



APEX Town Council Meeting

Tuesday, January 3, 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
Tim Donnelly, 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, January 3, 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, Council Member Schulze gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATION

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Set the Public Hearing on January 17, 2017 for a 2030 Land Use Map amendment from Medium Density Residential to Office Employment, and rezoning #16CZ33 (Roberts Road) to rezone 6.39 ± acres located at 7421, 7429, & 7433 Roberts Road from Rural Residential (RR) to Office and Institutional Conditional Zoning (O&I-CZ)
- Consent 02 Designation of Evoqua Water Technologies LLC as the Town's sole source, full-service odor control provider, and authorization for the Town Manager to execute a standard services agreement with Evoqua Water Technologies LLC for a term of one year

Consent 03 Set the Public Hearing on January 17, 2017 for rezoning application #16CZ30 (Preserve at White Oak Creek-revised PUD) to rezone 133.02± acres located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road from Rural Residential (RR) and Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Consent 04 Amendment of Town Code Chapter 18, Section 18-8 "Trees, Shrubs or Flowers, Cutting, Injuring, Etc."

Mayor Olive requested the addition of the following:

Add On Item PULLED FOR DISCUSSION AS NEW BUSINESS 02: Appointment of the following individuals to the Planning Board: Margo Bills, Michael Marks, Tommy Morgan, and David Hooks, all terms of 1/1/2017 through 12/31/2019; and the appointment of Margo Bills as Chair and Michael Marks as Vice Chair

Council Member Moyer requested the Add On Item be pulled for discussion.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADD ON ITEM TO BE DISCUSSED AS NEW BUSINESS 02. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the requestor asked that Public Hearing 02 be withdrawn (not continued). Mayor Olive also requested the addition of a Closed Session item to review the performance of the Town Manager.

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

PUBLIC FORUM

JC Knowles introduced himself as the Apex Ambassador and editor and publisher of the Apex Gazette for the last 23 years. He will be branching out with The Gazette to make it a total community newspaper. The first order of business was to recognize those in the community who exhibited true man- and womanhood. Bruce Radford was recognized the previous night for his civic and regular life contributions to Apex. The woman of the year exemplifies the true meaning of womanhood. He read and presented the award to Mayor Pro Tem Nicole Dozier.

Lisa Vadmetz spoke about development and expansion. Growth is not being smartly done in regards to protecting water resources. Apex was the number one town in 2015, and this year it is not even in the top 50. She mentioned Cary is on the list, and we will never be in the top again if smarter planning is not put in place. She talked about traffic, land drainage, and overdevelopment in the Neuse River Basin.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Senior Planner

This item was continued from the December 20, 2016 Town Council meeting.

Public Hearing on rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval considering liability of the pond. Staff recommended approval with conditions proposed by the applicant. Staff answered Council questions regarding lot sizes and stormwater management.

Jason Barron, Morningstar Law Group, on behalf of the applicant, introduced the other members of his team. He expanded a bit more on the staff presentation, highlighting what they think will be a significant transportation improvement in the area. He clarified the liability concerns presented by the Planning Board, noting that the developer's actions will be ongoing. He believed the concerns would be covered by the end of the process.

Mayor Olive declared the Public Hearing open.

Leigh Thorne stated it was difficult to navigate this process and asked at what point something could be done. She supported the public forum speaker as her family would be impacted by this. Hers was no longer a quiet country road. Many people felt all these changes might be progress, but they are not good changes for Apex. She felt the developers were trying to address concerns about the pond, but she was concerned about the left lane that will be created. Wildlife has already left. She hoped Council would consider what this would do to Apex. She was concerned about the pond liability and the traffic impact and their quality of living.

Mayor Olive declared the Public Hearing closed.

Council asked the applicant to address concerns about bridge permits, which staff and Bob Zumwalt, McAdams, representing the developer, answered. Council asked about a 25 year stormwater

management possibility, Mr. Barron stating it is not now in the plan. Mr. Zumwalt and Mr. Barron answered questions about the houses being slab on grade.

Council stated he had a problem voting on more subdivisions not connected to economic development. Council was concerned about the traffic dumping onto existing roads. Council was concerned with the addition of more traffic to the area. She wanted to see more projects completed; this was the wrong location and time for her. Council liked the connectivity, giving three different outlets. Folks have the right to sell their property; it will be a nice area.

Regarding the traffic concerns, Mr. Barron asked what Council would like to see done. They have completed the traffic impact analysis and incorporated what it warranted. He addressed Council concerns about lot size and stated they would be willing to discuss this further with Council to offer additional conditions. Mr. Barron wished an opportunity to take Council feedback to the developer and then come back to Council with additional education. He asked that this be continued.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THIS TO THE
FEBRUARY 7, 2017 REGULAR MEETING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

This item was continued at the December 20, 2016 Town Council meeting at the request of the applicant

Public Hearing regarding an amendment to the Unified Development Ordinance Section 2.3.16(D) Sustainable Development Conditional Zoning District

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 - Quasi Judicial : Amanda Bunce, Senior Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan for Meridian at Nichols Plaza, 15.38 acres located at 0 Pine Plaza Drive (north side between Laura Duncan Road and Shepherds Vineyard Drive)

Mayor Olive declared the Public Hearing open. All those wishing to speak were sworn in by the Town Clerk. Mr. Barron was identified as representing the applicant. Lisa Valdmetz was in attendance representing the opponents.

There were no relational or financial conflicts from Council; all stated they would be able to decide the matter impartially. Council Member Jensen stated he spoke with the applicant about the preliminary site plan regarding the possibility of solar.

PRESENTATION OF EVIDENCE BY STAFF: Amanda Bunce presented her credentials and oriented staff to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu and greenway and bridge paths.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff clarified the greenway trail specifications, the completed impact analysis, and a 25 year stormwater.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

CROSS EXAMINATION OF STAFF BY OPPONENT: Staff addressed opponent questions about traffic impact and other projects in the area and how they would relate to traffic improvements.

PRESENTATION OF EVIDENCE BY APPLICANT: Mr. Barron presented his credentials and reminded Council of the definition of 'evidence'. They satisfied the UDO requirements, and he further oriented Council to the site. This project was approved by Council earlier.

Jon Callahan, President of John A. Edwards and Company, presented his credentials. He showed a rendering of the overall site and went through each standard.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Callahan answered questions related to building height, the retention pond, and the car wash.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Mr. Callahan answered questions about run off and flooding.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mark Barker, Northview Partners, presented his credentials and answered questions related to a possible greenway connection.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Mr. Barker answered questions related to a boardwalk.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Kevin Dean, Kimley-Horn, presented his credentials. He assisted in performing the traffic study and answered questions related to buildout levels of service and traffic impacts.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Jie Tang asked question about traffic counts associated with growth.

Mr. Barron requested that the staff report be entered into evidence.

PRESENTATION OF EVIDENCE BY OPPOSITION: Ms. Valdmetz stated the site plan could not be approved as it violated the Apex ordinance related to buffers. She presented her educational credentials and talked about stormwater retention.

CROSS EXAMINATION OF OPPONENT BY COUNCIL: Ms. Valdmetz talked about the RCA, buffers, and perennial streams.

CROSS EXAMINATION OF OPPOSITION BY STAFF: Dianne Khin presented her credentials and asked the opponent about the Town's watershed guidelines and presented the watershed overlay district map. The latter was shown to Council by Ms. Khin.

CROSS EXAMINATION OF OPPOSITION BY APPLICANT: None. The applicant objected to the opposition.

REBUTTAL BY STAFF: staff clarified the stream being intermittent and the legal ad being posted according to General Statute.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Barron reiterated that the evidence must be competent and substantiated. He spoke about owner rights and this being a difficult process for lay people. The project met all standards, and Mr. Barron requested approval.

CLOSING ARGUMENT BY OPPOSITION: None.

CLOSING ARGUMENT BY STAFF: None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive went through the Standards with Council from which there were no objections.

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

Mayor Olive called for a five minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There are no Unfinished Business items for consideration

NEW BUSINESS

New Business 01 : Joanna Helms, Economic Development Director

Establishment of the Certified Apex Small Enterprise (CASE) program and to authorize collection of a \$25 non-refundable fee

Staff oriented Council to this program which was recommended by the Economic Development Committee. She detailed the program benefits, i.e., being able to track small businesses in Apex, and described the proposed website. There would be a nominal membership fee of \$25.

Council asked what would be the measure of success, staff stating they would be thrilled to see 50 members. They would start off slow and build as time goes on. The different between CASE and THINK APEX and other existing programs were discussed as well as how this program would be rolled out to the community.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE
PROGRAM AND MEMBERSHIP FEE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Mayor Lance Olive

Appointment of the following individuals to the Planning Board: Margo Bills, Michael Marks, Tommy Mergan, and David Hooks, all terms of 1/1/2017 through 12/31/2019; and the appointment of Margo Bills and Chair and Michael Marks as Vice Chair

Council asked about the members being appointed or reappointed, Mayor Olive stating they were reappointments. Council stated he would like to see new people start to cycle onto the Planning Board. The Mayor stated he has more appointments to bring before Council, which he hoped to do very shortly. He talked about the possibilities of those who have submitted board applications.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REAPPOINTMENTS AND APPOINTMENTS; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed session to (1) consult with the Town Attorney to preserve attorney client privilege, and (2) to discuss a personnel matter

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE EVANS ROAD SIDEWALK PROJECT FOR THE IMPROVEMENT OF THE APEX STREET AND SIDEWALK SYSTEM; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO CLOSED SESSION WITH NO OBJECTIONS FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.
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 Olive adjourned the meeting.



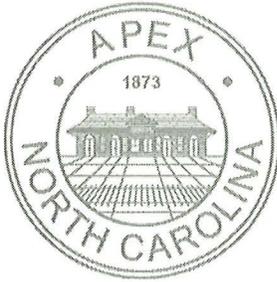
Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, January 17, 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

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scheduled for Tuesday, January 17, 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 Lance Olive

Presentation of Service Awards to David Rowland and Lou Gregus

Mayor Olive introduced David Rowland and provided a brief history of his employment with the Town of Apex and as a member of the Board of Adjustment. He presented him a plaque for his years of service on the Board of Adjustment. Mr. Rowland stated he appreciated the staff's service to the Town and noted that he thought the Town was moving in the right direction.

Mayor Olive introduced Lou Gregus, provided a brief history of his time on the Board of Adjustment, and presented him a plaque for his years of service. Mr. Gregus thanked Council for the opportunity to serve and stated he would be willing to serve in other capacities as well.

Presentation 02 : T.J. Lynch, AWWA-WEA Trustee Board Member (WEA Delegate) and Assistant Utilities Director for the City of Raleigh

Presentation of the 2016 Wastewater Treatment Plant Operations & Maintenance Excellence Award for the Central Region to the Town of Apex Water Reclamation Plant staff

Mr. Lynch gave a brief history of how his Committee selects its awardees. He provided Water Reclamation statistics and cited some of the accomplishments of the Apex team. John Cratch, Manager, Water Reclamation, accepted the plaque from Mr. Lynch and congratulated his staff. He stated he appreciated the support of management and thanked Council for the resources necessary to achieve his team's goals.

Presentation 03 : Donald Gintzig, President and CEO of Wake-Med

Presentation updating Council on what is happening with Wake-Med in general and specifically their Apex campus

Mr. Gintzig gave a presentation on Wake Med, the largest employer in the area. He complimented Council on the outstanding job they do for the Town.

CONSENT AGENDA

- Consent 01 Minutes of the December 20, 2016 Regular Council Meeting, the January 3, 2017 Regular Council Meeting, and the December 20, 2016 and January 3, 2017 Closed Session Minutes (*Closed Session Minutes recorded separately*)
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ25 Harris Property PUD, Jason Barron, attorney for Northview Partners LLC/ Gerald Ray and Sandra M. Harris, petitioners for the property located at 2010 Laura Duncan Road
- Consent 03 Identity Theft Prevention Program Annual Risk Assessment 2016
- Consent 04 Douglas Roscoe (Ross) Stocks, P.E., appointment to the Board of Adjustment
- Consent 05 Construction contract, and authorization for the Town Manager to execute same, and budget ordinance amendment and capital project ordinance amendment for sidewalk construction on Evans Road
- Consent 06 Apex Tax Report dated 12/06/16
- Consent 07 Set a Public Hearing for Tuesday, February 7, 2017 at 7:00 p.m. to receive citizen input regarding the formulation of the Fiscal Year 2017-18 Annual Budget
- Consent 08 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of December 20, 2016
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of December 20, 2016 regarding Wireless Support Structures
- Consent 10 Budget Ordinance Amendment Number 17 and a Water Sewer Capital Project Ordinance Amendment to appropriate funds for current water projects which are being constructed under the Cary/Apex Water Agreement

- Consent 11** Joint request with the Town of Cary for a local act in the North Carolina General Assembly to temporarily extend the jurisdictional limits of the Apex Police Department into the corporate limits of the Town of Cary, specifically at the temporary location of Apex High School (7612 Roberts Road)

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER 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
MOYER MADE THE MOTION; COUNCIL MEMBER SCHULZE 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 : Shannon Cox, Transportation Planner

Amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map within Pinnacle Park as requested by the Town of Apex Planning Department

Staff oriented Council to the site, explaining this was a clean-up item. The Planning Board 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 AMENDMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Amanda Bunce, Senior Planner

Amendments to the Unified Development Ordinance. This item was continued at the December 20, 2016 to allow more time for public input.

Staff oriented Council to the amendments, answering Council questions on buffers.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, spoke about the buffer situation, indicating those with which he had issues.

Jeff Roach, Peak Engineering and Design, stated he basically had the same concerns as Mr. Jones. He asked for more time for the development community to evaluate the impact of the proposed buffers. He also spoke about play lawns and garages.

Mayor Olive declared the Public Hearing closed.

Council made comments about the privacy of buffers, side entries, play lawns, and what HOA's are and are not able to do. Council stated he felt some of the amendments needed more thought. Council stated she felt buffers hiding businesses is a problem. She also spoke about play lawns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE
AMENDMENTS EXCLUDING 1, 4, AND 6; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council asked that Amendment 1 be referred back to the Planning Committee for discussion regarding buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SEND AMENDMENT 1 TO COMMITTEE
FOR EVALUATION/CHANGES AS NECESSARY; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council asked that Amendment 4 be referred back to the Planning Committee for discussion regarding play lawns.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SEND AMENDMENT 4 TO COMMITTEE
FOR DISCUSSION REGARDING PLAY LAWNS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council talked about the problem of parking in driveways and on the streets in certain areas, this in reference to Amendment 6.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO SEND AMENDMENT 6 TO THE PLANNING COMMITTEE FOR EVALUATION/CHANGES AS NECESSARY; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

2030 Land Use Map amendment from Medium Density Residential to Office Employment, and rezoning #16CZ33 (Roberts Road) to rezone 6.39 ± acres located at 7421, 7429, & 7433 Roberts Road from Rural Residential (RR) to Office and Institutional Conditional Zoning (O&I-CZ)

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

Stuart Jones, Jones and Clossen Engineering, thanked staff for working with him on this. Three property owners came together to try to make the best use of their properties. There was only one person in attendance at the neighborhood meeting, a representative from Toll Brothers, who stated this might be an improvement in the area. Mr. Jones stated he felt they were following Council's wishes for more non-residential.

Mayor Olive declared the Public Hearing open.

Mellani Hock stated her concerns about loitering in the area, odors, and noise.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions on buffers. Mr. Jones offered a condition regarding buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE AMENDMENT AND REZONING WITH THE ADDED CONDITION OFFERED BY THE APPLICANT;

COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Amendments to the 2030 Land Use Map recommended by the Town Council Planning Committee to add Commercial Services or Office Employment uses at future major intersections

Staff oriented Council to the site. The Planning Board recommended approval of Amendments 1-3 and consideration that Amendment 4 be sent back to the Planning Committee so that input from the surrounding property owners could be heard by that Committee.

Mayor Olive declared the Public Hearing open.

Alem Woreta stated he was in support of the 2030 Plan. He was excited and happy to see this approved.

Stuart Jones, Jones and Clossen Engineering, asked questions about the scale of the maps in reference to transitions.

Floyd Crump wanted to make sure that this would not affect his lot, Council and staff stating it would not.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR AMENDMENTS 2 AND 4 TO GO BACK TO THE PLANNING COMMITTEE FOR REVIEW AND THAT THE REMAINING AMENDMENTS BE APPROVED AS PRESENTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Russell Dalton, Transportation Engineer
Closing a portion of James Street, reserving a Variable Width Electric Easement

Staff reminded Council of its earlier motion and re-oriented Council to the site, explaining why this portion of road is no longer needed.

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

Public Hearing 06 : Amanda Bunce, Senior Planner
Rezoning application #16CZ30 (Preserve at White Oak Creek-revised PUD) to rezone 133.02± acres located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road from Rural Residential (RR) and Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the applicant agreed on adding sidewalk along a portion of the property. Planning Board and staff recommended approval. Staff answered Council questions regarding buffers, neighbor concerns, and road adequacy for an increase in traffic.

Mayor Olive declared the Public Hearing open.

Adam Ashbaugh, the applicant, stated this was the second part of a previously approved project. He spoke about what they wished to do in this development as far as roads, traffic signals, etc. Council asked Mr. Ashbaugh to renew the original meeting with DOT, and complimented him on how he chose to interact with the neighbors.

Mayor Olive declared the Public Hearing closed.

Mr. Ashbaugh refreshed Council's recollection of/oriented Council to the original conversation on this matter a few years ago.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Preserve at White Oak Creek revised Master Subdivision Plan for the properties located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road containing 133.02± acres and 330 lots (20 new single-family lots)

Staff oriented Council to the site. Planning Board recommended approval of the request.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council stated he wished to see traffic looked at in this area. The applicant further detailed the situation regarding roads. He stated he would be happy to further meet with DOT on this issue.

THE MOTION CARRIED BY A 5-0 VOTE.

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, Mayor Olive adjourned the meeting.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, February 7, 2017

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Nicole L. Dozier, Mayor Pro Tempore
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COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Justice Paul Newby will administer the oath of office for Mayor Lance Olive to serve as a member of the North Carolina Code Officials Qualification Board, which took effect December 31, 2016

Mayor Olive requested for this to be performed following New Business to accommodate Justice Newby's schedule. There was no objection from Council.

CONSENT AGENDA

- Consent 01 Minutes of the January 17, 2017 Regular Council Meeting and the Closed Session Minutes of March 1, 2016, May 3, 2016, and June 7, 2016 (*Closed Session Minutes recorded separately*)
- Consent 02 Corrected Attachment A - Legal Description for the Ordinance for Rezoning Case #16CZ21, Sweetwater PUD Amendment, to substitute the corrected Attachment A - Legal Description for the former Attachment A, and to repeal Ordinance #16CZ21 to the extent that the former Attachment A - Legal Description omits a portion of PIN# 0722544769

- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #16CZ29 Green Level West Road, Josh Lambert, VP Land Development; The Strong Rock Development Company/ Charles W. Chewning, petitioners for the property located at 4213 Green Level West Road
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ33, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioners for the property located at 7421, 7429, and 7433 Roberts Road
- Consent 05 Set the Public Hearing on February 21, 2017 for rezoning application #17CZ03 (Smith Farm PUD Amendment) to rezone 1.234± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from R-80W to Planned Unit Development - Conditional Zoning (PUD-CZ)
- Consent 06 Moved to New Business: 17 requested special events for calendar year 2017 and to approve Town acting as a co-sponsor for the events
- Consent 07 Cancellation of the July 4, 2017 Town Council meeting
- Consent 08 Findings of Fact, Conclusions of Law, and Decision approving the Meridian at Nichols Plaza Major Site Plan
- Consent 09 Authorization for the Town Manager to execute the License Agreement for Railroad Right-of-Way Encroachment for water line to serve Weddington Subdivision
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #16CZ30, Raleigh Land Fund I, LLC; Taylor Morrison of Carolinas, Inc., petitioners for the property located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, 0 Jenks Road
- Consent 11 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 Albert Womble property (Townes at North Salem) containing 48.16 acres located at N. Salem Street, east of the US 64 exit ramp and north of US 64 Hwy W, Annexation #586 into the Town's corporate limits
- Consent 12 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 Tommy and Nancy King (Salem Pointe PUD) property containing 2.067 acres located at 1605 Salem Church Road, Annexation #587 into the Town's corporate limits
- Consent 13 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 Ted Mills (portion of Sweetwater) property containing .117 acres located southwest of Vanclaybon Drive and east of future Richardson Road, Annexation #590 into the Town's corporate limits
- 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 Raleigh Land Fund I, LLC and Jeff and Lindy Morris (The Preserve at White Oak Creek) property containing 9.2394 acres located at White Oak Creek Drive and Secluded Acres Road, Annexation #591 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 T. Lacey Williams Farm, LLC and Marth Smith Family LP (portion of Smith Farm Phase 1) property containing 1.234 acres located at 0 and 2820 Olive Chapel Road, near Richardson Road, Annexation #592 into the Town's corporate limits
- Consent 16 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 Lori McKinnish (Touch Integrated Veterinary Hospital) property containing 2.1138 acres located at 740 S. Salem Street, Annexation #593 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 Staley Smith (Magnolia Office) property containing 2.062 acres located at 1005 N. Salem Street, Annexation #594 into the Town's corporate limits
- Consent 18 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of January 17, 2017
- Consent 19 Appointment of Danielle Bedotto, 102 Chapel Valley Lane to the Planning Board - Term: 2/7/2017 - 12/31/2019
- Consent 20 Report to Town Council on the terms of an agreement between the Town and the Oaks at Salem

Mayor Olive recognized Danielle Bedotto, the subject of Consent 19, who was in the audience.

Council Member Moyer requested Consent 06 be pulled for further discussion. Mayor Olive stated this would be heard as New Business.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION MINUS CONSENT 06; COUNCIL MEMBER DOZIER 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 MOYER MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Ken Fersch spoke about the Middleton PUD and presented a report he wrote with the cooperation of neighboring citizens. He outlined its content, pointing to a pond which needs assistance. New land developments need to be workable for all stakeholders. He asked for Council to return several meetings from now with their questions and reactions to his report.

Ken Muzillo praised the assistance of Town staff. He asked for Council support to have the post office trailer removed, which has not been utilized in over 7 years. Mr. Muzillo pointed to its dilapidated state. He is working with the postmaster to tear it down and maybe put up a new brick building or to do

something different. He's formulated a letter to the district manager in Greensboro and asked for Council to also sign the letter.

Beth Messersmith and Tina Sherman spoke about the proposed paid parental leave for Town employees. Ms. Messersmith presented national figures related to mothers going back to work early after birth. She spoke about the health impacts and infant mortality rates, along with stating there are significant benefits of such a policy to employers. Other employers are offering this benefit.

Ms. Sherman stated her case for paid parental leave, detailing the circumstances surrounding the births of her sons, the last one being paid leave for her. She talked about the difficulties encountered with the other three. Ms. Sherman presented a list of employers in Apex offering the policy and was overjoyed that the Town is thinking about doing so also. This is a no-brainer looking at the value of Town employees who should enjoy the benefits she and her husband enjoy.

Doug Meckes spoke about the Fire Department, telling the story of when lightning hit their house and started a fire. Their insurance agent said that if the Apex Fire Department were not timely, they would have lost their entire roof. He and his wife were appreciative and eternally thankful for the Fire Department response.

PUBLIC HEARINGS

Public Hearing 01 : Drew Havens, Town Manager

To receive citizen input regarding the formulation of the Fiscal Year 2017-18 Annual Budget

The Town Manager explained the budget process, stating this would be the time for citizens to give their input to Council.

Mayor Olive declared the Public Hearing open.

Mark Blatchford stated he's done large budgets and knows tough decisions have to be made. He related a story about Parks and Recreation and the Community Center which he and his wife use five days a week. This has made an incredible difference in their lives, and he feels the tax dollars were well spent. He also told a story of how our EMTs were called when he was having chest and hand pains. They quickly attended to him, put him in the ambulance, and got him to the hospital. The EMTs stayed with him, which was paramount, because they recognized he was going into cardiac arrest. They performed life saving measures prior to his going to surgery. One of the EMTs returned to the hospital the next day to check on and visit with him.

Connie Snyder, on behalf of the Charleston Village residents, spoke about the connector bridge and how thankful they are that the Town is working forward to address this issue.

Mayor Olive declared the Public Hearing closed.

Staff stated the various other ways citizens could submit their input. The Mayor stated we will find out what we could do about the trailer; this would have to be navigated carefully. He assured the audience we don't just listen and then forget.

Public Hearing 02 : Amanda Bunce, Senior Planner

This item was continued from the January 3, 2017 Town Council meeting.

Rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Summary of the revisions and new conditions that have been submitted since that meeting:

- Proposed minimum lot size increased from 5,000 to 6,000 square feet
- Proposed minimum lot width increased from 50 to 60 feet
- Addition of a proposed average lot of size of 7,500 square feet
- Addition of condition setting the maximum number of lots between 6,000 to 7,000 square feet at 15% of the total lots

Staff reoriented Council to the site and to the revised and new conditions. Planning Board and staff recommended approval.

Jason Barron, representing the applicant, reoriented Council to the site. Based on previous Council feedback, Mr. Barron stated they have been trying to address Council concerns and explained the details of their modifications.

Mayor Olive declared the Public Hearing open.

Sharon Heaton, Bill Ott, Glenn Rinne, Joy Wilkes, and Sherry Bass were all in favor of the project, offering the following types of comments: the community as a whole decided to move on, they are glad for the new traffic lanes, the time for change has come, the area is no longer successful farmland, they are glad the developer will provide recreation land, there is potential for a quality development. Council was asked to revisit the 2030 Land Use Plan. There were concerns about land density, the intersection at Apex Barbecue Road and Olive Chapel, and the clearcutting of trees.

Leigh Thorne, in opposition, still felt the same about the project in spite of the changes by the developer. The PUD would be taking away the country feel of Apex. The Town has become overdeveloped, and Ms. Thorne talked about the effects of traffic.

Mayor Olive declared the Public Hearing closed.

Council questions concerning buffers were answered by staff and the applicant. The developer agreed to the modification/addition of a buffer if so desired by Ms. Thorne, property owner.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE WITH ADDITIONAL CONDITIONS PROPOSED BY THE APPLICANT AND A TYPE A BUFFER IF DESIRED BY THE PROPERTY OWNER; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council thanked the developer for its work on this project. Council expressed concern about not seeing anything different about this project and the safety of the students who will walk the area. She could not support the project. Council stated this is a nicer project than has been seen in most of the area, but adding more houses does not balance our community to for a live/work environment.

The Town Attorney requested width clarification of the Type A buffer. Council spoke about the benefits of the project and its constitutionality.

COUNCIL MEMBERS SCHULZE, MOYER, AND WILKIE VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive requested the swearing in to take place after a two minute recess since Justice Newby had arrived. There was no opposition from Council.

Chief Justice Newby spoke about how the Statutes address how hard it can be to set aside personal interests and do what is right and fair and just and in the best interest of the entire community. We are all saddened by some of the sharp language used in the political arena; but Justice Newby felt that if we just back up a bit, we would find our commonality - love of country, state, and city.

Chief Justice Newby administered the Oath of Office of the NC Code Officials Qualification Board to Mayor Olive. Mayor Olive explained how the Board helps certify inspectors of municipalities and counties.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Eleanor Green, Human Resources Director
Paid Parental Leave policy for Town employees

Staff gave a listing of those municipalities and private employers who have passed such a policy. This came as a result of a request from Mayor Pro Tem Dozier. Staff explained the details of the proposed policy.

Staff answered Council questions about eligibility, percentage of employees in their child bearing years, female employees who came back to work before the 12 week period was up, how the policy is looked at as being 'free' from a budget impact, how employees may leave our employ because of not having this benefit, the disadvantages of short term disability, and adoption.

Council asked that this go back to Committee in order to come up with an agreeable policy, Council answering that this has been talked about since last November. Staff answered Council questions surrounding a person taking leave and then not working long enough for the Town not to recoup its money. Council stated he has not seen employee demand for such a policy. We would be solving a problem we don't have right now.

Council stated he would like to read more information. Why are we giving both males and females the same amount of time off, and he questioned the adoption process.

Council stated we are not at a competitive disadvantage if we don't have this. We need to take baby steps to get something like this in place.

Council thanked the Town Manager, HR Director, and those in attendance who supported this. She talked about how she believes staff puts family second sometimes to take care of the community. We have held several meetings on this subject, and Council should have been there to have their questions answered. She spoke about how her job supported her when she had her children. Council agreed to send this to Committee.

After brief discussion about all Council needing to attend a meeting on this subject, the Town Attorney stated this meeting would need to be a Work Session. The Town Manager would set this up, the Mayor asking Council to send any questions to the Town Manager for compilation.

New Business 02 : Council Member Bill Jensen

Direction to staff to solicit proposals from solar energy contractors for the installation of solar photovoltaic systems on Public Safety Station 5 and/or the Public Works Operations Building

Council Member Jensen stated that without subsidies, the rate of return is now positive on solar. He wished for this to go out to bid for the fire house and public works buildings, each separately. We can then see if this would gel and if we would be able to make a purchase if desired. The Town Manager will put together an RFP.

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

New Business 03 : Council Member Denise Wilkie

Use of the Town Hall Campus and Tunstall House grounds for music events aimed to create awareness of the historic Tunstall House and potentially raise funds for its restoration

Council Member Wilkie stated she was trying to bring more attention to the Apex Historical Society with the hopes of pulling closer the old and new Apexes. We could do "Music on the Lawn" events one Sunday afternoon a month between April and October on the Tunstall lawn. The hope would be to raise funds to restore the Tunstall house so that it would be sustainable on its own. The Historical Society wishes to raise funds and bring awareness to cultural arts and the downtown. Donations from the musical events would be split as follows, the Historical Society feeling this would be fair: 50% to Historical Society, 30% to the Town, and 20% to the band.

One of the Boy Scouts stated he felt his Troop would be willing to help with gardening around the house. The Town Manager stated it would cost approximately \$750 to restore the house. We cannot renovate, we need to restore since the house is in our historical district. This will be in the CIP again this year.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE USE
OF THE CAMPUS AND GROUNDS FOR MUSICAL EVENTS TO RAISE AWARENESS AND
FUNDS FOR RESTORATION OF THE TUNSTALL HOUSE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

**ADDED NEW BUSINESS 04: Council Member Wesley Moyer/David Wood, Halle Cultural Arts Center Manager
17 requested special events for calendar year 2017 and approval of the Town acting as a co-sponsor for the events**

Council Moyer stated some of the cost figures presented by staff. He wanted to know our policy to mitigate some of these expenses, especially if the number of events grows.

Staff stated this process started last year in order to get an idea of the cost of the events. He explained the process the requests went through. The Mayor stated the benefits of the process. He suggested the Parks and Recreation Committee look further at the policy in order to help decide the fairest route to take.

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

CLOSED SESSION

To 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; handling of the matter of the Town of Apex vs. Rubin; and a property acquisition negotiating position

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL
MEMBER DOZIER 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 CALLED FOR A MOTION TO AUTHORIZE THE TOWN ATTORNEY OR HER DESIGNEE TO SEND
NOTICE OF ENTRY LETTERS FOR THE PURPOSE OF INVESTIGATING ALTERNATIVE MEANS OF PROVIDING
SEWER TO THE RILEY'S POND SUBDIVISION TO ADJACENT PROPERTY OWNERS.

COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER MOYER 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 Olive adjourned the meeting.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting Tuesday, February 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, February 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Birtt Wilson and Jimmy Perry, Citizens for Apex Parks

Citizens for Apex Parks (CAPS) to present the Mayor with a \$50,000 check to benefit various parks and recreation initiatives

Mr. Wilson gave a brief history on the formation of CAPS, its membership, and the projects it has supported. Mr. Perry presented the check to Mayor Olive, the Mayor stating he appreciated the efforts the various organizations and staff put into the parks system.

Presentation 02 : Shannon Cox, Senior Transportation Planner

Wake Transit Plan Implementation and Next Steps update

Staff stated this update was/is being presented to Councils across the County. There was no action being asked for from Council on this evening. Staff talked briefly about the proposed moves. She spoke about the TPAC Committee which was formed to determine how to implement the transit plan. In the coming months, Council would have the opportunity to participate in two agreements which were outlined. Outlined was the work plan process.

CONSENT AGENDA

- Consent 01 Minutes of the February 7, 2017 Regular Council Meeting and Closed Session Minutes from June 21, 2016, August 2, 2016, and September 20, 2016 (*Closed Session Minutes Recorded Separately*)
- Consent 02 Apex Tax Report dated 01/05/17
- Consent 03 Contract for audit services for the fiscal year ending June 30, 2017
- Consent 04 Budget ordinance amendment to appropriate insurance proceeds which will be received by the Town for the repair of a pickup truck used by the Utility Engineering-Water Resources Department
- Consent 05 Resolution authorizing transfer of a portion of Beaver Creek Pump Station site to the North Carolina Wildlife Resources Commission as mitigation to the United States Army Corp of Engineers and authorizing the Town Manager to execute any necessary documents
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #16CZ26 Pricewood PUD, Brad Whitehurst, Crescent Communities/Richard W. and Anne W. Caspar, Michael C. Ferrari, Larry J. and Dorothea H. Gardner, Sharon Boyle Heaton, William B. and Virginia Ott, Glenn and Christine Rinne, Michael and Joy T. Wilkes, petitioners for the property located at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane
- Consent 07 Amendment to the developer agreement with Meritage Homes of the Carolinas, Inc. for Deer Creek subdivision
- Consent 08 3 way Encroachment Agreement between Town of Apex, NCDOT, and Baker Residential of the Carolinas LLC related to the White Oak Creek Greenway Connection at the Weddington Subdivision and to authorize the Town Manager to execute all related documents
- Consent 09 Set a Public Hearing for Tuesday, March 7th, 2017 at 7:00PM to receive citizen input regarding appropriation of Town funds in support of a co-working facility in downtown Apex
- Consent 10 Updates and revisions related to the Code of Ordinances, Chapter 12, Article II – Electricity
- Consent 11 NCEMPA – Amended and Restated Renewable Energy Development and Service Agreement

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

REGULAR MEETING AGENDA

Mayor Olive stated there was a request to go into Closed Session related to land acquisition.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER SCHULZE
MADE THE MOTION WITH THE ADDITION OF A CLOSED SESSION RELATED TO LAND ACQUISITION;
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 : 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 and Jeff and Lindy Morris (The Preserve at White Oak Creek) property containing 9.2394 acres located at White Oak Creek Drive and Secluded Acres Road, Annexation #591 into the Town's corporate limits

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

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

Council expressed concern about the travel corridor.

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

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Albert Womble property (Townes at North Salem) containing 48.16 acres located at N. Salem Street, east of the US 64 exit ramp and north of US 64 Hwy W, Annexation #586 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 WILKIE 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 Tommy and Nancy King (portion of Salem Pointe PUD) property containing 2.067 acres located at 1605 Salem Church Road, Annexation #587 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 DOZIER MADE THE MOTION TO APPROVE
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 Ted Mills (portion of Sweetwater) property containing .117 acres located southwest of Vanclaybon Drive and east of future Richardson Road, Annexation #590 into the Town's corporate limits

Staff oriented Council to the site, stating staff 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 WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Mike Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex T. Lacey Williams Farm, LLC and Marth Smith Family LP (portion of Smith Farm Phase 1) property containing 1.234 acres located at 0 and 2820 Olive Chapel Road, near Richardson Road Annexation #592 into the Town's corporate limits

and

Public Hearing 06 : Mike Clark, Senior Planner

Public Hearing and rezoning application #17CZ03 (Smith Farm PUD Amendment) to rezone 1.234± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ)

Staff oriented Council to the site stating Planning Board recommended approval, as did staff.

Council Member Dozier left the dais and Council Chamber.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, stated this request was primarily due to a survey discrepancy.

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

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

Council Member Dozier returned to Council Chamber and to the dais.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Lori McKinnish (Touch Integrated Veterinary Hospital) property containing 2.1138 acres located at 740 S. Salem Street, Annexation #593 into the Town’s corporate limits

Staff oriented Council to the site, stating staff 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER 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 Staley Smith (Magnolia Office) property containing 2.062 acres located at 1005 N. Salem Street, Annexation #594 into the Town’s corporate limits

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

Mayor Olive declared the Public Hearing open.

Johnny Nix, board member for the Home Owners Association, objected to the design of the complex. He did not know an office complex would be located behind him. He was concerned about cut through traffic. The traffic study shows an increase in traffic, which will be a hazard to playing children. He asked Council to look at the entrance and consider making it a right turn only entrance.

Roger Lague on the board for the Home Owners Association was concerned about the buffers. He would like to see an increase for a higher barrier between their properties and the new buildings. The HOA

would share the cost of the enhancements if agreed to by Council. He reminded Council that the community was in its infancy when the rezoning originally started.

Ron Montagna, vice president of the board of directors, stated that the requested modifications would increase the livability of the subdivision. The modifications are quite minor and reasonable in respect to the entire development.

Mayor Olive declared the Public Hearing closed.

The Town Attorney stated that this owner is good to work with and the neighbors may be able to work with him on their requested modifications. Staff clarified for Council the buffer to be 10 feet.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO
APPROVE THE ORDINANCE WITH A REQUEST TO STAFF TO PASS ALONG THE NEIGHBOR COMMENTS TO THE DEVELOPER;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Liz Loftin, Planner

Goldenview Master Subdivision Plan for the properties located at 210-250 James Street containing 3.49 acres and 20 single-family lots

Staff oriented Council to the site. A neighborhood meeting was held, the Parks and Recreation Commission recommended a fee in lieu and a dedication of public greenway easement which has been provided. There was brief Council discussion regarding buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHUZLE MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

COUNCIL MEMBERS SCHUZLE, WILKIE, MOYER, AND DOZIER VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

Council Member Jensen stated he wanted to keep more of a rural look and the small town character in the area. He thought certain buffers should be a greater density.

New Business 02 : Brendie Vega, Principal Planner

Jenks Crossing Master Subdivision Plan for the properties located at 1921 Holt Road, 0 and 6716 Old Jenks Road containing 3.05 acres and 9 single family and 26 townhome lots

Staff oriented Council to the site. A neighborhood meeting was held, the Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval as did staff. Staff answered Council questions on buffers. The applicant, Stuart Jones, Jones and Crossen Engineering, answered Council questions on the stormwater pond.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session to receive information from the Town Attorney related to land acquisition.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER SHCULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE

WORK SESSION

There were no Work Session items for consideration.

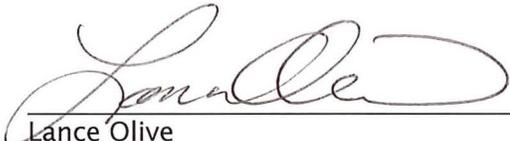
ADJOURNMENT

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Work Session

Tuesday, February 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 Apex Town Council met for a scheduled Work Session on Tuesday, February 21, 2017, at 5:30 p.m. in Training Room A 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 and explained this was an open meeting with the purpose of continuing discussion and to follow up with questions on the matter of a paid parental leave policy.

DISCUSSION

The Mayor stated the Town Manager worked through some of Council questions. Several could be answered by staff. The Mayor stated he would facilitate and let Council Members Schulze and Dozier lead the discussion since they were the members of the Personnel Committee. Afterwards, the Mayor hoped Council would be able to determine the next step.

Dozier stated she hoped Council could come up with what could be agreed upon as a win/win. She wanted this to be a real benefit that the town could be proud of. Based on the questions, she thought Council could get some things done on a leave policy for employees.

Schulze stated this was not a question of whether or not employees are valued or about being pro-family or pro-kid. The town benefit package, which is paid for with tax dollars, is competitive.

Council discussed some of their pros and cons of such a policy:

- Making this relevant to employees who are not child bearing age – could be broadened to taking care of a parent, bereavement, etc.;
- Using tax dollars for a benefit that will go up as the work force grows;
- Parents of neonatals getting more than six weeks off;
- The reasoning behind males and females both getting the same number of weeks off.

Staff stated that Durham has 12 weeks paid parental leave which also applies to adoptions and foster care. Staff explained that some employees have short term disability. If not, we have used shared leave on occasion when an employee is out of leave. Staff exemplified the bereavement leave that some municipalities offer.

Council explained how the pay portion would work. Staff added that we have not paid any over time or additional time in the Police Department. The Fire Department may have used an LSE to cover a shift. EMS money comes through the County. Normally, workloads are shared among the employees who are present. Staff stated we don't have data on how much work this adds to a person, if any. We probably fall short of our targets, but we have no metrics for comparison. However, cost is measured more in productivity rather than dollars.

Council spoke about how the work stacks up when we deploy crews to other towns, and how we haven't brought in extra people in those instances. Council felt that while we would be able to absorb some of this, employees would take advantage and exasperate the problem of people covering for the people who are out. Council talked about their situations when they had children and the effects of not having paid leave, especially with a NICU baby. Staff stated she believed most municipalities allow one six week stint every 12 months. Explained was how some couples stretch out FMLA so their child does not have to go to day care earlier than they would wish for him/her to do so.

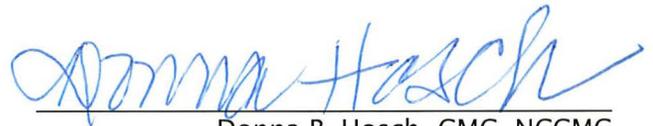
The Mayor asked Schulze did he see any value in discussing this further in Personnel Committee. He answered 'no', he's still opposed and does not favor moving forward with this. The Mayor asked for thoughts on what to do. Dozier stated she wanted to hear Schulze's and the HR Director's thoughts. Schulze presented the reasons why he was not in favor: he did not see people leaving because we don't have this policy, the cost is not free and would be a hardship on the employees standing in, he wondered where the money would come from, and there was no evidence that not having such a policy makes it hard to draw applicants. We have a lot of other demands going into budget season which are higher priorities, even though he would love to be able to offer this.

The HR Director stated she had an updated chart on those municipalities considering parental leave. Most local governments have benefits similar to ours. Therefore, if the municipalities around us adopt this, it will put us in a place where the quality applicants are going to look elsewhere. Staff did not have data, but these were her thoughts.

Schulze stated he would be willing to reconsider this next year or whenever. The Mayor talked about space for pumping moms, staff stating we do comply with this law. The Mayor stated it was fine to continue to explore details of this issue to see if a new momentum will arise. However, there would be no action taken this evening.

ADJOURNMENT

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, March 7, 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 7, 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, Council Member Schulze gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Danielle Greene, AG Teacher - Olive Chapel Elementary

Presentation by students at Olive Chapel Elementary School regarding their research on growth and development and how it may affect small town charm

Ms. Greene explained how her class came up with their ideas on the Peak Plan. Three students gave the results of their ideas which included a balance plan and building up instead of spreading out. Ms. Green stated her students also focused heavily on parks and recreation and sticking to small businesses.

Presentation 02 : Radar Harrison, Assistant County Ranger for Wake County USFS

Presentation of Tree City USA award to Town of Apex

Ranger Harrison stated Apex is one of 87 municipalities in the United States to receive this award. He gave a brief overview of the history of the program and explained why it's important to keep trees in our cities. He overviewed the requirements which Apex met. Ranger Harrison presented the award to Mayor Olive. The Mayor recognized staff member David Wood for his work on this project, along with the

Citizen Tree Board. The Mayor also recognized Kate McDonald who pointed out to Council that this certification existed.

CONSENT AGENDA

- [Consent 01](#) Minutes of the February 21, 2017 Work Session, the February 21, 2017 Regular Meeting, and Closed Session Minutes of October 4, 2016, November 1, 2016, December 6, 2016, and February 21, 2017 (*Closed Session Minutes Recorded Separately*)
- [Consent 02](#) Additional special events for 2017
- [Consent 03](#) Budget amendment associated with purchase of playground equipment for Apex Community Park
- [Consent 04](#) Amendment to Section 20-61 of the Town of Apex Code of Ordinances to remove the time-of-day left turn restriction for Marco Drive at NC 55
- [Consent 05](#) Amendment to Section 20-71 of the Town of Apex Code of Ordinances to designate Templeton Street as a one-way street
- [Consent 06](#) Budget Amendment No. 23 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- [Consent 07](#) Amendment to Section 20-166 of the Town of Apex Code of Ordinances to designate the four on-street parking spaces on the north side of Saunders Street nearest North Salem Street as a loading zone for use by a large truck or multiple smaller vehicles as needed and designate the first parking space on the west side of North Salem Street south of Center Street as a loading zone
- [Consent 08](#) Contract for PowerDMS software for the Police Department
- [Consent 09](#) Professional services agreement with Kimley-Horn & Associates, Inc. in the amount of \$95,026.04 for a feasibility study of the Apex Peakway Southeast Connector, from NC 55 (E Williams Street) northward to Schieffelin Road and along Schieffelin Road northward to Center Street, and authorization for the Town Manager to execute same; Capital Project Ordinance Amendment in the amount of \$100,000. The study will be funded from monies already in Capital Project Fund which have not yet been appropriated for this purpose.
- [Consent 10](#) Set Public Hearing on March 21, 2017 for 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)

- [Consent 11](#) Set the Public Hearing on March 21, 2017 for 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)
- [Consent 12](#) 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 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
- [Consent 13](#) 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 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
- [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 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
- [Consent 15](#) Revisions to the Town Standard Specifications and Standard Details
- [Consent 16](#) Resolution Supporting the City of Raleigh Falls Lake Reallocation Water Supply Plan
- [Consent 17](#) Statement of the Town Council and Ordinance for rezoning application #17CZ03 (Smith Farm PUD Amendment) to rezone 1.234± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from R-80W to Planned Unit Development - Conditional Zoning (PUD-CZ)
- [Consent 18](#) Budget Amendment of Powell Bill Funds for Infrared Asphalt Heater
- [Consent 19](#) Budget ordinance amendment to appropriate funds received from the State of North Carolina as a reimbursement for costs incurred while assisting Bladen County in responding to Hurricane Matthew.

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 stated that with agreement of the presenters of the Quasi-Judicial Public Hearings, Hearings 02 and 03 would be reversed in order accommodate the schedule of one of the applicants.

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

PUBLIC FORUM

Jeanne Hack asked Council to consider allowing the United Methodist Church to have handicapped signs in front of their church on Hughes Street for use on Sundays. This would better enable them to use the ramp that enters their building. Having five congregations that attend on Sundays, Ms. Hack didn't think the request unreasonable.

Shawn Gukelberger, acting vice president for the White Hall Home Owners Association, stated their opposition to the plan to build a bridge over S. Salem Street. The bridge will be an eyesore to their community and a black eye to the town. Home values will be depreciated, and they will have difficulty getting in and out of their neighborhood.

Margaret "Katie" Pauls also expressed concern about the bridge. This 20-30 foot bridge will be in their backyard, and the added traffic will give concern for the children who play in the circle. She asked for the plans to be halted, stating that it will not be in line with the aesthetic of our town, home values will go down and revenue will be lost as a result. She stated she was not aware of negotiation with the railroad for an at-grade crossing.

PUBLIC HEARINGS

Public Hearing 01 : Joanna Helms, Economic Development Director

Citizen input regarding appropriation of Town funds in support of a co-working facility in downtown Apex

Assistant Town Manager Donnelly presented. The Economic Development Committee has been working on this for over a year. Lighthouse Recruiting has provided a proposal for consideration, and this was to gather public comment as required

Mayor Olive declared the Public Hearing open.

Tara Luellen and Christine Williams with Lighthouse Recruiting, stated there is a void for co-working space in Apex. The proposed space in downtown is historic and currently not utilized. Their current station has been at capacity for several months after educating the public as to its purpose. Over 50 businesses have used their space, which is currently in Holly Springs. The Apex space will allow 23 businesses to grow in one building. They wish to come to Apex instead of going elsewhere.

Mayor Olive declared the Public Hearing closed.

Council received clarification on the amount of money the Town was being asked to contribute. Council stated there is a need for this type of business in Apex, this coming out of the Economic Development Committee. Our financial portion will be phased out in three years.

Council stated he did not feel this was something we should be doing. It is nothing more than the town speculating on a new business. We tried this several years ago and the project failed. He would support a privately funded project.

Council gave reasons why the Committee recommended this project. Council discussed the feasibility of providing metrics for the next three years. We want high value businesses with high value draws. Council expressed support for the project, seeing it as a win/win for the community; it will help the downtown.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO MOVE FORWARD IN PUTTING TOGETHER A CONTRACT/AGREEMENT BASED ON DISCUSSION THUS FAR, ALONG WITH BEGINNING THE THREE YEAR METRIC; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, MOYER, DOZIER, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

The Mayor spoke about how this would be beneficial for businesses from Apex. Also, metrics will provide us decision points.

An audio recording of the following Quasi-Judicial Public Hearings made by the Town Clerk is incorporated into these Minutes by reference. The audio recordings or transcripts of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearings.

Public Hearing 03 - Quasi-Judicial : Brendie Vega, Principal Planner

Major Site Plan for Cambridge Village Phase 2, 15.66 acres located at 11000 Cambridge Village Loop (corner of S. Hughes and Apex Peakway)

Mayor Olive read the Statement related to the procedures for this type of Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

The Mayor asked Council if any had any communication with the applicant, if there were any financial conflicts, and if each Council Member would be able to hear and decide the matter impartially. No Council Member had any communications with the applicant, none had viewed the site, and all would be able to hear and decide the matter impartially.

Staff presented her credentials and background and oriented Council to the site. A neighborhood meeting was held, the parks and recreation fee structure was explained. Planning staff recommended approval.

CROSS EXAMINATION OF STAFF FROM COUNCIL: None.

CROSS EXAMINATION OF STAFF FROM APPLICANT: None.

EVIDENCE PRESENTED BY APPLICANT: David York, representing the applicant, presented his credentials and thanked staff for their cooperation on this project. He introduced the other members of his party.

Steven Beattie gave a brief overview of their goals. There were no questions from Council or staff.

Michael Lattiner presented his credentials and work experience. He answered questions posed by Mr. York. There were no questions from Council or staff.

Jason Gable presented his credentials and work experience. He answered questions posed by Mr. York. There were no questions from Council or staff.

Jamie Whitacre presented his credentials and his work experience and stated his involvement with the project. He answered questions posed by Mr. York. There were no questions from Council or staff.

Mayor Olive stated there were no opponents present.

CLOSING ARGUMENTS FROM STAFF: None.

CLOSING ARGUMENTS FROM APPLICANT: None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if anyone had comments on any of the Standards. Council expressed thanks to the applicant for exceeding several of the Standards.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE MAJOR SITE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 - Quasi Judicial : Michael Clark, Senior Planner
Major Site Plan for The Reserve at Mills Farm, 11.22 acres located 2010 and 2030 Laura Duncan Road

Mayor Olive read the Statement related to the proceedings of this type of Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

The Mayor asked Council if any had any communication with the applicant, if there were any financial conflicts, and if each Council Member would be able to hear and decide the matter impartially. No Council Member had any communications with the applicant, none had viewed the site, and all would be able to hear and decide the matter impartially.

OPENING STATEMENT BY STAFF: None.

OPENING STATEMENT BY APPLICANT: Nil Gosh, representing the applicant, stated he was glad to be back in front of Council with this project.

Staff presented an additional map which would be entered into evidence wherein the applicant swapped out plantings.

Staff presented his credentials and background and oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval with the submitted drawings. Staff answered Council questions regarding buffers and sidewalk connectivity.

EVIDENCE PRESENTED BY APPLICANT: Mr. Gosh asked that all staff reports and submitted drawings be placed into evidence.

Jon Callahan presented his position, credentials, and work history. He oriented Council to the site and went through the Standards. Mr. Callahan answered clarifying questions from Mr. Gosh.

Scott Kiger presented his position, credentials, and work history. He spoke about buffers, specifically the Saw Tooth oak trees, in response to Council questions.

Mr. Callahan answered Council questions about a greenway connection.

Mayor Olive stated there were no opponents present.

CLOSING ARGUMENTS FROM STAFF: None.

CLOSING ARGUMENTS FROM APPLICANT: Mr. Gosh asked for all submitted documents to be entered into evidence. He stated that they believed all applicable Standards and requirements had been met and asked Council for approval of the project.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if anyone had comments on any of the Standards, to which there were none.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE MAJOR SITE PLAN; 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

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Laurie Hohe, Town Attorney : Closed Session to 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

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

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

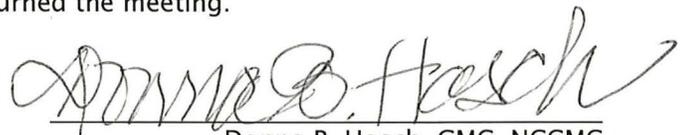
Mayor Olive spoke briefly about the Sister Cities International program and explaining its purpose. While vacationing in Ireland the following week, he would attempt to partner with the City and County of Waterford which is similar in size to Apex.

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

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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

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

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.

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.



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 & Crossen 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 Manager 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

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The following Minutes were approved at the Regular Town Council Meeting of June 6, 2017 and are an additional account of the proceedings which took place in Open Session following the Closed Session at the Regular Town Council Meeting held on Tuesday, April 4, 2017:

The Manager spoke about eliminating the transportation fee and replacing it with a car tag fee. This was the recommendation from the Finance Committee. This new fee was shown in the proposed budget, but it could be eliminated and the transportation fee put back in.

Council questioned how we could stand up for our town with the legislators. At Town Hall Day she stopped by those pertinent to our town, and she will continue to do this type of thing. However, it is time intensive. We need to form something such as a group where two members are listening to what's going on and what's being said. Regarding Council meeting with the legislators, Senator Alexander thought it would be better if this meeting took place at the General Assembly. Council reiterated what the Senator said about impact fees.

The Mayor spoke with the Manager about targeting November/December for a formal legislative agenda which could be sent to the legislators when Council thought appropriate. He talked about the surprise bills that come up in legislature. Maybe we do need to give thought to a committee which would help keep us informed. The Manager stated the League stresses building relationship with our legislators and he hoped Council would do so. Council stated we could start with local relationships and there was discussion about who and how to approach these relationships.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



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, 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.

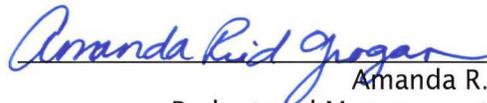
WORK SESSION

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



Apex Town Council Budget Workshop Thursday, April 20, 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 Budget Workshop for the Apex Town Council scheduled for Thursday, April 20, 2017, at 5:00 p.m. was held in the Third Floor Training Room, 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 Drew Havens, Town Manager; Laurie L. Hohe, Town Attorney; Dianne Khin, Planning Director; Amanda Grogan, Budget & Management Analyst (also sitting in for Town Clerk); Brandon Boone, Electric Utilities Director; Eleanor Green, Human Resources Director; Erika Sacco, Director of Information Technology; Joanna Helms, Economic Development Director; John Brown, Director of Parks, Recreation and Cultural Resources; John Letteney, Chief of Police; Jose Martinez, Director of Public Works & Transportation; Keith McGee, Fire Chief; Marty Mitchell, Director of Fleet & Facility Services; Marty Stone, Director of Water Resources; Randall Heath, Emergency Medical Services Chief; Rudy Baker, Director of Building Inspections & Permitting; Stacie Galloway, Communications Manager; and Vance Holloman, Finance Director
Absent was Town Clerk Donna B. Hosch

COMMENCEMENT

Mayor Olive called the meeting to order and the following discussion ensued:

GENERAL FUND

The Town Manager presented the General Fund Expenditure and Revenue Summary showing a 1.9% decrease over the 2016-2017 Fiscal Year Budget. He explained this is due primarily to the transition of Capital Projects into Capital Project Funds.

Fund Balance: The Town's Fiscal Policy Guidelines calls for available fund balance of a minimum of 25% of the annual operating budget. The current fund balance available of \$14.4 million is \$1.05 million beyond the 25% of the current fiscal year budget minimum requirement. Councilmember Moyer questioned the possibility of changing the policy. Discussion regarding the limits were ensued, however the consensus of the Town Council was to leave the policy as is at this time.

Expenditures: The Town Manager presented a summary of Capital Projects planned for the respective Reserve Funds, where the revenues are received from, how the projects would be funded and how the funds would be accounted for. The Town Manager also reviewed Personnel requests for the General Fund, recommending 22 of the 47 requested positions for the FY 2017-2018 Budget. This allows the town to stay under 9 personnel per 1,000 population. The proposed budget also includes 21 vehicles for replacement and the addition of 16 new vehicles.

Tax Rates & Fees: The Town Manager stated that the proposed tax rate remains unchanged at \$0.38 per \$100. Discussion regarding what a tax increase could provide in terms of town services ensued. The Town Manager responded that one cent on the tax rates equates to approximately \$643,700 and the Town of Apex remains lower than most Wake County municipalities. Consensus of the Town Council was to leave the tax rate unchanged for the FY 2017-2018 Budget, but would like to review options during the Budget Retreat for the formulation of the FY 2018-2019 budget.

Vehicle License Fee: The Town is authorized to change a Vehicle License Fee up to \$30 per year. The Town Council voted to increase this fee from \$5 to \$10 in FY 2016-2017. Town staff presented and the Finance Committee recommended increasing fee to \$15 per vehicle with a total of \$10 of the fee going to the Transportation Capital Reserve Fund. The Town Manager commented that each \$5 increase generates approximately \$200,000. The consensus of the Town Council was to support the increase to fund transportation projects.

Solid Waste & Recycling: The increase is based upon the Bureau of Labor Statistics CPI- U.S. City Average Garbage and Trash Collection Index from March the prior year to March of this year, per the Town's contract with Waste Industries. The Finance Committee recommends changing rates in accordance with the change in contract cost. The consensus of the Town Council was to increase the rates consistent with contract increases.

Yard Waste: The cost of Yard Waste Collection increased by \$0.01. While the Finance Committee recommended no increase in rates, the consensus of the Town Council was to increase the rates consistent with the costs. There was discussion regarding charging for this service for Townhomes. The consensus of the Town Council was to leave how fees are applied unchanged for now.

WATER & SEWER FUND

The Town Manager presented the Water & Sewer Fund Expenditure and Revenue Summary showing an 8.4% decrease over the 2016-2017 Fiscal Year Budget. He explained this is due primarily to the transition of Capital Projects into Capital Project Funds. He reviewed Capital Outlay items and commented that 5 of 7 requested positions were recommended for inclusion in the FY 2017-2018 budget.

The Town Manager commented that the water and sewer rates have not increased since 2012 and the last rate study was beyond anyone's memory. A rate and fee study was conducted this year.

Water & Sewer Fund Rates and Fees were presented with recommended changes including minor increases to base rates and introduction of a 3 tier rate structure. The tiered rate structure promotes conservation and charges more for those who use more. Also proposed in the addition of a base rate for irrigation accounts.

Capital Reimbursement Fees, as presented to the Finance Committee, were recommended for approval as well. In the proposed structure, the fees would be calculated by meter size following the most common practice and allowing for easier administration.

ELECTRIC FUND

The Town Manager presented the Electric Fund Expenditure and Revenue Summary showing a 5.1% increase over the 2016-2017 Fiscal Year Budget. He explained this is due primarily to the quick expansion of the electric system. He reviewed Capital Outlay items and commented that 2 of 2 requested positions were recommended for inclusion in the FY 2017-2018 budget. Proposed changes in rates were discussed as well. Electric base rates would increase, however energy charges per kWh would decrease.

POTENTIAL GENERAL OBLIGATION BOND

The Town Manager stated that the Draft Capital Improvement Plan showed \$57.59 million in debt funded projects. Following the Town Council Retreat and subsequent revisions to the draft CIP based upon Council input, the current recommendation for a General Obligation Bond referendum is \$36 million. This Bond will be used for Phase I & II of Pleasant Park, portions of Beaver Creek and Middle Creek Greenway and the construction of the Senior Services Center.

Discussion regarding the amount of the bond ensued. The consensus of the Town Council was to move forward with a General Obligation Bond referendum, however agreement on the amount was not reached.

ADJOURNMENT

There being no further business, Mayor Olive adjourned the meeting.

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

Submitted By: 
Amanda R. Grogan
Budget and Management Analyst

Attest: 
Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, May 2, 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
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, May 2, 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor John Mark Harrison of Apex Baptist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations made.

CONSENT AGENDA

- Consent 01 Amendment to Code of Ordinances Section 20-162 regarding parking in town owned and leased parking lots
- Consent 02 Resolution that the Town of Apex has no objection to the relinquishment of 15 acres of property within the Swift Creek Watershed from Raleigh's ETJ to Wake County
- Consent 03 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 Don and Sharon Lawrence (Jordan Point Pump Station #2) property containing 2.2765 acres located on Horton Road, northwest of Horton Ridge Drive, Annexation #599 into the Town's corporate limits

- Consent 04 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 Judith Louise Freeman (Ellington Cove) property containing 7.8933 acres located at Laura Duncan Road and Bay Bouquet Lane, Annexation #600 into the Town's corporate limits
- 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 Sarah Fowler, Gerald and Sandra Harris (The Reserve at Mills Farm) property containing 11.23 acres located at 2010 and 2030 Laura Duncan Road, Annexation #602 into the Town's corporate limits
- Consent 06 Rescind prior award and award a construction contract and authorization for the Town Manager to execute same for U-5118 AE NC 55 Operational Improvements
- Consent 07 Municipal agreement with NCDOT to secure 70% of the project construction cost in federal funds, requiring 30% matching local (Town of Apex) funds for James Street to Downtown Apex Pedestrian Project, TIP Project No. U-5530 AC and Capital Project Ordinance Amendment to appropriate funds for preliminary work on the project
- Consent 08 Budget Ordinance Amendment Numbers 29 and 30 for reimbursement to be made to MREC KLP Stillwater LLC per the Developer's Agreement
- Consent 09 Set the Public Hearing on May 16, 2017 for rezoning application #17CZ05 (Jordan Pointe Pump Station #2) and Ordinance to rezone 2.28± acres located at 0 Horton Road from Wake County R-80W to Rural Residential (RR)
- Consent 10 Set the Public Hearing on May 16, 2017 for rezoning application #17CZ06 (Jordan Manors PUD amendment). The applicant, Meritage Homes seeks to rezone approximately 121.10± acres located at 0, 2208, 2312, 2340, 2408, 2412, 2424 New Hill Olive Chapel and 9225 Barker Road from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ05) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 11 Set the Public Hearing on May 16, 2017 for rezoning application #17CZ07. The petitioner, Jeff Mangum from Triangle Landscaping Supplies, wishes to rezone +/- 4.83 acres located at 2010 Lufkin Road (PIN 0751174098) from Light Industrial – Conditional Use (LI-CU) to Light Industrial – Conditional Zoning (LI-CZ).
- Consent 12 Encroachment Agreement and authorization for the Town Manager to execute the same for fence to encroach across a portion of the 20 foot wide Sanitary Sewer Easement

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE

MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

The Manager requested the addition of a Closed Session item to instruct staff on the Town's negotiating position in relation to acquiring property.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER WILKIE
MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE ADDITION OF THE REQUESTED
CLOSED SESSION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Cindy Foster, Mary Lee Blatchford, Ron Ateshian, Josh Bloom, Scott Dupree, Jimmy Perry, and Marlow Campbell all stated support for the full bond and presented the following types of comments: the tax dollars would be well used; if we don't act now, the window of opportunity will close and future generations will be short changed; field space is hard to come by right now and fields at Pleasant Park would help to bring in tournaments and revenue for the Town; the fields would help with quality of life; CAPS also has support for this; wanted is for teams to play and stay in Wake County.

Ken Fersch stated he'd given Council a *Proposed Bill of Rights for Citizens Neighboring New Development Projects* and that he had not heard back from anyone.

The Mayor thanked everyone for coming out and ensured them the Council heard what they had to say. He stated to Mr. Fersch that staff has been going through the notebook he presented and finding things to work on. We will be able to talk more thoroughly further down the road.

PUBLIC HEARINGS

Public Hearing 01 : Drew Havens, Town Manager

Public Hearing to receive citizen input on the Fiscal Year 2017/2018 Town Budget

The Manager gave a brief history of how this year's budget was formulated. An overview of the budget was presented.

Mayor Olive declared the Public Hearing open.

Mark Blatchford spoke about the five key questions the budget needed to answer for him as he sat through several budget meetings. He was impressed with the amount of thought and detail that went into the budget on the part of staff and was confident it will serve the needs of the community.

Charles Sandhofer stated he is on the finance committee at his condo community and spoke about trash pick-up fees. Most of the people paying the fees don't require the service as they only own the interior

of their units. He noted that apartments are exempt from these assessments. He felt funds were available in the budget to exempt condos also.

Carlaine Reynolds with the Farmers' Market stated they have strived hard to be a Saturday morning destination and named the activities going on there. They want to continue to grow and are pleased with the support they receive from the town.

Audra Killingsworth stated she is taking her children to Cary to use their summer camps. She spoke about the conveniences in Cary for working parents that Apex doesn't have. She asked that the Parks and Recreation budget be increased so that full time working parents can take advantage of Apex's programs.

Jennifer Ferrell supported the budget as related to Parks and Recreation Phase II of the Middlecreek Greenway. She spoke about the poor connection right now and how difficult it is to get around on the roads. There is little to no sidewalk space, and she goes to other towns to shop because it's easier. She has had successful communication with the Parks and Recreation staff and asked Council to approve the amount requested.

Mayor Olive declared the Public Hearing closed.

Council asked about the upcoming workshop which the Manager stated will be scheduled soon.

An audio recording of the following two Quasi-Judicial Public Hearings made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearings should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 02 – Quasi-Judicial : Shelly Mayo, Planner

Quasi-Judicial Public Hearing and application for a Special Use Permit (#17SUP01) for Heritage Leadership Academy located at 2030 East Williams Street in the Hope Community Church building

The Mayor explained the process of the Checklist.

Mayor Olive declared the Public Hearing open.

All those wishing to speak were sworn in by the Town Clerk.

Paul Stam, Attorney, stated he was representing the applicant, and he introduced their witness, Josh Renke.

There was no opposition to the request.

Mayor Olive asked Council if there were any relational or financial conflicts and if all could decide the matter impartially based on evidence. There were no conflicts and all stated they could make an impartial decision. Two Council members stated they attend church at or near the campus, but would be able to decide impartially. Mayor Olive asked Council if they had viewed the site, all answering in the negative.

OPENING STATEMENT BY APPLICANT: Mr. Stam stated Georgeanna Wiest would be the head of what would be a new private school. Mr. Renke would talk about how traffic will be managed.

EVIDENCE PRESENTED BY STAFF: Shelly Mayo stated her position and presented her credentials. Staff oriented Council to the site and explained this was coming back before Council to add an additional use. A neighborhood meeting was held. Staff recommended approval.

CROSS EXAMINATION OF STAFF BY COUNCIL: Council asked about the maximum number of students.

CROSS EXAMINATION OF STAFF BY THE APPLICANT: Staff answered questions posed by Mr. Stam.

EVIDENCE PRESENTED BY THE APPLICANT: The applicant, Georgeanna Wiest, identified herself and answered questions posed to her regarding the operations of her school [Heritage Leadership Academy] by Mr. Stam.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: The applicant answered questions posed by Council. Responding to Mr. Stam, the applicant described how they will serve financially disadvantaged students.

CROSS EXAMINATION OF WITNESS BY APPLICANT: Joshua Renke identified himself and presented his credentials. His company provided the Traffic Impact Analysis. He explained their analytical process and some of the results.

CROSS EXAMINATION OF WITNESS BY COUNCIL: Mr. Renke answered Council questions about carpooling.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY APPLICANT: The applicant waived providing a closing argument.

Mayor Olive declared the Public Hearing closed.

There were no Council remarks related to the Checklist.

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

Public Hearing 03 – Quasi-Judicial : Amanda Bunce, Principal Planner

Quasi-Judicial Public Hearing and Major Site Plan for Westford Apartments, 24.72 acres located at 0 Jenks Road and 2900 & 3300 US 64 Hwy West (north of US 64 between Jenks Road and Sunset Meadows Drive)

Mayor Olive declared the Public Hearing open.

IDENTIFICATION OF APPLICANT: Jason Barron, Morningstar Law Group, identified himself as representing the applicant.

IDENTIFICATION OF OPPONENTS: None.

Mayor Olive asked Council if there were any relational or financial conflicts and if all could decide the matter impartially based on evidence. There were no conflicts and all stated they could make an impartial decision. Mayor Olive asked Council if they had viewed the site, all answering in the negative.

OPENING STATEMENT BY APPLICANT: Mr. Barron stated they believed their application satisfied all conditions and asked for Council approval.

OPENING STATEMENT BY STAFF: None.

EVIDENCE PRESENTED BY STAFF: Amanda Bunce stated her position and presented her credentials. Staff oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff answered questions posed by Council related to buildings, traffic, and buffers.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

TESTIMONY OF WITNESS: Matt Ansley, J. Davis Architects, presented his credentials. Mr. Ansley presented information on the buildings which would be located on the site.

CROSS EXAMINATION OF WITNESS BY COUNCIL: Mr. Ansley answered questions posed by Council.

CROSS EXAMINATION OF WITNESS BY STAFF: None.

TESTIMONY OF WITNESS: Peter Clossen, Jones and Clossen Engineering, PLLC, presented his credentials and work experience. Mr. Clossen stated they have worked closely with staff on this request and asked Council for approval. He detailed elements of the site.

CROSS EXAMINATION OF WITNESS BY COUNCIL: Mr. Clossen answered questions posed by Council.

CROSS EXAMINATION OF WITNESS BY STAFF: None.

TESTIMONY OF WITNESS: Kevin Dean, Kimley-Horne and Associates, Inc., stated his position and presented his credentials. His firm worked with DOT and staff to come up with a traffic study for the area. He stated the improvements they recommended.

CROSS EXAMINATION OF WITNESS BY COUNCIL: Mr. Dean answered questions from Council.

CROSS EXAMINATION OF WITNESS BY STAFF: None.

TESTIMONY OF APPLICANT: Mr. Barron asked Eric Rifkin, The Halle Companies, questions which clarified earlier questions of Council.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: Mr. Barron stated they believed all testimony pointed to satisfaction of the conditions. He asked Council for approval of the request.

Staff answered questions posed by and which clarified earlier concerns of Council.

Mayor Olive declared the Public Hearing closed.

In reviewing the Checklist items, Council expressed concern about what she saw as an adverse impact based on what's been planned and is already underway in the area since approval of the PUD. Council asked questions related to taxes and the percentage of apartments. Council expressed concern about traffic congestion. Council stated he felt this was the best we would see on this site.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE SITE PLAN WITH A MINIMUM OF A TYPE B BUFFER ALONG JENKS ROAD WHEREVER THE ROAD IS DISTURBED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council asked staff to apply extra scrutiny to upcoming projects. Council stated he hoped the developer would put as much non-residential on the remainder of the PUD as possible.

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

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance 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

Staff oriented Council to the site. A neighborhood meeting was held. Staff 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 WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 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

Laurie Hohe, Town Attorney

Closed Session to (1) consult with the Town Attorney, and (2) instruct staff on the Town's negotiating position in relation to acquiring property

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

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

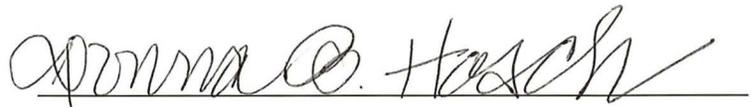
WORK SESSION

There were no Work Session items for consideration.

The Town Manager introduced to Council the new Assistant Town Manager, Shawn Purvis. Mr. Purvis gave a brief history of his educational accomplishments and work experiences.

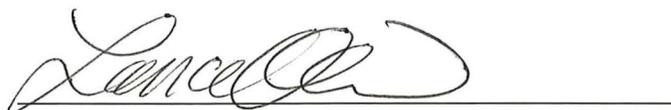
ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Special Meeting

Thursday, May 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
Shawn Purvis, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Special Meeting of the Apex Town Council
scheduled for Thursday, May 4, 2017, at 4:00
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 and Eugene J. Schulze

COMMENCEMENT

The Special Meeting of the Apex Town Council was called to order.

ADJOURNMENT

A quorum of the Council was not present. The meeting was adjourned.

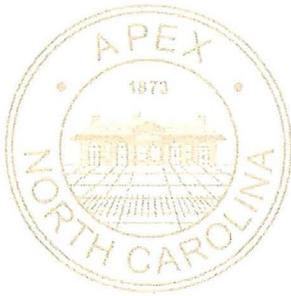
NC DOT presented their information regarding the Highway 55 widening project to those in attendance.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, May 16, 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
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, May 16, 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 and Council Members
William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
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 were Mayor Pro Tem Nicole L. Dozier and Council Member Eugene J. Schulze

COMMENCEMENT

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

PRESENTATIONS

**Presentation 01 : Tom Colwell, Parks, Recreation, and Cultural Resources Advisory Committee Member
Update on Public Art Policy / Plan**

Mr. Colwell stated an arts policy had come before Council in the past. Council asked that a study group be formed to assess public art in the Town. Mr. Colwell read a statement from the group and talked about the aspects of the program they developed and its goals. At this time, the group was not asking for funding but for authorization to put their program into action.

Council stated they saw this as a worthwhile project which would enhance the appearance of the Town. The Mayor wished to take another look at the program and then have it come back before Council for adoption.

CONSENT AGENDA

- Consent 01 Budget Ordinance Amendment No. 32 and a Capital Project Ordinance Amendment to provide for increased funding in the amount of \$200,000 for the Public Safety Station 5 project to cover additional architectural costs related to construction administration
- Consent 02 Apex Tax Report dated 04/18/17
- Consent 03 Resolution Supporting the Establishment of a Permanent Pedestrian Crossing of the Railroad at Tingen Road in cooperation with CSX Transportation and the North Carolina Department of Transportation
- Consent 04 Minutes of the Regular Town Council Meetings on April 18, 2017 and May 2, 2017 and the Budget Workshop on April 20, 2017
- Consent 05 Budget Ordinance Amendment Number 31 which, in conjunction with Budget Ordinance No. 29, will provide funds to reimburse MREC KLP Stillwater LLC per the Developer's Agreement
- Consent 06 Findings of Fact, Conclusions of Law, and Decision approving the Special Use Permit 17SUP01Heritage Leadership Academy located at 2080 E. Williams Street
- Consent 07 Findings of Fact, Conclusions of Law, and Decision approving the Westford Apartments Major Site Plan
- Consent 08 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on Unified Development Ordinance (UDO) Amendments of April 18, 2017 related to solar within Resource Conservation Areas
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on Unified Development Ordinance (UDO) Amendments of April 18, 2017 related to stormwater management
- 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 April 18, 2017

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER JENSEN
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

The Mayor stated that the two absent Council Members were not running late, that they had been excused from this meeting. In their absence, there was a quorum present to hear the Agenda items.

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 : Amanda Bunce, Principal Planner

Public Hearing and rezoning application #17CZ06 (Jordan Manors PUD amendment). The applicant, Meritage Homes, seeks to rezone approximately 121.10± acres located at 0, 2208, 2312, 2340, 2408, 2412, 2424 New Hill Olive Chapel and 9225 Barker Road from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ05) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval of the request and deemed it appropriate for the site. Staff answered questions from Council regarding steps and slabs.

The applicant, Kirby LaForce, spoke about what they are proposing - an all-ranch community. He spoke about the demographic that preferred minimal steps into their homes.

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

There was a bit of Council discussion about those who would want this type of home.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council spoke about the dynamics of a raised vs. a slab home.

THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Shelly Mayo, Planner

Public Hearing and rezoning application #17CZ07. The applicant, Jeff Mangum from Triangle Landscaping Supplies, wishes to rezone +/- 4.83 acres located at 2010 Lufkin Road from Light Industrial - Conditional Use (LI-CU) to Light Industrial - Conditional Zoning (LI-CZ).

Staff oriented Council to the site, for which the applicant was asking the approval of additional uses. A neighborhood meeting was held, which was not attended. The Planning Board and staff 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 JENSEN MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Amanda Bunce, Principal Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Don and Sharon Lawrence (Jordan Point Pump Station) property containing 2.2765 acres located on Horton Road, northwest of Horton Ridge Drive, Annexation #599 into the Town's corporate limits

and

Public Hearing 04 : Amanda Bunce, Principal Planner

Public Hearing and rezoning application #17RZ05 (Jordan Pointe Pump Station #2) and Ordinance to rezone 2.28± acres located at 0 Horton Road from Wake County R-80W to Rural Residential (RR)

Staff stated the ordinance and rezoning would be reviewed together. Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval of the rezoning; staff recommended approval of both requests.

Mayor Olive declared the Public Hearings open. With no one wishing to speak, Mayor Olive declared the Public Hearings 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 3-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Judith Louise Freeman (Ellington Cove) property containing 7.8933 acres located at Laura Duncan Road and Bay Bouquet Lane, Annexation #600 into the Town's corporate limits

Staff oriented Council to the site. Staff 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Sarah Fowler, Gerald and Sandra Harris (The Reserve at Mills Farm) property containing 11.23 acres located at 2010 and 2030 Laura Duncan Road, Annexation #602 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval of the request.

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 WILKIE MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 07 : Shannon Cox, Transportation Planner

Public hearing and amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to consolidate the two future Minor Collector streets planned between NC 55 (E Williams Street) and Smith Road, south of future Jessie Drive, and upgrade to one Major Collector street on an adjusted corridor alignment

Staff oriented Council to the proposed amendments. The Planning Board voted 5-3 to approve the request. Staff provided Council a brief explanation as to why the vote was not unanimous.

Mayor Olive declared the Public Hearing open.

The applicant, Mike Whitehead, explained the reason for the amendments. He spoke about the additional work which would need to be done and the financial impact. He explained this was a late notice surprise which they were waiting for their engineers to analyze. He asked if this could be moved to a future meeting.

Josh Beck asked for denial of the request, speaking about buffers and traffic not coming through their neighborhood.

Alton Richardson questioned the location of the road in relation to his property and its resulting effects. Mayor Olive clarified that land will not be condemned for this road and that the road is not planned to be completed until someone wishes to sell or develop their property. Mr. Richardson stated he wanted to be sure he had a say about what affects his property line.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions on property owner notification timelines. Council talked about the collector and how he felt it would be a smart thing to do.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated he had a hard time with a portion of this at first, but his mind had been changed by the need for such a collector. Council questioned why this should be decided tonight, not giving the applicant a chance to evaluate this further.

THE MOTION CARRIED BY A 3-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

**Unfinished Business 01 : Joanna Helms, Economic Development Director
An Agreement between the Town of Apex and The Coworking Station**

Staff stated this related to our ongoing efforts to bring coworking space to Apex. At a previous Council meeting, there was a public hearing. Council provided feedback. The proposal, as a result, was revised and put in the form of a standard agreement. Staff touched on a few of the items in the agreement which related to previous questions from Council.

At this point, the Mayor called for moving on to New Business in order to allow time for the final agreement to be printed for Council review.

NEW BUSINESS

**New Business 01 : Shelly Mayo, Planner
Center Street Station Master Subdivision Plan for the properties located at 1100 Center Street containing 7.43 acres and 45 townhomes**

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board and staff recommended approval. Staff answered questions from Council about easements and a greenway.

Council gave direction to staff regarding the greenway, which the Town Manager acknowledged.

The Mayor expressed concern about lack of connections in a section of the property. Staff explained how this concern could be addressed, and Council directed staff to add a stub to the Transportation Plan.

The applicant offered to answer any questions by Council, to which there were none.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE SUBDIVISION PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

RETURN TO Unfinished Business 01 : Joanna Helms, Economic Development Director
An Agreement between the Town of Apex and The Coworking Station

With the final Agreement before Council, staff further detailed those items which Council wished addressed. The Economic Development Committee reviewed the document and recommended approval.

Responding to Council, staff spoke about the issue of parking as brought up by the downtown merchants, stating that parking will not cause a problem.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE AGREEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council members expressed their delight in this effort coming to Apex and how great this will be for downtown. Council thanked staff for her hard work on this project.

THE MOTION CARRIED BY A 3-0 VOTE.

CLOSED SESSION

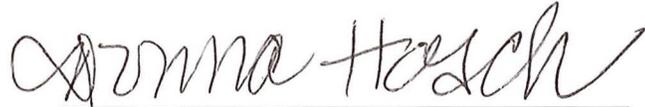
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, June 6, 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
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, June 6, 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, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Nicky Winstead and Bonita Young
Presentations from the Apex Community Auxiliary

Mr. Winstead gave a brief history of this ladies auxiliary and why the organization was formed. These ladies have been a great source of financial assistance to EMS for many years. After 45 years, however, the auxiliary is disbanding due to poor fundraising. The funds presented this evening were funds not used by the auxiliary.

Ms. Young stated the following donations would be made to organizations in Apex. She and the officers standing with her hoped the funds would be used to strengthen our community. Each recipient gave a brief description of their organization.

<u>Organization</u>	<u>Amount</u>	<u>Presented to</u>
Grow Our Kids	\$40,000.00	Samantha LoPiccolo
American Legion Children & Youth Programs	\$20,000.00	Mike Sayers

Apex Historical Society	\$10,000.00	Jeff Hastings
Blue Light College of Apex	\$30,000.00	Jacques Gilbert
Apex EMS	\$35,000.00	Randall Heath
Apex High School Scholarship Program	\$20,000.00	Dr. Kearney & Kathy Welch
Community Garden	\$ 5,000.00	Fred D'Ignazio and Anne Harrison
Back Pack Buddies	\$ 2,000.00	Shannon Flaherty and Barbara Belicic
Total Dollars	\$162,000.00	

Mayor Olive thanked the Auxiliary for all their efforts in what they have done for the community. Council Member Schulze expressed sadness for seeing the Auxiliary close down but stated the community is so thankful for all they have done.

CONSENT AGENDA

- Consent 01 Supplemental Minutes of the April 4, 2017 Regular Meeting, Minutes of the April 20, 2017 Budget Workshop, Minutes of the May 4, 2017 Special Meeting, Minutes of the May 11, 2017 Budget Workshop, Minutes of the May 16 Regular Meeting, and Closed Session Minutes of April 4, 2017 and May 2, 2017 (*Closed Session Minutes recorded separately*)
- Consent 02 Statement of the Town Council for Rezoning Case #17RZ05, William Daniel, William G. Daniel & Associates/Donald W. & Sharon J. Lawrence, petitioners for the property located at 0 Horton Road
- Consent 03 Budget Ordinance Amendment No. 33 to appropriate cost-share funds received from Wake County for the purchase of emergency firefighting equipment that is in need of replacement
- Consent 04 Budget Ordinance Amendment No. 35 to appropriate Town funds for the purpose of assisting in the renovation costs for coworking space in downtown Apex
- Consent 05 Budget Amendment No. 36 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- Consent 06 Interagency Agreement between the Town of Apex and the Town of Holly Springs to pursue the use of the Superion ONESolution (OSSI) public safety software and server application as a multi-agency project
- Consent 07 Concurrence with repeal of the state ordinance for 45 mph on Salem Street from Hunter Street to the northern end of corporate limits
- Consent 08 Capital Project Ordinance Amendment to provide \$60,000 for the acquisition of a 20-foot strip of public right of way across the front of five (5) single-family lots in the Olive Street exempt subdivision along Schieffelin Road, allowing for future expansion of the roadway as part of the Apex Peakway corridor
- Consent 09 Amendment to Section 20-164 with the addition of subsection (26) establishing a No Parking zone on the east side of Scotts Ridge Trail north of the Scotts Ridge Elementary School driveway, from Apex Barbecue Road to the Scotts Ridge recreation center driveway

- Consent 10 Amendment to Section 20-100 of the Town of Apex Code of Ordinances to apply a 25 mph speed limit to Salem Street from East Williams Street to 300 feet north of Center Street and apply a 45 mph speed limit to Richardson Road south of US 64
- Consent 11 Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances
- Consent 12 Revised Policy Regarding Town Participation in Utility Projects
- Consent 13 Public Art Policy / Plan
- Consent 14 Statement of the Town Council and Ordinance for Rezoning Case #17CZ06, Pulte Home Company and Jordan Manors Developers, LLC, petitioners for the property located at 9225 Barker Road and 0, 2208, 2312, 2340, 2408, 2412 and 2424 New Hill Olive Chapel Road
- Consent 15 Resolution declaring a 1995 Rescue Master Rescue truck as surplus and proceed with offering the apparatus up for sale
- Consent 16 Wake County Large Apparatus Funding Agreement that provides reimbursement for the purchase of the new rescue apparatus in the amount of \$84,000
- Consent 17 Appointments to the Parks, Recreation, and Cultural Resources Advisory Commission
- Consent 18 Resolution authorizing Triangle Area Water Supply Monitoring Project Phase VIII between the participating local government entities
- Consent 19 Lot 180 Plots A & B to be reconveyed back to Apex Town Cemetery
- Consent 20 Design contract for Phase I of the Middle Creek Greenway to Alta Planning and Design and authorization for the Town Manager to sign all documents related to the design of Phase I of the Middle Creek Greenway
- Consent 21 Encroachment Agreement and authorization for the Town Manager to execute the same for fence to encroach across a portion of the Public Utilities Easement
- Consent 22 Municipal agreement with the North Carolina Department of Transportation for the development of the Town of Apex Comprehensive Bicycle Plan and possible motion to approve an associated resolution approving the Comprehensive Bicycle Plan project and authorization for the Mayor and Clerk to sign and execute the municipal agreement
- Consent 23 Facility Encroachment Agreement No. CSX782195 between the Town of Apex and CSX Transportation, Inc. and authorizing the Town Manager to execute the Agreement
- Consent 24 Professional services agreement with Kimley-Horn & Associates, Inc. in the amount of \$176,077 to complete a Comprehensive Transportation Plan Update and a Land Use Plan Update, and authorization for the Town Manager to execute same
- Consent 25 Public Art License Agreement with Apex Pointe, LLC and authorization for the Town Manager to sign all related documents and agreements
- Consent 26 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 27 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 Willey R. Walden, G.H. Harris Heirs, Carolyn O. Thompson, Elizabeth H Olive, Terry M. Olive, 3 Boys Capital, LLC, Joyce H. Bunch and Sharon Shields, Buckingham Pines, LLC, Donald F. Richardson, John D. and Patricia L Butler, Linda Walden Brown, Jean Holloway Walden, Cheryl Renee and Elton Roland Wright and Dianne O. Ellis (Friendship Station PUD) properties containing 184.836 acres located at the south side

of Humie Olive Road, east of Olive Farm Road and west side of Richardson Road, Annexation #597 into the Town's corporate limits

- Consent 28 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 Chatham Partners Windy Ridge, LLC (Meridian at Ten Ten) property containing 21.23 acres + 7.00 acres of right-of-way located at 0, 2021 and 2023 Ten Ten Road, Annexation #606, into the Town's corporate limits
- Consent 29 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 Bobby R. & Linda H. Lockamy property containing 1.086 acres located at 1205 Twin Creek Road, Annexation #604 into the Town's corporate limits
- Consent 30 Statement of the Town Council and Ordinance for Rezoning Case #17CZ07 located at 2010 Lufkin Road. Jeff Mangum and Triangle Landscaping Supplies are the petitioners
- Consent 31 Addition of Four Oaks Bank to the list of official depositories for the Town of Apex
- Consent 32 Revisions to the Town Standard Specifications and Standard Details
- Consent 33 Budget Ordinance Amendment Number 34 and Water/Sewer Capital Project Ordinance Amendment
- Consent 34 Resolution of Intent for the closing of a right-of-way (ROW) remnant adjacent to N. Salem St. at the intersection of N. Salem St. and US-64 and calling for a Public Hearing at the July 18, 2017 Council Meeting
- Consent 35 Set Public Hearing for the June 20, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance relating to Park, Recreation, and Open Space standards
- Consent 36 Set Public Hearing for the June 20, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 37 Set the Public Hearing on June 20, 2017 for rezoning application #17CZ09 to rezone 14.30± acres located at 3621, 3705, and 0 Green Level West Road from Rural Residential (RR) to neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 38 Position Classification Plan for FY17-18
- Consent 39 Modification of Ordinances to Town Code 14-14 for Pig Fest and Music Fest to allow for the limited consumption of alcohol on Town property and to modify the Special Event approval for Pig Fest to allow the closure of the gravel parking lot behind the paved municipal lot off Saunders Street on Thursday, June 15th for competition teams to begin to set up
- Consent 40 Encroachment Agreement and authorization for the Town Manager to execute the same for steps to encroach across a portion of the 5 foot wide Public Utility Easement
- Consent 41 Set the Public Hearing on June 20, 2017 for rezoning application #17CZ09 to rezone 14.30± acres located at 3621, 3705, and 0 Green Level West Road from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 42 Authorization for staff to work with Cary staff to amend the language in *Interlocal Agreement No. 2* (dated 5/23/14) for *Provision of Sewer Services for Colvin Park Subdivision* to include additional flow

Mayor Olive stated there was a revision to Consent Item 17. There was an additional Consent request from staff: Resolution of support and to encourage the N.C. General Assembly to restore dedicated funding for the North Carolina Parks and Recreation Trust Fund and to direct the Clerk to send a copy of the resolution to all Wake County delegation members. The Manager stated we hoped that by showing support for this program, funding would be restored. Since Council had questions, the Mayor stated this item would be heard as New Business 01.

The Mayor recognized the newest members of the Parks, Recreation, and Cultural Resources Commission who were in attendance.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE
CONSENT AGENDA WITH THE REVISED CONSENT 17 AND THE ADDITIONAL ITEM BEING HEARD AS
NEW BUSINESS; COUNCIL MEMBER DOZIER 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 MOYER
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Mike Sayers spoke endearingly of Captain Mike Wilson regarding this heroic efforts and service to the Town. He was presented with an American Legion law enforcement accommodation award.

Landon Carroll stated that he was disappointed in receiving no response from Council regarding his past communication [regarding parking at Thales]. He urged Council not to forget who their customers are and who voted for them.

Steve Swamp spoke about the amount and danger of debris on roads because of construction, i.e., gravel. He would like to see street sweeping to make it safer. Dump truck sizes have gone through the roof. Mr. Swamp asked that the Town work with DOT to keep the trucks within the weight limit for the roads.

Brett Gantt commended Council on its public art effort and hoped projects coming out of the program will be supported and funded. He added that art incorporated into the current bridge project would make it more pleasant for residents.

Jeff Hastings spoke about Peak Fest and how it's been a great event. They couldn't do such an event without the support of all those involved from the Town. He thanked the Town for all they do.

PUBLIC HEARINGS

There were no Public Hearing items for consideration.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Amanda Grogan, Budget and Management Analyst

Capital Project Ordinance Amendments 2017-1, 2017-2, 2017-3, and 2017-4, and draft Capital Improvement Plan

Staff stated this was for approval of the Amendments and Plan. The Mayor stated these have all been reviewed in workshops in the past. This would be a codification of what has been agreed to in principal.

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

Unfinished Business 02 : Amanda Grogan, Budget and Management Analyst

FY 2017-2018 Annual Budget Ordinance and Corresponding Fee Schedule

Staff stated this was to adopt the Ordinance and Schedule. The Mayor stated these have been discussed in workshops in the past. This would be a codification of what has already been agreed to.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE BUDGET ORDINANCE AND SCHEDULE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Town of Apex, North Carolina
 Annual Budget for FY 2017 – 2018

BUDGET ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex, North Carolina that the following anticipated fund revenues and departmental expenditures, together with certain fees and schedules, and with certain restrictions and authorizations, are hereby appropriated and approved for the operation of the Town government and its activities for the fiscal year beginning July 1, 2017 and ending June 30, 2018.

Section 1: General Fund

General Fund Revenues	
Ad Valorem Taxes	\$24,510,934
Other Taxes and Licenses	\$10,310,000
Unrestricted Intergovernmental Revenues	\$2,966,200
Restricted Intergovernmental Revenues	\$4,048,981
Permits and Fees	\$3,444,200
Sales and Services	\$4,519,877
Investment Earnings	\$102,500
Miscellaneous Revenues	\$271,000
Other Financing Sources	\$856,200
Total Revenues	\$51,029,892

General Fund Expenditures	
Governing Body	\$219,982
Administration	\$884,986
Human Resources	\$1,171,701
Information Systems	\$1,771,366
Legal Services	\$304,440
Economic Development	\$277,768
Finance	\$707,274
Planning & Community Development	\$1,965,634
Facility Services	\$1,295,448
Police	\$12,450,711
Fire Services	\$7,428,067
Emergency Medical Services	\$1,811,240
Public Works & Transportation	\$1,155,690
Utility Engineering-Water Resources	\$1,510,120
Streets	\$3,397,978
Solid Waste Services	\$3,905,470
Fleet Services	\$559,531
Building Inspections & Permitting	\$2,314,244
Parks & Recreation	\$3,874,373
Cultural Arts Center	\$567,385
Cemetery	\$35,500

Special Appropriations	\$36,500
Debt Service	\$3,124,611
Other Financing Uses	\$0
Contingency	\$64,118
Transfers	\$195,756
Total Expenditures	\$51,029,892

As required by General Statutes Chapter 158-7.1(a), the appropriations made for the purpose of economic development in Section I of the Ordinance have been determined by the Town Council to increase the population, taxable property, agricultural industries, employment, industrial output, or business prospects of the Town of Apex.

Section 2: Electric Fund

Electric Fund Revenues	
Investment Earnings	\$25,000
Miscellaneous Revenues	\$10,000
Charges for Service	\$33,798,000
Other Operating Revenues	\$3,748,000
Other Financing Sources	\$10,000
Total Revenues	\$37,591,000
Electric Fund Expenditures	
Electric Operations	\$37,591,000
Total Expenditures	\$37,591,000

Section 3: Water / Sewer Fund

Water / Sewer Revenues	
Investment Earnings	\$60,000
Miscellaneous Revenues	\$40,000
Charges for Service	\$15,000,808
Other Operating Revenues	\$190,000
Transfer from W/S Reserve	\$2,347,652
Fund Balance Appropriated	\$1,406,850
Other Financing Sources	\$15,000
Total Revenues	\$19,060,310
Water / Sewer Expenditures	
Water/Sewer Operations	\$19,060,310
Total Expenditures	\$19,060,310

Section 4: Police State Funds

Police - State Funds Revenues	
Investment Earnings	\$50
Miscellaneous Revenues	\$1,200
Total Revenues	\$1,250

Police - State Funds Expenditures	
Police Operations	\$1,250
Total Expenditures	\$1,250

Section 5: Police Federal Funds

Police - Federal Funds Revenues	
Investment Earnings	\$50
Miscellaneous Revenues	\$500
Total Revenues	\$550

Police - Federal Funds Expenditures	
Police Operations	\$550
Total Expenditures	\$550

Section 6: Police - Donations

Police - Donations Revenues	
Investment Earnings	\$50
Miscellaneous Revenues	\$500
Total Revenues	\$550

Police - Donations Expenditures	
Police Operations	\$550
Total Expenditures	\$550

Section 7: Fire - Donations

Fire - Donations Revenues	
Investment Earnings	\$50
Miscellaneous Revenues	\$1,000
Total Revenues	\$1,050

Fire - Donations Expenditures	
Fire Operations	\$1,050
Total Expenditures	\$1,050

Section 8: EMS - Donations

EMS - Donations Revenues	
Investment Earnings	\$80
Miscellaneous Revenues	\$1,000
Total Revenues	\$1,080

EMS - Donations Expenditures	
EMS Operations	\$1,080
Total Expenditures	\$1,080

Section 9: Health & Dental Fund₁

Health & Dental Fund Revenues	
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Health Premiums	\$3,444,073
Spouse/Dependent Health	\$1,007,956
Dental Premiums	\$228,178
Spouse/Dependent Dental	\$188,628
Total Revenues	\$4,868,835

Health & Dental Fund Expenditures	
Health Claims	\$2,891,312
Dental Claims	\$363,256
Admin Fees - Health	\$879,996
Health Claims - Retirees	\$720,220
Dental Claims - Retirees	\$1,020
Admin Fees - Retirees	\$13,031
Total Expenditures	\$4,868,835

1. In accordance with NCGS 159-13.1, the Town adopts the Financial Plan for Health and Dental Fund to provide health and dental coverage to employees and retirees. Payments to the fund are included the annual budget of the other funds.

Section 10: Cemetery Fund

Cemetery Fund Revenues	
Investment Earnings	\$3,000
Total Revenues	\$3,000

Cemetery Fund Expenditures	
Reserved for Future Expenditures	\$3,000
Total Expenditures	\$3,000

Section 11: Water / Sewer Capital Reserve Fund

Water / Sewer Capital Reserve Fund Revenues	
Investment Earnings	\$60,000
Capital Reimbursement Fees - Residential	\$4,000,000
Capital Reimbursement Fees - Commercial	\$300,000
Fund Balance Appropriated	\$975,652
Total Revenues	\$5,335,652

Water / Sewer Capital Reserve Fund Expenditures	
Transfer to W/S Fund	\$2,347,652
Transfer to W/S Project Fund	\$2,988,000
Total Expenditures	\$5,335,652

Section 12: Perry Library Trust Fund

Perry Library Trust Fund Revenues	
Investment Earnings	\$230
Total Revenues	\$230

Perry Library Trust Fund Expenditures	
Reserved for Future Expenditures	\$230
Total Expenditures	\$230

Section 13: Recreation Capital Reserve Fund

Recreation Capital Reserve Revenues	
Subdivision Recreation Fees	\$2,000,000
Investment Earning	\$10,000
Fund Balance Appropriated	\$378,200
Total Revenues	\$2,388,200

Recreation Capital Reserve Expenditures	
Transfer to General Fund	\$526,200
Transfer to Recreation Project	\$1,862,000
Total Expenditures	\$2,388,200

Section 14: Transportation Capital Reserve Fund

Transportation Capital Reserve Fund Revenues	
Motor Vehicle Licenses	\$400,000
Investment Earnings	\$342,400
Total Revenues	\$742,400

Transportation Capital Reserve Fund Expenditures	
Reserved for Future Expenditures	\$742,400
Total Expenditures	\$742,400

Section 15: Fire / EMS Capital Reserve Fund

Fire / EMS Capital Reserve Fund Revenues	
Investment Earnings	\$200
Total Revenues	\$200

Fire / EMS Capital Reserve Fund Expenditures	
Reserved for Future Expenditures	\$200
Reserved for Future Expenditures	\$200

Section 16: Levy of Taxes

There is hereby levied a tax at the rate of thirty-eight cents (\$0.38) per one hundred dollars (\$100) valuation of property as listed for taxes as of January 1, 2017, for the purpose of raising the revenue listed Ad Valorem Taxes 2017-2018 in Section 1: General Fund of this ordinance. This rate is based on a valuation of property for purposes of taxation of \$ 6,468,000,000 and an estimated rate of collection of 99.78%.

Section 17: Fees & Charges

There is hereby established, for Fiscal Year 2017-2018, various fees and charges as contained in the Fee Schedule attached to this document. All mileage reimbursements for the use of personal vehicles shall be the same as the allowable IRS rate in effect on the date of travel. All daily and monthly subsistence schedules previously adopted shall remain in effect.

Section 18: Special Authorization of the Budget Officer

a) The Budget Officer shall be authorized to reallocate fund appropriations among the various objects of expenditure as he deems necessary, provided such reallocations do not increase or decrease the total budget for any fund.

b) The Budget Officer shall be authorized to amend this budget as necessary to fulfill all obligations evidenced by a purchase order outstanding on June 30, 2017.

"Section 19: Use of the Budget and the Budget Ordinance"

This Ordinance and the budget document shall be the basis for the financial plan of the Town of Apex for Fiscal Year 2017-2018. The Budget Officer shall administer the budget and the Finance Director shall establish records which are in agreement with the budget, this ordinance, and the appropriate statutes of the State of North Carolina.

Section 20. Distribution

Copies of this ordinance shall be furnished to the Budget Officer and the Finance Director of the Town of Apex so that they may keep this ordinance on file for their direction and disbursement of funds.

NEW BUSINESS

ADD ON New Business 01: John Brown, Parks and Recreation Director

Resolution of support and to encourage the N.C. General Assembly to restore dedicated funding for the North Carolina Parks and Recreation Trust Fund and direction for the Clerk to send a copy of the resolution to all Wake County delegation members

Staff provided a brief history of the Parks, Recreation, and Cultural Resources Commission and why it was established. Apex in past years has supported the additional funding coming from the Parks and Recreation Trust Fund. We have been informed by the Parks and Recreation Association that the General Assembly is going to look at reinstalling allocation from the land transfer tax. We were asked to contact our legislators to let them know this funding is essential to the community.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO ADOPT THE
RESOLUTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session to (1) establish the Town's negotiating position for acquisition of real property, and (2) to discuss a personnel matter

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

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

Council considered financing the purchase of additional park land. Mr. Havens recommended that Council direct staff to prepare the appropriate resolutions to combine the purchase of the property in the southwest portion of Town, currently under contract, with the potential purchase of land identified in the northwest portion of Town, into one installment finance proposal. Mr. Havens reported that using this method of paying for the two parcels of land would enable staff to manage project funds while keeping the cost of borrowing as low as possible. A financing agreement would include a provision for early repayment of the loan without penalty. Councilman Schulze inquired regarding the difference in interest rates between this type of borrowing and bond debt. Mr. Purvis reported that interest rates for the two types of debt are currently quite close to one another. He also reported that the cost to carry installment debt for 15 years would be less than the cost to the same amount of debt for 20 years if bond funded. After brief additional discussion,

MAYOR OLIVE CALLED FOR A MOTION. COUNCILMAN MOYER MADE THE MOTION TO DIRECT STAFF TO PREPARE THE NECESSARY RESOLUTIONS TO BORROW UP TO \$6 MILLION UNDER AN INSTALLMENT FINANCE AGREEMENT TO PURCHASE LAND PREVIOUSLY DISCUSSED FOR FUTURE PARKS; COUNCILWOMAN WILKE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

With park land acquisition now being funded through installment purchase, Mr. Havens asked Council to direct staff to reduce the amount of bond debt authorization requested in the upcoming bond referendum from \$53 million to \$48 million. After a brief discussion,

MAYOR OLIVE CALLED FOR A MOTION. COUNCILMAN MOYER MADE THE MOTION TO DIRECT STAFF TO REDUCE THE AMOUNT OF BOND DEBT AUTHORIZATION TO BE REQUESTED IN THE UPCOMING BOND REFERENDUM FROM \$53 MILLION TO \$48 MILLION; COUNCILWOMAN WILKE 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 Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk



Drew Havens
Town Manager

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, June 20, 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
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, June 20, 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 Shawn Purvis, 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 : Mayor Lance Olive

Proclamation recognizing July as Parks and Recreation Month as designated by the U.S. House of Representatives

Mayor Olive read the Proclamation and presented it to John Brown, Director of Parks, Recreation, and Cultural Resources.

Presentation 02 : Mayor Lance Olive

Proclamation declaring the week of October 1 through October 7, 2017 as Human Trafficking Awareness week in the Town of Apex

Mayor Olive stated he has been working with the individuals involved in this initiative. He read the Proclamation and presented it to the Manager who will be involved in planning awareness activities later in the year.

Presentation 03 : Mayor Pro Tem Nicole Dozier

Second annual “Think Apex” awards for “Top Thinker” and “Honorable Mention” in the categories of: Business; Individual or Group; and Non-Profit.

Mayor Pro Tem Dozier gave the history of Think Apex and the awards. Along with the entire Council, Mayor Pro Tem Dozier presented the awards.

Business Category: Honorable Mention – Neighbor Boy
Top Thinker Award – Werking Design & Décor

Non-Profit Category: Honorable Mention – Apex Sunrise Rotary
Top Thinker Award – Jordan Lutheran Church

Individual Category: Honorable Mention – Eduardo Rodriguez
Top Thinker Award – Sydney Ann McCoy

Mayor Olive thanked everyone for working to make our community home.

CONSENT AGENDA

- Consent 01 Minutes of the June 6, 2017 Regular Town Council Meeting
- Consent 02 Apex Tax Report dated 05/17/17
- Consent 03 Construction contract and authorization for the Town Manager to execute same for 2017 Road Rehabilitation project
- Consent 04 Construction contract and authorization for the Town Manager to execute same for Culvert Maintenance in Buckingham
- Consent 05 Construction contract and authorization for the Town Manager to execute same for Public Works Parking Expansion
- Consent 06 Construction contract and authorization for the Town Manager to execute same for Templeton Street Improvements
- Consent 07 Exercising an extension option for our current Street Sweeping contract
- Consent 08 Set the Public Hearing on July 18, 2017 regarding Rezoning Application #17CZ11 (Villages of Apex South PUD Amendment)
- Consent 09 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 Paul and Dorothy Madritch property (single-family home) containing 2.226 acres located at 1106 Olive Chapel Road, Annexation #607 into the Town’s corporate limits
- Consent 10 Amendments to Division II, Article III of Chapter 12 of the Apex Town Code of Ordinances
- Consent 11 Resolution to Abandon a Portion of Existing Public Utility Easement

Consent 12 Acknowledge appointments made by Mayor Olive to the Apex Downtown Business Association and Chamber of Commerce

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE 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 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 : Mike Clark, Senior Planner

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Willey R. Walden, G.H. Harris Heirs, Carolyn O. Thompson, Elizabeth H Olive, Terry M. Olive, 3 Boys Capital, LLC, Joyce H. Bunch and Sharon Shields, Buckingham Pines, LLC, Donald F. Richardson, John D. and Patricia L Butler, Linda Walden Brown, Jean Holloway Walden, Cheryl Renee and Elton Roland Wright and Dianne O. Ellis (Friendship Station PUD) properties containing 184.836 acres located at the south side of Humie Olive Road, east of Olive Farm Road and west side of Richardson Road, Annexation #597 into the Town’s corporate limits
and

Public Hearing 02 : Mike Clark, Senior Planner

Rezoning application #17CZ04 (Friendship Station PUD) and Ordinance and amendments to the 2030 Land Use Map. The applicant, Jones and Crossen seeks to rezone approximately 203.7± acres located at 0, 3148, 3136, 3113, and 3232 Olive Farm Road; 0, 2916, 2908, 2816, and 2804 Richardson Road; 0, 0, 8004, 8025, 8129, 8109, 8105, 8132, 8021, and 8116 Humie Olive Road; 2900 Old US 1 HWY, 2712 and 2705 Butterfinger Lane; and parts of 8217 Humie Olive Road, 2740, 2800, and 2732 Richardson Road from R-40W and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and amend the 2030 Land Use Map from Low Density Residential, Medium Density Residential, and Mixed Medium Density Residential and Commercial Services to Medium Density Residential and Mixed High Density Residential, Office Employment, and Commercial Services

Staff oriented Council to the site related to both the annexation and the rezoning and what was proposed by the applicant. Two public meetings were held, recreation land will be included, and the applicant agreed to the recommendations of staff. The Planning Board and staff recommended approval as presented.

Staff answered Council questions related to acreage, buffers, and parcel contracts.

Stuart Jones, Jones and Clossen Engineering, on behalf of several local developers, thanked staff for working with them. Mr. Jones gave a history of the PUD and how they would like to develop the land. They believed the use would be an asset to the Town.

Mr. Jones answered Council questions related to price points, buffers, densities, sewerage, and mixed uses at the site.

Mayor Olive declared the Public Hearing open.

Bernard Richardson stated he and members of his family were in attendance to support the project. The school will change the environment, and they will be in need of commercial services.

Mayor Olive declared the Public Hearing closed.

Council stated the developer is willing to bring in a non-residential element, to add sidewalks, etc. They have made a strong effort to do what Council has asked from developers. Council stated the applicant has taken into consideration the needs of the elderly and that there are efforts to address increased traffic. Council stated he was not in agreement with the densities. Council stated she, too, was not in support of the density changes. Council spoke about having space for companies wanting to locate to Apex, a live/work environment, and the quality of life businesses would bring in. Council spoke about how there would be housing for the teachers who would be needed in the area. The developer will put in infrastructure.

After conferring with his colleagues, Mr. Jones requested a continuance to the Regular Council Meeting on July 18th.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO CONTINUE AS REQUESTED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Liz Loftin, Planner

Rezoning application #17CZ09 to rezone 14.30± acres located at 3621, 3705, and 0 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. The Planning Board recommended approval and staff recommended approval with condition.

Don Mizelle with WithersRavenel spoke about working with staff to ensure the conditions and uses were based upon Apex Plans.

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 REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Bobby R. and Linda H. Lockamy property containing 1.086 acres located at 1205 Twin Creek Road, Annexation #604 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 SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Chatham Partners Windy Ridge, LLC (Meridian at Ten Ten) property containing 21.23 acres + 7.00 acres of right-of-way located at 0, 2021 and 2023 Ten Ten Road, Annexation #606, 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 DOZIER MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Amanda Bunce, Principal Planner

Various amendments to the Unified Development Ordinance relating to Park, Recreation, and Open Space standards

Staff oriented Council to the amendments and answered questions posed by Council.

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; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Amanda Bunce, Principal Planner

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments and answered questions from Council. The Planning Board and staff 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 AMENDMENTS; 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 : Drew Havens, Town Manager

Following up on Council's discussion earlier this year, staff, as directed, developed and distributed a request for proposals to install "turnkey" solar photovoltaic systems on the Public Works Operations Building (30 kW) and Public Safety Station 5 (90 kW)

The Manager stated an RFP was produced and mailed for proposals. Replies have come in from six vendors. Staff was looking for Council direction as to whether or not it wished to continue with solar on these buildings. Staff explained the pricing brackets. There was discussion on equipment guarantees, upkeep, lease vs. purchase, and fail rates.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO OBTAIN MORE DETAILS OF A CONTRACT, TRUE EXPERIENCES OF THOSE WHO HAVE USED THIS PROCESS, AND THEN COME BACK TO COUNCIL WITH ANSWERS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Staff stated this is being evaluated through the Legal Department. We will move to the next level of determining the details behind the offers.

NEW BUSINESS

New Business 01 : Vance Holloman, Finance Director

Possible motion to approve resolution authorizing the filing of an application with the Local Government Commission to issue \$48 million of GO Bonds for Parks and Recreation Facilities

Staff stated the Resolution would direct staff to file an application with the Local Government Commission and to follow through with the Clerk and the appointed attorney.

Council stated he would oppose because of this being a massive amount of money. Council stated we would not have to use all of the bonds.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated this was a misleading process seeing as there are staffing needs. Council stated he understood Council's objection, but this would be up to the voters. There was discussion on Apex's tax rate, which is low. Council stated these priorities were identified by the citizens, not by Council. Putting this on the ballot is giving everyone another shot at a pro or con voice.

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

New Business 02 : Liz Loftin, Planner

Possible motion to approve Linden Master Subdivision Plan for the properties located 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane containing 86.93± acres and 200 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu and the dedication of a greenway easement and a trail connection. The Planning Board and staff recommended approval. Staff answered questions posed by Council.

The applicant, Chase Kerley with Crescent Communities, explained why one property owner was against a certain type buffer.

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

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, Mayor Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, July 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
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, July 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 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 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, Pastor R. J. Hoggard of Summit Church 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 June 20, 2017 Regular Council Meeting and Minutes of the Closed Session of the June 6, 2017
(*Closed Session Minutes recorded separately*)
- Consent 02 Lot 133 with 11 Plots reconveyed back to Town of Apex Cemetery
- Consent 03 One "Sergeant" badge and one handgun declared "surplus", the price for such handgun set at \$1.00 (One Dollar), and the badge and handgun to be awarded to Sergeant Flaughter
- Consent 04 Revisions to the Town Standard Specifications & Standard Details
- Consent 05 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments relating to Park, Recreation, and Open Space standards of June 20, 2017

- Consent 06 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of June 20, 2017
- Consent 07 Agreement between Wake County Public School System and the Town of Apex for the design and construction of a multi-use path along Apex Barbecue Road between Woodall Estates and the eastern Scotts Ridge Elementary School driveway, and authorization for the Town Attorney and Town Manager to approve minor modifications to the agreement, except as to the allocation of funding, and authorization for the Town Manager to approve and execute the final agreement
- Consent 08 "First Amendment to Interlocal Agreement for the Administrative Distribution of the Wake County \$7 Vehicle Registration Tax" and the "Wake Transit Master Participation Agreement" in support of the implementation of the Wake Transit Plan
- Consent 09 Budget Ordinance Amendment No. 1 to appropriate fund balance to complete Electric Capital Projects identified in the Capital Improvement Plan
- Consent 10 Encroachment Agreement and authorization for the Town Manager to execute the same for five Storm Drainage Encroachment areas, four Sidewalk Encroachment areas, and one Sanitary Sewer Encroachment area across a 22,865 SF Public Utility Easement
- Consent 11 Resolution to join the Interlocal Risk Financing Fund of North Carolina and authorization for the Mayor to sign the Interlocal Agreement for the Town to be a member of the Group Self-Insurance Pool for Property and Liability Risk Sharing administered by the NC League of Municipalities
- Consent 12 Agreement for the Provision of Emergency Medical Services Contract with the Wake County EMS System and associated Ambulance Lease Agreement for FY18
- Consent 13 Resolution to Abandon a 20' Public Drainage Easement

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER JENSEN 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 WITH THE EXCEPTION OF HEARING PUBLIC HEARING 03
FIRST IN CONSIDERATION OF AUDIENCE MEMBERS. COUNCIL MEMBER JENSEN MADE
THE MOTION, COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Chris Shaw relayed the message that most of the homeowners in his neighborhood are in support of the Friendship Station PUD. Some owners will remain as neighbors of the project. The homeowners feel the project is well planned and will be a great benefit to residents in the area. He asked for Council approval.

Charles Sandhuffer spoke about yard waste collection. He stated that the clubhouse in his condo neighborhood is not charged a collection fee. Forty of the condo residents don't have street frontage, and Mr. Sandhuffer provided figures on how much they paid in fees last year. He asked that they be treated like apartments and be exempt from the yard waste fee. Any bulk items they put out would be handled by the condo.

Jim Middleton spoke representing Habitat of Wake County. They are having problems finding land to build on, but there is a potential location in Apex. Mr. Middleton explained how Habitat is structured and to whom they sell. With the assistance of Stuart Jones, they have come across an opportunity for affordable lots for townhouses in Friendship Station. The developer agreed to provide these lots, and Mr. Middleton explained the benefits of these homes. He urged Council to support the PUD.

Stuart Jones, representing the applicant for Friendship Station PUD, stated that they have made a few changes since being before Council previously. He explained what those changes were.

Terry Olive spoke on behalf of his family in relation to the Friendship UD. His land represents about 100 acres of the PUD, this appears to be the best opportunity for them to develop the land, and he encouraged approval by Council.

Linda Brown stated their land has been in her family for 200 years. Her great, great grandfather would love to see the Friendship PUD developed there.

John Butler stated he was not just a seller of property but that he will remain on part of his land. He supported the PUD.

Shannon Flaherty, Apex Chamber of Commerce, read a formal statement from her board of directors in support of the PUD.

Steve Swamp, representing several in attendance, gave a presentation on Westwinds' goals, concerns, and site plan. They have come up with what they feel are solutions to issues related to safety, traffic flow, and traffic overload. He thanked all involved in making West Village something of which to be proud.

Willie Walden stated he was now used to new development around him and supported the PUD.

Audra Killingsworth spoke about concerns not being addressed in the Villages of Apex. Some of their streets are used as a shortcut, there is a problem with speeding, and there is curb parking hindering turning traffic. Residents are concerned children will get killed or hurt. Their suggestions for fixing this problem have been turned down by the Town. Speed bumps or curb extensions will help calm traffic. Ms. Killingsworth was again asking for speed bumps and no parking on certain parts of the street.

PUBLIC HEARINGS

Public Hearing 03 : Shawn Purvis, Assistant Town Manager

Closing of a right-of-way (ROW) remnant adjacent to N. Salem St. at the intersection of N. Salem St. and US-64 and consider an order to close the right-of-way

Staff stated the applicant had submitted the proper paperwork. This is DOT property that is no longer needed as an access point. Staff answered Council questions about buffers and if DOT would allow us to keep and plant the property since it is an entranceway to the Town.

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 WILKIE MADE THE MOTION TO APPROVE THE ORDER; COUNCIL MEMBER SCHULZE SECONDED THE MOTION. COUNCIL MEMBERS WILKIE AND SCHULZE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND MOYER VOTED IN THE NEGATIVE. WITH MAYOR OLIVE NEEDING TO CAST A TIE-BREAK VOTE, HE VOTED IN THE AFFIRMATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Paul and Dorothy Madritch property (single-family home) containing 2.226 acres located at 1106 Olive Chapel Road, Annexation #607 into the Town's corporate limits

Staff oriented Council to the site. Staff 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 JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Liz Loftin, Planner

Rezoning Application #17CZ11 (Villages of Apex South PUD Amendment). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of NC II LP LTD Partnership, seeks to rezone approximately 12.35± acres located at 76 Hunter Street,

0 Laura Duncan Road, and 1960 Apex Peakway from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions.

Staff oriented Council to the site and stated the changes requested by the applicant. A neighborhood meeting was held. Staff recommended approval with the conditions stated. The Planning Board unanimously recommended approval. Staff answered questions from Council on uses and retail spaces.

Peter Crossen, representing the applicant, stated one concern was that there was no potential for retail. They were not offering this. He spoke about the existing office buildings in the PUD.

Moss Withers presented his credentials and work history. He stated they were trying to find the correct uses for spaces in the PUD. There were two major restrictions - layout and competition with surrounding roads. He answered Council questions on where he envisioned retail going.

Parks Hunter stated they wish to put a childcare center on six acres of the site. This is a need underserved in the area. There would be preschool and after school for up to 300 children daily. This would also provide service for kids who are ill so their parents could work during the day. Mr. Hunter answered Council questions about competition or lack of in the area.

Eric Rifkin spoke about office square footage and its flexibility. He added there has been a lot of interest for daycare in the area. Mr. Rifkin answered Council questions about retail space.

Mayor Olive declared the Public Hearing open.

Barbara Collins stated she'd been before Council previously talking about requirements. She indicated she had a statement from the residents which she would not read. She spoke about options for retail in this area. Their neighborhood wanted to continue the restrictions on retail and asked Council to deny the rezoning. They also wished a resolution stating that Council would never change the rezoning for the spaces.

Kathy Muccioli, speaking for herself and husband, stated they were excited for retail to be near them. Not enough has been done so far to bring in retail.

Mayor Olive declared the Public Hearing closed.

Council spoke about being promised retail when this matter came before Council previously. There probably is a market for childcare, but this was not what residents and Council were told would be in the

space. Council saw pluses and minuses in the current plan. Council liked the office component, but there is a need for daycare according to demographics. Council continued that both staff and the Planning Board recommended approval, and she looked at them as being the experts. Council was concerned about the drastic decrease in retail. Conversation ensued on densities, types of retail options, and if the applicant would offer a different condition for retail. The applicant offered to increase the retail minimum. Council was agreeable to delay voting on this matter in order to find out more from the applicant about their thought processes.

MAYOR OLIVE CALLED FOR A MOTION TO CONTINUE THIS ITEM TO THE REGULAR MEETING OF AUGUST 1, 2017.

COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Shawn Purvis, Assistant Town Manager

Bond order authorizing the issuance of up to \$48 million in Parks and Recreation Facilities Bonds subject to approval by the voters at a November 7, 2017 referendum, direction for the Finance Officer to file with the Town Clerk a Sworn Statement of Debt and a Statement of Total Estimated Interest and call for a public hearing on August 1, 2017 concerning the validity of the bonds and the advisability of issuing the bonds

Staff stated this was step two of three toward introducing the referendum in November. He explained what paperwork had been completed. The next step would be a public hearing in August.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS MOYER, WILKIE, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-0 VOTE.

UNFINISHED BUSINESS

Unfinished Business 01 : Mike Clark, Senior Planner

This item was continued from the June 20, 2017 meeting.

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Willey R. Walden, G.H. Harris Heirs, Carolyn O. Thompson, Elizabeth H Olive, Terry M. Olive, 3 Boys Capital, LLC, Joyce H. Bunch and Sharon Shields, Buckingham Pines, LLC, Donald F. Richardson, John D. and Patricia L Butler, Linda Walden Brown, Jean Holloway Walden, Cheryl Renee and Elton Roland Wright and Dianne O. Ellis (Friendship Station PUD) properties containing 184.836 acres located at the south side of Humie Olive Road, east of Olive Farm Road and west side of Richardson Road, Annexation #597 into the Town’s corporate limits.

and

Unfinished Business 02 : Mike Clark, Senior Planner

This item was continued from the June 20, 2017 meeting.

Rezoning application #17CZ04 (Friendship Station PUD) and Ordinance and amendments to the 2030 Land Use Map. The applicant, Jones and Cnossen seeks to rezone approximately 203.7± acres located at 0, 3148, 3136, 3113, and 3232 Olive Farm Road; 0, 2916, 2908, 2816, and 2804 Richardson Road; 0, 0, 8004, 8025, 8129, 8109, 8105, 8132, 8021, and 8116 Humie Olive Road; 2900 Old US 1 HWY, 2712 and 2705 Butterfinger Lane; and parts of 8217 Humie Olive Road, 2740, 2800, and 2732 Richardson Road from R-40W and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and amend the 2030 Land Use Map from Low Density Residential, Medium Density Residential, and Mixed Medium Density Residential and Commercial Services to Medium Density Residential and Mixed High Density Residential, Office Employment, and Commercial Services.

Staff oriented Council to the site. Staff highlighted the changes which had taken place since the June 20, 2017 Council meeting. Staff's position had not changed on this matter. Council discussed residential and nonresidential in the area and presented their likes and dislikes for the project.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REZONING, ORDINANCE, AND ASSOCIATED LAND USE MAP AMENDMENTS; COUNCIL MEMBER MOYER SECONDED THE MOTION.

There was Council discussion about the concept presented, what types of jobs the project would provide, the setting aside of land for more retail, the maximums for residential units, the Habitat homes, and densities.

COUNCIL MEMBERS WILKIE, MOYER, AND SCHULZE VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

NEW BUSINESS

New Business 01 : Mike Clark, Senior Planner

West Village Master Subdivision Plan located at 1820, 1828, and 1908 Old US 1 Hwy; 0 2420, and 2517 Kelly Road containing 163.34± acres and 380 dwelling units

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval as did staff with stipulation.

Staff answered Council questions related to transportation issues.

The applicant, responding Josh Decker with McAdams Company, will make a change to the buffer as requested by Council in the residential area. Council expressed being pleased with this project and what it will afford the Town.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE PLAN WITH CONDITION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council expressed his displeasure with traffic issues. Council expressed her pleasure with the project.

COUNCIL MEMBERS MOYER, WILKIE, AND JENSEN VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-1 VOTE.

New Business 02 : Drew Havens, Town Manager

Ordinance to allow sale of alcoholic beverages beginning at 10:00 am in accordance with Session Law 2017-87

Staff pointed to two versions of a proposed ordinance - one for all licensed premises and one for restaurants and eating establishments.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE FOR ALL

LICENSED ESTABLISHMENTS; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session to (1) discuss matters relating to the location or expansion of industries or businesses to the Town of Apex and (2) to consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER

MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

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

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS

FOR THE IMPROVEMENT OF THE APEX ELECTRIC SYSTEM. COUNCIL MEMBER JENSEN

MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

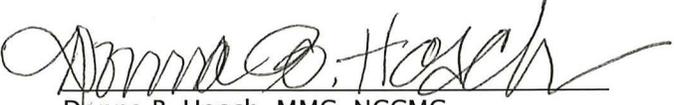
THE MOTION CARRIED BY A 4-0 VOTE.

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, MMC, NCCMC
Town Clerk

ATTEST: 

Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, August 1, 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
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, August 1, 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 Assistant Town Attorney Brian Meyer
Absent was Town Attorney Laurie L. Hohe

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 July 20, 2017 Regular Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #17CZ09 located at 3621, 3705, & 0 Green Level West Road. Don Mizelle and WithersRavenel are the petitioners
- Consent 03 Set the Public Hearing on August 22, 2017 for an amendment to the 2030 Land Use Map and rezoning application #17CZ13 (Crossroads Holdings, LLC). The applicant, Crossroads Holdings, LLC, seeks to amend the 2030 Land Use Map classification from Right-of-Way to Mixed Use: High Density Residential/Office Employment/Commercial Services and to rezone approximately 0.36± acre located at 0 N. Salem Street from Residential Agricultural to Planned Commercial-Conditional Zoning (PC-CZ).

- Consent 04 Set the Public Hearing on August 15, 2017 for rezoning application #17CZ14. The petitioner, Mike Foley for New Hill Development, LLC, wishes to rezone +/- 18.74 acres located at 0 Garris Road from Wake Co. R-30 & GB to Medium Density – Conditional Zoning (MD-CZ).
- Consent 05 Set the Public Hearing on August 15, 2017 regarding Rezoning Application #17CZ15 (Peak City Properties LLC). The applicant, Kelly Viau, seeks to rezone approximately 0.18± acres located at 200 W. Chatham Street from Mixed Office – Residential - Retail - Conditional Use (#05CU11) to Mixed Office – Residential - Retail - Conditional Zoning, to include additional uses.
- Consent 06 Set the Public Hearing on August 15, 2017 for Land Use Map Amendment and rezoning application #17CZ16 to rezone 1.897± acres located at 8732 Castleberry Road from Wake County Zoning R-80W to Low Density Conditional Zoning (LD-CZ)
- Consent 07 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 Betty Twiggs Property (Single-family home) property containing 1.897 acres located at 8732 Castleberry Road, Annexation #605, into the Town's corporate limits
- Consent 08 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 La Mission De L'Esprit Saint Erl (Garris Road) property containing 18.740 acres located at 0 Garris Road, Annexation 608 the Town's corporate limits
- Consent 09 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 Ralph Gregory McGhee and Tina Bailey McGhee (single-family home) property containing 1.909 acres located at 200 Howell Road, Annexation #610 into the Town's corporate limits
- Consent 10 Set Public Hearing for the August 15, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance related to the sale of alcohol
- Consent 11 Set Public Hearing for the August 15, 2017 Town Council Meeting regarding amendments to the Unified Development Ordinance related to Veridea
- Consent 12 Statement of the Town Council for Rezoning Case #17CZ04, Jones & Cnossen Engineering, PLLC & Friendship Station, LLC petitioners for the properties located at 0,3148, 3136, 3113, and 3232 Olive Farm Road; 0, 2916, 2908, 2816, and 2804 Richardson Road; 0, 0, 8004, 8025, 8129, 8109, 8105, 8132, 8021, and 8116 Humie Olive Road; 2900 OLD US 1 HWY, 2712 and 2705 Butterfinger Lane; and parts of 8217 Humie Olive Road, 2740, 2800, and 2732 Richardson Road
- Consent 13 Reclassification of one Street Maintenance Worker position at Salary Grade 13 to new position of Street Signs Technician at Salary Grade 16
- Consent 14 Set a Public Hearing on August 15, 2017 for the purpose of considering whether to enter into an installment financing agreement (the "Agreement") pursuant to Section 160A-20 of the General Statutes of North Carolina obligating the Town to make installment payments thereunder in a principal amount not to exceed \$6,000,000, plus interest thereon, for the purpose of providing funds, together with any other available funds, to pay the costs of acquiring land and making any necessary improvements thereto for parks and recreational purposes of the Town. Section 160A-20(g) of the General Statutes of North Carolina requires that the Town hold a public hearing prior to entering into the Agreement.

Consent 15 Budget Ordinance Amendment No. 2 to allocate funding for construction of multi-use path along Apex Barbecue Road between Woodall Estates and the eastern Scotts Ridge Elementary School driveway

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 JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Sarah Hale spoke about the Tunstall house, she being the granddaughter of the Tunstalls. She provided a history of their lives in the house and in Apex, along with a history of her grandparents and their involvement in the community. It is difficult for her family to see the house in disrepair and it being vacant for eight years. Her grandmother wanted the house cared for. Ms. Hale could see this as a community space for rent. She thanked those who came out this evening to support her request and offered that her family would help any way they could.

Dee Harman appeared as liaison to her community swim team whose meets are on private and not public property. There have been complaints about noise, so they sought to get a permit. However, they cannot because of the pool being on private property. Apex PD informed her that possibly she could get a petition to go past the 10:00 p.m. noise ordinance. Ms. Harman stated there is an exception and read the ordinance. The Mayor stated Town staff would work with Ms. Harman to try to find a solution.

Peter Cnossen spoke about Rezoning #17CZ11 on Unfinished Business. They have revised the rezoning and increased the retail square footage. He spoke about the adjustments made shown on the sheet handed out to Council. Talked about was what the 18,000 square feet could accommodate. There are two contract holders on two parcels of the property. One will bring in 50 jobs and the other would be a daycare. There are also plans for an office building. Mr. Cnossen stated they have tried to strike a balance to get the parcels developed. He believed what they presented would be of real benefit to the Town.

Jeff Hastings spoke on behalf of the Apex Historical Society. He has been in conversation with the Manager to figure out what to do with the Tunstall house. As a board, they will help facilitate ways to improve the structure and raise money. They want to see this done to a point of their having skin in the game. The Society wants to help the project to move forward.

Carl Helton also spoke about the Tunstall house. We have a big need for a wedding and gathering venue. He spoke with the previous Manager as well as the current Manager about remodeling and renovating. His mother-in-law will turn 90, and she wants a big party. This would have been good to have in the Tunstall house. If done right, the project will help pay for itself.

Barbara Collins spoke about the Trackside rezoning, of which she is in favor. She read favorable comments from her neighbors. She agrees with the 18,000 square foot minimum; we probably don't need an anchor store in this location.

Andrew Kelton spoke about the rezoning also. He was impressed that a range of space sizes could be put together. We should go with the economy and give the developer controlled flexibility. Mr. Kelton spoke about the types of businesses he'd be excited to see in the location. He was in favor of the request and looked forward to seeing some activity that will help the economy and spur growth.

Kathy Muccioli spoke against the Trackside rezoning. She appreciated the increase in space offered by the applicant, but the Council would not be sticking to its guns as to what is supposed to be in the location if the approved the rezoning.

PUBLIC HEARINGS

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 01 – Quasi Judicial : Shelly Mayo, Planner II

Quasi-Judicial Public Hearing and application for a Special Use Permit (#17SUP02) for the East Williams Street Cell Tower located at 1501 East Williams Street

Mayor Olive read the opening statement explaining the criteria for this Hearing and its process.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

David Robinson, representing TowerCom, LLC, introduced himself and stated he was accompanied by three witnesses.

There was no one in attendance in opposition of the request.

The Mayor polled Council and none had previous communications about the case, none had any relational or financial conflicts, and all stated they could impartially make a decision based on the evidence that would be presented. None had viewed the site.

OPENING STATEMENT BY STAFF: Shelly Mayo, Planner II, presented her credentials and gave her work history with the Town of Apex.

OPENING STATEMENT BY APPLICANT: None.

Staff oriented Council to the proposed project and its site. Planning staff recommended approval, although not normal for them to do so in this type of Hearing, as the project met all requirements. There were no questions from Council.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

PRESENTATION BY APPLICANT: Mr. Robinson stated Verizon has seen the need for enhanced coverage in the area. He had no questions or comments regarding staff's presentation.

CROSS EXAMINATION BY COUNCIL: Mr. Robinson answered a Council question about the access road.

CROSS EXAMINATION BY STAFF: None.

There was no rebuttal.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked if any Council Member wished to point out any items contained therein, to which there were none.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE SPECIAL USE PERMIT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive added that there was not any evidence that was not allowed to be presented.

Public Hearing 02 : Vance Holloman, Finance Director

The validity of and advisability of issuing \$48 Million of GO Bonds for Park and Recreational Facilities and possible motions to adopt and publish the bond order introduced at the July 18th Council meeting, to call for a bond referendum, to set the date of November 7, 2017 for the referendum, to publish notice of the referendum, and establish the form of the ballot

Staff reviewed the process from inception to now. Following the Public Hearing tonight, Council could approve the requests stated above.

Mayor Olive declared the Public Hearing open.

Greg Coley, President of CAPS, gave a brief history of the formation and purpose of CAPS and identified some of their past projects. He was excited about the bond which will increase quality of life using projects identified by citizens which are in the Master Plan. He thanked the Parks and Recreation Department for following the Plan. We currently don't have the space to accommodate our recreational programs. Some kids and seniors have to play in other municipalities. They are voting yes in November.

Cindy Foster thanked Council for listening to the residents for their being able to vote for the upcoming bond. She talked about what the bond will offer current and future citizens and how expansions will eliminate waiting lists. Ms. Foster talked about why seniors would support Pleasant Park and the bond.

Mark Blatchford spoke about the health and mental benefits of exercise and explained why he supported the whole of the bond. We need to continue to provide amenities for people of all ages. The price tag would be manageable for most families.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO ADOPT AND PUBLISH THE
BOND ORDER INTRODUCED AT THE JULY 18TH COUNCIL MEETING, TO CALL FOR A BOND REFERENDUM, TO SET THE DATE OF
NOVEMBER 7, 2017 FOR THE REFERENDUM, TO PUBLISH NOTICE OF THE REFERENDUM, AND ESTABLISH
THE FORM OF THE BALLOT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council stated he opposed the request. He did not question a senior center, but this would be a large bond that would take a while to pay back. We have other bonds coming along as well. This will hit hard those on fixed incomes. We should proceed as funds become available; he would rather see us grow slow. All other Council Members weighed in stating we would not immediately purchase the bonds – this would just give us permission to do so; democracy is giving the people the opportunity to make this decision; this would be an opportunity to make projects come to life; even areas with lower wealth and growth have senior centers and it's time for this to happen here; even those with lower incomes want to get out and engage, and this will give them an opportunity to do so.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Liz Loftin, Planner II

This item was continued from the July 18, 2017 meeting.

Rezoning Application #17CZ11 (Villages of Apex South PUD Amendment). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of NC II LP LTD Partnership, seeks to rezone approximately 12.35± acres located at 76 Hunter Street, 0 Laura Duncan Road, and 1960 Apex Peakway from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions.

Staff provided a brief summary of the request. Since last being before Council, the applicant amended their letter. Staff detailed the changes, and clarified office minimums.

Staff answered Council questions about what will be a part of the PUD. Council stated reasons why the request would be supported. Maybe the market is not there, pointing to outparcels at Food Lion. Council stated he'd met with the developer and discussed ideas. Council questioned what would happen if the applicant came back before Council with what they were unable to do. Council spoke about outparcel opportunities and how the developer should be worked with as they are open to ideas and suggestions.

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

NEW BUSINESS

New Business 01

Council Member Denise Wilkie

Council Member Wilkie engaged discussion on the future use of the Tunstall house and efforts to have it restored. She has been asked what Tunstall house is and what its purpose is. We have been trying to come up with possible uses. It comes down to money for restoring the house, our doing only a little here and a little there over the years.

Council Member Wilkie wants to raise money, but always gets the question, “what are you going to do with it [the house]”? She believes it should be a venue for receptions and community events. She distributed information on the Borden House in Raleigh, which is rented through Raleigh’s Parks and Recreation Department, showing its uses. The cost for other venues is outrageous. The Town has been entrusted with this house, and we let it go down. The picnic shelters are in better shape. This is a taxpayer owned house, and we need to do something about it.

The Fletcher Foundation has walked the house and asked what its purpose would be. We’ve had sponsorships and concerts to raise awareness more than money. We need to establish a purpose before talking about funding. Council Member Wilkie’s proposal was for an event center of which people in Apex will be proud and which rental funds will sustain. It will provide another option of where to rent.

Council responded with the following types of remarks: this is a great idea that is a part of Apex history that should be preserved; this is a gem that needs to be saved but opposed to private use for wedding receptions and parties because we would be competing with other businesses in town; would be unfair competition since we’re not paying taxes and other businesses are; this needs to be used for Town meetings, HOA meetings, etc.; don’t think we should get into commerce.

Council stated that maybe we should have a task force to brainstorm how to use the property. Preserving history is important and we appreciate what the family has and is still willing to do. Council Member Wilkie stated historical preservation is important and how we connect our past with the present. Even the Town goes outside of Apex for events because we don’t have a space here. Maybe CSX would want to help.

Council discussion continued: maybe it could be a museum-esc type of thing; maybe we could lease out the upstairs; we need to look at the return to taxpayers and how we can manage this and its cost; we could incorporate art and artifacts inside; this would not be competing with others as we already rent the Halle for weddings, etc. This is one of the oldest houses still standing; maybe people have artifacts

from the era for an info museum concept; would be a great civic space; we should renovate and take the opportunity to raise funds privately; don't think it should be used for commercial purposes.

Council Member Wilkie did not think people would want to see this set up as it originally was in the past. The rooms are big and could accommodate events. We could start small and gradually go bigger. Council thought there could be a blended museum and event space. This will be an expensive effort and we might not get enough money just from donations. Staff pointed out the house will now have to be restored not just renovated, which is specialized work. Ground imprint nor square footage will be added. Staff also reminded Council this project is in the CIP in year five.

COUNCIL MEMBER WILKIE MADE THE MOTION TO FORM A STEERING COMMITTEE, THE MANAGER
TO WORK ON TYPES OF INDIVIDUALS TO APPOINT, WITH THOSE NAMES TO THEN BE SUBMITTED
TO THE MAYOR; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

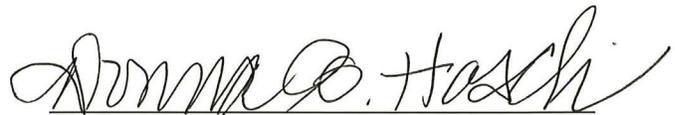
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

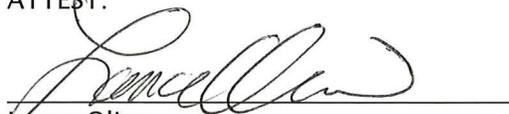
ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, August 15, 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
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, August 15, 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 and Council
Members William S. Jensen, Eugene J. Schulze, and Wesley M. Moyer
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 were Mayor Pro Tem Nicole L. Dozier and Council Member Denise C. Wilkie

COMMENCEMENT

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Council Meeting held on August 1, 2017
- Consent 02 Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance
- Consent 03 Encroachment Agreement and to authorize the Town Manager to execute the same for a 5-foot private sidewalk easement to encroach upon a portion of the Public Utility Easement
- Consent 04 Findings of Fact, Conclusions of Law, and Decision approving the Special Use Permit 17SUP02 East Williams Street Cell Tower located at 1501 East Williams Street
- Consent 05 Request from NCDOT to repeal an obsolete ordinance and enact three new ordinances to restore the currently posted 45 mph speed limit on SR 1600 (Green Level Church Road) within Apex corporate limits

- Consent 06 Motion to approve Resolution of Intent for the closing of a right-of-way (ROW) along former Technology Drive near NC-55 and to call for a Public Hearing at the September 19, 2017 Council Meeting
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #17CZ11, Jones & Crossen Engineering, petitioners for the property located at 76 Hunter Street, 0 Laura Duncan Road, 1960 Apex Peakway
- Consent 08 2017-2018 Rental Agreement with Lufkin Middle School for use of the Apex Community Center for Volleyball and Basketball and to authorize Director of Parks, Recreation, and Cultural Resources to sign on behalf of the Town
- Consent 09 Three items related to the provision of School Resource Officer (SRO) and off duty police officer services to the Wake County Public School System (WCPSS)

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated that there were requests to hear Public Hearing 10 first and Public Hearing 02 before Public Hearing 01.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE ABOVE MODIFICATIONS.
COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 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 10 : Amanda Bunce, Planning Manager

Public Hearing and various amendments to the Unified Development Ordinance related to Veridea

Mayor Olive stated that there was a request was to continue this Hearing to the September 5th Meeting when all Council Members were scheduled to be in attendance.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE CONTINUANCE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Mike Clark, Senior Planner

Public Hearing and rezoning application #17CZ15 (Peak City Properties LLC). The applicant, Kelly Viau, seeks to rezone approximately 0.18± acres located at 200 W. Chatham Street from Mixed Office - Residential - Retail - Conditional Use (#05CU11) to Mixed Office - Residential - Retail - Conditional Zoning, to include additional uses

Mayor Olive stated that the applicant wished for this item to be continued to the October 3rd Meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE CONTINUANCE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 01 : Vance Holloman, Finance Director

Public Hearing and selection of a financial institution to provide funding, making findings and determinations regarding the need to finance the purchase of land for Parks and Recreation, and authorizing staff to file an application with the Local Government Commission to approve an installment financing agreement for the project for the purchases of up to \$ 6 million

Staff stated Council called for a public hearing regarding this request at a previous meeting. He explained the items seeking Council approval.

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

Staff clarified how the proposals were distributed and evaluated.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REQUEST. COUNCIL MEMBER MOYER MADE
THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Liz Loftin, Planner II

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Betty Twiggs Property (single-family home) containing 1.897 acres located at 8732 Castleberry Road, Annexation #605, into the Town's corporate limits

and

Public Hearing 04 : Liz Loftin, Planner II

Public Hearing and Land Use Map Amendment and rezoning application #17CZ16 to rezone 1.897± acres located at 8732 Castleberry Road from Wake County Zoning R-80W to Low Density Conditional Zoning (LD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning Board and staff recommended approval. Staff answered questions regarding access and units/acre.

The applicant, Betty Twiggs, spoke about the reasons for her request and answered questions from Council.

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

Staff answered questions from Council about surrounding lot sizes, road access, and zoning designations.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE ORDINANCE, AMENDMENT, AND REZONING.
COUNCIL MEMBER SCHULZE MADE THE MOTION. THERE WAS NO SECOND TO THE MOTION.
THE MOTION DIED.

Council discussed densities and stated he did not like combining items into one motion. He wished for more time to speak with the developer, the Mayor stating these were not good reasons to delay the vote.

The applicant clarified the length of the road, and there was further discussion about road length and its possibly becoming a through road. The applicant spoke about what alternate condition would be acceptable to her in response to lot size.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO APPROVE BOTH REQUESTS WITH THE DISCUSSED CHANGE IN DENSITY;
COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 05 : Shelly Mayo, Planner II

**Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex La Mission De L’Esprit Saint Erl (Garris Road) property containing 18.740 acres located at 0 Garris Road, Annexation 608 the Town’s corporate limits
and**

Public Hearing 06 : Shelly Mayo, Planner II

Public Hearing and rezoning application #17CZ14. The applicant, Michael Foley from New Hill Development, LLC, wishes to rezone +/- 18.740 acres located at 0 Garris Road from Wake County R-30 and GB to Medium Density – Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning Board and staff recommended approval.

Mike Foley, applicant, spoke about how they will ensure a quality product on the property.

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

Council stated he had a problem with medium density in the area and explained why. The applicant answered questions about lot size.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE ORDINANCE AND REZONING. THERE WAS NO SECOND TO THE MOTION.
THE MOTION DIED.

Council discussed developing a more integrated town. Council offered his thoughts on lot sizes. Council talked about wanting this item to come before full Council. The applicant asked for a continuance to the September 5th meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE
AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Ralph Gregory McGhee and Tina Bailey McGhee (single-family home) property containing 1.909 acres located at 200 Howell Road, Annexation #610 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 JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 08 : Shannon Cox, Senior Transportation Planner

Public Hearing and amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to add a future Local Connector street from Old Grove Lane toward Center Street

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

Mayor Olive declared the Public Hearing open.

Rhonda Henderson expressed concern that after 20 years her property was being taken away. She understood that if properties were developed, one of them would be annexed to build a road. Staff clarified the terms of a possible future development, who would and would not be responsible for connector roads, and future annexation.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 09 : Amanda Bunce, Planning Manager

Public Hearing and various amendments to the Unified Development Ordinance related to the sale of alcohol

Staff oriented Council to the amendments, detailing each one. There was Council discussion about amplified sound and establishments being informed of these amendments.

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 WITH THE DISCUSSED MODIFICATION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Shawn Purvis, Assistant Town Manager

Purchase of two properties of +/-12.13 acres and +/-10.04 acres from Jerry Lewter located at 1133 Wimberly Road

Staff oriented Council to the sites and their future possible use. The price per acre was \$100,000.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE PURCHASES; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Unfinished Business 02 : Mike Clark, Senior Planner

Purchase of property of +/-7.61 acres from Haywood and Victoria Mills located at 1200 Hickory Hill Lane

Staff oriented Council to the site and its future intended use for park development. The price per acre was \$100,000.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE PURCHASE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

NEW BUSINESS

New Business 01 : Mike Clark, Senior Planner

Mercer Estates Master Subdivision Plan located at 816 Wimberly Road containing 19.48± acres and 19 single family dwelling units

Staff oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu, a neighborhood meeting was held, and the Planning Board and staff recommended approval.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 2-1 VOTE.

New Business 02 : Mike Clark, Senior Planner

Revisions to the Smith Farm 2-4 Subdivision Plan located at a Tract of Land south of US 64, west of the American Tobacco Trail, north of Olive Chapel Road, containing 172.99± acres and a total of 439 dwelling units

Staff oriented Council to the revisions. Planning Board and staff recommended approval as submitted. There was brief Council discussion about buffers, lot sizes, and dwelling unit count.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE REVISED PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

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, Mayor Olive adjourned the meeting.


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor



Apex Town Council Special Meeting

Tuesday, August 22, 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
Shawn Purvis, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Special Meeting of the Apex Town Council scheduled for Tuesday, August 22, 2017, at 5:00 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

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

PUBLIC HEARINGS

Public Hearing 01 : Shannon Cox, Senior Transportation Planner

Public Hearing and proposed amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to the future Local Connector street currently shown on the Transportation Plan as extending from North Salem Street to existing Charlion Downs Drive to the north, to connect with existing Carolina Bell Road and to upgrade the future roadway to a Minor Collector street

Staff detailed the amendments recommended by staff. The Planning Board recommended approval with the suggestion to show local connector streets from the existing stub streets in the area to the future minor collector streets. Staff stated the difference between a minor collector street and a residential street. Both Police and Fire agreed with the proposed location of the road, asking to ensure traffic calming and public safety vehicles having adequate access to the road.

Staff answered questions from Council related to traffic concerns and at what stage these concerns would be addressed in the future. Staff clarified their recommendations and those of the Planning Board.

Mayor Olive declared the Public Hearing open.

J. Charles Allard spoke in opposition on behalf of a large group of neighbors. Allard presented a petition signed by 120 residents, representing 77 of the 85 units in the area. He stated the streets are narrow and detailed the difficult issues this causes. They are concerned about safety and privacy on their property. Mr. Allard spoke about the limited mobility of seniors and how the increased traffic would affect them.

Steven Vagasky spoke in opposition to the stub street due to traffic issues and how this will negatively affect his neighborhood. He additionally spoke about lack of required sidewalks.

Troy McDaniel was opposed to any extension because of safety concerns.

Robert Shibley spoke in opposition stating that the traffic situation on Salem Street is dire. He was informed that a traffic light could not be added, and he did not understand how large equipment would have road access.

Mayor Olive declared the Public Hearing closed.

Staff clarified the pinch area of which audience members spoke, it being a traffic calming device. Staff will check into the current absence of no parking signage. Staff answered questions about stub streets and their requirements in the UDO. Large truck patterns were talked about and what could be done if there is a problem in the future.

Council expressed concern that staff recommendations would not positively affect a large number of neighbors. Staff clarified that Council needed to decide if they wanted sidewalks on one side or both sides of the street. There was discussion about the issue of neck downs being sent to the Planning Committee. Council stated this was always designed to be a minor collector. There was a request from Council for staff to look at roundabouts as a calming method.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE AMENDMENTS WITHOUT THE PLANNING BOARD RECOMMENDATION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council stated it would be making a mistake if they did not follow through on the plan that we spent time and money developing. There was further discussion about an alternate location for a road.

COUNCIL MEMBERS JENSEN, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS DOZIER AND MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 02 : Amanda Bunce, Planning Manager

Public Hearing and an amendment to the 2030 Land Use Map and rezoning application #17CZ13 (Crossroads Holdings, LLC). The applicant, Crossroads Holdings, LLC seeks to amend the 2030 Land Use Map classification from Right-of-Way to Mixed Use: High Density Residential/Office Employment/Commercial Services and to rezone approximately 0.36± acre located at 0 N. Salem Street from Residential Agricultural to Planned Commercial-Conditional Zoning (PC-CZ).

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

Mayor Olive declared the Public Hearing open.

Bill Daniel, William G. Daniel & Associates, representing the applicant, stated this was a fairly straightforward request, and he explained the acreage which would be absorbed into the parcel.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBERS DOZIER AND MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 - Quasi-Judicial : Amanda Bunce, Planning Manager

Public Hearing and Major Site Plan for CrossRoads Ford, 21.84 acres located at 0, 1501, 1503, & 1511 N. Salem Street and 1601, 1603 & 1605 US 64 Highway West

Mayor Olive read the Statement related to the proceedings of this type of hearing.

Mayor Olive declared the Public Hearing open.

All those wishing to speak were sworn in by the Town Clerk.

Attorney LeAnn Brown, Brown & Bunch, PLLC, stated she was representing the applicant and that testimony would be given by Bill Daniel, Chris Howard, and Travis Fluitt.

There were no supporters of the request in attendance; Troy McDaniel stated he was in opposition.

Mayor Olive asked Council if any had communications with the applicant, to which all answered in the negative. Mayor Olive asked if any Council Member had any relational or financial conflicts, to which there were none. Mayor Olive asked Council if each could decide the matter impartially, to which all answered in the affirmative. Mayor Olive asked if any Council Members had viewed the sight, to which there were no viewings in the context of this case.

OPENING STATEMENT FROM STAFF: None.

OPENING STATEMENT FROM APPLICANT: None.

EVIDENCE PRESENTED BY STAFF: Amanda Bunce, Planning Manager, presented her credentials. Ms. Bunce oriented Council to the site. She stated a neighborhood meeting was held and presented what the applicant was proposing. Ms. Bunce stated staff recommended approval of the request.

CROSS EXAMINATION OF STAFF BY COUNCIL: Russell Dalton, Transportation Engineer, stated his credentials and educational background. Mr. Dalton outlined the proposed road improvements and, in particular, a roundabout. He explained the definition of amenities and what they would include.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Bill Daniel, representing CrossRoads Holdings LLC, presented his credentials, educational background, and professional history. Mr. Daniel provided an overview of the request. He asked to accept into the record a handout detailing their conformance to the Standards, to which Council was in agreement.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Daniel answered questions related to pedestrian traffic signals, issues brought up in the neighborhood meeting, and the possibility of solar community amenities.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Chris Howard, architect for the building, presented his credentials, educational background, and professional history. Mr. Howard stated how they proceeded in conforming to the surrounding area and each of the UDO requirements.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Howard answered questions about building length, type of glass to be used in the building, buffers, and the possible use of solar energy. Mr. Daniel stated the length of the building.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS: Travis Fluitt, Kimley-Horn, presented his credentials, educational background, and professional history. He gave highlights of the Traffic Impact Analysis.

CROSS EXAMINATION OF APPLICANT WITNESS BY STAFF: None.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL: Mr. Fluitt answered questions related to turning lanes. Mr. Daniel answered questions related to left or no left turning into an existing business' driveway.

Ms. Brown asked for the staff report and its attachments to be moved into evidence, which was acceptable to Council.

Troy McDaniel, audience member, wished to speak but did not as he was not considered an expert witness.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENTS BY STAFF: None.

CLOSING ARGUMENTS BY APPLICANT: Ms. Brown was complimentary and appreciative of the way in which Apex proceeds through its quasi-judicial hearing process. She stated the information and testimonies given demonstrated their compliance with each of the items. She believed the project would be of benefit to community.

Council asked general questions about the possible widening of a future road.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if it felt the applicant satisfied each component of the Major Site Plan Checklist. Council Members Dozier and Jensen had an issue with compatibility as did Council Member Moyer, who appreciated the effort put forth in several respects. Council Member Wilkie thought this project would have been better on the other side of 64. She noted the significant tax base this will bring to Apex which

will take some burden off citizens. She appreciated the improvements CrossRoads Ford was willing to do.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE SITE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

There was further conversation from Council regarding the request, the Town Attorney answering Council question as to what would happen if this was not approved.

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

Mayor Olive stated there was no evidence that was not allowed to be presented.

ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, September 5, 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
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, September 5, 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Graham Wilson, Apex Sunrise Rotary Club

Presentation by Graham Wilson from the Apex Sunrise Rotary Club reporting on Peak City Pig Fest 2017

Mr. Wilson presented an update on this year's Pig Fest, highlighting the teams that participated, attendance, the grand champion, the various events, sponsorships, and beneficiaries of funds raised. He gave a brief history of this event which has been in existence for six years and is a State championship. Mr. Wilson complimented the work and support of Town staff. This year two scholarships will be awarded to local students.

Presentation 02 : Dianne Khin, Planning Director

Introduction by Dianne Khin of recently hired Planning Department employees Sarah M. Rayfield, AICP, Senior Planner, and Lauren Staudenmaier, Planner I

Ms. Khin introduced the new employees, providing an educational and work profile of each.

CONSENT AGENDA

- Consent 01 Minutes of the August 15, 2017 Regular Meeting and the August 22, 2017 Special Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #17CZ13, Crossroads Holdings, LLC, petitioners for the property located at 0 N. Salem Street
- Consent 03 Agreement between the Town of Apex, Town of Cary, and Town of Morrisville to conduct a 911 Feasibility Study and authorization for the Town Manager to sign on behalf of the Town
- Consent 04 Encroachment Agreement and authorization for the Town Manager to execute the same for four private storm drain easements and one private sanitary sewer easement to encroach upon a portion of the Public Waterline Easement
- Consent 05 Findings of Fact, Conclusions of Law, and Decision approving the Crossroads Ford Major Site Plan
- Consent 06 Resolution to add Sarah M. Rayfield and Lauren Staudenmaier as Wake County Review Officers in order to certify each map and plat presented to the Wake County Register of Deeds for recording satisfies the statutory requirements for recording
- Consent 07 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of August 15, 2017 related to the sale of alcohol
- Consent 08 Set the Public Hearing on September 19, 2017 for rezoning application #17CZ12 to rezone ±1.2651 acres located at 0 & 2248 East Williams Street from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 09 Set the Public Hearing on September 19, 2017 for rezoning application #17CZ17 (804 S. Salem Street PUD). The applicant, Jennifer A. Quick, seeks to rezone approximately 7.17± acres located at 0 & 800 S. Salem Street from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ). The area to be rezoned is located within the Small Town Character Overlay District.
- Consent 10 Set the Public Hearing for the September 19, 2017 Town Council Meeting regarding an amendment to the 2030 Land Use Map and Rezoning Application #17CZ19 (Horton Park PUD). The applicant, MFW Investments, LLC seeks to amend the 2030 Land Use Map classification of ±42.67 acres located at 5101 & 5220 Jessie Drive from Medium/High Density Residential and Office Employment/Industrial Employment to High Density Residential, Office Employment/Commercial Services and Medium/High Density Residential and to rezone ±149.029 acres located at 5100, 5101, 5125, & 5220 Jessie Drive, 0 Dezola Street, and 8140 & 8308 Smith Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Light Industrial-Conditional Zoning (LI-CZ).
- Consent 11 Statement of the Town Council for Rezoning Case #17CZ16, Betty M. Twiggs, petitioner for the property located at 8732 Castleberry Road
- Consent 12 Set the Public Hearing on September 19, 2017 for rezoning application #17CZ22 and Ordinance. The petitioner, Alonzo Wilson for ATM Development, LLC, wishes to rezone +/- 5.5475 acres located at 5112 Church Road, and 3028 & 3024 New Hill Holleman Road from Wake County R-30 & GB to Medium Density-Conditional Zoning (MD-CZ).
- Consent 13 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 the ATM Development, LLC properties containing 5.5475 acres located at 0 Church Road and 3024 & 3028 New Hill Holleman Road, Annexation 611, into the Town's corporate limits

- Consent 14 Set Public Hearing for the September 19, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance related to parking
- Consent 15 Reconveyance of Lot 285 Plots E and F back to the Town of Apex Cemetery
- Consent 16 Apex Tax Report dated 07/12/2017

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

PUBLIC FORUM

Charles Sandhofer spoke about bulk and yard waste. Because his is a condominium community, he felt they should not be charged for waste pick up. He requested that a truck no longer service their neighborhood. Mr. Sandhofer wants these services to be a part of the actual tax bill, and he gave advantages of this for all the townhomes in the town.

Brett Gantt complimented Police who have been great, friendly, and welcoming. He lives next to the Shangra La mobile home park of primarily Hispanic residents who he felt might have a fear of the police in light of current events. Mr. Gantt suggested increased community policing with a focus on Hispanics and clear guidelines as to what issues should be addressed. The children have a fear of being deported. Immigration is an important issue.

Alexia Wolfe stated she emailed Council regarding her property which has been on the market for a few years. She explained there were contracts that didn't go through due to density issues. She spoke about the difficulties for builders if they can only build one home/acre. She would like the same opportunity that her neighbors were given in terms of density so that she can also sell and prosper.

CLOSED SESSION

Mayor Olive stated there was a request for a Closed Session to receive legal advice from the Town Attorney.

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

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner II

Ordinance on the Question of Annexation - Apex Town Council's intent to annex La Mission De L'Esprit Saint Erl (Garris Road) property containing 18.740 acres located at 0 Garris Road, Annexation 608 the Town's corporate limits. This item was continued from the 8/15/2017 Town Council Meeting.

and

Public Hearing 02 : Shelly Mayo, Planner II

Rezoning application #17CZ14 and Ordinance. The applicant, Michael Foley from New Hill Development, LLC, wishes to rezone +/- 18.740 acres located at 0 Garris Road from Wake Co. R-30 and GB to Medium Density-Conditional Zoning (MD-CZ). This item was continued from the 08/15/2017 Town Council meeting.

Staff oriented Council to the site, noting that these two Hearings would be heard together. Staff recommended approval of the rezoning as did the Planning Board.

The applicant, Mike Foley, summarized the highlights of the project and answered questions from Council on buffers, garage space, and solar on these starter houses. This will give staff an opportunity to live in town, especially those in the police and fire departments.

Mayor Olive declared the Public Hearings open.

Alonzo Wilson stated he supported the development. He currently owns properties in the area, and he has collaborated with the developers. He explained the strategy for his property which would be workforce housing which parallels what the applicant wants to do. He talked about a Habitat project in which he was involved in the area. Mr. Wilson stated he would be looking to annex his other properties within the next few weeks.

Mayor Olive declared the Public Hearings closed.

Council stated support of this range of housing which will be a good project. Council thanked Mr. Wilson for his involvement in the Habitat project.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE ANNEXATION ORDINANCE, REZONING, AND REZONING ORDINANCE WITH CONDITIONS AS STATED FOR BUFFERS, UNITS/ACRE, AND PRE-WIRING FOR SOLAR; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 - Quasi-Judicial : Shelly Mayo, Planner II
Special Use Permit (#17SUP03) for the Pine Springs Preparatory School located at 814 E. Williams Street

Mayor Olive stated the process of this type of Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those who intended to testify.

Mayor Olive referred Council to the Standards checklist.

The applicant, Paul Stam, identified those who would be testifying.

There was no opposition to the request.

Council Member Wilkie stated she had a business relationship with the school and asked to be recused. All other Council stated they had no conflicts, no communications with the applicant, and that they could make an impartial decision.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO RECUSE COUNCIL MEMBER WILKIE FROM THIS QUASI-JUDICIAL HEARING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council stated none of them had viewed the site.

OPENING STATEMENT BY STAFF – None.

OPENING STATEMENT BY APPLICANT – Mr. Stam stated this would be a temporary use of an existing church for school students until the school in Holly Spring opens. Under the law, this requires a Special Use Permit.

PRESENTATION OF EVIDENCE BY STAFF – Ms. Mayo presented her credentials and work history and oriented Council to the site. A neighborhood meeting was held.

CROSS EXAMINATION OF STAFF BY COUNCIL – Staff Member Russell Dalton presented his credentials and work history and answered questions from Council on the off-duty officer.

CROSS EXAMINATION OF STAFF BY APPLICANT – Staff answered questions posed by the applicant.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS – Tim Sivers presented his credentials and work history. He described the location of the project and the stage of development for the building in Holly Springs.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL – None.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS – Joshua Reinke presented his credentials. He stated he addressed the Traffic Impact Analysis for the project.

CROSS EXAMINATION OF APPLICANT WITNESS BY COUNCIL – Mr. Reinke answered questions related to traffic stacking.

PRESENTATION OF EVIDENCE BY APPLICANT WITNESS – Mr. Reinke answered questions related to stacking and from where most of the traffic will be coming from Mr. Stam.

REBUTTAL EVIDENCE BY STAFF AND APPLICANT – None.

CLOSING ARGUMENT BY STAFF – None.

CLOSING ARGUMENT BY APPLICANT – Mr. Stam hoped that Council would approve this request.

Staff explained why no staff recommendation was made. The request does meet the requirements.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE SPECIAL USE PERMIT; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Wilkie returned to the dais.

Public Hearing 04 : Amanda Bunce, Planning Manager

Various amendments to the Unified Development Ordinance related to Veridea. This item was continued from the August 15, 2017 Town Council meeting.

Staff oriented Council to the amendments and summarized the proposed language. The Planning Board recommended approval. Staff did not have a recommendation since this was more of a policy decision.

Jason Barron, Morningstar Law Group, stated that Joe Morningstar and Mr. Ortiz were the owners of the vast majority of the land. He introduced several members of the team who are responsible for bringing in developers. Mr. Barron spoke about the town wanting to see economic growth and moving this project forward to do so. He thought the proposed amendment would make for a better UDO, and he detailed the reasons why.

Mayor Olive declared the Public Hearing open.

Jan Jackson talked about the history of the past negotiations, there being contracts no longer in effect. She stated why she thought Hudson could not develop the land as in the original contract. She wished to see Tom Hendrickson remain.

Alan Maness gave a brief history of his involvement in Veridea over the past few years. This project needs to be done correctly in order to benefit the tax base. He stated that the Morningstar group originally agreed to the rezoning procedure and now they want to go around it. Mr. Maness asked when the new language was presented to the public. He asked Council to deny the request.

Tom Hendrickson stated he had not seen the new language until this evening. He spoke about the history of the SD Plan and the responsible person. Mr. Hendrickson stated approval of the request would create confusion and questionable language in the Plan. The original vision needed to be maintained, and he asked Council to reject the proposed language.

Mayor olive asked staff to clarify when the new language was received.

Mr. Barron spoke about how the SD Plan was not changing, how the Plan would affect Mr. Hendrickson, and number of acres under their control.

Mayor Olive declared the Public Hearing closed.

Council presented the following thoughts: this is a tough decision because of high stakes on both sides; the SD Plan is a living document that can be tweaked as time goes on; we need to make a change if we want to see something move on this; this proposal had not been presented to Mr. Hendrickson, him stating he would be willing to meet with the Hudson group; government should not be involved in a private venture; there has been no evidence that the arrangement is not working; the Town did not force this partnership; want to see both sides work this out; it is troubling the way the responsible person arrangement works; and Council provided ideas on how this could be resolved by a rezoning.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council spoke about the time and effort put into the original plan and how everyone signed off on it. The Town was being thrown into something it did not create. Both parties want the same thing but they can't get together for the same goal. Council has not seen anything come forward.

COUNCIL MEMBERS SCHULZE AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS
DOZIER, WILKIE, AND MOYER VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 3-2 VOTE.

Mayor Olive called for a nine minute recess.

Public Hearing 05 : Joanna Helms, Economic Development Director

Economic development incentives for Project Bluewater in accordance with the Town's Policy on Economic Development Incentives, direction for staff and the Town Attorney to draft an agreement between the Town and the company according to terms provided herein by Council, and authorization for the Town Manager to approve and execute the final agreement

Staff reviewed the Incentive Policy and described to Council the particulars of this company and the grant. Questions from Council were answered on how the process would work, possible growth of the company, benefits of the company locating here, and probable salaries. Council gave his reasons for being in opposition.

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

OLD BUSINESS

Old Business 01 : Vance Holloman, Finance Director

Resolution authorizing the execution and delivery of an installment financing agreement with Branch Bank and Trust Company

Staff stated this was the last step in the process before going to the Local Government Commission. He stated this was similar to a mortgage on a home, giving a very good interest rate.

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

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Resolution authorizing the completion of the sale of the Town owned property

Staff stated Council previously authorized the sale of this property. It is landlocked and doesn't serve us a purpose. We received one offer for these 7+ acres, which came in below the appraisal value. A good portion of the land is not usable because of wetlands. There was discussion about not selling at the offered price and negotiating an offer closer to the appraisal.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO DENY THE OFFER; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner II

Proposed Findings of Fact, Conclusions of Law, and Decision approving the Special Use Permit 17SUP03 Pine Springs Preparatory School located at 814 East Williams Street

Staff stated that in order for the school to keep their State funding, they needed to open by the end of the week. Students may be in this temporary location for a few weeks until the school opens in Holly Springs.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, JENSEN, DOZIER, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER WILKIE ABSTAINED.
THE MOTION CARRIED WITH 4 VOTES IN THE AFFIRMATIVE.

CLOSED SESSION

Closed Session to (1) discuss negotiating positions to be taken on behalf of the Town in negotiating material terms of a proposed contract for the acquisition of real property, (2) to consider and establish the Town's negotiating position with respect to acquisition of real property, and (3) to discuss a personnel matter

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN 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 Olive adjourned the meeting.


Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor

Apex Town Council Meeting

Tuesday, September 19, 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
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, September 19, 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 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

Absent was Council Member William S. Jensen

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Schulze 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 September 5, 2017 Regular Council Meeting
- Consent 02 Statement of the Town Council for Rezoning Case #17CZ14, New Hill Development, petitioners for the property located at O Garris Road
- Consent 03 3-year renewing service agreement with BHS to provide Employee Assistance Program services to Town of Apex employees and authorization for the Manager to sign the service agreement
- Consent 04 Lot 299 Plots C and D reconveyed back to Town of Apex Cemetery
- Consent 05 Minor modifications to Special Events Guide and change to the Co-Sponsor application deadline
- Consent 06 Set the Public Hearing on October 3, 2017 for consideration of a proposed contract for the acquisition of real property for the purpose of economic development for industrial or commercial use under G.S. 158-7.1

- Consent 07 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 Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #613 into the Town's corporate limits
- Consent 08 Apex Tax Report dated 8/4/2017
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 5, 2017 related to Veridea
- Consent 10 "Special Event Permit" requested by the Apex American Legion for a Car Show on October 7, 2017 to be located in the Town Hall Parking Lot from 7:30am-6:00pm. This is not a co-sponsored application, the American Legion will be responsible for all costs associated with the event. The Legion is requesting to use the parking lot at no charge.
- Consent 11 Resolution and associated Agreement for a grant from the North Carolina Governors Highway Safety Program for the purchase of a new motorcycle to supplement the Police Department's Traffic Unit.
- Consent 12 Amendment to Apex Code of Ordinances, Chapter 12, Section 12-48 Capital Reimbursement Fees established of the Apex Code of Ordinances

The Mayor stated there was a request for an add-on item: approval of a Medicare List Billing Agreement with Blue Cross Blue Shield NC.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE WITH THE ADDITIONAL ITEM; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the applicant for Public Hearing 05 requested this to be continued to the October 3, 2017 Regular Council Meeting. Therefore, he requested this item to be moved prior to Public Hearing 01 for Council action on the request.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE WITH THE REQUESTED CHANGE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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 05 : Amanda Bunce, Planning Manager

Amendments to the 2030 Land Use Map and rezoning application #17CZ19 (Horton Park PUD). The applicant, MFW Investments, LLC seeks to amend the 2030 Land Use Map classification of ±42.67 acres located at 5101 & 5220 Jessie Drive from Medium/High Density Residential and Office Employment/Industrial Employment to High Density Residential, Office Employment/Commercial Services and Medium/High Density Residential and to rezone ±149.029 acres located at 5100, 5101, 5125, & 5220 Jessie Drive, 0 Dezola Street, and 8140 & 8308 Smith Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Light Industrial-Conditional Zoning (LI-CZ).

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THIS ITEM BEING CONTINUED TO THE OCTOBER 3, 2017 REGULAR MEETING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 01 : Shelly Mayo, Planner II

Rezoning application #17CZ12. The petitioner, Alemfeb Woreta for Cash for Houses, LLC, wished to rezone ±1.2651 acres located at 0 & 2248 East Williams Street from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ).

Staff oriented Council to the site. Three neighborhood meetings were held. Planning Board and staff recommended approval. Staff answered Council questions related to uses and acreage size.

Alem Woreton of Cash for Houses outlined their request for building on this site. Mr. Woreton answered Council questions related to a building currently on the site.

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 REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION. COUNCIL MEMBERS MOYER, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 02 : Amanda Bunce, Planning Manager

Rezoning application #17CZ17 (804 S. Salem Street PUD). The applicant, Jennifer A. Quick, sought to rezone approximately 7.17± acres located at 0 & 800 S. Salem Street from Medium Density Residential (MD) to Planned Unit Development-Conditional Zoning (PUD-CZ). The area to be rezoned is located within the Small Town Character Overlay District.

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu of parkland dedication. Staff outlined street connections and accesses. Staff recommended approval. The Planning Board recommended approval with a note to Council for the limiting of building height and number of buildings. Staff answered questions from Council on buffers.

Stuart Jones, Jones and Crossen Engineering, representing the applicant, further oriented Council to the site. He pointed out those things which had been changed since Council last heard this item, and how the changes took into consideration comments from Council, the Planning Board, staff, and neighbors. Mr. Jones answered questions from Council related to building height and scale.

Mayor Olive declared the Public Hearing open.

Cindy Nelson, speaking on behalf of the Sugarland community, stated they were opposed to the PUD as submitted and gave their reasons why. She outlined what they would like to see.

Stephanie Figo echoed Ms. Nelson's comments about their concerns not being addressed, where the homes will be located, home height, roof pitch on the townhomes, and limiting the number of units.

Mayor Olive declared the Public Hearing closed.

Mr. Jones presented his rebuttal which addressed the height of both the homes and townhomes.

Council expressed concern about three possible stories in the townhomes. Two Council Members stated they felt this PUD would be appropriate and compatible. Council stated she did not feel the neighbors had been heard.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council further expressed their reasons for supporting and not supporting this request.

COUNCIL MEMBERS MOYER AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS SCHULZE AND DOZIER
VOTED IN THE NEGATIVE. MAYOR OLIVE CAST THE TIEBREAKER VOTE IN THE AFFIRMATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 03 : Shelly Mayo, Planner II

Ordinance on the Question of Annexation – Apex Town Council's intent to annex the ATM Development, LLC properties containing 5.5475 acres located at 0 Church Rd and 3024 & 3028 New Hill Holleman Road, Annexation 611, into the Town's corporate limits.

and

Public Hearing 04 : Shelly Mayo, Planner II

Rezoning application #17CZ22 and Ordinance. The petitioner, Alonzo Wilson for ATM Development, LLC, wished to rezone +/- 5.5475 acres located at 5112 Church Road, 3028 & 3024 New Hill Holleman Road from Wake County R-30 & GB to Medium Density-Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and staff recommended approval. Questions on conditions from Council were answered by staff.

Alonzo Wilson, applicant, stated he has been in conversation and is in agreement with the developer. There was no opposition to the request in the neighborhood meeting. Mr. Wilson stated his desire to bring affordable housing to the area and how this would be a good development. He asked for Council's approval of the request.

Mayor Olive declared the Public Hearing open.

Michael Foley spoke in favor of the project and further oriented Council to the site.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE ANNEXATION AND THE REZONNG WITH THE PROPOSED CONDITIONS AND ITS ORDINANCE;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Shawn Purvis, Assistant Town Manager

Closing of a right-of-way (ROW) along former Technology Drive near NC-55 and consideration of an Order to close the right-of-way

Staff oriented Council to the site and stated that NC DOT had completed their part of this closing.

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

Public Hearing 07 : Amanda Bunce, Planning Manager

Various amendments to the Unified Development Ordinance related to parking

Staff oriented Council to the amendments, answering Council questions regarding an exemption and parking.

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 AMENDMENTS; COUNCIL MEMBER WILKIE 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

New Business 01 : Shelly Mayo, Planner II

Point at Lake Castleberry Master Subdivision Plan located at 4213 & 0 Wimberly Road containing ±35.74 acres and 47 single family homes

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu, and the request was consistent with Town Plans. Staff and the Planning Board recommended approval.

Staff answered Council questions related to development potential and RCA.

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

CLOSED SESSION

(1) To 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 (2) to discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER
MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER DOZIER
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, October 3, 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
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, October 3, 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, and Wesley M. Moyer

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 Council Member Denise C. Wilkie

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Kyle Myer of Peak United Methodist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Presentation of Proclamation for Public Power Week to Rodney Smith, Interim Electric Department Director

Town Manager Drew Havens stated our Communications Department put together a video of the men and women in our Electric Department. The video was shown. Mayor Olive read the Proclamation and presented it to Interim Electric Department Director Rodney Smith. Ken Weatherman, Electric Crew Field Supervisor, was also in attendance.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of September 19, 2017
- Consent 02 Budget Ordinance Amendment No. 4 and Capital Project Ordinance Amendment No. 2018-2 to provide for increased funding in the amount of \$50,000.00 for the Public Safety Station 5 project to cover additional furniture storage costs and legal fees
- Consent 03 Budget Ordinance Amendments No. 5 and No. 6 to fund debt service payment due in the current fiscal year under the terms of an installment financing agreement (IFA) entered into with Branch Banking and Trust Company (BB&T) for the purchase of land for parks and recreation
- Consent 04 Budget Ordinance Amendment No. 7 to appropriate funds to be received under a grant from the North Carolina Governors Highway Safety Program for the purchase of a new motorcycle to supplement the Police Department's Traffic Unit
- Consent 05 Various updates to the Town of Apex Fee Schedule
- Consent 06 Wesco as the Sole Source Provider of Electric House Meters
- Consent 07 Set Public Hearing for the October 17, 2017 Town Council Meeting regarding Rezoning Application #17CZ18 (Gracewood PUD) and Ordinance. The applicant, Community Properties, Inc. seeks to rezone ±232.565 acres located at 0, 0, 0 Old US Hwy 1, 0 Horton Road, and 4316 Old US 1 Hwy from Wake County Zoning R-80W & R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 08 Set Public Hearing for the September 19, 2017 Town Council Meeting regarding Rezoning Application #17CZ21 (Sweetwater PUD Amendment). The applicant, Experience One Homes LLC seeks to rezone approximately 164.072 acres located at the addresses shown on the Agenda Item Cover Sheet from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- Consent 09 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 Chatham Partners, LLC, Morisey II, LLC, Fonville Ventures II, LLC and Brookfield Properties, LLC (Gracewood PUD) property containing 232.46 acres located at 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Horton Rd, 4316 Old US 1 Hwy, Annexation #609 into the Town's corporate limits
- Consent 10 Set Public Hearing for the October 17, 2017 Town Council Meeting regarding amendments to the Unified Development Ordinance related to buffers
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 19, 2017 related to parking
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #17CZ17 (804 S. Salem Street PUD), Stuart Jones, Jones & Cnossen Engineering, PLLC/Jennifer A. Quick, petitioners for the properties located at 0 and 800 S. Salem Street

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER

SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive acknowledged that Public Hearing 02 would not be heard at this meeting. He requested that Public Hearing 03 be heard prior to Public Hearing 01.

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 03 : Joanna Helms, Economic Development Director

Staff requested continuance to the October 17, 2017 Town Council Meeting

Public Hearing and possible motion to approve a contract for the acquisition of real property for the purpose of economic development for industrial or commercial use under G.S. 158-7.1.

The proposed contract is an agreement between the Town and a private property owner to co-develop a 121.3 acre site located at 451 Pristine Water Drive. The appraised value of the site is \$6,670,000 or \$54,985/acre. Anticipated costs to the Town associated with the development of the site and terms are as follows:

- Ground Lease - 3 years initially plus additional three 3-year leases (12 years total)
- Lease Payments - amount by which the property taxes increase from the previous year
- Option to purchase - \$100 per year
- Deferred Taxes - The Town will provide funds if the property owner has to pay taxes as a result of change of zoning (will be credited towards any initial purchase by the Town)
- Purchase Price - Base price is the same as current appraised value = \$54,985/acre; plus 25% of the "equity" created by the Town's development and marketing efforts
- Initial infrastructure - Estimated costs are \$1 - \$3 million

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THE PUBLIC HEARING AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 01 : Liz Loftin, Planner II

This item was continued from the August 15, 2017 Town Council meeting.

Public Hearing and rezoning application #17CZ15 (Peak City Properties LLC). The applicant, Kelly Viau, seeks to rezone approximately 0.18± acres located at 200 W. Chatham Street from Mixed Office - Residential - Retail - Conditional Use (#05CU11) to Mixed Office - Residential - Retail - Conditional Zoning, to include additional use.

Staff oriented Council to the site and gave a brief history of the structure which is in the historic district and small town overlay district. A neighborhood meeting was held. The Planning Board recommended denial by a 6-1 vote based on lack of sufficient parking. Staff conducted a subsequent review of the area for adequate parking spaces. Staff recommended approval and stated reasons for doing so.

Staff distributed to Council an explanation of historic uses, outlining the information contained therein. Staff answered Council questions on allowed uses in the district.

Mayor Olive declared the Public Hearing open.

Dr. Kelly Viau, applicant, gave a brief history of taking over her dentistry business and why she was requesting to move the business from Salem Street to her home. She explained where her patients park, stating that her staff has counted parking spots available at various times during the day. There is ample parking in the area; therefore, she has met the UDO requirements. Dr. Viau spoke about her hours of operation in comparison to other businesses. Her employees are required to park at the church parking lot in order to free up spaces on the street. Dr. Viau spoke about the ease of converting the house back to a residence from a business and gave a history of the businesses which had been located there. The house in itself is preserved. Dr. Viau spoke about her involvement with the community and how she's looking only to add to the charm of downtown.

Penny Maguire talked about the changes they've experienced on Chatham Street and calls which had been made to the Police Department because of parking. She felt the use would be incompatible and intrusive and have a negative impact on the quality of life. Ms. Maguire asked that Council follow the Planning Board's recommendation.

Laura and Don Grimes spoke about the attributes of the UDO which address adaptive reuse and about Dr. Viau using the structure as a residence for many, many years. Mr. Grimes gave a history of the other residential structures on the street, some which had been converted from a business to a residence. He stated rezoning would be spot rezoning which was against legislative regulations and how this would be detrimental. He noted the Planning Board's recommendation for denial. Mrs. Grimes spoke about the South Saunders parking lot which had been approved for alternate parking via agreement with Dr. Viau. She stated handicap parking would be difficult.

Mack Thorpe supported Dr. Viau and noted that he was representing downtown businesses.

Jamie Rohrbauck spoke about the appeal of buying her current property. She is a business owner and told the history of her growing business and how parking became a problem. She found alternate space which was more appropriate for her growth. She asked Council to deny the request since the rezoning would not be compatible with the surrounding zoning and environment.

Ms. Patterson talked about her daughter's purchasing her home and how they both enjoy the neighborhood. She asked for denial of the request.

John Pearson spoke about his growing up in Apex. He thought an additional use should be added to the UDO and cited an example of another residence which was converted to a business and back with no problem. This is easy to do and does not impact the neighborhood. Mr. Pearson stated there is floating parking on the streets. Both dental offices he goes to elsewhere are in residential neighborhoods in residential housing, and this works out fine. He was in favor of the request.

Amy and Brady Terrance stated they supported Dr. Viau. Moving her office one block was not going to hinder but enhance Apex, and Dr. Viau is not going to disrespect her neighbors on Chatham Street. People park downtown for various reasons, and the Terrances gave examples of where more parking could be generated.

Mayor Olive declared the Public Hearing closed.

Council requested a Closed Session to discuss spot zoning.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE REASON STATED.
COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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

Council asked staff the allowable uses in the district, upon which were all stated. Council stated he was now less concerned about parking. It was already proposed for staff to park off the street, so this would not impact the number of cars on the street. Council thought moving the office was a good idea in order to free up a retail space in downtown. Council stated it seemed like one potential use was singled out and that she would agree with the Planning Board until the parking issue was resolved. Council stated the Attorney thought spot zoning was not an issue in this case. Council stated parking was on the CIP, this would open up spaces downtown, and that the dental office would be a good neighbor. Council stated the chiropractic office does not take advantage of the parking lot and that he hoped staff could talk to them to get them to park there.

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

Council asked should the Planning Board look at this to see how far down Chatham Street zoning should be. The Mayor stated staff could include this in the 2025 project.

COUNCIL MEMBERS SCHULZE, MOYER, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 02 : Amanda Bunce, Planning Manager

Note that a new public notice and Planning Board recommendation is required prior to a Town Council Public Hearing on this matter; this Public Hearing will not be heard on October 3, 2017

Public Hearing and possible motion on amendments to the 2030 Land Use Map and rezoning application #17CZ19 (Horton Park PUD). The applicant, MFW Investments, LLC seeks to amend the 2030 Land Use Map classification of ±42.67 acres located at 5101 & 5220 Jessie Drive from Medium/High Density Residential and Office Employment/Industrial Employment to High Density Residential, Office Employment/Commercial Services and Medium/High Density Residential and to rezone ±149.029 acres located at 5100, 5101, 5125, & 5220 Jessie Drive, 0 Dezola Street, and 8140 & 8308 Smith Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Light Industrial-Conditional Zoning (LI-CZ).

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #613 into the Town's corporate limits

Staff stated the applicant, Shawn Smith, wished to address Council. Mr. Smith requested a continuance to the October 17, 2017 Regular Meeting as they are working through a minor subdivision and want to have this in hand.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONTINUANCE. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Drew Havens, Town Manager

Resolution to begin the upset bid process for the sale of a parcel of Town-owned land

Staff stated we had offer to purchase land owned by the Town at 55 and 64. Council rejected the original offer and now there's another from the prospective purchaser. Steve Adams would explain what this land is made up of and how the new offer is a fairer representation.

Staff oriented Council to the site which will need some substantial site work. He spoke about the easements for which we will ask. Staff answered questions from Council about buffers.

Staff stated the new offer is \$240,000, and he requested Council to adopt the Resolution if it felt it would accept the offer. The proceeds would go into General Fund Revenue. Staff stated the offer was a bit aggressive given the conditions of the land, the offer was reasonable for the taxpayers, and the land was not doing the Town any good. He did not know what the assessment for taxes would be.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE
THE MOTION TO APPROVE THE RESOLUTION AND BEGIN THE UPSET BID PROCESS;
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager

Contract with GreenPower NC for the lease/purchase of a solar photovoltaic electric generation system to be installed on the Public Works Operations building and authorization for the Town Manager and Town Attorney to make any additional minor modifications to and execute the contract, and Budget Amendment No. 8 to appropriate Fund Balance to pay for the costs of the project

Staff presented the purpose and history behind the request. We put out an RFT and evaluated responses from six vendors. He presented the GreenPower response to Council, stating they were the lowest bidder. They also provided us with an option of a lease/purchase at a lower cost to the Town, which is a new arrangement for them. Staff stated the lease/purchase was recommended by staff, and he explained the nuances of the system and its warranties. The payback will be in about eight years.

Staff stated he was requesting approval of the draft contract and authorization for the Attorneys to make modifications to and execute the contract and approve Budget Amendment 08. Council asked about maintenance, staff responding that this would be covered under warranty during the lease period. Council stated this company is likely to be in business after 25 years. Staff stated installation would begin as soon as practical by the vendor, usually within 30 days. Results will be included in the Manager's monthly report as soon as practical.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONTRACT, MAKING MODIFICATIONS WHERE NECESSARY,
AND TO APPROVE BUDGET AMENDMENT 08. COUNCIL MEMBER JENSEN MADE THE MOTION;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Closed Session to discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER
SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTIONS 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, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, October 17, 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
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Laurie L. Hohe, Town Attorney

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In attendance were Mayor Lance Olive, 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
Absent was Mayor Pro Tem Nicole L. Dozier

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Bernita Demery, Director of Financial Services, City of Greenville

Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting by Bernita Demery, GFOA State Representative, to Vance Holloman, Finance Officer and Suzanne Parmentier, Accounting and Budget Manger

Staff presented Ms. Demery's credentials and employment. Ms. Demery presented a brief history of how this award was created, those involved in reviewing the submittals, and how submittals were analyzed. Ms. Demery read and presented the award to Vance Holloman and Suzanne Parmentier. Vance Holloman complimented the efforts of staff, in particular Ms. Parmentier.

Presentation 02 : Chief John Letteney and Mr. Travis Parrish, CALEA

Travis Parrish, CALEA Director of Client Services, presentation to the Apex Police Department with its CALEA Reaccreditation Certificate. Chief Letteney presentation to the Accreditation Manager.

Chief Letteney stated this was PD's second accreditation award, and he presented a brief background on the department's efforts to earn the award. He introduced Mr. Parrish, presented his credentials and

employment background, and briefly stating what the CALEA organization does in the accreditation process.

Mr. Parrish provided background on the founding of CALEA and its goals and the importance of what the agency represents. Mr. Parrish read and presented the certificate to Chief Letteney. Chief Letteney spoke as to how the Police Department strives to achieve and maintain their level of professionalism and the work which went into qualifying for the award. Chief Letteney presented a certificate of achievement to Sgt. Matt Krutcher who was instrumental in the department's effort to win the CALEA award.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of October 3, 2017 and Closed Session Minutes of July 18, 2017, September 5, 2017, and September 19, 2017 (*Closed Session Minutes recorded separately*)
- Consent 02 Contracts related to conversion of the Seymour Athletic Fields to Field Turf and authorization for the Town Manager to sign all related documents on behalf of the Town
- Consent 03 Amendment to a Development Agreement dated June 7, 2016, authorization for the Town Manager to sign said Amendment to Development Agreement, and Budget Ordinance Amendments No. 9 and No. 10 to reimburse Apex Pointe, LLC (Publix Pointe) for excess credits in accordance with the Development Agreement as amended
- Consent 04 Encroachment Agreement and authorization for the Town Manager to execute the same for private storm drain easements and one private curb easement to encroach upon a portion of the Public Utility Easement
- Consent 05 Land and Water Conservation Grant Contract for Phase II of Salem Pond Park in the amount of \$150,000 and authorization for the Town Manager to sign all associated documents
- Consent 06 Acceptance of \$100,000 from NC Rural Economic Development Office for Planning and Design of the Senior Center associated with the Community Center Expansion Project and to adopt Capital Project Ordinance No. 2018-3
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #17CZ12, Cash for Houses, petitioners for the properties located at 0 and 2248 E. Williams Street
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #17CZ15, Peak City Properties, LLC, petitioner, for the property located at 200 W. Chatham Street
- Consent 09 Statement of the Town Council for Rezoning Case #17CZ22, ATM Development, LLC, petitioner for the property located at 5112 Church Road, 3028 & 3024 New Hill Holleman Road
- Consent 10 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 Crossroads Holdings. LLC (Crossroads Ford) property containing 13.6525 acres located at the southwest quadrant of the intersection of US 64 Hwy and N. Salem Street, Annexation #615 into the Town's corporate limits
- Consent 11 Approve the Apex Tax Report dated 09/05/17

Consent 12 Encroachment Agreement and authorization for the Town Manager to execute the same for a 3.5 foot deck to encroach upon a portion of the 7 foot Public Dry Utility Easement

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

REGULAR MEETING AGENDA

Mayor Olive stated the applicant requested to withdraw Public Hearing 02. Council Member Wilkie stated she wished to receive an update on the Tunstall House Task Force, which Mayor Olive stated would be heard as Old Business 01.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH THE MODIFICATIONS NOTED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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 : Amanda Bunce, Planning Manager

Amendments to the 2030 Land Use Map and rezoning application #17CZ19 (Horton Park PUD-CZ and LI-CZ). The applicant, MFW Investments, LLC seeks to amend the 2030 Land Use Map classification of ±22.67 acres located at 5101 Jessie Drive from Medium/High Density Residential to Office Employment/Industrial Employment and High Density Residential and to rezone ±149.029 acres located at 5100, 5101, 5125, & 5220 Jessie Drive, 0 Dezola Street, and 8140 & 8308 Smith Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Light Industrial-Conditional Zoning (LI-CZ).

Staff oriented Council to the amendments. A neighborhood meeting was held. Staff summarized the proposed uses. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu and staff stated they wished to continue to work with the developer on greenways. Staff answered various questions from Council. Staff recommended approval of the amendment and the proposed rezoning. The Planning Board recommended approval with conditions. Staff stated the rezoning was reasonable.

Representing the applicant, Jason Barron stated this would be a mixed use development and presented reasons why this would be an ideal use for the area and a benefit to the Town. He spoke about how they've worked with staff to include additional conditions.

Representing the applicant, Jeff Roach, Peak Engineering Design, spoke about the details of the project, and answered questions from Council.

Mayor Olive declared the Public Hearing open.

Donna Provance, speaking on behalf of several neighbors, asked Council to deny the request and stated reasons why. A petition to this effect signed by neighbors was distributed to Council.

Pam Wells spoke about road conditions on Ten Ten and an accident in which her daughter and her daughter's friends were involved. She asked for denial of the request because of heavy traffic implications.

Judy Ward, long time resident of the neighborhood and in opposition to the request, spoke about the traffic problems she experiences on Ten Ten and Jesse Road.

Pam Carter, in opposition, stated there were ethical and moral issues connected to this request and explained why she felt that way. She asked Council to deny the request.

Steve Rhodes spoke about road conditions in the area. He played a video which illustrated his concerns regarding traffic and asked Council to deny the request.

Michael Parks, employed by Dewberry, stated he performed a water study and explained what effect construction traffic would have on pipes. He spoke about the current disrepair of the streets. He asked for assurances of street closings under certain conditions.

Hunter Muse talked about traffic on Colby Chase and the safety of their children. He spoke about what would happen in the area should another recession occur.

John Bouchard spoke about keeping Colby Chase closed until certain construction activity was met along with speed bumps, a traffic circle, and a four way stop.

Mayor Olive declared the Public Hearing closed.

Staff recapped the conditions which were added to the request on this evening.

Jeff Roach, representing the applicant, clarified traffic calming devices.

Council asked questions and received answers related to a traffic study, a possible new high school, and how Jessie Drive would be built out.

Josh Reinke, representing the applicant, presented his credentials, stating that he performed the traffic analysis on this and talked about thresholds and meeting traffic signal improvement requirements.

Staff answered Council questions about Jessie Drive.

Council presented its thoughts on the positive and negatives of this request.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE LAND USE AMENDMENT AND THE REZONING WITH THE ADDED CONDITIONS;
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
COUNCIL MEMBERS MOYER, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

This item was continued from the October 3, 2017 Council Meeting

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #613 into the Town's corporate limits

This request was withdrawn by the requestor. Therefore, there was no action required on the part of Council.

Mayor Olive called for a recess.

Public Hearing 03 : Liz Loftin, Planner II

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Chatham Partners, LLC, Morisey II, LLC, Fonville Ventures II, LLC and Brookfield Properties, LLC (Gracewood PUD) property containing 232.46 acres located at 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Horton Rd, 4316 Old US 1 Hwy, Annexation #609 into the Town's corporate limits

and

Public Hearing 04 : Liz Loftin, Planner II

Rezoning application #17CZ18 (Gracewood PUD) and Ordinance. The applicant, Community Properties, Inc. sought to rezone ±232.565 acres located at 0, 0, 0 Old US Hwy 1, 0 Horton Road, and 4316 Old US 1 Highway from Wake County Zoning R-80W & R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held; the Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval with proposed conditions; the Planning Board recommended approval. Staff answered questions from Council.

Representing the applicant, Jason Barron, Morningstar Law Group, introduced those in attendance who were also involved in the project. He gave highlights of the request and noted that a traffic analysis had been conducted. Mr. Barron answered questions from Council.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ANNEXATION AND THE REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Amanda Bunce, Planning Manager

Rezoning application #17CZ21 (Sweetwater PUD amendment). The applicant, Experience One Homes, LLC seeks to rezone approximately 164.072 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the proposed changes to the PUD. Staff suggested additional language to be included in the request; however, it was not added by the applicant. Staff recommended approval as proposed as did the Planning Board.

Mayor Olive declared the Public Hearing open.

Mark Ashness, CE Group, spoke about uses, landscaping, and consistency of frontage. He answered questions posed by Council.

David Schmidt, on behalf of the applicant, explained their logic behind the elimination of steps in the back of the units - this would accommodate the older community.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Amanda Bunce, Planning Manager

Amendment to the Unified Development Ordinance related to buffers

Staff oriented Council to the amendment. The Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Belinda Hester, property owner, stated this project would impact her tremendously as it related to buffers and accessibility.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 07 : Joanna Helms, Economic Development Director

This item was continued from the October 3, 2017 Council Meeting

Proposed contract for the acquisition of real property for the purpose of economic development for industrial or commercial use under G.S. 158-7.1

Staff stated reasons why the Town pursued this acreage. It has been thoroughly vetted.

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 REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Tunstall House Task Force

Council Member Wilkie asked for an update on the task force. Mayor Olive stated that at the November 21st Council Meeting, he would have appointments to present to Council. Council Member Wilkie will provide the Mayor with the names of interested persons.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Closed Session (1) to consult with the Town Attorney, and (2) to discuss a personnel matter.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION;
COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A 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, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, November 7, 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
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, November 7, 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, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Roy Jones, CEO of ElectriCities of North Carolina

Roy Jones, the CEO of ElectriCities of North Carolina, presented a resolution from their Board of Directors honoring the Town for 100 years of electric utility service

Mr. Jones, invited Town staff members Jared Harris, Ben Lannon, Daniel Lund, Rodney Smith, Ken Weatherman, Jon Rose, Emily Woody, and Phillip Barnes to stand with him. He thanked the team for what they do for the town. He read the resolution adopted by his Board of Directors and presented it to Mr. Smith. Mr. Smith thanked the town for the opportunity to do what they do, and he recognized the hard work of his staff. Hopefully, we will continue into the second century providing the same level of service.

Presentation 02 : Mayor Lance Olive

Presentation of the Apex Geographic Information Services Day Proclamation to Steve Nelson, GIS Administrator

Mayor Olive read the proclamation and presented it to Steve Nelson. Mr. Nelson stated GIS Day would be promoted in Apex, this being a time for staff to rise up and be recognized for their efforts.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of October 17, 2017
- Consent 02 Resolution authorizing the completion of the sale of the Town owned property
- Consent 03 Design contract for the Town of Apex Community Center Expansion/Senior Center with Smith Sinnett Architecture, P.A.
- Consent 04 Statement of the Town Council for Rezoning Case #17CZ18 (Gracewood PUD), Community Properties, Inc., petitioners for the property located at 0, 0, 0 Old US Hwy 1, 0 Horton Road, and 4316 Old US 1 Hwy
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #17CZ19 (Horton Park PUD), Jeff Roach, Peak Engineering & Design / MFW Investments, Trinity Apex North 100 LLC, Fred Cash, Dwight Wright, Loomis Horton, Jr. Heirs, Mary Horton, Merion Investments Properties, LLC, petitioners for the property located at 5100, 5101, 5125, & 5220 Jessie Drive; 0 Dezola Street; 8140 & 8308 Smith Road
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #17CZ21 (Sweetwater PUD Amendment), Mark Ashness, CE Group/ExperienceOne Homes; KEP Apex, LLC; American Eagle Construction, LLC; Elm Street Builders, LLC; Hearthstone Luxury Homes, LLC; L&K Properties of NC, LLC; LIG Management, LLC; Standard Pacific of the Carolinas, LLC; Statement Custom Homes, LLC; Sweetwater Property Owners Association, Inc.; Upright Builders, Inc.; Amuel & Amie Feuer; Mark & Kathleen Rowe, petitioners for the property located at Brown Velvet Lane; Bryant Pond Lane; Core Banks Street; Gloriosa Street; Goliath Lane; Hasse Avenue; Lanasa Lane; Little Gem Lane; Lowland Street; Olive Chapel Road; Poultney Aly; Richardson Road; Timken Forest Drive; and 64 HWY W
- Consent 07 Set the Public Hearing for the November 21, 2017 Town Council Meeting regarding Rezoning Case #17CZ23. The applicant, David and Constance Cronk, seeks to rezone approximately ±13.86 acres, for the properties located at 1920 and 1928 Kelly Road, from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ).
- Consent 08 Set the Public Hearing for the November 21, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 09 Set Public Hearing for the November 21, 2017 Town Council Meeting regarding amendments to the Unified Development Ordinance related to Veridea
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of October 17, 2017 related to buffers
- Consent 11 Easement to the Town of Cary and authorization for the Town Manager to execute the same for public waterline easements on Town of Apex owned property
- Consent 12 Encroachment Agreement and authorization for the Town Manager to execute the same for a segmented retaining to encroach upon a portion of a 30ft Public Drainage Easement
- Consent 13 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 Westford WEH, LP (Westford PUD) property containing 101.131 acres located at 0 Jenks Road, 2812, 2900 & 3300 US 64 Hwy West, Annexation #612 into the Town's corporate limits
- 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 Western Wake Ventures, LLC (Deer Creek Area 3) property containing 0.218 acres located at

south of US 64 Hwy along a portion of New Hill Olive Chapel Road, Annexation #616, into the Town's corporate limits

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

REGULAR MEETING AGENDA

Mayor Olive stated that the Town Attorney wished for Item 02 of Closed Session, a personnel matter, to be deferred until the November 21, 2017 meeting.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION WITH THE STATED MODIFICATION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Paul Stam, representing the contractor for Public Station #5, read a statement on behalf of his client regarding the progress of work at the Station.

PUBLIC HEARINGS

Public Hearing 01 :_Amanda Bunce, Planning Manager

Pending Council action, this Public Hearing will be readvertised to be heard at the November 21, 2017 Regular Council Meeting

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Crossroads Holdings, LLC (Crossroads Ford) property containing 21.85 acres located at the southwest quadrant of the intersection of US 64 Hwy and N. Salem Street, Annexation #615 into the Town's corporate limits.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THIS ITEM TO BE HEARD AT THE NOVEMBER 21, 2017 COUNCIL MEETING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 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

Closed Session to consult with the Town Attorney

MAYOR OLIVE 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.

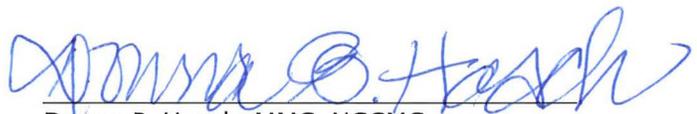
MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

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, MMC, NCCMC
Town Clerk

ATTEST



Lance Olive
Mayor



Apex Town Council Meeting

Tuesday, November 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
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, November 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, Council Member Schulze introduced Father J. William Long, Pastor, St. Andrew the Apostle Roman Catholic Church, who gave the Invocation, and Mayor Olive led the Plèdge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to deem Saturday, November 25, 2017 as "Small Business Saturday" in the Town of Apex

Mayor Olive read the Proclamation, which will be presented to Economic Development Director Joanna Helms.

Presentation 02 : Keith Joyce, Joyce and Company, Independent Auditor

June 30, 2017 audit report from Joyce and Company

Mr. Joyce gave highlights of the Comprehensive Annual Financial Report (CAFR), which is incorporated into these Minutes by reference. There was a clean opinion on the report, with sound policies and procedures in place. Mr. Joyce stated the Town received the excellence award for the 23rd consecutive year. There were no significant weaknesses found in the audit. There were three non-major items found, Mr. Joyce noting that procedures have been put in place to correct these. There is a new accounting

procedure which has been put in place this year. The past issues with New World have been resolved and cause no concern.

CONSENT AGENDA

- Consent 01 Minutes of the Regular Town Council Meeting of November 7, 2017
- Consent 02 Apex Tax Report dated 10/13/2017
- Consent 03 Appointment of members to serve on the Public Art Committee and Tunstall House Task Force
- Consent 04 Capital Project Ordinance Amendment No. 2018-4 to appropriate funds for the design of the Town of Apex Community Center Expansion/Senior Center by Smith Sinnett Architecture, P.A. and also to appropriate an additional \$50,000 for other work on the project
- Consent 05 Appointment of Shawn Purvis as our First Alternate Commissioner for the North Carolina Eastern Municipal Power Agency
- Consent 06 Professional services agreement with VHB Engineering NC, P.C. in the amount of \$982,484.54 for Phase 3 of the grade separated design of the Apex Peakway at CSX Railroad/South Salem Street and authorize the Town Manager to execute same
- Consent 07 Formal approval of the Swift Creek Land Management Plan Interlocal Agreement between and among the Town of Apex, Town of Cary, Town of Garner, City of Raleigh and Wake County and to approve the first amendment to such Plan
- Consent 08 Contract with CEI / Alford Leasing for the lease of multifunction equipment and the corresponding Budget Amendment 11 and to authorize the Town Manager to execute the contract
- Consent 09 Budget Amendment 12 for the purchase of ExecuTime Enterprise Workforce Management software, equipment, related training and set up costs
- Consent 10 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 Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town's corporate limits
- Consent 11 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 Merquiades Cespedes (single-family home) property containing .99 acres located at 7824 Green Level Church Road, Annexation #618 into the Town's corporate limits
- Consent 12 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 Richard & Anne Casper, Larry & Dorothea Gardner, Glenn & Christine Rinne, Michael Ferrari, Sharon Heaton, Michael & Joy Wilkes and William & Virginia Ott (Linden Master Subdivision Plan) property containing 87.233 acres located at 1600,1612,1617,1632, 1641 & 1645 Pricewood Lane, Annexation #620 into the Town's corporate limits

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

REGULAR MEETING AGENDA

Mayor Olive stated that Public Hearing 05 had a special circumstance, requesting that it be moved to be heard prior to Public Hearing 01. Council Member Moyer requested a Closed Session prior to Public Hearing 06.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE TWO NOTED REQUESTS; COUNCIL MEMBER WILKIE 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 05 - Quasi-Judicial : Shelly Mayo, Planner II

Quasi-Judicial Public Hearing and possible motion regarding an application for a Special Use Permit (#17SUP05) for the East Williams Street Cell Tower located at 1501 East Williams Street

Mayor Olive stated the applicant requested this Hearing be moved to the regular meeting of January 16, 2018.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE THE HEARING AS REQUESTED; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 01 : Sarah Rayfield, Senior Planner

Public Hearing and rezoning application #17CZ23 to rezone approximately 13.86± acres located at 1920 and 1928 Kelly Road from Rural Residential (RR) to Medium Density Residential - Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff recommended approval minus one zoning condition proposed by the applicant for a cul de sac. Staff responded to Council questions regarding the cul de sac and buffers.

Stuart Jones, Jones and Clossen Engineering, representing the developer and property owner, stated the rezoning was consistent with Town Plans, and the Planning Board unanimously recommended approval with the inclusion of the cul de sac. He outlined the specifications of each land section and explained the road specifications if the cul de sac was not approved. Mr. Jones stated they wished to add another condition related to solar and asked Council for their support of this request. He answered Council questions related to lot sizes, the cul de sac, plans for the pond, buffers, preservation of the character of the area, and the house on the land.

Mayor Olive declared the Public Hearing open.

Robert Rossi stated the applicant worked with them to keep their property the way it looks now, and he thought they did a good job. He wanted to see the plan approved. There would be nominal impact on them, and Mr. Rossi was pleased with the density.

Mayor Olive declared the Public Hearing closed.

Council expressed their like for the proposed lot sizes and cul de sac and saw benefit to the proposed subdivision. Council asked for a difference in buffer and lot sizes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONING WITH A REVISED LOT SIZE, INCUSION OF THE CUL DE SAC, AND THE CONDITION RELATED TO SOLAR; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, WILKIE, MOYER, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Westford WEH, LP (Westford PUD) property containing 101.131 acres located at 0 Jenks Road, 2812, 2900 & 3300 US 64 Hwy West, Annexation #612 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 WILKIE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.
(COUNCIL MEMBER DOZIER DID NOT NOTATE A VOTE.)

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Crossroads Holdings, LLC (Crossroads Ford) property containing 21.85 acres located at the southwest quadrant of the intersection of US 64 Hwy and N. Salem Street, Annexation #615 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 SCHULZE MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.
(COUNCIL MEMBER DOZIER DID NOT NOTATE A VOTE.)

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Western Wake Ventures, LLC (Deer Creek Area 3) property containing 0.218 acres located at south of US 64 Hwy along a portion of New Hill Olive Chapel Road, Annexation #616, 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

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

Public Hearing 06 : Amanda Bunce, Planning Manager

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance related to the Sustainable Development-Conditional Zoning District

Staff oriented Council to the amendments, which were same as those proposed to Council on September 5th.

Jason Barron, Morningstar Law Group, on behalf of the applicant, talked about the importance of this development. He again reiterated the three points which they felt would make a better UDO. He spoke about their rezoning the property and the Town being in the middle of a private dispute.

Mayor Olive declared the Public Hearing open.

Tom Hendrickson, on behalf of the applicant, stated his position on this matter. He thanked all for their time spent working on this. He also thanked Council Members Schulze and Wilkie for their years of service to the community. He congratulated Council Member Dozier for leading the ticket and the two new members coming on board.

Mr. Hendrickson stated that the UDO was not applicable to Veridea and that the request should be denied. He and the Hudson group accepted the conditions placed in the process, which could be an exceptional development. Mr. Hendrickson outlined the history of this public process, stating that he believed in the original plan and asked Council to allow this to move forward.

Mayor Olive declared the Public Hearing closed.

Council presented the following comments: there is no problem saying no when a request is not in best interest of the Town; most of what was being said sounded personal and that some people have not been listened to; it is not Council's place to be involved in personal disputes; there are no winners in this situation; when things aren't working, things need to change, so there was support for the amendment; private business should handle their disputes between themselves and not involve government, even though we put together the SD plan; the process is broken and needs to be fixed, but this amendment is not the right way to go; there are other avenues to solve the issues which don't put the Town in jeopardy; this situation should be used as an example for others going forward.

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

Public Hearing 07 : Amanda Bunce, Planning Manager

Public Hearing and possible motion regarding amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. Staff answered questions from Council related to exemptions. Staff stated the Planning Board recommended approval of all three amendments.

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 WILKIE MADE THE MOTION TO APPROVE THE FIRST TWO AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

There was further Council discussion as to why businesses and schools are treated differently.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Conveyance and title of land adjacent to our Tingen Road water tower at no cost to the Town

Staff stated that a phone call was received from land owners wanting to know if the Town would be interested in having this land gifted. The land is a gateway to the Town, and it would be appealing for it to be under our control. We first need to investigate conveyance. We would then come back before Council with all pertinent information.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO INVESTIGATE THE ACCEPTANCE AND CONVEYANCE OF THIS LAND; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Shelly Mayo, Planner II

Townes at Westford Master Subdivision Plan located at 2812, 2900 & 3300 US 64 Hwy West containing ±55.76 acres and 315 townhomes

Staff oriented Council to the site. A neighborhood meeting was held.

A representative from McAdmas stated they will consider a solar conduit. They will need to determine the expense.

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

New Business 03 : Council Member Moyer

Discussion regarding sidewalk obstructions caused by placement of chairs along Salem Street prior to the Apex Christmas Parade

Council stated chairs are being set up earlier and earlier downtown. Some are set up on the curb, roped off, and this makes it hard to walk across the street. He proposed restricting chairs on the curb, downtown on Salem Street, until the festivities are over on Friday night.

Council stated Chief Letteney has talked about the public safety hazard. Staff stated the primary concern was the chairs are coming out earlier and earlier each year. When they are tied to light poles and trash cans, it makes it difficult for people to mill about. We don't want downtown to feel hindered, we just don't want the chairs out until after the events on Friday. Police and CAPA will be on the lookout for early placed chairs and signage will go up. Public Woks will remove and tag any chairs in violation. Chairs can start going out once the streets are back open. Business owners are in agreement with this, particularly since they, too, have spoken to PD about the chairs being placed early.

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

CLOSED SESSION

Closed Session (1) to consult with the Town Attorney privately to preserve the attorney-client privilege, and (2) to discuss a personnel matter

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

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

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE RESOLUTIONS AUTHORIZING EMINENT DOMAIN PROCEEDINGS: FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM AND STREET WIDENING, FOR THE IMPROVEMENT OF THE APEX SEWER SYSTEM, AND PROCEEDINGS RELATED TO THE DEER CREEK SUBDIVISION ELECTRIC LINE PROJECT FOR THE IMPROVEMENT OF THE APEX ELECTRIC SYSTEM. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE 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 Olive adjourned the meeting.



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting Tuesday, December 5, 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
Audra M. Killingsworth and Brett D. Gantt,
Incoming 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, December 5, 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 Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe and Incoming Council Members Audra M. Killingsworth and Brett D. Gantt

COMMENCEMENT

Mayor Olive called the meeting to order, J.C. Knowles gave the Invocation and led the Pledge of Allegiance. Mayor Olive recognized former Mayor of Apex Keith Weatherly, former Apex Council Member Mike Jones, and Wake County Commissioner and now Chair Jessica Holmes who were in attendance.

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Mayor Olive recognized David Wood, Halle Cultural Arts Center Manager, and read the Arbor Day Proclamation which will be displayed at Town Hall. It was presented to Mr. Wood.

CONSENT AGENDA

Consent 01 Agreement with NCDMV for Town of Apex to access NCDMV records for employment purposes

Consent 02 Amendment to Section 2 - 27 of the Apex Code of Ordinances regarding the schedule of regular meetings and to direct the staff to ensure that every two years, at its Organizational Meeting, the Town Council reviews and adopts a schedule of meetings that avoids conflicts with holidays and town election days

- Consent 03 Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #17CZ23, Stuart Jones, Jones & Cnossen Engineering, PLLC, for the owners, David and Constance Cronk, petitioners for the property located at 1920 and 1928 Kelly Road
- Consent 04 Set Public Hearing for the December 05, 2017 Town Council Meeting regarding Rezoning Application #17CZ24 (Vineyard Station). The applicants, Vineyard Development, LLC and Brookfield Properties, LLC seek to rezone approximately 1.8 acres located at 750 Laura Duncan Road from Planned Commercial (PC) and Office & Institutional (O&I) to Planned Commercial-Conditional Zoning (PC-CZ)
- Consent 05 Set Public Hearing for the December 19, 2017 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 06 Set a Public Hearing for Tuesday, December 19, 2017 at 7:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2018-2019 Annual Budget
- Consent 07 Cemetery Lot 302, Plots A and B transferred into the names of Gerald D. and Gayle C. Woods, Plot C to Jimmy W. Woods, Plot D to Karen R. Swayze, and Plots E and F to Shelia Hearn
- Consent 08 Minutes of the November 21, 2017 Regular Council Meeting
- Consent 09 Encroachment Agreement and authorization for the Town Manager to execute the same for private storm drain easements and private curb easements to encroach upon a portion of the Public Utility Easements

Mayor Olive stated there was a correction to a date in Consent 04.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION WITH THE CORRECTION AS STATED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Steve Swamp of Westwinds subdivision thanked Council for all that they have done. While he and Council did not always agree, Council was always respected. Mr. Swamp thanked Council Members Schulze and Wilkie for their service to the Town.

JC Knowles, Apex Ambassador, on behalf of the Apex citizens, thanked Council Members Schulze and Wilkie for their service to the Town. Because of their efforts, we became a number one town in America. Mr. Knowles asked them to go with our love and expressed best wishes in their future endeavors.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Pending Council action, this Public Hearing will be re-advertised to be heard at the December 19, 2017 Regular Council Meeting.

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town's corporate limits

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO RESET THIS PUBLIC HEARING TO DECEMBER 19, 2017; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Pending Council action, this Public Hearing will be re-advertised to be heard at the December 19, 2017 Regular Council Meeting.

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Merquiades Cespedes (single-family home) property containing .99 acres located at 7824 Green Level Church Road, Annexation #618 into the Town's corporate limits.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO RESET THIS PUBLIC HEARING TO DECEMBER 19, 2017; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Pending Council action, this Public Hearing will be re-advertised to be heard at the December 19, 2017 Regular Council Meeting.

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Richard & Anne Casper, Larry & Dorothea Gardner, Glenn & Christine Rinne, Michael Ferrari, Sharon Heaton, Michael & Joy Wilkes and William & Virginia Ott (Linden Master Subdivision Plan) property containing 87.233 acres located at 1600,1612,1617,1632, 1641 & 1645 Pricewood Lane, Annexation #620 into the Town's corporate limits.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO RESET THIS PUBLIC HEARING TO DECEMBER 19, 2017; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

Mayor Olive called for a ten minute recess.

ORGANIZATIONAL PROCEEDINGS OF THE APEX TOWN COUNCIL

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Eugene J. Schulze

Mayor Olive presented Council Member Schulze with a plaque of appreciation from the citizens of Apex. Council Member Schulze reflected on his 16 years serving Apex, stating that it had been awesome to serve on Council. He thanked those who helped him to get to serve, including Town staff and former mayors and council members. Apex is a special place, Council Member Schulze stated. He'd met a lot of great people, Apex becoming the number one town where everyone puts their heart and soul into making a difference. He spoke about how much he appreciated the support and love of his family.

Council Member Schulze retired his seat on the dais.

Denise C. Wilkie

Mayor Olive presented Council Member Wilkie with a plaque of appreciation from the citizens of Apex. Council Member Wilkie stated she was moving on to bigger things in another town. She thanked the citizens for the privilege to be able to serve, stating this was a phenomenal experience. Council Member

Wilkie thanked the Town staff, noting that they don't really know how wonderful they are. She thanked Town Manager Havens for all his assistance and helping her to stay on task, she thanked the various Boards who do their work without getting paid which made her job a whole lot easier, she thanked Greg Coley. Council Member Wilkie stated she was a big fan of Parks and Recreation Director John Brown and Police Captain Jacques Gilbert. She noted how much she appreciated her daughter and husband.

ADMINISTERING OF OATHS

Nicole L. Dozier

Donna B. Hosch, MMC, Apex Town Clerk, administered the Oath of Office to Ms. Dozier, her husband and daughter standing with her. Council Member Dozier took her seat on the dais. She stated it is exciting to live in Apex because of citizen engagement. She thanked her supporters new and old. She thanked her family, specially her husband, James. She stated this is a great town in which to serve and that we have a Mayor with a big hat and a big heart.

Audra Killingsworth

Sam Hamadani, District Court Judge, administered the Oath of Office to Ms. Killingsworth, her husband standing with her. Council Member Killingsworth took her seat on the dais. She thanked her husband, Matt, who had helped her quite a bit through this process as well as her four children and many friends.

Brett Gantt

Lance Olive, Mayor of the Town of Apex, administered the Oath of Office to Mr. Gantt. Council Member Gantt took his seat on the dais. He thanked his wife, Allison, who was his childhood sweetheart, for all her support.

SELECTION OF MAYOR PRO TEMPORE BY COUNCIL

Mayor Olive stated the duties of Mayor Pro Tempore and opened the floor for nominations for this position.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPOINT COUNCIL MEMBER DOZIER TO THIS POSITION, STATING THE GREAT JOB SHE'S DONE THE PAST TWO YEARS. THE COUNCIL WAS UNANIMOUS IN THEIR AGREEMENT.

COUNCIL MEMBER DOZIER ACCEPTED THE POSITION.

Donna B. Hosch, MMC, Apex Town Clerk, administered the Oath of Office to the Mayor Pro Tempore.

APPOINTMENTS TO STANDING COMMITTEES AND OF LIAISONS BY MAYOR

Mayor Olive appointed the following Standing Committees and Liaisons:

Committees

Parks, Recreation, and Cultural Resources Committee – Moyer, Chairman; Killingsworth, Member

Economic Development Committee – Jensen, Chairman; Olive, Member

Environmental Committee – Dozier, Chairman; Gantt, Member

Finance Committee – Olive, Chair; Killingsworth, Member

Personnel Committee – Dozier, Chairman; Moyer, Member

Planning Committee – Jensen, Chairman; Gantt, Member

Liaisons

Apex Chamber of Commerce – Olive, Primary; Dozier, Alternate

Downtown Business Association – Moyer, Primary; Killingsworth, Alternate

Triangle J Council of Governments – Gantt, Primary; Killingsworth, Alternate

Executive Board of CAMPO – Olive, Primary; Jensen, Alternate

NEW BUSINESS

New Business 01 : Drew Havens, Town Manager

Possible motion to approve the schedule of meetings for 2018 and 2019 in accordance with Section 2 - 27 of the Apex Code of Ordinances as amended

Staff stated approval came from previous Council for this amendment and that the newly seated Council needed to carry it out. There was discussion regarding the dates surrounding the July 4th holiday, Council stating that she liked to take time off from her job during that time and that cancelling the first meeting of July would be a gift for staff.

Consensus of Council was to move the first meeting in January 2018 to January 3rd and to move the first meeting in January 2019 to January 3rd and to cancel the first meetings in July in 2018 and 2019.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE
THE CALENDAR DATES FOR THE NEXT TWO YEARS WITH THE ABOVE MODIFICATIONS;
COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

ADJOURNMENT

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



Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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Apex Town Council Meeting

Tuesday, December 19, 2017

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, December 19, 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, 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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Allison Fluitt, PE, AICP, Kimley-Horn & Associates

Special presentation to update Town Council on Advance Apex: The 2045 Plan

Ms. Fluitt gave background on the planning effort and some of the activities in which they've been engaged to get this Plan in place. The Long Range Transportation Plan and Land Use Plan are being looked at together, and the reasons why were given. This will be a community-driven effort, and Ms. Fluitt explained how the Plans will be used. Highlighted were the expectations and trends for the Town. Ms. Fluitt stated they were extremely pleased with the response to their survey as well as written-in comments.

The key findings were presented with traffic and congestion being the number one concern. There was major concern about affordable housing. The main reason people choose to live in Apex is the small town charm. Ms. Fluitt spoke to the three main challenges facing Apex. She hit the highlights of each of the focus groups. Their next step will be recommendation development.

Responding to Council question, Ms. Fluitt spoke about the differences between Apex and other municipalities with which her company has worked. She stated our data shows Apex citizens have a great passion for the town.

CONSENT AGENDA

- Consent 01** Minutes of the Regular Town Council Meeting of December 5, 2017
- Consent 02** Apex Tax Report dated 11/07/2017
- Consent 03** Appointment of members to serve on the Planning Board and Board of Adjustment
- Consent 04** Authorization for the Town Manager to sign the “Bike/Ped Program Agreement” in support of installation and maintenance of permanent bicycle and pedestrian counting equipment at three locations in the Town of Apex
- Consent 05** Budget Ordinance Amendment No. 13 to appropriate a grant of \$23,200 received from the Wake County Alcohol Beverage Commission for the purchase of Impaired Driver Simulator. The funds have already been received by the Town but cannot be expended until budgeted.
- Consent 06** Construction contract and authorization for the Town Manager to execute same, and Budget Ordinance Amendment No. 14 for intersection improvements
- Consent 07** 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 Mary & Howard Holt property containing 6.039 acres located at 7924 Green Level Church Road, Annexation #603, into the Town's corporate limits
- Consent 08** 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 a relocated historic house owned by Staley Smith containing 0.688 acres located at 1451 Apex Peakway, Annexation #621, into the Town's corporate limits
- Consent 09** Set a Public Hearing for January 3, 2018 to consider a budget amendment regarding the Economic Development budget and the approval of the capital project ordinance for the Cash Corporate Center project
- Consent 10** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 21, 2017 related to site plan exemptions
- Consent 11** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 21, 2017 related to the Sustainable Development-Conditional Zoning District
- Consent 12** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of November 21, 2017
- Consent 13** Authorize and direct the Town Manager and Town staff to work with the owners of the property, surveyors, and others to undertake the dedication of private water and sewer infrastructure as well as necessary easements described on the attached plats to bring the infrastructure into the Town's water and sewer system

Consent 14 Two new Street Right of Way Technicians positions at Salary Grade 13 and to reclassify one current Street Right of Way Technician to position of Street ROW Crew Field Supervisor at Salary Grade 17

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council stated she was glad to see one of her Public Forum items acted upon in such a timely manner.

THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated Public Hearing 08 would not be heard at this meeting. The Town Attorney requested a Closed Session to provide guidance to Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED MODIFICATIONS; COUNCIL MEMBER MOYER 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 : Amanda Grogan, Budget and Management Analyst
Citizen input regarding the formulation of the Fiscal Year 2018-2019 Annual Budget

Staff stated this was the annual process prior to staff preparation of the budget.

Mayor Olive declared the Public Hearing open.

Tom Colwell of the Parks, Recreation, and Cultural Resources Council spoke about public art, how it enhances the community, and the types of art which they are contemplating for recommendation. He outlined the programs they'd like to see continued. Mr. Colwell stated their request for \$76,000 of funding in the next budget year.

Mayor Olive declared the Public Hearing closed.

Public Hearing 02 : Shelly Mayo, Planner II

Rezoning application #17CZ24. The petitioners, Vineyard Development, LLC & Brookfield Properties, LLC, wish to rezone +/- 1.8 acres located at 750 Laura Duncan Road from Planned Commercial (PC) and Office & Institutional (O&I) to Planned Commercial-Conditional Zoning (PC-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff and the Planning Board recommended approval of the rezoning. Staff answered questions from Council regarding noise, business closing times, and buffers.

Mayor Olive declared the Public Hearing open.

Jason Barron, Morningstar Law Group, representing the applicant, provided information on how this parcel was created and what its uses would be. He clarified questions Council regarding noise, business closing times, and buffers. Frank Morisey, Northview Partners, answered Council questions related to ROWs and traffic.

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 KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Shannon Cox, Senior Transportation Planner

Amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map to add two future Major Collector streets between Kelly Road and Old US 1, downgrade a portion of future Kelly Road to a 3-lane Thoroughfare, and add two new roundabouts in the same vicinity

Staff oriented Council to the proposed amendments as requested by the Alliance Group and staff, which would include four changes to the map. The request was consistent with the Traffic Impact Analysis, and staff stated the advantages of the amendments. Staff and the Planning Board recommended approval. Staff answered several questions from Council related to traffic and traffic signals.

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 AMENDMENTS; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Amanda Bunce, Planning Manager
Various amendments to the Unified Development Ordinance

Staff oriented Council to the three proposed amendments. Staff answered questions from Council regarding the Overlay District. 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 KILLINGSWORTH MADE THE MOTION TO APPROVE
WITH THE TWO AMENDMENTS FROM COUNCIL; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Pending Council action, this Public Hearing will be re-advertised to be heard at the January 3, 2018 Regular Council Meeting.
Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Capital Properties of Raleigh II, LLC (Center Street Station) property containing 7.896 acres located at 1100 Center Street, Annexation #614, into the Town's corporate limits

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO SET THIS HEARING
FOR THE JANUARY 3RD MEETING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Merquiades Cespedes (single-family home) property containing .99 acres located at 7824 Green Level Church Road, Annexation #618, 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 DOZIER MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER GANTT SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Richard & Anne Casper, Larry & Dorothea Gardner, Glenn & Christine Rinne, Michael Ferrari, Sharon Heaton, Michael & Joy Wilkes and William & Virginia Ott (Linden Master Subdivision Plan) property containing 87.233 acres located at 1600,1612,1617,1632, 1641 & 1645 Pricewood Lane, Annexation #620, into the Town's corporate limits

Staff oriented Council to the site, stating the associated project was previously approved by Council. Staff 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 KILLINGSWORTH MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council Member Dozier stated she did not vote for this project previously.

THE MOTION CARRIED BY A 5-0 VOTE, WITH COUNCIL MEMBER DOZIER ABSTAINING FROM VOTING.

Public Hearing 08 – Quasi Judicial : Liz Loftin, Planner II

Quasi-Judicial Public Hearing and possible motion regarding an application for a Special Use Permit (#17SUP04) for the Apex Mosque located at 733 Center Street

As approved by Council earlier, this Hearing will be heard at a later date.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Vance Holloman, Finance Director

Resolution declaring the results of the November 7, 2017 referendum for the \$48 Million Parks and Recreational Facilities Bonds, approving a Statement of Result of the Bond Referendum, and instructing the Town Clerk to publish that Statement

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

THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Added Closed Session 01 for Council to receive guidance from the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER
MADE THE MOTION; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

Mayor Olive reminded Council that citizens can use our website to report problems. He finds it easier to give out the link. Staff stated this information has previously been provided on the utility bills. However, we will do a hard roll-out of an app to report problems, *Apex Connect*, a bit later.

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

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