

**DRAFT - These Minutes have not as
yet been approved by Town Council
April 12, 2017**

Apex Town Council Meeting Minutes
Book 2017 - Page 61



Apex Town Council Meeting
Tuesday, April 4, 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
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, April 4, 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 Pro Tem Nicole Dozier

Proclamation proclaiming April 29, 2017 as "Think Apex Day"

Mayor Pro Tem Dozier read the Proclamation which was signed by Mayor Olive.

Presentation 02 : Russell Dalton, Traffic Engineering Supervisor

Presentation on the history and current status of the Apex Peakway Southwest Connector project

Staff stated this project is getting ready to go into final design. He presented the history of the project from inception to present along with a detailed scope of the project.

Council asked about shifting the alignment of the wall in order to provide more buffering, staff explaining why this was not beneficial. Council asked about the noise, staff explaining why an extra barrier was not recommended but could be looked into further. Council asked for extra buffering to be a priority.

Council asked about placement of the wall in order to assist in buffering. Staff stated project impact would be looked at by the appraisers and addressed with the property owners. Discussion centered on the loop and selling parts of the Shangri La properties which Council asked staff to pursue. Possible environmental impacts were discussed.

CONSENT AGENDA

- Consent 01 Minutes of the March 21, 2017 Regular Council Meeting and the Closed Session Minutes of March 21, 2017
(Closed Session Minutes recorded separately)
- Consent 02 Resolution Authorizing 2017 Cary/Apex Water Treatment Facility Agreement between the Towns of Cary and Apex
- Consent 03 Statement of the Town Council for Rezoning Case #17CZ01, Stuart Jones, Jones & Cnossen Engineering, PLLC/Jennifer A. Quick, petitioners for the property located at 0 and 800 S. Salem Street
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #17CZ02, Don Mizelle, Withers Ravenel/Carlton Midyette, Darlington Advisors, LLC, petitioners for the property located at 3801 Green Level West 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 James W. Kelly (Jenks Crossing) property containing 9.74 acres located at Holt Road and Old Jenks Road, Annexation #588, into the Town's corporate limits
- Consent 06 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 Olive Chapel Professional Park, LLC property containing 8.698 acres located at 1409 and 1429 Chapel Ridge Road, Annexation #589 into the Town's corporate limits
- Consent 07 Set Public Hearing for the April 18, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Construction contract and authorization for the Town Manager to execute same, Budget Ordinance Amendment No. 24, and Capital Project Ordinance Amendment for U-5118 AE NC 55 Operational Improvements
- Consent 09 Construction contract and authorization for the Town Manager to execute same for Improvements on Ivy Glen Drive & Hinton Street
- Consent 10 Construction contract and authorization for the Town Manager to execute same for Storm Drainage Improvements at Chatham Street & Tunstall Street
- Consent 11 Set Public Hearing for the April 18, 2017 Town Council Meeting regarding amendments to the Unified Development Ordinance related to stormwater and riparian buffer standards
- Consent 12 Encroachment Agreement for fence post, sleeves, and gates across a portion of the 40-foot Public Utility Easement
- Consent 13 Submission of \$250,000 grant request to N.C. Parks and Recreation Trust Fund to aid in the purchase of a portion of 21.45 acres located in southwestern Apex for a future Public Park

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

PUBLIC FORUM

Landon Carroll spoke about the traffic at Thales Academy and the digital signs that were put up asking vehicles not to stop on Hunter Street. The Mayor stated the Police Chief met with Thales officials, and they are now working together to find a solution. Mr. Carroll did not believe the General Statutes and Ordinance applied to this situation. He stated this goes on all over town. He asked for a traffic study that was apparently lost but staff provided him information. He asked for the traffic study for Hunter Street Park but one was not done. He talked about the Park originally slated to have school lanes.

Regarding the connector bridge, Chris Boudreaux presented petitions representing 196 houses in Whitehall Manor. He asked about shifting the bridge and tracks so that each side would have equal views of the wall and bridge. He stated this will not have a positive impact on their neighborhood.

Greg Dallas stated the bridge was squashed years ago by a Council Member. There are other options, but this seems to be about money. We should not rush into a bad design. Mr. Dallas talked about the good designs in other areas of town. He spoke about the sound report and the sounds that will be coming from the railroad tracks. He was glad the Town Manger and Mayor are committed to working with CSX.

Alison Gantt spoke representing Whitehall Manor residents. She showed renderings of what the walls would look like at ground level behind Council Member houses. She asked Council not to support the bridge.

Maria Sierra stated they bought their house in 2015 and were not told this was going to happen. Because of what will be increased traffic, safety will be a concern for the children who walk the streets. She talked about the possible runoff into their yards during construction, what would happen if a train fell into their backyards, and future tax valuations.

Greg James stated his son was a reminder of why he was in attendance. They wish to see a residential-friendly collector option on James Street, and he talked about what they would like to see.

David Barnhart stated the bridge would create more traffic and prohibit their ability to get out of their neighborhood. He stated the Peakway was supposed to help alleviate traffic. The bridge will be a band aid. Handling the true traffic needs to be figured out. Don't send it to their neighborhood.

Craig Vance stated he was directly impacted by the easement. He wanted the details worked out before a plan is adopted. The easement goes up to his back porch, and they will lose the use of their yard until the bridge is completed.

Jeff Roach thanked Council for their support of Germaine Village and trusting them to come up with a quality project. He presented the history of the project, stating that houses are selling before they hit the market. He hopes they can do more projects in town.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

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

Closed Session to (1) receive legal advice from the Town Attorney, (2) consider terms of property acquisition #1, (3) consult with the Town Attorney related to handling of the matter of the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. NC Environmental Management Commission, NC Department of Environmental and Natural Resources and the Town of Cary and the Town of Apex, and (4) consider terms of property acquisition #2

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor