



Apex Town Council Meeting

Tuesday, March 21, 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, March 21, 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 Tim Donnelly, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Police Chief John Letteney

The Apex Police Department has been named the "Law Enforcement Agency of the Year" by the North Carolina Chapter of Mothers Against Drunk Driving (MADD) and Chief Letteney will "re-present" the award to members of the Department's Traffic Safety Unit

Chief Letteney stated this award was presented a few weeks ago by MADD. While a member of MADD could not be in attendance this evening, the Chief thought it important to re-present the award in this formal setting. He read the letter from MADD of the Apex Police Department accomplishments and presented the award to the officers.

CONSENT AGENDA

Consent 01 Minutes of the March 7, 2017 Regular Council Meeting and Closed Session Minutes of February 7, 2017 and March 7, 2017 (*Closed Session Minutes Recorded Separately*)

Consent 02 Apex Tax Report dated 02/13/17

- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving the Cambridge Village Phase 2 Major Site Plan
- Consent 04 Findings of Fact, Conclusions of Law, and Decision approving The Reserve at Mills Farm Major Site Plan
- Consent 05 One-Year Extension for the Agreement between Greenway Waste Solution of Apex and the Town of Apex
- Consent 06 Amendments to administrative value time periods identified in the Municipal Records Retention & Disposition Schedule (last adopted in 2012)
- Consent 07 Designation of Barrs Recreation as the sole source provider for the Fitness Equipment approved for installation at Apex Community Park
- Consent 08 Approval of new positions of Code Enforcement Officer and Utility Locate Technician effective immediately and addition of 10 hours to existing Human Resources Technician effective May 1, 2017
- Consent 09 Approval of Electronic Records & Imaging Policies & Procedures to allow for the disposal of certain original records duplicated by electronic means

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER 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 AS PRESENTED. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER 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 : Angela Reincke, Parks Planner & Land Acquisition Specialist

Public Hearing and amendment to the existing Parks, Recreation, Greenways, and Open Space Master Plan map to reinstate public greenway section connecting Haddon Hall Subdivision to undeveloped property as well as providing a new connection to Peachtree Landing TND

and

Public Hearing 02 : Shannon Cox, Transportation Planner

Public hearing and amendment to the Transportation Plan's Bicycle, Pedestrian, and Equestrian Plan map to extend the Haddon Hall Greenway as requested by the Town of Apex Planning Department and Town of Apex Parks and Recreation Department

[Hearing01] Staff oriented Council to the changes in the Parks Master Plan map.

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

[Hearing02] Staff oriented Council to the change in the Transportation Map which was in conjunction with the action taken for Public Hearing 01. This was recommended for approval by the Planning Board.

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

Public Hearing 03 : Shannon Cox, Transportation Planner

Public Hearing and amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to realign the existing intersections at Apex Barbecue Road and Olive Chapel Road, Richardson Road and Mt. Zion Church Road, and Davis Drive Road and Salem Church Road

Staff oriented Council to the three proposed amendments and their respective locations, which are all realignments of existing roads. Design speed standards were explained. Staff answered Council questions regarding stop lights.

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

Public Hearing 04 : Brendie Vega, Principal Planner

Public hearing and amendment to the 2030 Land Use Map recommended by the Town Council Planning Committee to add Commercial Services to the existing Medium Density Residential south of the Richardson Road and Humie Olive intersection

Staff oriented Council to the amendment, stating this was recommended by the Planning Committee. The Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, representing the applicant, stated he appreciated staff working with them on this. They fully supported the amendment.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and possible motion regarding rezoning application #17CZ01 (800 S. Salem Street) to rezone 7.17 acres located at 0 and 800 S. Salem Street from Medium Density Residential (MD) to High Density Multi-Family Residential - Conditional Zoning (HDMF-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The applicant's conditions were stated. The Planning Board recommended approval 5-3 with the conditions proposed by the applicant. Staff recommended approval. Staff, responding to Council, answered questions regarding buffers and compatibility.

Mayor Olive declared the Public Hearing open.

Jennifer Churchill gave a brief history of her family's ownership of this property. They need the money from the sale of the land to work on their historical home. She spoke about taxes and this being land they are not using.

Kalani Bauer, Sugarland Run HOA board member, opposed the rezoning with or without conditions. She gave a brief history of their purchasing their land. Ms. Bauer talked about development not being compatible, its effect on the environment and wildlife corridor, and the perennial stream.

Jim Pratt was concerned about the stream and the intermittent stream buffer, which he feels should be protected and maintained.

Kathleen Waylett was opposed as this is not compatible with the area and their property. The size and nature of the buildings could dwarf their homes. She stated the conditions they would like to see instituted.

Stuart Jones, Jones and Crossen Engineering, representing the applicant, stated the property does not include the historic home which will remain on the property. He presented a change they wished to make to one of the conditions which was in line with what the neighbors asked for. He reminded Council the request met all conditions and was recommended for approval by Planning Board and staff. He stated the stream has been confirmed as intermittent. They have met with the neighbors. He spoke about density and compatibility, consistency, historic home preservation, and traffic access. Mr. Jones answered questions posed by Council.

Mayor Olive declared the Public Hearing closed.

Staff answered questions from Council about lot size. Council discussed this being a possible PUD, compatibility issues, and the environmental and property value impact.

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

Mr. Jones asked to have this tabled for 30 days in order for them to discuss the possibility of a PUD. That process was explained, and Mr. Jones agreed to continue with the vote.

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

Public Hearing 06 : Amanda Bunce, Senior Planner

Public Hearing and possible motion on rezoning application #17CZ02 to rezone 7.353± acres located at 3801 Green Level West Road from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)

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

Mayor Olive declared the Public Hearing open.

Jason Bertoncino , Withers Ravenel, representing the applicant, clarified concerns expressed by Council and presented the intent of the rezoning.

Carlton Midyene, representing the property owners, spoke about conversations with the other owners and those owners asking the applicant to move ahead without the addition of their land.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Apex Independent Living, LLC (portion of Cambridge Village) property containing 1.091 acres located at 11000 Cambridge Village Loop, Annexation #595, into the Town’s corporate limits

Staff oriented Council to the site and stated it 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 DOZIER MADE THE MOTION TO APPROVE THE
ORDINANCE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Chatham Partners Windy Ridge, LLC (Meridian at Nichols Plaza) property containing 15.38 acres located at Pine Plaza Drive, west of Park Summit Boulevard and north of Costco Wholesale, Annexation #596 into the Town’s corporate limits

Staff oriented Council to the site and stated it 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 MOYER MADE THE MOTION TO APPROVE THE
ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 09 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Raleigh Land Fund I, LLC (portion of The Preserve at White Oak Creek future right-of-way) property containing .058 acres located on Secluded Acres, Annexation #598 into the Town’s corporate limits

Staff oriented Council to the site stating it 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 ORDINANCE; 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

Unfinished Business 01 : Brendie Vega, Principal Planner

Amendments to the 2030 Land Use Map recommended by the Town Council Planning Committee to add Commercial Services to the existing Medium Density Residential along the W. Williams and Old Smithfield Road intersection

Staff oriented Council to the site and stated Planning Committee and staff recommended approval.

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

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Possible motion to approve Villages of Apex South Lot 2 Master Subdivision Plan for the 4.67 acre property located at the southeastern corner of Ambergate Station and the Apex Peakway. The applicant proposes 42 townhome units.

Staff oriented Council to the site stating Planning Board and staff recommended approval.

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

CLOSED SESSION

To discuss the acquisition of real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER WILKIE
MADE THE MOTION; COUNCIL MEMBER MOYER 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.

Mayor Olive gave the Council details on his attempts of last week to partner with Waterford, Ireland as a sister city. He could not obtain agreement as they were concerned about budget. The Mayor stated he would keep the door open to Waterford for a few more months and then pursue other options. A sister city would be good for cultural relationships.

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