoke about play lawns and garages.

Mayor Olive declared the Public Hearing closed.

Council made comments about the privacy of buffers, side entries, play lawns, and what HOA's are and are not able to do. Council stated he felt some of the amendments needed more thought. Council stated she felt buffers hiding businesses is a problem. She also spoke about play lawns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE  
AMENDMENTS EXCLUDING 1, 4, AND 6; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Council asked that Amendment 1 be referred back to the Planning Committee for discussion regarding buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SEND AMENDMENT 1 TO COMMITTEE  
FOR EVALUATION/CHANGES AS NECESSARY; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Council asked that Amendment 4 be referred back to the Planning Committee for discussion regarding play lawns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SEND AMENDMENT 4 TO COMMITTEE  
FOR DISCUSSION REGARDING PLAY LAWNS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

Council talked about the problem of parking in driveways and on the streets in certain areas, this in reference to Amendment 6.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO SEND AMENDMENT 6 TO THE PLANNING COMMITTEE FOR EVALUATION/CHANGES AS NECESSARY; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 03 : Brendie Vega, Principal Planner**

**2030 Land Use Map amendment from Medium Density Residential to Office Employment, and rezoning #16CZ33 (Roberts Road) to rezone 6.39 ± acres located at 7421, 7429, & 7433 Roberts Road from Rural Residential (RR) to Office and Institutional Conditional Zoning (O&I-CZ)**

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and staff recommended approval. Staff answered Council questions about buffers.

Stuart Jones, Jones and Cnossen Engineering, thanked staff for working with him on this. Three property owners came together to try to make the best use of their properties. There was only one person in attendance at the neighborhood meeting, a representative from Toll Brothers, who stated this might be an improvement in the area. Mr. Jones stated he felt they were following Council's wishes for more non-residential.

Mayor Olive declared the Public Hearing open.

Mellani Hock stated her concerns about loitering in the area, odors, and noise.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions on buffers. Mr. Jones offered a condition regarding buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE AMENDMENT AND REZONING WITH THE ADDED CONDITION OFFERED BY THE APPLICANT;

COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 04 : Brendie Vega, Principal Planner**

**Amendments to the 2030 Land Use Map recommended by the Town Council Planning Committee to add Commercial Services or Office Employment uses at future major intersections**

Staff oriented Council to the site. The Planning Board recommended approval of Amendments 1-3 and consideration that Amendment 4 be sent back to the Planning Committee so that input from the surrounding property owners could be heard by that Committee.

Mayor Olive declared the Public Hearing open.

Alem Woreta stated he was in support of the 2030 Plan. He was excited and happy to see this approved.

Stuart Jones, Jones and Cnossen Engineering, asked questions about the scale of the maps in reference to transitions.

Floyd Crump wanted to make sure that this would not affect his lot, Council and staff stating it would not.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR AMENDMENTS 2 AND 4 TO GO BACK TO THE PLANNING COMMITTEE FOR REVIEW AND THAT THE REMAINING AMENDMENTS BE APPROVED AS PRESENTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 05 : Russell Dalton, Transportation Engineer**

**Closing a portion of James Street, reserving a Variable Width Electric Easement**

Staff reminded Council of its earlier motion and re-oriented Council to the site, explaining why this portion of road is no longer needed.

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 CLOSING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 06 : Amanda Bunce, Senior Planner**

**Rezoning application #16CZ30 (Preserve at White Oak Creek-revised PUD) to rezone 133.02± acres located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road from Rural Residential (RR) and Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)**

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the applicant agreed on adding sidewalk along a portion of the property. Planning Board and staff recommended approval. Staff answered Council questions regarding buffers, neighbor concerns, and road adequacy for an increase in traffic.

Mayor Olive declared the Public Hearing open.

Adam Ashbaugh, the applicant, stated this was the second part of a previously approved project. He spoke about what they wished to do in this development as far as roads, traffic signals, etc. Council asked Mr. Ashbaugh to renew the original meeting with DOT, and complimented him on how he chose to interact with the neighbors.

Mayor Olive declared the Public Hearing closed.

Mr. Ashbaugh refreshed Council's recollection of/oriented Council to the original conversation on this matter a few years ago.

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

## **OLD BUSINESS**

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There were no Old Business items for consideration.

## **UNFINISHED BUSINESS**

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There were no Unfinished Business items for consideration.

## **NEW BUSINESS**

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**New Business 01 : Amanda Bunce, Senior Planner**

**Preserve at White Oak Creek revised Master Subdivision Plan for the properties located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road containing 133.02± acres and 330 lots (20 new single-family lots)**

Staff oriented Council to the site. Planning Board recommended approval of the request.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council stated he wished to see traffic looked at in this area. The applicant further detailed the situation regarding roads. He stated he would be happy to further meet with DOT on this issue.

THE MOTION CARRIED BY A 5-0 VOTE.

**CLOSED SESSION**

There were no Closed Session items for consideration.

**WORK SESSION**

There were no Work Session items for consideration.

**ADJOURNMENT**

With there being no further business, Mayor Olive adjourned the meeting.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor