



Apex Town Council Meeting

Tuesday, April 18, 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 18, 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, Budget and Management Analyst Amanda R. Grogan, and Town Attorney Laurie L. Hohe
Absent was Town Clerk Donna B. Hosch

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Moyer gave the Invocation, and the Pledge of Allegiance was offered by all.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- 1) Motion to approve Minutes of the April 4, 2017 Regular Council Meeting
- 2) Motion to approve Apex Tax Report dated 03/09/17
- 3) Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation - Apex Town Council's intent to annex Erick C. and Zulice C. Juarez property containing .804 acres located at 1101 Twin Creek Road, Annexation #601 into the Town's corporate limits
- 4) Motion to approve an Amended and Restated Encroachment Agreement for Lots 324, 325, and 326 Parkside at Bella Casa Phase 10B for concrete drives over a TOA 20-foot sewer easement

- 5) Motion to approve Budget Amendment 25 increasing restricted revenues for Inspection related permits and increasing expenditures for Building Inspections Department
- 6) Motion to approve a Budget Amendment for \$93,750.00 to replace all parts (chassis, engine, etc.) of a 2003 Sterling Limb Truck for Solid Waste except for the body which will be removed and reattached to the new chassis
- 7) Motion to provide for increased funding in the amount of \$75,000.00 for the Public Safety Station 5 project to cover additional costs
- 8) Motion (1) to adopt a resolution approving the Consolidated Inspections Inter-Local Agreement for Wake County and Wake Tech Projects and; (2) to approve extending the Wake County Public School System Inspections Inter-Local Agreement set to expire in March of 2018. This is the first amendment to this ILA and extends it another ten years.
- 9) Motion to approve changes to Chapter 14 of the Code of Ordinances related to prohibited noises
- 10) Motion to set the Public Hearing concerning the proposed Fiscal Year 2017-18 Budget for Tuesday, May 2, 2017 at 7:00 p.m. at Apex Town Hall
- 11) Motion to approve an Ordinance to amend sections 15-9 and 18-11 of the Code of Ordinances related to special events
- 12) Motion to approve Cannon Technologies as the Sole Source Provider of Load Control Devices
- 13) Motion to approve Budget Amendment 28 in the amount of \$350,000 for the acquisition of real property

COUNCILMEMBER SCHULZE MADE A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADDITION OF CONSENT ITEM 13.

THE MOTION WAS SECONDED BY COUNCILMEMBER DOZIER, AND PASSED UNANIMOUSLY (5-0).

REGULAR MEETING AGENDA

COUNCILMEMBER JENSEN MADE A MOTION TO APPROVE THE REGULAR MEETING AGENDA. THE MOTION WAS SECONDED BY COUNCILMEMBER MOYER, AND PASSED UNANIMOUSLY (5-0).

PUBLIC FORUM

No public forum was held at this meeting. In accordance with North Carolina General Statute 160A-81.1, the Apex Town Council holds Public Forum during the first Regular Council Meeting of each month.

PUBLIC HEARINGS

Public Hearing 01: Ordinance 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

Dianne Khin, Planning Director, presented the request for annexation and stated the applicant would need utilities to get construction plans approved. Approval was recommended. Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. Councilmember Schulze made a motion to

approve Annexation #588. The motion was seconded by Councilmember Wilkie, and passed unanimously (5-0).

Public Hearing 02: Ordinance 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

Dianne Khin, Planning Director, presented the request for annexation and stated the applicant would need utilities to get construction plans approved. Approval was recommended. Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. Councilmember Moyer made a motion to approve Annexation #589. The motion was seconded by Councilmember Jensen, and passed 4 -1, with Councilmember Dozier opposing. Councilmember Dozier stated she voted in opposition consistent with her previous vote.

Public Hearing 03: Amendments to the 2030 Land Use Map recommended by the Town Council Planning Committee to add Commercial Services and Office Employment to the existing Low and Medium Density Residential at the New Hill Olive Chapel Rd and Humie Olive Rd intersection

Dianne Khin, Planning Director, presented the amendment and stated the area had been previously identified as an activity node, with the intention being for recreational uses related to the American Tobacco Trail. The Planning Committee is recommending the addition of Commercial Services and Office Employment to approximately 38.4 acres currently on the 2030 Land Use Map as Low and Medium Density Residential with a note to consider the location of the New Hill Valley Railway and the existing ponds and drainage patterns in the area.

Mayor Olive declared the Public Hearing open. Stephanie Thompson, 8917 Barker Road, New Hill, NC stated she had attended the Planning Board meeting, but she had questions about what allowed uses would be allowed if the change was approved. Mayor Olive advised Ms. Thompson to contact Planning staff to answer questions regarding the Land Use Map and possible uses. Scott Smith, a representative from New Hope Valley Railroad, stated that the rail line is active and asked the Town Council consider the noise and activity related to an active rail line the prior to approving any projects. Ms. Khin commented that now was not the time to discuss specific uses of the property, but when and if a rezoning was requested. Staff would work with developers on appropriate uses at that time. Mayor Olive commented that he trusted staff to help guide the development community.

Mayor Olive declared the Public Hearing closed. Councilmember Schulze made a motion to approve the Amendments to the 2030 Land Use Map. The motion was seconded by Councilmember Jensen, and passed unanimously (5-0).

Public Hearing 04: Amendments to the Unified Development Ordinance related to solar in Resource Conservation Areas

Amanda Bunce, Principal Planner, presented the UDO Amendments to Sec. 8.1.2 *Resource Conservation Area* in order to allow solar panels and all associated equipment on the dam of a BMP/SCM when that BMP/SCM is classified as Resource Conservation Area. The Planning Board had unanimously recommended denial of the amendment at the April 10, 2017 meeting. Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. After discussion, the consensus of the Town Council was that while there were concerns about construction, aesthetics, and impact on neighboring properties within the sightlines, there were enough steps in the approval process to address concerns. The installation of solar panels would not be a requirement, but an option.

Councilmember Jensen made a motion to approve the Amendments to the Unified Development Ordinance related to solar in Resource Conservation Areas and direct staff to draft language on impact and aesthetics. The motion was seconded by Councilmember Moyer, and passed unanimously (5-0).

Public Hearing 05: Various Amendments to the Unified Development Ordinance

Amanda Bunce, Principal Planner presented the following amendments to the Unified Development Ordinance:

1. Amendment to Sec. 7.1.9 *Inspection Fees as Prescribed* in order to update the language based on current practices.
2. Amendment to Sec. 7.3.9 *Private Play Lawns* in order to ensure that private play lawns remain play lawns until after the developer transfers the HOA to the resident members.
3. Amendment to Sec. 7.5.4(B) *Base Material, Paving, Curbs and Gutters, and Sidewalks* in order to remove text that should only be referenced in the *Town of Apex Standard Specifications and Standard Details*”.

The Planning Board considered these UDO amendments at their April 10, 2017 meeting and unanimously recommended approval. Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. Councilmember Dozier made a motion to approve the amendments to the Unified Development Ordinance as presented. The motion was seconded by Councilmember Wilkie, and passed unanimously (5-0).

Public Hearing 06: Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance related to stormwater management

Amanda Bunce, Principal Planner, presented the following UDO amendments in response to changes in State legislation:

1. Amendments to various sections of the UDO to replace “stormwater best management practice”, “structural BMP”, “BMP”, “stormwater management facility” and “engineered stormwater controls” with “stormwater control measures” and “SCM” based on recent changes to State law.
2. Amendments to UDO Sec. 6.1.11.G *Uses Permitted Within the Riparian Buffer* in order to add or amend two permitted uses based on recent State legislation.
3. Amendments to UDO Sec. 12.2 *Terms Defined* in order to add definitions for “Airport Facilities” and “Stormwater Control Measure”, remove the definitions for “Structural BMP” and “Engineered Storm Water Control Structure”, and change “NC DEQ Stormwater BMP Manual” to “NC Stormwater Design Manual”.
4. Amendment to UDO Sec. 4.3.2 *Use Classifications, Public and Civic Uses* in order to clarify the definitions for “Airplane Landing Strip” and “Airport”.
5. Amendments to UDO Secs. 6.1 *Watershed Protection Overlay Districts* and 6.2 *Flood Damage Prevention Overlay District* in order to make various style and formatting changes to ensure consistency with the remainder of the UDO.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed.

COUNCILMEMBER SCHULZE MADE A MOTION TO APPROVE THE AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE RELATED TO STORMWATER MANAGEMENT. THE MOTION WAS SECONDED BY COUNCILMEMBER WILKIE, AND PASSED UNANIMOUSLY (5-0).

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

Policy regarding the Administration of the Façade Improvement Grant program within the Central Business District

Michael Clark, Senior Planner presented proposed changes to the Façade Improvement Grant program within the Central Business District. Currently, there is no policy, only guidelines outlines in the

application. Additionally, the grant is limited to \$5,000 per Fiscal Year. The proposed changes would provide up to 50% of the cost of the exterior rehabilitation based on the following tiers:

- Tier 1: up to a maximum of \$2,000.00 per façade for paint and awnings, or 50% of the cost, whichever is less.
- Tier 2: up to a maximum of \$5,000.00 per façade for structural improvements including window replacement, brick repair and repointing, door replacement, and similar structural repairs or replacement, or 50% of the cost, whichever is less.

Applicants would also be able to submit for one Tier 1 grant and one Tier 2 grant within the same fiscal year, not to exceed \$10,000 to any one property within any 36 month period. The grant would be paid after work is completed and documentation showing work has been completed is submitted. Review and possible motion to approve a Staff recommends approval of the changes.

COUNCILMEMBER DOZIER MADE A MOTION TO APPROVE POLICY REGARDING THE ADMINISTRATION OF THE FAÇADE IMPROVEMENT GRANT PROGRAM WITHIN THE CENTRAL BUSINESS DISTRICT. THE MOTION WAS SECONDED BY COUNCILMEMBER WILKIE, AND PASSED UNANIMOUSLY (5-0).

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

There being no further business, Mayor Olive adjourned the meeting of the Apex Town Council at 7:57 pm.

These minutes approved this 16th day of May, 2017.

Amanda R. Grogan
Budget and Management Analyst

ATTEST:

Lance Olive
Mayor