



Apex Town Council Meeting

Tuesday, March 6, 2018

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and
Brett D. Gantt, Council Members
Drew Havens, Town Manager
David Hughes, Assistant Town Manager
Shawn Purvis, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 6, 2018, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive and Council Members William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and Brett D. Gantt
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of February 20, 2018
- Consent 02 Apex Tax Report dated 01/02/18
- Consent 03 Cemetery Refund Request in the amount of \$350 to Michael Zingale
- Consent 04 Street closings for 2018 Olde Fashioned Fourth of July

- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #17CZ27, Mick Michael, JS Development, LLC / John & Cynthia McMains, Robert Andrew Henry, Mark & Kristy Seaboch, Joanne Shaheen, petitioners for the property located at 605, 617, 621, & 625 Wimberly Road
- Consent 06 Amendment to Section 20-71 (b) of the Town Code of Ordinances with the addition of subsections (3)-(7) establishing one-way traffic flow on sections of streets that have already been constructed to carry traffic in one direction of flow
- Consent 07 Amendment to Section 20-164 of the Town Code of Ordinances with the addition of subsection (27) establishing a No Parking zone on the south side of Reedybrook Crossing, from Creekside Landing Drive to a point 300 feet west
- Consent 08 Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances
- Consent 09 Budget Ordinance Amendment No. 19 to appropriate an additional \$27,727 for the completion of a multi-use path on Apex Barbecue Road to serve Scotts Ridge Elementary School and to authorize the Town Manager to sign the Supplemental Agreement with Wake County Public School System increasing overall project funding
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of February 20, 2018
- Consent 11 Ordinances modifying Town Code Section 14-14 as to a Portion of Salem Street Closed for a Special Event(s) during Pig Fest and Music Fest
- Consent 12 Set the Public Hearing on March 20, 2018 for rezoning application #18CZ02 Friendship Station PUD Amendment. The applicant, Jones & Cossen Engineering, on behalf of Friendship Station, LLC, seeks to rezone approximately 203.7± acres located at 0, 3113, 3136, 3148, and 3232 Olive Farm Rd; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Road; 0, 0, 2804, 2816, 2908, and 2916 Richardson Road; 2705 and 2712 Butterfinger Lane; 0 Macintosh Wood Drive; and parts of 2800 Richardson Road from Planned Unit Development-Conditional Zoning (#17CZ04) to Planned Unit Development-Conditional Zoning, to change conditional zoning conditions
- Consent 13 Set the Public Hearing on March 20, 2018 for rezoning application #18CZ03 (Peakway Village PUD Amendment). The applicant, Robert Seymour III, on behalf of Peakway RES Office, LLC, seeks to rezone approximately 1.58± acres located at 1001 Olive Chapel Road from Planned Unit Development-Conditional Use (#03CU17) to Planned Unit Development-Conditional Zoning to change a zoning condition.
- Consent 14 Set Public Hearing for the March 20, 2018 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 15 Set Public Hearing for the March 20, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to lighting standards
- Consent 16 Special Event Permit and to close two parking spaces on Salem Street, in front of 113 N. Salem Street, between 4:30 p.m. and 6:15 p.m. on Saturday, March 17, 2018 to allow for a brief performance by the NC State Pipes and Drums band as part of a St. Patrick's Day celebration sponsored by the Salem Street Pub
- Consent 17 Revisions to the Town Standard Specifications and Standard Details

Mayor Olive stated that the requestor for Consent 15 asked that this item be pulled from the Consent Agenda.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE REMOVAL OF CONSENT 15. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Steve Swamp stated he was in favor of Pleasant Park but that he had serious concerns. He spoke about why he was in favor of the Park, indicating that the Planners took into consideration neighbor concerns. He still, however, had a concern about traffic, noting that traffic is getting worse even before construction begins. Mr. Swamp spoke about specific areas of congestion and resulting safety concerns. He asked Council for a traffic study.

Mayor Olive stated that comments made by Mr. Swamp should not be considered by Council when making a decision about the subject matter of Quasi-Judicial Public Hearing 01, Pleasant Park.

PUBLIC HEARINGS

Public Hearing 01 – Quasi-Judicial : Sarah Rayfield, Senior Planner

Quasi-Judicial Public Hearing and Major Site Plan for Pleasant Park, 92.19 acres located at 3400 Pleasant Plains Road

Mayor Olive stated the guidelines and process involved in this Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

Brian Myer, Assistant Town Attorney for the Town of Apex, stated he would be representing the applicant, the Town of Apex. There was no one in opposition of the request.

All Council Members stated they had no communication with the applicant, there were no conflicts of any type, and that each would be able to make unbiased decisions. None had intentionally viewed the site.

OPENING STATEMENT BY APPLICANT: Mr. Myers stated this was the next step in the Pleasant Park project following approval of the Bond. The Site Plan met all Standards and the UDO.

OPENING STATEMENT BY STAFF: None.

EVIDENCE PRESENTED BY STAFF: Sarah Rayfield presented her credentials and work history. She oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: Ms. Rayfield answered questions related to the height of the lighting poles. Shannon Cox, Transportation Planner, spoke about updating of the transportation plan and answered questions related to a second exit. Russel Dalton, Senior Transportation Engineer, spoke to the question of a quiet zone. Ms. Rayfield confirmed there would be an open field space and answered questions related to buffers and the location of light poles on fields. Mr. Dalton answered questions about traffic and a signal warrant study.

CROSS EXAMINATION OF STAFF BY THE APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: Mr. Myers stated he wished the staff report and presentations to be entered into evidence. He asked Council to take note of the Standards of the UDO and the Land Use Plan.

Jason Bertoncino, Withers Ravenel, stated his credentials and work history. Mr. Bertoncino made clarifications related to previous traffic studies, stormwater controls, phasing of the project, lighting, the open field, and the rigorous aspects of this project

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Bertoncino answered Council questions related to buffers, fencing, a pedestrian crossing, an electronic signal, and sidewalks.

REBUTTAL EVIDENCE BY STAFF: None.

REBUTTAL EVIDENCE BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: Mr. Myers stated the request met the Standards and he asked Council for approval of the request.

Mayor Olive referred Council to the Checklist. Council expressed concern about traffic and pedestrian safety.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor