

APEX TOWN COUNCIL MEETING

TUESDAY, JANUARY 5, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 5, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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 : Mayor Olive

Presentation of Service Award to Lisa Carley

Mayor Olive stated Ms. Carley spent time with the Town of Apex on the Planning Board. He read the plaque which was then presented to her. Ms. Carley stated it was a pleasure serving and working with great people, staff, and leaders. The common goal was making Apex the best it could be.

Presentation 02 : Allie Prelaske, Senior and Special Populations Program Specialist

Presentation on the Retire NC program

Staff stated we were asked to research this program, which basically is to encourage economic development. Council was shown what Pittsboro, for example, gets on the program website. Outlined were the requirements to join, benefits to the increasing senior population, and the cost of the program. Staff did not find any real value in joining. Pittsboro did not fund the program, and it is hard to quantify if the program is successful. They will probably renew, and Pittsboro will contribute 25% of the cost.

Mayor Olive reminded Council that it wanted more information on this program. There are some possibilities for Council – do nothing; send this to committee; or if there is sufficient motivation, entertain a motion for something else. Council weighed in and stated she wanted to hear more from her colleagues, but she was not sure this was something we should pursue now. Maybe we already have the capacity to do some of the things that the program does. Several Council Members were in agreement. If the private sector wants to pursue this, then the Town would be willing to be the applicant.

Mayor Olive thanked staff for the information and time spent. We will put this on the shelf for now to be picked up at a later time if we wish.

CONSENT AGENDA

- Consent 01** Changes to Section 6-7 of the Code of Ordinances related to the maintenance of the Town's Cemetery
- Consent 02** Changes in our official representatives the Electricities Board of Commissioners and Rate Committee
- Consent 03** Statement of the Town Council for Rezoning Case #15CZ26, Baker Residential/Glenda Toppe, petitioners for the property located at 4105 Green Level West Road, 0 and 809 Wimberly Road
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #15CZ35, Jason Bertoncino, petitioner for the property located 2299 Toad Hollow Trail
- Consent 05** Set the Public Hearing on January 19, 2016 for Rezoning application #15CZ32 (Smith Farm) and Ordinance to rezone 23 parcels totaling 270.514± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from Residential Agricultural (RA) and R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ)
- 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 Western Wake Ventures, LLC property (Deer Creek) containing 78.708 acres located east side of New Hill Holleman Road and south of US 64 W Annexation #561 into the Town's corporate limits
- 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 (see attached list-Exhibit A; Smith Farm) properties containing 271.862 acres located on the north side of Olive Chapel Road, east of the American Tobacco Trail and north of Richardson Road, Annexation #562 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 James and Tiffany Stopper property containing .8851 acres located at 1404 Salem Church Road, Annexation #563 into 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 JVI Development II, Inc. (Manors Phase 8C) property containing 7.5585 acres located at 2919 Evan Road, 0, 2813 and 2817 Walden Road, Annexation #564 into the Town's corporate limits
- 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 Beth H. Rhew property (Deer Creek) containing 3.003 acres located at 417 and 425 New Hill Holleman Road, Annexation #565 into the Town's corporate limits
- Consent 11 Set the Public Hearing on January 19, 2016 for possible changes to Peak Plan 2030: The Apex Comprehensive Plan to reduce Medium Density Residential from 6 units per acre to 5 units per acre; and 2030 Land Use Map Amendments
- Consent 12 Set Public Hearing for the January 19, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 13 Set Quasi-Judicial Public Hearing for the January 19, 2016 Town Council Meeting regarding a Major Site Plan for The Flats at 540, a portion of 28.561 acres located at 2501 Creekside Landing Drive
- Consent 14 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of December 15, 2015
- Consent 15 Statement of the Town Council and Ordinance for Rezoning Case #15CZ15, Standard Pacific Homes, petitioners for the property located 1523 and 0 Salem Church Road
- Consent 16 Set Public Hearing for the January 19, 2016 Town Council Meeting regarding Rezone #15CZ36 to rezone 1.75 acres located at the northwestern quadrant of the intersection of Kelly Road and Olive Chapel Road from Neighborhood Business Conditional Use to Neighborhood Business Conditional Zoning
- Consent 17 Town of Apex requested easement for the purpose of installing electrical facilities on jointly owned property at the Cary/Apex Water Treatment Facility (CAWTF), 1400 Wimberly Road in Apex
- Consent 18 Town of Apex requested easement for the purpose of installing electric and water lines on jointly owned property at the Beaver Creek Pump Station in Apex
- Consent 19 Apex Tax Report dated 11/09/2015
- Consent 20 PULLED TO BE DISCUSSED AS NEW BUSINESS: Co-sponsoring with the Apex Downtown Business Association a Founders Day Celebration on Saturday, March 19, 2016

Council Member Moyer asked to pull Consent 20 for further discussion. Mayor Olive stated it would go to New Business 01. A correction to Consent 01 was distributed because of a typo.

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

REGULAR MEETING AGENDA

Mayor Olive asked if there were any requested changes to the Regular Agenda to which there were none.

PUBLIC FORUM

JC Knowles stated this was his first opportunity to officially congratulate the newly elected officials and the entire board for the hard work that they will be doing in the next year. He asked Council to dispel with any vendettas or vindictive issues so that every action would be in the best interest of all citizens of Apex. Citizens say we truly live in the greatest town in America, and they respect and support the Council and will work with them to make Apex even greater.

Tom Colhoun spoke about notifications and the 2030 Land Use Plan. He didn't understand the arbitrary way of picking areas of property to make changes to when it took 1½ years for the entire town to come together and make the map. Notice of this went only to those folks in the specified areas. He asked about vertical mixed-use and the definition of such. Would it have not been better to identify those who would be impacted most and meet with them for clarifications before going to a public hearing? Mr. Colhoun did not understand the 24-hour notice for a planning session and then not allowing citizens to speak. If Council is going to be transparent, then it needs the voice of the people to be heard.

Bob Kelly outlined his family's history in the area. He is trying to age in place, but it's getting more and more difficult. There is an Unfinished Business item on a study of properties in the Friendship and New Hill areas. He and his neighbors have been excluded from a lot of discussions from neighboring towns. Let's not make the same mistakes that have been made in the past. He encouraged Council to get a representative from his area to be on the study so as to get their input. He stated some of the large land owners have this for their retirement.

A student talked about the issue of parking at someone's house. She has heard they are not allowed to do this and talked about how difficult it would be if this is not allowed. She asked not to enforce a change until the new high school is built.

Lynne Smith in reference to the parking situation in Knollwood stated she was told that very soon she would not be able to park in Knollwood and expressed how stressful this would be for the students. She parks in Mr. Graff's yard, and a large number of cars are parked in other residents' yards. She gave the benefits of this, and stated taking the spots away would be a hardship.

Linda Barrett asked for parking not to be addressed until the end of the year, listing some of the difficulties if it were. Next year won't be such an issue with the new school coming online. She found out Sunday that there wouldn't be space to park on Monday. The kids should be home studying for exams, but they were at this meeting because this is important. She asked Council to determine if there are any emergent issues that would make this happen now vs. waiting until the end of the school year.

Mayor Olive stated the concerns were heard and that we are looking at alternative solutions. Council asked to pass this on to the Planning Committee to determine options and then come back with suggestions. Staff stated this could be deferred until the next Planning Committee meeting. The action was being driven by residents in the area who complained numerous times. We realize students don't need this stress, and that is not our intent. Staff would need to know if Council wants to change its law and if it wanted the Planning Committee to come up with a suggestion. The Mayor proposed that after the Planning Committee meeting, Council would consider the output from the Committee for the first meeting in February. The matter would then go to the Planning Board and back to Council for a decision. Council asked that the Committee understand this would only be temporary until next year.

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 Ronald and Ellen Rose, Thomas E. and Jeanne Whittlesey, Grayson and Blaine Kelley and HYCK Associates (The Reserve at Beaver Creek) property containing 41.612 acres located at 1201, 1309, 1313, 1325 & 1333 Kelly Road, Annexation #560 into the Town's corporate limits

Staff oriented Council to the site, stating that 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 TO ADOPT THE ORDINANCE. COUNCIL
MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Council Member Bill Jensen

Reconsideration of Parkside at Bella Casa, Phase 14 - Master Subdivision Plan - for the property located at 2324 Mt. Zion Church Road containing 10.1 acres and 52 lots

Council explained why he was against this at first. However, After review, he found the densities and amenities are acceptable for the development as a whole. Therefore, he wished to bring this back before Council for reconsideration.

MAYOR OLIVE CALLED FOR A MOTION TO BRING THIS BACK BEFORE COUNCIL FOR RECONSIDERATION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

Staff clarified the types of buffers for the project.

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.

UNFINISHED BUSINESS

Unfinished Business 01 : Stacie Galloway, Communications Manager

Selection of a winning design from the public logo contest

Staff stated that in August it asked for permission to paint a new design on the water tower. Prior to this, staff came up with a design with the help of a committee, but Council stated it wanted a public contest. One hundred submittals were received, a lot from young people and as far away as California. An internal staff committee narrowed the submittals down to two.

The Mayor asked if Council had sufficient options or if it wanted to discuss this further. Council stated he was not overly enthused with either design. He found two that he liked in the 100 that were submitted. He wanted Council to review all of the options or to reconsider a few more that he saw. He wanted this done right. Council asked about the committee, staff stating it was mostly internal. One member was a marketing consultant from the outside. This member pointed out what would and wouldn't go well for end products. Council stated he didn't want to make a decision this evening. Pointed out was the problem that the water towers are being painted, and we need to get something on them.

The Mayor stated his understanding was the base color could be done on the next one and then come back to the first one with a design. This wouldn't hurt from a cost perspective. Sometimes committees can get things just okay. He was fine with picking several more designs from the mix and having Council explain what was liked about them. Staff is competent enough to make design changes. The Mayor pointed out he did not want this to take months and didn't think anyone was trying to do so.

COUNCIL MEMBER SCHULZE MADE A MOTION FOR COUNCIL TO SUBMIT TWO TO THREE OF THEIR FAVORITE DESIGNS TO THE COMMUNICATIONS MANAGER WITHIN THE NEXT WEEK OR SO. SHE WILL PUT THE DESIGNS TOGETHER TO RESUBMIT AND THEN COUNCIL WOULD BE PREPARED TO VOTE. MAYOR OLIVE CLARIFIED NO MORE THAN TWO SUBMITTALS AND THAT THEY WOULD BE SUBMITTED THIS WEEK. COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council stated he did not see the notice asking for citizen input and asked how involved were the creative people in Apex. Staff stated this was publicized through social media and the internet. Some submittals were from Apex. She was not sure what more could have been done to receive more submittals from Apex. The Mayor stated we should have a traditional and a modern design as agreed to in the first place.

THE MOTION CARRIED BY A 5-0 VOTE.

Unfinished Business 02 : Dianne Khin, Planning Director
Proposed 2035 Land Use Map - Economic Study

Staff stated meetings took place to discuss the potential for a study area to find better land uses for the community and for neighborhood mixed use nodes. The circles on the map are generic and underlying land uses were not defined because they were not a part of the original process. Staff explained why there is new interest in the area as well as stating the goal of the study. We would like to complete the study in three to four months. The Planning Committee recommended going forward, and the requirements were detailed. The Planning staff also recommended going forward so it can have better guidance.

Council stated the Committee discussed how to go about and how to minimize any property owners in the area. He understood the New Hill folks want to be more directly involved. At the end of the process, there will be a public hearing. Staff stated there will be three to four public meetings and then potentially one public hearing. Council stated we would have a lot of community input.

COUNCIL MEMBER JENSEN MADE A MOTION BASED ON THE PLANNING COMMITTEE'S SUGGESTION TO PARTICIPATE IN THIS STUDY TO A MAXIMUM OF \$28,000; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council asked for clarification of the suggested guidelines as to property owners being under contract on their property, which staff provided. Responding to Council, staff clarified questions from Council on an area not on the map. This can be talked about off line, as agreed to by Council members. Staff clarified what the \$28,000 would encompass. The Mayor explained what the study will and won't tell us. The outcome will be an economic analysis and forecast with a breakdown of use types. It will also explain what the market will bear. Staff explained it is not equipped to do this study, because no one has the economic background and expertise.

THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

Added New Business 01: Council Member Moyer – from Consent Agenda 20

Co-sponsoring with the Apex Downtown Business Association a Founders Day Celebration on Saturday, March 19, 2016

Council asked for more information on Founders Day. JC Knowles stated this would be discussed this week at their next meeting. When they have events such as this, they ask the Town to help advertise and promote the events. He did not foresee asking for funds or the closing of streets, but they were asking to use the Halle at no charge. They may also ask for a brochure to be put on the website. Staff stated we need to be a co-sponsor in order for the sign to go up on Salem Street.

Mr. Knowles spoke about the property on Salem and Sanders which the Town agreed for him to decorate. A citizen built the little free library and gave it to downtown for the garden. This has received national attention, and they have not asked the Town for money for its upkeep.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER JENSEN 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, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, JANUARY 19, 2016

Lance Olive, Mayor
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and Wesley M. Moyer, Council Members
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Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 19, 2016, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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 December 15, 2015 and January 5, 2016 Regular Council Meetings
- Consent 02 Apex Tax Report dated 12/04/2015
- Consent 03 Contract, not to exceed \$124,799, to Kimley-Horn and Associates for the design of Phase I of the Beaver Creek Greenway segment between Kelly Road Park (Kelly Road) and the Apex Nature Park (Barbecue Road), associated budget amendment, and authorization for the Interim Town Manager to sign all related documents
- Consent 04 Set a Public Hearing for Tuesday, February 2, 2016 at 7:00 p.m. to receive citizen input regarding the formulation of the Fiscal Year 2016-2017 Annual Budget
- Consent 05 Budget ordinance amendment for the supplemental municipal agreement with NCDOT to secure 80% of the project right of way and construction cost in federal funds, requiring 20% matching local funds, for Lake Pine Drive Improvements, TIP Project No. U-5537
- Consent 06 Budget amendment in the amount of \$862,400 for reimbursement of excessive prepaid sewer capacity fees (cause based) to Apex First Development
- Consent 07 Cooperative Purchasing Agreement (CPA) between the Town and Wake County concerning Disaster Debris Monitoring Services and a related CPA with HDR Engineering, Inc. of the Carolinas

Consent 08 Budget Amendment to fund the 2035 Land Use Map - Economic Study

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 for Public Hearing 01, the applicant wished a neighborhood meeting to hear citizen input. He asked Council if they wished to approve deferring the Public Hearing until the first meeting in March or if they wished to hold the Hearing this evening. Council stated this was postponed for same reason the last time. It wouldn't serve citizens well to postpone again. Council asked what happened to communication with the neighbors.

Glenda Topp, Topp and Associates, stated the applicant reached out to both HOA presidents; there was no communication with the single family community. This was difficult to arrange because of holiday timing. The applicant wished one more chance to sit down and talk during two or three meetings and get to the items which have not been addressed. They would then not be back with another postponement request. They have more information about which they'd like the opportunity to talk. It may not resolve all issues, but they felt it in the best interest of the neighbors and the Town to meet one more time. The first meeting in March would give them ample time to accomplish this.

Council stated he was willing to postpone if the citizens in attendance agreed. Most indicated they did not want a postponement; they wanted Council to vote this evening.

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

PUBLIC FORUM

Mayor Olive overviewed the protocol for people to speak. He stated that Council would only hear from the Committee on the Pleasant Park concept drawings.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Continuation of public hearing from November 17, 2015 and motion on rezoning application #15CZ28 (West Williams Retail) to rezone 5.01± acres located on the west side of West Williams Street, south of Olive Chapel Road and north of Bryan Drive from Planned Unit Development (#02CU13) to Neighborhood Business-Conditional Zoning (B1-CZ)

Staff oriented Council to the site and answered Council questions on truck idling and the type of stream on the property. Related to the latter, staff stated a previous determination was made, and the stream is intermittent.

The applicant, Sam Costello of Weidel, expanded on this project being developer responsible. If their project fails Council vote, there are other developers waiting to build on the property. They have made concessions based on standards and requests, which make them a responsible development partner. They have the resources and commitment to this community to be responsible.

Glenda Topp, Topp and Associates, talked about the layout plan from several years ago. It was difficult to get uses to fit the boxes on the property. She spoke about the property characteristics and building on it. This developer added conditions that they don't typically add. Most similar stores don't have the types of conditions to which this developer has agreed. They believed this a good use for the site.

In favor, Frank Miller, Little Diversified, civil engineer on the project, stated that as for the UDO requirements for stormwater retention, the applicant is agreeable to going from a 10 year to a 25 year storm retention.

Michael Fendrick, traffic engineer, stated they completed a capacity analysis, and it showed minimal impact to various intersections. The applicant has added more, positive conditions. They looked at the existing zoning. He gave three scenarios for various types of buildings under the current zoning. In all cases, they came up with more trips than if property was developed as a supermarket. Mr. Fendrick stated that if he lived in the neighborhood, he would be more concerned what would come in if their project fails. There is more traffic by 30-50% with the existing zoning than the proposed zoning.

Mayor Olive declared the Public Hearing open.

Those speaking in opposition to the rezoning were Maggie O'Keeffe, Bruce Rifleman, Mark Wyman, Lisa Alfonso, Mike Herbert, Jane Seeger, Christy Ford, Paul Dewey, Dan Tilly, Nancy Rose, Nicole Rifleman, Scot Caulifer, Dianna Londano, Kevin Muzzilo, and Lori Hughes. Their concerns were as follows: there are nine supermarkets in a small area and two large discount supermarkets. Why do we need another one,

especially with the traffic concerns? Anything coming down off the wetlands will go into the yards. This company is a direct threat to American retailers. The stream is not intermittent anymore. This big box store will negatively impact property values, but the PUD is liked. Against the proposed 24-hour operation and 20' wall. Smaller businesses would not take up space all the way to home windows. Objection to noise disturbances. Will have smells; nothing put in writing about the fencing. Told resident concerns not valid and explanation was given as to why they are. Previous PUD would protect the neighborhoods. Benefits of smaller, non-commercial buildings were given. Primary food entrance behind Walgreens will bring loud noise disturbances from idling diesel tacker trailers in and out all through the night. Growth according to the PUD supported. Applicant should grow in Apex, just not in this location. The stream may run dry, residents have certain property rights, the courts say obstructing a stream affecting people downstream is a class 2 misdemeanor, no hydrological study has been done, whose rights are more important.

Mayor Olive declared the Public Hearing closed.

Council had a problem with the 30 foot wall which will be hard to buffer and there being a wetland that feeds the stream. The previous PUD did not have some of the teeth that would prevent another 30 foot wall. Council stated Lidl is a good company and would be an asset to Apex, but not on this spot.

Council stated she met with homeowners and her issue is the fairness of all this. People bought their houses related to the current PUD.

Council stated there is a PUD plan already associated with this, we'd need a compelling reason to change the plan, and this was not it. He likes Lidl; they are wanted in Apex, just not in this location. He reminded that this is America; and if you think you can do it, then you need to be able to do it. He did question what would happen in five years with the delivery restrictions. Traffic could be worse; but this would have had to go through site plan, and he doubted that staff would approve if it was. It's not fair to put a 24-hour operation beside residents.

Council stated she met with the residents and viewed the property. She thought this would be a great thing for Apex, but that it's the wrong location at the wrong time.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO DENY THE
REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION TO DENY CARRIED BY A 5-0 VOTE.

Mayor Olive addressed the audience, stating he appreciated everyone being involved in the government process which can be frustrating at times. He did not want to give the impression that Lidl was not welcome in Apex, just that Council believed there was a better area for it to be located. The proposed area is too close to a neighborhood and it's too high. Facts were brought out and not just emotions. He believed staff would be able to work with Lidl to help them find a suitable place.

Public Hearing 02 : Dianne Khin, Planning Director

The applicant has requested this item be continued until the February 2, 2016 meeting

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Smith Farm PUD properties containing 271.862 acres located on the north side of Olive Chapel Road, east of the American Tobacco Trail and north of Richardson Road, Annexation #562 into the Town's corporate limits

Staff stated the continuance was in response to concerns raised at the Planning Board meeting. The applicant was in attendance and confirmed the request.

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

Public Hearing 03 : Michael Clark, Senior Planner

The applicant has requested this item be continued until the February 2, 2016 meeting

Public hearing and possible motion regarding rezoning application #15CZ32 (Smith Farm) and Ordinance to rezone 23 parcels totaling 270.514± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from Rural Residential (RR) and R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ)

Staff stated the continuance was in response to concerns raised at the Planning Board meeting. The applicant was in attendance and confirmed the request.

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

Mayor Olive called a five minute recess.

Public Hearing 04 : Shelly Mayo, Planner

Public hearing and rezoning application #15CZ36 (Kelly Road Retail). The applicant, Matt Kirkpatrick, Kirkpatrick & Associates is seeking to rezone from Neighborhood Business Conditional Use (B1-CU) to Neighborhood Business Conditional Zoning (B1-CZ). The 1.75 acre property is located at the northwestern quadrant of the intersection of Kelly Road and Olive Chapel Road

Staff oriented Council to the site. A neighborhood meeting was held and there were no attendees. A second meeting was held. The applicant wished to place a veterinary clinic on this property and it's currently not allowed. Staff outlined the restrictions of the property. Staff and the Planning Board recommended approval. The school, which was also noticed, had not contacted staff with questions or concerns.

Mayor Olive declared the Public Hearing open.

In favor, Jay Gilleese, Gilleese and Associates, stated they wish to reduce the buffer and add one use.

Paul Schmidt, resident, stated low attendance could have been related to the first notice not being received and that there are a lot of renters in the area who aren't really concerned about this. Traffic was a concern for him. There is a plan to widen the road, but he has not seen anything that tells when. He stated he also did not get notice for Publix which came to the area.

Mayor Olive declared the Public Hearing closed.

Council stated Publix will have to make substantial improvements to the road; therefore, it will be much better managed with retail having a flat traffic pattern. Staff stated this use is a lower traffic generator. Road improvements will begin this Fall, and Council expounded on what would be done and the relief that would be provided. Staff, responding to question from Council, spoke on the right of way availability. Responding to Council on notifications, staff stated we get back 2-20 letters because property owners do not let the tax assessor know of changes in their addresses. Staff stated our notification area of 300 feet is triple what State law requires. Also, HOA presidents are notified. But if presidents change, sometimes the information is not passed on. This we can't control, and we do ask the HOAs to keep their information current with us.

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 5-0 VOTE.

Mr. Schmidt stated sending notice to owners and renters may help. The Mayor stated this was a topic that could be talked about in Committee.

Public Hearing 05 : 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) property containing 78.708 acres located at 401 New Hill-Olive Chapel Road and south of US 64 W Annexation #561 into the Town's corporate limits

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

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Beth H. Rhew property (Deer Creek) containing 3.003 acres located at 417 and 425 New Hill-Olive Chapel Road, Annexation #565 into the Town's corporate limits

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

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex James and Tiffany Stopper property (single-family home) containing .8851 acres located at 1404 Salem Church Road, Annexation #563 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 MOYER MADE THE MOTION TO ADOPT
THE ORDINANCE; COUNCIL MEMBER DOZIER 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 JVI Development II, Inc.(Manors Ph 8C) property containing 7.5585 acres located at 2919 Evans Road, 0, 2813 and 2817 Walden Road, Annexation #564 into the Town's corporate limits

Staff oriented Council to the site, stating that 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 SCHUZLE MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 09 – Quasi Judicial : Amanda Bunce, Planner II

Quasi-Judicial Public Hearing and Major Site Plan for The Flats at 540, a portion of 28.561 acres located at 2501 Creekside Landing Drive

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.

Mayor Olive read the introduction for the quasi-judicial hearing. All Council was provided a checklist to use to ensure that all standards were met.

Mayor Olive declared the Public Hearing open and stated all those wishing to speak would be sworn in. Those persons were sworn in by the Town Clerk. The Mayor recognized Beth Trahos on behalf of the applicant. There was no representation for opposition.

All Council members stated they had no conflicts or communications with the applicant in respect to this project.

Opening Statement by Applicant – Beth Trahos, Smith Moore Leatherwood, representing the applicant, named the witnesses she would present. She pointed to the notebook that was prepared for Council and asked that it be put into evidence. Ms. Trahos stated she was present to talk about the project site plan and detailed what section of the property was applicable for this evening. The notebooks were distributed to Council.

Speaking in opposition, Xingliang Zhou, stated he attended a previous hearing. He raised questions about connections. Mayor Olive explained that this part of the process was for criteria and not opinions. The Town Attorney explained Mr. Zhou could speak related to his experience as a resident. Mayor Olive stated Mr. Zhou would be called upon later to make his statements.

Testimony of Staff – Amanda Bunce stated her name and presented her credentials. She then oriented Council to the site. She stated zoning was approved in November; the location of the site was given. A neighborhood meeting was held, and the use was outlined. The Plan was in compliance with our Plans and Standards.

Council asked about the 30% residential and where it was located. Planning Director Dianne Khin stated her name and presented her credentials. She stated this request only involved Beaver Creek Crossing. The GIS analyst stated this is over 50% residential, which is more than what is required.

Applicant Cross Examination of Staff – Ms. Trahos asked for clarity of the major site plan standards – was the applicant in compliance with letters B, C, D, E, F, G, H. Staff stated they were in compliance.

Opposition Cross Examination of Staff – Mr. Zhou asked the cost and size of townhomes. Staff stated she was not allowed to answer that question. Ms. Trahos stated this was not a part of the standards. Mr. Zhou asked how many one and two bedroom units were there. Staff did not have that breakdown.

Mayor Olive asked Council if they had viewed the site. No Council Member had viewed the site. He asked the applicant if she had any questions for Council, and there were none. Mr. Zhou had no questions for Council.

Presentation of Evidence by the Applicant – Ms. Trahos called Jay Gilleese, Civil Engineer with Gilleese & Associates, stated his name and presented his credentials as an expert witness on engineering. He gave a summary of the project. The staff worked with them on the PUD to submit the site plan. This plan meets all requirements for Apex and the Department of Transportation (DOT).

Council asked if there was a similar type project in the area, to which staff replied nothing of this style that is not a senior only facility. Mr. Zhou had no cross questions.

Ms. Trahos called Christa Green, Traffic Engineer with Stantee, who stated her name and presented her credentials, qualifying her as an expert. Ms. Green spoke about the traffic study. The developer is willing to pay for traffic light improvements if necessary. The number of units was decreased during the zoning process.

Council requested the installation of a traffic signal written in as a condition, to which Ms. Trahos agreed. Mr. Zhou asked for an estimation of the number of drivers. Ms. Trahos stated they don't do number of drivers but number of trips, and she gave those numbers for the apartments. Mr. Zhou asked about connection to Green Level Church, and Ms. Green stated she studied the community and not the property.

Ms. Trahos called Michael Lattner, Land Planner with Cline Design Associates, who stated his name and presented his credentials. He stated they came up with a plan that they think works well for the community, and he detailed the site and amenities. The plan was compatible with the 2030 Land Use Plan and met ordinances and conditions. The homes are compatible with surrounding land uses.

Council asked if there was anything like this in the area, Mr. Lattner responding there was one in Raleigh and another one under construction with a bit larger density.

Ms. Trahos asked Mr. Lattner what made the project unique. He stated wonderful frontages, as this would be the front door to Apex. Responding to the structure of the units, Mr. Lattner explained the buildings are situated in a way so as to give a view or turned to face inward so that highways don't feel like they're in the backyard. They are compatible with existing land uses.

Council asked for an explanation of what looked like five floors. Mr. Lattner explained the extra level was a loft space. Mr. Zhou had no questions.

Ms. Trahos called Tom Hester, Appraiser, Hester & Company, who stated his name and presented his credentials. Mr. Hester stated that they looked at what was in Wake County. The site plan was compatible with uses in the area, not having a negative effect on the surrounding area.

There were no questions from Council. Mr. Zhou asked how the units will be appraised, and Mr. Hester explained this process. Mr. Zhou did not believe there were any comparables in the area, and Mr. Hester stated there were and gave reasons why his judgments were valid on this. He did not know the value of

the apartments, but the builder will get as much rent as he can. Ms. Trahos asked Mr. Hester to explain the compatibility of his appraisals, which he did.

Ms. Trahos stated this concluded this portion.

Presentation of Evidence by Opponent - Mr. Zhou presented himself as an expert resident in the nearby area, owning rental property. He did not have specific evidence, he was not saying the plan was bad, but he did want answers from the developers. He was comfortable with traffic questions but wanted answers as to how many one and two bedroom apartments there would be. He was concerned about the value of these properties. Mr. Zhou stated the witnesses were qualified to answer his question, but they didn't seem willing to do so. Mr. Zhou asked Council if it didn't know the value of the property, how could they approve the plan. There were no questions from Council.

Cross Examination of Opposition by Applicant – Ms. Trahos asked Mr. Zhou where we now lives, to which he responded Cary. They are going to sell their house there and move to Apex.

There were no rebuttal questions from staff or the applicant and no closing statement by staff.

Closing Statement by Applicant – Ms. Trahos went through each of the site plan standards and stated how each had been met.

Closing Statement by Opposition – Mr. Zhou stated that as a homeowner, he hoped he would get the requested information from the developers and that Council would keep the existing values of the surrounding homes.

Mayor Olive declared the Public Hearing closed.

Mayor Olive read the standards for response from Council as to if it felt each standard had been met. The amount of fee in lieu was stated.

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

The Town Attorney stated there was a previous condition and asked was this incorporated in the information presented this evening. Staff stated it was already approved and a part of the rezoning. Council stated it is not concerned with the price of the units but things such as roads.

Ms. Trahos asked if New Business 01 could be heard at this point. Mayor Olive, after explaining the timeslot of 11:00 p.m., asked Council if it wished to do this. After a bit of discussion, Council stated he wished to do New Business 01 now and then continue as planned even though this would go past 11:00. That way, a group of people wouldn't have to come back.

COUNCIL MEMBER SCHULZE REVISED HIS MOTION TO APPROVE THE PLAN, TO BREAK FROM THE AGENDA AND DEAL WITH NEW BUSINESS 01 NEXT, AND TO CONTINUE THE AGENDA AS WRITTEN UNTIL BUSINESS COMPLETED OR 11:00 P.M.; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 01 : Amanda Bunce, Planner II

540 Townes - Master Subdivision Plan - for a portion of the property located at 2501 Creekside Landing Drive containing 28.561 acres and 73 lots

Staff oriented Council to the site. Staff recommended approval.

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.

Council stated he hoped there would be a place for all these new people to work. Council asked if all residents would be able to use the amenities. Ms. Trahos stated the apartments will be under separate ownership and management, so this would be difficult. There will, however, be a central open space, walking trails, possibly a dog park, and Lifetime Fitness can be walked to. She reminded Council that this use meets the UDO requirements and that the Planning Board recommended approval.

Public Hearing 10 : Dianne Khin, Planning Director

Public Hearing and changes to Peak Plan 2030: The Apex Comprehensive Plan to reduce Medium Density Residential from 6 units per acre to 5 units per acre; and 2030 Land Use Map amendments

Staff stated this was in response to a request from Council. This was discussed by Council this past Fall, and an Economic Development Committee meeting generated the map amendments. Staff outlined the proposed changes. The Planning Board voted 6-1 to recommend the changes and unanimously on the land use amendments. The Planning Board felt more study was needed. Why change this arbitrarily; there's been little input from citizens, etc.

Mayor Olive declared the Public Hearing open.

Steve Swamp supported the density change but felt the Plan needed a better definition of 'density', as this is an aggregate number. Ann Kane supported the reduction in density and would support further reduction as this would maintain the small town character of Apex.

Stewart Jones, Jones and Clossen Engineering, heard the Planning Board debate and wanted to support them. They brought up great points. On density, we couldn't get single family near the proposed number, only townhomes. Townhomes are the number one generator; and to cut the density, you'd just be hurting townhomes.

Tom Colhoun stated there were two sides to this issue. He was shocked to receive the map in the mail; he read the Economic Development Committee statement that was on that map. Staff explained why the statement was included. The majority of Council did not agree with that statement. Staff stated this was an error on its part and apologized. Mr. Colhoun stated he was concerned with the randomness of changes to specific areas. The Plan was worked on a year and a half and everyone had input. The map was embraced, and plans were made based on it. This was done only several years ago. Mr. Colhoun spoke about how mixed use was not enforced on another project heard on this evening. Everyone should have been brought together and asked for their opinions. Arbitrary changes are frustrating. The ETJ is where growth is going to go. He did not understand why this was driven by Council and not the property owners.

Mayor Olive declared the public hearing closed.

Council stated lowering density will raise the price of homes and not give us affordable housing or allow people who live in Apex to work in Apex. She wants the people she teaches and other teachers to be able to afford to live here. That won't happen the way things are going. If people can't live here, surely they are not going to do business here.

Council stated he was in favor and gave reasons why. This would only slightly increase the cost of housing. Council stated she would like to reach out to someone like Greg Warren. In reference to affordable housing, maybe Mr. Warren or someone similar who knows how to do affordable housing could tell us the right way to do it.

Council stated he didn't really see the change affecting what's coming across our desks. Even with the current densities, people can't afford to live here. Council stated that in reference to affordability, we need to look at things as a whole and not individually. She wished to have a larger discussion on this so as to be more connected.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE, MODIFYING THE DEFINITION OF DENSITY FROM 6 TO 5 BUT TO FURTHER STUDY THE PROPOSED CHANGES TO THE LAND USE MAP AT A LATER TIME; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Discussion ensued on this being a huge mistake, we would be dictating to land owners what they can do with their properties, this has gotten out of control, there is little affordability for young people and senior citizens and folks trying to downsize, the UDO having a huge amount of public input from property owners, proposed developments coming in less than proposed, property owners following the rules, high density bringing in the most money, our needing to be aware of what we're putting out and how it will affect the next 30 years. Council stated she didn't think Council was ready to decide this and asked should we bring someone in. She asked that this be sent back to Committee.

COUNCIL MEMBER MOYER WITHDREW HIS ORIGINAL MOTION AND MADE THE MOTION TO SEND THIS BACK TO COMMITTEE.

Council stated we change the UDO all the time for property owners; and now that we're asking to do it as a whole, we don't want to. This came from the community, and Council ran on gentle growth and three people tonight asked for this. Staff stated this went to the Economic Development Committee because that Committee asked for it. It should have gone to the Planning Committee. The Planning Board wants to see this.

COUNCIL MEMBER JENSEN MADE AN ALTERNATE MOTION FOR THESE ISSUES TO GO TO THE PLANNING COMMITTEE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive asked Council if it wished to continue in light of the time.

COUNCIL MEMBER WILKIE MADE THE MOTION TO CONTINUE ON WITH UNFINISHED BUSINESS 01 AND 02 AND THEN CHECK THE TIME TO SEE WHERE THEY WERE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council member dozier asked not to cover Unfinished Business 02.

COUNCIL MEMBER WILKIE REVISED HER MOTION TO EXCLUDE UNFINISHED BUSINESS 02.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 11 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

This was heard further down on the Agenda.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Council Member Wesley Moyer and Council Member Denise Wilkie

Discussion and motion regarding design options for Pleasant Park

The Mayor stated this went to Committee, and Council stated the initial meeting went well. The recommendation of Committee was Concept 1, and he stated the reasons why. Traffic needs to be addressed but in the future. The Committee only talked about the Park design and the good things about the property. Council stated there was a great amount of citizen input. So Concept 1 was recommended, and this is what the citizens seem to want as well. Council also talked about the multi-use fields, adequate parking, and intelligent walkways between areas.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO RECOMMEND
CONCEPT 1; COUNCIL WILKIE SECONDED THE MOTION.

Council was reminded that one family recommended relocating the tennis courts or shift them over. Staff stated now that we have a concept, there are ways to work with this.

THE MOTION CARRIED BY A 5-0 VOTE.

Staff stated the next step will be to start talking to the Corps of Engineers for wetlands, CSX for traffic patterns, and moving things around to address neighbor concerns. We know traffic is an issue, but this can now go to DOT.

Mayor Olive asked Council did it wish to continue. Consensus was to move forward to Public Hearing 11.

Public Hearing 11 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the various proposed 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 DOZIER MADE THE MOTION TO APPROVE
THE AMENDMENTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive asked Council if it wished to continue. The consensus was to continue on to New Business 02.

Unfinished Business 02 : Stacie Galloway, Communications Manager

Continued discussion of logo entries

Because of the time, Council consensus was to postpone this item to the next regular meeting.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner II

540 Townes - Master Subdivision Plan - for a portion of the property located at 2501 Creekside Landing Drive containing 28.561 acres and 73 lots

This was heard earlier in the meeting following Public Hearing 09.

New Business 02 : Brendie Vega, Principal Planner

Regency at White Oak Master Subdivision Plan - for the properties located off Green Level Church Road near Roberts Road. This project consists of approximately 3.92 acres and proposes 4 new single-family lots and amenity center

Staff oriented Council to the site and stated that the Planning Board recommended approval.

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

Council consensus was to continue on to the Closed Session items.

CLOSED SESSION

Closed Session 01 : 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

Closed Session 02 : Closed Session to receive legal advice from the Town Attorney regarding possible eminent domain

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.

Council Member Wilkie was excused at this juncture.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN
MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR
THE IMPROVEMENT OF THE APEX SEWER, WATER, AND ELECTRIC SYSTEMS AND FOR THE MANAGER TO SIGN THESE
AGREEMENTS. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION FOR UNFINISHED BUSINESS 02 TO GO TO THE FEBRUARY 02 REGULAR AGENDA.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER 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 CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER DOZIER MADE THE
MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL STRATEGIC PLANNING RETREAT FRIDAY, JANUARY 29 AND SATURDAY, JANUARY 30, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Strategic Planning Retreat of the Apex Town Council scheduled for Friday, January 29 at 4:30 p.m. and Saturday, January 30, 2016, at 8:30 a.m. was held at the Apex Public Works Administration Building, 105-B Upchurch Street

FRIDAY, JANUARY 29, 2016

In attendance were: Mayor Lance Olive, Mayor Pro Tem Nicole Dozier, and Council Members Eugene Schulze, Denise Wilkie, and Wesley Moyer. Absent was Council Member Bill Jensen. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, and Town Clerk Donna Hosch.

The session was facilitated by Lydian Altman, School of Government Facilitator, who was assisted by her MPA student Kathryn Hughes.

COMMENCEMENT

Mayor Olive called the meeting to order.

Mayor Olive reminded Council that this was not the normal annual retreat; that will be held in March. This session was to focus on strategic planning and to put an identity to the Council. He wanted the high level objective to be defining the 'stars', going forward as a group, and defining the 'guiding stars'. The Manager and Assistant Manager will put the objectives in document form and distribute it to staff. It can also be published for the citizens of Apex. This will help staff as well as Council. The duration of this document could be 18-20 months. Mayor Olive believed this is what the people of Apex want us to be doing and that they want this group to be functional. With functional and well-defined bodies of government, companies wanting to come to this area will watch us to see if we have our act together and know that if there are negotiations, we can be trusted.

Altman stated this session would be to remember what we want and building the thinking to organize resources. She detailed her role at the School of Government and her experience in leading strategic planning sessions. She summarized how she got to this session and proposed being flexible in the way things proceed.

Altman canvassed Council's and staffs' thoughts on what they thought strategic planning was.

Council introduced itself and stated what happened in the last year which made them the most proud – number one town designation; a good, diverse, engaging community; people are proud of this community; the things this town is able to provide, i.e., the skate park which has been a big success; the new park coming on board; another thoroughfare coming through; the hiring of Havens who has stepped up as interim manager and Helms in Economic Development; how this community works, thinks, and solves issues; how much the town invests in the community and its people; families gathering around town; the citizen and business vested interest in the community; the athletic success; "happiest town in NC"; sense of town pride; disc golf at the Nature Park; bringing Costco to Apex which will benefit the people of Apex; most people really love living here; helping Council to achieve great things and goals; the courage of Council to make good decisions and spend the money necessary to follow through; first small town to achieve our bond rating; the electric system and where it developed from; our rates. The last piece needed to make this town something to be proud of for a long, long time is solving the transportation problems. Altman pointed out how the things that are being enjoyed today were in the strategic planning stages years ago.

Altman talked about the three things that are important for a successful work group – individual and collective needs being met, and individuals wanting to continue working together.

Altman stated the guidelines for effective meetings. Focus would be on asking curious questions, explaining reasoning, agreeing on what "important" words mean, and checking assumptions. Mayor Olive stated he's working on guidelines of behavior which he will present to Council and to which he hoped they would agree. He wants to get to where the Council is not second guessing itself or others.

Altman addressed 'what are we responsible for'? The group participated in an exercise of what each felt they were responsible for and what they felt others say they are responsible for. They then determined how Council would be held accountable for these things.

The group identified the following "to do" items:

- Council orientation
- Write-up of email protocol
- Media relations
- Interest in having a preliminary summary prepared
- Consider ways to streamline public comments

Altman began conversation on Operating Principles – *If I overheard people talking positively about the Apex Town Council, I'd like them to say we:*

- Are engaged
- Have a common direction after decisions
- Handle differences with respect
- Are reflective
- Take our work seriously
- Are well informed and seek information
- Get things done
- Are representative of whole town
- Are proactive
- Anticipate and solve future problems before they become problems
- Are open to the viewpoint of others
- Have transparency – decisions don't get made in groups of three

The group discussed how all Council Members can be kept informed of the conversation in Committee meetings of which they are not a member. Possibly the Chairperson could, in short order (within one or two days), email all Council with bullet points of the meeting. Council was in agreement with the latter.

Altman suggested an agenda for the next day. She additionally gave a brief summary of this night's activities.

Mayor Olive adjourned the meeting for the evening.

SATURDAY – JANUARY 30, 2016 – 8:30 A.M.

In attendance were: Mayor Lance Olive, Mayor Pro Tem Nicole Dozier, and Council Members Bill Jensen, Eugene Schulze, Denise Wilkie, and Wesley Moyer. Also in attendance were Interim Town Manager (ITM) Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna Hosch, Police Chief John Letteney, Fire Chief Keith McGee, Engineering Director Kent Jackson, Parks and Recreation Director John Brown, Communications Manager Stacie Galloway, IT Director Erika Sacco, Facilities and Maintenance Director Marty Mitchell, EMS Chief Randall Heath, Finance Director Vance Holloman, Public Works Director David Hughes, Town Attorney Laurie Hohe, Planning Director Dianne Khin, Economic Director Joanna Helms, and HR Director Eleanor Green.

The session was facilitated by Lydian Altman, School of Government Facilitator who was assisted by her MPA student Kathryn Hughes.

COMMENCEMENT

Mayor Olive called the meeting to order, stated the purpose and goal of the meeting, explained how the day would proceed, and introduced Lydian Altman with the School of Government. The Mayor stated last night's session was great, and Council was ready on this day to jump off from there.

Altman expounded on the guidelines outlined by the Mayor. She asked each department head of what they were most proud in Apex. There were several echoes from the previous night with the following additions: the way in which the town has weathered many changes; departments being allowed to teach our citizens; addition of employees who have done extremely well since being here; promotions of employees who have done well; working for an organization that values facilities and a team with the skills to make things happen; starting up a new department; working with some of the best department directors in the state of NC; our commitment to high architectural quality; department being fully staffed; the new water reclamation facility; financing in place for fire station 5; approval of the bond referendum. Altman stated all in the room will have a legacy in what happens in Apex in the future.

The group was instructed in an exercise involving a timeline of changes that will be faced short term, mid term, and long term. The group discussed their thoughts on the latter keeping in mind population projections.

There was a 15 minute break.

Altman offered "*Plans are nothing; planning is everything*" – Dwight D. Eisenhower

Altman asked *Why It's Important to Think Ahead*: to be clear about priorities, to allocate resources towards those priorities, to manage performance to carry out the funded programs, to evaluate performance in terms of objectives.

Altman asked *What is Strategic Planning Leadership*: a plan with legs to carry it through and the leadership to carry it forward.

Benefits to Your Organization: transforms ideas into actions, provides guidance, aligns resources with community values for the future, and aligns core government functions with desired strategies.

Altman presented *How Organizations Use Strategic Plans*: benchmarking, performance evaluation, budgeting/resource allocation, internal and external communication, citizen engagement and education, and employee orientation.

The group gave examples of using a plan. Discussed were such things as having a dashboard in place. Altman presented *Tips for Success*: use direction, incorporate flexibility, keep it simple, and directly link strategic planning to other organizational efforts.

Altman presented *Strategic Public Leadership*: evaluate, envision, enact. Manage progress, evaluate results, understand context, create goals and objective, develop action plans, and allocate resources. Altman explained these aspects are ongoing.

"Discipline is remembering what you want." – David Campbell, Founder of Saks Fifth Avenue

Altman presented *Thinking Forward: Paired Discussion*: What aspects of your community's daily life do you want to hold onto? What is your vision of the future? What 'big rock' or 'fork in the road' actions or decisions must be made now? What is town government's role in achieving this vision?

The group began participation in an exercise – what do you like about your community and what is your vision in the next 20-30 years?

The group broke for lunch.

Continuing on the exercise started prior to lunch, ideas were presented, the top five were rated in order of importance, and detailed discussion centered on these.

Altman presented *Goal Development*: What conditions would you like to create to address these upcoming changes? What difference could we expect to see as a result?

The group initiated conversation on the goals for the organization:

- Infrastructure
- Public Safety
- Economic Development
- Quality of life
- Workforce development
- Technology
- Regionalism

ITM Havens reviewed the five strategic 'buckets' (priorities) identified for 2015, and stated that their time has run out. The group began identifying its new buckets, beginning with those common from last year and those identified in this session. Strategic buckets identified for 2016:

- Infrastructure
- Public safety
- Development
- Workforce
- Community

There was brief discussion about taxes, fees, residential growth rates, and revenue streams. Altman stated she did not hear the formulation of goals from the conversation. ITM Havens stated goals will be drafted from the identified buckets for 2016/17. Staff stated it would love to have goal statements from Council. Altman stated the missing piece is prioritization. Council stated he wished to use of the Work Sessions to formulate the goals. Council decided it would need the written notes from this session from Altman for reference before beginning to formulate goal statements. Altman reminded that a good strategic goal statement could take six months to formulate.

The group provided feedback to the facilitators on what went well today as well as feedback on what they would have liked done differently. Altman asked everyone for a one word descriptor of how they felt at the end of the session.

Mayor Olive expressed what he would like to see moving forward. Basically, he wanted staff to be informed and not have to guess about in what direction Council wants to see things go. He understood that this might take some time to complete since he wants to see things done right.

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, FEBRUARY 2, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 2, 2016, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street.

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 : Russell Dalton, Transportation Engineer

The Apex Peakway Southwest Connector Feasibility Study (Phase 1) is concluding in February and staff will discuss the findings and next steps for the project

Staff stated this connection of the Peakway will go across the railroad track. A loop around Apex has been on our long term plan, and it's one of our top priorities for transportation. This is one of the last two sections to complete the loop; the last section will be finished in another few years. The voters approved the transportation bond last year for \$1.5 million, and this is one of the projects included in the bond.

Staff detailed the process of identifying alternatives, obtaining public input, and providing information to Council and the public. The feasibility study is finalized, and we're now working on the NEPA phase. We must consider any impacts prior to spending the LAPP funds. Staff presented the three alternatives, number one being the simplest. The pros and cons of each alternative were given. Going forward through the process, a preferred alternative will be presented to Council. However, Council will not be the ones making the final selection.

Staff, responding to Council, stated alternative one will have four lanes on the bridge. Alternative two also would have four lanes on the bridge. Sidewalks will be included on the loop and the Peakway.

CONSENT AGENDA

- Consent 01 E-One Heavy Rescue apparatus from Fire Connections, Inc. using the Houston-Galveston Area Council Buy (H-GAC) Government Procurement Program. Included is a budget amendment to approve \$31,000 in additional funds to cover the inclusion of a mobile breathing air compressor, which will be offset by revenue gained through the sale of the current rescue apparatus
- Consent 02 Close parking lot at Chamber of Commerce on Sunday, April 24th from 6:00 am until 3:00 pm for an outdoor art show
- Consent 03 Construction contract and authorization for the Town Manager to execute same for Pedestrian Improvements at NC 55 & S Salem Street
- Consent 04 Street closure requests for Apex Music Festival (formerly Apex Jazzfest)
- Consent 05 Set Public Hearing for the February 16, 2016 Town Council Meeting regarding Rezone #15CZ18 Goodwin McNair PUD and Ordinance, 122.972 acres located west of Richardson Road between Olive Chapel Road and Humie Olive Road, from R-80 W and Rural Residential to Planned Unit Development Conditional Zoning (PUD-CZ), and to amend the 2030 Land Use Map from Rural Residential and Medium density Residential to Low Density Residential
- Consent 06 The applicant has requested that this item to have the public hearing on March 15, 2016.
Motion to set Public Hearing for the February 16, 2016 Town Council Meeting regarding Rezone #15CZ33, West Village PUD, 163.64 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 07 Set the Public Hearing on February 16, 2016 for rezoning application #16CZ03 (US 64 Hwy/Old Jenks Road/Davis Drive) to rezone 45.1423± acres located on the north side of US 64 Hwy, west side Old Jenks Road and Davis Drive to the east and west from Residential Agricultural (RA), Rural Residential (RR), Office & Institutional (O&I) and Planned Commercial (PC) to Planned Commercial Conditional Zoning (PC-CZ)
- Consent 08 Set Public Hearing for the February 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ04. The applicant, Jeremy Spivey with JS Development, seeks to rezone approximately 18.79 acres located Green Level West Road from Rural Residential to Low Density Conditional Zoning.
- 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 Jean and John Goodwin and Colin and Bridget MacNair property containing 123.546 acres located at 2301 and 2505 Richardson Road, Annexation #548 into the Town's corporate limits
- 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 Susan Castlebury, Trustee, Benjamin Whitley, Doug Whitley POA, Charles Wilkinson, Billy Wilkinson, 6101 Collins LLC/Dallas Herndon Heirs, Virginia Wilkinson, and Mary Lou Breedlove Heirs property containing 46.247 acres located Old Jenks Road, east of NC 55, Annexation #569 into the Town's corporate limits
- Consent 11 Resolution of Intent to consider the closing of a portion of Mt. Zion Church Road and to call for a Public Hearing at the March 15, 2016 Council Meeting
- Consent 12 Contract for audit services for the fiscal year ending June 30, 2016
- Consent 13 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of January 19, 2016

Consent 14 Budget Ordinance Amendments 16 and 17 for replacement of approximately 1300 manual read residential water meters with automated meters which can be read by drive-by collectors

Mayor Olive asked for clarification of the [underlined] note on Consent 06. Staff stated the applicant requested this after the public hearing notice was sent out. The note was to avoid people showing up for a hearing that was not going to happen. Also, this way the item will not need to be re-advertised.

MAYOR OLIVE CALLED FOR A MOTION TO ACCEPT THE CONSENT AGENDA. 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 asked if there were any requested modifications to the Regular Agenda. With there being none,

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

PUBLIC FORUM

Michael Barnhart, representing homeowners abutting the intersection at the Peakway, stated that because of increased traffic, they are ecstatic to see the Peakway come together. They want to keep a small town feel, and the way to do this is not to have large overpasses in a residential area – it devalues homes. Mr. Barnhart felt the underpass was better and gave reasons why. He understood the cost concern, but wanted to make sure the aesthetics remain as they are in order to keep that small town feel.

Tom Colhoun stated he sent information to Council the previous week. He was concerned with the change in property uses proposed by the Economic Development Committee related to mixed use in certain areas. This is a gross injustice as the Plan calls for mixed use as a component. The reduction in density proposed by the Planning Committee in the ETJ will reduce property values. If talking of value, then this should be against the law or property owners should be compensated in some way. This proposal is in direct conflict with bringing affordable housing to Apex. The kiosk in the Town Hall lobby says that Apex is open for business, but it's really only for the businesses that Apex wants. Lidl is one of the

largest grocery stores in America and we wouldn't let them come. We are letting businesses go to other municipalities.

Lisa Bureson stated she previously wrote to Council about signs and lights in school zones and asked for quicker movement of these types of projects. We need to give staff full resources to maintain and install these. At the Tingen and Salem intersection, we can't wait for years for traffic congestion to be taken away from it. She wanted the same type of service given to the principal who requested changes and got them immediately. Ms. Bureson talked about one safety hazard being exchanged for four at Apex Elementary.

Mayor Olive stated that regardless of what happened in past, we do have new changes in the form of four new faces. There will be a conversation with the Manager later to get up to speed on this.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

This item is continued from the January 19, 2016 meeting.

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Smith Farm PUD properties containing 271.862 acres located on the north side of Olive Chapel Road, east of the American Tobacco Trail and north of Richardson Road, Annexation #562 into the Town's corporate limits

and

Public Hearing 02 : Michael Clark, Senior Planner

This item is continued from the January 19, 2016 meeting.

Public hearing and rezoning application #15CZ32 (Smith Farm) and Ordinance to rezone 23 parcels totaling 270.514± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from Rural Residential (RR) and R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ)

Staff oriented Council to the site, for which the applicant was requesting a rezoning. A neighborhood meeting was held. Staff recommended approval with modifications as did the Planning Board. Staff clarified setbacks in response to question by Council. The applicant proposed nonresidential acreage of a little over 37 acres, Council stating they would need 60 acres in the mixed use area. Staff stated this would be clarified by the applicant.

The applicant, Jason Baron of Lennar Homes, was in attendance with Stewart Jones, Jones and Crossen Engineering, and other representatives of Lennar Homes. Mr. Baron stated the setback was in error and had been corrected. This PUD was a unique concept; they wanted to do something different. The Olive farmhouse, which has been onsite for 100 years, is something they wish to preserve. They studied the Urban Agrarian Community concept in housing across the country. He explained what this entails and to

whom this concept appeals. The housing options will be intermixed – there will not be a high-priced area and a lower-priced area. Mr. Baron identified the key components which Lennar feels are ideal for a mix of uses. He pointed out Apex is underserved with product types under \$400,000. There will be 80 contiguous acres of non-residential or mixed use acreage. This development will have a workforce housing option, and four new schools will be open by the time this development is ready for occupancy.

Deck Airpark and Lennar have met, and Deck Airpark recommended a navigation easement. Mr. Baron stated this is not the right time to talk about this. The applicant is agreeable to informing residents in phase 4 near the site of the Airpark that it is there. He stated the non-residential or mixed use calculations were revised to 19%, lower than our standard of 30%.

Mayor Olive declared the Public Hearing open.

In opposition, Tim Royal, representing neighbors on Airpark Drive, wanted to limit the land being rezoned. They are supportive, however, of a development. They have met with Smith Farm representatives and most of their concerns were addressed. This is a federally-approved airport activated in 1962. It is the oldest private airport in Wake County. One of the main concerns is airplanes going in and out safely without any obstruction. He explained they don't need the adjoining property to land. He stated there have been no issues over last 50 years from anyone about their coming in and out, and he talked about obstructions at the end of the runway. Mr. Royal listed their concerns. They believed the solution to their concerns was an aviation easement, but the applicant told them now is not the time for this. He talked about the legality of rezonings. They would like to see a condition to the rezoning that the use of the airport as it stands now not be interrupted. He asked Council not to rezone tonight until all issues are resolved.

In opposition, Gabe Carillo talked about growth and encouraged Council to do it the right way.

Mayor Olive declared the Public Hearing closed.

Council asked Mr. Royal if there was an agreement for the cleared out section, to which he answered that the property owners have given them this as a safety buffer for the airplanes to come in and out. That agreement is valid until the FAA or neighbors in the area deem it no longer necessary. The height limitation was not known because this is determined by FAA. But single family homes would not provide an obstruction. Mr. Royal was not sure of the dimensions of the agreed-upon area.

Mr. Jones stated the applicant has agreed to an aviation notice where the homeowners would be notified of Airpark and noted that this sets a precedent. Council asked where was the wording, and Mr. Jones stated it was on the recorded plat. There is no easement. Mr. Baron pointed out the property is too huge to give a flight notice condition to all those in the development; this is unrealistic.

Council stated this is an issue between the two land owners, not for the Town of Apex. Council asked would it be responsible of us to allow houses at the end of a runway. Council wanted a larger notification area than just Phase 4. Mr. Baron stated they will modify to include the entire development. Council talked about the safety of pilots coming in and out and maybe putting in a raised bed. Council talked about the 19% vs 30% mixed use, stating this was a slight of hand. Council felt the easement should be there for safety if nothing else. Council stated that as long as people are notified, it's their choice as to buy in that area.

Responding to Council, Mr. Royal stated the airport is not used much during the winter because it's a grass strip. During the summer, sometimes it's used daily, sometimes 2-3 times a week. Council felt there could be a stub road put in to be done with the problem. Mr. Baron stated they were not yet at this point. However, they did not want to do anything to hurt the safety of the pilots.

Mayor Olive cautioned looking at an easement as a way to turn this down. He explained a prescriptive easement. Mixed use percentage, however, was a condition upon which to consider denial.

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

Council stated he liked the subdivision but not the 19%. It would be a slam to Council to allow this. If they could find a way to add land, then he could go with it. From an economic development standpoint, we need to set land aside for quality businesses.

Council stated having a large parcel of 80 acres is a lot.

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

MAYOR OLIVE CALLED FOR A MOTION ON THE REZONING. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE WITH THE CONDITION TO NOTIFY ALL PARCELS OF THE DEVELOPMENT OF THE AIRPORT IN PLACE OF AN EASEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council stated the applicant had reached out to the school system, and she hoped they would continue to work with the people in attendance on this evening. The development respects and preserves NC history and she hoped the applicant would respect the airport history as well. She was disappointed about the lack of 30%, but she was glad to see a diversity of products which will draw a diversity of people.

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

Mayor Olive called for a five minute recess.

Public Hearing 03 : Drew Havens, Interim Town Manager

Public Hearing regarding the formulation of the Fiscal Year 2016-2017 Annual Budget

Staff stated this was an opportunity for the public to provide their input to the budget.

Jeff Roach stated a site plan was coming through for a school on Haddon Road, and he was concerned about no sidewalks on the north side. Back in the 90's when the subdivision was put in, sidewalks were not included. Abby Knoll and Black Run have a long strip with no sidewalks, and this would not meet current standards. He would like to see sidewalk extensions addressed.

Kate McDonald asked Council to allocate funds to make Apex a tree city – a nationwide program for communities to expand their trees. Cary, Raleigh, Durham, and Chapel Hill are such cities. She explained the benefits of the program and the pluses to having more trees. She also explained the four standards that have to be met prior to applying. Ms. McDonald encouraged Council to seriously consider this.

Lisa Burelson talked about the resurfacing of tennis courts. John Brown [Parks and Recreation Director] has been proactive in getting this into his budget through grants, etc. She talked about how the courts could be used, including for lessons. Ms. Burelson asked that Council support staff to get the courts redone this summer.

Dick Beaver was in agreement with Ms. McDonald regarding Apex being a tree city. He invited Council to observe the entrances to The Villages where the trees were needlessly bulldozed. We are losing trees too quickly.

Brett Gannitt talked about the sidewalk on South Salem. He was happy that it was near completion. However, he was disappointed that Pizza Hut was going in near downtown Apex. He would have rather seen a small business encouraged to settle in that spot.

Steve Allrich liked the consolidation of the utility bills. However, they don't show historic views which would be good for folks to conserve and to see if they have leaks. He would like to see better practices in this area adopted.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Stacie Galloway, Communications Manager

Continued discussion of logo entries

Staff provided a quick history of this item. Mayor Olive stated there are now five logos to consider vs. two from before. He wanted Council to think carefully about this, because it would say so much about Apex. He would like to have a conversation and then schedule a workshop for Council to talk about the elements they liked and then to create a word list. He did not feel this would be able to be accomplished on this evening.

Council wanted to get feedback from staff as she liked what she saw previously. After a bit of discussion about what was liked about each design, Mayor Olive stated this could be hashed out in a workshop. We can take what we like about each and put those into one design by the graphic designers. The prize for this was \$500, and Council asked what would happen if we took bits of each design. All should be compensated. Council stated he'd spoken with the Town Attorney and would like the logo trademarked. Mayor Olive stated this would not replace the seal, rather be something informal that could be used. It will be decided when this meeting will be.

Unfinished Business 02 : Dianne Khin, Planning Director

Discussion of Apex High School student parking in residential subdivisions

Staff stated students and parents had discussed this previously with Council and the potential hardship to the students. Council stayed the matter for further consideration. Staff read their recommendation which would go through the regular recommendation process. This would be a temporary measure to allow parking through the end of the school year. A property owner would need to obtain a temporary use permit to park in their paved driveway. Staff stated that because several departments would be involved, it would take less than two weeks to obtain. Staff did not think there would be many applicants.

Council discussed allowing parking as is currently since we're so late in catching this, nowhere to park being a hardship, and concern about safety when kids are crossing and cars are parked close to corners. Council stated we have ordinances; and if we're not going to back them up, then why have them. We will also embarrass ourselves. What staff proposed still gives the kids a place to park.

Council talked about enforcement. The Town Attorney stated we have ordinances in place and they need to be enforced. Even though there are no objections in this location, the problem will come when someone else does this and they have nothing to do with Apex High School – they just want to use their lot as a commercial lot. If enforced on the latter, we could be slammed. That's why we'd use the temporary permit through the end of the school year. Council spoke about not having enough people to enforce our rules.

NEW BUSINESS

New Business 01 : Dianne Khin, Planning Director

Set Public Hearing for the February 16, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance

Staff detailed the four amendments.

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

New Business 02 : Council Member Wesley Moyer

Changes to the wording of the Charter for the Parks, Recreation, and Cultural Resources Committee

Council explained the changes to a few of the words of which Mayor Olive was okay. The Mayor stated he thought the changes were good and in the right direction for the intent of the Committee.

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

CLOSED SESSION

There were no Closed Session items for consideration.

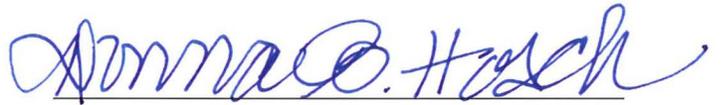
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 16, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 16, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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 Wilkie gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the January 19, 2016 and February 2, 2016 Regular Council Meetings, Minutes of the January 29 and January 30, 2016 Strategic Planning Retreat, and Minutes of the December 15, 2015 and January 19, 2016 Closed Sessions (*Closed Session Minutes recorded separately*)
- Consent 02 Apex Tax Report dated 01/15/2016
- Consent 03 Statement of the Town Council for denial of Rezoning Case #15CZ28, Glenda Toppe and Kent McIver, petitioners for the property located on the west side of W. Williams Street, south of Olive Chapel Road and north of Bryan Drive
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #15CZ36 (Kelly Road Retail); Matt Kirkpatrick of Kirkpatrick & Associates, LLC is the petitioner for the property located at 1450 Kelly 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 1-3 LLC, Jackie and Amy Mitchem, Alfred and Jean Goodwin, Nathaniel and Danielle Weaver and William Rubin (McKenzie Ridge) property containing 64.675 acres located at 0 and 2600 Richardson Road, 7916 and 8000 Ragan Road and 8216 Humie Olive Road, Annexation #568 into the Town's corporate limits
- Consent 06** Encroachment Agreement with Lennar Carolinas, LLC and authorization for the Interim Town Manager to execute same
- Consent 07** Findings of Fact, Conclusions of Law, and Decision approving the Flats at 540 Major Site Plan
- Consent 08** One day modification from Town of Apex Ordinance Section 14-4 to allow the possession and consumption of malt beverages and unfortified wine during the Apex Music Festival (formerly Apex Jazzfest). The modification is requested on September 17, 2016 from the hours of 3:00 pm to 11:59 pm and will apply only as described in the attached draft ordinance.
- Consent 09** Road closures for the Farm to Market 5K run on April 23, 2016 from 8 a.m. to 11 a.m.
- Consent 10** Street Closings for 2016 Peak Fest and 2016 July 4th Celebrations
- Consent 11** PULLED BY COUNCIL FOR DISCUSSION AT A LATER DATE AND TIME - Motion to approve Personnel Committee recommendation for Reclassification of 2 fulltime positions
- Consent 12** Lot 87 Plot E to be transferred to Timothy James Holland
- Consent 13** Statement of the Town Council for Rezoning Case #15CZ32 (Smith Farm); Tony M. Tate is the petitioner for the 23 parcels located between US 64 and Olive Chapel Road, east of the American Tobacco Trail, and west of the Sweetwater Development

Council Member Wilkie stated she wished to pull Consent 11 to defer this to a future meeting in order to have more time to study the item. Mayor Olive asked staff to come back with a recommendation of a future Agenda date for this to be discussed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE
CONSENT AGENDA MINUS CONSENT 11; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

There were no requested modifications to the Agenda by Council. However, Mayor Olive stated it was estimated that the Agenda as presented would lend six hours of discussion. So that no one would be here into the next day, he wished to identify a few items to push off to a future meeting. Mayor Olive suggested deferring to a time, date, and place certain, in approximately one week, Public Hearing 07, Public Hearing 08, New Business 01, New Business 02, and Closed Session 01. This should shave a little over an hour off tonight's meeting. Mayor Olive suggested meeting on the items on Tuesday, February 23,

2016 at 7:00 p.m. Council Member Schulze stated he would like to hear Closed Session 01 on this evening. There were no objections to either request from Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THE STATED ITEMS TO THE STATED DATE AND TIME; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REMAINDER OF THE AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION TO HEAR CLOSED SESSION 02. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive charged the audience, while Council was in Closed Session, to select a speaker for those issues where there were many in attendance wishing to speak. If comments were consolidated, he would be willing to give that one person a little extra time to speak.

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jean and John Goodwin and Colin and Bridget MacNair properties (Goodwin MacNair PUD) containing 123.546 acres located at 2301 and 2505 Richardson Road, Annexation #548 into the Town's corporate limits

and

Public Hearing 02 : Michael Clark, Senior Planner

Public hearing and rezoning application #15CZ18 Goodwin McNair PUD and Ordinance, 122.972 acres located west of Richardson Road between Olive Chapel Road and Humie Olive Road, from R-80 W and Rural Residential to Planned Unit Development Conditional Zoning (PUD-CZ), and to amend the 2030 Land Use Map from Rural Residential and Medium Density Residential to Low Density Residential

Staff oriented Council to the site, and the requested conditions by the applicant were detailed. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval of both the annexation and rezoning, as did the Planning Board.

Glenda Topp, Topp and Associates, applicant, stated their request complied with buffers and setbacks. Buffers and setbacks had not come up, so they did not ask for a reduction. She detailed the development of which they have been working the rezoning for over a year. They wanted a name that had history in the community, and the name was approved. There are multiple pocket parks that are planned in addition to an amenity area. They have provided different lot sizes for affordability. The request complied with all recommendations of the traffic study, and will contribute \$1 million in park fees. There was no opposition to the development from anyone. The development was consistent with all Apex Plans. Staff cleared up that there were no discrepancies for setbacks and buffers.

Withers and Ravenel explained what would be done on Richardson Road, which will be widened to add turn lanes.

Mayor Olive declared the Public Hearing open.

Bridges Gibbons McNair stated that Ms. Topp had done a great job and felt this would be a wonderful development. As a property owner, he explained the history of the land and how the neighbors have always helped each other. Now they are surrounded by development. He explained how he wants future development to be an asset. He believed Topp and Associates would do that and asked Council for their support of this request.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE ANNEXATION. COUNCIL MEMBER SCHULZE
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 AND AMENDMENT OF THE LAND USE MAP.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Michael Clark, Senior Planner

This agenda item was temporarily withdrawn by the applicant. The item will be re-noticed and a public hearing will be held at a later date.

Public hearing and possible motion regarding rezoning application #15CZ33, West Village PUD, 163.64 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

There were no objections from Council as to this being heard at a later date.

Public Hearing 04 : Amanda Bunce, Planner II

Public hearing and rezoning #16CZ03 (US 64 Hwy/Old Jenks Road/Davis Drive) to rezone 45.1423± acres located north of US 64 Hwy, west of Old Jenks Road and to the east and west of Davis Drive from Residential Agricultural (RA), Rural Residential (RR), Office & Institutional (O&I) and Planned Commercial (PC) to Planned Commercial Conditional Zoning (PC-CZ)

Staff oriented Council to the site. Three neighborhood meetings were conducted. The Planning Board requested additional conditions. Staff recommended denial of the rezoning and the reasons were stated. The Planning Board did, however, unanimously recommend approval with additional buffer enhancements.

Bill Daniel, William G. Daniel & Associates, PA, representing Crossroads Holdings LLC, stated he disagreed with the staff denial. He spoke about the Planning Board recommendation of an increased buffer; he wished to propose a Type B buffer with a 30 foot width. He stated it was obvious that items 1, 3, 5, 9, and 10 of the staff report were not issues. For items 4 and 8, they spent a lot of time on specific issues with abutting property owners. All surrounding owners were in agreement with these. Item 6 was largely tied to the development in the community. The impact would be minimal since they were not adding to the population. Mr. Daniel stated significant improvements will occur. For items 2 and 7, the tax base will be beneficial and a significant enabler. This being a compatibility use was a key factor. This use will generate less traffic than many alternate uses. Mr. Daniel talked about lighting and what will be seen from where.

Mayor Olive reminded Council of the illustrative aspects of Mr. Daniel's comments and asked Mr. Daniel to be brief related to those. Mr. Daniel stated there has been a lot of communication with adjoining property owners. While not everyone would agree to a development this large, the use was in compliance. Mr. Daniel asked for Council's support.

Mr. Daniel responded to Council questions on buffers. Council expressed its concern about overflow. The Town Attorney explained what conditions the Council could and could not ask to be placed on a particular parcel.

Mayor Olive declared the Public Hearing open.

Speaking in favor were former Council Member and Mayor James Austin, Ms. Casey, Patty Patrick, Holly Donaldson, Brian White, Lou Fortunato, Staley Smith, Eddie Bacon, Bill Booth, Steve Blough, Claude Burkhead, and Lee Godbold. Their reasons included a \$35 million tax value which would bring employment opportunities and the widening of the road which would be paid for by the developer; Council not denying property owners the right to sell their property; the site not being in a historical district; Mr. Daniel's proposal being in the best interest of the church and community; Mr. Daniel being a good business partner; this development having a positive impact; the applicant would not spend a lot of money to come in and then leave; this fitting Council's charge of less residential and more commercial; someone would object no matter what comes in; Mr. Daniel agreeing to everything asked of them; people asking for their names to be removed from the petition; the Chamber of Commerce being in agreement via a Resolution; the use being consistent with the Land Use Map and Plan; the belief that the applicant will do this properly; the hope that the streets would be in better condition than they are currently; Mr. Daniels addressing concerns about keeping the area as 'natural' as possible; pilots wanting to remove their names from the petition because things have changed and Mr. Daniels making concessions for the pilots; and less traffic impact.

In opposition were Kimberly Daniels, Sandra Webb, Val Creager, Kyle Denis, Melanie Lane, Michelle Henrick, Tina Sherman, William Burney, Mike Shore, and Kate McDonald. Their issues were traffic on Davis Road; approved big businesses looking awful; car dealerships not pretty; not trading values and vision for the Town for a tax base; impacting the gateway into downtown; how this will look coming off various roads; other uses would be better and elevate the character of the area; will not fit with the accolades Apex has received for being unique and appealing; applicant has a history of moving frequently; disappointment in the Planning Board not following staff recommendation; already have two very large auto lots coming into Apex; if we keep bringing in large commercial development, the area will look like Capital Boulevard; Council's opportunity to determine how land will be used long term; parcels are so huge, that 300' notification radius sometime only pulls in a few people; dealerships could locate on the other three corners; and concerns for buffers. There was also conversation from Kimberly Daniels, owner of the petition. It was classified as fake and taken down. She offered that folks could Google how to remove their names from the petition. About 200 names were removed but 2,260 signatures were still there. Responding to Council, Ms. Daniels stated the petition does not have addresses.

Kate McDonald asked for a show of hands for those who had concerns but did not speak. Mayor Olive asked for a show of hands of those who did not speak but were in favor.

Mayor Olive declared the Public Hearing closed.

Mayor Olive reminded Council that they were only considering a rezoning. Staff asked Council questions about vehicle storage. Council gave reasons why this might be a good fit, especially as it does not contain houses. There was a compatibility concern about buffers. If passed, we would lose an opportunity to put something else there at the gateway to Apex. If we went with this and didn't correct the southwest corner, there would be a spillover problem.

Council stated she was leaning against this because of compatibility, this project being huge and massive. She understood property owners not being able to sell their land and the number of owners involved in this. Traffic would be impacted. The out-parcels could be used for something which would bring in more cars.

Council stated conversations have been respectful of each other. Most people want to honor Apex history and character. There is great value in this plan, and Mr. Daniels has been professional. But this may not be the proper business at this entryway. Council was concerned with what this could stretch out to be and the resulting esthetics. Some of the other approved uses may be more fitting. Council agreed with the professional staff and was apologetic to the applicant and property owners.

Council stated we talk, talk, talk about economic development and we're saying no to one of the largest car dealerships on the east coast. He respected the background and credentials of the Planning Board; they have nothing to lose, and they recommended this. The money it would bring in would improve our infrastructure.

Council stated he didn't know Crossroads started here and wanted them to come back. However, he did not feel this use was compatible for this area. We need to be responsible with our growth as we go forward. We didn't have to make this decision on this evening and should listen to the citizens.

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

Council stated he could live with this if he was not afraid we would get a whole lot more such requests. He talked about buffers and how they're not opaque for about 10 years. Council stated a lot of other things could be done in this location. Council asked was there any way to continue this to ask the applicant not to build on one corner. The Mayor stated Council owed a vote to this. The applicant owns both parcels and there is no reason they couldn't come back and ask to rezone the other corner. The Town Attorney stated that if the request was denied, then there would be a one year waiting period for

the same type of request. This could be continued to the next meeting to see if conversations would take place between Council and the property owners. Mayor Olive questioned what Council would be negotiating. He would not want to continue this.

Mr. Daniel stated he would be in favor of a continuance but not a withdrawal. Council was concerned that we would be deal making. Staff clarified what would happen if this matter was continued or withdrawn. Council did not like the idea of a continuance. The applicant could come back sooner than a year if there was a significant enough change in their application.

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

Mayor Olive called for a seven minute recess.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #16CZ04 (Green Level West). The applicant, Jeremy Spivey with JS Development, seeks to rezone approximately 18.79 acres located Green Level West Road from Rural Residential to Low Density Conditional Zoning.

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

Council asked what percentage would be in the flood zone seeing as they were talking about density transfers. Staff spoke about the new State legislation in effect.

Mayor Olive declared the Public Hearing open.

Andy Petty, in response to Council, stated 29 units would be in the flood zone. This zone, however, was very small with a small stream. They were offering less units than they were required to offer.

Mayor Olive declared the Public Hearing closed.

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

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Susan Castlebury, Trustee, Benjamin Whitley, Doug Whitley POA, Charles Wilkinson, Billy Wilkinson, 6101 Collins LLC/Dallas Herndon Heirs, Virginia Wilkinson and Mary Lou Breedlove Heirs property (Oak Pointe) containing 46.247 acres located Old Jenks Road, east of NC 55, Annexation #569 into the Town's corporate limits

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

Kurt Berger, representing the applicant, stated this had been through the planning and zoning processes and the site plan approval process. They added conditions to accommodate neighbors; a gate was not recommended by the fire and safety staff.

Mayor Olive declared the Public Hearing open.

Steve Blaugh stated there was concern in Castlewood about connectivity into their subdivision. He was also concerned about traffic on Jenks Road and access to 64.

Mayor Olive declared the Public Hearing closed.

Council asked was there anything we could do to address the traffic issue that was raised. Council stated there was an option, but it would go through wetlands and be very expensive. Council asked about the one way in, and the Mayor reminded Council they were only talking about annexation at this point. Mr. Berger stated a stub street had been planned for Vision Drive.

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

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

Public Hearing 07 : Angela Reincke, Parks Planner and Land Acquisition Specialist

Public Hearing and possible motion to approve proposed changes to the current Parks, Recreation, Greenways, and Open Space Master Plan

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

Public Hearing 08 : Michael Clark, Senior Planner

Public hearing and possible motion regarding proposed amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Transportation Plan as requested by Apex Planning Department

Public Hearing 09 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments and answered questions about traffic calming and residential densities.

Mayor Olive declared the Public Hearing open.

Lynn Smith stated she appreciated Council trying to find a solution to this problem to not create a hardship for the students. However, she wanted to see parking in yards and not just the paved driveways until the end of the school year. Parking in driveways only would cause an inconvenience. If enforced, it would affect many more students and parents.

JT Murphy, on behalf of students, stated that this also affects after school activities. Busses can't take them home, sometimes parents work, and he did not think this would be that big of a problem for three months. This also affects those who carpool.

David Rowland showed pictures of Laura Duncan and Knollwood Drive. The parking doesn't send a good message about our community. He questioned if the proposed ordinance was merely a suggestion. We need to enforce the current ordinance.

Mayor Olive declared the Public Hearing closed.

Council stated he understood the dilemma, but that this has been going on for years. While it is an egregious violation, it would not be out of line to apply the proposed ordinance for the next three months and then crack down on violators 100% afterwards. He asked for a restriction that cars not be allowed to park in the right of way. With a question about wording, Council stated this could go back to the Planning Committee. However, staff had alternate wording which was read. This would be removed from the UDO in June, and letters would be sent to residents letting them know they could be fined if they allowed the parking. Council stated she thought we should speak with the schools. Council stated she'd spoken with the Principal and that this is a difficult situation.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST WITH THE ALTERNATE WORDING READ BY STAFF; 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

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

New Business 01 : Michael Clark, Senior Planner

Possible motion approving McKenzie Ridge Master Subdivision Plan - for the properties located at the intersection of Humie Olive Road and Regan Road to Richardson Road. This project consists of approximately 64.67 acres and proposes 181 new single-family lots

THIS ITEM WAS PULLED BY COUNCIL TO HEAR AT A LATER DATE AND TIME

New Business 02 : Brendie Vega, Principal Planner

Possible motion approving Salem Pointe King Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 12.52 acres and 69 Townhome lots and an area reserved by owner

CLOSED SESSION

Closed Session 01 : to discuss a personnel matter

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

Closed Session 02 : to discuss the location of a business or industry in the Town of Apex

This item was heard earlier in the proceedings.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING TO TUESDAY, FEBRUARY 23, 2016 AT 7:00 P.M.

The Regular meeting of February 16, 2016 was reconvened on Tuesday, February 23, 2016 at 7:00 p.m.

in the Council Chamber on the second floor of Town Hall, 73 Hunter Street

In attendance were: Mayor Lance Olive, Council Member Bill Jensen, Council Member Eugene Schulze, Council Member Denise Wilkie, and Council Member Wesley Moyer. Absent was Mayor Pro Tem Nicole Dozier. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna Hosch, and Town Attorney Laurie Hohe.

Mayor Olive called the meeting to order. He recapped the items that were being continued. He also pointed to the Add-On item to approve Minutes of the January 29 and 30, 2016 Strategic Planning Retreat.

Mayor Olive gave the Invocation and led the Pledge of Allegiance.

Mayor Olive confirmed with the Town Attorney that since this was a meeting being continued and not a new meeting, the absence of Mayor Pro Tem Dozier would result in an affirmative vote except for rezonings. He confirmed Consent 11 does not need to be added. There were no changes requested by Council or staff.

Public Hearing 07 : Angela Reincke, Parks Planner and Land Acquisition Specialist

Public Hearing and changes to the current Parks, Recreation, Greenways, and Open Space Master Plan

Staff oriented Council to the Plan. Staff talked about sidewalks on the Center Street Bridge in response to questions from Council. Briefly touched on were the items coming up in the Greenway Master Plan.

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

Public Hearing 08 : Michael Clark, Senior Planner

Public hearing and amendments to the Bicycle, Pedestrian, and Equestrian Plan map of the Transportation Plan as requested by Apex Planning Department

Staff oriented Council to the Plan, stating that it was almost the same as Public Hearing 07.

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 JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 01 : Michael Clark, Senior Planner

McKenzie Ridge Master Subdivision Plan for the properties located at the intersection of Humie Olive Road and Regan Road to Richardson Road. This project consists of approximately 64.67 acres and proposes 184 new single-family lots

Staff oriented Council to the site. The Planning Board requested a condition to which the applicant agreed. The Parks and Recreation Commission requested fee in lieu, the Planning Board recommended approval as did staff. Staff stated this involved all single family residential homes.

Stewart Jones, Jones and Clossen Engineering, explained the product types and two lot sizes. Improvements would be made to a portion of Richardson Road to create an extra turn lane and three acres of land would be used for widening of the road.

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

Council Member Jensen stated the density and small lot sizes were not a fit, and the roadways were going to be a mess because of density.

New Business 02 : Brendie Vega, Principal Planner

Salem Pointe King Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 12.52 acres and 69 Townhome lots and an area reserved by owner

Staff oriented Council to the Plan. The Parks and Recreation Commission recommended a fee in lieu. Stub streets were going to be provided. The Planning Board and staff recommended approval.

Jeff Roach, Peak Engineering, explained the road improvements which would be made. There is a fee in lieu for about a three-foot wide strip. Housing price points be the mid \$200's to the upper \$300's. They will be two story and all will have garages.

Council stated we need to start thinking about traffic. This is a good place for the development, but roads will not be able to handle the extra traffic. Staff explained how the fee in lieu does not fund the roads. Talked about briefly was how to get right of way dedications as developments come in.

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

Consent 11 Motion to approve Personnel Committee recommendation for Reclassification of 2 fulltime positions

Council stated this had been discussed and she was comfortable with the item.

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

MAYOR CALLED FOR A MOTION TO APPROVE THE MINUTES OF THE JANUARY 29 AND 30, 2016 STRATEGIC PLANNING RETREAT. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive explained that this meeting would be adjourned and that Council would, at this point, hold a Workshop to talk about a Town logo.

ADJOURNMENT

With there being no further business,

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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APEX TOWN COUNCIL BUDGET RETREAT

FRIDAY, MARCH 4, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Budget Retreat scheduled for Friday, March 4 2016, was held in the Training Room on the third floor of Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Communications Manager Stacie Galloway, Police Chief John Letteney, HR Director Eleanor Green, Planning Director Dianne Khin, Fire Chief Keith McGee, Public Works Director David Hughes, Finance Director Vance Holloman, Engineering Director Kent Jackson, Economic Development Director Joanna Helms, Facilities Director Marty Mitchell, Parks and Recreation Director John Brown, IT Director Erika Sacco, and News and Observer Reporter Henry Gargan

COMMENCEMENT

Mayor Olive called the meeting to order. He welcomed all in attendance and thanked staff and Council for their prep work for this meeting. He introduced the new news reporter, Henry Gargan, who briefly outlined his background. Mayor Olive stated that what was in the past may not be relevant today. If there were any preconceived notions, he asked that people be willing to set those aside. This is a new budgeting cycle. We have five Council members but one collective voice, and Council would help with guidance on the budgeting process. The challenge was to how best to manage the finite resources.

Staff Reports

Havens talked about the upcoming staff reports and what they would entail.

Khin presented population projections, approved lots (which did not include Veridea), rezoning petition submissions, and non-residential development, noting that we don't do statistics on other towns. Offered was Apex is growing at about the same rate as NC. Khin presented information on annexation petitions.

Jackson presented non-residential and residential construction values, building and construction forecasts, and county-wide permit totals. Conversation ensued on building trends in other municipalities and in those municipalities vs. Apex, and construction plan submittals. Via a heat map, residential and commercial building permit concentrations in Wake County were presented, noting what this means for schools, etc. Jackson wrapped up presenting traffic congestion maps.

Holloman presented the current General Fund financial status, and conversation centered on revenues and their projections, Havens stating that we will meet budget. Also presented was the current debt in the General Fund, its debt capacity, debt comparisons, reserves, and debt service. Holloman detailed the Electric Fund and its debt capacity and reserves. In the Water and Sewer Fund, presented was its current debt, debt service, debt capacity, noting a change in acreage and capacity fees, and reserves.

Council Initiatives and Priorities

Mayor Olive pointed to the initiatives as developed last year, stating this was the opportunity for Council to inform staff of Council's high priorities. Each item was discussed for clarity and additions and deletions from the lists were made.

Transportation Bond: the bond itself has already been completed and was crossed off the list. We would like to have better roads than in Cary, it being pointed out that Cary can get more transportation money from developers than we can. Possibly, we could identify our top few problem roads and get these in some kind of improvement process if they are not so already. Added to the list was 'traffic signal management'. 'Safe to school' was discussed as far as better walking paths.

Stormwater/Environment: No changes.

Public Facilities: As for Tunstall House, Council is trying to put together information on a group which may be able to provide private funding for restoration. Staff is trying to come up with ideas for keeping Fire Station 1; therefore, this was crossed off the list.

Parks: Funding the Parks Planner has been completed, so this was crossed off the list. Special population programming and parks bond were crossed off the list. Added was 'levering existing assets'. Cross country course/track facilities and artificial turf for new fields were combined into a new item 'Pleasant Park'.

Economic Development: Infrastructure – assess/identify best areas for future water sewer for ED and non-residential planning were combined.

Development (Planning): The item related to contacting Greg Warren was changed to 'affordable and workforce housing'.

Financial: Grant writing was changed to 'grant pursuits', staff stating that we are actively looking for grant funding. The \$1,000 contract minimum to be scrutinized was changed to 'scrutinize and publish contracts'. Balancing the 2016/17 budget was deleted. The tax rate item was revised to 'no tax rate increase' and 'fee review' was added.

Miscellaneous: Bonds for infrastructure was changed to 'infrastructure'. Growth impact and consider building permit caps were removed. Added was 'define policy for Town-assistive funding'.

Council was given the opportunity to tag those initiatives most important to them. The tallies would be given and discussed towards the end of the meeting.

Legislative Agenda

Council stated there are people in the ETJ who are concerned they are not being represented or heard, but there was conversation by Council pointing to how they have been/are being heard by Council members. Staff requested adding an item related to regulating school aesthetics similar to number 2. Number 6 was deleted, as the time limit has passed. Numbers 9 and 10 were/will be reworded. Numbers 12 and 13 were deleted. For number 16, the word 'opposed' was corrected to 'opposes'.

Capital Improvement Plan (CIP)

Havens stated the purpose of the CIP and pointed out that last year's CIP was never approved by Council. He presented an overview of the five major objectives. The Plan has seven functional elements/funding sources – the big boxes into which our projects fit – and those sources were named. Havens showed the form used for requesting projects. He explained the information asked for, including a space for staff to indicate what would happen if the project was not funded.

In relation to the General Fund CIP, discussion ensued on how road completion/repair estimates are formulated, Parks & Rec projects, Public Safety projects, and Town campus building restoration and expansions. Council unanimously agreed to go with a three story senior building, where the top floors would be used for staff offices. After some discussion, a possible fourth story was discussed and agreed to by Council, staff to be forthcoming with a cost estimate for this. Havens presented some equipment replacement costs.

For the Electric Fund, touched on were meters and some substation work.

For the Water and Sewer Fund, Havens touched on projects in which we are in partnership with Cary, and others such as the replacement of old sewer lines, pressure zone projects, upgrades, etc.

Jackson presented an update on the quiet zone project, coming in at a cost of \$742,000. Council pointed out this would not solve the idling problem. Mayor Olive stated he and Havens had a meeting this week with John Dillard of CSX, who is not empowered to affect change. However, Olive is working to build a positive relationship with CSX in hopes of being able to get some progress on our issues.

Stormwater Utility

Hughes provided a bit of background on the Apex Stormwater Program. He explained the various programs in place, their good housekeeping practices, drainage complaints, plan reviews, the current funding model including stormwater fees and what type of revenue Apex could receive from such fees. Staff stated this is not a big enough fee to negatively affect economic development. Council discussed possibly paying stormwater fees directly through taxes along with whether or not we would want to create a stormwater utility. In reference to the latter, Council wished to know the pros and cons of such in order to come to a decision on whether or not to implement this.

Revenue Sources

Holloman presented how we keep a revenue neutral base. Revaluations take place every eight years. However, the County, who collects our taxes, is considering going to a four year revaluation, which would be much fairer.

Donnelly presented the various types of fees that we collect and how we fare against other municipalities.

Voting Results of Council Initiatives

Mayor Olive stated the tally should reflect Council's collective vote. Economic development took the top spot with public facilities and transportation taking the second spot. Discussed was how some of the initiatives may have received lower tallies even though they were top priorities in Council's minds.

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 WORKSHOP TUESDAY, FEBRUARY 23, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Workshop scheduled for Tuesday, February 23, 2016, was held in the second floor conference room of Apex Town Hall, 73 Hunter Street, immediately following the reconvened Meeting of February 16, 2016

In attendance were Mayor Lance Olive and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer. Absent was Mayor Pro Tem Nicole L. Dozier. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Communications Manager Stacie Galloway.

COMMENCEMENT

Mayor Olive called the meeting to order.

Mayor Olive stated that his thought was to try to focus on elements that Council wanted to see represented in a graphic design and the story we're trying to tell. We should leave the graphic design, however, to the designers. The color scheme is not questionable, with which all were agreeable.

Council asked how the contest will go if we use parts of several designs. He was in agreement with two designers both getting \$500. The Mayor stated that if we use a large percentage of one design, then the award should go to just one person. We will try to do the right thing to make it right.

Council primarily liked two of the five designs. Council discussed size of the word 'Apex', whether to use "The Peak of Good Living" slogan, wanting a connection to the railroad and the depot and other buildings downtown, a different type of tree depiction, something to show activity, something that would show Apex moving toward the future – showing our ability to grow smart, and the possibility of showing people/a family but not in stick figures. The Mayor showed Council a picture of Liberty's logo, which was close to one of the favored designs.

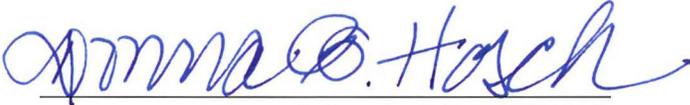
Ms. Galloway stated that she would proceed in a way that made sense. Responding to question from Council, she stated that a collaboration between the two designers would not work.

Council was in agreement with Ms. Galloway having the room to play with incorporating their ideas. She will do as much as she feel comfortable doing and then engage the submitters. Council stated it wished to see what Ms. Galloway came up with prior to going back to the artists.

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, MARCH 1, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 1, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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. He confirmed with the Town Attorney that the Closed Session matter [heard this evening at 6:30 p.m.] would be addressed with the Closed Session on this Agenda.

PRESENTATIONS

Presentation 01 : Ms. Laura Weygandt, Executive Director, Western Wake Tennis Association

Presentation recognizing the Apex Community Park Tennis Courts as the 2015 as the USTA North Carolina Tennis Facility of the Year

Ms. Weygandt stated that the snow and ice in January kept people away from the tennis weekend in Pinehurst where awards were given out. She stated Apex won the Facility of The Year award and read a statement about the Town's renovation efforts. Doing this was a lot of work and a much larger project than anticipated. What Apex has done for tennis is great. She stated they will gladly write a reference for Apex for a grant for the courts at Pleasant Park. Karl Lyon was presented the award on behalf of USTA NC. Mr. Lyon thanked the USTA, stating that we could not have done the grant without them or the hard work of our maintenance crew.

Presentation 02 : Robert Doreauk, AT&T

AT&T and Town of Apex partnership in a promotional agreement to market specific corridors in the Town of Apex as "Fiber Ready." This will permit AT&T and the Town to effectively promote the advanced broadband communications capacity of the specific areas; which are: Pinnacle Park, Lufkin Road, Pristine Water Drive, Reliance Avenue, Investment Boulevard and Energy Drive

Mr. Doreauk talked about how difficult it is to recruit without high-speed, fiber-ready areas. He also talked about their certification program. Mr. Doreauk stated the Apex Pinnacle Road business corridor received the fiber ready certification, and he read the award. The Mayor stated it was nice to have a provider working to get this in Apex.

Presentation 03 : John Demers

Presentation to Council regarding the status of TV and Movie production in Apex

Mr. Demers presented an update on the status of film production, stating that they will be producing a feature film in the area. On March 8, there will be production work at the police department and at one of the local churches. This will be a family film dealing with faith issues. There are three more projects coming with work that will be done in Apex. He invited everyone to the March 8 productions.

Presentation 04 : J.C. Knowles, President, ADBA

Presentation regarding the Apex Downtown Business Association in advance of the preparation of the FY 2016-17 Budget

Mr. Knowles thanked Council for the opportunity to present their needs which would allow them to accomplish their goals. He pointed to the distributed revised proposal and the expenses incurred for the past year. They were not asking for a handout but an increased level of investment. Mr. Knowles talked about they are a key factor influence in downtown. It was an oversight that the \$10,000 Council gave in past years was left out of the FY15/16 budget, and this crippled the Association. They were requesting reinstatement of the \$10,000 for the FY15/16 budget, and they asked to be granted \$15,000 for the FY16/17 budget. This investment will bring joy and service to the citizens of Apex and to all those who come here.

Presentation 05 : Bob Crowley, President, Apex Arts Council

Presentation regarding the Apex Arts Council in advance of the preparation of the FY 2016-17 Budget

Mr. Crowley thanked Council for the support received in the past years which allowed them to give productions that they couldn't do in the past. More people have been attending their performances. They have productions coming up this year and would like the Town's support continued – they want to keep things alive and going. Council commented on how sweet their production of Annie was, and thanked Mr. Crowley for doing this as it was a benefit to the people.

Presentation 06 : Tina Sherman, Fundraising Coordinator, Apex Farmers' Market

Presentation regarding Apex Farmers Market in advance of the preparation of the FY 2016-17 Budget

Ms. Sherman stated she appreciated the opportunity to address Council. She stated their Mission and how the Market as it is known today was formed. She talked about how many visitors and attendees there were in 2015. Their mission goes beyond the Market, and she detailed the other projects in which

they are involved and who they partner with in the community. Ms. Sherman stated that they have a 100% return rate of their vendors. She talked about the benefits of the Market to the community, such as their assisting low income residents, and their economic impact for Apex. The Market's request for the upcoming fiscal year was \$30,000, and she stated what the funds would support.

Presentation 07 : Don C. Willis, Program Manager, Wake County TRACS

Presentation regarding Wake County TRACS in advance of the preparation of the FY 2016-17 Budget

Mr. Willis talked about who TRACS serves and how important a transportation option this is, especially to the elderly and disabled. They try to get about 10% in grants to sponsor door to door trips. Last year the DOT cut their grant drastically. Mr. Willis asked the Town to continue its participation in the amount of \$15,000, which buys an extra 500 trips/year. Last year they made 2,578 trips, and 748 were completely contained within the town limits. The others were people who needed to leave town or come into town. Council stated that \$30/trip seemed high, and that a taxi may be more affordable. Mr. Willis explained how the DOT grant is run and how the transportation is contacted out. They have a 25% turn away due to limited funding.

Presentation 08 : John L. Thoma, CEO, Transitions Life Care

Presentation regarding Transitions Life Care – Founded as Wake County Hospice – in advance of the preparation of the FY 2016-2017 Budget

Mr. Thoma was not present. There was no presentation made.

CONSENT AGENDA

- Consent 01 Minutes of the February 16, 2016 Regular Council Meeting and the February 23, 2016 Council Workshop
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #15CZ18, Benchmark Communities/Glenda Toppe, petitioners for the property located at 2301 and 2505 Richardson Road
- Consent 03 Statement of the Town Council for denial of Rezoning Case #16CZ03, William G. Daniel, Wm. G. Daniel & Associates, P.A./Kevin P. & Catherine S. Hatcher, Matthew & Holly Donaldson, The Hatcher Group, LLC, Portia G. Knowles, William Brian White, International Church of the Foursquare Gospel, petitioners for the property located north of US 64 Hwy, west of Old Jenks Road and to the east and west of Davis Drive
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ04. Jeremy Spivey, JS Development, is the petitioner for the properties located at 0, 3929 & 4005 Green Level West Road
- Consent 05 Road closure request for the Apex Friendship High School Boosters 5K run on April 16, 2016 from 8 a.m.-11 a.m.
- Consent 06 Construction contract and authorization for the Town Manager to execute same for Sidewalk on Apex Barbecue Road at Scotts Ridge Elementary - Revised

- Consent 07 Supplemental agreement with RS&H for preliminary engineering services for the design phase of U-5537, Lake Pine Drive Improvements, in the amount of \$63,284.96. 70% of the supplemental services fee (\$44,299.47) is eligible for reimbursement according to the previously approved municipal agreement with NCDOT
- Consent 08 **ITEM PULLED FOR DISCUSSION:** Amendments to Section 20-164 (19) and (20) of the Town of Apex Code of Ordinances to establish No Parking zones along the east side of Shepherds Vineyard Drive, from Pine Plaza Drive to a point 600 feet south, and along the south side of Pine Plaza Drive, from Shepherds Vineyard Drive to a point 600 feet west
- Consent 09 Authorization for the Town Manager to execute a 1-year extension of the Yard Waste Agreement originally entered into with Greenway Waste Solutions of Apex, LLC (formerly Highway 55 C&D Landfill, LLC) in 2002
- Consent 10 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of February 16, 2016
- Consent 11 Set the Public Hearing on March 15, 2016 for rezoning application #16CZ05 to rezone 1.897± acres located at 1917 Laura Duncan Road from Rural Residential (RR) to Planned Commercial Conditional Zoning (PC-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 annex HYCK Associates (Chelsea Run) property containing 17.33 acres located at 1200 Kelly Road, Annexation #567 into the Town's corporate limits
- Consent 13 Set Quasi-Judicial Public Hearing for the March 15, 2016 regarding a Major Site Plan for Apex Friendship Middle School, a portion of 112.39 acres located at 7701 Humie Olive Road
- Consent 14 Wake County Greenway Grant agreements for Beaver Creek (Kelly Road to Barbecue Road) and Middle Creek (Miramonte to Holly Springs)
- Consent 15 Budget Amendment to appropriate additional funds to be received from Wake County for use by the Emergency Medical Services Department

Council Member Jensen stated he wished to pull Consent 08 for discussion. Mayor Olive stated this would be discussed as New Business 04.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE EXCEPTION OF CONSENT 08; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

The Mayor reminded Council of their needing to have a Closed Session vote [from the 6:00 meeting] before going into Closed Session.

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

PUBLIC FORUM

Lisa Juliani spoke about rubber crumb fill on athletic fields. She hoped Council watched the turf wars video about the dangers of this fill. There is a similar charge going on in Chapel Hill, and they are asking for a moratorium. They will replace the crumb fill with poly fill because of the heat threat, not the health threat. There is a cancer argument and reports on the easy spread of bacteria. Ms. Juliani stated two senators are coordinating an investigation, and she talked about schools now banning this fill. She talked about three other agencies revisiting this and how those agencies have revised their originally saying that the fill is safe. Why would we want our kids playing on this? Ms. Juliani asked Council to consider other alternatives.

J.C. Knowles reminded everyone to THINK APEX!

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 1-3 LLC, Jackie and Amy Mitchem, Alfred and Jean Goodwin, Nathaniel and Danielle Weaver and William Rubin (McKenzie Ridge) property containing 64.675 acres located at 0 and 2600 Richardson Road, 7916 and 8000 Ragan Road and 8216 Humie Olive Road, Annexation #568 into the Town's corporate limits

Staff oriented Council to the site. Staff recommended approval so that they may get Town services.

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

OLD BUSINESS

Old Business 01 : Mayor Lance Olive

To refer to the Parks and Recreation Committee a discussion regarding the current project to install artificial turf on the field at Hunter Street Park

Mayor Olive stated that many people became aware of this issue after the decision was made on the turf. He stated everyone had done their due diligence; however, he wanted to make sure that Parks and

Recreation had all the information they need to make this decision. The Parks and Recreation Committee would meet tomorrow to discuss this. Mayor Olive wanted to make sure the right thing is done.

MAYOR OLIVE CALLED FOR A MOTION TO REFER THIS MATTER TO THE PARKS AND RECREATION COMMITTEE. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration

NEW BUSINESS

New Business 01 : Dianne Khin, Planning Director

Discussion on requiring a set amount of non-residential acreage in areas designated as mixed use on the 2030 Land Use Map

Staff stated the Planning Committee met and discussed proposing 30% to a required 29%. Any changes would have to go through the normal process which includes a public hearing, so this could not be heard by Council prior to April.

Council stated we need to be competitive and we don't want to price ourselves out of the market. Making this a requirement and not a guideline will make things more predictable. He talked about a land owner holding property in reserve and how there is nothing legally we can do about it.

Council stated her question about how many other municipalities are doing this had not been answered. Therefore, she didn't want to waste staff time doing this process until her question was answered. She wondered what a future Council would think of this as a requirement. Council stated he has no qualms about this and spoke about two previous projects. Future Councils will make their own decisions.

Council stated we need flexibility and the market will determine what goes in what location. Council talked about matching up the needs and rights of property owners, stating that there could be a balance. We need to try to develop the town for the best of everyone.

Staff, responding to Council, stated she did not know the history on the 30% suggestion vs. the 30% requirement. Council stated it started with him. 30% looked reasonable, but no one was sure about this at the time. So far, 30% has been met, but some have had to buy additional projects to meet it. This is

not necessarily a bad thing, because it brings about more benefits. 30% works for a rezoning, but we don't know if it will work for the buildout. It takes about 20 years to determine this. But if we don't set aside something, we won't have anything to make a decision on in 20 years. Council added that staff has had to argue with developers over the guideline; it would be easier for them if it were a requirement. If the latter was in the UDO, it would be a standard developers would have to meet.

Council stated it is not fair if someone comes close to the percentage but can't meet it. After more conversation about this, Council asked the Town Attorney if there could be a requirement of ownership, to which she stated it would need to be researched. Council stated he did not like developers contracting with locals for the residential knowing the property owners were not going to move or sell their land to get to the 30%. Council stated looking at the map, it makes sense just to set a requirement.

The Mayor asked if the information requested by Council could be available by April. Staff stated everyone, everywhere is busy. Some information can be gotten online, but we really need to do small area plans for specific numbers. She noted that what's online now is probably out of date. Staff explained how residential has to come before retail, which is why other areas do not try to do what is being suggested here. She noted that all communities are not focused on the same thing, and this is one of those things. This is not a normal problem for NC towns. Council stated we have been throwing this around for a while, and it is clear staff wants a way not to negotiate with developers.

MAYOR OLIVE STATED A MOTION ON THIS WOULD BE TO PASS THIS MATTER ON TO THE PLANNING BOARD FOR A 70/30 RESIDENTIAL PERCENTAGE SPLIT FOR THEIR NEXT MEETING WITH THEIR FINAL RECOMMENDATION COMING TO COUNCIL ON APRIL 19. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE LATTER; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council was not clear as to why the motion went in for 30% and not ^{29% w/0} 25% as stated on the Agenda. Council asked how flexible would Council be for a really nice development that didn't come in at 30%. Would there be flexibility if it was part of the UDO? Staff stated the UDO is guidance as it is not law in NC. Council stated Smith Farm was an insult to the Council.

New Business 02 : John Demers, Festival Founder

Town co-sponsorship of the upcoming "Peak City International Film Festival" by providing use of the Halle Cultural Arts Center and a police motorcade for this event

Mr. Demers showed a promotional video, stating that the Festival has been revamped after time off, and that he was asked to come back and do another. This event is open to the public. They were looking for

in kind sponsorship of \$1,200 for use of the Halle. Also, at the first event, they had a motorcade where the police officers were hired as a 'training event' at a cost of about \$1-2,000. The Festival can be done without the motorcade, but they would like to have it. They would also like a Proclamation. The request was clarified – use of the Halle and two of its staff members on a specified date, police officers for the motorcade not to exceed \$2,000, and a proclamation.

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

**New Business 03 : David Wood, Manager, Halle Cultural Arts Center
Special Events Policy**

The Mayor stated that this had been talked about previously. He wished to have the Parks and Recreation Committee talk about this and bring a recommendation back to Council on April 5.

MAYOR OLIVE CALLED FOR A MOTION TO HAVE THIS MATTER REFERRED TO COMMITTEE. COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

ADDED New Business 04 : Amendments to Section 20-164 (19) and (20) of the Town of Apex Code of Ordinances to establish No Parking zones along the east side of Shepherds Vineyard Drive, from Pine Plaza Drive to a point 600 feet south, and along the south side of Pine Plaza Drive, from Shepherds Vineyard Drive to a point 600 feet west

Council Member Jensen stated he'd looked at the amendments and was in agreement.

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

Mayor Olive stated that Council met in Closed Session at 6:30 p.m. on this day. The Council needed to vote on retaining Mr. Ernie Pearson for the purpose of economic development per the details discussed in Closed Session. It also needed to agree to move forward with entering into a contract with Mr. Pearson which would come back before Council for approval.

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

Council Member Schulze stated he wanted to see the contract and move forward with Mr. Pearson on an hourly basis.

COUNCIL MEMBER JENSEN AMENDED HIS MOTION TO ADD ALLOWING THE TOWN MANAGER TO COMPLETE THE CONTRACT TO BE REVIEWED BY COUNCIL AT ITS NEXT MEETING. COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

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 DOZIER 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, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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APEX TOWN COUNCIL SPECIAL MEETING
TUESDAY, MARCH 1, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Special, Closed Session Meeting of the Apex Town Council scheduled for Tuesday, March 1, 2016, at 6:30 p.m. was held in the Executive Conference Room at Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Economic Development Director Joanna Helms, and Attorney Ernie Pearson

COMMENCEMENT

Mayor Olive called the meeting to order, stating that this would be a Closed Session meeting.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN 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 SCHULZE 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, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, MARCH 15, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 15, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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 Dozier gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : John L. Thoma, CEO, Transitions Life Care

Presentation regarding Transitions Life Care – Founded as Wake County Hospice – in advance of the preparation of the FY 2016-2017 Budget

Mr. Thoma stated he was accompanied by Toni Messler, VP of Finance and Operations. They were requesting \$10,000 for medical care and supportive counseling for terminally ill Apex residents. Mr. Thoma noted that Apex helped build its first facility on Trinity Road. Their request is more than last year's request because of need and population, with the aging population being the fastest growing. They have added a pediatric program serving terminally ill children and their families. In 2015, they served 222 Apex residents, a 35% increase over 2014. Mr. Thoma described the services that they provide, and stated that Apex funding helps serve all residents regardless of whether or not they have insurance. He thanked Council for the opportunity to speak and consideration of their request. Currently they have 20 beds on

site and will be adding another 10 by mid-May. They also have in-home care for all individuals in Wake County.

Mayor Olive recognized the director of the film "Unbridled", John David Ware. He stated Mr. Ware had been on the east coast for a while and would be editing "Unbridled" in the next several weeks. The Mayor recently provided Mr. Ware a Proclamation for shooting part of the film in Apex. The story is very touching, and the Mayor hoped many folks would look for it in the future. Several Council Members were cast as extras. Mr. Demers was the Line Producer.

CONSENT AGENDA

- Consent 01** Minutes of the March 1, 2016 Regular Council Meeting, the March 1 Special Meeting, and the March 4, 2016 Budget Retreat
- Consent 02** Authorization for the Town Manager to negotiate new solid waste and recycling contracts with Waste Industries, LLC
- 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 Hendrick Automotive Group property containing 1.897 acres located at 1917 Laura Duncan Road, Annexation #572, 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 MI/Homes of Raleigh, LLC (Middleton) property containing 10.92 acres located between Howell Road and Holl Road, Annexation #573, into the Town's corporate limits
- Consent 05** Road closures for Founders Day 5K race on March 19, 2016 from 8:00 a.m. to 11:00 a.m.
- Consent 06** Budget Ordinance Amendment No. 20 for reimbursement to NCDOT for cost associated with relocating and installing water and sewer lines on the Kelly Road bridge replacement project

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 stated that the Town Attorney requested the addition of a New Business item: Possible motion to adopt a Resolution to abandon portions of existing public electric utility easement. With no objections, he stated, this would be added as New Business 04.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE ADDITION OF NEW BUSINESS 04.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Candra Kaufman spoke regarding a greenway connection which would provide a safe traffic area in the Pemberley subdivision. She made a strong push for project funding, some of which has already been earmarked. She asked that this promise be fulfilled.

Karen Walker stated she supported Ms. Kaufman and the neighborhoods in the above effort. There is a lot of traffic in the area which is dangerous for the kids riding bikes in the street. A greenway would provide the opportunity to have a safe location to play, ride bikes and scooters, etc., and to walk and enjoy the environment.

PUBLIC HEARINGS

Public Hearing 01 : Tim Donnelly, Interim Assistant Town Manager Public Hearing and closure of a portion of Mt. Zion Church Road

Staff stated that in February this was requested by the developers because the road was no longer needed. Another road was built beside it. This public process is required, and the Clerk has received no comments. The developers will pay the cost of the required advertising.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. Staff pointed to the Order left at their seats which also needed Council approval.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE CLOSURE OF THE
PORTION OF THE ROAD AND APPROVAL OF THE ORDER; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Added New Business 04 : Laurie Hohe, Town Attorney Resolution to abandon portions of existing public electric utility easement

Tim Donnelly directed Council's attention to the Resolution. He stated that beside the existing alignment with the Town power line, a new power line was built and the easement was no longer needed. Staff recommended its abandonment. We probably paid for this easement, but not for the one on the new road.

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

Public Hearing 02 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ05 to rezone 1.897± acres located at 1917 Laura Duncan Road from Rural Residential (RR) to Planned Commercial Conditional Zoning (PC-CZ)

Staff oriented Council to the site. A neighborhood meeting was conducted. The applicant proposed several architectural conditions to the uses. The Planning Board unanimously recommended approval as did staff. Staff responded to Council regarding buffers and how far out residential would go.

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

Council thanked staff for working to get the 30 foot buffer along Laura Duncan.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER DOZIER 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 HYCK Associates (Chelsea Run) property containing 17.33 acres located at 1200 Kelly Road, Annexation #567, into the Town's corporate limits

Staff oriented Council to the site, stating that 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 ANNEXATION; 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.

Quasi-Judicial Public Hearing 04 : Shelly Mayo, Planner

Quasi-Judicial Public Hearing for Major Site Plan for Apex Friendship Middle School, a portion of 112.39 acres located at 7701 Humie Olive Road

Mayor Olive asked if Council had the Checklist, to which all responded in the affirmative. Mayor Olive read the Statement as to how the Hearing would proceed.

Mayor Olive asked for introductions of those on behalf of the request. Kenneth Haywood, speaking for the Wake County Public School System, applicant, introduced himself and gave the names of those who might be called upon to present.

Mayor Olive asked for introductions of those who opposed the request. There were none.

Mayor Olive asked Council if any had inadmissible conflicts and if they would be able to decide this matter fairly. Each answered there were no conflicts and each stated they would be able to decide the matter fairly. Council Member Wilkie recused herself from this Hearing as she is an employee of the Wake County Public School system.

Opening statement by the applicant: Haywood stated he'd named those who may speak based on the fact that the school system has met all the standards. They would be asking for approval of the request.

Opening statement by staff: Shelly Mayo, Planner, stated her name and presented her credentials. She oriented Council to the site which is surrounded by residential. Mayo showed the overall campus layout, pointing out that the elementary school plans had not yet been submitted. A neighborhood meeting was held. Conditions requested by staff were agreed to by the applicant. The Plan met the UDO, and staff recommended approval.

Cross examination of staff by Council: Council asked for an explanation of the conditions; this explanation was provided. Council asked about the intersection of Humie Olive and Old US1, the recommendation being that the school system work with DOT to realign the intersection for better safety.

Cross examination of staff by the applicant: None.

Presentations by staff witnesses: Police Chief John Letteney introduced himself and stated his credentials and responsibilities. He stated he would speak as to the amplifier repeater. The Police Department is responsible for radio communications, and they have had problems -- particularly in schools. The school

staff has indicated radio communication is a proper focus and a necessity. Initially, there was agreement for a repeater in one previous school but the school was built without it. Letteney named those schools without a repeater and explained why radio communication doesn't work in these buildings. The hope was that radios would work in Apex High School, but they do not. The school staff has begun a study to pinpoint similar needs elsewhere, but there is no funding for this. Council stated she has been trying to meet with the schools and noted that the repeaters need to be a part of a Council decision. Council asked if they could be installed outside, Letteney responding that answer would come from staff member David Boggs.

Cross examination of staff by the applicant: Haywood asked Letteney if the Town was a subscriber to the County of Wake, to which he responded in the affirmative. Letteney stated that they have looked outside the building for signal strength. Haywood asked was signal strength less than ideal, to which Letteney responded in the affirmative.

Staff Witness David Boggs, Communications and Tech Manager, introduced himself. He stated that they were proposing a bidirectional repeater for all of public safety and talked about the various versions available. Council asked could the repeater be installed outside. Boggs explained it would be installed inside and broadcasted outside. The high school would receive very little benefit from the equipment. The cost would be based on the size of the area. There would be no communication inside the building without the repeater.

Cross examination of staff by the applicant: None.

Staff Witness Russell Dalton, Transportation Engineer, introduced himself and presented his credentials. Dalton talked about additional recommendations for the proposed traffic upgrades.

Cross examination of staff by Council: Dalton stated it would be wise to do upgrades now for the elementary school and explained some of the problems with long-term projections. Council asked about the realignment of Hume Olive and US1. Dalton explained the aspects of this intersection. Council asked about traffic in the future. Dalton stated the applicant could speak to this as they have done a study.

Cross examination of staff by the applicant: Haywood asked Dalton questions about the traffic impact analysis, what improvement conditions were and weren't agreed to by the applicant, future development in the area, and possible future traffic problems.

Mayor Olive asked Council if any had viewed the site in context of this proposal and to describe any observations they'd made. No Council Members had viewed the site.

Evidence by the applicant: Haywood stated they were excited to bring in new schools. He heard from staff about requirements in the UDO, and they have exceeded those. The issues on this night were the repeaters and road improvements to which the school system has not agreed. He explained why they were not agreeable.

Presentations by applicant witnesses: Zak Pearce, CLH Design, introduced himself and presented his credentials. He stated they helped master plan the high school. He talked about stacking requirements, the bus loop, staff parking, and service and mechanical yards. Pearce stated the plan met the standard of the school program.

Cross examination of witness by Council: None.

Applicant witness Marc Chambers, architect with Perkins & Will, introduced himself and presented his credentials and provided a brief overview of the layout of the building. He stated they worked hard to provide an aesthetically pleasing building.

Cross examination of witness by the applicant: Haywood asked if they were in compliance with Town requirements, Chambers answering in the affirmative. He added that they enhanced features of the design which will add additional cost.

Cross examination of witness by Council: Council asked if this was a brand new design or was it adapted for Wake County use based on a prototype that had been used previously. Chambers explained the cost predictability of using a prototype. Council asked about solar systems and if the buildings were prepared for these in the future. Chambers stated this building was not prepared and explained why not.

Applicant witness Joshua Reinke, Civil Engineer, Ramey Kemp & Associates, introduced himself and presented his credentials. Reinke stated that as far as the traffic impact analysis, he's done this type of work for other clients and has previously been a part of quasi-judicial hearings. He responded to questions related to the analysis and their meetings with DOT and Town staff. He talked about the improvements they recommended and various traffic situations.

Cross examination of witness by applicant: Reinke answered questions from Haywood and explained the basis for his opinions. He explained what DOT opinions were in reference to three intersections where the Town recommended improvements but they and DOT did not.

Cross examination of witness by Council: None.

The applicant offered information on traffic lanes for which the school system is paying and provided those cost figures. He also provided the cost out of the intersections in question.

Rebuttal by Town staff: Letteney re-addressed the issue of an inside vs. an outside repeater as it related to signal strength. He spoke about zero communication inside the high school and how this is the responsibility of the property owner. Council asked about the criticality of this equipment, and Letteney told of several incidents as early as a few weeks ago where the officer could not radio out.

Cross examination of staff by applicant: None.

Rebuttal by the applicant: None.

Closing arguments of staff: None.

Closing arguments of applicant: Haywood talked about how well other school campuses work and thought this one would work well here. All the standards have been met. As for roadway improvements, they have agreed to what is required by their traffic engineer and what they did not think was financially their responsibility. Repeaters have never come before him and he's never had a request for these. He believed the County needed to look at this issue. He proposed testing on the exterior and interior of the building for signal strength. They will install the repeaters near completion if they felt they needed to be installed. Haywood did not feel this was necessary as a requirement, and assured that they are concerned about safety. He asked for approval without the conditions in question.

Mayor Olive declared the Public Hearing closed.

Mayor Olive proceeded to go through the 8-step checklist. Council asked the Town Attorney about the checklist, as he was not familiar with some of the questions as to whether any of them spoke to safety and where it applied. Staff stated she couldn't quote the UDO but she was sure health, safety, and welfare were in the UDO.

- Question #1 – all in agreement
- Question #2 – all in agreement, but relying on staff
- Question #3 – all in agreement, but relying on staff
- Question #4 – one Council Member was worried about traffic
- Question #5 – Council had concerns
- Question #6 – Council had concerns
- Question #7 – Council had concerns. Council stated the repeater was a serious problem for the Town of Apex and Wake County. Communication is not a luxury but a requirement. He was not willing to put public safety or the kids in a bad situation. Council stated Wake County knows there is a problem in the buildings and won't do anything about it. Now is the time for the repeaters to be installed. Council stated you can't put a price on the safety of the kids.

The Mayor talked about signal strength and his ideas on repeaters. This is not a private structure where we could 'suggest' a repeater. This a public structure, full of our children and personnel. He questioned if repeaters are a problem here since Apex is the first to address the issue and there is no data. We have been asked to provide officers and we do. The school is not doing enough to protect their safety. The Mayor thought the County would have provided, at least, a partial solution. Council stated this is not a new issue. School system employees have come to her with this and have asked her for help. They say the issue is the cost to the school system. Council pointed out that we pay for an RSO year round and the repeater is a one-time event.

- Question #8 – Council expressed concerns about street improvements

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

Council stated he would like to see a motion to approve subject to meeting the requirements of Town staff. The Town Attorney confirmed that Council could approve the request with conditions, continue, or deny. Council stated we shouldn't treat the school system different than developers. This may set a precedent.

COUNCIL MEMBER SCHULZE WITHDREW HIS MOTION.

COUNCIL MEMBER SCHULZE MADE A NEW MOTION TO RECOMMEND APPROVAL WITH THE STIPULATION THAT ALL CONDITIONS BY TOWN STAFF ARE MET; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council talked more about traffic and his hesitancy to put the load of traffic impact on the school system instead of on the housing developments who put the load on traffic. Council agreed traffic is going to

be important in this area. The Town Attorney reiterated to Council the standard which addressed relative impact. Haywood stated he was authorized to approve a continuance or they would withdraw their issues with the repeater. They would withdraw their objection to condition 1, accepting the condition that the repeater would be placed inside the building. He did not feel condition 2 was proportional. He felt staff needed to look at all the evidence. The Mayor went over the road conditions proposed by staff and asked Council to again look at those conditions. Discussion ensued related to this subject.

COUNCIL MEMBER SCHULZE MADE AN AMENDMENT TO HIS MOTION FOR APPROVAL WITH
CONDITIONS 1A AND 1C AND WITH CONDITION 1B OMITTED.
THE MOTION PASSED BY A 4-0 VOTE.

Mayor Olive called for a six minute recess after which Council Member Wilkie returned to the dais.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Council Members Wesley Moyer and Denise Wilkie
Update on use of crumb rubber infill material for Hunter Street Park synthetic turf

Mayor Olive oriented the audience to this issue. Since we have a new Council, this matter was revisited to ensure it heard citizen concerns. Council stated this matter was discussed in Committee meeting to determine if there was any new evidence since the initial decision. After looking at expert information and advice, Council stated the Committee stood by the original recommended for crumb rubber infill.

The Mayor stated that no action on the part of Council was necessary since no change was being made to the original decision. Council asked about alternate fill. Staff gave several alternatives and explained why the crumb was being used. The Mayor stated his appreciation for the Committee's due diligence. Council provided statistics on the use of crumb and its cost and advantages. Council spoke about Dr. Kantars' impressive presentation on this subject.

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Chelsea Run Master Subdivision Plan containing 50 lots and 17.33 acres located at 1200 Kelly Road on the west side of Kelly Road and south of US 64 Hwy

Staff oriented Council to the site and stated that the Parks and Recreation Commission recommended a fee in lieu. Staff and the Planning Board recommended approval. Staff answered questions from Council about buffers, access points, and plantings.

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

New Business 02 : Amanda Bunce, Senior Planner

Pinnacle Park Center - Master Subdivision Plan - for the properties located north of Classic Rd and west of Reliance Ave containing 25.35 acres and 6 lots

Staff oriented Council to the site. Staff recommend approval with one condition as did the Planning Board. The applicant agreed to the condition.

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

New Business 03 : Michael Clark, Senior Planner

Westhigh Master Subdivision Plan - for the two properties located at 1523 Salem Church Road. This project consists of approximately 1.57 acres and proposes 3 new single-family lots

Staff oriented Council to the site, stating that the Parks and Recreation Commission recommended a fee in lieu. Staff and the Planning Board recommended approval.

Ryan Akers with McAdams answered Council questions about lot size and the entrance way. Staff explained a transportation impact analysis was not required and provided reasons why. Staff talked about why staff suggested this traffic situation. The Mayor stated that staff should look to see if this same type of situation may possibly occur somewhere else.

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

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney in order to preserve the attorney-client privilege

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 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 MEETING

TUESDAY, APRIL 5, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 5, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Olive called the meeting to order, stating that there were minor adjustments requested to the Agenda – an added Presentation on the Wake County Transit Plan and the removal of Consent Items 04 and 05. There were no other adjustments requested.

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

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

PRESENTATIONS

Presentation 01 : Mayor Lance Olive

Proclamation to Russell Dalton, Transportation Engineer, acknowledging Building Safety Month

Mayor Olive read the Proclamation before presenting it to Mr. Dalton.

Presentation 02 : Tim Gardner, Wake County Transportation Planner

Wake County Transit Plan

Mr. Gardner stated they were talking to elected officials and citizens before making important decisions about this Plan. He elaborated on the meetings they have had, stating that the Plan would not go into effect unless there was a positive referendum in November 2016.

Brought together were all the groups who plan for transit so that this would be a unified plan. There is a two-pronged issue – extremely fast growth and the impacts this will place on the roadways. Mr. Gardner showed a map of current and likely future congestion, nothing that they have seen shifts in the types of communities, i.e., the walkability for citizens. He detailed the Transit Plan development process which included events, videos, surveys, and marketing. He detailed the recommended Transit Plan or what they're calling "Four Big Moves" – stronger regional connections; connections to all communities; frequent, reliable bus service in urban areas; and enhanced access to transit.

Mr. Gardner talked about local revenues needed for the Plan to be put in place, how their assumption was set up, and from where the money would come along with the cost of the Plan over 20 years. He hoped the Plan would be adopted in the Spring for the referendum to be on the ballot in November. Responding to Council, Mr. Gardner stated there is no connection to RDU in the first phase of the Plan. He explained the fare box and what expenses it would cover.

CONSENT AGENDA

- Consent 01** Minutes of the March 15, 2016 Regular Council Meeting
- Consent 02** Apex Tax Report dated 2/1/2016
- Consent 03** Statement of the Town Council and Ordinance for Rezoning Case #16CZ05, Jeff Mangas, EMH&T/Hendrick Automotive Group, petitioners for the property located at 1917 Laura Duncan Road
- Consent 04** THIS ITEM REMOVED FROM THE AGENDA : Set a Public Hearing for the April 19, 2016 Town Council Meeting regarding amendments to the Unified Development Ordinance and 2030 Land Use Map Amendments for the purpose of incorporating a non-residential percentage minimum in the Mixed Use Classification areas
- Consent 05** THIS ITEM REMOVED FROM THE AGENDA : Closing the parking lot in front of the Chamber of Commerce from 5:00 p.m. until 9:00 p.m. on the fourth Friday of the months of April, May, June, July, August, and September for the Finally Friday events sponsored by the Apex Downtown Business Association (ADBA)
- Consent 06** Amendment to Section 20-164 (20) of the Town of Apex Code of Ordinances prohibiting parking on both sides of Pine Plaza Drive between Shepherds Vineyard Drive and Laura Duncan Road
- Consent 07** Professional services agreement with VHB Engineering NC, P.C. in the amount of \$287,978.15 for Phase 2 of the grade separated design of the Apex Peakway at CSX Railroad/South Salem Street and authorize the Town Manager to execute same and associated Capital Project Ordinance Amendment in the amount of \$290,000

- Consent 08 Contracts for Phase I of Salem Pond Park to include grading, irrigation, sod, trail reconstruction, and parking lot improvements
- Consent 09 Policy on closing public rights of way for streets, roads, and alleys
- Consent 10 Set Public Hearing for the April 19, 2016 Town Council Meeting regarding application #16CZ02 Deer Creek II, containing 2.85 acres located along New Hill Road approximately 1850 feet south of US 64, to amend the 2030 Future Land Use Map from Mixed Use Commercial Services/High Density Residential/ Office Employment to Low Density Residential and rezone subject parcels from Rural Residential to PUD-CZ
- 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 Pulte Home Corporation (Greenmoor Phase 2) property containing 20.210 acres located at Roberts Road and 0, 7405 Hickory Mountain Court, Annexation #575 into the Town's corporate limits
- Consent 12 Set Public Hearing for the April 19, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 13 Street closure request for the 2016 Latino Art Festival
- Consent 14 Authorization for the Mayor to sign an updated Emergency Management Mutual Aid Agreement with Wake County
- Consent 15 Set the Public Hearing on April 19, 2016 for a Land Use Map amendment from Medium Density Residential to Commercial Services, and a rezoning application #16CZ07 (Roberts/ Green Level Church) to rezone 4.67 ± acres located at 7625 & 0 Roberts Road, and 8112 Green Level Church Road from Rural Residential (RR) to Neighborhood Business Conditional Zoning (B1-CZ)

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 stated the Regular Agenda was addressed at the start of the meeting.

PUBLIC FORUM

Veronica Alcine, member of the Raleigh Transportation Committee, addressed the Transit Plan stating that we need to look to alternative transportation options. She outlined how would these options would benefit all and provide vibrant communities. Wake County has consistently made investments in other areas that improve quality of life. Wake up Wake County supports the Plan to further improve that quality of life.

Tazra Mitchell addressed the Transit Plan. She related a story about a person she sees walking each morning along the highway. She asked Council to support Wake County Commissioners to get this referendum on the ballot. The Plan will enhance mobility and enable the economy to thrive. Public transportation is important to the young community. Ms. Mitchell talked about how expensive maintaining a vehicle can be. Transportation enhances productivity by getting a jump start on the work day in that one is free to respond to email, read the paper, etc. She encouraged Council to be proactive in having staff working together to make sure these systems are where people live and work.

Lib McGowan addressed repealing HB2 or the bathroom bill. This Bill was poorly written, rushed through, and is shown to have a negative effect on our State. Ms. McGowan stated there are three major issues in the Bill which have nothing to do with bathrooms and she named those issues. This Bill is already hurting us economically.

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 Hendrick Automotive Group property containing 1.897 acres located at 1917 Laura Duncan Road, Annexation #572 into the Town's corporate limits

Staff oriented Council to the site which is an expansion of Hendrick Toyota. 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 ADOPT
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 MI/Homes of Raleigh, LLC (Middleton) property containing 10.92 acres located between Howell Road and Holt Road, Annexation #573 into the Town's corporate limits

Staff oriented Council to the site stating this was not included in the original annexation. This would be for a pump station, 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 SCHULZE MADE THE MOTION TO ADOPT 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

There were no Closed Session items for consideration.

WORK SESSION

Work Session 01 : Stacie Galloway, Communications Manager

Continued discussion of logo design

Mayor Olive provided background on the discussions about a logo which were based originally on what would go on the newly-painted water tower. Staff presented two designs which Council liked previously, which were tweaked per Council request.

After some discussion by Council as to what it did and did not like about both designs, consensus was to use design number one with some further tweaking to the railroad tracks. Staff stated she will have the modification made then make another presentation to Council. Staff expressed her pleasure in being able to work with the local resident who submitted the design.

Work Session 02 : Vance Holloman, Finance Director

Discussion of Special Assessment Bonds

Staff stated Apex has not done these Bonds in the past. He made a brief presentation in February to the Planning Committee, and the decision was made to present this to Council. Staff gave a history of the assessments. He stated they allow local governments to levy special assessments and stated what that entailed. Explained were expenses through the life of the debt noting that NC is considered a good debt state.

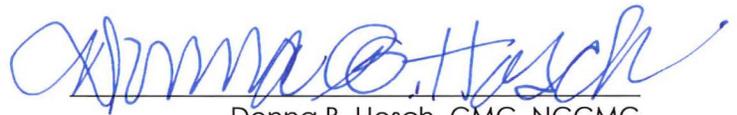
Staff talked about the Local Government Commission (LGC) and overviewed their policies. The LGC would have to make a finding of feasibility. Assurances would need to be made, and staff outlined what would happen if there was a default on special assessments. He detailed the nine LGC policies on the use of Special Assessment Bonds (SABs). This type of process is not for every project. They would be limited to what was believed to be important to the town. These would not be used for a simple development project but for something special. Staff talked about the use of SABs in NC where there have been no defaults, the benefits of such a loan to the developer, and the fairness of this type of financing.

Responding to Council, staff stated if there are defaults, there would be resulting foreclosures. It would be important that the assessment was fully disclosed to property owners. It can be made a stipulation that the developer makes this disclosure up front. The Town can recover the cost of administering this, so it should not be an issue for the Town. Staff explained the differences between a TIF, responding to Council, and assessments. He additionally talked about why this has not been used much in NC.

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 BUDGET WORKSHOP

THURSDAY, APRIL 14, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Apex Town Council Budget Workshop
scheduled for Thursday, April 14, 2016, at 5:00
p.m. was held in Training Room A at Apex Town
Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer. Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Police Chief John Letteney, EMS Chief Randall Health, Fire Chief Keith McGee, Finance Director Vance Holloman, Facilities and Maintenance Director Marty Mitchell, HR Director Eleanor Green, Economic Development Director Joanna Helms, Parks & Recreation Director John Brown, IT Director Erika Sacco, and Planning Director Dianne Khin

COMMENCEMENT

Mayor Olive called the meeting to order. He stated that for this Workshop, focus on the budget would be at the highest possible level. Along the way, there were going to be points where decisions would need to be made. Council Members would be asked to weigh in at these points in particular. If there was something which showed strong differences, there could be a formal vote. However, Mayor Olive wished for the Workshop to remain as casual as possible. The Mayor thanked staff and the Manager for getting the budget to this point by mid-April. It gives Council the opportunity to be prepared in case it needed to rethink any matters.

Havens stated it was his intent to hear more from Council than for Council to hear from him. If there were questions, department directors were present for answers.

General Fund Budget

Havens stated department directors were asked to express their gross needs. After doing so, the budget showed out of balance by more than \$7 million.

General Fund Expenditure : Comparatively, expenditures were up under 5%. Havens stated this was broken down into three categories – personnel, operations, and capital outlay. Responding to Council, Havens confirmed an estimated 4% population growth with personnel services growing a bit faster.

General Fund Revenue Budget : the budget presented was revenue neutral. Staff stated looked at were trend in this area.

General Fund – Reserves : Havens stated we would be using reserves from two sources – General Fund Balance and Parks and Recreation Fees. He stated these funds would be spent on non-recurring expenditures.

Recreation Subdivision Fee Fund : Havens explained how these funds would be used and for what projects. Staff explained payment structure. Staff explained the use of tennis courts and how he's attempted to get money from the school system for upkeep. A USTA grant may be forthcoming, which would lessen amounts used from this fund.

Personnel : The Personnel Committee heard the gross needs, which Havens felt were important for Council to hear also. We could only fill 11 of the requested positions, Council stated he felt bad that the Fire positions could not be filled to NFPA standards. Havens stated that in the survey results meetings, Fire stated they don't have enough people to cover so they can go home when scheduled. Additionally, earned vacation time can't be taken, especially if it will leave coworkers short. It's frustrating that the Town is growing and we're not able to add staff to keep up with that growth. This was an issue in almost all areas, and staff explained how it is affecting employees who don't want to negatively affect the service level. This creates a lot of stress.

Council stated we are trying to maintain 8 employees/1,000 citizens, but this is low for the services that we provide. There are benchmark studies, and we typically have been under on the numbers. Staff stated we don't want to inflate the employee numbers; the reality is we have a finite number of resources. The need is not going away as the Town continues to grow. We do keep looking for ways to be more efficient. Council stated maybe we need to look at increasing fees to get more folks on board. However, he

wanted to see how we compare to other municipalities. Council agreed since we are on a very rushed cycle right now. Maybe we could bring in contractors. Staff stated we would look at this.

Council talked about his priorities, mostly being first responders. Staff reminded Council we don't have stormwater fees. Council talked about the effects of sleep deprived employees and low morale. Staffing is about what's fair for everybody, and Council talked about the positions which were not shown as being funded. Talked about were the disadvantages of funding positions part time vs. full time. We need to fill positions with qualified persons, and the hiring process takes time, particularly in the Police Department.

Merit and Position Classifications : Havens stated the Personnel Committee met and discussed this. Council disagreed on merit, there being a proposed 4% merit vs. remaining at the current 3.6%. Council stated we are in line with other areas, turnover is low, and morale is high. Council stated that if we can't give people the help needed, this would be a way to help pay the current employees. It makes sense seeing as how people are working harder. We should be doing better than other municipalities. Staff explained how the merit fund is distributed percentage wise. Council stated he would not object to a 3.75% merit. All Council Members were in agreement, staff stating this funding would come from contingency.

Vehicle Replacement : Staff stated this was covered with the Finance Committee. Staff talked about the disadvantages of hot-seating police vehicles. Staff stated next year the numbers will get worse and talked about how we are running vehicles past their fail point. Council stated it's costing more to maintain than replace vehicles. The Mayor asked for a look at criteria numbers in a different way. He did not feel we're falling that far behind, but maybe we could step it up a bit.

General Fund Expenditures : There were no questions.

Solid Waste & Recycling : Staff stated garbage rates went down but recycling went up a bit. The new contract is a 10 year renewable. Staff talked about different ways to collect recyclables. Consensus of Council was to accept the proposed changed rates.

Yard Waste : This fee has not changed since 2008. The rate in the budget will allow the fees to pay for the service. Council talked about adjusting these types of fees in order to pay for additional personnel vs. increasing taxes to pay for personnel. Consensus was in favor of the rate change.

Tax Rates : Staff pointed to a chart that showed what could be added back into the budget at certain level tax increases. The group discussed an increase possibly not being feasible for those on a fixed income, what types of positions should be funded by an increase, and possibly purchasing property with an increase. Council was okay with \$.37 but wanted the hiring of first responders if we went to \$.38. Mayor Olive was also okay with \$.37 and stated he wanted to get with the manager and finance director to make an increase an automatic decision each year.

Council agreed that we need to focus on public safety. The Mayor talked about this increase historically being made in the same year as a valuation – it makes sense. Two Council Members were fine to go to \$.38, but they would have to know where the money would go. Two Council Members were okay with \$.38, adding that we can educate the public about elderly or disabled or low income persons programs that will save them on property taxes. Staff added that debt service is not in next year's budget. Council stated he would go along with \$.38 but would rather go to \$.39. Council stated she would rather the Manager decide how the increase would be spent.

Majority consensus was to raise the tax to \$.38 with input from them as to where the money would go. The Mayor stated Council should let the Manager do his job and come back to Council with what he believed would be the best funding for the money for the Town. The Manager will send his list to Council and Council will be given a timeframe to reply. The Manager will determine if a follow-up meeting is needed.

Vehicle License Fee : Staff proposed this going from \$5 to \$10, the monies going into the Transportation Capital Reserve Fund. Council would have a say-so in where the money would be spent. Consensus was approval to go to \$10.

ELECTRIC FUND

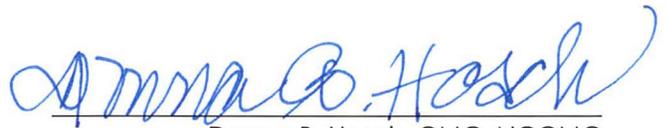
Electric Expenditure and Water & Sewer Expenditure : Council stated these funds seem to run themselves and are in good condition. Staff stated a rate study is going to be done so we can be realistic about the effect of development as it slows or stops. Council asked for a copy of the public agreement that was made with Duke Power. Staff talked about the benefits of a rate study which we haven't had in a long time. Council stated water and sewer fees were raised some time ago and really didn't benefit Apex residents. We should focus on capacity fees.

Havens clarified the next steps would be calling for a public hearing on the budget, and calling a Finance Committee meeting if needed based on Council input to his allocation of funds from raised taxes.

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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SPECIAL JOINT MEETING OF THE APEX TOWN COUNCIL AND THE PLANNING BOARD

MONDAY, APRIL 18, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The joint meeting of the Apex Town Council and the Planning Board scheduled for Monday, April 18, 2016, at 5:00 p.m. was held in the Council Chamber at Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer. Absent was Mayor Pro Tem Nicole L. Dozier.

In attendance from the Planning Board were David Hooks, Chair, Committee Members Jack Clark, Michael Marks, and Jim Mead. Absent were Planning Board Members Tommy Morgan, Margo Bills, and Beth Godfrey.

Also in attendance were Interim Town Manager Drew Havens, Interim Assistant Town Manager Tim Donnelly, and Town Clerk Donna B. Hosch

COMMENCEMENT

Mayor Olive called the meeting to order. He stated the purpose of the meeting was to review the draft document of the economic study market analysis.

Staff stated this presentation was an interim step, that changes could be made. There will be a Public Hearing on May 3rd at the Town Council meeting. Then we will proceed through the regular process, which takes a few months. The Mayor stated this night was not one to make decisions. Staff introduced Jessica Rossi from Kimley Horn who composed the analysis.

Ms. Rossi stated the report had an incredible amount of data and a lot of research went into the project. Her objective was to balance this information with what any person could reasonably absorb in a sitting. She overviewed why we were here and what they covered (see agenda in attached PowerPoint).

Ms. Rossi went through the background, stating that the Peak Plan 2030 was adopted in 2012. The new plan she was presenting was not done from scratch, but it was not a regurgitation of the current plan. She showed the study area to which they reacted, which is in our planning area. This was not an annexation study. Ms. Rossi stated Apex is not immune to what's going on elsewhere.

Our job numbers are looking better and better every year. Wake County is a major driver of economic development in the region. We are seeing more and more each year that Apex is becoming less of a bedroom community. Apex is more heavily focused on out commuting. Ms. Rossi talked about millennial and baby boomer housing demands as there was a drop in the home ownership rate. Starter home housing in Apex is limited.

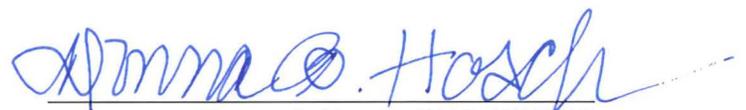
Ms. Rossi talked about on what the analysis was based and what they took into consideration. She outlined the study area demand assumptions. Ms. Rossi talked about what could possibly draw in more of the younger population. Maybe we need to think about how to incentivize this.

Ms. Rossi went through the node recommendations. Staff and Ms. Rossi answered questions from Council on the estimated timeframe of an interchange. The Mayor thanked Ms. Rossi for her work and stated no decisions would be made on this night. We will be moving forward with this analysis. The Mayor stated he looked forward to the final product.

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, APRIL 19, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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 19, 2016, at 7:00
p.m. was held in the Council Chamber at Apex
Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier, and Council Members Eugene J. Schulze, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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

There were no Presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the April 5, 2016 Regular Council Meeting
- Consent 02** Apex Tax Report dated 3/7/2016
- Consent 03** Findings of Fact, Conclusions of Law, and Decision approving the Apex Friendship Middle School Major Site Plan
- Consent 04** Budget ordinance amendments for reimbursements to be made to CRP-Apex II, LLC per Developer Agreement and Assumption Agreement
- Consent 05** Budget ordinance amendment to appropriate insurance proceeds which have been received by the Town for the replacement of a van used by the Water and Sewer Fund

- Consent 06** **Transfer of Lot 80, Plot A; the transfer of Lot 262, Plots A and B; the sale of Lot 214, Plot C; and the reconveyance of Lot 80, Plot B in the Apex Town Cemetery**
- Consent 07** **Set the Public Hearing concerning the proposed Fiscal Year 2016-17 Budget for Tuesday, May 3, 2016 at 7:00 p.m. at the Apex Town Hall**
- Consent 08** **Encroachment Agreement with JVI Construction, Inc. and to authorize the Interim Town Manager to execute same**
- Consent 09** **Order to close a portion of Mt. Zion Church Road**

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 any modifications to the Agenda. Council Member Dozier requested the addition of an item to cancel the July 5, 2016 Regular Meeting. Mayor Olive stated this would be added as New Business 01.

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner
Public Hearing and various amendments to the Unified Development Ordinance

Staff detailed the various 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; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

Public Hearing and 2030 Land Use Map amendment from Medium Density Residential to Commercial Services, and rezoning application #16CZ07 (Roberts/ Green Level Church) to rezone 4.67 ± acres located at 7625 & 0 Roberts Road, and 8112 Green Level Church Road from Rural Residential (RR) to Neighborhood Business Conditional Zoning (B1-CZ)

Staff detailed the requested amendment and rezoning. The Planning Board by a vote of 4-1 recommended approval of the request. Staff recommended approval. Council briefly discussed a high school being in the vicinity of commercial property.

Mayor Olive declared the Public Hearing open.

Stewart Jones, Jones and Crossen Engineering, recapped the developments which could be on these lots. The property owners felt it was time for them to move on. All three owners are working together to get one solution for the properties. The applicants feel this is a perfect place for small business. The Planning Board expressed concern about students crossing the street, but it was felt safer for the students to walk to lunch vs. driving to lunch. The school is doing a major intersection in the area to assist with any safety issues.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE
THE AMENDMENT AND REZONING; 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 Pulte Home Corporation (Greenmoor Phase 2) property containing 20.210 acres located at Roberts Road and 0, 7405 Hickory Mountain Court, Annexation #575 into the Town's corporate limits

Staff oriented Council to the site, stating staff recommended approval. There was brief discussion about a missed opportunity for retail at this 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 WILKIE MADE THE MOTION TO ADOPT THE
ORDINANCE; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
COUNCIL MEMBERS WILKIE, SCHULZE, MOYER, AND DOZIER VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 04 : Michael Clark, Senior Planner

The Applicant has requested this item be continued to the May 17, 2016 meeting

Public Hearing and possible motion regarding application #16CZ02 Deer Creek II, containing 2.85 acres located along New Hill Road approximately 1850 feet south of US 64, to amend the 2030 Future Land Use Map from Mixed Use Commercial Services/High Density Residential/ Office Employment to Low Density Residential and to rezone subject parcels from Rural Residential to PUD-C

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE
THE PUBLIC HEARING; 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

Unfinished Business 01 : Dianne Khin, Planning Director

Discussion regarding requiring a set amount of non-residential acreage in areas designated as mixed use on the 2030 Land Use Map

Mayor Olive stated he wanted to get Council to a point of a recommendation for wording to send to the Planning Board.

Council stated the Planning Committee went over this issue one more time. In the past, 30% non-residential was recommended in mixed use. A couple of developments came up that were very close to this percentage. He wanted to see this a firm number at which developers could not go below. One Council Member recommended 25% and the other Council Member recommended 35%.

Council stated since that time, he discussed the valuation of the New Hill area and presented was a map showing job densities/square mile. He provided figures which he compared back to low density housing, those numbers being provided. Looking at only mixed use, Council stated we're falling behind and he felt 35% was a fair number to require if we're going to balance job and housing. Some say this is difficult to do, but one developer found a way to do so. That project will be forthcoming. Others say that in the

future land that is close by could be bought down in order to comply with the percentage. Therefore, he did not see a problem with 35%. We will probably not stay even, even with the 35%.

Council appreciated the 25% figure because of Council's concern for property owners and developers. Council stated he realized we need to do something about this and put a number in concrete. He was agreeable to 25%, which is about average after looking at other municipalities. We don't want to be too restrictive and knock ourselves out of the market.

Council stated this was a bit of a game, and she was trying to figure out from where the arbitrary numbers were coming. Looking at other municipalities, she did not see them having the high percentages and referred to articles from newspapers, reading from one of them. Council referenced and read part of a report done by Dr. Walden from NC State. She referenced information from concerned residents who said that if we did this hardline approach, we would not be able to approve projects that we may want to otherwise approve. It will not always happen to have everything fit in one basket.

Council stated 30% will reserve land on key nodes where it makes sense. What was the worst case scenario? In 20 years if nothing has happened with the land, then we could rethink the percentage.

Council stated what he heard from the market analysis report was that we have a very low vacancy rate for commercial. So we have room for it to grow. Council's information, then, seemed contradictory. Council was afraid we might be forced to turn down a great project if the percentage is set too high.

Council stated a set percentage would make it clear for all parties, it would stop staff from being negotiators, and things will aesthetically look better together. Staff informed us that only one development had an issue with 30%. Therefore, she thought Council's recommendation was okay.

Council stated he wanted a right number, not an arbitrary number. He did not think we should split the difference between 25 and 35 to get 30. Council provided background on how 30% was figured. He talked about the thousands of people going out of Apex to work each day who could be working right here if we had the right mixture of businesses. We need more of a live/work community.

Council stated this is market driven and we cannot force businesses to come here. As Kimley Horn stated, it will come but we have to be patient. If we are not careful, we will have commercial overbuild. She agreed that staff needed guidance, but 30% was too high. There was more discussion about possible loan difficulties, listening to what Kimley Horn presented, commercial developers being smart about

where they build, the 70/30% split at Sweetwater, developers stating they will look elsewhere to build, redesigning towns to help lessen gasoline use, the original and current concept of RTP, and the 2035 Plan looking into the future.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO RECOMMEND 30% NON RESIDENTIAL AS A REQUIREMENT IN MIXED USE FOR PROJECTS THAT ARE UP TO BE REZONED.

Council Member Schulze stated he could not go above 25% in order to allow for flexibility.

COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council asked the Mayor what he thought about 30%. He stated he thought 29% could be a compromise and that he suggested this earlier. The Mayor stated he challenged being questioned by Council and restated on what the motion was centered.

Council asked for clarification from Council on his previous figures. Staff clarified the mixed use areas and stated we have pretty much planned for these. The Mayor further clarified the mixed use nodes, the disadvantageous intersections, Council's goal of mixed use nodes since the election, and taking the negotiations out of staff's hands. Council wanted to make sure everyone understood that the conversation was only about mixed use nodes, Veridea being committed in its non-residential. Council hoped this would also bring in amenities, benefit everyone, and bring about flexibility.

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

Council stated other municipalities were probably cheering at this point. Council stated he thought 30 and 35% were too high.

NEW BUSINESS

**ADDED New Business 01 : Council Member Nicole Dozier
Cancellation of the July 5, 2016 Regular Meeting**

Council stated many employees may want to extend time with their families for the July 4th holiday. This would be a great gift to them. Council added this day off is also traditional. Staff stated that with this much advance notice, the upcoming meetings will be handled.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO CANCEL
THE JULY 5, 2016 REGULAR MEETING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

There were no Closed Session items for consideration.

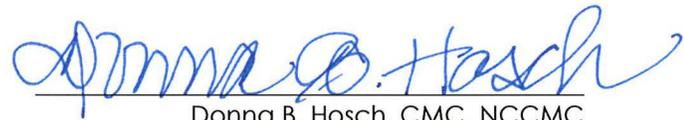
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, MAY 3, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Interim Town Manager
Tim Donnelly, Interim 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, May 3, 2016, 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, William S. Jensen, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Interim Town Manager Drew Havens, Interim 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 : Mayor Lance Olive

Presentation of Proclamation recognizing Lupus Awareness Month to Amanda Bailey

Mayor Olive read the Proclamation before presenting it to Ms. Bailey. Ms. Bailey thanked everyone for supporting her in this cause.

Presentation 02 : Mayor Lance Olive

Presentation of Proclamation recognizing National Small Business Week to Joanna Helms

Mayor Olive read the Proclamation before presenting it to Ms. Helms and stated he hoped everyone would support small business.

CONSENT AGENDA

- Consent 01 Minutes of the April 14, 2016 Budget Workshop, the April 18, 2016 Special Joint Meeting, and the April 19, 2016 Regular Town Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ07, Stuart Jones, Jones & Clossen Engineering/Vernard & Barbara Dean, Jr.; Barbara & Lyman Anderson, Trustees; Dennis & Brenda Goodman, petitioners for the properties located at 7625 Roberts Road, 0 Roberts Road, 8112 Green Level Church Road
- Consent 03 Budget Amendment No. 25 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- Consent 04 Construction contract and authorization for the Town Manager to execute same for installation of School Zone Flashing Beacons at various locations
- Consent 05 Changes to Apex Code of Ordinances, Article III - Peddlers, Transient Vendors and Solicitors, and New Article IV – Transient and Mobile Food Vendors
- Consent 06 Lot 221 Plots E & F to be reconveyed back to Town of Apex Cemetery
- Consent 07 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding Rezone #15CZ33, West Village PUD, 163.64 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 08 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding Rezoning and 2030 Land Use Map Amendment Application #16CZ09. The applicant, Jeff Roach representing Empire Construction, seeks to rezone approximately 0.92 acres located at Upchurch Street and Harwood Street from High Density Single Family Residential (HDSF) to Neighborhood Business Conditional Zoning (B1-CZ) and to change the 2030 Land Use Map Designation from Medium Density Residential to Office Employment and Commercial Service
- Consent 09 Set the Public Hearing on May 17, 2016 for rezoning application #16CZ12 to rezone 6.82± acres located at 1112, 1114 & 1116 Olive Chapel Road from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ)
- Consent 10 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding amendments to the Unified Development Ordinance and the 2030 Land Use Map to require 30% minimum non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of April 19, 2016

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

PUBLIC FORUM

Lisa Giulianui talked about a Facebook post concerning the pace at which Apex is growing and the outcome of what the future holds for our children. They should have a decent town handed down to them. It seems the developers are running the show. She talked about the tiny lots and everyone being on top of each other. Ms. Giulianui is moving from Apex because she can't deal with the pace and the bombardment from developers. She urged everyone to take it slow and allow people to adjust to the changes.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Joint Public Hearing of the Apex Town Council and Apex Planning Board to review the final 2035 Economic Study and Market Analysis prepared by Kimley-Horn and Associates

Staff reminded everyone that a full presentation of this analysis was given on April 18th. The next step, after listening to the public, would be for staff to draft the amendments, those would go to Committee, and there would be public hearings before the Planning Board and Town Council.

Jessica Rossi, Kimley Horn, presented a recap of the study. She explained how some of the area was not previously studied, and their work was to give an indication of the market potential of the area. This would be effected by polices which the Town would make regarding the allocation of growth. She showed a map of the study area and detailed the identified nodes. Ms. Rossi explained the key metrics of the analysis and the three key assumptions. For Council, she further detailed the density percentages.

Mayor Olive declared the Public Hearing open.

Twelve members of the community expressed opinions concerning:

- Apex seemingly not allocating monies for proper infrastructure to support flex space.
- Not wanting to invest in property if Apex is going to look like west Cary in the future.
- Apex needing to grow smart for children who will inherit land here in the future.
- Adjacent uses; is eminent domain a part of the plan.

- . Roads.
- . Increase in housing prices, inventory going down, vacancy rates for rentals, and affordability suffering.
- . All heirs not being notified of an easement which went through their family property. It feels like the property was stolen from them by the Town. Wanting to see more input in the decision making process on their property. Wanting to speak with Council more on this outside of this meeting. The services of the Town Manager were offered to ensure all was done legally.
- . Support for the update and the experts being the right ones to look at the analysis for the area. Appreciate the effort of some Council members to set aside land, but Council being urged to look at the report. Apex has reaped benefits from growth and the hope is that the benefits will outweigh the growing pains. If not careful, housing prices will escalate and price people out of living here.
- . Interested to see what happens in the implementation of the plan; will be hard to tell developers no; concern about this becoming a bedroom community which will not support the town in the future; need cautious development; if there are no jobs to bring in buyers for rooftops, will have empty rooftops which will decrease property values.
- . Equestrian households don't always mix well with those who don't want to be around horses.
- . Moved from Raleigh to quieter Apex. Watched Atlanta go from good place to live to horrible place to live. See this coming here and quite concerning.
- . Will the ETJ be a part of Apex via annexation?

Mayor Olive, responding to citizen questions, stated this plan will be a guideline. A citizen asked how could the Town plan for the land when it doesn't know if owners want to sell it. Mayor Olive explained how the plan would help land owners if they did want to sell.

Staff, responding to citizen questions, stated there are no plans to expand the ETJ. This plan will help owners who petition for water and sewer, and staff explained voluntary annexations.

Mayor Olive declared the Public Hearing closed.

Mayor Olive stated the recommendation from staff was to continue studying the report, making needed modifications, taking this to the Planning Committee for recommendation to the Planning Board, and then bringing the matter before Council for public hearings and a possible motion by Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO SEND THIS THROUGH THE PROPER CHANNELS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council offered the following comments: we understand people's concerns, but it's a good thing that we're doing a professional plan. We're trying to head off problems. We are not shoving the plan down throats, we just want to be ready when development happens so that we can plan for it nicely. We want to make sure people appreciate this effort. Buffering properly done will be beneficial. Hopefully, all citizen concerns will be addressed. If we fail to plan the area, then we will fail the area. We have a vision for people when they make the decision to sell. Having a plan in place will be the wise thing to do in order to provide the best economic forecast.

THE MOTION CARRIED BY A 5-0 VOTE.

Council added that it will take time to get through the plan as there is a lot of information to go through. The Planning Committee meetings are open to the public.

Public Hearing 02 : Drew Havens, Interim Town Manager

Public Hearing concerning the proposed Fiscal Year 2016-17 Budget

Staff went over a few of the highlights and the timeline of the process. Staff and management appreciated the investment of Council in the process and their invaluable input. Given were the totals for the three major funds and the details of each were briefly stated. Staff stated that having earlier input from Council allowed a better thought-out budget. Mayor Olive stated he was thoroughly pleased with the process. Council was able to take time and think through the information presented. The Mayor stated he sampled a few mayors and none were able to provide the details of their budget that he already knew about ours.

Mayor Olive declared the Public Hearing open.

Kate McDonald thanked Council for allowing citizen input. She talked about five new positions and asked the Town to consider personnel with an environmental background. Development and conservation go hand in hand.

Jeff Hastings spoke about allocations for non-profits and named a few that were allocated funding in the budget. He was concerned that all entities given money have paid staff and that the Town is supplementing this. The two entities that did not get funded have no paid staff, and he asked Council to revisit this. History is paramount to what goes on in Apex, which the Historical Society does.

Mayor Olive declared the Public Hearing closed.

Staff stated that the next step would be revisions from Council within the next few weeks and adoption of the budget on June 3rd. Council stated he had further input and asked about another workshop. The Manager stated we can call one although another is not planned. The Mayor canvassed Council and all wished an additional workshop. The Mayor stated he would work with the Town Manager to get this set up.

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 01 : For a brief update of negotiating positions to be taken on behalf of the town in negotiating the material terms of a proposed contract for the acquisition of real property

Closed Session 02 : To discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSES STATED ABOVE.
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 JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO OFFER EMPLOYMENT TO
DREW HAVENS [AS TOWN MANAGER] WITH THE TERMS AND CONDITIONS AGREED UPON IN CLOSED SESSION AND TO
AUTHORIZE THE MAYOR TO EXECUTE THE EMPLOYMENT CONTRACT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

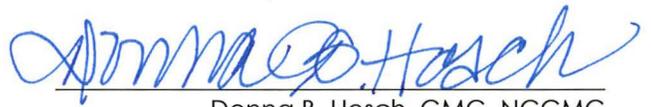
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, MAY 17, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, May 17, 2016, 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, William S. Jensen, 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 Wilkie 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 May 3, 2016 Regular Council Meeting
- Consent 02** Apex Tax Report dated 04/08/16
- Consent 03** Fee Schedule for Solicitors, Peddlers, Park Concessioners, Transient Vendors and Mobile Food Vendors
- Consent 04** Street closings in support of the 9th Annual Monarchs in Motion 5K Race on October 15, 2016
- 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 Reliance LLC (Harmony Animal Hospital) property containing 2.275 acres located at 2401 Reliance Avenue, Annexation #577 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 WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive directed Council's attention to the three Public Hearings with notations for continuance.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE CONTINUING PUBLIC HEARING 03 TO JULY 19, 2016. 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 APPROVE CONTINUING PUBLIC HEARINGS 05 AND 06 TO JUNE 7, 2016. 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 APPROVE THE REMAINDER OF 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

Dick Beaver spoke about Phase IV of Trackside North, of which he'd sent Council an email. An appeal has been filed in regards to the wetlands, and he suggested the matter be continued until the appeal is heard. He would like the development plan to save as many perimeter trees as possible, and he wondered if the number of townhomes could be minimized across the street due to traffic and parking. Anything that could be done to make the new development nice would be appreciated.

Patrick Brewer stated an administrative error was made at the Planning Board meeting that did not include correct neighborhood information. The decision by DENR has been appealed, and they will review the property address. He would like a Council decision on this delayed. Mr. Brewer stated he was told by Town staff when he bought his property that the land would not be developed because of the wetlands.

Peter Clossen, representing the developer for the Villages of Apex, stated the project is in full compliance with zoning, the UDO, and environmental regulations. He named the latter. He stated he would address any concerns when the matter, New Business 03, came up this evening for consideration.

Ann Kane stated people move here because they know there is a Land Use Plan in place to protect their properties. Developers are chipping away at the Plan and asking for changes. This is affecting properties with large trees, the developers putting in rows of houses that are squeezed together. This is not helping the beauty of Apex. Ms. Kane asked Council to look for unique ideas such as plots for gardens. We don't want to be another Cary or Morrisville. She urged Council to help keep the charm and one-of-a-kind feeling of Apex.

PUBLIC HEARINGS

Public Hearing 01 : Michael Clark, Senior Planner

Public Hearing and Rezone #15CZ33, West Village PUD, 163.34 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The Planning Board held a public hearing and the applicant proposed an additional condition. Staff and the Planning Board recommended approval. Staff clarified buffers stemming from questions by Council as well as the wisdom of the roundabout. Stormwater management is as approved in the UDO.

The applicant, Jason Barron, Morningstar Law Group, named those in attendance with him. He further clarified the buffer asked about by Council. Mr. Barron oriented Council to the site. He believed this request achieves the Town's long range plans and provides an appropriate balance. Mr. Barron answered questions from Council as to when roads would go in. Council asked had conversations been had regarding the impact on wells. Mr. Barron answered 'no' but that he would be happy to do so.

John Myers answered Council's questions regarding waterline extensions. He stated major improvements will be made to get water and sewer to the property, and these will need to be made first. He talked about the improvements which would be made as a result of residential and those as a result of commercial. Mr. Myers explained why 300+ new houses would be beneficial to the residents of Apex even in light of opposing viewpoints. Council stated his desire to see solar use in the houses and asked for a commitment from the applicant before this was voted on this evening. Mr. Barron said he would be happy to require his builder to require marketing solar options. He gave the *anticipated* housing prices. Council asked for a 25 year vs. a 10 year stormwater commitment.

Mayor Olive declared the Public Hearing open.

Twenty three residents spoke with the following concerns, many giving the history of their families on their properties:

- From two video clips: they were not fighting development because that's inevitable, simply want the development to not be detrimental to the quality of their life or to the value of their homes, stated the types of homes which would be acceptable to them.
- It didn't appear any of the Planning Board members looked at the area, how could a decision be made without doing so, didn't appear the Board understood the traffic reports and the traffic issues, mentioned was the Sears property where the commercial is planned.
- Concern that the natural area would no longer be there, wanted development similar to the current neighborhood.
- The developer is going to make a bunch of money off this, appreciated Council's concern for the wells, frustrated about the entrance as it's a safety concern, residents should have been asked how this would impact them.
- 100% of neighbors were in attendance, they were not in agreement with the majority of the Westwinds recommendations, seemed developers didn't want to work with them and they provided were their requests, our one chance to do the right thing.
- This was supported because it's in the best interest of Apex, details can be worked out later.
- Want to see the promised buffers, larger homes, and smart growth.
- Owner of one small piece of land to be developed for commercial stated no retailers in the area except for a beer tavern and three pumps at a bait and tackle shop, in favor of the development which has been in the planning stage for 2 ½ years, objective is to bring quality residential and non-residential which meets the needs of the community, project exceeds requirements.
- Members of the Tunstall family stated many of the wells don't sustain a household resulting in tenants having moved out, the land meets the needs of the location, asked Council to approve the project.
- Property not under contract should not be included in this request; too many unanswered questions.
- Tenant representative talked about what companies want these days in the way of office space and housing for their employees, many don't want yards and want to be in denser locations, this location would be ideal.

Mayor Olive declared the Public Hearing closed.

Mr. Barron stated they will not make Westwinds a place where people don't want to live. He would listen to Council's thoughts before speaking further.

Council spoke about those things heard which were both concerning and heartwarming, thought that there could be a meeting in the middle, the preference to vote on something where people have further discussion, not being comfortable with traffic, wanting to see this go through but not being ready yet to approve, inevitable growth needs to be strategic, wanting to see larger lots for single family homes, would be in support this evening if developer increased the lot sizes, this development may be a bit before its time, there could be a better mix of product.

Mr. Barron requested the opportunity to have the vote deferred so that they could address the feedback heard this evening. He would not mind being deferred to the July 19th meeting.

MAYOR OLIVE CALLED FOR A MOTION TO CONTINUE THIS HEARING TO THE JULY 19TH MEETING. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

The Town Attorney would be consulted to determine if the public will be able to speak at the July 19th meeting as well.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a five minute break.

Public Hearing 02 : Michael Clark, Senior Planner

Public Hearing and Rezoning application #16CZ02 Deer Creek II, containing 2.85 acres located along New Hill Olive Chapel Road approximately 1850 feet south of US 64, to rezone subject parcels from Rural Residential to PUD-CZ

Staff oriented Council to the site, explaining this was part one of two applications. The second part would be heard at a later date. Staff recommended approval with conditions as did the Planning Board.

Glenda Topp, Glenda S. Topp Associates, provided a few more details. She stated no one was opposed to the application at the neighborhood meeting. Council asked for the developer to put in solar to some degree, which Ms. Topp stated they would do.

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

Council stated it appreciated Ms. Topp sticking to the 70/30 mix, being glad to see ranch style homes, and the demonstration that 30% or greater can be done.

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 03 : Brendie Vega, Principal Planner

Public Hearing and possible motion regarding Rezoning and 2030 Land Use Map Amendment Application #16CZ09. The applicant, Jeff Roach representing Empire Construction, seeks to rezone approximately 0.92 acres located at Upchurch Street and Harwood Street from High Density Single Family Residential (HDSF) to Neighborhood Business Conditional Zoning (B1-CZ) and to change the 2030 Land Use Map Designation from Medium Density Residential to Office Employment and Commercial Services.

The applicant has requested a continuance to the July 19, 2016 meeting. Continued during the Regular Meeting Agenda.

Public Hearing 04 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ12 to rezone 6.82± acres located at 1112, 1114 & 1116 Olive Chapel Road from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting held. The request was consistent with the Land Use Map. Staff recommended approval as did the Planning Board subject to conditions by the applicant.

Josh Lambert, consultant for the ownership team, stated they have had mutually beneficial conversations with the neighbors and that they wanted all to feel included. The proposed density was a good fit for the property. A flood study done, and there was concern about run off. However, their plan controls the 25 year stormwater event. This was important to them. This is a project of which the Town can be proud. Mort Congleton, owner of project, talked about solar and would like to add a solar array on this site. This would be a unique feature in Apex. Lambert further explained the position of solar and the mailbox kiosk.

Mayor Olive declared the Public Hearing open.

Several residents spoke, offering the following:

- Asked for was clarification of the buffer, which Mr. Lambert provided. He additionally stated the solar would be ground mounted as not everyone wanted roof top mounting.
- The development would decrease property values and would be of no benefit to the Town.
- Asked for was as much of the natural area as possible, Mr. Lambert stating they have removed one lot for the natural area to be a buffer as well as an area for the neighborhood; there was concern about the location of the solar panels.

Mayor Olive declared the Public Hearing closed.

The Town Attorney stated a solar array was not in the staff report, so it was not a condition being offered by the applicant. Mr. Congleton stated they would put it in as one, Council trusting the developer to do what he said he would do.

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

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and possible motion regarding amendments to the 2030 Land Use Map to require 30% minimum non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)

This agenda item needs to be continued to the June 7, 2016 Town Council meeting in order to be heard at the same meeting with the related UDO amendments. Continued during the Regular Meeting Agenda.

Public Hearing 06 : Brendie Vega, Principal Planner

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance related to amendments to the 2030 Land Use Map to require a minimum percentage of non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)

This agenda item needs to be continued to the June 7, 2016 Town Council meeting in order to provide the required published notice to the public. Continued during the Regular Meeting Agenda.

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

Green Level Estates Master Subdivision Plan for the properties located at 4005 Green Level West Road containing 18.79 acres and 29 single-family lots

Staff oriented Council to the site. The Parks and Rec Commission reviewed this and recommended a fee in lieu. 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 WILKIE SECONDED THE MOTION.

Council asked the applicant to work with the builder to consider promoting solar, the applicant agreeing to do so.

THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Amanda Bunce, Senior Planner

Village Green Master Subdivision Plan for the property located at the intersection of Oak Pine Drive and Town Side Drive containing .18 acres and 7 townhome lots

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

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 : Brendie Vega, Principal Planner

Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

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

Council stated he was not crazy about putting townhouses on this site; single family would make more sense. He was worried about future problems with water. Responding to Council, Peter Cnossen stated this was a revision to the original approved plan. It has been through the process and the wetlands were talked about being re-buffered. They will try not to damage the trees along the branch line, and they will work with Public Works to meander sidewalks so as not to disturb vegetation.

Cnossen stated there was an error in the packet sent to the Planning Board, but this has been corrected with staff. Council was concerned that the Planning Board did not see the comments from neighbors because of this error. He would, therefore, prefer to delay voting on this. The Mayor asked the Planning Board member in attendance if he thought the comments would have been helpful to them. He stated

there was a sense to move ahead; but in wanting to have everything crossed, he would like this to go back to the Planning Board. Mr. Crossen requested this to stay on schedule because of their being scheduled to submit construction drawings. Council talked a bit out train noise and the residents coming before Council about such noise.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO REFER THIS BACK TO THE PLANNING BOARD TO BE HEARD AT THEIR NEXT MEETING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Councilwoman Denise Wilkie

Grant to the Apex Downtown Business Association (ADBA) in the amount of \$10,000

Council stated that last year there was no liaison to the ADBA, so she was unsure as to whether or not there should have been allocation for them in this year's budget. She was in favor of assisting them because of what they do in the community, and she named several of their events. Several audience members spoke about the great job done by JC Knowles and the amount of work the ADBA puts forth in the community.

Council stated this request was strange coming in at the 11th month. It would have been more appropriate being asked for prior to the current budget year. We spend a lot of money downtown, and Council stated examples of where this money is spent. Therefore, he did not see the need to do this now. Nick Bryant, ADBA Director, stated his understanding was that this was an oversight by the ADBA since it has been on the budget for so long. They have never asked for the money before, so this simply slipped by them.

Discussion ensued about what the \$10,000 would be spent on at this point. Council felt the immediate need would be the Music Festival in September. Staff stated the funds would come from contingency which is in fine shape at this point. The Mayor wanted to honor our continuing to donate at the normal level.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO DONATE \$10,000 OUT OF THE CURRENT 15/16 BUDGET; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council wanted it make clear that he supported the downtown but he also wanted his concerns expressed.

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney to preserve the attorney-client privilege

Closed Session 02 : To consider the Town's negotiating position with respect to a contract to acquire real property

Closed Session 03 : To consider the Town's position with respect to acquiring real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSES STATED ABOVE;
COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER JENSEN 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 CALLED FOR A MOTION TO APPROVE BUDGET AMENDMENT NUMBER 26; COUNCIL MEMBER SCHULZE
MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS
FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM. COUNCIL MEMBER MOYER 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, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL BUDGET WORKSHOP

WEDNESDAY, MAY 25, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. Donnelly, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Budget Workshop of the Apex Town Council scheduled for Wednesday, May 25, 2016, at 4:45 p.m. was held in the Second Floor Conference Room of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Lance Olive, Mayor Pro Tem Nicole L. Dozier (4:51 p.m. arrival), and Council Members Eugene J. Schulze, William S. Jensen (5:14 p.m. arrival), Denise C. Wilkie, and Wesley M. Moyer

Also in attendance were Town Manager Drew Havens, Assistant Town Manager Tim Donnelly, Town Attorney Laurie L. Hohe, and Finance Director Vance Holloman

COMMENCEMENT

Mayor Olive called the meeting to order.

Mayor Olive asked if there were any modifications to the Agenda. Council Member Moyer requested the removal of Item 5 – Personnel since he'd already spoken with the Town Manager about this item.

Item 1. Special Appropriations

Mayor Olive stated there were questions from Council Members Schulze, Wilkie, and Moyer.

- **Farmer's Market:** Havens stated the Farmer's Market asked for \$30,000, a large portion of this to pay for staff. Havens revised this to \$5,000 since he did not believe we would want to pay for staff. Wilkie stated she's heard concerns from other non-profits that the Town is giving money to pay for staff. She felt \$5,000 was a fair amount. The Mayor stated later on in the year a process for Appropriations would be looked at and some rules put in place for fair treatment. Council was in agreement with \$5,000.
- **Apex Historical Society:** Schulze felt it important that we help to preserve our history and felt \$5,000 would be appropriate for the Society. Wilkie spoke about how the Society is having to fund their projects and pointed out they do not have paid staff. Havens explained the proposed \$0 appropriation as the Society did not follow the process and come before Council with a request. Appropriations to other organizations were read about in the paper and there was no formal contact with the Town until the Budget Hearing. Council felt \$5,000 would be a reasonable appropriation since there is value in this organization.

- **TRACS:** The proposed Budget showed a \$10,000 recommended appropriation instead of the requested \$15,000. Havens stated we have not audited TRACS; but according to what they have indicated, the more money we give, the more trips they will have available. Conversation ensued regarding taxi service vs. TRACS, and touched on the future Wake County transit service. Council was in agreement with \$10,000 and asking TRACS for formal answers to questions during the coming budget year to assist with future appropriations.
- **Transitions Life Care/Wake County Hospice:** Havens stated this organization primarily supports in-home care and is a non-profit. Dozier stated when people are able to be taken care of at home, it saves us money. Conversation ensued regarding the amount of appropriation, their asking for \$10,000 and \$5,000 being the proposed appropriation. There was no question there is a need, but is it the Town's responsibility for funding. We will be good stewards, but the organization also needs to do fundraisers, etc. to help with funding. Dozier stated a part of the reason why we have to do certain things is because the County and others are not doing their part. That includes funding these organizations. Council was in agreement with \$5,000 and again, putting in place a process which would make allocations easier.
- **Apex Downtown Business Association:** There was a bit of conversation surrounding the appointment of JC Knowles by past Mayor Weatherly as Apex Ambassador. Moyer stated that going forward we should think about this allocation in light of the money we already provide downtown. What would happen if Beaver Creek, for example, also started asking for Town funding. Mayor Olive stated maybe later on in the year the Finance Committee could look at the appropriations and the budgets of other municipalities in preparation for next year's budget. Council was in agreement with this idea and at keeping this year appropriation at \$10,000.
- **Downtown Advertising (Ambassador):** Havens stated this would be reimbursement to JC Knowles and that there has been no kind of accounting for the funding. It was suggested that this funding continue for Knowles this year and cease after he decides not to continue with the role as Ambassador. Council discussed Knowles submitting receipts for monies spent. Havens reminded Council that the Arts Council appropriation is given only upon their presenting receipts. This could be done with Knowles, and Havens clarified that Knowles is not an employee but was appointed by Weatherly. Council was in agreement with a \$5,000 appropriation with the Manager creating records for the spending.
- **Apex Arts Council:** The Mayor stated \$10,000 was requested and \$2,500 was recommended for the coming year. Havens stated he received guidance that this was possibly not the most appropriate use of public funds. Council talked about the types of events in which the Arts Council is involved. Mayor Olive stated we could appropriate funds but let them know we will be evaluating public art in

general. An evaluation would give us room to go up or down depending on what we find. Council was in agreement with \$2,500.

Mayor Olive stated all of the above appropriations would result in a net increase in the Budget.

Item 2. Expenditures from Increased Tax Revenue

Schulze raised questions on this subject. Havens stated he was asked could we spend \$.01 on public safety. Havens stated this would be done, with the remaining amount being spent on 'other' which was defined as vehicles, park improvements, IT infrastructure improvements, generators, and three positions. Schulze expressed concern for the Town doing things it should not be doing with a tax increase. He was struggling with the way the \$.38 tax rate was being split. Schulze gave the example that we should not provide WiFi downtown, and he questioned the Plans Examiner position. Havens stated he did not see WiFi downtown any differently than any other public space. Conversation ensued on the split of the spending, revenue neutral, the proposed positions, and the availability of monies for future opportunities. Consensus was to proceed with the \$.38 and Council speaking separately with Havens if needed. If anything changed, Havens would let Council know.

Item 3. Retention Pond Fee

Jensen stated this would be to change this from being tax based to fee based. Mayor Olive stated that because of time constraints, this could be discussed further at a future date.

Item 4. Savings for Future Projects

Due to time constraints, this item was not discussed.

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, JUNE 7, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, June 7, 2016, 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, William S. Jensen, 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 : Nicole Dozier, Mayor Pro Tem

Awards Ceremony for Think Apex

Flanked by the entire Council, Mayor Pro Tem Dozier gave a brief history of the initiative of Think Apex. She stated these inaugural awards were for businesses and individuals who went above and beyond their normal activities for the benefit of Apex and its citizens.

The nominees for the Individual or Group Category were named, the first Top Thinker Award being presented to Mr. J.C. Knowles. The second Top Thinker Award was presented to Kyle and Megan Denis. The Honorable Mention for this category went to Christine Hilt.

The nominees for the Business Category were named, the first Top Thinker Award being presented to the Academy for the Performing Arts. The second Top Thinker Award was presented to Promotional Partners, with the Honorable Mention going to Pathways Treatment Center.

The nominees for the Non-Profit Category were named, with St. Mary A.M.E. Church being presented with the first Top Thinker Award. The second Top Thinker Award was presented to Western Wake Crisis Ministry, with the Honorable Mention going to the Apex Festival Commission.

Ms. Dozier thanked everyone for making this program a success and stated she hoped this would continue since the program recognizes people for their good work when they think no one is watching.

CONSENT AGENDA

- Consent 01 Minutes of the May 17, 2016 Regular Council Meeting
- Consent 02 Apex Tax Report dated 04/08/2016
- Consent 03 Closing of the parking lot in front of the Chamber of Commerce from 5:00 p.m. until 9:00 p.m. on August 26th for a "music concert" as part of that evening's Finally Friday event
- Consent 04 Encroachment Agreement for driveway on 20 foot public utility easement (drainage) at 2825 Flora Oaks Way Lot 297 Enclave at White Oak Creek Phase I
- Consent 05 Amendment to Section 20-166 of the Town of Apex Code of Ordinances to establish a second loading zone parking space on West Chatham Street, adjacent to Commerce Street, and establish additional restrictions on loading and unloading activities within the existing and proposed loading zone spaces on East Chatham Street and West Chatham Street including: 15 minute maximum duration, loading zone in effect from 6:00 a.m. to 5:00 p.m. only, and 4-way flashers required while parked in loading zone spaces
- Consent 06 Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances
- Consent 07 Personnel Committee recommendations to revise the Town's personnel policies related to Position Reclassification and Tuition Reimbursement
- Consent 08 Personnel Committee's recommendation to adopt the Town's Position Classification Plan for FY16-17
- Consent 09 Resolution as requested by NCDOT for the Town to operate and maintain James Street and James Extension Street west of Tingen Road
- Consent 10 Street closures for 2016 Peak City Pigfest on June 17 and 18, 2016
- Consent 11 Statement of the Town Council and Ordinance for Rezoning Case #16CZ02, Meritage Homes of the Carolinas/Beth Rhew, petitioners for the property located at 417 and 425 New Hill Olive Chapel Road
- Consent 12 Statement of the Town Council and Ordinance for Rezoning Case #16CZ12, Josh Lambert, Strong Rock Development Company, LLC, petitioner for the properties located at 1112, 1114 and 1116 Olive Chapel Road
- Consent 13 Contract with Bobbitt Design-Build, Inc. for a limited renovation of the Public Works Operations Building
- Consent 14 Waterline construction contract with Southern Cross Utilities, Inc. and allow the town manager to execute same

- Consent 15 Amend the budget for the Second Street Improvements Project to reflect funds received by and expended by Wake County on the Town's behalf
- Consent 16 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 17 Policy covering requests to hold a special event on public property within the corporate limits of the Town of Apex
- Consent 18 Developer agreement with Beaver Creek-Apex L.P. for the Reserve at Beaver Creek
- Consent 19 Set Public Hearing for the June 21, 2016 Town Council Meeting regarding a proposed 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road . The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential; and Commercial Services and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 20 Set the Public Hearing on June 21, 2016 for a rezoning application #16CZ08 (Meridian at Nichols Plaza PUD) to rezone 15.37± acres located on the north side of Pine Plaza Drive from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 21 Set Public Hearing for the June 21, 2016 Town Council Meeting regarding Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential and Wake Co R-80W to Medium Density Conditional Zoning (MD-CZ)
- Consent 22 Set the Public Hearing on June 21, 2016 for a 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)
- Consent 23 Set the Public Hearing on June 21, 2016 for rezoning application #16CZ13 (James Street PUD) to rezone 2.49± acres located at 210 James Street from Residential Agricultural (RA) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 24 Set Public Hearing for the June 21, 2016 Town Council Meeting regarding Rezoning Application #16CZ14. The applicant, Glenda S. Toppe representing Meritage Homes of the Carolinas, LLC, seeks to rezone approximately 2.436 acres located at 3917 US 64 Hwy W. from Rural Residential to Neighborhood Business- Conditional Zoning (B1-CZ)
- Consent 25 Set Public Hearing for the June 21, 2016 Town Council Meeting regarding Rezoning Application #16CZ15. The applicant, Jason Barron representing North View Partners, seeks to rezone approximately 10.00 acres located at 2030 Laura Duncan Road from Rural Residential to High Density Multi-Family Conditional Zoning (HDMF-CZ)
- Consent 26 Set Public Hearing for the June 21, 2016 Town Council Meeting regarding Rezoning Application #16CZ16. The applicant, Joseph V. Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)
- 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 Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 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 William Dean Haley and Lewis Lynch Family Ltd Partnership (The Glen at Westhigh) property containing 1.94 acres located at 0 and 1523 Salem Church Road, Annexation #578 into the Town's corporate limits
- Consent 29** Set Public Hearing for the June 21, 2016 Town Council Meeting regarding an amendment to the Unified Development Ordinance
- Consent 30** Proposed design for use on Apex water towers and possible promotional items
- Consent 31** Resolution and an Abandonment of Easement to abandon a portion of electric utility easement in trade for a new electric only utility easement on developer's property
- Consent 32** Resolution requesting the North Carolina Department of Transportation to release a portion of Walden Road from the State highway system for inclusion in the Town's street system and request Capital Area Metropolitan Planning Organization to approve the same
- Consent 33** Resolution of Intent to consider the closing of portions of Walton Road and to call for a Public Hearing at the July 19, 2016 Council Meeting
- Consent 34** Development Agreement with Apex Pointe, LLC related to Publix Pointe development, authorization for the Town Manager and Town Attorney to make minor modifications to the agreement, and authorizing the Town Manager to execute the Agreement

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

There were no requested modifications to the Agenda from Council or staff.

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

PUBLIC FORUM

Randy Clayton, bank commercial loan officer, addressed Council regarding the 30% of mixed use properties for commercial projects. Mr. Clayton stated he understood this was to bring in more commercial and less residential, but developers think differently on this. The 30% eats into developer profits, their ability to repay loans, and maximize their earnings. He urged letting the Planning Board dictate the percentage of mixed use and not making this a cookie cutter process.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public Hearing and amendments to the 2030 Land Use Map to require 30% minimum non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)

and

Public Hearing 02 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance related to amendments to the 2030 Land Use Map to require a minimum percentage of non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)

Mayor Olive stated that if there were no objections from Council or the Town Attorney, he would open both Public Hearings at the same time. They would, however, be voted on separately. There were no objections.

Staff oriented Council to the Map and the proposed changes. The Planning Board held a public hearing and recommended limiting the non-residential acreage to 20%. They felt this was reasonable and in line with what our neighbors are doing. This would give us a competitive edge.

Mayor Olive declared the Public Hearing open. With no one wishing to speak further (Mr. Clayton's comments being heard during Public Forum), Mayor Olive declared the Public Hearing closed.

Staff clarified for Council locations and undeveloped land. Council conversation ensued regarding the 30%, with thoughts not changing from previously, no stats being presented to support 30% being an effective way of bringing in business, agreement with the Planning Board, Pinnacle Park having figures supporting 30%, there needing to be some guidance, the need for the opportunity for people to live and work in Apex, and the Council being responsible for the long-term vision of the Town.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE 30% MINIMUM ON THE MAP; COUNCIL MEMBER MOYER SECONDED THE MOTION.

Council stated she was concerned about how much land this would entail. She was in agreement since the portion was so small. Council talked about a person wanting to sell their property and not being able to because of the zoning.

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

Council Member Wilkie stated she was disappointed because this will make it difficult for Economic Development to get more business here.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS TO THE UDO; COUNCIL MEMBER MOYER 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 Reliance LLC (Harmony Animal Hospital) property containing 2.275 acres located at 2401 Reliance Avenue, Annexation #577 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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Drew Havens, Town Manager

Public Hearing regarding the FY 2016/2017 Economic Development Budget

Staff stated that we've had the Budget Public Hearing, but a recent change in State law dictated that we have to have a separately-advertised public hearing for the Economic Development portion of the budget. This Hearing would ensure compliance with the Statute.

Mayor Olive declared the Public Hearing open. With no one wishing to speak, Mayor Olive declared the Public Hearing closed. Mayor Olive stated no further action/vote was needed.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Drew Havens, Town Manager
Fiscal Year 2016 – 17 Budget and Schedule of Fees

Havens stated the only change in the Budget since the last workshop in May was to Special Appropriations. Also, a statement was added to the Ordinance about Economic Development.

Council expressed concern about the tax increase. Later we will want to pass a parks bond and the County wants a tax increase. He was concerned about the cumulative effect of this on citizens. Council agreed that we need to be cautious and considerate in the future for people with low or fixed incomes having to pay higher tax rates.

Council stated we have to move ahead because this area is growing and we need facilities which requires an investment in the necessities. Apex is one of the fastest growing towns and the increase asked for is needed to implement our future needs. Council stated that compared to our neighbors, we are still on the bottom rung.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE BUDGET AND SCHEDULE OF FEES; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor thanked staff for providing the information early so Council would have the time to go through it. The information presented was at the right level of detail, and the Mayor was pleased that the Manager did what he was hired to do. The tax will go to 38 cents. He was very happy Council was able to put together a Budget that works.

Unfinished Business 02 : Council Members Wesley Moyer and Denise Wilkie

Update on Public Arts efforts

Council Member Moyer stated the Parks and Rec Commission worked diligently to come up with a statement and recommendation for the Parks and Rec Committee:

"The Apex Town Council recognizes the value and importance of Public Art in the community and is committed to the development of a Public Art Master Plan to ensure that future Public Art opportunities and projects are well integrated into the Town's planning process, support economic development, create visual interest, engage the community and enhance the character of Apex."

Council was concerned with the word 'public', asking could this word be changed to 'private', Council Member Moyer saying this was just a statement. Council Member Wilkie stated she'd spoken with developers who asked if they could put art on their properties. Council talked about artists coming to events such as Finally Friday. Council stated he did not want this to be paid-for art; he would want the

Town out of this business. Council Member Moyer stated we would not necessarily have to pay for the art. Council was okay with our being a part of the regulation process.

Tom Colwell of the Parks and Recreation Commission stated the idea was to create a master plan for some type of structure and a plan for what type of art pieces would be appropriate in what places. The Committee would work with the Commission to vet the art. Discussion ensued on artists possibly putting their art on loan, having rotating exhibits, or walking tours. This is being done everywhere.

The Mayor talked about moving into the master plan stage on this. Council reiterated he would not approve money for public art, that the money would much better be spent on non-profits, one other Council Member being in agreement. Council stated she was glad this was being done and looked forward to "good stuff".

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

NEW BUSINESS

New Business 01 : Council Member Nicole Dozier

Discussion regarding workforce Housing

Council stated this would be defined as having the availability for people in the area to have housing regardless of income or type of job, which is a bit different than affordable housing. We should start the conversation that everyone who works here should be able to live here if they wish. Maybe we could start out with a pilot for housing for Public Works, EMS, Fire, and Police to see if there are people who already live here and if there are people who would like to live here. Council stated this would assume there is an affordability issue and that staff would want to live here but their salaries make it prohibitive. Council asked for this to be sent to the Planning, Personnel, and Finance Committees. She also wanted to bring in the Wake County Housing Coalition. Council gave the example that an SRO living in the community would be well entrenched. Also, if employees needed to work long shifts or in inclement weather conditions, it would be better if they lived here and they would be closer to their families.

The Mayor recommended a pilot program if this was what Council believed it should pursue. He thanked Council for her assumptions. He asked Council if they wanted to better understand this matter and vet some of the assumptions. The matter could then go to the Planning Committee to see what type of

housing would be available and if this would be a real option. If Council was in agreement, then we could start talking about solutions. The conversation would be limited right now to staff and Committees only. If Council did not feel like this had legs, then the matter could be called out.

Council stated she also wanted to do this for others; but she thought that if the focus was smaller, then we'd have better data. The other mentioned organizations could help us get to the point of affordable housing, and Council stated she's waiting for results from listening sessions to determine what was learned. Council stated he agreed with a study as it would help understand housing. Maybe the results could tell us where to zone for higher density on the Land Use Plan. He wanted to eventually include the teachers in this study. Council explained why she wants to bring in the County. She also felt this was important for helping staff.

MAYOR OLIVE ASKED FOR A MOTION FOR THIS MATTER TO GO FIRST TO THE PERSONNEL COMMITTEE TO DETERMINE IF THERE IS A NEED AND DESIRE FOR STAFF TO HAVE A LIVE/WORK SITUATION AND FOR THE COMMITTEE TO DETERMINE WHAT THE DATA WILL MEAN. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 to consult with the Town Attorney to preserve the attorney-client privilege

Closed Session to establish and instruct Town staff regarding the Town's negotiating position for the acquisition of real property

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

MAYOR OLIVE CALLED FOR THE RETURN TO OPEN SESSION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM AND TRANSPORTATION SYSTEM; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

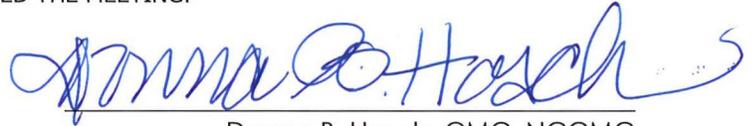
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, JUNE 21, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, June 21, 2016, 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, 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
Absent were Council Members Eugene J. Schulze and Denise C. Wilkie

COMMENCEMENT

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

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the May 25, 2016 Budget Workshop and the June 7, 2016 Regular Meeting
- Consent 02** Apex Tax Report dated 05/02/2016
- Consent 03** Budget ordinance amendment to appropriate insurance proceeds which have been received by the Town and the proceeds of the sale of a surplus vehicle for the replacement of a pickup truck used by the Fire Department
- Consent 04** Budget ordinance amendment to appropriate insurance proceeds which have been received by the Town for the replacement of a car used by the Police Department

- Consent 05 Construction contract and authorization for the Town Manager to execute same, and budget ordinance amendment and capital project ordinance amendment for KELLY ROAD WIDENING FOR PUBLIC SAFETY STATION #5 project
- Consent 06 Construction contract and authorization for the Town Manager to execute same for 2016 Road Rehabilitation project
- Consent 07 Facility Encroachment Agreement between the Town of Apex and CSX Transportation, Inc. and authorization for the Town Manager to execute the Agreement
- Consent 08 Trademark License Agreement with Scott Holdings Group of Apex
- Consent 09 NCDOT and Town of Apex Utility Agreement for Project Number R-2635B, I540 Section B and the associated Budget Ordinance Amendment No. 27 and Capital Project Ordinance Amendment
- Consent 10 Set the Public Hearing on July 19, 2016 for rezoning application #15CZ34 (Empire Estate, LLC) to rezone 1.47± acres located on E. Williams Street approximately 500 feet south of its intersection with NC 55 Bypass from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 11 Set the Public Hearing on July 19, 2016 for rezoning application #16CZ01 Bristol Assemblage PUD to rezone +/-150 acres located near the intersections of New Hill Olive Chapel Road and Old US 1 Hwy from Wake County R-40W to Planned Unit Development-Conditional Zoning
- Consent 12 Set the Public Hearing on July 19, 2016 for rezoning application #16CZ19 to rezone 6.68± acres located at 0 Ramblewood Drive which is accessed from Bay Bouquet Lane from Residential Agricultural (RA) to Medium Density Residential-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 Bristol Assemblage (Bristol PUD) property containing 149.995 acres located at 2433, 2505, 2513, 2517, 2521 and 2701 New Hill Olive Chapel Road, Annexation #571 into the Town's corporate limits
- Consent 14 Set Public Hearing for the July 19, 2016 Town Council Meeting regarding an amendment to the Unified Development Ordinance
- Consent 15 Equipment Lease Agreement between the Town and Wake County and authorization for the Town Manager to execute the same
- Consent 16 Annual Agreement for Provision of Emergency Medical Services with the Wake County EMS System for FY17, Business Associate Agreement and Ambulance Lease Agreement (Ambulance use agreement required for Wake County to bill for transport services. This is not related to the Equipment Lease Agreement for vehicles purchased by Wake County and leased to the TOA for the purpose of providing emergency medical services).

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 3-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive pointed to the Public Hearings which were requested to be heard on July 19th instead of this evening: 1, 2, 3, 4, 5, and 9. Public Hearings 7 and 8 would need to be renoticed and were requested to be heard on July 19th as well.

Mayor Olive addressed a recent request to hear from an applicant even if a continuance was asked for. According to the UDO, stated the Mayor, an applicant has the right to ask for one continuance; and the Council would need to grant that continuance.

MAYOR OLIVE CALLED FOR A MOTION TO GRANT THE ABOVE-STATED CONTINUANCES AND RESCHEDULES.

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

THE MOTION CARRIED BY A 3-0 VOTE.

Mayor Olive stated Town Attorney Hohe requested a Closed Session for the purposes of consulting with the Town Attorney regarding the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. North Carolina Environmental Management Commission; North Carolina Department of Environment and Natural Resources and Town of Cary and Town of Apex.

Mayor Olive stated new information was received on Unfinished Business 01. The request, therefore, was to remove this item and have it come back before Council when staff had time to vet the new information with regard to buffers.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE AGENDA WITH ALL THREE REQUESTED MODIFICATIONS.

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

THE MOTION CARRIED BY A 3-0 VOTE.

PUBLIC FORUM

Sandra Webb addressed Council about the notification distance for rezonings. She suggested the 300 foot notification to property owners is too short. She researched and found municipalities are able to develop their own distance, and she would like Council to consider expanding the distance whether it's inside or outside the Town limits. Doing so would allow more opinions to be heard and possibly more tweaks being made.

Gladys Logan addressed Council about the Weddington project and passed out a map. She talked about the stream and stream buffer on her mother's property. Her mother's request was to delay approval until access 1 could be re-evaluated and the property owners given the opportunity for complete information and input. Ms. Logan did not know how the project would affect her property, but she wanted the entrance closest to her mother's property to be moved slightly to the east. The plans came out late and all the sheets of the plan were not on the website.

Steve Swamp from the ETJ talked about the UDO and the commercial node. He gave examples of negative effects on the area and asked Council to strengthen the UDO. The developers should be held accountable for more quality projects. He wanted to see a mix of commercial and residential.

Anne Cain talked about developers who often don't provide or finish recreation areas.

Mike Watkins talked about the Kelly Road and Olive Chapel intersection and what goes on there. He moved to Apex because of the character of the town. He was concerned that the feel at the intersection would change if the bit of land left gets developed with retail. He advocated for a way to save the older trees which add character.

Mayor Olive clarified that the notification distance issue was considered in a Planning Committee meeting. It was felt the distance was sufficient.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting Public Hearing and possible motion regarding a proposed 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential; and Commercial Services and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)

COUNCIL CONTINUED THIS HEARING TO JULY 19, 2016.

Public Hearing 02 : Amanda Bunce, Senior Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting Public Hearing and possible motion rezoning application #16CZ08 (Meridian at Nichols Plaza PUD) to rezone 15.37± acres located on the north side of Pine Plaza Drive from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ).

COUNCIL CONTINUED THIS HEARING TO JULY 19, 2016.

Public Hearing 03 : Shelly Mayo, Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting

Public Hearing and possible motion regarding Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential (RR) and Wake Co R-80W to Medium Density - Conditional Zoning (MD-CZ)

and

Public Hearing 04 : Shelly Mayo, Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 into the Town's corporate limits

COUNCIL CONTINUED THESE HEARINGS TO JULY 19, 2016.

Public Hearing 05 : Liz Loffin, Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting.

Public Hearing and possible motion regarding Rezoning #16CZ13, James Street PUD Plan, to rezone 2.49± acres located at 210 James Street, from Residential Agricultural (RA) to Planned Unit Development Conditional Zoning (PUD-CZ)

COUNCIL CONTINUED THIS HEARING TO JULY 19, 2016.

Public Hearing 06 : Mike Clark, Senior Planner

Public Hearing regarding Rezoning Application #16CZ14. The applicant, Glenda S. Toppe representing Meritage Homes of the Carolinas, LLC, seeks to rezone approximately 2.436 acres located at 3917 US 64 Hwy W. from Rural Residential (RR) to Neighborhood Business- Conditional Zoning (B1-CZ)

Staff oriented Council to the site and stated this was part two of a zoning heard last month. A neighborhood meeting was held, and the applicant provided additional conditions. The Planning Board and staff recommended approval as submitted.

Ed Tango with Glenda S. Toppe and Associates, represented the applicant. This was a companion case which came in separately. He requested Council 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 07 : Mike Clark, Senior Planner

This public hearing will be re-advertised for the July 19th Town Council Meeting due to error on the public notification
Public hearing and possible decision regarding Rezoning Application #16CZ15. The applicant, Jason
Barron representing North View Partners, seeks to rezone approximately 10.00 acres located at 2030 Laura
Duncan Road from Rural Residential to High Density Multi-Family Conditional Zoning (HDMF-CZ)

COUNCIL AGREED TO HOLD THIS HEARING ON JULY 19, 2016.

Public Hearing 08 : Mike Clark, Senior Planner

This public hearing will be re-advertised for the July 19th Town Council Meeting due to error on the public notification
Public hearing and possible motion regarding Rezoning Application #16CZ16. The applicant, Joseph V.
Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit
Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)

COUNCIL AGREED TO HOLD THIS HEARING ON JULY 19, 2016.

Public Hearing 09 : Amanda Bunce, Senior Planner

The applicant has requested that this public hearing be continued to the July 19, 2016 Town Council meeting
Public Hearing and possible motion on a 2030 Land Use Map amendment from Medium Density
Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409
& 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-
CZ)

COUNCIL CONTINUED THIS HEARING TO JULY 19, 2016.

Public Hearing 10 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex
William Dean Haley and Lewis Lynch Family Ltd Partnership (The Glen at Westhigh) property containing
1.94 acres located at 0 and 1523 Salem Church Road, Annexation #578 into the Town's corporate limits
Staff oriented Council to the site. The applicant, Tom Beebe, stated a part of this project is in Cary and
Apex has been through the approval process.

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 ADOPT THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 11 : Brendie Vega, Principal Planner

Public Hearing and amendment to the Unified Development Ordinance

Staff reminded Council this concerned parking for the Apex High School area. This would be to repeal parking on residential properties. The Planning Board was pleased it was being repealed. 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 MOYER MADE THE MOTION TO APPROVE THE AMENDMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 12 : Shannon Cox, Senior Planner - Transportation

Public hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Planning Committee of Town Council

Staff oriented Council to the property affected by the amendment.

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 AMENDMENT; COUNCIL MEMBER DOZIER 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 : Shelly Mayo, Planner

Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

COUNCIL REMOVED THIS ITEM FROM THE AGENDA.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner

Old Mill Villages Lot 4 Master Subdivision Plan. The applicant, Peter Clossen for Jones & Clossen Engineering is proposing 14 townhomes on 1.58 acres located at 701 Sawcut Lane

Staff clarified the parcel as there was a bit of confusion. Staff oriented Council to the site. A neighborhood meeting was held and the request met Town Plans. The Planning Board and staff recommended approval as submitted. In response to Council, staff clarified the plans for the pond.

Applicant Peter Clossen noted the project met all PUD and UDO requirements. The ponds were mainly for the convenience store and mosque. The existing pond is undersized, so they will expand it to what it should have been.

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

New Business 02 : Mike Clark, Senior Planner

Weddington Master Subdivision Plan for the properties located at 4105 Green Level West Road, 809 Wimberly Road, and 0 Wimberly Road containing 134.85 acres and 190 single-family lots

Staff oriented Council to the site. A neighborhood meeting was held, and there was concern about unsafe conditions at one of the accesses. The applicant agreed this needed to be moved and it was. Staff clarified the recommended right turn, left turn, and two outbound lanes which provide nice spacing. Ms. Logan's request to shift the access further east was not understood, because the distance would be compromised if that was done. It will be a busy intersection, and a right turn lane will be added. Overall, what was decided was a safer solution. Staff clarified the retention pond and buffer between it and the property talked about in Public Forum. The Planning Board and staff recommended approval.

Council was concerned about Ms. Logan feeling like her questions were answered, Ms. Logan stating that they didn't have adequate time or information on the project – it was sprung on them after the Planning Board approved the project. She spoke about the sewage lines and someone on her property tagging trees without their permission. The Mayor explained that the site plan has been presented and he only saw where the right turn might impact her land.

Alicia Albenie with Withers and Ravenel spoke about sliding the road further to the east and why they didn't do this. They worked with DOT and collected data on the vertical site distance. The lane was pushed to where it would be safer for the public. As for the impact on Ms. Logan's mother's property, it would only be a few feet of pavement into the stream buffer and grading. Ms. Albenie did not anticipate a grading easement, but there could be one. Council asked Ms. Albenie to communicate better with the residents moving forward. Ms. Albenie explained the proposed buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE SUBDIVISION PLAN; COUNCIL MEMBER MOYER SECONDED THE MOTION, ASKING
THE DEVELOPER TO WORK WITH THE RESIDENTS.
THE MOTION CARRIED BY A 3-0 VOTE.

CLOSED SESSION

Closed Session 01 : for the purposes of consulting with the Town Attorney regarding the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. North Carolina Environmental Management Commission; North Carolina Department of Environment and Natural Resources and Town of Cary and Town of Apex.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSE STATED ABOVE. COUNCIL MEMBER
DOZIER MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER MOYER MADE
THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

Mayor Olive reminded Council to email the entire Council if they were going to be absent from a Council Meeting.

Mayor Olive reminded Council of the Special Meeting on June 28th and hoped there would be more information on turn lanes.

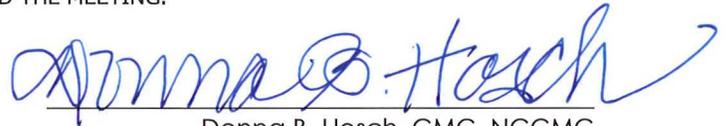
Mayor Olive stated we would plan for two meetings in July. He asked Council to respond to Doodle in determining on what date the second meeting would be.

Council stated he's received emails regarding a date for the Town Hall Meeting. Mayor Olive stated he has not forgotten about this; we have just been slammed. It would most likely be another few months before we could have this meeting. Council discussed what type of format and what location might be appropriate, the Town Attorney reminding Council of the Open Meetings Law if it wished to hold something like a public forum on the website or phone meetings.

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, JULY 19, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, July 19, 2016, 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 Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the June 21, 2016 Regular Meeting and the June 28, 2016 Special Meeting
- Consent 02** Apex Tax Report dated 06/13/2016
- Consent 03** Appoint the following individuals to the Parks, Recreation, and Cultural Resources Advisory Commission: James "Buzzy" Correll, Term Ending 6/30/2019, and Jeff Roach, Term Ending 6/30/2019, and to reappoint Greg Coley to serve as Chairman of the Commission, one year appointment 7/1/16 – 6/30/17, and James "Buzzy" Correll to serve as Vice-Chairman of the Commission, one year appointment 7/1/16 – 6/30/17
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #16CZ14, Meritage Homes of the Carolinas, LLC/Wayne Abbott, petitioners for the property located at 3917 US 64 Highway West

- Consent 05** Budget ordinance amendment to transfer an additional \$389,062 from the Recreation Reserve Fund to the General Fund to fund debt service in accordance with the loan agreement with The Conservation Fund for the purchase of land for Pleasant Park
- Consent 06** Various amendments to the Town's Cross Connection Control Ordinance
- Consent 07** Declare non-NFPA complainant Personal Protective Equipment surplus and donate the Equipment to the REDS team for the Guatemala project in which the team is involved
- Consent 08** Waterline contract notice of award to Sullivan Eastern, Inc. and allowing the Town Manager to execute the contract
- Consent 09** Amend existing ordinances to clarify that terms of the Parks, Recreation, and Cultural Resources Commission shall end at the conclusion of their June meeting each year to coincide with the end of the Town's fiscal year
- Consent 10** Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance (UDO)
- 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 BPC Lufkin, LLC (Summit Church) property containing 8.310 acres located at 3000 Lufkin Road plus adjacent right-of-way containing 6.899 acres, Annexation #574 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 Classic Road Partners, LLC (Pinnacle Park Center) property containing 25.352 acres located at 0 Ten Ten Road, Annexation #579, into the Town's corporate limits
- Consent 13** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 21, 2016
- Consent 14** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of May 17, 2016
- Consent 15** Set Public Hearing for the August 2, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 16** Developer agreement with ExperienceOne Homes, LLC for Sweetwater subdivision
- Consent 17** Policy providing guidelines for public participation in public forum and public hearings

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

Mayor Olive called attention to the public comment policy which was enacted on the Consent Agenda. The procedures have been taking place loosely over the years and Council now wished to put them in writing. Because the Agendas are becoming full of a record-setting number of items, Council wished to strike a good balance between valuable input and filibustering. Mayor Olive stated the policy would take affect with this evening's meeting.

REGULAR MEETING AGENDA

Mayor Olive directed attention to Public Hearings 10 through 17. Advance planning would move these items to a continued meeting to be held July 26, 2016 at 7:00 p.m. if approved by Council. In addition, for Public Hearing 03, the applicant requested this item to be heard on July 26th. The applicant, Stewart Jones, was in attendance and was in agreement. The applicant withdrew Public Hearing 05. Unfinished Business 01 would be heard on July 26th.

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

An audience member stated that the items being continued could have been better communicated seeing as he came prepared to hear one of the items on this evening. The Mayor acknowledged his statement.

PUBLIC FORUM

Steve Swamp addressed Council about West Village and West Woods. In May, Council asked the residents to work with the developer to find common ground. They took the matters seriously and spent a lot of time with the developer. They are still attempting to get some concessions, but the developer is not willing to give up any of his flexibility. They have another round of concessions to go, they are asking for less than previously, and they are waiting for response from the developer.

Mr. Swamp stated it was approved by Council that this matter would not be heard this evening, now being pushed to August 2nd. However, several members of the community will be out of town on that date. Mr. Swamp stated he understood the community could not ask for an extension, but he felt they have pertinent information that should be presented at the same time. He asked Council for consideration to delay. Mayor Olive stated that possibilities could be talked about with the applicant.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #15CZ34 (Empire Estate, LLC) to rezone 1.47± acres located on E. Williams Street approximately 500 feet south of its intersection with NC 55 Bypass from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)

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

The applicant, Tony Tate, stated this rezoning would be the same as the piece last year. The Right of Way was abandoned and the property went back to the property owner. It now makes sense to extend.

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

Public Hearing 02 : Liz Loffin, Planner

This public hearing was continued from the June 21, 2016 Town Council meeting.

Public Hearing and Rezone #16CZ13, James Street PUD Plan 2.49 acres located at 210 James Street, from Residential Agricultural (RA) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the applicant proposed a privacy fence and additional landscaping. The Planning Board and staff recommended approval.

The applicant, Jeff Roach, Peak Engineering, stated they are trying to provide workforce housing close to downtown. Architectural standards that could have been pulled out of the project were left in place to keep the small town character feel. Responding to Council, Mr. Roach talked about depth of lots, explained the fencing and landscaping, lot layout, and probable cost of the housing. Council was concerned about this being small and piecemealed together. Mr. Roach stated the owners around this property were not interested in selling more of their land to them.

Mayor Olive declared the Public Hearing open.

Helen Davenport stated it gave her great sadness to have medium density housing backing up to her land. The sellers are foolhardy heirs. This development would cause an increase in noise, lights, and traffic. The wildlife would shrink. We should be conservators of the land. Ms. Davenport talked about a structural buffer which would lend respect. Responding to Council, Ms. Davenport stated she was not heard at the meeting with the applicant; her words fell on deaf ears. She did not understand the fencing layout.

Mr. Roach stated the fence adjacent to Ms. Davenport's property has a horse fence in disrepair. The owner has agreed to replace it. They addressed Ms. Davenport's concerns as best they could and thought they were being reasonable.

Mayor Olive declared the Public Hearing closed.

Council stated if Ms. Davenport did not feel like she was heard, she wanted to see more one on one discussion before entertaining this. Council stated he wanted to see more properties joined together before this was approved. Council stated this would help fill the need of workforce housing. If the applicant asked for more property and the owners did not want to sell, they can't be forced to sell. This is what the property is zoned for. Council was also concerned about this being an awkward piece of property, and he wanted it to better fit the neighborhood.

Mayor Olive reminded Council what they needed to consider. It would be a better time at the site plan to express these concerns.

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

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

Discussion ensued about giving both sides more time to meet and discuss, the possibility of there not being a common ground, and the possibility of this going back to the table.

COUNCIL MEMBER DOZIER WITHDREW HER MOTION TO DENY.

Council expressed concern about lot sizes and wanting this to be quality housing just like everything else that's being done. The Town Attorney explained the rezoning failed, and that this matter could not be continued. It could come back at a later date with the motion to reconsider by someone who voted in the negative.

Public Hearing 03 : Brendie Vega, Principal Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and proposed 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential; and Commercial Services and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Council continued this item to July 26, 2016.

Public Hearing 04 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ08 (Meridian at Nichols Plaza PUD) to rezone 15.37± acres located on the north side of Pine Plaza Drive from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The applicant added a zoning condition on this day. Staff and the Planning Board recommended approval.

Responding to Council, staff stated there was no progress on the traffic signal at this point. We are waiting for the traffic to increase before doing a study. One person on the Planning Board voted against the rezoning but did not give a reason. There is no consideration of the widening of Lake Pine Drive, but staff talked about traffic signals that would go in. Staff stated how Council could help in dealings with DOT. Plans for this and other areas were briefly touched on.

Jason Barron representing the applicant stated this project would be modeled after another successfully completed project by them. He talked about the highlights of the plan and how this would be a high quality development with workforce housing. They will implement solar if they can. Mr. Barron talked about them being good stewards and that they have responded to the issues of parking.

Mayor Olive declared the Public Hearing open.

Speaking in favor were Sarah Fowler, Thomas Fowler, Anne Dennis, Tommy Drake, Terry Slate, Peter Carter, Jacob Rogers, and Jim Moody with the following types of comments: one property owner stated this would be a perfect project for this location; it will put infrastructure in place and building upwards is efficient; have enjoyed walking to the Community Park, there is a need to protect the space, concerned that when something built the runoff will trash the lake, and wanting to see something in writing that affirms controls are in place to protect the water quality and wildlife; met with the owners to determine if this was the right time to put his land into service, this consistent with the Land Use Plan, will be a high-quality development, and have confidence in the developers; another property owner stated there is now a way for plans for the land to come to fruition and he would like to see this done; another property owner stated they have been paying property taxes on land they were not able to use and asked for support to get this done; habits of millennials were talked about, there should be a limit on the number of stories, and communities draw businesses; member of the Triangle Apartment Association provided rental data, spoke about multi-family housing which is underserved, and stated the area is growing fast; Apex has a great environmental plan, will increase traffic but have people coming into the area who can't afford \$3-4-500,000 homes, and this will build up Apex.

Speaking in opposition were Liz Valdmetz, Heather Kempfer, Dylan Ennis, and Karen Haywood who had the following types of comments: one resident stated she was representing hundreds of opposers, couples may have two cars and parking spaces were talked about, spoke to the Planning Board about stormwater runoff on Nichols Plaza, protect the land and their quality of life, stream on the property and a buffer that should be there, and classification of the land and the lower tax value because of it; from Ellington Place HOA, concerned about development because of reasons already heard, concern about traffic, dangerous intersection, won't be a small town much longer if this type of development keeps happening, will be disastrous and constant chaos; sees a trend in development companies trying to pack many people in a small space, encroachment on the parks, traffic and quality of life concerns, didn't feel the majority of people were informed about what's going on; concerns about two lane roads and stormwater runoff, showing pictures after an exceptional amount of rain on the weekend.

Mayor Olive declared the Public Hearing closed.

Mr. Baron, in response, stated his client in Cary has had no complaints about parking.

Council talked about her children not being able to afford to move to Apex and her possibly not being able to move to a more convenient place later on because people think the project would crowd the parks. Council was concerned that if there was a petition signed by hundreds, why only 11 people showed for this meeting. Most don't live in Apex, and he wanted to know what percentage do live here. Council stated our water quality goes above and beyond what is required. We can't put stock in pictures that were taken after a five foot storm. A traffic study was done by experts, and the level of traffic doesn't warrant any real road improvements. As there is more build out, then we can look at this. Council felt this an appropriate place for an apartment.

Council stated he spent time last month with the partners and went on a tour of the facility in Cary. It was top notch and environmentally favorable. They increased the pond size for runoff, reduced density, and they are a local developer. He was in support, stating this would be a great place for the development and it was responsible.

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

Council stated he had a hiccup about the four stories. But it was the right place to put the building because of location and mixed use. We are still missing, however, office opportunities in this area. The

Planning Committee wants to adjust the map, and this may be the last residential-type project to go in. Council stated she would like to connect with the Parks and Recreation staff to make sure the park is what it should be. She also wanted to address any environmental issues through committee meetings. She was concerned about traffic and wanted to work with staff and DOT on what she sees as valid concerns.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Shelly Mayo, Planner

The Public Hearing on Rezoning #16CZ09 and associated 2030 Land Use Map Amendment will not be heard because the applicant has withdrawn their application which sought to rezone approximately 0.92 acres located at Upchurch Street and Harwood Street from High Density Single Family Residential (HDSF) to Neighborhood Business Conditional Zoning (B1-CZ) and to change the 2030 Land Use Map Designation from Medium Density Residential to Office Employment and Commercial Services

The applicant withdrew this request.

Public Hearing 06 : Mike Clark, Senior Planner

Public Hearing and Rezoning Application #16CZ15. The applicant, Jason Barron representing North View Partners, seeks to rezone approximately 10.00 acres located at 2030 Laura Duncan Road from Rural Residential to High Density Multi-Family Conditional Zoning (HDMF-CZ).

Staff oriented Council to the site. One structure on the property has been deemed historic, and an easement has been agreed to by the applicant as a condition for its preservation. The Planning Board and staff recommended approval.

Jason Barron, representing the applicant, stated he was excited to bring this project forward as it addresses the senior community. He talked about the greenway connection, the use being consistent with the Land Use Plan, market factors, and benefits of such a project. Responding to Council, he explained the structure at the top of the building and their committing to explore the 25 year storm water plan.

Mayor Olive declared the Public Hearing open.

Speaking in favor were Thomas Fowler, Sarah Fowler, Jeremy Bradham, and Jim Moody with the following types of comments: drainage behind his property is not considered wet, excited to hear this was coming because we need a senior center, and complies with the 30 year plan; devastated she needed to sell her property but hoped Council would approve; the Historical Society endorses the house being saved, developer amiable to relocating the house, and Capital Area Preservation behind this also; will be an

increase in traffic but low impact on the school system, retired folks need a place to live also, and rezoning signs have been up a long time.

Speaking in opposition were Kara Haywood and Sandra Webb with the following types of comments: wonderful idea that Apex needs but questioned retail being walkable without sidewalks, would be a last and great opportunity to expand the park, and developers have had a lot of time to spend with the staff but the public has had little time to learn about issues and come to the meetings; not notified because she is not within 300 feet, want to see the property stay as it is even though she understood the property owner's position, and in support of development but concerned about traffic in the area.

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 WILKIE SECONDED THE MOTION.

Council commented on the property owner nicely maintaining the property, wanting to see the park expanded but we just bought Pleasant Park and have only a finite amount of money to spend, need to concentrate on areas that don't have parks, being glad the house will be saved, hoping the developers can do a 25 year storm pond, this being a great legacy of taking care of the property and hoping the developers would do the same, will bring in employment opportunities and possible work places to live, the opportunity for more doctors, the right thing to do for the residents of Apex.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a seven minute recess.

Public Hearing 07 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ19 to rezone 6.68± acres located at 0 Ramblewood Road at the terminus of Bay Bouquet Lane from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ)

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

Larry Witek, representing the applicant, stated this would be for an extension for a stub street. It would be designed to be the least offensive to neighbors.

The Mayor stated he received a letter from the Ellington Place HOA requesting the HOA be a part of the proposal. Council asked about the homes along the railroad track, the applicant stating there would be a buffer to which buyers do not seem to object; there is no switching station in this area so there would be no noise of this kind.

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.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Shannon Cox, Transportation Planner

Public hearing and a proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by Peak Engineering and the Planning Department

Staff oriented Council to the amendment. Given was the history of this being presented to Council originally in 2015 and it not being voted on at that time. Staff took another look at the proposal and the land use, and there are now sufficient connections to make this a minor collector. Wake County and Town emergency services provided their input, the latter having several concerns. The Planning Board and staff recommended approval independent of the planned Reunion Point subdivision.

Council expressed concern about driveways and how they can affect traffic. Staff stated the biggest concern of a major to a minor collector is the road being wide enough to accommodate parking. There was also concern that a long stretch of roadway without calming would become a speedway. Staff clarified that speed bumps are not allowed on a minor collector but roundabouts would be.

The applicant did not wish to speak.

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

Council spoke about this being problematic for a long time and wanting to know the urgency to make a decision now. We need to let this play out a little more. Council stated there might be a development coming up that might want to put in driveways. Conversation ensued about traffic, future road connections, calming devices, the landfill, and school bus stops. Staff explained why this was being considered at this point – a development wanting to come in with driveways out to the road. Staff

clarified that if Council denied the request and an applicant came in asking for a minor collector due to a hardship of a development, this would need to go before the Board of Adjustment for a variance.

Council talked about leaving this as a major collector and then rerouting the road. Could stated he was willing to postpone a decision, the only con he had being the driveways. Council asked if we could downgrade this now and then hold the developer to a limited number of driveways, staff stating it would need to check further the length of the street.

Applicant Jeff Roach, Peak Engineering, stated this came before Council last November. At the time, they agreed that this road needed to be there and they were proposing for it to go from a major to a minor collector. At the time, they didn't know the school was coming. The school is not planning to connect from the west, and he didn't know if a road would go across the landfill. There are a lot of engineering impracticalities, and Mr. Roach talked about possible future development in the area.

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

Council was concerned that we would be setting a precedent if there is a development at some point; there would be no connections. Council was concerned about making sure emergency services would get through the area. Perhaps we could ask the developer later on to put in traffic calming devices.

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

2-3

Public Hearing 09 : Tim Donnelly, Assistant Town Manager

Public Hearing to close a portion of Walden Road (SR1148 Wake County)

Staff reminded Council of its previous actions on this matter. Part of the road would be Fillini and part would be Walden. Staff spoke a bit about locking in the Walden name.

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 JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council took action earlier in this meeting to continue the following public hearings to July 26, 2016 except for Public Hearing 16, which the applicant requested to be heard on August 2, 2016:

Public Hearing 10

Michael Clark, Senior Planner

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Bristol-Tingen Properties (Bristol PUD) property containing 149.995 acres located at 2433, 2505, 2513, 2517, 2521 and 2701 New Hill Olive Chapel Road, Annexation #571 into the Town's corporate limits

and

Public Hearing 11

Michael Clark, Senior Planner

Public Hearing and possible motion for rezoning application #16CZ01 Bristol Assemblage PUD and Ordinance. The applicant, the Pulte Group representing the property owners, seeks to rezone +/-149.95 acres located near the intersections of New Hill Olive Chapel Road and Old US 1 Hwy from Wake County R-40W to Planned Unit Development-Conditional Zoning

and

Public Hearing 12

Michael Clark, Senior Planner

Public Hearing and possible motion regarding proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Pulte Group

Public Hearing 13

Shelly Mayo, Planner

Continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 into the Town's corporate limits

and

Public Hearing 14

Shelly Mayo, Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion regarding Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential (RR) and Wake Co R-80W to Medium Density - Conditional Zoning (MD-CZ)

Public Hearing 15

Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and possible motion on a 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Public Hearing 16

Michael Clark, Senior Planner

This public hearing was continued from the May 17, 2016 Town Council meeting.

The applicant has requested this item be continued to the August 2nd Town Council meeting.

Public Hearing and possible motion regarding Rezone #15CZ33, West Village PUD, 163.34 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

Public Hearing 17

Michael Clark, Senior Planner

Public Hearing and possible motion Public hearing and possible motion regarding Rezoning Application #16CZ16. The applicant, Joseph V. Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Council took action earlier in this meeting to continue the following Unfinished Business item to July 26, 2016:

Unfinished Business 01

Shelly Mayo, Planner

Possible motion to approve Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Abbey Run Master Subdivision Plan for the properties located at 1112-1116 Olive Chapel Road containing 6.81 acres and 19 single-family lots

Staff oriented Council to the site. The Parks and Rec Commission recommended a fee in lieu, and the Planning Board and staff recommended approval. Responding to Council, staff stated the applicant could upgrade the buffer.

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

New Business 02 : Liz Loffin, Planner

Reunion Pointe Master Subdivision located at 0 Reunion Creek Parkway containing 12.07 acres and 45 single-family lots

Staff oriented Council to the site. The use was consistent with the Land Use Map. The Planning Board approved the request with the minor collector. Staff, however, could not recommend approval based on the previous decision of Council this evening regarding the minor collector.

Council asked the Town Attorney was it possible to go back and change the decision from earlier this evening, and she explained the process. The applicant stated, responding to Council, that if this were a major collector, only townhomes could be built on the property. The developer was going to build a greenway section. After further conversation, the Mayor asked if a Council Member who was opposed to the minor collector wished to revisit that decision. Council stated he wished to think about this further.

MAYOR OLIVE STATED THIS ITEM WOULD BE HELD UNTIL THE JULY 26TH MEETING WHEN IT WOULD BE REVISITED WITH A POSSIBLE DECISION BEING MADE AT THAT TIME. COUNCIL WAS IN AGREEMENT.

New Business 03 : Liz Loffin, Planner

Peak Landing Master Subdivision for the properties located at 2904 Old US 1 Hwy Road containing 28.15 acres and 60 single-family lots

Staff oriented Council to the site. A neighborhood meeting was held, and the Parks and Rec Commission recommended a fee in lieu. Staff recommended approval based on the condition that the Town will not approve construction plans until the sewer design is complete. Staff, responding to Council, talked about getting Richardson Road across the conservation easement. If Richardson Road cannot be worked out, then this would affect how all the roads would be connected.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE 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 objection from Council,

MAYOR OLIVE DECLARED THE MEETING CONTINUED TO JULY 26, 2016 AT 7:00 P.M.

Tuesday, July 26, 2016
Continued from the Regular Meeting of Tuesday, July 19, 2016

All Council Members present at the July 19th meeting were present for this Continued Meeting.

COMMENCEMENT

Mayor Olive called the meeting to order.

Mayor Olive stated there were items of adjustment. Public Hearing 02 heard on July 19th might have been up for reconsideration.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO RECONSIDER PUBLIC HEARING 02; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 02 TO AUGUST 16; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated there might have been a desire to continue Public Hearing 03.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE PUBLIC HEARING 03 TO AUGUST 16TH; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated there might have been a desire to reconsider Public Hearing 08.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO RECONSIDER PUBLIC HEARING 08; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 08 TO AUGUST 16TH; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive stated there might have been a desire to continue Public Hearing 15 to August 2nd. Council stated he wished the applicant to consider continuing the public hearing, to which the applicant was agreeable. Council stated he felt more time was needed to evaluate the request and to find a better solution.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 15 TO AUGUST 2ND; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, DOZIER, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

The Mayor stated the applicant requested to continue Public Hearing 16 to August 2nd.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 16 TO AUGUST 2ND; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor stated New Business 02 would need to be continued because of its connection to Public Hearing 08.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE NEW BUSINESS 02 TO AUGUST 16TH; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 03 : Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposes amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential, Commercial Services, and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Council took action earlier in this meeting to continue the Public Hearing to August 16th.

Public Hearing 10 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Bristol-Tingen Properties (Bristol PUD) property containing 149.995 acres located at 2433, 2505, 2513, 2517, 2521 and 2701 New Hill Olive Chapel Road, Annexation #571 into the Town's corporate limits

and

Public Hearing 11 : Michael Clark, Senior Planner

Public Hearing and rezoning application #16CZ01 Bristol Assemblage PUD and Ordinance. The applicant, the Pulte Group representing the property owners, seeks to rezone +/-149.95 acres located near the intersections of New Hill Olive Chapel Road and Old US 1 Hwy from Wake County R-40W to Planned Unit Development-Conditional Zoning

and

Public Hearing 12 : Michael Clark, Senior Planner

Public Hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Pulte Group

Staff oriented Council to the site. A neighborhood meeting was held, the applicant additionally holding several follow up meetings. Staff detailed amendments from the applicant which were distributed to Council this evening. The Parks and Recreation Commission recommended a fee in lieu, and there are negotiations with the developer about more land for which there would be a credit for fee in lieu. The Planning Board and staff recommended approval with the conditions. Staff stated the Planning Board had not heard the amendments distributed this evening.

Bob Anderson, applicant from Pulte, outlined what they wished to incorporate in this multi-generational community. There would be an affordable component. Mr. Anderson spoke about the neighborhood concerns and how they were resolved. They believed this would be a quality product.

Mayor Olive declared the Public Hearing open.

Speaking in favor, David Bristol, property owner, stated they have tried to do something special on the property. He talked about how beneficial the infrastructure will be in the community. In considering selling the property, Pulte promised a product much better than what they expected. He asked Council to approve this project.

Mayor Olive declared the Public Hearing closed.

Council asked staff about the allowance for slab on grade, to which staff stated it was because these were one-story ranch houses. Mr. Anderson stated the slab on grade related only to the ranch homes with a master downstairs and a loft space. Staff explained how this option would be more inclusive than developments in Apex in the past. Randy King, Pulte, clarified that the fee in lieu was not part of the original condition, but they wanted it to be a part of the record.

Council spoke about there not being a non-residential component and asked the applicant how this development would benefit the people of Apex. Mr. Anderson explained they are a residential builder and that this project was not suited for commercial development. There was also a study done which supported this. Council argued it is the responsibility of developers like Pulte to seek out commercial space. Council stated there is going to be a need for non-residential, especially on the property on the corner. Council talked about the developer having an amenity area. Council stated she liked the ranch-style homes and so did a lot of others in Apex. Council stated she appreciated a lot of things the applicant offered and the diversity of the project. There is already an issue with traffic, there is a lot going on in one area, and the folks living outside the 300 foot range might possibly have a problem with this. She felt this was the wrong location and time for this project.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE
THE REZONING WITH ADDITIONAL CONDITIONS PRESENTED ON THIS EVENING AND THE DECREASE IN TOTAL UNITS;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, WILKIE, AND MOYER VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

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

Public Hearing 13 : Shelly Mayo, Planner

Continued from the June 21, 2016 Town Council Meeting.

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Builders, LLC (Rezoning Case #16CZ10) property containing 8.322 acres located at 2632 Olive Chapel Road, Annexation #576 into the Town's corporate limits

and

Public Hearing 14 : Shelly Mayo, Planner

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and Rezoning Application #16CZ10 and Ordinance. The applicant, Stuart Jones representing Parkside Builders, LLC, seeks to rezone approximately 7.99 acres located at 2632 Olive Chapel Road from Rural Residential (RR) and Wake Co R-80W to Medium Density - Conditional Zoning (MD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the Planning Board and staff recommended approval. Staff clarified questions from Council regarding density, the pond, and traffic.

Stewart Jones, Jones and Clossen Engineering, representing the applicant, stated the owners have purchased land elsewhere in Apex for non-residential development. He explained how this ties in with Smith Farms. The developers have been willing to work together to solve issues in the area. Smith Farms will have a recreation site, to which the applicant is working to gain access for this development. The pond, responding to Council, will probably be taken down and a storm water pond built in the same location. Also, if Smith Farms does not go through, then this parcel would need to find another way as far as the access road is concerned. Council stated this needed to be made a condition, that this development would not have driveway access onto Olive Chapel Road. The applicant was in agreement.

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 WITH THE CONDITION THAT THE SUBDIVISION WILL NOT DIRECTLY ACCESS OLIVE CHAPEL ROAD; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 15 : Dianne Khin, Planning Director

This item was continued from the June 21, 2016 Town Council Meeting.

Public Hearing and 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Council took action earlier in this meeting to continue the Public Hearing to August 2nd.

Public Hearing 17 : Michael Clark, Senior Planner

Public Hearing and possible motion Public hearing and possible motion regarding Rezoning Application #16CZ16. The applicant, Joseph V. Iannone, Jr seeks to rezone approximately 8.05 acres located at 1109 Markham St, from Planned Unit Development – Conditional Zoning (PUD-CZ) to Planned Commercial – Conditional Zoning (PC-CZ)

Staff oriented Council to the site. A neighborhood meeting was held and the Planning Board and staff recommended approval. Staff, responding to Council, spoke to the height of the building and architectural standards.

Representing the applicant, Stewart Jones, Jones and Crossen Engineering, provided a bit of history on the site and the road improvements made by Joey Ionone. There is infrastructure in place. Mr. Jones explained why the applicant has limited the building to three stories. After some conversation, the applicant and staff agreed to remove condition 3 and the first sentence in condition 5.

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 WITH THE STATED CONDITIONS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

UNFINISHED BUSINESS

Unfinished Business 01 : Shelly Mayo, Planner

Villages of Apex Phase 4 Master Subdivision Plan - for 3 parcels totaling 3.22 acres that are bounded by the Apex Peakway to the south, Ambergate Station to the east and Branch Line Lane to the west

Staff explained corrections to the materials previously distributed and oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation fees were grandfathered, and the request met the Transportation Plan and UDO. The Planning Board and staff recommended approval. Council spoke on the buffer along the Peakway, upon which the applicant stated they would switch to an evergreen buffer. They will try to save what Crepe Myrtles they can.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN SUBJECT TO THE CONDITIONS OF THE BUFFER; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

[New Business 02](#)

Liz Loffin, Planner

The applicant is requesting that this item be heard at the August 2, 2016 meeting.

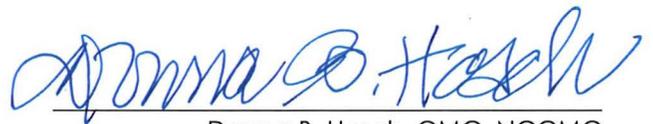
Possible motion approving Reunion Pointe Master Subdivision located at 0 Reunion Creek Parkway containing 12.07 acres and 45 single-family lots

Council took action earlier in this meeting to continue the Public Hearing to August 2nd.

ADJOURNMENT

With there being no further business and with no objection from Council,

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, AUGUST 2, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, August 2, 2016, 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 : Presentation of Proclamation to Police Chief John Letteney by Citizens Assisting Police in Apex (CAPA)

Richard Brooks, President of CAPA, explained the objective of this organization. He spoke about the police officers who have lost their lives, and the feeling of sadness associated with these deaths. CAPA wished to present the Apex Police Department with a Proclamation of respect, appreciation, and support. The Proclamation was presented to Chief John Letteney, with several members of the Police Department accompanying him. Chief Letteney praised the work being done by CAPA and stated we are glad to have them as a part of our organization. Mayor Olive also expressed his appreciation to our Police Department and to CAPA for everything both do every day.

CONSENT AGENDA

Consent 01 Statement of the Town Council and Ordinance for Rezoning Case #15CZ34, Tony M. Tate Landscape Architecture/Kuntal Gandhi, Empire Estate LLC, petitioners for the properties located at 0 & 1920 E. Williams Street

- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ08, Jason Barron, Morningstar Law Firm/Terry E Slate; Gerald Mann; Estate of Inez H. Mann, petitioners for the properties located at 0 Pine Plaza Drive
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #16CZ15, North View Partners/Sara Fowler, petitioners for the property located 2030 Laura Duncan Drive
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ19, Larry Witek, First Capital Investments LLC/Judith L. Freeman, petitioners for the property located at 0 Ramblewood Drive (terminus of Bay Bouquet Lane)
- Consent 05 Municipal agreement with NCDOT for the Town to participate in the construction and administrative costs of providing sidewalk across the Apex Barbecue Road bridge and accommodating Beaver Creek Greenway underneath it in bridge replacement project B-5161, estimated to be \$464,791 in local funds, and authorization for the Town Manager to execute same
- Consent 06 Installation of two (2) speed hump traffic calming devices according to the Town of Apex Standard Details on Bryan Drive east of Apex Peakway in the amount of \$3,970, with \$3,176 Town of Apex funds and \$794 in matching funds from Amherst HOA, fulfilling the required 20% HOA matching funds in accordance with the UDO
- Consent 07 Resolution for an Interlocal Agreement for Provision of Sewer Service in a Designated Portion of Apex Urban Service Area
-
- Consent 08 Encroachment Agreement with NCDOT related to White Oak Creek Greenway and authorization for the Town Manager to execute all related documents
- Consent 09 Municipal agreement with NCDOT to be eligible for up to \$2,500,000 in reimbursement of project construction costs, requiring \$2,500,000 in matching local (Town of Apex) funds, to construct a crossing either over or under the CSX railroad and provide a roadway connection to South Salem Street in TIP Project No. U-5928, and authorization for the Town Manager to execute same and the associated Capital Project Ordinance Amendment in the amount of \$5,000,000
- 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 C.H. Jewly Partnership (Peachtree Landing) property containing 16.02 acres located at 1725 US 64 Hwy, Annexation #570 into the Town's corporate limits
- Consent 11 Esri Small Municipal Government Enterprise License Agreement (ELA) for a three year term to include software maintenance and authorization for the Town Manager to sign the contract
- Consent 12 Statement of the Town Council for Rezoning Case # 16CZ10, Stuart Jones of Jones and Cnossen Engineering representing Parkside Builders, petitioners for the property located at 2632 Olive Chapel Road.
- Consent 13 Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ17 (Villages of Apex). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of NC II LP LTD Partnership, True Homes, and North Carolina Office I LP seeking to rezone approximately 50.42 acres located at 1960 Apex Peakway & 56 Hunter Street from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions

- Consent 14** Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ18 (Old Mill Village). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of Apex First Development, LLC seeking to rezone approximately 2.84 acres located at 400 & 450 N Mason St from Planned Unit Development-Conditional Zoning to Planned Unit Development - Conditional Zoning
- Consent 15** Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ20. The applicant, Jeff Roach of Peak Engineering seeking to rezone approximately 1.8 acres located at 740 South Salem Street from Office & Institutional Conditional Zoning (08CZ11) to Office & Institutional Conditional Zoning, to change conditional zoning conditions.
- Consent 16** Change the current regular Town Council agenda format to state that in accordance with North Carolina General Statute 160A-81.1, the Town of Apex will hold its public comment during the first regular council meeting of the month, beginning October 4, 2016. This period will be entitled "Public Forum" on the agenda.
- Consent 17** Personnel Committee Recommendations of Position Reclassifications
- Consent 18** Minutes of the July 19, 2016 Regular Council Meeting

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

REGULAR MEETING AGENDA

Mayor Olive requested a brief Closed Session prior to the Public Forum to receive advice from the Town Attorney. In addition, he requested moving Public Hearing 05 before Public Hearing 01 since staff requested continuing the Hearing.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE ABOVE CHANGES; COUNCIL MEMBER SCHULZE 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 MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Stuart Jones, Jones and Crossen Engineering, stated that the project to be considered in New Business 01, Smith Farms, was in compliance with the PUD and UDO guidelines and that staff recommended approval. He and members of Lennar were in attendance in case there were questions.

PUBLIC HEARINGS

MAYOR OLIVE CALLED FOR A MOTION TO CONTINUE PUBLIC HEARING 05 TO SEPTEMBER 6, 2016 AS REQUESTED BY STAFF.

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

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 01 : Michael Clark, Senior Planner

This item was continued from the May 17, 2016 Town Council meeting.

Public Hearing regarding Rezone #15CZ33, West Village PUD, 163.34 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The applicant met with some of the neighbors. The applicant made modifications to the request since it was first presented. The property owner met with staff and Capital Area Preservation about the home on the property possibly being classified as historical. The home is non-contributing. However, Capital Area Preservation classified a detached, log structure as historical, for which the developer would apply for an historic preservation easement for the portion of the land to where this structure will be moved. The Planning Board and staff recommended approval.

The Economic Development Director spoke about the impact of such a project from an economic development perspective, outlining office and medical space. Apex has a need for business to business companies. These businesses invest in technology and usually have very high-end construction. Staff noted that when companies seek to relocate, they look at healthcare services in the community. When an opportunity comes, we need to be ready or have a plan in place for what could be.

Jason Barron, Morningstar Law Group, representing the applicant presented information on the project. They worked hard to come forward with a plan that the Town would support, and he pointed out changes made since the last meeting. On this evening, they made the offer regarding Kelly Road of a warrant analysis and the installation of a temporary signal at the existing termination of Kelly Road and US1a. Mr. Barron stated there would be significant infrastructure coming out of this project, bringing life to a portion of Town that doesn't have life right now. They would bring in mixed use which exceeded standards, balancing the two competing land use principles.

Council asked would they be willing to add more charging stations, Mr. Barron stating he would consult with his client on this. Council asked where they stood with the eleven points raised by neighbors, Mr. Barron stating what they were and were not able to do. He further responded to Council about well failures, buffers, and pre-wiring the appropriate homes for solar.

Traffic Engineer Ronald Stevenson addressed concerns about the traffic light on Kelly Road and US1, stating this would come down to the amount of traffic. He felt they could work with DOT for approval on this if needed.

Responding to Council, Mr. Barron stated he would be willing to do a waterline if the need arose; he would make this a commitment as part of the rezoning. Staff stated the area would have to be annexed for use of the water but not to extend the water. An exception would be if land is condemned. Mr. Stevenson stated the traffic light would be more of an interim solution. As commercial builds out and there is more traffic, there could be issues at the existing Kelly Road. He explained traffic and lane numbers, as did staff.

Mayor Olive declared the Public Hearing open, stating that a complete Public Hearing on this item was heard on May 17th.

Steve Swamp thanked everyone involved for their work on this. Working with the HOA head, a list was formulated which included the entire community. Mr. Swamp repeated comments from Council, and gave the three conditions most important to them. He stated the four points not resolved by the developer and gave details of each. He was not opposed to the project, he simply wanted what was best for the community.

Thomas Harper was not opposed to the project. He spoke about the wells and stated he would not mind having well insurance.

Kim Walker stated there was full neighborhood attendance at the last meeting and wanted to be certain their concerns were heard.

Patrick and Timothy Fahey spoke on behalf of their parents, stating this would be a good project for all parties. The broker and developer have worked diligently to address all concerns, i.e., buffers, lot sizes, amenities, street connection elimination, and water service being made available. This project also conformed to the Town's long range plans. All requirements have been met or exceeded, and citizens

will be positively affected. The property has been in their family since 1920, and they have been good stewards. The family was asking Council for approval of the plan and their right to sell the property.

Mr. Barron responded that they will offer a Type A planting along Kelly Road, a conduit for solar, and two additional EY charging stations. He thought well insurance a bandaid, but would commit \$75,000 in escrow which could be used for insurance or extending the water line. The community will have the ability to decide how to use the funds. Staff talked about roundabouts in response to Council questions.

Mayor Olive declared the Public Hearing closed.

Council was glad to see the 43%. Staff stated the water escrow account was something that's not been done previously. Council stated the roundabouts seems to be very efficient once you get used to them. Council stated the neighborhood sign was not on the importance sheet, Mr. Barron stating they would construct and install a sign as a condition. He reiterated the four conditions discussed earlier.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST WITH THE STATED CONDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council talked about traffic and the process of the meetings with neighbors. Council would be in agreement if both sides continue to talk. She was also concerned about traffic.

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

Council Member Schulze stated he recognized the property owners have a right to sell their land. He felt the potential traffic would be a nightmare.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex BPC Lufkin, LLC (Summit Church) property containing 8.310 acres located at 3000 Lufkin Road plus adjacent right-of-way containing 6.899 acres, Annexation #574 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 DOZIER MADE THE MOTION TO ADOPT 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 Classic Road Partners, LLC (Pinnacle Park Center) property containing 25.352 acres located at 0 Ten Ten Road, Annexation #579, 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 ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Amanda Bunce, Senior Planner

This item was continued from the July 19, 2016 Town Council Meeting Agenda on July 26, 2016.

Public Hearing and 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff did not recommend approval of the amendment or rezoning and stated the reasons why. The Planning Board also recommended denial of the requests. Staff answered questions from Council as to what it would and would not suggest as far as uses were concerned.

Stuart Jones, Jones and Clossen Engineering, spoke on behalf of the property owners. They own the property and will be the developers of the project, wanting to move their offices to the site. Mr. Jones talked about the process they went through regarding residential and commercial development, and what they have done in trying to get this project through. He went through some of the architectural conditions and talked about the changes that have already changed the character of this neighborhood. The benefits of this professional park were outlined. Mr. Jones felt the office uses could be a good neighbor to residential.

Council was concerned about the number of access points onto Chapel Ridge Road, and Mr. Jones explained these. Council asked if the applicant would commit to two access points, to which he agreed.

He talked about what they would commit to if allowed by DOT. Mr. Jones stated the area would look more like residential and be very attractive.

Mayor Olive declared the Public Hearing open.

Rita Boykin stated she was speaking for eight others. She spoke about the surrounding zoning, commercial zoning not being consistent. They had one meeting with the developer who stated this was the requirement. Ms. Boykin stated their concerns: lowering their property values, increased traffic, elimination of privacy on properties, better buffers, runoff into the pond, increased noise, and this being a precedent for developers to ignore the Peak Plan. This is spot zoning, and she referenced Covington vs. the Town of Apex. She asked Council to deny the request as did staff and the Planning Board.

Ken Bunn, a new resident, talked about spot zoning and its Supreme Court definition. This was clearly a small tract, and the Planning Board stated this rezoning was unreasonable. The use would not be compatible, and the neighbors did not come up with any benefits. Mr. Bunn cited the Peak Plan and Mahaffey vs. Forsyth.

Anne Cain talked about the previous lots, surrounding uses, and the 400 residents who signed a petition. She stated why she felt this should be denied and wondered what would happen if the plans change. She talked about future developers ignoring the Peak Plan.

Timothy Kurmanskie, Architect, spoke in support of the applicant. This lends itself to appropriate land use as it transitions to the townhomes and Beaver Creek shopping center. They have taken care with the design of the buildings, and this will be a fine addition to the area.

John Gaskrowski, property owner, stated this was the third proposal created of which Council knew the details. They have been in Apex over 25 years, and he gave a brief family history. They purchased the property to try to develop something Apex would like. The office complex would house his staff. They were not asking for a rezoning to turn around and sell this to someone else. They are here to stay, and his family would manage this. The design would be unique and the footprint for other projects on that road.

Mayor Olive declared the Public Hearing closed.

Presenting final thoughts, Mr. Jones stated they asked at the neighborhood meeting if more meetings were needed, and the neighbors said no. They only wanted to talk about one use on the property; he

received very little feedback on the other uses he mentioned. The road connection previously approved by Council will make a large difference in the neighborhood, with or without this project. Mr. Jones responded to Council questions about uses, buffers, and the number of residents in the area. He agreed to revisions to the uses and their hours of operation. Staff restated each new condition proposed by the applicant.

Council responded with the following types of comments: great project but wrong location; don't want commercial adjacent to residential; appreciated the concessions made; goes against the Land Use Plan, and Planning Board and staff recommended denial; would set a precedent; cut through will drastically change the neighborhood; if lived there, would choose this over residential; aesthetics of the project are great; split between the pros and cons; has strong buffers; would be walkable assets to the community; and things change and we have to change with them.

Council talked about the applicant being denied on their first request, coming back with this one, and possibly being told no again. Staff stated the applicant originally wanted high density but didn't think they would get it because of previous Council discussions about townhomes. Council stated we are out of balance with residential to non-residential. The Land Use Plan should be our guiding point. Council stated this area would be a thoroughfare before too long and that it was a good use for the area.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REQUEST WITH THE CONDITIONS STATED. THERE WAS NO SECOND TO THIS MOTION.
THE MOTION FAILED.

COUNCIL MEMBER SCHULZE MADE AN ALTERNATE MOTION TO DENY THE REQUEST;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council discussion ensued regarding a previous 540 Flex, quality buildings, traffic, and a lot going on in this area.

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

There was further Council discussion about the pros and cons of the plan.

COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST WITH CONDITIONS
PROPOSED; COUNCIL MEMBER MOYER SECONDED THE MOTION.

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

Mayor Olive called a ten minute recess.

Public Hearing 05 : Amanda Bunce, Senior Planner

Staff requests that this public hearing be continued to the September 6, 2016 Town Council meeting.

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance

Council approved continuing this Hearing in an earlier motion.

Public Hearing 06 : Amanda Bunce, Senior Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan for Security Self Storage, 10.85 acres located at 7325 Vanclaybon Drive

Mayor Olive read an Opening Statement explaining the quasi-judicial process.

Mayor Olive declared the Public Hearing open. All those wishing to speak were sworn in by the Town Clerk.

Jason Barron, Morningstar Law Group, representing applicant stated he proposed to call one witness. There were no opponents to the proposal.

Mayor Olive polled Council for impermissible conflicts and prior communications. All Council members stated there were no conflicts and there had been no prior communications.

OPENING STATEMENT BY APPLICANT – Mr. Barron stated the proposal satisfied the ordinance requirements. This would be a beneficial change to the landscape and be aesthetically pleasing. He oriented Council to such. They would be good neighbors.

PRESENTATION BY STAFF – Staff presented her credentials and oriented Council to the site which was in compliance with all standards.

QUESTIONS OF STAFF BY COUNCIL – Council asked for clarification of materials and buffering, staff explaining the current landscaping plan.

CROSS EXAMINATION OF STAFF BY THE APPLICANT - None.

COUNCIL OBSERVATIONS – Mayor Olive asked Council had any seen the site. Council responded seeing it from the road, not being able to see it from the road, and seeing it because of living in the area. There were no questions from the applicant about Council observations.

PRESENTATION OF EVIDENCE BY APPLICANT: Mr. Barron called Tony Tate, landscape architect and planner, who stated this credentials. Mr. Tate stated water and sewer was needed on the property, and the use was in compliance with the UDO. Outdoor storage will be put inside or have a covering. He explained the buffers, door locations, uses, dedication of right of way, deceleration lane, and access to the site. It was compatible with surrounding land uses and complied with all standards.

Mr. Barron asked that the Staff Report be submitted into evidence. There were no rebuttals to this testimony.

APPLICANT CLOSING ARGUMENT – Mr. Barron stated the evidence supported the use and all requirements had been met. The applicant is designing the site to comply with 25 year storm water.

Mayor Olive declared the Public Hearing closed.

Mayor Olive proceeded to go through the Standards with Council. Council was in agreement with 1, 2, 3, 4, 6, 7, and 8; Council asked a questions about 5.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST SUBJECT TO THE 25 YEAR STORMWATER MANAGEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Russell Dalton, Senior Engineer

Recommend Alternative 1 and continue forward in preliminary design and eliminate Alternatives 2 & 3 from further consideration for the Apex Peakway Southwest Connector, TIP# U-5928

Staff presented updates on the study. He went over the three alternatives and the pros and cons of each, including concerns from the public. Staff outlined the next steps if Alternative 1 were approved by Council. Responding to Council, staff stated the neighbors have been emailed with updates, including renters. He talked about trying to address neighbor concerns and the impact to Shangri La, with whom they had met.

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

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Michael Clark, Senior Planner

Smith Farm Phase 1 Master Subdivision Plan for the properties located at 0, 2700, 2708, 2712, 2720, 2732, and 2740 Olive Chapel Road containing 57.34 acres and 132 dwelling units

Staff oriented Council to the site. The Planning Board and staff recommended approval of the request. There is an historic home on the site, and an historic easement will be put in place before the property is plated.

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

CLOSED SESSION

Closed Session to consult with the Town Attorney to preserve the attorney-client privilege

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 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN 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 APPROVE A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS
FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM - YELLOWBRIDGE CAPITAL, LLC.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS
FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM – BANK OF AMERICA.
COUNCIL MEMBER MOYER 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

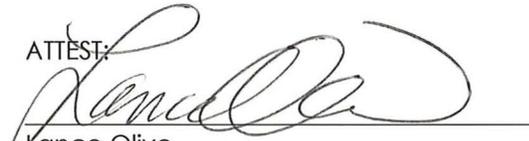
With there being no further business and with no objection from Council,

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, AUGUST 16, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, August 16, 2016, 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 Tim Donnelly,
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

There were no presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the August 2, 2016 Regular Council Meeting
- Consent 02** Apex Tax Report dated 7/1/2016
- Consent 03** Statement of the Town Council for Rezoning Case #16CZ01 Bristol Assemblage PUD, Pulte Group/ Craig Duerr petitioners for the properties located at 2513 New Hill Olive Chapel Road; 2517 New Hill Olive Chapel Road; 2701 Old US 1 Hwy; 2505 New Hill Olive Chapel Road; 2521 New Hill Olive Chapel Road; and 2433 New Hill Olive Chapel Road
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #16CZ11, Stuart Jones, Jones & Cnossen Engineering/John & Elizabeth Gasiorowski, William & Kathryn Gasiorowski, petitioners for the properties located at 1409 and 1429 Chapel Ridge Road

- Consent 05 Award of construction contract and authorization for the Town Manager to execute same for Traffic Signal Improvements at Apex Peakway & Center Street
- Consent 06 Findings of Fact, Conclusions of Law, and Decision approving the Apex Friendship Middle School Major Site Plan
- Consent 07 Findings of Fact, Conclusions of Law, and Decision approving the Security Self Storage Major Site Plan
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #16CZ16, Joseph V Iannone Jr, petitioners for the property located 1109 Markham Street
- Consent 09 Approval of a new position of Code Enforcement Officer II, and to change the Planning Department's fulltime Administrative Specialist to a part-time (20 hours per week) position, and reclassify the remaining 20 hours to a part-time Planning Technician

Mayor Olive called Council's attention to a handout making minor language revision to Consent 09, the Town Manager clarifying the revision. Because the current administrative specialist chose to retire, the request was to change this position to a full time planning technician.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE CHANGE MENTIONED ABOVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the Town Attorney requested three Closed Sessions. He also noted that it was asked for Public Hearing 01 to be pulled and readvertised for a later date. Public Hearings 09 and 10 were continued in the Planning Board; therefore, they would need to be continued this evening by Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUESTED CLOSED SESSIONS AND CHANGES TO THE PUBLIC HEARINGS; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE PUBLIC HEARING 09 TO SEPTEMBER 20, 2016; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE PUBLIC HEARING 10 TO SEPTEMBER 20, 2016; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 01 : Liz Loffin, Planner

Town Council voted to reconsider this item at their July 19, 2016 meeting. The applicant has requested this item be heard at a later date. This public hearing will be re-noticed for a future date.

Public Hearing and Rezone #16CZ13, James Street PUD Plan 2.49 acres located at 210 James Street, from Residential Agricultural (RA) to Planned Unit Development Conditional Zoning (PUD-CZ)

In an earlier motion, Council approved the request for this to be heard at a later date.

Public Hearing 02 : Brendie Vega, Principal Planner

This item was continued from the July 19, 2016 Town Council meeting.

Public Hearing and 2030 Land Use Map Amendment and Rezoning Case #16CZ06 (Jenks Crossing PUD) for +/-10.37 acres located at 1921 and 1929 Holt Rd, 0 and 6786 Old Jenks Road. The applicant proposed amending the 2030 Land Use Map from Medium Density Residential to Medium Density Residential; and Commercial Services and Office Employment, and changing the zoning district from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. The Planning Board heard a different phasing plan, and staff outlined the modifications which were made since being heard by the Planning Board. Three neighborhood meetings were held, and the Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval but made note to Council that they were troubled about traffic conditions. The Planning staff recommended approval.

Staff talked about the zoning conditions for this site, detailing those and answering questions from Council.

Stuart Jones, Jones and Cnossen Engineering on behalf of the owners and developer, spoke about the three parcels which they've combined into one PUD application. They have made significant roadway improvements to help the current traffic situation; they will not make anything worse. Mr. Jones detailed their traffic plan. DOT is onboard with the road plans and also feels the current situation will be made better. Mr. Jones stated they have support of staff, even though this was not favorable to everyone. Mr. Jones answered questions from Council on buffers and density. He will speak to the owners about a possible change to a Type A buffer on a portion of the PUD.

Mayor Olive declared the Public Hearing open.

Brian Griffith, property owner, stated he purchased his property about a year ago as an investment for the future. He appreciated the assistance of the developer in rezoning this land and helping to improve the intersection and the traffic situation.

Don D'Ambrosi, business owner, stated he came late to the game and apologized for this. They are concerned for the businesses on the property. He spoke about the past realignment of business driveways.

Connie Hoyes, owner of the nursery, talked about connections onto Holt Road and her trucks coming in and out. For safety reasons, she was not in agreement with the traffic pattern proposed by Mr. Jones. She has hired help to try to come up with a better traffic solution.

Mayor Olive declared the Public Hearing closed.

Staff responded to Council questions regarding the traffic network and the safety of the proposed roadway. There would be no problem for any type of truck using the proposed roads, and staff explained the dog leg of the road would help with drivers not speeding through the neighborhood.

Mayor Olive declared the Public Hearing reopened to hear from Mr. D'Ambrosi.

Mr. D'Ambrosi spoke about the grinding noise from stopping trucks, traffic continuing to increase, changing Holt Road, and how this could have been fixed previously by DOT.

Mr. Jones addressed the traffic plans through the neighborhood and how he would have flexibility to change access points at a future time. He noted, however, he could not build a major thoroughfare on such a small tract of land. They would be willing to do a Type A buffer as asked by Council earlier.

Mayor Olive declared the Public Hearing closed.

Staff talked about changes in the Land Use Map which would provide more flexibility for roadways.

MAYOR OLIVE CALLED FOR A MOTION FOR APPROVAL OF THE LAND USE MAP AMENDMENT TO MEDIUM DENSITY, HIGH DENSITY, AND COMMERCIAL ACROSS SECTIONS 2 AND 3 AND RECOMMENDATION TO APPROVE THE PUD PLAN AS SUBMITTED WITH THE ADDITION OF A TYPE A BUFFER AS AGREED TO BY THE APPLICANT. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

Council stated he would like to see more options for turning onto Holt Road. Staff reminded Council that DOT could at any point make changes to the access points.

Public Hearing 03 : Michael Clark, Senior Planner

Public hearing and Rezoning Application #16CZ20. The applicant, Jeff Roach of Peak Engineering, sought to rezone approximately 1.8 acres located at 740 S. Salem Street from Office & Institutional – Conditional Zoning (O&I-CZ) to Office & Institutional – Conditional Zoning (O&I-CZ) with amended uses

Staff oriented Council to the site. The applicant was simply asking for an additional use. A neighborhood meeting was held. Staff and the Planning Board recommended approval.

Jeff Roach, Peak Engineering Design, further detailed the requested additional use.

The business owner, Lori McKinnish, clarified for Council questions regarding her business.

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.

Public Hearing 04 : Brendie Vega, Principal Planner

Public hearing and 2030 Land Use Map amendment as recommended by the Town Council Planning Committee on the Gazenbeek property located on Pine Plaza Drive and on three properties in the vicinity of Kelly Road south of Olive Chapel Road

Staff stated this request came out of the Planning Committee and detailed the requested amendments. The Planning Board recommended approval. Staff clarified a stub street could be continued in the amendment.

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
AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex C.H. Jewly Partnership (Peachtree Landing) property containing 16.02 acres located at 1725 US 64 Hwy, Annexation #570 into the Town's corporate limits

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

Council stated he'd heard from neighbors at Haddon Hall regarding traffic mitigation.

Mayor Olive declared the Public Hearing open.

Bill Davis, representing the applicant, outlined their proposal for a school. There had been discussion with neighbors, who were not present, indicating they were satisfied with solutions from the applicant. Mr. Davis stated they would be happy to address any issues which arose.

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 JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Michael Clark, Senior Planner

Public hearing and annual report of the Town of Apex Hazard Mitigation Plan Action Plan

Staff stated this plan had integrated into the Wake County plan. The action plan would be more of a policy, and staff outlined the changes made to the previous plan to bring it current. Staff noted there have been changes to the 911 and Emergency Management systems in order to improve widespread communications. 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 SCHULZE MADE THE MOTION TO APPROVE
THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 07 : Brendie Vega, Principal Planner

Town Council voted to reconsider this item at their July 19, 2016 meeting.

Public hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by Peak Engineering and the Planning Department

Staff stated the motion failed on this issue at the July 19th Council meeting. Later in that meeting, it was made clear the purpose of this amendment. Council expressed concern about the road possibly being connected in the future and notification of the neighbors of such. Staff clarified that signage would be required to notify the neighborhood of such a connection.

Jeff Roach, Peak Engineering Design, stated they would be happy to add the signs referred to by staff. This will also be noted on the plans as well as on the plats.

Mike Whitehead, contract holder for the land, stated he would interface with the builder regarding the above signage as well as disclosures. He would wish for a roundabout later on in the process. He also spoke about the future high school and how this would/would not affect roadways.

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 WITH THAT PORTION EAST OF MIDDLE CREEK BEING A MAJOR COLLECTOR AND THAT PORTION WEST OF MIDDLE CREEK BEING A MINOR COLLECTOR; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Brendie Vega, Principal Planner

Public hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by Wake County and the Planning Department

Staff outlined the amendment and recommended approval independent of an associated project. Questions from Council were answered regarding the landfill.

Brian Starkey, on behalf of Wake County, was present to answer any questions. Holly Springs has seen this and approved it. The new alignment will allow the recycling center to continue.

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 AMENDMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 09 :_Brendie Vega, Principal Planner

Engineering and Planning staff request a continuance to the September 20, 2016 meeting in order to complete the review of the applicant's TIA. The Planning Board has continued their Public Hearing to September 12, 2016.

Public Hearing and possible motion regarding Rezoning Application #16CZ20 (Villages of Apex). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of NC II LP LTD Partnership, True Homes, and North Carolina Office I LP seeks to rezone approximately 50.42 acres located at 1960 Apex Peakway & 56 Hunter Street from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions

In an earlier motion, Council approved the request for continuance.

Public Hearing 10 : Brendie Vega, Principal Planner

The applicant requests a continuance to the September 20, 2016 meeting in order to be heard at the same meeting as 16CZ17 (Old Mill Village). The Planning Board has continued their Public Hearing to September 12, 2016.

Public Hearing and possible motion regarding Rezoning Application #16CZ18 (Old Mill Village). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of Apex First Development, LLC seeks to rezone approximately 2.84 acres located at 400 & 450 N Mason Street from Planned Unit Development- Conditional Zoning to Planned Unit Development - Conditional Zoning

In an earlier motion, Council approved the request for continuance.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

Unfinished Business 01 : Liz Loffin, Planner

This item was tabled by the Council at the July 19, 2016 meeting to permit additional consideration of a related Transportation Plan Amendment.

Reunion Pointe Master Subdivision located at 0 Reunion Creek Parkway containing 12.07 acres and 45 single-family lots.

Staff refreshed Council's memory of the request. A neighborhood meeting was held. The Parks and Recreation Commission recommended construction of the Middle Creek Greenway as shown on the master plan. Planning staff recommended approval now that the minor collector has been approved.

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

Council reminded that Pulte previously agreed to provide for solar installation, which the applicant was willing to take back to the builder.

THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Brendie Vega, Principal Planner

Ada Street Master Subdivision Plan for the property located at 616 S. Salem Street containing 1.46 acres and 5 single-family lots

Staff oriented Council to the project. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board and staff recommended approval. Staff, responding to Council, stated there is future potential to make Ada a through street. The house will remain on the property, which is not a part of the divided property.

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

Closed Session 01 : to give instructions to the Town Attorney concerning the possible settlement of a claim.

Closed Session 02 : to instruct the Town Manager concerning the Town's negotiating position with regard to acquisition of real property

Closed Session 03 : to instruct the Town Manager concerning the Town's negotiating position with regard to acquisition of real property

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSES STATED ABOVE.
COUNCIL MEMBER JENSEN 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 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, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 6, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. 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, September 6, 2016, 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 Tim Donnelly,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent was Council Member William S. Jensen

Mayor Olive recognized and welcomed some of our Chinese friends who live in Apex. He stated Jennie
(one of the guests) and her friends keep in touch via an app on their phones. Pictures were taken of the
guests and the Mayor.

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 : Jeff McCauley, Chief Financial Officer, Greenville Utilities Commission

**Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting to Vance
Holloman, Finance Officer, and Suzanne Parmentier, Accounting and Budget Manager**

Mr. McCauley gave a brief history on the purpose of the Commission and what Apex has done in order
to receive this Award a total of 22 consecutive years. Mr. McCauley stated this reflects commitment to
professionalism, hours of hard work, dedication, and leadership from Council. Less than 5% of

municipalities achieve this pinnacle in reporting, Mr. McCauley hoping that Apex would serve as an example for others. He presented the award to Mr. Holloman and Ms. Parmentier.

Mr. Holloman thanked Mr. McCauley for coming. He is one of only two or three in the State who can make this presentation. Mr. Holloman noted that this would not have happened without Ms. Parmentier's hard work. He thanked Council for their efforts. Mayor Olive stated he was proud of the Town's spending wisely and spending on the things that matter.

Presentation 02 : Shannon Flaherty, Apex Chamber of Commerce

Presentation by Shannon Flaherty, Executive Director of the Apex Chamber of Commerce, to give the Council an update on Chamber happenings and how the community groups and events have benefitted from the use of the Chamber

Ms. Flaherty thanked Council for its support of the Chamber. She stated the mission of the Chamber and outlined the projects in which they're involved and the events they present. Ms. Flaherty talked a bit about upcoming events. She noted that local folks use the Chamber building, and they have a great collaboration with these groups. The building also serves as the visitor's center for Apex. Over 300 people have stopped by to inquire about the community, many planning to relocate here. Ms. Flaherty stated that she and her board of directors would be more than happy to do what they can to help the town.

CONSENT AGENDA

- Consent 01** Minutes of the August 16, 2016 Regular Council Meeting
- Consent 02** Transfer of Lot 289 Plots C & D to Patrice B. Helton
- Consent 03** Transfer of Lot 181 Plots C & D to Jacquelyn Marie Livesay
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #15CZ33, McAdams Company/ Bobby Joe and Mary H Stroup, James and Catherine Stroup, Charles E. Tunstall Family Trust, Tony and Judy Sears, Fahey Family Farm LLC., petitioners for the property located at 1908, 1928, 1820 Old US 1 Hwy, and 2420, 0, and 2517 Kelly Road
- Consent 05** Statement of the Town Council and Ordinance for Rezoning Case #16CZ06 Dan Ryan Builders/ James Kelly & Brian Griffith, petitioners for the property located at 1921 and 1929 Holt Road, and 0 and 6786 Old Jenks Road
- Consent 06** Statement of the Town Council and Ordinance for Rezoning Case #16CZ20, Jeff Roach, petitioner for the property located 740 S. Salem Street
- 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 David and Barbara Yates, Kenneth and Carla Markham and for William L. Yates Heirs (Gayle Y. Reid, P.O.A.) (Green Level Estates) property containing 18.22 acres located on Green Level West Road, Annexation #580 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 County of Wake, Attorney Scott W. Warren (South Wake Landfill) property containing 137.680 acres located at 6000 Old Smithfield Road, Annexation #582, into the Town's corporate limits
- Consent 09 Set Public Hearing for the September 20, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance regarding the Veridea Project
- Consent 10 Cooperative Purchasing Agreement (CPA) between the Town and Wake County concerning Disaster Debris Removal Services and related CPAs and Master Services Agreements with Phillips & Jordan and Crowder Gulf
- Consent 11 Additional street closures and an exemption to the noise ordinance for Apex Music Festival (formerly Apex Jazzfest)
- Consent 12 Establishment of the Tree Citizen Advisory Panel (TreeCap) and authorization for the Mayor to make appointments, subject to Council affirmation, in accordance with the TreeCap description document
- Consent 13 Budget amendment for Pleasant Park project fund and to amend Withers and Ravenel's contract by \$15,000 to cover transportation study costs

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

REGULAR MEETING AGENDA

Council Member Moyer requested a Closed Session to consult with the Town Attorney.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE ADDITION OF A CLOSED SESSION.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE 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 01 : Amanda Bunce, Senior Planner
Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering Design, asked for clarification from staff on item 4, which he received. He expressed concern about parking related to item 8.

Mayor Olive declared the Public Hearing closed.

Staff clarified Mr. Roach's concern over parking as well as answering questions from Council. Stemming from this, item 4 was adjusted.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS WITH AN ADJUSTMENT TO ITEM 4; COUNCIL MEMBER MOYER SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Added Closed Session 01: 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 DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER SCHULZE
MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

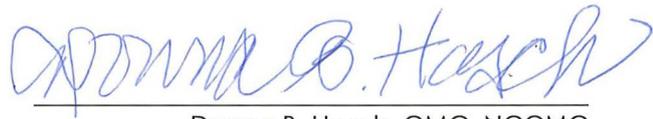
WORK SESSION

There were no Work Session items for consideration

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 20, 2016

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Eugene J. Schulze, William S. Jensen, 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, September 20, 2016, 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
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

There were no presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the September 6, 2016 Regular Council Meeting
- Consent 02** Apex Tax Report dated 8/12/2016
- Consent 03** Amendments to the Town of Apex Code of Ordinances Section 20-164 (21), (22), (23), (24) and (25) to establish No Parking zones
- Consent 04** Resolution of support for the Town of Apex to pursue a comprehensive bicycle planning grant through the North Carolina Department of Transportation (NCDOT) Bicycle and Pedestrian Planning Grant Initiative. If awarded, the bicycle plan would have a total cost of \$40,000-\$70,000 and would require a 30 percent match of \$12,000-\$21,000 in local funds.

- Consent 05 Construction contract and authorization for the Town Manager to execute same, and to approve the budget ordinance amendment and capital project ordinance amendment for U-5118 AF Kelly Road Operational Improvements
- Consent 06 Developer agreement with Meritage Homes of the Carolinas, Inc. for Deer Creek subdivision
- Consent 07 Resolution and associated "Second Inter-local Agreement for White Oak Creek Greenway" with The Town of Cary for construction, ownership, operation, maintenance, and repair of the White Oak Creek Greenway extension from Green Level Church Road west to the Wimberly Road Trailhead at the American Tobacco Trail and authorization for the Town Manager to execute the same
- Consent 08 Set the Public Hearing on October 4, 2016 for rezoning application #16CZ22 (Bee Safe Storage) to rezone 6.69± acres located at 2500 Creekside Landing Drive from Planned Unit Development Conditional Zoning (PUD-CZ) to Tech/Flex Conditional Zoning (TF-CZ)
- 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 6, 2016
- Consent 10 Resolution to Abandon a Portion of Existing Public Utility Easement

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 4-0 VOTE.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

J.C. Knowles indicated the plaques he'd made for and distributed to Council with the new Town logo were given with his appreciation for allowing him to serve the Town as its Ambassador.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public Hearing and Rezoning Application #16CZ17 (Villages of Apex). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of NC II LP LTD Partnership, True Homes, and North Carolina Office I LP seeks to rezone approximately 50.42 acres located

at 1960 Apex Peakway and 56 Hunter Street from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions.

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended unanimous denial due to incompatibility and detriment to the surrounding environment. Staff recommended approval if the story height went to five, as this is the highest the fire truck ladders can reach.

Peter Clossen, Jones and Clossen Engineering, representing the owner, detailed the three requested amendments, stating that they were in agreement with reducing the story height to the staff recommendation of five. Mr. Clossen answered Council questions on residential density and open gathering space.

Mayor Olive declared the Public Hearing open.

Speaking in opposition were Barbara Collins, Mike Chirico, Ally Jurgens, James Muccioli, Coit Weaver, and Laura Holley with the following concerns/comments: the community standard is represented in the current zoning, retail space is high in the Food Lion area, the developer's idea of marketability, the developer is more interested in market profit, want to see what was promised for the site in 2008, agreement with Council comments about the live/work environment and what would be a good use of space, the plan should be stuck to, no one wants to live beside an office park, don't want to see Apex turn into another Cary with houses in every available spot, retail was given up in Trackside 1, have lost keeping a continuous downtown feel, and Council should stick to its guns with the original plan.

Mr. Clossen stated he realized this was a sensitive issue. The developer is sticking to their guns and believe in what they're proposing. He will, however, take the public comments and those of Council back to the developers and see what happens.

Mayor Olive declared the Public Hearing closed.

Council briefly discussed density and retail space.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO DENY
THE REQUEST; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

Public Hearing and Rezoning Application #16CZ18 (Old Mill Village). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of Apex First Development, LLC seeks to rezone approximately 2.84 acres located at 400 and 450 N Mason Street from Planned Unit Development - Conditional Zoning to Planned Unit Development - Conditional Zoning (amended).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning staff recommended denial of the request. The Planning Board unanimously recommended denial due to incompatibility and detriment of the surrounding environment. Staff answered Council questions in regards to live/work.

Peter Cnossen, Jones Cnossen Engineering, representing the owner, clarified what they were seeking in their request. Mr. Cnossen requested removal of the live/work units for a total of ten townhouses.

Mayor Olive declared the Public Hearing open.

Speaking in opposition were Barbara Collins, Scott Carrier, Ally Jurgens, Kathy Muccioli, Lisa Weaver, and Laura Holley with the following comments/concerns: there is a logic problem in this scenario, the live/work/play factor is being lost, losing retail is a concern along with the number of townhouses and additional traffic, there will be additional people using the pool, appreciation for comments from Council, opposition to anything over four stories in downtown as it would be out of place and out of character, and the original concept for this site has worked in Morrisville.

Mr. Cnossen stated he will take all comments to the developer and hopefully put things on the right track.

Mayor Olive declared the Public Hearing closed.

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

Council stated it wanted to see what was in the original plan.

THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and amendment to the 2030 Land Use Map chart as recommended by the Town Council Planning Committee to remove B1 and B2 zoning districts from the Office Employment Land Use Classification

Staff detailed the proposed amendment. The Planning Board unanimously recommended approval of the change which would remove B1 and B2 from Office Employment in the 2030 Land Use 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 WILKIE MADE THE MOTION TO APPROVE
THE AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex David and Barbara Yates, Kenneth and Carla Markham and for William L. Yates Heirs (Gayle Y. Reid, P.O.A.) (Green Level Estates) property containing 18.22 acres located on Green Level West Road, Annexation #580 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.

Staff answered Council questions on exploring park land in this area.

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 4-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex County of Wake, Attorney Scott W. Warren (South Wake Landfill) property containing 137.680 acres located at 6000 Old Smithfield Road, Annexation #582 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 4-0 VOTE.

Public Hearing 06 : Shannon Cox, Transportation Planner

Public Hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Town of Apex Planning Department

Staff detailed the proposed amendment. The Planning Board and staff recommended approval.

Mayor Olive declared the Public Hearing open.

Dan Brubaker wanted to know the nature of the original conservation easement. With staff's response, Mr. Brubaker stated he had no concerns.

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 WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

At the request of Council,

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION TO RECEIVE ADVICE FROM THE TOWN ATTORNEY.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR THE RETURN TO OPEN SESSION WITH AGREEMENT OF COUNCIL.

Public Hearing 07 : Brendie Vega, Principal Planner

Public Hearing and amendment to the Unified Development Ordinance regarding the Sustainable Development Conditional Zoning District (Veridea)

Staff oriented Council to the request. The Planning Board recommended approval by a vote of 5-1. The applicant agreed to staff's change in language, and staff's position was neutral since this was a procedural vs. a planning issue.

Jason Barron, Morningstar Law Group, on behalf of the applicants, stated they share and embrace the Town's vision for this site and are anxious to bring this to reality. They wished to put the owners back in control of their property. Mr. Barron presented background on the appointing of a responsible person, stating that person owns no property and has no agreement with the owners. The Ordinance created the opportunity for the owners to be deprived of their rights – it's fundamentally flawed. Even if the parties were getting along, this Ordinance would still need to be corrected. The SD Plan would not change as part of the process of making the change they were requesting. Mr. Barron enforced that his clients have the right to use their property.

Mayor Olive declared the Public Hearing open.

Tom Hendrickson, Lookout Ventures (responsible party), stated they have been involved with Veridea since prior to 2011. He spoke about the number of hours they've worked with Hudson, the professional team, and staff. At this point, they have had no formal requests to review any plans. Mr. Hendrickson was concerned about Town processes being terminated without following the appeal process.

Perry Reader stated his company has been working with Hudson over four years as advisors. They have been asked by Hudson to be the responsible party, and he presented their credentials and the developments in which they've been involved.

Richard Ortiz, co-founding member of Hudson Realty Capital, explained what it is they do. He stated they want to do what they want to do with the land that they own. They can't be denied the right to do what they can do within the guidelines of the UDO.

Allen Maness stated he was not present as a paid consultant, but he was at earlier meetings. He spoke about how Hudson was part of the Ordinance that was crafted. An intermediary is common across the country, and some Council Members were adamant about Hendrickson. Hendrickson has not tied anyone's hands and would approve any request that fit the SD Plan.

Mayor Olive declared the Public Hearing closed.

Council stated he did not feel Hudson's rights were taken away but that they were given away. It is not for the Town to solve Hudson's problem. Council understood both sides, but the responsible person concept was to ensure the SD Plan was followed. Council believed that if the uses were consistent with the Plan, then Hudson's rights were not taken away.

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

Council stated that if a plan was submitted, Mr. Hendrickson would have submitted it to the Town. He wanted the one point of contact so everything would match the SD Plan. Council wondered how it would work if things were to stay as they are. Let's see if a plan does get submitted to Lookout Ventures. Leaving the Ordinance as is would give the party's time to consider where they are.

Mr. Barron stated that if Council denied their request, they would be happy to engage through the process. But if it didn't work, he would want this matter to be considered pending instead of going

through the planning process again. There was discussion about what it would change if the matter were continued.

COUNCIL MEMBERS WILKIE AND SCHULZE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS
JENSEN AND MOYER VOTED IN THE NEGATIVE.
IN ORDER TO BREAK THE TIE VOTE, MAYOR OLIVE VOTED IN THE AFFIRMATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive stated he's looked at this very seriously as he was here from the very beginning. He voted in favor of the denial, but believed there are still avenues to be pursued. The role of responsible person was reviewed very carefully back in 2010. There is no demonstration that the current responsible person is not doing his job. The Mayor stated he wants the right projects and economic development, and we need to see what these are and move forward.

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

Townes at North Salem Master Subdivision Plan for the properties located at 0 N. Salem Street containing 39.54 acres and 196 townhome lots and 2 nonresidential outparcels

Staff oriented Council to the site. A neighborhood meeting was held. The Planning staff recommended approval with condition. The Planning Board unanimously recommended approval as recommended by staff. Staff clarified Council questions on buffers, uses, and number of townhomes.

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

New Business 02 : Liz Loffin, Planner

Whitehall Village Reserve Phases 1 & 2 Master Subdivision Plan for the properties located at 0 Apex Peakway containing 3.48 acres and 9 single-family lots

Staff oriented Council to the site. Two neighborhood meetings were held. The Parks and Recreation Commission recommended the developer work with the Town to provide a greenway connection, which has been constructed. The Planning Board recommended approval as did staff. Staff answered Council questions on buffers and lot size.

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

Closed Session 01 : 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 MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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.

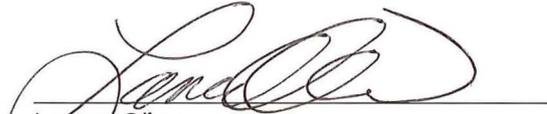
ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor



APEX TOWN COUNCIL TOWN HALL MEETING

THURSDAY, SEPTEMBER 29, 2016

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 Town Hall Meeting of the Apex Town Council scheduled for Thursday, September 30, 2016, at 7:00 p.m. was held at the Halle Cultural Arts Center, 237 N. Salem Street, Apex, NC

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

Mayor Olive welcomed everyone and called the meeting to order. Apex Ambassador J.C. Knowles gave the Invocation, Mayor Olive led the Pledge of Allegiance.

Each Council Member introduced and provided a bit of background on themselves. Mayor Olive informed the audience how the meeting would work and stated he would be more of a moderator than a participant.

During this question and answer period, the following topics were covered: building and growth, preserving the here and now, the tax base, parking downtown, downtown holiday lights, future funding for the community center, a splash pad, road improvements, and the 2030 Land Use Plan.

After the allotted time, Mayor Olive wrapped up the meeting. He thanked everyone for caring about Apex, complimented Council, and thanked staff for arranging the meeting. In response to the Mayor's question, the majority of the audience thought it would be good to have another of these meetings in six months or so.

ADJOURNMENT

Mayor Olive adjourned the meeting with no objection from Council.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 04, 2016

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, October 4, 2016, 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 Moyer gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Drew Havens, Town Manager

Introduction of new employees

Mr. Havens stated that new employees who will most likely interact with Council will be introduced quarterly.

Mr. Donnelly introduced Amanda Reid, the new Budget and Management Analyst, gave her credentials, and welcomed her to the town.

Mr. Hughes introduced Marty Stone, the new Water Resources Director, gave his credentials, and welcomed him to the town.

CONSENT AGENDA

- Consent 01 Minutes of the September 20, 2016 Regular Council Meeting
- Consent 02 Contract for Off-Duty Police Officer Services provided to the Wake County Public School System (WCPSS) and to authorize the Chief of Police to execute the contract
- Consent 03 Transfer of Lot 37 Plot F in Town of Apex Cemetery to Wendy Pendergraft
- Consent 04 Purchase of Lot 80 Plot B in Town of Apex Cemetery for Dorothy Riefner
- Consent 05 Several special event requests
- Consent 06 Budget amendment to appropriate moneys for Salem Pond Park to repair / replace trail that is unsafe and install maintenance drive to athletic field
- Consent 07 General Fund budget ordinance amendment to appropriate grant funds received for the reconstruction of the public tennis courts at Apex Elementary School Park allowing other funds budgeted for the project to be used for other P&R Capital projects
- Consent 08 Set the Public Hearing on October 18, 2016 for rezoning application #16CZ24 (Goldenvue PUD, a portion formerly known as James Street PUD) to rezone 3.49± acres located at 210 James Street and 250 James Street from Residential Agricultural (RA) and Medium Density- Conditional Use (MD-CU) to Planned Unit Development- Conditional Zoning (PUD-CZ)
- Consent 09 Set the Public Hearing on October 18, 2016 for rezoning application #16CZ27 (Jones & Cnossen Engineering, PLLC) to rezone 2.0± acres located at 7904 Humie Olive Road from Rural Residential (RR) to Medium Density Residential- Conditional Zoning (MD-CZ)
- Consent 10 Changing the Town of Apex Ordinance 15-6 to allow the Rogers Skate Plaza to remain open 24 hours a day effective October 15, 2016 as requested by the Apex Police Department
- Consent 11 Budget ordinance amendment and a capital project ordinance amendment to establish the budget for the Beaver Creek (Kelly Road to Nature Park) Greenway in the Recreation Capital Project Fund
- Consent 12 Budget ordinance amendment and a capital project ordinance amendment to establish the budget for the Middle Creek Greenway in the Recreation Capital Project Fund

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

REGULAR MEETING AGENDA

Mayor Olive stated the applicant requested that Public Hearing 02 be continued.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH PUBLIC HEARING 02 BEING HEARD FIRST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Christine Hilt, representing *Moving Wake County Forward*, explained why she supported the referendum to expand transportation in Apex. This is an economic situation into which we need to look. She spoke about what would be created with a ½ cent sales tax increase, i.e., express lanes and better jobs. Ms. Hilt stated his issue is not controversial, that 10 out of 12 mayors support it. She hoped word would be spread to support this initiative.

PUBLIC HEARINGS

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

Quasi-Judicial Public Hearing and possible motion regarding a Special Use Permit for Elite Waste Services, 37.27 acres located at 520 Pristine Water Drive

Speaking for the applicant, Jeff Roach, Peak Engineering, confirmed their asking for this Hearing to be moved to November 1st. Responding to Council, Mr. Roach stated the continuance was asked for because they don't yet have answers to questions which have arisen from property owners.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE CONTINUING THIS HEARING TO NOVEMBER 1ST;; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 01 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ22 (Isabel Mattox, Mattox Law Firm/Todd Copeland, Apex CP II, LLC aka Bee Safe Storage) to rezone 6.69± acres located at 2500 Creekside Landing Drive from Planned Unit Development-Conditional Zoning (PUD-CZ) to Tech/Flex Conditional Zoning (TF-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff recommended approval with one suggested modification to signage. The Planning Board recommended approval as proposed by the applicant. Responding to Council, staff clarified access to the storage facility and questions about signage and buffers.

Attorney Isabelle Maddox, representing the developers, presented photos of what the site would look like and explained what they proposed aesthetically for the site. Ms. Maddox explained why they were asking for the 15% signage size which they thought would look better than 10%. There was also concern about buffers which Ms. Maddox stated they would be willing to consider beefing up. At the neighborhood meeting, there was no opposition from attendees. She explained how this business would be beneficial to the town.

Staff clarified what it wished to see offered by the developer.

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

Mayor Olive stated any new changes made since what was before Council may not have been vetted by staff. Council was not comfortable with the variety of buffers and explained why. Staff clarified what was submitted by the applicant and stated it recommended approval with the buffers submitted. Council asked if the applicant would consider a solar system for the building. The applicant stated that based on a conversation prior to this meeting, they would consider this if it made economic sense. Council stated he would also like to see stronger buffers around the entire property. After discussion with the applicant, Ms. Maddox stated the changes they would make with respect to buffers. Staff clarified for Council the sizing of the signage on the articulated element of the building.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE REZONING WITH STAFF'S RECOMMENDATION AND THE APPLICANT-OFFERED BUFFER;
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

After further discussion with the applicant, Ms. Maddox asked for a compromise to 12 ½% on the signage.

COUNCIL MEMBER MOYER AMENDED HIS MOTION TO APPROVE THE REZONING WITH STAFF'S
RECOMMENDATION, 12 1/2% ON THE SIGNAGE, AND THE OFFERED B BUFFER.
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 : Drew Havens, Town Manager

Conceptual agreement between the Town and the owners of the Veridea property relating to financing necessary wastewater infrastructure

Havens stated there have been conversations at the staff level regarding the Veridea property and issues related to waste water. Council was asked at one point would the town be willing to pay for the waste water. We have been working with Veridea to try to move this issue along. We've come up with a way to work with Veridea at a substantially reduced risk to the town. Havens explained the conceptual agreement presented and the three points it emphasized. The Planning Committee has met with Veridea several times, and wanted to know if Council wished to persue this on to a formal agreement.

Council asked for clarification of several concerns, to which Havens responded. The Mayor explained the Committee's thinking regarding the cost of infrastructure and the value back to the town. Council was concerned that we might not have given this type of deal to another developer. Council stated we need to find a way to get more jobs here, and we might need to make concessions for what this development will bring in for the town. This would be a big step in the site certification process for the Economic Development Department. Council stated she was fine with getting more information and expressed the same concern about whether or not we would have/would do this for another developer. Council stated it may be time for us to step out of bounds and do something different. She would be willing to support out-of-the-box ideas for any future large-sized development.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE FORWARD WITH THE CONCEPT AND GATHER MORE DETAILS; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The Mayor talked a bit about what the future could look like with this type of project.

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney

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



APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 18, 2016

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, October 18, 2016, 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 Wilkie gave the Invocation, and Mayor Olive
led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01: Mayor Lance Olive

**Presentation of Proclamation to Doug Smith, Unit Commander, Capital City Young Marines; Commanding Officer, 1st Battalion 2nd
NC, recognizing Red Ribbon Week**

Mayor Olive read the Proclamation and presented it to Mr. Doug Smith and Mr. Jude Smith, the latter
being a Young Marine. Mr. Doug Smith gave an explanation of what Red Ribbon Week is all about –
educating young school children on avoiding the use of drugs and alcohol.

CONSENT AGENDA

- Consent 01** Minutes of the September 29, 2016 Town Hall Meeting and the Regular Council Meeting of October 4, 2016
- Consent 02** Apex Tax Report dated 09/06/2016
- Consent 03** Capital Project Ordinance Amendment to adjust the ordinance passed by the Town Council at its October 4, 2016
meeting establishing the budget for the Middle Creek Greenway in the Recreation Capital Project Fund

- Consent 04** Encroachment Agreements for the described properties to install a concrete drive and sidewalk over a TOA 20-foot sanitary sewer easement: 2812 Bladen Lakes Cove – Lot 326 Parkside at Bella Casa Phase 10B, 2816 Bladen Lakes Cove – Lot 325 Parkside at Bella Casa Phase 10B, and 2817 Bladen Lakes Cove – Lot 324 Parkside at Bella Casa Phase 10B
- Consent 05** Amendments to the Development Fee Schedule
- Consent 06** Piggybacking onto the 911 telephone system contract
- Consent 07** Statement of the Town Council and Ordinance for Rezoning Case #16CZ22 (2500 Creekside Landing Drive), Isabel Mattox, Mattox Law Firm/Todd Copeland, Apex CP II, LLC, petitioners for the property located at 2500 Creekside Landing Drive
- Consent 08** Budget ordinance amendment to appropriate insurance proceeds which have been received by the Town for the replacement of a pickup truck used by the Fire Department
- Consent 09** Statement of the Town Council for denial of Rezoning Case #16CZ17 (Villages of Apex PUD Amendment), Jones & Cnossen Engineering/NC II LTD Partnership, North Carolina Office I, LP & True Homes, petitioners for the property located at 1960 Apex Peakway, 56 Hunter Street
- Consent 10** Statement of the Town Council for denial of Rezoning Case #16CZ18 (Old Mill Village PUD Amendment), Jones & Cnossen Engineering/Apex First Development, LLC, petitioners for the property located at 400 & 450 N. Mason Street
- 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 20, 2016

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

Council Member Moyer requested the addition of a New Business item to discuss what we might do to help in aiding those affected by Hurricane Matthew.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA WITH THE REQUESTED ADDITION TO NEW BUSINESS. COUNCIL MEMBER SCHULZE MADE THE MOTION;
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 the month

PUBLIC HEARINGS

Public Hearing 01 : Liz Loffin, Planner

Public Hearing and rezoning application #16CZ24 (Goldenview PUD) to rezone 3.49± acres located at 210 and 250 James Street from Residential Agricultural (RA) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu and a dedicated public greenway easement allowing access to the Big Branch Greenway to the south. Planning staff recommended approval with an additional condition.

Jeff Roach, Peak Engineering Design, representing the applicant, stated they were before Council previously. They did as Council asked and added more property to the project and added a wood screen fence. UDO requirements have been met, and they have worked with Parks and Recreation to make a greenway connection. Houses will be single family detached and run in the \$280/\$290,000 and up range.

Mayor Olive declared the Public Hearing open.

Darcy Holley stated this project is adjacent to and abuts her property. She was representing her Home Owners Association, the President of the Association was in attendance, and they are all in support of the project.

Mayor Olive declared the Public Hearing closed.

Council stated she appreciated Mr. Roach doing as Council had asked and connecting further with neighbors.

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

Council expressed concern about subdivisions without a link to non-residential, although this was not a bad development.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Amanda Bunce, Senior Planner

Public Hearing and rezoning application #16CZ27 (7904 Humie Olive Road) to rezone 2.0± acres located at 7904 Humie Olive 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 and the Planning Board recommended approval.

Stuart Jones, Jones and Clossen Engineering, on behalf of the developers, stated they wished to place duplexes on the property and presented the benefits of and the market potential for these units. Responding to Council, Mr. Jones talked about the developer's history with duplexes in other parts of the country.

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

Council stated she receives communications frequently with concern about dangerous traffic in the area. There is no bus service to schools. She felt it a great project but one she could not support at this point. There was conversation about cross walks and sidewalks.

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

Council stated he was concerned with our continuing to add subdivisions. He agreed with Council that this type of housing near a school would be a good thing. However, he understood the concern about traffic. Council stated she's asked for Wake County to walk the area at 6 a.m. to see what they thought about the kids getting a bus.

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

Council stated this was a great product, but he was concerned about what's going on out there. Council stated the other subdivisions have added to the problem of traffic. The Mayor stated he's also been concerned about student/pedestrian safety, and he's spoken with the Town Manager about this. The Mayor stated the traffic safety units and SRO's are taking notes, adding that we definitely want safe crossing areas. The school is close and walkable, and hopefully this will be cause to add more sidewalks. There was discussion about others involved in this conversation.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and amendments to the 2030 Land Use Map based on the results of the 2035 Economic Study completed by Kimley-Horn and/or recommendations from the Town Council Planning Committee

Staff stated amendments to the map have been made based on the study done by Kimley Horne. She oriented Council to the amendments to the nodes. The Planning Board recommended approval of Set 1 of the study.

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

Council discussed buffers between the railroad tracks and residences, being in favor of Set 2, not going along with the recommendation of the study, rezonings, why the Planning Committee went the route of Set 2, densities, striping to allow for options, and being prepared for providing employment prospects. Council stated he would want to see this go back to the Planning Committee for consideration of alternate striping.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE SET 2,
AND FOR THE 17 ACRE PARCEL TO THE NORTH TO BE STRIPED SO AS TO ALSO INCLUDE OFFICE;
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Discussion ensued and Council was in agreement to vote on this issue this evening and then to revisit it at a later date.

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

The Mayor spoke briefly about the preservation for future growth and our planning well for this.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

ADDED New Business 01 : Council Member Wesley Moyer Hurricane Relief Efforts

Council stated he had spoken with private businesses regarding donations to the hurricane-affected areas. Recovery Logistics is collecting donations and will be taking them to Lumberton. Council talked about putting an effort together, with little staff involvement. Maybe collecting on campus with a Uhaul truck and drops-ins at the fire departments.

Council asked if staff could promote this on social media. The Mayor stated what they really want are cleaning supplies. Recovery Logistics would pay for the truck and someone to manage it from 10:00 a.m. to 4:00 p.m. Council, if it wished, could ride in the truck to deliver the products. The Mayor would like to see this opened up to Robinston County as a whole, Council having no objection. Council was informed as to where people could go for things like medications because their paperwork was lost.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO MOVE FORWARD
WITH PROVIDING DROP SPOTS, MEDIA COVERAGE, AND BASIC SUPPORT;
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.

ATTEST:


Lance Olive, Mayor


Donna B. Hosch, CMC, NCCMC
Town Clerk



APEX TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 1, 2016

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, November 1, 2016, 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.

Mayor Olive recognized Girl Scout Troop 4907 and Boy Scout Troop 222. Prior to the Council Meeting, the
Troops met with the Mayor for an overview of municipal government.

PRESENTATION

Presentation 01: Mayor Lance Olive

Proclamation for Apex Geographic Information Services (GIS) Day

Mayor Olive read and presented the Proclamation to Erika Sacco, IT Director. Ms. Sacco gave a brief
description of what GIS is and how it helps enhance and promote resources. Ms. Sacco recognized our
GIS Administrator, Steve Nelson.

CONSENT AGENDA

- Consent 01 Minutes of the October 18, 2016 Regular Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ24, Jeff Roach, Peak Engineering & Design/Empire Contractors, Inc. (Goldenvue PUD), petitioners for the property located at 210 & 250 James Street
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #16CZ27, Stuart Jones, Jones & Cnossen Engineering/Ray Anthony & Varla Rogers Powell, petitioners for the property located at 7904 Humie Olive Road
- 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 Jenks Investment, LLC (Mercer Estates PUD) property containing 19.377 acres located at 0 and 816 Wimberly Road, Annexation #581 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 William and Jennifer Galton and Lake Time, LLC (Abbey Run Master Subdivision) properties containing 7.343 acres located at 1112, 1114 and 1116 Olive Chapel Road, Annexation #583 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 Rebecca Roberts, Trustee FBO Brandon Roberts (Weddington Master Subdivision) property containing 50.129 acres located at 4105 Green Level West Road, Annexation #585 into the Town's corporate limits
- Consent 07 Set Public Hearing for the November 15, 2016 Town Council Meeting regarding Rezoning Application #16CZ21 (Sweetwater PUD Amendment). The applicant, Experience One Homes LLC seeks to rezone approximately 164.79 acres located at 3233 US Hwy 64 West from Planned Unit Development- Conditional Zoning to Planned Unit Development - Conditional Zoning
- Consent 08 Set Public Hearing for the November 15, 2016 Town Council Meeting regarding rezoning application #16CZ23 (Mercer Estates PUD) to rezone 19.377± acres located 0 and 816 Wimberly Road from R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 09 Set Public Hearing for the November 15, 2016 Town Council Meeting regarding Rezoning Application #16CZ28 (1100 Center Street). The applicant, The Strong Rock Development Company seeks to rezone approximately 7.43 acres located at 1100 Center Street from Residential Agriculture (RA) to High Density Multi-Family – Conditional Zoning (HDMF-CZ)
- Consent 10 Set Public Hearing for the November 15, 2016 Town Council Meeting regarding Rezoning Application #16CZ29 (4213 Green Level West Rd). The applicant, Josh Lambert, VP Land Development for The Strong Rock Development Company, seeks to rezone approximately 28.84 acres located 4213 Green Level West Rd from Rural Residential (RR) to Low Density Residential - Conditional Zoning (LD-CZ)
- Consent 11 Set Public Hearing for the November 15, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 12 Construction contract and authorization for the Town Manager to execute same for pavement markings on Salem Street and Hunter Street
- Consent 13 General services agreement for consulting services with Green Infrastructure Center Inc.

- Consent 14** Management Control Agreement between the Police and Information Technology Department pursuant to the CJIS Security Policy and authorization for the Chief of Police and the Director of Information Technology to execute
- 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 Crossroads Holdings, LLC (Quick Lane Tire & Auto) property containing 2.230 acres located at 0 Pine Plaza Drive, Annexation #584 into the Town's corporate limits
- Consent 16** Resolution to rename a portion of Old Holly Springs Apex Road to Veridea Parkway

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

REGULAR MEETING AGENDA

Council Member Moyer requested the addition of a New Business item to give an update on our storm relief donations.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE AGENDA WITH THE ADDITION OF THE REQUESTED NEW BUSINESS ITEM; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Richard Beaver expressed appreciation for the crosswalk that was recently painted in his neighborhood. This has been needed for a long time. Mr. Beaver gave suggestion for where it might be beneficial to paint another crosswalk.

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 HEARINGS

Public Hearing 01 – Quasi Judicial : Shelly Mayo, Planner

Quasi-Judicial Public Hearing regarding a Special Use Permit for Elite Waste Services containing 37.27 acres located at 520 Pristine Water Drive

Mayor Olive read the Statement outlining the process of the public hearing. All those wishing to speak were sworn in by the Town Clerk.

Mayor Olive declared the Public Hearing open.

William Brian, Morningstar Law Group and attorney for the applicant, introduced the primary members of his team, Dan Wall, Elite Waste Services, and Jeff Roach, Peak Engineering and Design. Ted Oliver, representing Eagle Rock (for formality only, referred to as 'opponent'), stated he wished to present additional information but was not in opposition of the request.

Mayor Olive canvassed Council as to their ability to make impartial decisions in this Hearing, and to ensure they had no conflicts or any communication with the applicant. All Council Members and the Mayor stated they could be impartial and had no conflicts.

OPENING STATEMENT BY APPLICANT: Mr. Brian asked for all attachments presented to be entered into evidence. The site plan had been approved, and he stated that Mr. Roach and Joshua Reinke, Ramey Kemp & Associates, Inc., would speak to the plan. Mr. Brian believed they would show all criteria had been met for the special use permit and that it should be granted.

PRESENTATION BY STAFF: Ms. Mayo presented her credentials and oriented Council to the site. A neighborhood meeting was held, and staff recommended approval as presented. Dianne Khin, Planning Director, presented her credentials.

CROSS OF STAFF BY COUNCIL AND APPLICANT: Staff answered Council questions regarding buffers and a right of way on Jessie Drive. There was no cross by the applicant.

Council stated it had not observed the site. There were no questions from the applicant.

EVIDENCE FROM APPLICANT: Mr. Wall, who is also the property owner, presented reasons why this is a prime location for his business, Elite Waste Services. He thanked staff for their guidance and hoped the request would be supported by Council.

CROSS OF APPLICANT BY COUNCIL: None.

EVIDENCE FROM THE APPLICANT: Mr. Roach presented his credentials. He explained the intricacies of the site plan with the assistance of a PowerPoint presentation. Hard copies were distributed to Council, and

exhibits A through G were asked to be entered into evidence. Mr. Roach stated the site plan complies with the UDO, and staff requested four additional conditions.

CROSS OF APPLICANT BY COUNCIL: Mr. Roach addressed Council's questions about a buffer, Jessie Drive, traffic, impact of odors, and the impact on Veridea. There was no cross by staff or the opponent.

EVIDENCE FROM APPLICANT: Joshua Reinke, Traffic Engineer, presented his credentials. He explained how they looked at trips which would/might be generated, a full traffic impact analysis not being necessary in his professional opinion.

CROSS OF APPLICANT BY COUNCIL: Mr. Reinke answered questions regarding trips/minute.

CROSS OF APPLICANT BY OPPOSITION: Ted Oliver, attorney representing Eagle Rock Concrete, stated they are an adjoining property owner. He asked questions about truck traffic on Pristine Water Drive.

Mr. Brian requested that all presented evidence be moved into the record.

EVIDENCE BY OPPONENT: Mr. Olivier stated he had no problem with the requested uses, and that Eagle Rock accesses their property through an easement. He talked about the traffic which would be generated on Pristine Water Drive.

Mr. Brian stated he objected to Mr. Oliver testifying as an attorney.

CROSS OF APPLICANT BY COUNCIL: Council asked for clarification of the easement agreement across Lufkin Road.

REBUTAL FROM STAFF: Ms. Vega asked Mr. Roach to clarify for Council the ROW for Jessie Drive and the width of a buffer.

Tim Donnelly, Assistant Town Manager, was sworn in by the Town Clerk. Mr. Donnelly presented his credentials. He spoke to who is responsible for the upkeep of Pristine Water Drive and its adequacy to support the type of trucks which would be using the road. He also answered questions about ownership of the road.

Mr. Roach spoke about access easements which have been recorded. There is a gravel road of variable widths, and it is structurally sound. Council wanted to make sure staff was in agreement with the appropriateness of the structure of the roads.

Karl Huegerich, Fire Marshall with the Apex Fire Department, presented his credentials and spoke to the latter. All specifications have been met, and the Fire Department has no problems with access.

Council asked the applicant about time frames for their activities and whether or not they could be a good neighbor. Mr. Wall explained why the time frames are as they are, stating that their primary operations will be during normal working hours.

CLOSING ARGUMENT BY APPLICANT: Mr. Brian stated all specifications and standards had been met and asked Council to grant issuance of the permit.

Mayor Olive declared the Public Hearing closed.

The Mayor presented to Council the UDO standards and asked if it felt the six items had been met. Council agreed Standard 1 had been met. After asking for clarification on chipping and mulching, the height of walls for screening, turnover for mulch piles (unprocessed material), and recycling height, and staff stating the conditions had been met, Council agreed Standard 2 was met. Council was in agreement that the remaining Standards 3-6 had been met.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE
SPECIAL USE PERMIT WITH THE CONDITIONS PROPOSED AND AGREED TO BY THE APPLICANT;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council Member Dozier asked to be excused from the remainder of the meeting for a work commitment. There was no objection from Council.

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 : Brendie Vega, Principal Planner

Development schedule extending the time for the Master Subdivision Plans and Rezoning

Staff stated that at the Planning Committee meeting a few months ago, and development schedule changes were discussed for the master subdivision and zoning process, not including the planned development process. Average timeframes for these were presented, staff noting that there needed to be more review time to ensure accurateness. Staff gave the history of the current timeframe, explained why the cycle is so short, and detailed what they would like to see.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE DEVELOPMENT SCHEDULE WITH THE 6 MONTH TIMEFRAME; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council argued that 6 months was excessive compared to surrounding municipalities. She preferred a 4-5 month timeframe. Council stated the process could be done faster; staff would not be locked into 6 months. Council talked a bit about what can/should be approved at staff level and the defining of a threshold. It was stated that the Planning Committee did not talk to developers about timeframes; the Committee asked staff to come up with revised figures.

There was brief discussion about this going back to Committee to find out what Cary is doing, Council wanting to see everything even if it's on the Consent Agenda, Committee looking also at the size of developments, and wanting input from the development community.

COUNCIL MEMBER SCHULZE AMENDED HIS MOTION TO TIMEFRAMES OF 3 MONTHS FOR REZONINGS AND 6 MONTHS FOR MASTER SUBDIVISIONS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Brendie Vega, Principal Planner

Pursue the creation of a voluntary Rural Overlay District that would protect areas with rural character from being assembled and rezoned for suburban density development

Staff talked about how to protect rural areas from future development and the process involved in making a new overlay district. This came out of Planning Committee. Staff explained that an entire

neighborhood could undue an overlay at a future date. Staff was seeking permission to continue. The ordinance would be revised as proposed by staff only if there was enough neighbor interest.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE PROCEEDING WITH THE OVERLAY DISTRICT; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

**Added New Business 03: Council Member Wesley Moyer
Update on Recovery Logistics Relief Effort**

Council presented pictures of the Recovery Logistics Relief effort. Two U Hauls were filled and taken to Robinson County. This had a huge impact and Council thanked everyone for their participation.

CLOSED SESSION

Closed Session 01 : 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 MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

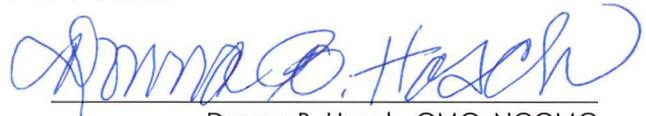
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST.



Lance Olive
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 15, 2016

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, November 15, 2016, at
7:00 p.m. was held in the Council Chamber of
Apex Town Hall, 73 Hunter Street

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 on November 1, 2016
- Consent 02** Budget ordinance amendment and capital project ordinance amendment to increase funding in the amount of \$50,000.00 for the Public Safety Station 5 project to cover additional costs
- Consent 03** Findings of Fact, Conclusions of Law, and Decision approving the Special Use Permit for Elite Waste Services located at 520 Pristine Water Drive. On November 1, 2016, Town Council approved Special Use Permit 16SUP01 for Elite Waste Services located at 520 Pristine Water Drive
- Consent 04** Lot 40 Plots B, C, G, and H to be reconveyed back to Apex Town Cemetery
- Consent 05** Municipal agreement with NCDOT to secure 50% of the additional project cost in federal funds up to \$130,000, requiring 50% matching local (Town of Apex) funds, in order to add turning lanes at the intersection of Kelly Road at Olive Chapel Road and sidewalk along Kelly Road from Olive Chapel Road to Evening Star Drive in TIP Project No. U-5118 AF. Construction is underway.
- Consent 06** Utility Relocation Agreement with Duke Energy with an estimated cost of \$108,012.01 as part of the Lake Pine Drive Improvement Project, TIP Project No. U-5537, and authorize the Town Manager to execute same
- Consent 07** \$150,000 grant from the Federal Land and Water Conservation Program for use on Phase II of Salem Pond Park and a budget ordinance amendment and capital project ordinance amendment associated with that grant

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

Council asked the applicants about possible increased traffic with the amended plan vs. the original plan. Accessory apartments and flats were discussed in relation to traffic. Council questioned how much office space would be present to accommodate possible employment for the individuals living in the flats. Gordon Poulson and Marvin Waldo of Retail Strategies added further clarity to this subject, noting that this 'special' concept would be exciting. They noted their experience in the mixed use concept and that their concept will be designed for smaller retailers.

Council asked more questions about setbacks and garages, the applicant stating that residential is under development. It would now be difficult to go back and change lot sizes.

Council asked for more detail on traffic during peak times. The applicant noted there would be a super street intersection on 64, and explained traffic turning patterns.

Responding to Council, the applicant spoke further about persons/square foot in the business environment. The live/work concept was discussed along with the B units and making the lots wider. The applicant explained only the garages would be made larger; the homes would remain the same size and with the same placement. The applicants assured Council that this project would be truly special and truly nice aesthetically.

At the request of Council, the applicant agreed to 80,000 square feet of office space as soon as this could be done.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REZONING WITH 80,000 SQUARE FEET OF OFFICE SPACE AS A MINIMUM OVER TIME; COUNCIL MEMBER MOYER SECONDED THE MOTION. 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 02 : Shelly Mayo, Planner

Public Hearing and rezoning application #16CZ28 (1100 Center Street). The applicant, The Strong Rock Development Company, seeks to rezone approximately 7.43 acres located at 1100 Center Street from Residential Agriculture (RA) to High Density Multi-Family – Conditional Zoning (HDMF-CZ)

Jeff Roach, Peak Engineering Design, representing the applicant, clarified lot sizes and wanting to keep the rural feel. They will not be keeping the pond, and he explained why not. He asked Council for support of the annexation request.

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

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

Council stated this is something he'd been looking for for a long time, noting that there are people in Apex who would like the larger lot sizes.

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

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

Council stated he believed we need more of the large-lot types of development. In addition, in the future we wished to see some type of connectivity between something like this and some type of non-residential. He believed, however, that this was a good project.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #16CZ29 (4213 Green Level West) to rezone 28.84± acres located at 4213 Green Level West Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and staff recommended approval with conditions proposed by the applicant.

Josh Lambert, representing the applicant, stated he walked the area with a neighbor and staff. There were no real concerns coming out of the neighborhood meeting.

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 08 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Rebecca Roberts, Trustee FBO Brandon Roberts, (Weddington Master Subdivision) property containing 50.129 acres located at 4105 Green Level West Road, Annexation #585 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 MOYER MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS MOYER, WILKIE, SCHULZE, 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 was not happy with the PUD.

Public Hearing 09 : Amanda Bunce, Senior Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments, and answered several questions from Council. The Planning Board recommended approval as did staff.

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

Public Hearing 10 : Shannon Cox, Transportation Planner

Public Hearing and amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map as requested by the Town of Apex Planning Department

Staff oriented Council to the amendment. Staff did not recommend making the change and its reasons were presented. Staff did recommend alternate changes and those were presented. The Planning Board

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 : Michael Clark, Senior Planner

Buckhorn Preserve Master Subdivision Plan for the properties located at 2301 and 2505 Richardson Road containing 124.642 acres and 340 single-family lots

Staff oriented Council to the Plan, pointing out a change in the distributed documents. The Planning Board and staff recommended approval. Staff answered Council questions on number of units and play lots.

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

New Business 02 : Brendie Vega, Principal Planner

Woodbury Master Subdivision Plan (formerly Bristol PUD) for the properties located at 2433, 2505, 2513, 2517, 2521 New Hill Olive Chapel Road containing ±149.995 acres and 311 single-family lots and 89 townhomes

Staff pointed to a change in the distributed documents and oriented Council to the plan. A neighborhood meeting was held. The Parks and Recreation Advisory Commission recommended a 10' multi use path, the pursuit of 10 additional acres for a future community center, and payment in lieu. The Planning Board and staff recommended approval.

Council spoke about concern for points of exit. He wished to propose a condition for connectors. Randy King, Pulte Group, clarified their establishing collectors and points of access throughout the neighborhood. He also spoke about dedication of right of ways. Council delegated staff the authority to work through the connector issue with the applicant in order to not come back before Council.



APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 6, 2016

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, December 6, 2016, at
7:00 p.m. was held in the Council Chamber of
Apex Town Hall, 73 Hunter Street

COMMENCEMENT

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

PRESENTATION

Presentation 01 : Graham Wilson, Apex Sunrise Rotary Club
Presentation by Graham Wilson from the Apex Sunrise Rotary Club reporting on Peak City Pig Fest 2016

Mr. Wilson stated this was the first time Pig Fest had a title sponsor, which is a major money generator. There were approximately 30,000 in attendance and 48 cook teams. Added this year was a rib eating contest between Apex Police and Fire, and Mr. Wilson stated they are looking forward to making this a permanent part of the competition. The pig races, as always, were a crowd favorite.

They received a proclamation from the governor declaring this a state championship so that the winner could go to the national championship and qualify for the international championship. Downtown businesses were encouraged to become a part of the event, and they were offered free booths in front of their businesses for food.

Pig Fest has raised over \$100k in three years, with Western Wake Ministries being the biggest charity to which they donate. The competition has gained national recognition, and Mr. Wilson is engaged in telling others how the Apex event is organized. June 16-17, 2017 are the dates for next year. The contest will be part of the Old North State Championship, which will help attract more teams.

Presentation 02 : Mayor Lance Olive
Presentation of the Town of Apex Arbor Day Proclamation

Mayor Olive read and presented the proclamation to David Wood, Parks and Recreation, and several members of Tree CAP (Citizens Advisory Panel). He explained the purpose of this Panel and what it will be doing, including seeking to make Apex a Tree City USA.

Presentation 03 : Keith Joyce, Joyce and Company
Presentation of June 30, 2016 audit report from Joyce and Company

Mr. Joyce spoke briefly about the highlights of the audit, pointing to the distributed CAFR. Apex had a clean report and received the Certificate of Excellence for the 22nd consecutive year. Only 15% of municipalities across the county receive this Certificate. There were no severe material weaknesses, the purchase order process improved drastically from the prior year, previous New World issues have been resolved, and Mr. Joyce presented a few suggestions for improvement.

CONSENT AGENDA

- Consent 01 Minutes of the November 15, 2016 Regular Council Meeting**
- Consent 02 Budget ordinance amendment for engineering studies in support of the Encroachment Proposal for future Richardson Road through the Little Beaver Creek Conservation Easement**
- Consent 03 Amendment to Section 20-166 of the Town of Apex Code of Ordinances to apply the existing loading zone parking space restrictions on West Chatham Street, adjacent to Commerce Street, only on the days of Monday through Friday**
- Consent 04 Resolution of Intent to consider the closing of a portion of James Street Extension, reserving a variable width electric easement, and calling for a Public Hearing at the January 17, 2017 Town Council Meeting**
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #16CZ23 Mercer Estates PUD, Jeff Roach, Peak Engineering & Design/Wimberly Estates, LLC, petitioners for the property located at 816 Wimberly Road**
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #16CZ28. Josh Lambert representing The Strong Rock Development Company is the petitioner for the property located at 1100 Center Street.**
- Consent 07 Set the Public Hearing on December 20, 2016 for rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres located at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)**
- Consent 08 Set Public Hearing for the December 20, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance**
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 15, 2016**
- Consent 10 Pole Attachment Agreement with AT&T and authorize the Town Manager to execute same**
- Consent 11 Budget ordinance amendment for \$40,000 for the estimated construction cost of Marco Drive Access**

- Consent 12 Resolution designating Amanda Grogan and Jose Martinez as the town's agents for State and Federal Emergency Management issues related to Hurricane Matthew disaster assistance
- Consent 13 Set Public Hearing for the December 20, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance regarding the Veridea Project
- Consent 14 Set Public Hearing for the December 20, 2016 Town Council Meeting regarding various amendments to the Unified Development Ordinance for the purpose of regulating Wireless Support Structures and Wireless Communication Facilities in the Town's Rights-of-Way
- Consent 15 Amendment to the Town's Utility Customer Service Polices to amend certain fees related to the reconnection of service and returned checks which are currently at the levels adopted in 1995
- Consent 16 Resolution authorizing sale of two parcels consisting of approximately 7.72 acres of land for \$200,000.00 subject to the upset bid procedure
- Consent 17 Set the Public Hearing on December 20, 2016 for rezoning application #16CZ25 (Harris Property PUD) to rezone 1.29± acres located at 2010 Laura Duncan Road (PIN 0752-08-1005) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 18 Apex Tax Report dated 10/20/2016
- Consent 19 Award of badge and service handgun to Lieutenant Wayne English who will retire from the Apex Police Department as of January 1, 2017

The Mayor stated that the dollar amount in Consent 11 was modified from \$40,000 to \$50,000.

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

REGULAR MEETING AGENDA

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

PUBLIC FORUM

Brenda Wells addressed issues with the company behind her property, Hard Rock. They have violated the noise ordinance on several occasions, the Police Department being heavily involved. Sometimes the noise is constant and sometimes it's not; therefore, it makes investigation difficult. Ms. Wells stated the noise starts about 5/5:30 in the morning and goes until 10:00 at night, and she explained the noises heard.

Hard Rock stated to her that they are running a third shift and explained to Police that this is how they make their money. They operate seven days a week. Ms. Wells spoke with the owner who refused to do anything about the noise unless he's made to do so. She's made recordings of the noise on her phone. Ms. Wells stated this company should not be zoned to work in this area. The Town Manager will look into this.

Steve Swamp stated there is a growing problem in Apex and Wake County – folks are growing older. Senior care becomes necessary in many cases. He was seeking placement for his mother-in-law, but there were no long-term Medicare beds available within a 20 mile radius of Apex. All beds are full in the one such facility in Apex. A new facility is planned for Apex, but it will fill almost as soon as it opens. We need to be aware of the shortage, and Mr. Swamp asked that staff be directed to try to bring more such facilities to Apex.

Michael Hawley spoke about the development on Evans Drive. He met with the engineer and looked at the layout of the lots. He was told the houses would be the same style as those in Bella Casa. He asked that the Town monitor to ensure this is done, paying attention to drainage. He additionally asked for maximum privacy and compatible, similar-styled homes and aesthetic values.

Michael Hicks, Mobilitie, spoke regarding Consent Item 14. They are the largest such infrastructure company in the country. He asked that with the new ordinance, the town evaluate potential heights in certain parts of town. They would like to go to 75 feet in some areas. They wished to bring 5G to Apex and to avoid as many obstacles as possible.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Rezoning application #16CZ29 (4213 Green Level West) to rezone 28.84± acres located at 4213 Green Level West Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). This item is being continued from the November 15, 2016 Town Council Meeting.

Staff stated this was a continuation from the last Council meeting and oriented Council to the site. At the last meeting, Council talked about lot sizes and densities. No further information has been received from the applicant.

The applicant, Josh Lambert, stated it was difficult to talk about lot sizes and densities. Responding to Council, he stated the density was at 1.6 on the 28.8 acres. Minimum lot size has not been determined

as it's subject to change since topography figures into the layout. Council reminded the applicant that at the last meeting it was noted to him this would not be compatible with other developments in the area. The applicant talked about average lot sizes. The Mayor summed up the three conditions the applicant was offering.

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

Council discussed why they would and would not be in favor of this request. Council understood there were restraints with the Tobacco Trail.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE APPLICATION WITH THE THREE CONDITIONS OFFERED BY THE APPLICANT; COUNCIL MEMBER MOYER SECONDED THE MOTION.

There was further Council conversation about compatibility with other developments in the area, specifically average lot sizes. The applicant additionally offered a Type B Buffer.

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 WITH THE FOUR OFFERED CONDITIONS.

An audio recording of the following 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 Hearings.

Public Hearing 02 – Quasi Judicial : Amanda Bunce, Senior Planner
Major Site Plan for Apex High School Renovations, 50.57 acres located at 1501 Laura Duncan Road

Those wishing to speak were sworn in by the Town Clerk.

Mayor Olive declared the Public Hearing open.

OPENING STATEMENT BY APPLICANT: Everett Bolton, Attorney, representing the school board, introduced himself.

There was no one in attendance who opposed the Plan.

There were no observations from Council related to the site, and there were no relational or financial conflicts. Council Member Wilkie stated she could be unbiased even though she previously worked at the school.

TESTIMONY BY STAFF: Amanda Bunce presented her credentials and oriented Council to the site. Two neighborhood meetings were held. Staff recommendations were addressed in the Plan, including a repeater to assist public safety.

CROSS OF STAFF BY APPLICANT: None.

TESTIMONY BY APPLICANT: Renee Pfeifer, landscape architect with CLH Design, presented her credentials and provided an overview of the site plan.

CROSS OF APPLICANT BY COUNCIL: Ms. Pfeiffer answered Council questions related to ball fields, stormwater management, and traffic and parking flow.

CROSS OF APPLICANT BY COUNCIL: Donna Francis, architect, presented her credentials and answered Council questions related to square footage and retrofitting the roof tops for conduits.

TESTIMONY BY APPLICANT: Ashley Clowes, engineer, presented her credentials. They formulated the impact analysis, working with the Town on recommendations. They are in agreement with what was recommended by staff, and she outlined those recommendations.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING STATEMENT BY APPLICANT: Mr. Bolton requested approval of the Plan based on all standards being met.

CLOSING STATEMENT BY STAFF: None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive went over the Standards with Council. For Standard 7, Council was not thrilled with the Type E buffer, although it met the UDO. He stated that the school and Town could partner so that the Town could use the turf field.

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

Mayor Olive called a five minute recess with no objection from Council.

Public Hearing 03 – Quasi Judicial : Mike Clark, Senior Planner
Major Site Plan for Meridian at Ten Ten, 19.55 acres located at 2005, 2021, and 2023 Ten Ten Road

Those wishing to speak were sworn in by the Town Clerk.

Mayor Olive declared the Public Hearing open.

OPENING STATEMENT BY APPLICANT: Jason Baron, Morningstar Law Group, stated he would be representing the applicant.

All Council Members stated they had no conflicts and that this case could be heard impartially. No Council Members had visited the site.

TESTIMONY BY STAFF: Mike Clark presented his credentials and oriented Council to the site.

CROSS OF STAFF BY COUNCIL: Staff responded to questions regarding color schemes.

CROSS OF STAFF BY APPLICANT: None.

TESTIMONY BY APPLICANT: David Lasley, Piedmont Land Design, presented his credentials. He stated the typography, transition lines, and easements have been challenging. He addressed the Standards. Mr. Lasley stated they are excited about bringing this project to Apex.

CROSS OF APPLICANT BY COUNCIL: Council stated a citizen questioned the US1 Ten Ten bridge, Mr. Lasley responding that this was beyond the scope of anything they could do in their project. They were, however, making improvements via the TIA.

TESTIMONY BY APPLICANT: Mark Barker, Northview Partner, presented his credentials. He stated they were requesting a single palette of colors for various reasons and he stated those. Basically, it's their preference and feel it's the best way of doing the project. They were evaluating pre-wiring for solar.

Mr. Baron asked for the staff report to be entered into evidence.

There were no opponents to the project.

REBUTTAL BY STAFF: None.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Baron asked for approval as all Standards had been met.

CLOSING ARGUMENT BY STAFF: None.

Council asked about the traffic study proposed by staff, the applicant stating it had been incorporated into the Plan.

Mayor Olive declared the Public Hearing closed.

Mayor Olive went over the Standards. For Standard 1, Council stated this was not a live/work project.

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.

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 : Tim Donnelly, Assistant Town Manager

Direction to staff on possible additions to the Town of Apex Cemetery

Staff presented a brief history on the cemetery, which is now full with a waiting list. Several citizens have approached us with scenarios to make more spots; staff detailing three of those scenarios. The cemetery is not a money maker for the Town; it's a service we provide. Staff explained what maintenance we do and stated we don't do vertical stacking.

Staff stated Tom Seagroves was willing to purchase land from the Seymour heirs, have it zoned properly, and turn it over to the Town if the Town agreed to the land being used for his family at \$125/plot. The Town would additionally need to perpetually maintain the land. Mr. Seagroves talked about how the cemetery ran out of space in previous years and how he's willing to assist the Town with acquiring more land. Staff reminded Council that this would mean the Seagroves incurring quite a bit of expense.

Mr. Smith would like the Town to buy back the piece of land he has, which would not be in line with our policy since the records are not as good as we would like. There are bodies interred but we are not sure how many. Staff could meet with Mr. Smith, see how many viable plots he has, and then pay him the customary rate or more. We would do as much due diligence as possible, and even ask Mr. Smith to offer down because of our not knowing the number of interred bodies.

Council was in agreement with staff pursuing a possible agreement with Mr. Seagroves for \$125/burial plot and bringing this back to Council for final approval. Council was also in agreement with pursuing a possible agreement with Mr. Smith for purchasing his land at \$600/burial plot, the number of plots to be determined, and bringing this back to Council for final approval.

New Business 02 : Council Member Bill Jensen

Revised Development Investment Grant Policy

Council stated Committee is trying to help the smaller businesses come in. He talked about the State matching grant, how this would help businesses come in, and how it would help bring us to the table. The grants would not have to be awarded if we do not wish so. The Committee tried to make this policy so that we would be at the front of the list. It can be changed later if we become inandated.

Staff stated previous guidelines were very broad and not defined. Having a policy is important for site consultants. This is not a given; each would be looked at case by case. She further explained how the

policy would work, citing examples. Council and staff discussed this process, its pros and cons and benefits and pitfalls. Staff also made it clear that this would not be a reward.

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

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; and (2) to consider possible settlement of a claim

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 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, DECEMBER 20, 2016

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, December 20, 2016, 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
Tim Donnelly, 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, 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 of December 6, 2016
- Consent 02** Statement of the Town Council and Ordinance for Rezoning Case #16CZ21 Sweetwater PUD Amendment, ExperienceOne Homes, LLC, petitioners for the property located at 3233 US 64 Hwy West
- Consent 03** Appointment of the following individuals to the Board of Adjustment: Michael Wilson - 1/1/2017-12/31/2019 - Regular member; Staley Smith - 1/1/2017-12/31/2019 - Regular member; Lisa Carley - 1/1/2017-12/31/2019 - Regular member; and appointment of the following Board of Adjustment Members to the following roles: Chair: Staley Smith; Vice Chair: Michael Wilson

- Consent 04 Resolution authorizing the Town Manager to exempt particular projects where the estimated professional fee is less than \$50,000 in accordance with G.S. 143-64.31 and G.S. 143-64.32
- Consent 05 Findings of Fact, Conclusions of Law, and Decision approving the Apex High School Renovations Major Site Plan
- Consent 06 Budget Ordinance Amendment Numbers 13 and 14 for reimbursement to be made to MREC KLP Stillwater LLC per the Developer's Agreement
- Consent 07 General Fund budget ordinance amendment to appropriate the final receipt of grant funds received for the reconstruction of the public tennis courts at Apex Elementary School Park allowing other funds budgeted for the project to be used for other P&R Capital Improvements
- Consent 08 Findings of Fact, Conclusions of Law, and Decision approving the Meridian at Ten Ten Major Site Plan
- Consent 09 Purchase of Lot 105 Plot H from the Apex Town Cemetery
- Consent 10 Reconveyance of Lot 88 Plot G back to Apex Town Cemetery
- Consent 11 Apex Tax Report dated 11/02/2016

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 4-0 VOTE.

REGULAR MEETING AGENDA

Town Attorney Hohe requested a change in wording to the Closed Session.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA WITH THE REQUESTED CHANGE. COUNCIL MEMBER SCHULZE MADE THE MOTION; 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 01 : Shannon Cox, Transportation Planner

Town Council continued this item to December 20, 2016 at their November 15, 2016 meeting

Public hearing regarding proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map within Salem Village as requested by the Town of Apex Planning Department

Staff re-oriented Council to the Plan. Council asked for a speed study to be done, of which the Police Department conducted two. Both indicated Pathstone Drive would not meet speed humps qualifications if it were downgraded. The Fire Chief stated speed humps would cause delays. Planning staff did not recommend any changes and explained the traffic flow on this street. Staff did recommend a new local connector street and for James Street west of the Peakway be designed as a major collector street. The Planning Board recommended approval of this.

Staff stated the Police Department collected a lot of hours of data and gave details on Town thresholds. Council's memory was refreshed on the traffic calming policy. Council questions were answered regarding traffic flow and collector street designations.

The Mayor stated there's already been a public hearing held on this and asked that those who spoke at that Hearing not speak again unless it was with new information. Mayor Olive declared the Public Hearing open.

Duvah Kquierdo, Bianca Bazil, Lukas Soboinski, John Grotevant, and Kieth Andes addressed Council with the following concerns: disagreement with making James Street a major collector, wanting to keep the area residential, a collector being more expensive for the Town to upkeep, property values being adversely affected, the increase in traffic and speeding from the houses being built in the area, the neck down device not working, the proposed mini circle not being appropriate for the community, keeping the community whole and safe for all of the children who gather for activities, sidewalks in relation to roadways with faster moving traffic, the speed study, collector streets not having driveways. Staff stated another traffic study would be done in the future as the area is built out more.

Mayor Olive declared the Public Hearing closed.

Council expressed concern about Pathstone and the number of kids in the area. Liked was the minor collector and the feature it brings, but not liked was not being able to put in speed bumps. Council was concerned about the James Street extension. Asked about were driveways on a minor collector, staff stating we may want to look at collector street standards of which we currently have two. Maybe we could have additional standards for residential vs. commercial streets. Staff talked about how they've worked with developers on these standards and the challenges they face. How things were in the original plan were discussed.

Council asked could we push the developer to connect James Street and Point Valley Lane to help alleviate traffic. Staff stated the developer was not required to provide another access until the neighborhood is built out more. Talked about was how staff did not think the neck down approach would work, but it was something the developer wanted to try. Council wanted to see James Street and Padstone left alone.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE YATELY ROAD AS A NEW LOCAL CONNECTOR; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE JAMES STREET AS A MAJOR COLLECTOR; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council discussed not wanting to see James as a major collector. There was discussion with staff regarding collector streets and driveways. Council wished to see a medium solution between collector streets and then for this to come back to Council.

THE MOTION CARRIED BY A 4-0 VOTE.

The Mayor stated the next consideration was the Padstone future western extension. Staff stated the request was for all of Padstone to be downgraded from a minor collector to a residential street.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO KEEP PADSTONE AS A MINOR COLLECTOR AT THIS TIME; COUNCIL MEMBER MOYER SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, MOYER, AND SCHULZE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 02 : Mike Clark, Senior Planner

Public Hearing regarding rezoning application #16CZ25 (Harris Property PUD) to rezone 1.29± acres at 2010 Laura Duncan Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The Planning Board and staff recommended approval as submitted.

Mayor Olive declared the Public Hearing open.

Nil Ghosh, representing the applicant, stated that a month ago Council unanimously approved a rezoning next to their property. He talked about relocating the historic home and what it could be used for.

Gary Roth, Capital Area Preservation, stated he supported the proposal as it would allow for the preservation of the historic property.

Mayor Olive declared the Public Hearing closed.

The Town Attorney pointed out a scheduling difficulty. Public Hearing 07 should have been considered prior to this Hearing. The Mayor stated the vote would be deferred, this coming back to Council after Public Hearing 07. Council agreed to hear Public Hearing 07 at this point.

Public Hearing 07 : Amanda Bunce, Senior Planner

Public Hearing regarding amendments to the Unified Development Ordinance related to the relocation of historic structures

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

Mayor Olive declared the Public Hearing open.

Gary Roth stated he supported the amendment and commended staff for its efforts. He spoke about historic locations to where a structure could be moved, sometimes better evoking the setting of the house.

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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

The vote was then considered for Public Hearing 02.

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

Public Hearing 03 : Amanda Bunce, Senior Planner

The applicant has requested that the public hearing be continued to the January 3, 2017 Town Council meeting

Public Hearing and possible motion on rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE THE PUBLIC HEARING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Shannon Cox, Transportation Planner

Public Hearing regarding amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map in the vicinity of Haley Farm Subdivision as requested by the Town of Apex Planning Department

Staff oriented Council to the amendments, stating the Planning Board recommended approval. Staff answered questions from Council about future lots.

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 AMENDMENTS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Brendie Vega, Principal Planner

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

Staff stated the applicant requested to move this to the January 3, 2017 meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE THE HEARING TO JANUARY 3, 2017; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Brendie Vega, Principal Planner

Public Hearing regarding amendments to the Unified Development Ordinance for Wireless Support Structures and Wireless Communication Facilities

Staff oriented Council to the amendments. Staff was working with other municipalities and organizations to put regulations in place, and those regulations were named. There are three structures in Town that were approved by DOT. Council talked about co-locations and what was allowed in the Ordinance, possible leasing of space in the ROW, and a pole in front of someone's house being addressed in the UDO. The Planning Board recommended approval but had concern about the latter.

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

Council briefly discussed not giving permission for regulated non-utilities to be in our ROW.

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

Public Hearing 08 : Amanda Bunce, Senior Planner

Public Hearing regarding various amendments to the Unified Development Ordinance. A recommendation on the UDO amendments has not been made by the Planning Board as required by North Carolina General Statutes §160A-383 and §160A-387. Consequently, per NCGS §160A-387, the Town Council may not hold a public hearing or take action on this item until such time as thirty days have passed from the time the amendment was referred to the Planning Board. Therefore, staff recommends that the Public Hearing be continued to the January 17, 2017 Town Council meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE
THE HEARING; COUNCIL MEMBER MOYER 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 : Amanda Bunce, Senior Planner

Haley Farm Master Subdivision Plan for the properties located at 2632 Olive Chapel Road containing 7.99 acres and 26 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held. Staff recommended approval as proposed by the applicant. Staff answered Council questions about lot sizes, removal of trees, and

buffers. Stuart Jones, Jones and Crossen Engineering, on behalf of the applicant, addressed Council questions about buffers. He stated they could commit to a Type B buffer.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN WITH THE TYPE B BUFFER; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Amanda Bunce, Senior Planner

Ellington Cove Master Subdivision Plan for the property located at 0 Ramblewood Drive containing 7.89 acres and 16 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held; the Board of Adjustment approved the request for a variance. The Planning Board recommended approval as did staff.

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

New Business 03 : Michael Clark, Senior Planner

Deer Creek Rhew Tract Master Subdivision Plan for the properties located at 417 and 425 New Hill Olive Chapel Road containing 2.85 acres and 8 single family residential lots

Staff oriented Council to the Plan. The Parks and Recreation Commission recommended a fee in lieu; the Planning Board recommended approval as written as did staff. Staff answered questions about street types.

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

New Business 04 : Brendie Vega, Principal Planner

Relocation of the greenway connection at Regency-Enclave at White Oak Creek Subdivision (fka Beckwith)

Staff oriented Council to the relocation. This was originally approved in 2007, and staff named the conditions tied to the request back then. Today it would not meet ADA standards, and a new preliminary design has been submitted. Staff spoke about a portion of this property becoming part of the Apex greenway system. Staff recommended approval with the revised conditions. Staff answered Council questions about easements.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RELOCATION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 05 : Mike Clark, Senior Planner

Smith Farm Phases 2-4 Master Subdivision Plan for the properties 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 301 single-family lots and 138 townhouse units

Council Member Dozier left the meeting and Council Chamber.

Staff oriented Council to the Plan. The Planning Board recommended approval as did staff as proposed. Stewart Jones, Jones and Crossen Engineering, representing the applicant, answered Council questions on buffers, the median on Richardson Road, setbacks, and the 'feeling' of the development.

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

Council Member Dozier returned to Council Chamber and the meeting.

New Business 06 : Mayor Pro Tem Nicole Dozier

Direction to the Town Manager to arrange supper meetings for the Mayor and Council with other public and elected officials such as the following: Wake County delegation to the NC General Assembly; Wake County School Board; Wake County Commissioners; NC Department of Transportation. Due to the upcoming long session, the event with the Wake County delegation would be held early in calendar year 2017.

Council stated this was approved by previous Council, but she wanted to bring it back with this new group. The purpose of the meetings would be to work in an open session with other delegatgions. The goal would be to try to find common ground amongst all for our residents. The meetings could also be an educational tool. Council wants people to know that we're their advocate for mediating with other groups. Talked about was the format and these being meetings open to the public, there being an informal meal, the meetings being noticed and Minutes taken, possible locations, and this being an opportunity for other delegations to have more face time with us. Council thought meeting with DOT would also be helpful.

The Mayor acknowledged a Certificate of Appreciation received from the Farmers Market. He also read a letter from the Town of Red Springs expressing its appreciation for our assistance during Hurricane Matthew.

CLOSED SESSION

Closed Session to consult with the Town Attorney concerning Lawrence v. Hanson

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 MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

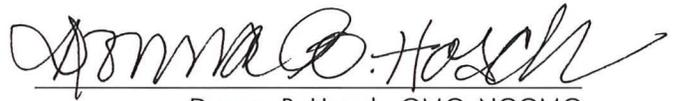
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR OLIVE ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk



ATTEST:

Lance Olive
Mayor