



APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 3, 2015

William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, 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, February 3, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie
Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Sutton called the meeting to order, Council Member Dozier gave the Invocation, and Boy Scout Troop 224 presented the Colors and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Presentation to Retired Police Officer Mike Wilson

Mayor Sutton read the proclamation that was then presented to retired Officer Mike Wilson for his heroic efforts in saving a citizen whose vehicle had run off the road and turned over in a body of water.

Mayor Sutton read the certificate that was then presented to Officer Brandon Markman who was also on the scene and ensured the safety and welfare of Officer Wilson after the rescue.

Presentation 02 : Department Heads

Introduction of newly-hired employees

The following new employees were introduced to Council by their respective supervisors:

- John Cannon: JR Godin, Heavy Equipment Operator; Lance Mitchell, Utility Maintenance Worker; and Aurely Cintron, Utility Maintenance Worker
- Chief John Letteney: Travis Baity, Police Officer I, Danica Coleman, Domestic Violence Victim Advocate; Santiago Crawford, Police Officer I, and Crystal Rountree, Police Officer I
- Kent Jackson: Gene Welischar, Code Enforcement Officer I; Julie Adams, Permit Specialist; Samantha Ewens, Senior Plans Examiner; Bryce Bernard, Construction Inspector; and Steve Perry, Construction Inspector
- Chief Randall Heath: JK Kennedy, Paramedic; Colin Barker, Paramedic; Lance Lynch, Paramedic; and Chase Lavack, Paramedic
- Dianne Khin: Amanda Bunce, Planner

CONSENT AGENDA

- Consent 01 Equipment Lease Agreement between the Town and Wake County and authorization for the Town Manager to execute the same
- Consent 02 Agreement for Provision of Emergency Medical Services between the Town and Wake County and authorization for the Town Manager to execute same
- Consent 03 Amended Wake County Emergency Operations Plan and Adoption of the National Incident Management System for Use in Wake County
- Consent 04 Resolution authorizing condemnations related to the Pine Plaza Drive extension project associated with the proposed development of Nichols Plaza
- Consent 05 Budget amendment to cover cost of emergency chiller replacement, associated piping, and controls work at the Community Center
- Consent 06 Budget amendment to fund the cost to install Constant Warning Time (CWT) devices at the Chatham Street crossing
- Consent 07 Street closings for 2015 Peak Fest and 2015 4th of July Celebrations
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #14CZ27, Salem Pointe Associates, LLC, petitioners for the property located at 0, 1530, and 1604 Salem Church Road and 0 North Salem Street (west of the intersection of N. Salem Street and Salem Church Road)
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #14CZ28, Glenda S. Toppe, petitioners for the property located at 1275 Haddon Hall Drive
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #14CZ30, Glenda Toppe, petitioner, for the property located at 0 Ten Ten Road; south of Lufkin Road and north of Classic Road
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #14CZ32, Standard Pacific of the Carolinas, petitioners for the property located at Green Level West Road and Castleberry Road

- Consent 12 Public Hearing set for the February 17, 2015 Town Council Meeting regarding Rezone #14CZ21, Sweetwater PUD Plan, 164.7 acres located at 2216 and 2408 Olive Chapel Road, 3115, 3121, 3224, 3233 U.S Hwy 64 West from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 13 Public Hearing set for the February 17, 2015 Town Council Meeting regarding Rezone #14CZ31, Arcadia Ridge West III PUD Plan containing 69.29 acres located at 2625 Olive Chapel Rd, from Planned Unit Development Conditional Zoning and Wake County R-80W to Planned Unit Development Conditional Zoning
- Consent 14 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 Richardson West PUD property containing 70.5± acres located at the southwest quadrant of the intersection of Richardson Road and Olive Chapel Road, Annexation #524 into the Town’s corporate limits
- Consent 15 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 John & Elizabeth Gasiorowski and Gordon Russell Eakes (Arcadia Ridge West III) property containing 22.1012 acres located at 2105 and 2121 Richardson Road, Annexation #531 into the Town’s corporate limits
- Consent 16 Resolution No. 15-0203-04 Declaring Town Council’s Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town-owned property known as “Apex Fire Station #5” containing +3.223 acres located at 6904 Apex Barbecue Road, Annexation #532, into the Town’s corporate limits
- Consent 17 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 Parker Orleans property containing .015 acres located north of Colvin Park Drive and west of Stephenson Road, Annexation #533, into the Town’s corporate limits
- Consent 18 Public Hearing set for the February 17, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance

MAYOR SUTTON CALLED FOR A MOTION TO ACCEPT THE CONSENT AGENDA. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

There were not requested changes to the Regular Agenda.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2015-2016 Annual Budget

Staff explained the purpose of this public hearing was to hear if there were items from the public which staff and Council may not have considered. A second public hearing will be held prior to adoption of the final budget.

Mayor Sutton declared the Public Hearing open.

Denise Brown addressed impact fees on which she stated she had done her homework. She has also worked with builders and developers. Apex is one of the hardest places to build a home. Homes here will extend the apocalypse. However, the town lacks in impact fees. Ms. Brown talked about where these fees went in Florida where she used to live. Impact fees could be used to improve Olive Chapel which is a really bad road. Ms. Brown expressed that we are not making enough on our fees compared to the number of houses and families that would be coming into the area. However, Apex has one of highest permitting fees per square foot of homes. Ms. Brown spoke about how one developer did not do as they were supposed to and now one of her properties has issues. With higher impact fees, a slush fund could be started to help with such issues.

Brett Gant thanked everyone for the greenway connection which just opened in his neighborhood. He asked for expanded greenways and putting more money into them, in particular the Beaver Creek greenway. It would be nice to be connected the greenways in Cary and Durham.

Council asked the Manager for a comparison of our impact fees compared to other municipalities and how much they can be increased.

Kate McDonald addressed the traffic and safety concerns of Kelly and Olive Chapel Roads, where recently there have been a lot of accidents. She asked for completion of a sidewalk on the west side of Kelly Road, a crosswalk across Kelly Road, and a multiuse pathway on the east side of Kelly Road, all of which would help pedestrian activities. Ms. McDonald talked about the concept of setting aside green space to maintain the rural feel of Apex as land becomes in short supply.

Lisa Burleson stated she'd sent emails about the flashing yellow school lights for all school zones that would flash during peak school times. She felt this is a standard that helps navigate the traffic. Traffic on Tingen will increase with the new schools, and she was fearful of the resulting danger which is already there. Ms. Burleson did not think the intersection work could wait until the Peakway expansion.

David Tyler supported quicker work on the expansion and spoke about how getting to places from his area could be easier with this expansion. He advocated for the bridge option on Tingen Road.

Mayor Sutton declared the Public Hearing closed.

Kent Jackson, Engineering Director, updated Council on the projects which were of concern to the public speakers.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Henry Lewey Heirs, Michael Yang, Country Living Rentals, Dennis & Maureen Heck, Freeman& Linda Johnson and Standard Pacific of the Carolinas (Lake Castleberry), property containing 60.118 acres located at Green Level West Road and Castleberry Road, Annexation #515, into the Town's corporate limits

Staff oriented Council to the site, stating it recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO ADOPT THE ORDINANCE; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Pleasant Park (Town of Apex) property containing 98.5842 acres located between Old US 1 Hwy, Pleasant Plains Road, and NC540, Annexation #528, into the Town's corporate limits

Staff oriented Council to the site, this being the property purchased for the purpose of a park. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Toll NC II, DP (The Glen at Green Level) property containing 6.813 acres located at 8129 Green Level Church Road, Annexation #530, into the Town's corporate limits

Staff oriented Council to the site, stating it recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : June Cowles, Senior Planner

Public Hearing on the Town of Apex Hazard Mitigation Plan 2014 Annual Report

Staff stated this report is reviewed every year and presented background on hazard mitigation, its types, and the action plan. Staff recommended approval of the annual report.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO ADOPT THE ANNUAL REPORT; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : June Cowles, Senior Planner

Public hearing and Resolution on the Wake County Multi-Jurisdictional Hazard Mitigation Plan

Staff stated this leads into the five year plan update and explained how the grant allowed us to have the plan for free. All Wake counties participated. Atkins Consulting was hired to do the plan which has been reviewed by NC Emergency Management and FEMA. Once we adopt the plan, it goes back to FEMA for their final approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADOPT THE RESOLUTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Council Member Bill Jensen

Request to add an additional item, Energy Trust Fund, to the Town's 2015 Legislative Agenda

Council stated it would like to see an Energy Trust Fund established that would fund money to towns for renewable energy projects or conservation projects in an amount equal to what is provided to private enterprise as tax credits. Council has attempted to get solar projects going for some of the Town's buildings. There are those willing to participate in such a project; but when it comes to financing, we can't get funds from the banks. As an alternative, Council wished to ask the State to set up a fund equivalent to tax credits that would finance municipalities if we wish to use solar. This would also be able to fund the units at an advantage to town citizens. Council explained why he felt the State should participate in this - it's green, it would keep money in the State, and we would not be buying fuels elsewhere.

Council explained why he was not behind this idea - it seemed like we would be 'twisting people's arms'. Council explained this, stating he would not support the request because the State has other, greater priorities.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO MAKE THIS ADDITION TO THE LEGISLATIVE AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND DOZIER VOTED IN THE
AFFIRMATIVE; COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

NEW BUSINESS

New Business 01 : John Brown, Parks and Recreation Director

Discussion and award of contract for the Apex Skate Plaza

Staff stated it recommended Monteith Contracting for this job. There have been a lot of business donations and services, citizen contributions, and fundraising.

Christine Hilt, landscape architect with CLH Design, stated the budget was good at the time it was first established. However, there have been inflations because of the economy. This was thought to be covered in the March estimate, but later there was a 20-25% increase in materials and skilled labor. Ms. Hilt detailed the donations that have been raised, noting that they are close to meeting their goals and will keep asking for more. She asked Council for \$90,000 to cover allowances, including contingencies, with the hopes of paying this back. Ms. Hilt assured Council she would not come back to Council for more money. It is felt that the numbers will hold now that they have a hard bid. Ms. Hilt explained this will be a performance pavilion and not just a skate park. It is hoped groundbreaking will begin the end of February/early March.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUESTED \$90,000; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Bruce Radford, Town Manager

Consideration of and Naming Right Memorandum of Understanding (MOU) with the Apex Chamber of Commerce

Staff stated that the Chamber approached the Town regarding naming rights for the performance pavilion. They suggested \$80,000 for a negotiated term of 20 years, which would give them the right to call the pavilion the Apex Chamber of Commerce Pavilion at Trackside.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE MEMORANDUM OF UNDERSTANDING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Vance Holloman, Finance Director

Review of the 2nd Quarter Financial Summary

Staff presented the 2nd Quarter Summary, stating we look to be in good shape with no red flags.

New Business 04 : Council Member Nicole Dozier

Consideration of a yearly recognition initiative from Town Council to a community member, organization, and business

Council stated thought was given to how to accomplish this initiative, explaining the vision of how such a program would work. Council stated this sounded like a good idea, likening it to unsung heroes. There was a desire to see community members, organizations, and businesses recognized. It brings the Town together as a family in some respects. We need more and more of these mechanisms.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THIS INITIATIVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 to receive legal advice from the Town Attorney

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. MAYOR PRO TEM SCHULZE
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton
Mayor

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