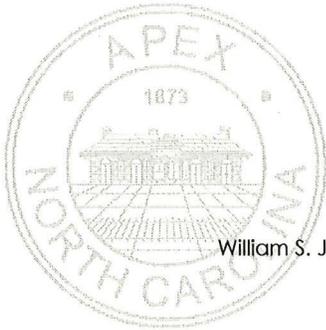


APEX TOWN COUNCIL MEETING

TUESDAY, JANUARY 6, 2015



William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Interim Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 6, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Mayor Bill Sutton

Presentation of Certified Municipal Clerk Certificate to Deputy Town Clerk Bonnie Brock

Mayor Sutton read the Certificate and presented it to Ms. Brock. David Rowland, past Planning Director, commented that Ms. Brock is an ideal employee who is smart and has initiative. He was proud to have her working for Apex and thanked Council for recognizing her. Mayor Sutton added that Ms. Brock has been Clerk to the Planning Board for many years.

CONSENT AGENDA

- Consent 01 Minutes of the December 16, 2014 Regular Council Meeting
- Consent 02 Contract for audit services for the fiscal year ending June 30, 2015
- Consent 03 (Moved to New Business)

- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #14CZ19, M/I Homes of Raleigh, LLC, petitioners for the property located at Holt Road, north of Old Jenks Road and west of Davis Drive
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #14CZ22, Stancil Builders, Inc., petitioners for the property located at 0 and 620 S. Salem Street
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #14CZ25, Jones & Cnossen Engineering, PLLC, petitioners for the property located at 6705 Old Jenks Road, 6713 Old Jenks Road, 6717 Old Jenks Road, 6721 Old Jenks Road, 6733 Old Jenks Road, 0 Old Jenks Road, 0 US 64 Hwy W
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #14CZ29, Apex Olive, LLC, petitioners for the property located at 0 and 2904 Old US Hwy 1
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #14CZ15 (Arcadia Ridge West), Jones & Cnossen Engineering, PLLC, petitioners for the property located at 2625 & 2713 Olive Chapel Road
- Consent 09 Set the Public Hearing on January 20, 2015 for rezoning application #14CZ23 (Richardson West PUD) to rezone 70.5± acres located on the Southwest quadrant of Olive Chapel Road and Richardson Road from Wake County R-80W to Planned Unit Development-Conditional Zoning
- Consent 10 Set the Public Hearing for the January 20, 2015 Town Council Meeting regarding Rezone #14CZ27, Salem Pointe PUD Plan 10.74 acres located at 0 and 1530 Salem Church Road and 0 North Salem Street from Residential Agricultural (RA), Medium Density Residential Conditional Use (MD-CU), Medium Density Residential (MD), and Office and Institutional Conditional Use (O&I-CU) to Planned Unit Development Conditional Zoning (PUD-CZ).
- Consent 11 Set the Public Hearing for the January 20, 2015 Town Council Meeting regarding Rezone #14CZ28, Promenade at Beaver Creek PUD Plan 11.587 acres located at 1275 Haddon Hall Drive from Neighborhood Business (B1) to Planned Unit Development Conditional Zoning (PUD-CZ).
- Consent 12 Set the Public Hearing for the January 20, 2015 Town Council Meeting regarding Rezone #14CZ30 Newton Property (0 Ten Ten Road), 25 acres located north of Classic Road and West of Reliance Avenue from Residential Agricultural (RA) to Tech/Flex Conditional Zoning (TF-CZ).
- Consent 13 Set the Public Hearing on January 20, 2015 for rezoning application #14CZ32 (Lake Castleberry Recreation Site) to rezone 1.95± acres located north of Castleberry Road and south of Green Level West Road from : Rural Residential (RR) and Low Density-Conditional Zoning (LD-CZ) to Low Density-Conditional Zoning
- Consent 14 Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan and Special Use Permit #14SUP02 – Hope Community Church and Daycare
- Consent 15 Reassignment of burial spaces in the Apex Cemetery and the disinterment and interment of one decedent in order to correct a long-standing mis-burial
- Consent 16 Co-sponsorship with the Apex Downtown Business Association of a Founders Day Celebration on Saturday, February 28, 2015

Council Member Jensen requested Consent 03 be pulled for further discussion. Town Manager Radford requested the addition of an item to set the 2015 municipal filing fees. Mayor Sutton stated these two items would be discussed as New Business.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ACCEPT THE CONSENT AGENDA WITH THE REQUESTED TWO CHANGES; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

REGULAR MEETING AGENDA

There were no requested changes to the Agenda.

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 Pleasant Park (Town of Apex) property containing 98.5842 acres located between Old US 1 Hwy, Pleasant Plains Road and NC540, Annexation #528, into the Town's corporate limits

Staff stated that this Public Hearing was advertised with an incorrect date. The annexation process will be restarted.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Warren Tunstall Heirs and Beverly and Charles Harris property containing 119.4917 acres located between Wimberley Road and Jenks Road, Annexation #527, into the Town's corporate limits

Staff oriented Council to the site, stating that the subdivision plan has been approved. Staff recommended approval of the request.

Council asked about the location of parkland. Staff responded that the consortium continues to look in the northwest area; there is some activity at the vacant area of the existing water plant which we own with the cooperation of Cary. The Town is looking at purchasing these 32 acres.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 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 Ila Mae Seagroves property (a single-family homes) containing .506± acres located at 2833 Evans Road, Annexation #529 into the Town's corporate limits

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

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

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

OLD BUSINESS

Old Business 01 : Russell Dalton, Transportation Engineer

Amendment of Section 20-164 of the Code of Ordinances of the Town of Apex to include two new subsections, one restricting parking on the north side of Center Street and one restricting parking on the south side of Center Street in the vicinity of Investment Boulevard

Staff stated there was discussion at the last Council meeting to change the Ordinance to provide parking restrictions on Center Street and pointed to the pedestrian collision which spurred the request. The proposed amendment would not have helped this incident, but it will help in the future. There are safety concerns about overnight truck parking at Seagroves.

Council asked if only truck parking could be restricted, the Town Attorney responding that something regarding overnight parking may be able to be posted. Council was opposed to this restriction because of the businesses; they should be given consideration. Adults should be able to decide if they feel it's safe to park there. Staff stated there have been no recent truck complaints, but if the proposed change is going to be made, then one should also be made for truck parking. Since this is a public right of way, certain businesses can't be given rights to park there. The Town Attorney would have to research if signage can address only businesses.

Conversation ensued regarding pedestrian crossing signs. Council reached out to the Department of Transportation who stated they would probably not reduce the 45 mph speed limit. With this being the case, there couldn't be pedestrian crosswalks. Staff stated the conditions which rule out these crossings. Council stated due warning has been given pedestrians about crossing this street. There is question as to what else could be done besides new signage. DOT could be petitioned to do a speed study, but lowering the speed limit may not make a safer roadway. This is a major thoroughfare.

James Mercendetti from Calvary Chapel stated there is enough parking at the church most of the time. There is a problem with traffic flow in general since there is one way in and one way out. More for convenience, church members want to park on the street. They have been asked not to park there, they

listened for a while, and now the request is being ignored. There are people helping to direct traffic but not out on the road. The church used to have an off-duty police offer quite a few years ago, it was helpful, but got to be expensive. Then there was the insurance issue. Sunday is their primary concern; they don't know how much business the businesses do on this day. The businesses do have their own parking in back of their buildings. No parking evenings would help as well.

The Mayor reiterated staff's recommendation. Council asked could signage state parking for businesses only, which the Town Attorney responded would have to be researched. Council discussed positive rather than negative sign verbiage.

With Council stated it wanted to address staff's recommendation,

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE STAFF'S RECOMMENDATION WITH THE ADDITION OF NO PARKING ON THE NORTH SIDE, MONDAY-SUNDAY, FROM 10 P.M. TO 6 A.M.; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC FORUM

No one wished to speak during the Public Forum.

NEW BUSINESS

New Business 01 : Moved From Consent 03

Budget ordinance amendments to recognize insurance proceeds and use Contingency Funds to purchase a replacement dump truck and use Contingency Funds to fund a Capacity Fee grant from the Economic Development Department

Council asked how the grant amount was determined. Staff explained it was done through an ordinance and gave its specifications. This is the first time this has been paid out in about seven years and is a transfer of the funds and a reduction in what the fee would have been.

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

Added New Business 02 : Donna Hosch, Town Clerk

2015 Municipal Election fees for those who will seek the position of Mayor or Council Member

The Mayor explained that this is a normal part of the election process, the fees being based on this year's Council salaries.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE
THE FEES; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Remarks by Mayor Sutton

The Mayor stated he wished to strive for a better, more understandable retreat. Therefore, Council would be split into two groups to address finances: Council Member Wilkie will head up finances of the Enterprise Fund and Council Member Lassiter will head up finances of the General Fund. With staff support, priorities will be set. The Mayor stated this will give Council a chance to input their ideas as well as those from constituents prior to the retreat. This should give all a better understanding of what's involved in the budget process. The pre-budget public hearing will take place at the first Council meeting in February.

The Mayor thanked Council for helping him and for the servility and courtesy they has shown each other. Council thanked the Mayor for accepting the position.

CLOSED SESSION

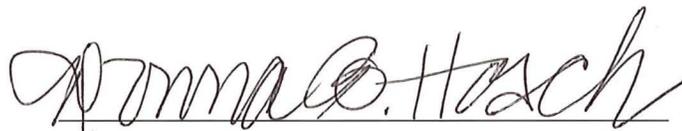
There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business, MAYOR SUTTON ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC
Town Clerk

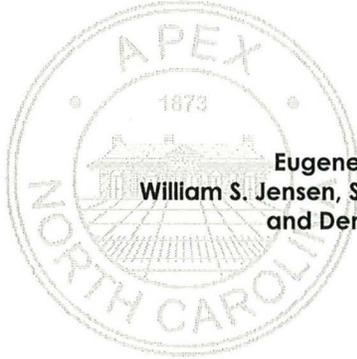
ATTEST:



William M. Sutton

Mayor

APEX TOWN COUNCIL SPECIAL MEETING THURSDAY, JANUARY 15, 2015



William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members

The Special Meeting of the Apex Town Council scheduled for Thursday, January 15, 2015, at 5:00 p.m. was held in the Executive Conference Room of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie
Also in attendance was Human Resources Director Eleanor Green

Mayor Sutton called the meeting to order.

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

Council interviewed four candidates for the open position of Town Attorney.

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

Council gave direction to Human Resources Director Green to begin reference checks on the top candidate and to provide the Mayor with salary range guidelines to use in extending an offer.

With there being no further business,

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



William M. Sutton

Mayor

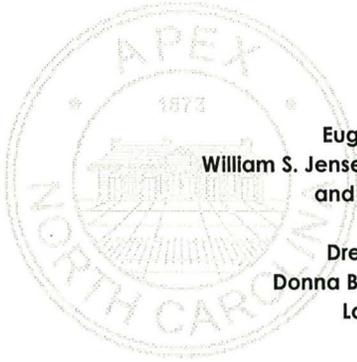
ATTEST:



Donna B. Hosch, CMC, NCCMC

Town Clerk

APEX TOWN COUNCIL MEETING TUESDAY, JANUARY 20, 2015



William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Interim Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 20, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, and Nicole L. Dozier. Absent was Council Member Denise C. Wilkie.

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Interim Town Attorney Laurie L. Hohe.

COMMENCEMENT

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

PRESENTATIONS

Town Manager Radford introduced two new department heads, expressing his delight in their becoming a part of Apex: Keith McGee, Fire Chief coming from Rocky Mount, and Vance Holloman, Finance Director, coming from the State of NC.

CONSENT AGENDA

- Consent 01** Minutes of the January 6, 2015 Regular Council Meeting, the November 25, 2014 Personnel Committee Meeting, and the Closed Session on December 16, 2014 (Closed Session Minutes recorded separately)
- Consent 02** Apex Tax Report dated 12/01/2014
- Consent 03** Resolution to change the name of a portion of James Street Extension between Tingen Road and the James Street Station development to James Street and, thereby, extend the block range of existing James Street through James Street Station and Salem Village to the new road terminus at Apex Peakway
- Consent 04** Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance (UDO)

- Consent 05** Revisions to the Town Standard Specifications and Standard Details
- Consent 06** Surplus and disposition of the old Police uniforms
- Consent 07** Utility Infrastructure Reimbursement Agreement between the Town of Apex and WS-JPA, LLC (the developers of Jordan Pointe), and authorization for the Town Manager and Interim Town Attorney to make minor modifications not affecting the term or percentages of reimbursement to the Agreement and authorization for the Town Manager to execute the Agreement on behalf of the Town
- 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 Toll NC II, DP property for the Glen at Green Level Crossing project containing 6.813 acres located at 8129 Green Level Church Road, Annexation #530 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 Henry Lewey Heirs, Michael Yang, Country Living Rentals, Dennis & Maureen Heck, Freeman & Linda Johnson and Standard Pacific of the Carolinas, property containing 60.118 acres located at Green Level West Road and Castleberry Road, Annexation #515 into the Town's corporate limits
- Consent 10** Resolution No. 15-0120-01 Declaring Town Council's Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town-owned property known as "Pleasant Park" containing +98 acres located at 3400 Pleasant Plains Road, Annexation #528 into the Town's corporate limits

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO ACCEPT
THE CONSENT AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Sutton canvassed Council for additions to/deletions from the Agenda. Council Member Lassiter requested a Closed Session to discuss a personnel matter. Council Member Jensen requested a Closed Session to receive legal advice from the Town Attorney regarding train issues.

PUBLIC FORUM

Jeanine Gull, resident of Walden Creek, addressed Mayor Pro Tem Schulze regarding her last voting experience. She perceived him to be rude as he interrupted her conversation and interjected his political views. She expressed she will support candidates who support all people. Mayor Pro Tem Schulze responded that he did not remember this conversation, emphasizing that while he is a strong republican, he has respect for everyone. Both parties have fun together at the polls; Ms. Gull was asked not to be threatening.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Simmons, Planner II

Continuance of the Public Hearing to the February 17, 2015 Town Council Meeting regarding rezoning application #14CZ23 (Richardson West PUD) to rezone 70.5± acres located on the Southwest quadrant of Olive Chapel Road and Richardson Road from Wake County R-80W to Planned Unit Development-Conditional Zoning

Staff requested this continuance.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE THE PUBLIC HEARING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

Public Hearing and Rezone #14CZ27 (Salem Pointe PUD Plan), 10.74 acres located at 0 and 1530 Salem Church Road and 0 North Salem Street from Residential Agricultural (RA), Medium Density Residential Conditional Use (MD-CU), Medium Density Residential (MD), and Office and Institutional Conditional Use (O&I-CU) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, the Parks and Recreation Commission recommended payment in lieu, and the proposal is consistent with the Land Use Map, the Transportation Plan, and the UDO. Staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Speaking in favor, Jeff Roach, Peak Engineering and Design representing the owner, thanked staff for the exceptional job they did in their presentation. Mass grading will be done, and there will be 22% RCA.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Lassiter requested the opportunity to address the Council and members of the audience. He stated he believes the Council works well together and serves Apex well. Each Council Member has his/her own varying political views. He was not sure why anyone would seek to undermine the Council's working relationship. He professed to not knowing the specifics of which Ms. Gull spoke.

Public Hearing 03 : Shelly Mayo, Planner

Public Hearing and Rezone #14CZ28 (Promenade at Beaver Creek PUD), to rezone 11.587 acres located at 1275 Haddon Hall Drive from Neighborhood Business (B-1) to Planned Unit Development – Conditional Zoning (PUD-CZ)

Staff oriented Council to the site, stating Land Use Map specifications were met. Two adjustments were made to the buffers; staff explained the adjustments. The applicant agreed to requests during the Planning Board meeting regarding construction traffic and road utilization. The Parks and Recreation Commission recommended a fee in lieu, the rezone met the requirements of the Land Use Map, Transportation Plan, and UDO. Staff and the Planning Board recommended approval.

Mayor Sutton declared the Public Hearing open.

Speaking in favor, Glenda Topp, Glenda S. Topp Associates, spoke on behalf of the property owner. She complimented staff on their excellent presentation of the request and spoke briefly on several details of the application.

Speaking in favor, John Powell, resident of Cary, stated he was representing property owners Sandy Culpepper and George Simms. They are in favor of the project but were concerned about increased traffic. He complimented the developers on their solution to this. Mr. Powell stated this was a great opportunity to add quality density that would provide housing for those who might work in the retail establishments at Beaver Creek. Council expressed also wanting entry level employees to be able to afford this housing. Mr. Powell felt more commercial-type product was needed in order to have a truly live/work environment.

Beverly Keith, representing DDR Developers Diversified, spoke on the work/live/play concept. Residential is the most logical option for these six acres. Ms. Keith explained why the property has sat vacant for so long.

Mayor Sutton declared the Public Hearing closed.

Council stated it could be a decent thing to have residential at this site, but across the street is mixed use. There was concern that on the south side we would end up with almost all residential. This needs to be looked at for the long term.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REZONE AND LOOK AT THE SOUTH SIDE AS A POSSIBLE CHANGE IN THE LAND USE PLAN; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public Hearing and Rezone #14CZ30 Newton Property (0 Ten Ten Road), 25 acres located north of Classic Road and West of Reliance Avenue from Residential Agricultural (RA) to Tech/Flex Conditional Zoning (TF-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, the request is consistent with the Land Use Plan, and architectural conditions were added. The Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Speaking in favor, Glenda Topp, Glenda S. Topp Associates on behalf of the applicant, briefly added to the information provided by staff.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE
THE REZONE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Lauren Simmons, Planner II

Public Hearing and Rezone #14CZ32 (Lake Castleberry Recreation Site) from Rural Residential (RR) and Low Density-Conditional Zoning (LD-CZ) to Density-Conditional Zoning (LD-CZ). The subject property is approximately 1.95 located north of Castleberry Road and south of Green Level West Road

Staff oriented Council to the site, which is consistent with the Lake Castleberry zoning. Staff recommended approval. Council thanked Ms. Simmons for her service to Apex. This was her last meeting as she is moving to Colorado.

Mayor Sutton declared the Public Hearing open.

Speaking in favor, Craig Dewer, Withers & Ravenel, made brief additions to the staff presentation.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE
THE REZONE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Closed Session 01

Closed Session to receive legal advice from the Town Attorney regarding train issues

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Mayor Bill Sutton

Discussion of the train issues in and around the central business district

The Mayor stated the Council would discuss ways that might mitigate the noise created by the trains. Staff stated that the previous night PD measured the noise levels and gave the average decibal level. This level was above the Town ordinance noise level of 60 decibals during the day and 55 at night.

As a result of concerns raised and discussions in the past, it has been determined that the cost associated with erecting quiet zones would be \$280,000/intersection. Staff gave the details and cost of these to the Town. Even with quiet zones, there would continue to be noise with idling, disconnecting and connecting, and trains coming through. Staff stated that a local CSX representative informed us that Apex CSX employees are trained, and he doesn't know why they are not using the auxiliary units. It was pointed out that we cannot disrupt their normal operation. Staff was contacted by Mr. Dillard, CSX liaison, who offered to meet with the Mayor to discuss this issue. Council stated it wanted to see others besides the Mayor and Manager join in this meeting. The Mayor stated that the Town will get with CSX as soon as possible and get the quiet zone done, which will run through central downtown.

Police Department staff stated they contacted the CSX legal department, and a paralegal stated locomotives are not supposed to be running at night. They suggested a few ways to resolve the problem: (1) having citizens call CSX to complain which would cause an investigation; or (2) the Town or PD could call and CSX would address the issue. Staff stated that our hands are somewhat tied in this matter. A conductor could be charged if found to willfully be running the locomotives, but there is nothing we can do if the conductor is doing so per a higher authority. Council stated CSX has been contacted by numerous residents. We've received a letter stating they would correct the idling problem, but they have not.

Marshall Barnes of S. Salem Street stated he had been working to gather signatures for a quiet zone which he'd intended to present at the next meeting. He now has over 500 signatures. These were gathered because of the previous decision not to install the quiet zone.

COUNCIL MEMBER DOZIER MADE A MOTION TO AUTHORIZE THE MANAGER TO GET WHATEVER BIDS NECESSARY TO GET THE QUIET ZONE INSTALLED; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Conversation among Council ensued on the breakdown of the cost involved, staff stating that this cost was provided to us by CSX. Council stated it wished a breakdown of cost from CSX for us to review. Council stated it does not take spending taxpayer monies lightly. Even though the train operation was there when houses were bought, the problem has gotten worse over the past year as CSX has increased its operation. This is an increased burden on a larger area than that inside the Peakway.

COUNCIL MEMBER LASSITER MADE A MOTION THAT IF THERE ARE ANY FINES COLLECTED FROM CSX THAT THOSE FUNDS WOULD GO SPECIFICALLY TOWARDS PAYING FOR THE QUIET ZONE; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

COUNCIL MEMBER JENSEN MADE A MOTION THAT IN THE INTERIM THE TOWN LOOK INTO POSSIBLY PASSING AN ORDINANCE TO LIMIT THE IDLING DURATION FOR UNATTENDED VEHICLES IN GENERAL IN APEX AND ASSESSING A CIVIL PENALTY ASSOCIATED WITH SUCH (WORDING BELOW); COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

SUGGESTED WORDING FOR THE ORDINANCE

WITHIN 1,000 FEET OF A RESIDENCE, NO VEHICLE'S PRIMARY ENGINE MAY BE LEFT IDLING AND UNATTENDED FOR MORE THAN 30 MINUTES PER DAY. THE PENALTY FOR EACH OFFENCE SHALL BE (*DECIDED LATER*).

Council stated it wished to place a civil penalty on this so that any monies collected could be used to pay for the quiet zone. In addition, Council wished the Attorney to place an amount as large as law permits on this civil penalty.

Old Business 02 : Council Member Lassiter

Discussion regarding the requiring of private recreation open space within residential developments

Council stated this was discussed by Council and sent to the Parks and Recreation Commission for their opinion.

Greg Coley, Chair of the Parks and Rec Commission, stated they had ample information to make a decision on this. He asked staff how our rates compared to other municipalities. For as long as he's been on the Commission, they have always asked for open space from the developers. As land has gotten more expensive, however, changes have been made and it's tougher to get the open space. The

Commission felt it would be adding an extra burden on the developers to move forward with this requirement.

Council asked how many Commission members were involved with developers and did they recuse themselves. Jeff Roach, Vice Chair of the Commission, stated that he and Charles Wilkins were appointed because they know about development. After speaking with Mr. Coley, they did not recuse themselves because they did not see a conflict as they were considering private open space. Council stated it was troubled with the fee in lieu and developers sitting on a board that decides matters that include developers.

Council stated there was concern about more than just these two members. Council was reminded that the Parks and Rec Commission is not the final decision-making board. Mr. Coley spoke about what would happen moving forward if there was no more development. Studies have been done for open space and they are inconclusive as to how much open space is used and the benefits and advantages vs. cost and future projects. Apex does a great macro job on park activities. Council discussed pocket parks, their benefit, and how much land could be utilized for such. Council distributed percentage graphs and explained these. The Town Attorney confirmed that the proposal of mini parks in a subdivision would need to go through Planning as an amendment to the UDO.

Council asked if this could be done on a case-by-case basis, but Council replied that the developer with whom he spoke wished clarity on the matter. Suggested was that discussion with staff take place to present to the Planning Board to craft something to present to developers of 4% on the high end of a non-linear curve. Staff clarified how this type of recommendation could be made and the fact that there would need to be standards defined. Staff stated this is a planning issue and wished to see this go through the Planning Committee.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO SEND THIS ISSUE TO THE PLANNING COMMITTEE; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, DOZIER, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-1 VOTE.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Arcadia Ridge East - Master Subdivision Plan - for the property located at 2533 and 2605 Olive Chapel Road containing 18.50 acres and 50 lots

Staff oriented Council to the site, stating this property has had two previous rezonings. Staff has been reviewing this for the past year and recommend approval with conditions. A neighborhood meeting was held, the Parks and Rec Commission recommended payment of fee in lieu, and the request met the conditions of the Transportation Plan and UDO. The Planning Board recommended approval.

Stuart Jones, Jones and Crossen Engineering, answered questions regarding water drainage into the ponds, stating that they have improved the pond's function to the best of their ability. He clarified they met in 2014 with DOT, and DOT had no questions.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE SUBDIVISION PLAN; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Mayor Bill Sutton

Appointment of J. Michael Wilson to the Apex Board of Adjustment

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE
THE APPOINTMENT; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 03 : Bruce Radford, Town Manager

Discussion of the Town of Apex's Legislative Agenda for 2015

The Mayor explained some of the items were from last year and some were added for this year. Council wished to discuss 14 and 15. Regarding number 14, eminent domain, Council did not wish to see other municipalities force this for private development. The Town Attorney read verbiage, stating this refers to adding a new section that "private property shall not be taken by eminent domain except for a public use." The Town Attorney further clarified this for Council.

COUNCIL MEMBER LASSITER MADE A MOTION TO REMOVE NUMBER 14 FROM THE LEGISLATIVE
AGENDA; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Regarding number 15, Council stated it did not agree with this as it refers to light rail. Staff stated this was included as a request from Council, Council stating he hoped this would be through existing highway funding. After further Council discussion, alternate language was suggested to which Council did not agree.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE NUMBER 15 OF THE LEGISLATIVE AGENDA AS PRESENTED; COUNCIL MEMBER JENSEN SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, DOZIER, AND LASSITER VOTED IN THE AFFIRMATIVE; MAYOR PRO TEM SCHULZE VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-1 VOTE.

Council requested the addition of an item regarding residents who are in crisis in Apex: "We encourage policies and legislative efforts that provide support to residents who earn low to moderate incomes." Council was in agreement with this addition.

Staff requested an additional item: "The Town opposes any and all efforts to reallocate or amend the current sales tax distribution method." Council was in agreement with this addition.

CLOSED SESSION

Added Closed Session 02

Closed Session to discuss a personnel matter

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER LASSITER MADE A MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER DOZIER MADE A 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 SUTTON ADJOURNED THE MEETING.



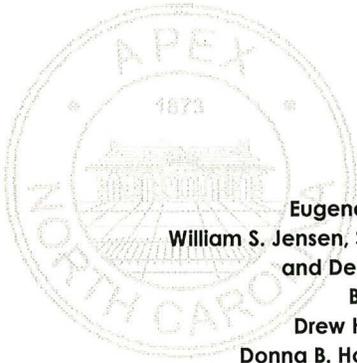
Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 3, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, February 3, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Presentation to Retired Police Officer Mike Wilson

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

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

Presentation 02 : Department Heads

Introduction of newly-hired employees

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

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

CONSENT AGENDA

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

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

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

REGULAR MEETING AGENDA

There were not requested changes to the Regular Agenda.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

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

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

Mayor Sutton declared the Public Hearing open.

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

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

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

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

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

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

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 02 : Dianne Khin, Planning Director

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

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

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

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

Public Hearing 03 : Dianne Khin, Planning Director

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

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

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

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

Public Hearing 04 : Dianne Khin, Planning Director

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

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

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

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

Public Hearing 05 : June Cowles, Senior Planner

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

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

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

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

Public Hearing 06 : June Cowles, Senior Planner

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

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

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

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

OLD BUSINESS

Old Business 01 : Council Member Bill Jensen

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

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

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

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

NEW BUSINESS

New Business 01 : John Brown, Parks and Recreation Director

Discussion and award of contract for the Apex Skate Plaza

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

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

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

New Business 02 : Bruce Radford, Town Manager

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

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

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

New Business 03 : Vance Holloman, Finance Director

Review of the 2nd Quarter Financial Summary

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

New Business 04 : Council Member Nicole Dozier

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

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

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

CLOSED SESSION

Closed Session 01 to receive legal advice from the Town Attorney

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

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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



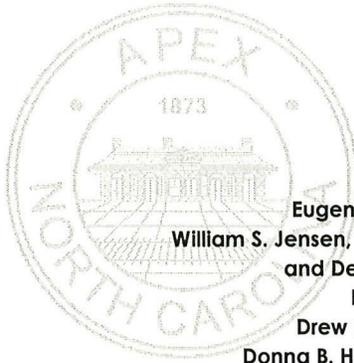
Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 17, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, February 17, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

Mayor Sutton called the meeting to order, Council Member Wilkie gave the Invocation, and Boy Scout Troop 205 Presented the Colors and led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the January 20th Regular Meeting and Closed Session #1 (Closed Session Minutes recorded separately), the February 3rd Regular Meeting, the January 12th Environmental Committee Meeting, and the February 10th General Fund Committee Meeting
- Consent 02 Apex Tax Report dated 01/06/2015
- Consent 03 To be discussed as Old Business per Council request
- Consent 04 Budget amendment to the Recreation Reserve Fund and the Recreation Capital Project Fund for the Apex Skate Plaza project
- Consent 05 Resolution to amend the existing cross connection control ordinance and to adopt the use of an online cross connection control assembly tracking system (Online System)
- Consent 06 Request by Kolter Land Partners for the relocation of 3 graves located at the approved Stillwater Subdivision PIN#0721-04-9139
- Consent 07 Authorization for the Town Manager to execute Supplemental Agreement #5417 originally entered into with North Carolina Department of Transportation
- Consent 08 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

Council Member Jensen requested Consent 03 be pulled for further discussion. The Mayor stated it would become an Old Business item.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE CONSENT AGENDA MINUS ITEM 03; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

The Town Attorney requested the removal of New Business 02: Possible motion to adopt a Resolution authorizing sale of 2.2 acres out of PIN Numbers 0732-77-7095 and 0732-76-9930 for \$110,000.00 subject to the upset bid procedure, as the purchaser no longer wished to purchase this property from the Town.

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

PUBLIC FORUM

JC Knowles approached Council not as Ambassador, but as an 86 year old senior. Apex needs to look to the future. In 10 years, the population is expected to be 80,000. Mr. Knowles presented figures related to the population growth of other cities along with programs for seniors vs. what occurs in Apex. All senior activities occur at the Community Center; seniors are limited in their activities because most of what occurs is for youth and children. He would like to see a senior center with aquatic and fitness activities within walking distance of Town Hall. If Morrisville could do this via a bond, Apex should be able to do so also. Mr. Knowles stated that as Ambassador, he's given tours to 14 groups and over 30 organizations, boasting of the accomplishments of the Town. But a free-standing senior center is missing. He believes that if this was part of the upcoming budget, to be built by whatever means, seniors would utilize it.

Council asked what he hoped to see in such a center, and Mr. Knowles responded with a free aquatic center, meeting rooms, and a wellness center which would not serve as a hospital or outpatient facility. Council stated some impressions are that the Community Center and the Halle are getting crowded with senior activities. She would like to take a tour to see what's going on. Council stated this issue is being discussed. Council stated that if Tier 1 counties can have a center, then we can too. There was further discussion about types of senior center programs. Council would be glad to work with Mr. Knowles on this.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Richardson West PUD property containing 70.5± acres located at the southwest quadrant of the intersection of Richardson Road and Olive Chapel Road, Annexation #524 into the Town's corporate limits

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

Mayor Sutton declared the Public Hearing open.

JW Shearin, working on the project, stated the neighborhood meeting was informative and positive. A transportation analysis was conducted, the use is consistent with 2030 Land Use Plan, and all architectural standards have been met.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council expressed concern about adding more houses and the lack of road flow down Kelly Road. We need to look at plans for traffic on Richardson Road. Council was also concerned about road infrastructure.

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

and

Public Hearing 02 : Amanda Bunce, Planner

Public hearing and rezoning application and Ordinance #14CZ23 (Richardson West PUD) to rezone 70.5± acres located on the southwest quadrant of the intersection of Olive Chapel Road and Richardson Road from Wake County R-80W to Planned Unit Development-Conditional Zoning

Staff stated this information was presented in Public Hearing 01; both were heard together.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

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

Public Hearing 03 : Shelly Mayo, Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex John & Elizabeth Gasiorowski and Gordon Russell Easkes (Arcadia Ridge West III) property containing 22.1012 acres located at 2105 and 2121 Richardson Road, Annexation #531 into the Town's corporate limits

Staff oriented Council to the site. This is simply an addition, so the same conditions as previously apply. There is a proposed change to the Land Use Map. Staff and the Planning Board recommended approval.

Mayor Sutton declared the Public Hearing open.

Stewart Jones, Jones and Crossen Engineering, stated they have been before Council twice before. Phases I and II are underway. They feel this addition would add continuity. They simply want to change the back section. Mr. Jones explained the advantages of this to them and to the Town, i.e., continuity of design.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council stated there is the same problem with this request as the one previously.

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

and

Public Hearing 04 : Shelly Mayo, Planner

Public Hearing and 2030 Land Use Map amendment from Rural Density Residential to Low Density Residential and rezoning application and Ordinance #14CZ31 (Arcadia Ridge PUD) to rezone 69.29 acres located at the southeastern quadrant of the intersection of Olive Chapel Road and Richardson Road from Wake County R-80W and Planned Unit Development Conditional Zoning (PUD-CZ) zoning to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff stated this information was presented in Public Hearing 03. Both were heard together.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

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

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex (Apex Fire Station #5) property containing 3.223 acres located at 6904 Apex Barbecue Road, Annexation #532, into the Town's corporate limits

Staff oriented Council to the site, stating it recommended approval. In response to Council, staff stated this would go out for bid to build in late June.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADOPT
THE ORDINANCE; COUNCIL MEMBER 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 Parker Orleans property containing .015 acres located north of Colvin Park Drive and west of Stephenson Road, Annexation #533 into the Town's corporate limits. The purpose of this annexation is to add property to Lot 61, located in Colvin Park Subdivision

Staff oriented Council to the site, stated it recommended approval, and explained why this section was not annexed previously.

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

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

Public Hearing 07 : Reed Huegerich, Senior Planner

****POST PUBLICATION OF THE AGENDA, THE DEVELOPER REQUESTED THAT THIS ITEM BE CONTINUED TO MARCH 17, 2015****

Public Hearing and motion regarding Rezone #14CZ21, Sweetwater Planned Unit Development Plan 164.7 acres located at 2216 and 2408 Olive Chapel Road and 3115, 3121, 3224, 3233 U.S. Hwy 64 West from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO CONTINUE
THE PUBLIC HEARING AS REQUESTED; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Brendie Vega, Principal Planner
Public Hearing and UDO Amendments

Staff stated this request was made by Stewart Jones, Jones and Crossen Engineering.

Mayor Sutton declared the Public Hearing open.

Mr. Jones explained the setback request which was recommended by the Planning Board. All remaining requests were from staff, which were explained. Council asked about minimum and maximum setbacks in the central business district.

In relation to going from two to three story buildings, staff explained this was requested as it relates to floor error ratios in the downtown business district. The Town Attorney explained what would constitute a vested right to build three stories.

Steve Adams, business owner, explained he wishes to build a three story building. If his design didn't fit, then he would be okay with that; but to put a limit on flooring can be a hindrance. Three stories will not damage the character of downtown. He was told earlier that four stories would be fine, but his design for this was not approved as it was too contemporary. After redoing the design, he was told he could only have three stories. Mr. Adams believes he has a vested right because of the money and time spent to have his plans approved. Council asked for documentation of this information, which Mr. Adams stated he has. This would not be a contributing structure which he discussed with Planning before he purchased the building. To say this can't be done is taking away the property value. Mr. Jones indicated that he has a three story building, but staff stated it was okay because the third story cannot be seen from the front of building. Council discussed concerns with blanket restrictions.

Jeremey Bradham, Capital Area Preservation, stated there is specific interest in Apex as it seems to be the model for other towns. Apex also has a registered historic district, and he explained the aspects which make this area unique. Staff talked about lower lots and building story heights. Council stated it wouldn't mind being able to approve/disapprove such requests, but staff explained this is done at another level. These could be set up as Special Use Permits, but then they would have very strict standards. Council stated it wants to have a nice historic downtown but would like more flexibility. Staff explained what the process would look like if the requested change was approved. Staff also presented several scenarios as to what the property owner might do.

Mayor Sutton declared the Public Hearing closed.

The Mayor stated the most consistent, positive comments about Apex are about the downtown. He does not want to see the heart of the town messed with. The Town Attorney confirmed that if the request passed and someone wants to do something outside of this, they would need to come before Council for the change. She also explained what would happen if Council did and did not make the requested change.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE AMENDMENTS; MAYOR PRO TEM SCHULZE SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, SCHULZE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER WILKIE VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

OLD BUSINESS

Old Business 01 : Council Member Bill Jensen

Motion to call up the motion to reconsider the proposed ordinance limiting idling duration for unattended vehicles

Council stated that after discussing this with staff and Council, the recommendation at this point was to withdraw the proposal and possibly bring it back possibly at a later time.

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

Add-on Old Business 02 : Council Member Bill Jensen

Amendment 1 to the Nichol's Plaza Development Agreement

Council stated it appears we are now paying for traffic improvements. Staff stated the original deal was that the developer would pay for this in the future if warranted. DOT did a reverse condemnation and required the developer to reimburse them; because at some point, DOT had paid for the right of way. The Mayor and staff met with DOT regarding the monies. Staff explained how this cost now falls to the Town.

Council didn't understand why taxpayers should have to pay for the developer's oversight.

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

Mayor Sutton called for a ten minute recess, to which Council was in agreement.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner

Greenmoor Master Subdivision Plan for the properties located at 7924, 7616, and 7716 Green Level Church Road containing 144 acres and 389 lots

Staff oriented Council to the site, noting that the subdivision includes pocket parks.

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

New Business 02 : This item was removed as requested by the Town Attorney

New Business 03 : Council Member Nicole Dozier/Assistant Public Works Director David Hughes

Authorization for Town staff to amend the UDO to require additional stormwater control requirements for new development located within the Williams Creek Basin portion of Apex

Staff stated there had been several meetings with the Environmental Committee and changes to the UDO were contemplated. This amendment would be the first step in a discussed process which would disallow future developments to make things worse.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER 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.

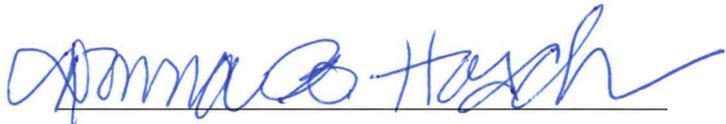
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED DECLARED THE MEETING ADJOURNED.

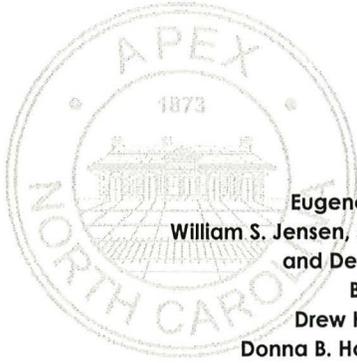


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, MARCH 3, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 3, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

There was no Commencement since that was done at the outset of the recessed Meeting held prior to this Meeting.

PRESENTATIONS

Presentations 01 : Reed Huegerich, Senior Planner

Current planning efforts for transit in Wake County. The presentation will include a discussion of the Wake County Transit Investment Strategy and the Transit Choices Report

Staff talked about this investment strategy and the timeline for transit planning. The transit choices report draft is out as a starting point for the public to get involved. Wake County has a growing population with more seniors wanting to ride; therefore, there is a growing need. Staff noted the goals of the group and the scenarios that are being created. Council wants to see more access to the information for those who do not have computers in their homes.

CONSENT AGENDA

- Consent 01** Minutes of the January 15, 2015 Special [Closed] Meeting (Closed Session Minutes recorded separately), the February 9, 2015 Environmental Committee Meeting, the February 3, 2015 Planning Committee Meeting, and the February 12, 2015 Enterprise Fund Committee Meeting
- Consent 02** First Amendment to Contract for Sale and Purchase of Real Estate between CRP-Apex, LLC and the Town and to authorize the Town Manager to execute same
- Consent 03** Set Public Hearing on March 17, 2015 for rezoning application #15CZ02 (N. Salem St. / US Hwy 64) to rezone 21.68± acres located on the Southwest quadrant of N. Salem Street and US 64 Highway from Residential Agricultural (RA), Neighborhood Business (B1), and Mixed Office-Residential-Retail Conditional Zoning (MORR-CZ #12CZ07) to Planned Commercial-Conditional Zoning

Consent 04 Set Public Hearing for the March 17, 2015 Town Council Meeting regarding Rezone #15CZ04, Hempstead at Beaver Creek PUD Amendment, 24.31 acres located at 1950 Creekside Landing Drive, from Planned Unit Development Conditional Use (PUD-CU) to Planned Unit Development Conditional Zoning (PUD-CZ)

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

REGULAR MEETING AGENDA

Town Manager Radford requested the addition of a New Business item regarding a budget amendment for the Skate Plaza. Council was in agreement with this addition.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

**New Business 01 : Stephen Xavier, Apex Chamber of Commerce President and CEO
Road closure request for Alzheimer's NC 5K race on May 16, 2015 from 7:00am-12:00pm**

Mr. Xavier stated they have been working with staff to plan this race. The request is for a number of street closings, Option 1 being the most suitable. This option has the Police Department's support. In addition, staff has agreed for the use of a portion of Town Hall property for staging. The race will create minimal disruption to residents since the race is being held early in the morning. There is no planned rain date.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST USING OPTION 1; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Dianne Khin, Planning Director; Kent Jackson, Engineering Director; Drew Havens, Assistant Town Manager
Annual presentation of growth and development and building and construction statistics and trends including a review of 2014 and a forecast for 2015. This year's presentation will also include a review of the Town of Apex Strategic Plan

Staff presented these subjects to Council. The individual presentations are incorporated as a part of these Minutes.

Add-on New Business 03: John Brown, Parks and Rec Director

Budget amendment receiving donation from citizens for Apex Parks for the Apex Skate Plaza

Staff stated that including this donation, they are now at \$775,000 for the project. The reason why costs have risen was briefly discussed.

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

CLOSED SESSION

Closed Session 01 : to receive legal advice and give Town Attorney direction related to a potential condemnation case involving a sewer easement, and potential condemnation cases involving a pump station, force main, gravity sewer, water, and electric easements

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

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

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE RESOLUTUION 15-0303-11 AUTHORIZING EMINENT DOMAIN
PROCEEDINGS TO ACQUIRE A SEWER EASEMENT. COUNCIL MEMBER LASSITER MADE
THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, LASSITER, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND
DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-2 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE RESOLUTUION 15-0303-10 AUTHORIZING EMINENT DOMAIN PROCEEDINGS
RELATED TO THE WHITE OAK LIFE STATION AND UTILITIES FOR THE IMPROVEMENT OF THE APEX SEWER, WATER,
AND ELECTRIC SYSTEMS. COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

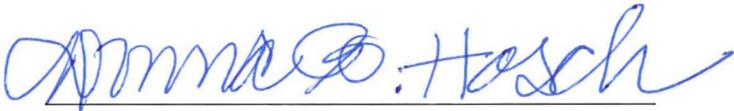
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED DECLARED THE MEETING ADJOURNED.

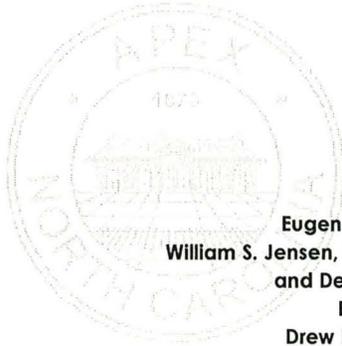


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL RETREAT FRIDAY, MARCH 6, 2015

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

The Apex Town Council Retreat scheduled for Friday, March 6, 2015, at 8:30 a.m. was held in the conference room at Wake Med Apex Healthplex, 120 Healthplex Way, Apex

In attendance were: Mayor William M. Sutton; Mayor Pro Tem Eugene Schulze; Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier and Denise C. Wilkie; and Town Manager Bruce Radford, Assistant Town Manager Drew Havens, Town Clerk Donna Hosch, Communications Manager Stacie Galloway, Economic Development Director Joanna Helms, Town Attorney Laurie Hohe, Human Resources Director Eleanor Green, Planning Director Dianne Khin, Finance Director Vance Holloway, Parks and Recreation Director John Brown, Public Works Director Tim Donnelly, Assistant Public Works Director David Hughes, Facilities Director Marty Mitchell, Engineering Director Kent Jackson, EMS Director Randall Heath, Fire Chief Keith McGee, Assistant Fire Chief Jeff Maynard, and Police Chief John Letteney. Also in attendance was Zebulon Town Clerk Lisa Markland, Chamber Chairman Paul Levering, Parks and Recreation Commission Chairman Greg Coley, and Jeff Roach of Peak Engineering and Design

Mayor Sutton welcomed everyone to the Retreat and introduced Radford who stated the purpose of the meeting.

Green went over the 5 Year Projections and what these personnel needs would mean for Apex. Radford talked about positions per population. Without EMS, we are still driving three functions; with it, we are driving four. Looking at various municipalities, we are extremely lean for the level of services that we provide. Sutton noted the jump in personnel would be due to additions in the fire department as we build the new fire station.

Havens addressed the Capital Improvement Plan (CIP), stating it was a result of a lot of work from staff and the CIP committee. The CIP ties back to plans already adopted. The objective was outlined: a way to get a handle on what Council wants to spend big dollars and the priorities for doing so. The CIP was divided into seven elements, and Havens briefly outlined what was involved in each. Explained was how

each project was formulated and evaluated by the committee using a 5-year planning window. Sutton stated that on his wish list was a transportation bond in order to escalate the transportation projects. He felt people don't want to wait five years for some of these to begin. The pros and cons of doing so were discussed, noting that we would only be able to apply for a certain number of federal grants each year. Council stated we need to look at the financial aspects, but we also have to look at the quality of life aspect. Staff stated road maintenance is being done on an annual basis.

CIP projects included:

- Parks and recreation: a senior center is a horizon issue which falls into year six. Trails are planned only for inside the corporate limits, which excludes the American Tobacco plans. This was explained along with the other municipalities involved. Several connections are planned; several planned subdivisions will eventually make connections.
- Public safety: this is exclusive of facilities. Radford believed that during today's open dialog, transportation and parks would be big issues. A bond referendum will be centerpiece to get getting these done.
- Stormwater and environmental services: no stormwater projects are programmed.
- Summarized was the total debt service that would need to be incurred. In the electric fund in 2017/2018, we need to purchase land for a substation in the green level area.
- Public safety: Council asked about available grants. Havens stated there could be grants, but we don't have them programmed. One of our focuses will be on finding grant money.
- Water/sewer: some of these projects are fairly significant. We will need to do a thorough evaluation of smart meters, so this project may be moved out a year. Council asked would water/sewer rates increase, to which Havens answered we have not gone into a proforma to determine if the proposed projects will affect rates. We are, however, trying to avoid raising rates. These items are not wants, but needs.

Holloman overviewed the debt, debt service, and debt capacity.

Holloman explained that the majority of debt in the General Fund is general obligation debt. We can structure debt to be smoother if more debt is added. In 2019/2020, we will see a dramatic drop off. The Town has adopted its own debt policy which is lower than that of the General Statute. We also have a Town policy about debit not exceeding a percentage of expenditures.

There is remaining debt capacity. Holloman went over debt comparisons to other municipalities. He talked about how much more debt we could take on to be in line with those AAA raters with a lower debt to appraised value percentage. He talked about potential monies available that could be used without raising taxes.

The Electric Fund is in the form of a revenue bond. Our debt service is relatively level here.

Water and Sewer Fund: there is some GO debt issued here. The debt service has gone up significantly in 2014/2015, and it will stay at this level for a number of years.

Mayor Sutton called for a break.

The Mayor introduced the Council initiatives (incorporated as a part of these Minutes).

Lassiter has spoken with the Parks and Rec Board as to what they thought about a parks bond. They decided there are more needs in parks than they first realized. There is concern about an immediate bond without knowing what it will cost. The desire is to get Pleasant Park done in one step. However, there are other projects we want to start on this year, i.e., Salem Pond Park and Hunter Street Park. Both would address immediate park needs.

Brown detailed where we are with Pleasant Park. Discussed were the advantages of borrowing money now vs. later, the advantages of having something late at night for older youth to do, and Town sports for older kids. We will look at the latter for next year's budget. Jensen talked about a multi-use path, inter-town grants, and re-approaching Lord Corporation. Greenway connectivity was discussed as well as working on connecting to the Tobacco Trail. Apex community park upgrades/maintenance items were mentioned.

Andy Curtis, Manager of Government Affairs with WakeMed, joined the meeting to talk about the conferencing amenity at WakeMed, which doesn't get used as much as it could be. She outlined their mission in the community.

The meeting was recessed for lunch.

Helms talked about economic development and how most of these items are infrastructure related. Some are on the strategic plan which she proposed to the Economic Development Committee. Helms discussed what it takes to State certify a site.

Lassiter pointed to the Tunstall House, an important structure as it's one of the oldest in town. It is our responsibility to do something with it, although Lassiter was not interested in spending millions of dollars to do so. We need to find a way to stabilize the structure and get some kind of public use out of it. Maybe the Bill Fletcher family might want to contribute/brainstorm as to what should be done. The Fletcher Foundation might donate funding. Radford stated Mr. Goodman was contacted about six years ago, but there was no response. Dozier will contact the Goodman Foundation for assistance.

The importance of the fire stations was discussed as was a possible training facility, which might be able to come from Fund Balance. What about a senior center on the Woodall property? The prospective future for the Town campus will be an annex building, parking deck, and senior center. Brown talked about building senior space onto the Community Center and the advantages of doing so. Talked about buying the property adjacent to Town campus. Radford will speak with the family about selling.

Discussed was what to do for the youth who do not play sports. Can something like a computer lab or art gallery be incorporated for them? Also discussed was total life centers or adult day centers. Coley stated this was proposed in their wish list; it is on their master plan. Khin gave senior demographic data and outlined where senior centers are placed in other municipalities. Discussion centered on a senior center at Pleasant Park and how much the Halle is used by seniors.

Jackson questioned a convenience center where people could get a simple permit and pay their utility bills. Dozier spoke about House Bill 152 (historic house credits). Schulze spoke about wanting to try zero-based budgeting in a few departments in next year's budget process. Havens stated he would like to see more performance-based budgeting. The shift is away from zero-based because it's so time consuming. Schulze wants to see contracts over a certain amount of money posted on internet. Staff stated actual contracts are not posted, but the financial info is. Schulze felt it would be less time consuming for the contract to be posted rather than the chart.

Council was agreeable to no tax increase or a minimal fee increase in order to avoid a big increase all at one time later on. Radford reminded Council that most of the projects it talked about and wants will require a tax increase. Sutton stated he wanted to see a number which reflected the monies available without a tax increase.

Miscellaneous Topics

Schulze stated we don't have to raise taxes to accommodate growth. He talked the past and estimated future growth rate.

Public communications and giving people as much information as possible as discussed. Can we change the 48-hour public notice rule to give longer notice or publicize notices elsewhere. Also, since some people are not comfortable speaking in Council meetings, are there alternatives, i.e., committee meetings.

Building permits and how these relate to growth were discussed. There was further discussion on transportation issues and our planning for issues in the most cost-effective way.

Jensen spoke about stormwater and solar. Once we get squared away with Shepherd's Vineyard, we need to start looking at other bridge issues.

Mayor Sutton called a brief break.

Council engaged in an exercise where they identified those issues which each felt were most important.

Tom Hendrickson presented updated information on Veridia. They are working through internal pieces, and there is movement on 55 and trying to figure out transportation issues. The big picture is to work on buying out Hudson's 600 acres on the western side. Veridia is expected to be a major retail equivalent. The Town will not have to pay any of the estimated \$33 million for the 540 interchange; bids are now going out for the work. This road will become a game changer for Apex and Veridia. Hudson is taking the development lead on the east side. The stress on 55 is being looked at. The potential US 1 Interchange will help improve circulation in Veridia as well as being a game changer for the whole circulation pattern. There is still a lot of discussion about utilities. Jensen asked how the Town could help with Interchange 1. We would be willing to sign in on something when they are ready. Hendrickson is staying in contact with major retail players. Once the Interchange is understood, he felt the office piece would come along. Veridia will be like the model at North Hills.

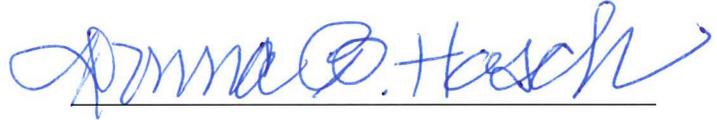
Helms gave an economic development update. She went over what she's been doing over the past seven months since she began work in this new job and new department. She will look at other suggested avenues to push our information out there.

Radford went over the initiatives in order of their Council importance from the earlier exercise.

Radford thanked everyone for coming. Staff will come back to Council with as many answers as possible as soon as possible.

With there being no further business,

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

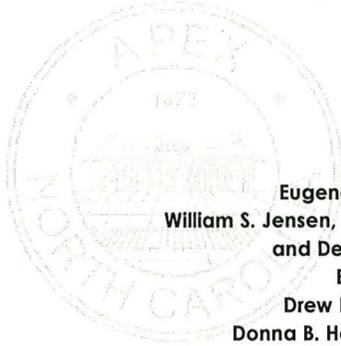


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, MARCH 17, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 17, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01** Minutes of the January 15, 2015 Special Meeting, the February 17, 2015 and March 3, 2015 Regular Meetings, the March 3, 2015 Closed Session (Closed Session Minutes recorded separately), and the February 18, 2015 Economic Development Committee Meeting
- Consent 02** Apex Tax Report dated 02/06/2015
- Consent 03** Budget ordinance amendment, and construction contract, and authorization for Town Manager to execute same for U-5530 AA Old Raleigh East Sidewalk. The Project consists of the completion of sidewalk gap to complete a continuous sidewalk along the south side of Old Raleigh Road (SR 1435) from Lake Pine Drive to Town of Cary corporate limits

- Consent 04 Construction contract and authorization for the Town Manager to execute same for U-5118 AD (Ten Ten Road Improvements). The project consists of roadway improvements along SR 1010 Ten Ten Road, Waterford Green Drive, and the US 1 ramp to provide a continuous right turn on eastbound Ten Ten between Schieffelin Rd and the US 1 southbound ramp, dual through lanes on westbound Ten Ten from the US 1 bridge to the Seagroves Farm entrance, dual left turns on the US 1 off-ramp, a dedicated right and left turn on Waterford Green Drive with a shifted island to enhance safety of left turn movements, and traffic signal modifications which include a protected left turn for Waterford Green Drive
- Consent 05 Budget amendment and municipal agreement with NCDOT to secure 80% of the project cost in federal funds, requiring 20% 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 Authorization is anticipated in spring 2016.
- Consent 06 NCEMPA (North Carolina Eastern Municipal Power Agency) Retail Billing Services Agreement
- Consent 07 Amendments to Chapter 20 of the Town of Apex Code of Ordinances as provided in the proposed list of changes
- Consent 08 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of March 3, 2015
- Consent 09 Statement of the Town Council for Rezoning Case #14CZ23, Alex Crow, Capital Properties, petitioner for the property located at the southwest quadrant of the intersection of Richardson Road and Olive Chapel Road
- Consent 10 Statement of the Town Council and Ordinance for Rezoning Case #14CZ31, Jones & Cnossen Engineering, petitioners for the property located at 2625 & 2713 Olive Chapel Road
- Consent 11 Appoint Finance Director Vance Holloman as second alternate commissioner to the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners
- Consent 12 Transfer of Lot 137 Plot(s) C and D in the Apex Cemetery to William L and Renee M Sweeley
- Consent 13 Street closings in support of the 8th Annual Monarchs in Motion 5K Race on May 9, 2015
- Consent 14 Agreement regarding naming rights for the Skate Plaza

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

REGULAR MEETING AGENDA

There were no changes requested to the Agenda.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public Hearing and change to the 2030 Land Use Map for the Zeno Road properties from Mixed Use to Office Employment

Staff stated changes to the land use map were requested by Council in January. Staff oriented Council to the site, noting that Option A was what was originally going to be put before Council. However, after further analysis, staff came up with and explained their own recommendation.

The Planning Board held a public hearing. After hearing concerns from property owners, Option C was what they recommended unanimously. Staff found this to be acceptable, particularly because of public comments received.

Mayor Sutton declared the Public Hearing open.

Sandy Culpepper, Phil Fondville, Phillip Myers, Tom Graves, Brandon Toler, and owners of property identified as #1, #4, and #10 all stated they favored Option C. Property owners gave a brief history of the area and how the use of the road has changed. It was stated that several of the properties have contracts pending.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 02 : Amanda Bunce, Planner

Public hearing and rezoning application #15CZ02 (N. Salem St. / US Hwy 64) to rezone 21.68± acres located on the Southwest quadrant of N. Salem Street and US 64 Highway from Residential Agricultural (RA), Neighborhood Business (B1), and Mixed Office-Residential-Retail Conditional Zoning (MORR-CZ #12CZ07) to Planned Commercial-Conditional Zoning

Staff oriented Council to the site and pointed out three corrections to the proposed uses. Staff briefed Council on the additional proposed uses by the applicant. The Planning Board and staff recommended approval. Two protest petitions were submitted but deemed invalid.

Staff answered questions from Council on buffer types and the meaning of 'light vehicles'. Learning that this may be a dealership, Council wanted to hear more about light pollution and the visibility of the business from residents' homes.

Bill Daniel, representing the property owner, emphasized condition 7. This is not a rezoning simply for an automobile dealership. Concerns at the neighborhood meeting were on buffers, traffic, and uses, with traffic being the most concerning. Mr. Daniel felt the Type B buffer was a responsible one. The uses they crafted were a result of concerns from the neighbors and staff, and Mr. Daniel outlined these. They felt that all legislative conditions had been met. Per request from Council, Mr. Daniel agreed to a minimum Type B rather than a Type E buffer along Salem Street.

Mayor Sutton declared the Public Hearing open.

Troy McDaniel stated 162 residents signed a petition which outlined their concerns which he detailed.

Dan Heiller stated his concern was for the number of conditional zoning uses that could possibly be on this site. He stated that with so many uses, it reduces the possibility of being able to work with developers at the outset. The neighbors discussed removing uses with the applicant, but only two items were removed.

John Daniel stated he was not in the reach of being notified about this issue, but he outlined his three concerns: how the use would look on Salem Street, the traffic study, and buffering as it relates to light and noise pollution.

A resident asked that large grocery stores be put on the strike list.

Patrick Seether stated his concern was for light and noise pollution.

Tom Coulhoun stated he was in favor of the rezoning and that it conformed to the Land Use Plan. This would bring employment to Apex, traffic concerns can be addressed, and he looked forward to the commercial use.

A resident stated he also wished to see the number of uses for this area reduced, and he spoke about traffic issues.

Mayor Sutton declared the Public Hearing closed.

Council discussed with the applicant uses for outside entertainment and arena/auditorium which might be removed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST ADDING ADDITIONAL BUFFERING AND THE TWO DISCUSSED USES; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

There was further discussion about lighting pollution. The applicant proposed the additional condition of full cut-off light fixtures which staff stated is our standard.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and Rezone #15CZ04, Hempstead at Beaver Creek PUD Amendment, 24.31 acres located at 1950 Creekside Landing Drive, from Planned Unit Development Conditional Use (PUD-CU) to Planned Unit Development Conditional Zoning (PUD-CZ) to increase the maximum height from 36 feet to 39 feet 10 inches

Staff oriented Council to the site, stating the townhomes are currently under construction. A protest petition was received that was deemed invalid. The Planning Board recommended approval. Staff explained the three story product requested by the applicant.

Mayor Sutton declared the Public Hearing open.

Michael Davis, HOA president, talked about local and State ordinances and requirements and how the building height would be detrimental to the neighborhood.

Mayor Sutton declared the Public Hearing closed.

Council entered discussion about the requested additional height, staff explaining that this would improve roof pitch and provide a nicer appearance to the outside of the buildings. Jim Dasinske, applicant, stated all units are three-story townhomes. He explained the grading, how it varies, and how that affects the appearance of some of the units. Council stated it wished to see a buffer put in alongside the home along Chapel Ridge. The applicant stated this will be done as soon as practical. The applicant stated he requested meetings with Mr. Davis and his Board, and his requests were ignored. Mr. Davis responded that he wanted to speak with the applicant about stormwater; his Board did not wish to meet with the applicant.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST WITH THE ADDITIONAL CONDITION THAT A BUFFER ON THE WEST SIDE BE INSTALLED AS SOON AS REASONABLY POSSIBLE AND PLANTED BY PHASES AS PER PLAT APPROVAL. COUNCIL MEMBER LASSITER SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Sutton called for a ten minute recess.

Public Hearing 04 : Reed Huegerich, Senior Planner

Public Hearing continued from March 3, 2015 regarding rezoning application #14CZ21 (Sweetwater Planned Unit Development Plan) to rezone 164.7 acres located at 2216 and 2408 Olive Chapel Road and 3115, 3121, 3224, 3233 U.S. Hwy 64 West from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site and made a correction to the Staff Report regarding density. A neighborhood meeting was held, and there was substantial feedback. Staff recommended approval as presented. Regarding the transportation plan, there was excitement about the connection on Richardson Road which will alleviate traffic on Kelly Road. Staff responded to Council's questions about the turning patterns.

Mayor Sutton declared the Public Hearing open.

Speaking against, Charles Burger was concerned about the Olive Chapel traffic. He completed a DOT study in 2014 and felt there would be trouble with traffic backup on that road.

Javanna Taylor provided schooling stats and how students in Abbington are being routed out of the area instead of being able to attend school in the area. She was concerned about access on Bryan Pond Lane. Holly Catrino echoed Ms. Taylor's concerns.

Ray Catrino stated the problem of enough schools has been overlooked. Roads are a major concern as well as what type of development would go on historic Salem Street. He thanked Council for keeping an open mind and for doing what's in Apex's best interest.

Steve Obershon echoed the comments of his neighbors. The developers did a good job of addressing issues within their control. There would be problems with overcrowded schools and added traffic which would be a safety concern. We are not ready for this yet. Mr. Obershon stated he is not against growth; however, we need to take a more considered approach.

Joe Hiccoos stated the live/work/play concept will not work in this area because there is nowhere for anyone to work. Why not slow growth down a bit to give it more thought.

Speaking in favor of the request, Glenda Topp, developer, went over the proposed PUD and what they felt was good about Sweetwater and how it complies with the Land Use Plan. Densities were detailed along with infrastructure improvements, the greenway, and the design concept and what buyers are looking for. Meetings with Abbington residents resulted in items the neighbors wanted addressed, which were responded to. Ms. Topp discussed the economic benefits including a pump station which would

be removed. The Sweetwater plan is consistent with all plans and complies with standards of the UDO. It will be a premier, high-quality development in Apex and is a bit different than other developments.

Speaking in favor, Vivian Lamb, wondered what kind of development could go on the site with all the restrictions the Town has put on the property. She was impressed with the developers; they have been admirable to work with. She was extremely pleased with the plan.

Kevin McEnroy complimented Experience One and stated they have exceeded the expectations of many people.

Judy Jenks talked about past and future schooling issues in Apex. She and her family are for this.

Tripp Lloyd, Lloyd Builders, former resident of Abbingdon, stated they are in agreement with Experience One. It's exciting to have the opportunity to work with a quality builder.

Matt Hobbs asked for Council's support in the rezoning, as it will be a catalyst for commercial development.

Mayor Sutton declared the Public Hearing closed.

Staff addressed traffic patterns and delays and what the Richardson Road connection will mean for traffic flow. Council discussed what might be an alternate use of the land, i.e., a business park.

Council stated what it liked and did not like about the development. Council wished to see the infrastructure totally in place, except for final pavement, before the first house is shoveled. The applicant stated this was already planned. The Town Attorney stated these types of requests can be controlled and enforced through the building permit.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE
THE REQUEST. COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council stated this is a big and controversial request. It will be voted for because it could have been worse. And this will give us Richardson Road which we desperately need. Office space has been consistently fought for; but with so much space in the Triangle already, builders are not clamoring to come here to build.

Council stated if we look at this from the 30,000-foot elevation, this has the possibility of not working. We need a quality business park environment. We are heading more towards housing than business, and we're not looking to the future. We're rushing to vote this in.

Council stated everything was being done to help with property owner concerns and that this was not being rushed.

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

OLD BUSINESS

Old Business 01 : Bruce Radford, Town Manager

Resolution requesting collaboration with the Wake County Public School System in reviewing the funding model for the School Resource Officer program in Wake County

Staff stated this has been discussed on several occasions, and we have been asked to work to come up with a resolution to the problem. This Resolution will assist with that.

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

NEW BUSINESS

New Business 01 : Brendie Vega, Principal Planner

Parkside at Bella Casa, Phase 13 - Master Subdivision Plan - for the properties located at Blazing Trail and Humie Olive Road containing 9.7 acres and 56 lots

Staff oriented Council to the site, stating this the last phase of Bella Casa/Parkside. Rezoning approved 150 townhome lots; 56 will be built. The Planning Board recommended approval.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO
APPROVE THE PLAN; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
COUNCIL MEMBERS WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

New Business 02 : Shelly Mayo, Planner

Promenade at Beaver Creek Master Subdivision Plan for the property located at 1275 Haddon Hall Drive containing +/- 11.28 acres and 49 lots

Staff oriented Council to the site, which was approved as a PUD in January. This will be a mixture of townhomes and restaurants. The Parks and Rec Commission recommended a fee in lieu, the request meets all Plans, and a neighborhood meeting was conducted. The Planning Board and staff recommended approval.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS WILKIE, SCHULZE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

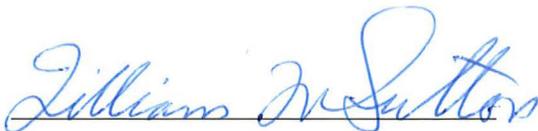
With there being no further business,

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

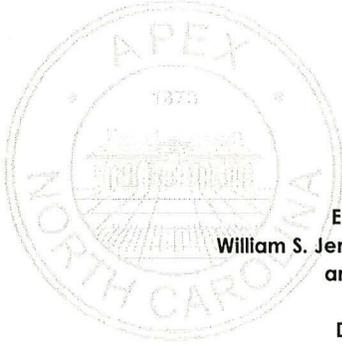


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, APRIL 7, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, April 7, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Bob Crowley, President, Apex Arts Council, Inc.

Presentation regarding the Apex Arts Council in advance of the preparation of the FY 2015-16 budget

Mr. Crowley stated the Council is 10 years old and has worked on cultural events and supporting artists. They are beginning to expand. There are now more people and more professional people involved in the Council, and the Council needs to support them. In a letter to the Town Manager, Crowley explained what they do and how they do it. They don't need a handout, but a jumpstart on several events at which they are looking. He explained how these events are expensive and the need to offset the costs in some way. He hoped the Town would look at them favorably and help out. The Arts Council requested \$10,000 in funding.

Presentation 02 : John L. Thoma, Chief Executive Officer, Transitions LifeCare

Annual presentation regarding services provided by Transitions LifeCare, founded as Hospice of Wake County, in advance of the preparation of the FY 2015-16 budget

Mr. Thoma stated his organization was requesting \$5,000 in funding for the expansion of the Hospice Home on Trinity Road. This Home serves 250+ Apex residents in their homes and facilities annually, providing expert supportive and medical care to patients and care givers. Hospice Home has received numerous accolades, and Apex has been supportive of them in the past. The Home has cared for over 3,330 patients and family members, and last year they started a campaign to expand by ten rooms which Apex contributed to 2014. The current \$5,000 will go towards the additional ten rooms and reach 80% of their goal. The Home is currently at capacity with a waiting list.

Presentation 03 : Don C. Willis, Program Manager, Wake County TRACS Program

Annual presentation regarding services provided by Wake County TRACS in advance of the preparation of the FY 2015-16 budget

Mr. Willis stated they are a 90% special transportation program, which Apex has supported in the past. Many programs pay for trips to the doctor, but people have other types of transportation needs. TRACS contracts with a private vendor to provide these other types of transportation. Last year 300 elderly, disabled, and poverty level people benefitted from the previous \$15,000 given by Apex. For this door-to-door service, riders contribute \$2 each way within the zone and \$4 to go a little further.

Presentation 04 : Sergeant Joey Best, Apex PD

Sergeant Best will present an award from Special Olympics of North Carolina to the Police Department

Sergeant Best stated this cause is important to PD and presented a bit of history on the Torch Run in which they participate each year. Apex PD's goal is to raise at least \$6,000 per year which gets their name on the back of the tee shirts. They also do things like sit on buildings, cover the cruiser, wait tables, play golf, and jump in cold water as they did this year in February. So far, PD has raised \$11,200 and hope to raise \$20,000 in total this year. Sergeant Best thanked Chief Letteney for his support for allowing them to do the things they do and for participating with them. During the annual conference, they hear from the Olympians and plaques are given out. Apex was awarded a gold medal plaque which he presented to Chief Letteney. The Chief thanked everyone for their support and stated he has never seen a more passionate staff and coordinator than Sergeant Best and his team.

Presentation 05 : Mayor Bill Sutton

Presentation of Council Resolution recognizing National Telecommunicator week as April 12 to 18

Mayor Sutton read and presented the Proclamation to three of the Telecommunicators, thanking them for all their work.

CONSENT AGENDA

Consent 01 Minutes of the March 6, 2015 Town Council Retreat, the March 17, 2015 Town Council Regular Meeting, and the March 24, 2015 Economic Development Committee Meeting

- Consent 02 Set the Public Hearing on April 21, 2015 for rezoning application #14CZ16 (Aquiline PUD) to rezone 48.40± acres located on 1528 E Williams Street from Planned Commercial-Conditional Zoning (PC-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ02, William Daniel, petitioner, for the property located at 1501, 1503, 1511 N Salem Street and 1601, 1603, 1065 US 64 Highway West
- Consent 04 Set Public Hearing for the April 21, 2015 Town Council Meeting regarding Rezoning Case #15CZ03, The Reserve at Beaver Creek PUD. Contains 31.69 acres located on the northeastern and southeastern quadrants of the Kelly Road and Beaver Creek Commons Drive intersection. Proposed rezoning is from Planned Commercial Conditional Use (PC-CU) and Rural Residential (RR) to Planned Unit Development Conditional Zoning
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #15CZ04, Hempstead at Beaver Creek, petitioners for the property located at 1950 Creekside Landing Drive
- Consent 06 Set the Public Hearing on April 21, 2015 for rezoning application #15CZ06 (The Pointe) to rezone 21.14± acres located on the northeast quadrant of Olive Chapel and Kelly Roads
- Consent 07 Set the Public Hearing on April 21, 2015 for rezoning application #15CZ07 (Crestmont II) to rezone 1.86± acres located at 8028 Green Level Church Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)
- Consent 08 Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Parkside Development Group property (Parkside Phase 13) containing 9.40 acres located between Blazing Trail Drive, Humie Olive Road and Richardson Road, Annexation #535 into the Town's corporate limits
- Consent 09 Budget amendment to the Street Capital Projects Fund for the Tingen Road Sidewalk project
- Consent 10 Set Public Hearing for the April 21, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 11 Ordinance regulating the use of Town of Apex Skate Plaza consistent with N.C.G.S.A 99E-21
- Consent 12 Set Public Hearing for the April 21, 2015 Council Meeting to consider an Agreement regarding naming rights for the Skate Plaza
- Consent 13 Amended road closure request for Founders Day 5K race/walk being held on April 18, 2015 from 8am-11am
- Consent 14 Removed to be discussed under New Business: budget amendments to the General Capital Projects Fund and the Fire Reserve Fund for the Fire Station No. 5 project
- Consent 15 Removed to be discussed under New Business: budget amendment to the General Fund to decrease the Contingency appropriation and increase the appropriations for the Police Department
- Consent 16 Lot 123 Plots D, E, F, G, and H to be Deed Transferred

Council Member Jensen stated he wished to remove Consents 14 and 15 to be discussed further. Mayor Sutton stated these would be discussed under New Business.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO ACCEPT THE CONSENT AGENDA MINUS ITEMS 14 AND 15; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

There were not requested modifications to the Regular Agenda.

PUBLIC FORUM

Al Garcia addressed Council about endorsing speed humps on White Dogwood, for which the criteria is met and the 10% funding has been collected. They now need endorsements from the three HOA's. Several members of his HOA are not on board with this, Dogwood Ridge I supports the speed humps, and Cameron Park which has three speed humps feels the Town should take this over and that their endorsement should not be needed. Mr. Garcia explained how needing the support of all HOAs is not fair and how the data is not fair and somewhat misleading. Since they can't get all HOAs to cooperate, Mr. Garcia wanted to know that the Town now needs from them.

Council stated the UDO has a requirement that 70% of owners in a development have to sign a petition authorizing the Town to install speed humps. Another section requires HOA endorsement. So, in order for the requested humps to be installed, it would take the Town starting the process to remove HOAs from this decision providing enough residents sign a petition to authorize this. Council asked if it would be a policy-making decision if we wanted to strip HOAs of this authority, particularly in cases where money has been raised. The vast majority of neighbors want it, and PD has determined speed humps are warranted. The Town Manager clarified that yes, this would need to be a policy change, going through the same process as a regular UDO change. We have done this 10/12 times in the past 14 years, this being the first time that HOAs have not been supportive. Council did not like the idea of removing the HOA requirement.

A resident stated the HOA was not representing the wishes of the residents and there is a somewhat misuse of power when they are not disseminating accurate information. Council stated maybe we need to clarify HOA or HOA board, and she wanted to get assistance from staff to make the HOA language clear. Additionally, if the HOA board is not meeting, how do we get a feel for what the neighbors want. Council stated he was uncomfortable getting in the middle of HOAs. The Town Attorney explained how

HOAs are organized, generally being a membership of homeowners. The HOA Board is supposed to act on behalf of the homeowners; we don't have authority over these boards.

Council stated he wants to see staff come up with revisions to the ordinance when there is a hostile HOA Board. Council recommended changing the percentage requirement to a majority if the HOA Board was not supportive. Council stated maybe we can zone out the road and not have HOAs involved. Council asked if it was better to put in stop signs to which the Town Manager answered in the negative and explained this. The Mayor asked the Town Manager to get with staff and make a recommendation to Council at the first meeting in May as to what will be proposed on this matter to the Planning Board at their June meeting.

Staley Smith addressed Council about acreage that is owned by his family. A study was done and after meeting on top of meeting, the 2030 Land Use Map was adopted. This Map is relied on for planning efficiency. Jenks Road and 24 West suggest the use as commercial development. Mr. Smith's family has been working with a developer for almost a year to deliver a unique residential development to Apex using the 2030 Land Use Map that Mr. Smith helped create. Nearly a year after discussions and contracts being signed, the Economic Development Committee now wants to change the plan. The proposed amendment, if passed, will derail the sale of his property. It will also delay extension of Richardson Road until such time there is cause or reason to develop their property under the new designation the Town wishes to impose. Mr. Smith asked Council to leave the 2030 Land Use Map alone. The area has just begun to take shape. He asked that this not be sent to the Planning Board for further consideration. He pointed to several members of his family in the audience who would also be impacted by such a decision.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan Amendment and Subdivision for Murphy Oil at Wal-Mart, 1.15 +/- acres of 20.8 +/- acres located at 3151 Apex Peakway

The Town Attorney read the quasi-judicial procedures, and the Town Clerk swore in the witnesses.

Mayor Sutton declared the Public Hearing open.

Todd Adams, real estate attorney, stated he was representing Murphy Oil. Greg Sistrunk, project manager, was in attendance to explain and testify to their compliance with the UDO.

Brendie Vega presented her professional credentials and oriented Council to the site, which is a permitted use. A neighborhood meeting was conducted, the use meets the RCA and the requirements of the UDO. No TIA was required, and the use is consistent with the Transportation Plan.

Mayor Sutton polled Council for any conflicts, to which there were none. All Council Members stated they would be able to make an impartial decision on the evidence presented at the Hearing.

Mr. Sistrunk stated he was satisfied with Site Plan as presented by staff. There were no opponents to the Plan. There were no rebuttals by staff or the applicants.

Mayor Sutton declared the Public Hearing closed.

Mayor Sutton read the eight Standards, polling the Council after each one as to whether or not they felt the Standards were met. Council agreed that all were, in fact, met.

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

OLD BUSINESS

Old Business 01 : Dianne Khin, Planning Director

Proposed Amendment to the 2030 Land Use Map

Staff stated this recommendation came out of the Economic Development Committee and would be presented by Council Member Jensen.

CM Jensen stated the Committee looked at the northwest section of Apex and its potential for employment places in comparison to other sections of Apex. This area is devoid of such places. They looked at the UDO and the process the Town went through to drive the Town to the new concept of live and work. CM Jensen stated that if there is land under contract and things are going on, then we have to live with what was previously passed for that section. He was not sure what is going on north of 64. CM Jensen suggested looking at the north section for stripping out high density and using the Land Use Map and change process to make this area nonresidential. He was not looking for anything to change/pass on this evening.

CM Jensen requested that staff go through the public change process for the land north of 64, north of Jenks Road, and the Smith property south of 64. The UDO today does not work with the live/work concept in these areas. We are heading towards being a bedroom community. Council stated she was concerned about the wants of property owners and wanted to know if the amendment could be withdrawn. Council stated we are back to trying to dictate the market and use this Board to solve all perceived problems regardless of what everyone wants and the two-year process that went into making this Map. He did not see a demonstrated reason to fiddle with the Plan and erode the trust of this body and hours of those who put the Plan in process. This Plan has won awards and contributed to positive things in Apex. He could not get behind this.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO WITHDRAW THE PROPOSED AMENDMENT TO THE 2030 PLAN. COUNCIL MEMBER LASSITER SECONDED THE MOTION.

AFTER SOME FURTHER DISCUSSION, COUNCIL MEMBER LASSITER CALLED THE QUESTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO AMEND THE ORIGINAL MOTION TO ELIMINATE ONLY THE PROPERTY SOUTH OF 64 AND TO PROCEED WITH RE-EVALUATING WITH THE PUBLIC IF THIS IS SOMETHING THEY WANT TO DO ON THE NORTH SIDE. COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council stated this was the third time this was being done. He asked CM Jensen to re-clarify what he wanted done, and CM Jensen restated his wishes. Council was confused on how we're going to have live/work, if we don't have anywhere to live. CM Jensen stated that if we go to the 30,000 foot elevation, residential areas are/will be there. There was further discussion on the live work/concept. Council stated we should pursue what CM Jensen wants to do by asking the residents what they want.

MAYOR SUTTON CALLED FOR A VOTE ON THE AMENDMENT MADE BY COUNCIL MEMBER JENSEN. COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

MAYOR SUTTON CALLED FOR A VOTE TO APPROVE THE AMENDED MOTION. COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE.
THE MOTON CARRIED BY A 4-1 VOTE.

NEW BUSINESS

New Business 01 (from the Consent Agenda):

- (1) budget amendment to the General Capital Projects Fund and the Fire Reserve Fund for the Fire Station No. 5 project**
- (2) budget amendment to the General Fund to decrease the Contingency appropriation and increase the appropriations for the Police Department**

Staff explained that the first budget amendment was needed to begin preliminary site work for fire station number 5. These monies are currently in the Fire Capital Reserve Fund. This was an anticipated shifting of funds.

The second budget amendment was for acquisition of additional police cars and equipment. The Personnel Committee approved three School Resource Officers to be hired by the end of this fiscal year, and these items are required for those officers. The monies would be transferred from the Contingency Fund of the General Fund to the Police Department Fund. The Contingency Fund will not be depleted.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO TRANSFER THE FUNDS AS REQUESTED FOR BOTH ITEMS; 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 further business,

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



Donna B. Hosch, CMC, NCCMC

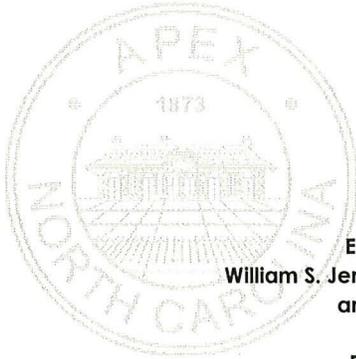
Town Clerk

ATTEST:



William M. Sutton

Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, APRIL 21, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, April 21, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mike Sayers, Chairman, NC American Legion

Presentation of Certificate of Appreciation to the Town

Mr. Sayers stated that on behalf of the American Legion of NC, he was presenting the Town with an award for serving as host for the American Legion's Division 3 High School Oratorical Contest. Some Council Members served as judges, and the male who won in Apex went on to win the Nationals.

CONSENT AGENDA

- Consent 01 Minutes of the April 7, 2015 Regular Meeting and the March 31, 2015 Economic Development Committee Meeting**
- Consent 02 Apex Tax Report dated March 2, 2015**
- Consent 03 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Parker Orleans Homebuilders property (Colvin Park Phase 4) containing 8.015 acres located at Redbud Tree Drive and Stephenson Road, Annexation #536 into the Town's corporate limits**

- Consent 04 **Equipment Lease Agreement between the Town and Wake County and authorize the Town Manager to execute the same**
- Consent 05 **Statement of the Town Council and Ordinance for Rezoning Case #14CZ21 (Sweetwater), Experience One Homes, LLC, petitioners for the property located at 2216 and 2408 Olive Chapel Road and 3115, 3121, 3224, 3233 U.S. Hwy 64 West**
- Consent 06 **Amendment to the Town's Utility Customer Service Policies to discontinue payment of interest on utility customer deposits**
- Consent 07 **Two budget amendments in order to provide funding for a municipal agreement with NCDOT to add turning lanes at the intersections of Apex Peakway at Olive Chapel Road and Apex Peakway at NC 55 in TIP Project No. U-5118 AE. At its December 16, 2014 meeting the Council approved the agreement but a budget amendment was not approved at that meeting**
- Consent 08 **Budget amendment to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget**
- Consent 09 **Set Public Hearing for the May 5, 2015 Council Meeting to consider an Agreement regarding naming rights for the Skate Plaza**

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

REGULAR MEETING AGENDA

There were no requested modifications to the Regular Agenda.

PUBLIC FORUM

John Buck expressed appreciation to the fine members of the Planning Staff, Reed Huegerich, John Brown, and Council for maintaining the interactive development map. He recommended its usage to a greater extent because it works.

Paul Temple, Waterford Green Home Owners' Association President, spoke about the 10-10 and Waterford Green intersection which is under development. Under the current proposal, the front section of the median is being moved to allow one lane in and three lanes out along with a dedicated signal for the left turn lane. Adam Stephenson was commended for informing them of what's coming and helping them to understand the issues. However, DOT has not allowed a budget for replanting the median, which is a critical issue. It will take \$13,000 to restore the lush environment. This is a critical issue for which they don't have a budget. The revised median will also join the existing gap with the new section of the median. The Town has allowed the rear section to be temporary-type curbing which creates drainage

problems; it is beginning to fall apart. Eventually the road will be repaved, and Mr. Temple felt proper curbing should be put in at that time.

DOT feels this issue is cosmetic, which is why it is not in their budget. Mr. Temple stated they feel this is beyond esthetic and presented reasons why, i.e., root problems and drainage. This is a maintenance problem for them. He hoped the Town would consider remedying this and put it in its budget. Staff stated it would gather the numbers and present back to Council. Mr. Temple stated the immediate concern is plantings, which he hoped the Town would address now. Staff explained our budget does not include some of the road work.

Council consensus was to add a budget amendment for the amount Mr. Temple specified. Staff will bring back a real budget in two weeks.

Lynne Smith stated that BRI has been renting a facility previously owned by Ferguson and running a manufacturing plant. They have been working with Planning on an expansion. For four years, the neighborhood has been having problems with odor from the plant. The fixes BRI makes are temporary, and the odors return even when manufacturing is not in production. Some neighbors have had allergic reactions. BRI efforts will not be resolved but worsen with expansion, and Ms. Smith was concerned about the long term effects and home values due to the odor and silo which is planned. Ms. Smith believes BRI misrepresented themselves, and there is no confidence that expanding will eliminate odors. Ms. Smith asked Council to help BRI relocate to another, more suitable location. The Town Attorney stated she has been in contact with Planning regarding BRI's compliance with the UDO. Staff stated BRI was grandfathered in and has been fined.

Melanie Wayne asked Council not to approve the BRI expansion. The facility is inappropriately situated by businesses and homes. There is concern about odor and the effect on property values because of the appearance of the silo. BRI is not keeping up the property, and it is extremely run down. Ms. Wayne asked Council to please encourage BRI to move to a more appropriate location. If not moved, she would like to see architectural improvements – the silo moved to the rear or screened with metal siding, the façade needs to be repainted, and the landscape needs to be freshened. She wanted assurance from the Town that if the problem was not eliminated, the Town would take legal action against BRI to permanently eliminate the problem.

Chuck Hinton stated he has been a real estate broker for 21 years and lives in the area of BFI. He didn't plan on having to smell the odor. The area is zoned light industrial, and he cited the performance standards relating to odors and noise. He stated the Town Manager and Joe Curtin were helpful when

this started. He understands mixing causes odors. Homeowners have to fill out a state-mandated disclosure form when selling, and it asks about noise and smoke affecting the property. The seller would have to check 'yes'. The odor is mostly in summertime, and he would appreciate anything that can be done to stop the odor.

Council asked the Town Attorney to come up with ways at site plan approval to pull this type of thing out and state what the statutory fine would be. The current process is not a deterrent. Council was in agreement for her to do this. Staff stated they have been working with Legal and think there are solutions to take care of this, but they were not ready to talk about it now. Explained was how this needs to rise to the level of a nuisance so determinations can be made and action taken. Staff stated it is not supportive of the expansion. The more emails received from residents the better. Additionally, someone from staff needs to go out as many times as possible to smell the odor.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #15CZ06 (The Pointe) to rezone 21.14± acres located on the northeast quadrant of Olive Chapel and Kelly Roads from Rural Residential (RR) to Planned Commercial-Conditional Zoning (PC-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, the use is consistent with the 2030 Land Use Map, and the applicant was asked by staff to remove some of their proposed uses. The Planning Board unanimously recommended approval as did staff.

Mayor Sutton declared the Public Hearing open.

Alan Maness, representing the applicant, thanked the staff and neighbors for their efforts and input.

Council encouraged family friendly uses due to concerns of some of the folks in the area. Mr. Maness was thanked for his support with NCDOT requests. Council asked for Type A buffers to mitigate the back sides of the buildings if any of the out parcels backed up to the road. Mr. Maness explained the buildings will sit below Olive Chapel, but they can try to augment where practical. Council asked for the highest extent possible of storm water management; Mr. Maness will examine the possibility of going to 25 years.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 02 : Shelly Mayo, Planner

Public hearing and rezoning application #15CZ03, The Reserve at Beaver Creek PUD, containing 31.69 acres located on the northeastern and southeastern quadrants of the Kelly Road and Beaver Creek Commons Drive intersection from Planned Commercial Conditional Use (PC-CU) and Rural Residential (RR) to Planned Unit Development Conditional Zoning

Staff oriented Council to the site. RCA requirements were exceeded, there will be a Type A buffer, the request meets the UDO requirements. A TIA was conducted and will be incorporated; a traffic signal warrant study will be done at 80% of build-out. A neighborhood meeting was conducted, the use is consistent with the 2030 Land Use Map and Transportation Plan. The Planning Board unanimously recommended approval.

Council Member Lassiter left the meeting unexcused.

Mayor Sutton declared the Public Hearing open.

Alan Maness, on behalf of the applicant, stated the staff presentation was thorough and he had no further comments. Council asked Mr. Maness to try to increase the stormwater pond size, which he stated they will study for that opportunity.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #14CZ16 (Aquiline PUD) to rezone 48.40± acres located on 1528 E. Williams Street from Planned Commercial-Conditional Zoning (PC-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A TIA has been completed, and the use is consistent with the UDO. The Parks and Recreation Commission recommended a fee in lieu, a neighborhood meeting was held, and the use is consistent with the 2030 Land Use Map, the Transportation Plan, and UDO. The Planning Board and staff recommended approval. Council expressed that we seem to be going backwards from where we want to get to as a Town. Staff stated it was not aware of any interest for this to be used as solid commercial.

Mayor Sutton declared the Public Hearing open.

Don Mizelle, Withers and Ravenel, stated the plans sets the opportunity for commercial residential mixed use. They have worked with staff to come up with the plan and feel it's a good project for mixed use. Council expressed concern that all residential will go in and then offices would go in if this was mixed use. Mr. Mizelle stated they can look at this to see if something can come up that will suit the client. Council stated this will take time and suggested putting this off until it can be looked at.

Council Member Lassiter returned to the meeting.

Bill Peebles, Bay Point Development, stated there is a long history to the property being commercial since the mid-90s. There is not a demand for total retail use since a lot of that is now at Beaver Commons and in Holly Springs. Mr. Peebles felt this a fair mix that's marketable to sell and would still give the Town a commercial base. They can look at phasing, and he explained how they wish to develop the property. The property has been actively marketed, and there is just no interest in commercial. Mr. Peebles stated they can take the time to come up with a phasing plan and put this off until then. Council stated we are back at the same spot of Council not having faith in the Land Use Plan. At Council's request, Mr. Peebles will check into housing below market value.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO POSTPONE
MOVING ON THIS ITEM UNTIL THE APPLICATNT COMES BACK WITH A PHASING PLAN;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Brendle Vega, Principal Planner

Public Hearing and rezoning application #15CZ07 (Crestmont II) to rezone 1.86± acres located at 8028 Green Level Church Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

Staff oriented Council to the site, stating that the rezoning conditions were the same as Crestmont. The Planning Board and staff recommend approval with conditions by the applicant.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, stated this parcel was not available previously. It will be incorporated into Crestmont.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON 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.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parkside Development Group property (Parkside Phase 13) containing 9.40 acres located between Blazing Trail Drive, Humie Olive Road and Richardson Road, Annexation #535, into the Town's corporate limits

Staff oriented Council to the site, stating that the project was previously approved by Council but the property needs to be annexed for utilities. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE
THE ANNEXATION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION. COUNCIL MEMBERS
JENSEN, WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 06 : Reed Huegerich, Senior Planner

Public Hearing on proposed amendments to the Bicycle, Pedestrian, and Equestrian Plan map

Staff explained the one proposed amendment which came from a request by staff for a greenway. Designers of the school site were not willing at this time to commit to access to their property. Staff stated a multi-use path would be beneficial. The Planning Board recommended approval.

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

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

Public Hearing 07 : Brendie Vega, Principal Planner

Public Hearing regarding various amendments to the Unified Development Ordinance

Staff detailed each of the amendments.

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

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

Mayor Sutton called for a ten minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner

Application for Arcadia Ridge Addition Master Subdivision Plan including the properties located at 2713 Olive Chapel Road, 2105 Richardson Road and 2121 Richardson Road. This addition contains 40.33 acres and 130 new single-family lots

Staff oriented Council to the site, stating the PUD has come back for three additional properties. This is consistent with the 2030 Land Use Map. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu. The use is consistent with the Transportation Plan, and a greenway will be constructed. Staff recommended approval as did the Planning Board. The Town Attorney explained at what point Council could vote against a master subdivision plan. Council stated Richardson Road should be put in prior to these houses being built. The effects of not addressing more roads was discussed.

MAYOR SUTTON CALLED FOR A MOTION. BASED ON THE ADVICE OF THE TOWN ATTORNEY, COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Amanda Bunce, Planner

Crestmont Phase 1-3, revised Master Subdivision Plan, for the properties located east of Green Level Church Road and south of Roberts Road containing 36.48 acres and 122 lots

Staff stated Council previously approved this Plan, but road and lot layout changes were needed. A neighborhood meeting was held; a greenway path will be built. The Planning Board and staff recommended approval.

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

New Business 03 : Amanda Bunch, Planner

Lake Castleberry, revised Master Subdivision Plan, for the properties located at Green Level West, Wimberly and Castleberry Roads containing 118.11 acres and 147 lots

Staff stated this was a revised Plan to what Council previously approved. Road connections have been modified, and some lots have been increased in width. Staff recommended approval as did the Planning Board. Craig Dewers, Withers and Ravenel, explained why the road was modified.

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

New Business 04 : Shelly Mayo, Planner

Villages of Apex South Phase 1 Master Subdivision Plan including the properties located at 1960 Apex Peakway and containing 46.83 acres and 232 new single-family lots

Staff oriented Council to the site. The request meets the requirements of the UDO, a neighborhood meeting was held, and the request is consistent with Transportation Plan. Staff recommended approval as did the Planning Board.

Council expressed concern over CSX being a nuisance. Staff stated that until last week when CSX increased its nighttime coupling and uncoupling, the residents were happy. CSX has been less than responsive to complaining neighbors. We have requested information from them and received no response. There is also an odor.

Council stated the developer could put in a sound wall or a tall berm. Staff stated this has not been looked at because it is not in the ordinance, and we can't require the developer to do so. Staff stated CSX is not responsive to switching their operations to out of town. This development is on the higher side of the speed line and not adjacent to the tracks to which there have been complaints. Council hoped that the real estate agent would put the CSX situation in as a disclosure. The applicant's engineer stated they made a change to locate the townhomes further off the railroads than what was originally approved. He couldn't answer if they had to put the trains in as a disclosure. He didn't think a wall was being considered, but they will put in additional landscaping.

Council asked the Town Attorney would it be legal to vote against this request, to which the Attorney answered 'no'.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST; MAYOR PRO TEM SCHULZE SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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

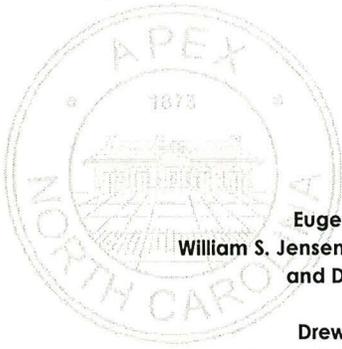



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, MAY 5, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 5, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

Mayor Sutton called the meeting to order, Father Donald Staib gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Presentation of the Government Finance Officers Association's Award of Financial Reporting Achievement to Suzanne Parmentier, Accounting and Budget Manager representing the Finance Department

Mayor Sutton gave a brief history of Ms. Parmentier's performance, then read and presented her with the Award.

CONSENT AGENDA

- Consent 01 Minutes of the April 21, 2015 Regular Meeting**
- Consent 02 Encroachment Agreement with Crown Builders and Developers of NC LLC and authorization for the Town Manager to execute same**
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan for Murphy Oil USA - Walmart**
- Consent 04 Second Amendment to Contract for Sale and Purchase of Real Estate between CRP-Apex, LLC and the Town and authorization for the Town Manager to execute same**
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #14CZ16 (Aquiline PUD), Aquiline Apex Owner, LLC, petitioners for the property located at 1528 E Williams Street**
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #15CZ03, The Reserve at Beaver Creek, Alan Maness, BBM Associates for Rock Properties Inc., petitioner for the properties located at 1201, 1309, 1313, 1325 and 1333 Kelly Road. The Statement and Ordinance includes a correction to the text and layout of the PUD. Staff's report and presentation to Town Council incorrectly stated that the applicant offered a 30 foot Type A buffer along the**

entirety of Kelly Road. Staff has included a correction which shows the Kelly Road Buffer as a 30 foot Type A opposite land zoned residential and a 30' Type E opposite land zoned non-residential

- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #15CZ06 (The Pointe) Alan Maness, BBM Associates, petitioners for the property located at 1401 & 1417 Kelly Road, 1700, 1704, 1712, 1724 & 1736 Olive Chapel Road
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #15CZ07 (Crestmont II), Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioners for the property located at 8028 Green Level Church Road
- Consent 09 Set the Public Hearing on May 19, 2015 for a 2030 Land Use Map amendment from Low Density Residential to Commercial Services and rezoning application #15CZ11 and Ordinance (New Hill Community Center) to rezone 2.77± acres located on the east side of New Hill Holleman Rd, approximately 700 feet north of US 1 Highway (PIN 0629-09-4695) from Wake County Highway District to Planned Commercial-Conditional Zoning
- Consent 10 Construction contract and authorization for the Town Manager to execute same for 2015 Road Rehabilitation Project. Scope includes pavement repairs and resurfacing in Ashley Downs Phase 1, Beckett Crossing Phase 1, Apex Peakway from NC 55 to Hillcrest Road, a pedestrian crossing on Beaver Creek Commons Drive, and isolated repairs at various locations.
- Consent 11 Set Public Hearing for the May 19th Council Meeting to consider changes to the Town's Parks, Recreation, Greenways and Open Space Map consistent with changes approved on April 21st to the Town's Transportation Bicycle and Pedestrian Plan
- Consent 12 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ01 (Womble Property PUD) to rezone 39.40± acres located on North Salem Street (PINs 0742-68-7170, 0742-78-3227 and a portion of 0742-68-2141) from Residential Agriculture to Planned Unit Development-Conditional Zoning
- Consent 13 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ09 (7816 Green Level Church Rd) to rezone 1.51± acres located on the east side of Green Level Church Rd, approximately 500 feet north of Secluded Acres Rd (PIN 0723924042) from Rural Residential to Medium Density Residential-Conditional Zoning
- Consent 14 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ10 (Mt Zion Church Rd) to rezone 1.44± acres located at 2505, 2509, and 2513 Mt. Zion Church Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ). Wake County PIN#s 0721-43-8595; 0721-43-8473; 0721-43-8351
- Consent 15 Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex New Hill Community Center property containing 2.769 acres located at 3101 New Hill Holleman Road, Annexation #537 into the Town's corporate limits
- Consent 16 Set Public Hearing for the May 19, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 17 Street closures for 2015 Peak City Pigfest and 5K and Fun Run
- Consent 18 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of April 21, 2015
- Consent 19 Encroachment Agreement with Duke Energy Progress ("DEP")

- Consent 20 Set a public hearing for May 19, 2015 to receive public comment relative to the ordinance to approve the sale of electric generation assets owned by the North Carolina Eastern Municipal Power Agency (NCEMPA) to Duke Energy Progress and approve a new wholesale power purchase agreement between the Town of Apex and NCEMPA
- Consent 21 Budget amendment to the General Fund to appropriate Fund Balance and increase the Capital Outlay appropriations for the Police Department to purchase cameras for twelve new police cars so those cars may be placed in operation
- Consent 22 Contract for design of future Pleasant Park
- Consent 23 Budget amendment to the General Fund for payment of a developer reimbursement as authorized by UDO Section 7.5.4 F

Mayor Sutton asked the Town Manager about monies coming out of the Capital Fund for Recreation in relation to Consent 22. The Manager stated it is not to exceed \$277,000.

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

REGULAR MEETING AGENDA

Council Member Dozier requested the addition of an item to discuss transparency, the Mayor stating this would become New Business 04.

PUBLIC FORUM

J.C. Knowles, Apex Ambassador and President of the Downtown Business Association, thanked Council for the beautiful benches downtown and at the Depot. Mr. Knowles stated there is great need for a free-standing senior citizen center and pleaded with Council to place funds in the FY15-16 budget for plan execution. The aging population is growing daily. All other municipalities in the area have these centers, and Apex should also. He hoped this will be the year to start on the great adventure of a center for Apex citizens. Mr. Knowles stated he will be 86 soon, and he plans to be at the ribbon cutting! He thanked Council for the things it does, for allowing him to speak, and for having him as Apex's Ambassador.

Paul Temple, President of Waterford Green Home Owners Association, updated Council on the progress of the median. It is in the process of being redeveloped, and he thanked staff for keeping them abreast of what's going on. As for the curbs, DOT stated their budget won't cover anything aside from the front section. From the last half of that section up the hill, several sections of the median are inappropriate, but they were approved somehow in the past. The curbing is deteriorating and dirt has to be mounded

higher for planting. When it's time to replace Waterford Green Drive, Mr. Temple asked the Town to consider including proper curbing. If the Town will tear out the paving and bring in proper soil, they will tear out the plantings. This is beyond aesthetic, it's functional as well and has to do with curb appeal in the community. For the upcoming bond issue, they would like Council to include this project.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

Public Hearing and Agreement regarding naming rights for the Skate Plaza and authorization for the Town Manager to execute same

Staff stated that construction of the plaza is in process and that there is continuous fund raising going on. So far, about \$68,000 has been raised. John Rogers made an offer to purchase naming rights for \$100,000 to name the plaza 'Rogers Family Skate Plaza at Trackside', which will be paid over a maximum of 24 months from date of Council approval. This is a magnanimous gesture; there will be few such plazas as this in the country.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE AGREEMENT; COUNCIL MEMBER LASSITER 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 Parker Orleans Homebuilders property (Colvin Park Phase 4) containing 8.015 acres located at Redbud Tree Drive and Stephenson Road, Annexation #536, into the Town's corporate limits

Staff oriented Council to the site, stating that staff recommended approval. Sewer will go to Cary as part of the previous approval.

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

Council asked if there was a requirement to vote since he voted against it previously. The Town Attorney stated it would be unusual to vote against the request. Council stated sewer going to Cary says that there is an infrastructure problem.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS WILKIE, SCHULZE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

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

Public Hearing 03 : Amanda Bunce, Planner

Quasi-Judicial Public Hearing and revised Major Site Plan for Saint Mary Magdalene Church, 30.65 acres located at 625 Magdala Place and 6450 Apex Barbecue Road

The Town Attorney read a statement regarding procedures and criteria for the Hearing. The Town Clerk swore in all those wishing to testify. All Council members stated they would be able to impartially hear this item.

OPENING STATEMENT BY APPLICANT: Pastor Donald Staib stated they needed to make adjustments to their Plan and introduced Amanda Mann, Attorney, representing the church. Ms. Mann gave a brief history of previously being before Council. Three minor issues have come up which triggered the re-approval: budgetary considerations, performance of a water percolation study, and addition of a wet pond.

No one from the audience opposed Ms. Mann's statement.

Staff member Amanda Bunce stated her credentials and reacquainted Council with the approval of the Plan from last year. A neighborhood meeting resulted in several proposed modifications. There was no cross by the Applicant of staff.

All Council stated they were familiar with the site but not anything having to do with this Hearing.

PRESENTATION BY APPLICANT: Engineer Alan Maness stated his credentials. He explained in more detail the three reasons why they were back before Council. There was no rebuttal by staff or Council.

Traffic Consultant Dionne Brown stated her credentials and discussed the revised TIA. There was no rebuttal by staff or Council.

Roger Cannon discussed the revised floor plan, elevations, and aesthetic aspects of the building. There was no rebuttal by staff or Council.

CONCLUDING REMARKS: Ms. Mann went through the approval and conclusion factors.

Mayor Sutton declared the Public Hearing closed.

The Mayor asked Council if there would need to be any deliberation of the Standards, to which all Council stated there would be none.

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

OLD BUSINESS

**Old Business 01 : Kent Jackson, Director and Adam Stephenson, Engineering Supervisor
Staff report on requests from Mr. Paul Temple of the Waterford Green Neighborhood**

Staff thanked Mr. Temple for continuing to work with them towards a better understanding of his request. Staff discussed the aesthetics of each of the three islands. The first one has been restructured in its permanent location. Staff supports and recommends the work being done for the front island. The best method would be to identify a landscaper to do the work and provide us with an estimate and invoice. This work has been authorized in the Budget Ordinance. For the second island, the larger of the two, it is planted with an abundance of mature plantings. The current project has no impact on these plantings, so we can't honor this request. However, we have prepared an estimate of \$32,000 to replace curbing, remove existing asphalt, remove planting and soil, and rebuild the island without plantings. It will be part of the HOAs effort to rebuild the second island if the Town will rebuild the median.

Mr. Temple stated the back portion of the island would join the newer section, and the additional sections have trees that are mature and will begin to be problematic. He proposed, when it is time to repave, that the entire section which is not correct be made correct. Staff stated that when resurfacing, it would be reasonable to consider the curb condition if the contract warranted this, which will be two to three years out. Mr. Temple stated they will take responsibility for replanting.

Old Business 02 : Bruce Radford, Town Manager

Discussion and decision regarding potential bond projects for Transportation and Recreation and the prospects for a referendum in November

Staff stated that at the Retreat, Council's number one priority for the coming year's financial expenditures was transportation followed by recreational needs. The Town can fund \$15 million in General Fund obligations without a tax increase. There have been discussions with Council as to how to do this. This night's question was to determine how much Council wants to spend on which items. The Mayor read the Assumptions:

**2015 Bond Referendum #
Information and Decision Point**

Assumptions#

1. \$15 million dollars can be bonded without a tax increase
2. Southern Peakway section (S. Salem to Tingen Road) can be constructed for \$4.5 million.
3. Last remaining portion of the Peakway Schiefflin to NC55 will cost \$4.5 million.
4. To catch up to the lagging road maintenance (repaving) will cost \$5 million.
5. Design and costs for Pleasant Park construction are unknown. \$5 million can begin, but not complete, construction at Pleasant Park.
6. If only a portion of the funds necessary to complete Pleasant Park are approved, another referendum will be required in 2016. This measure would require a tax increase in order to pay the debt service.
7. If the General Assembly enacts the proposed changes to the sales tax distribution, the Town of Apex would see a \$2.3 million reduction in revenue. This will totally negate the ability to finance any General Fund debt without a tax increase.
8. If both Transportation and Parks/Recreation bonds are favored, we would call for two separate referendums on the same ballot.
9. \$5 million for Parks & Recreation would design and begin construction of Pleasant Park and provide funds for the design of a Senior Center.

Options#

1. Call for November referendum of \$15 million, split into \$10 million for Transportation and \$5 million for Parks.
2. Call for Parks bond only.
3. Call for Transportation bond only for \$15 million.
4. Do nothing

After hearing the Options, Council stated the Parks and Recreation Advisory Commission was presented the information, and they are in favor of splitting the bonds. They would like transportation done this year and then seek citizen support for parks and recreation after having time to formulate a plan for exactly what is needed. This is a clean alternative; constituents cries are to get transportation taken care of.

Council agreed with the postponement.

Council stated we haven't stopped building houses because there are road issues. Therefore, she was fine with doing both at the same time, but particularly doing for the seniors. She supported numbers 1 and 5.

The Mayor reminded Council that the plan for Pleasant Park was just approved on the Consent Agenda. Staff explained when the bonds would be issued if passed; the plan for Pleasant Park would be done prior to this.

Council stated that if we don't do a parks bond, we can get money from the General Fund to get the planning started on a senior center or task staff to look at other centers to see if one would be a fit for us.

Staff stated the Mayor previously made a suggestion, and it would be easily accomplished, to add \$400,000 from Unencumbered Fund Balance to pay for space planning for a senior center. Further discussion about alternative sites will take place at a later Council meeting. This information would come from a study.

Greg Coley addressed Council, stating that a Parks and Recreation meeting was held. Currently, subdivision fees are being used to finish greenway projects, the skate plaza, Salem Pond Park, and possibly synthetic turf for Hunter Street Park. 50% of monies pulled in within the next few years will pay for land at Pleasant Park. We will need some type of bond for Pleasant Park and a senior center. If the senior center is taken off campus, the cost would substantially increase. Mr. Coley did know how to do this unless there was some kind of design plan. The Commission's concern is that if we get \$5 million for parks, will that shortchange some of the transportation needs. With not being completely vetted, what would we tell the citizens we are going to do with the \$5 million; we need to be specific. Possibly we'd be able to look at grant money and approach a one-time bond in 2016. We have not had a bond since 2004 and it passed by 80%. He felt confident people will vote for a bond, but we want to be as complete as possible, to touch as many residents as possible.

Council expressed concern that people will ask why we need more money when we just built nature parks. Parks and Recreation needs more time to get their ducks in a row. The transportation bond is laid out to know exactly what's going on. She would like to set aside money for planning the senior center. Mr. Coley stated that in the Master Plan, a senior center and regional park were addressed. He was completely in support of a senior center, but wants it done right and vetted in meeting senior needs. Council liked the idea of adding money for the planning of the senior center. Staff stated putting in multi purpose trails in the Transportation Plan can be looked at.

Council recommended a slow approach to the senior center, but at least doing something to get it off the ground instead of trying to do the whole thing at one time. We should do the design and let it tell what we can do as time goes by.

Council agreed that \$5 million won't go far. We need to also consider economic development and infrastructure so as to get businesses here. This takes precedence over road maintenance. He would want to look at infrastructure as the second part of the bond instead of parks in order to put in sewer. The non residential would improve the standard of living and keep taxes down. Council would want to set up two bond issues - one for roads and one for infrastructure. Whenever we talk about preparing areas for businesses, we come up against a road block. If we don't do something soon, we will be lagging.

COUNCIL MEMBER LASSITER MADE A MOTION FOR COUNCIL TO AUTHORIZE STAFF TO PERSUE ISSUING AN EXCLUSIVE BOND FOR THE NOVEMBER ELECTION TO AUTHORIZE THE SALE OF NO MORE THAN \$15 MILLION OF GENERAL OBLIGATION BONDS, NOT TO EXCEED THE ACTUAL COST OF CONSTRUCTION OF THE PEAKWAY AND TO CATCH UP ON ROAD MAINTENANCE. IF THERE IS ANYTHING LEFT OVER, THEN WE WOULD POSSIBLY LOOK AT VARIOUS INTERSECTION IMPROVEMENTS.

After some brief discussion,

COUNCIL MEMBER WILKIE SECONDED THE MOTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO AMEND THE PREVIOUS MOTION TO BREAK THE BOND INTO ONE FOR ROADS OF \$11 MILLION AND ONE FOR \$4 MILLION FOR INFRASTRUCTURE. COUNCIL MEMBER LASSITER REJECTED THE AMENDMENT, STATING HIS MOTION WAS DUE TO HIS HAVING A GREATER UNDERSTANDING OF HOW BONDS WORK.

There was brief conversation on Council's feeling of the importance of infrastructure.

Staff presented how the bond structure could work at a lower cost. Council asked how would we pay for the senior center, Council answering that the Manager would be asked to put it in the bond. Council stated she wished to see a plan for how it would be paid for, staff answering that a senior center is in the CIP for year 6. We would make funds available from the Uncumbered Fund Balance and bring back a budget amendment from the current year if Council chose to move forward immediately to do a site plan. Then the Transportation Plan and senior center would not be connected whatsoever.

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

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE \$400,00 FROM FUND BALANCE FROM THIS YEAR'S BUDGET FOR DESIGN OF THE SENIOR CENTER. COUNCIL MEMBER WILKIE MADE THE MOTION;
COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council stated he supported the center and felt it deserving and long overdue. However, we don't have a game plan for paying for this.

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

Mayor Sutton called for a break, to which Council was in agreement.

Old Business 03 : John Letteney, Chief of Police

Discussion of the results from the preliminary study of Section 7.2.1 (L) Of the Town of Apex Unified Development Ordinance (UDO) – Traffic Calming

Staff stated this was reviewed as per Council directive. A subcommittee meeting with Town departments presented three options, staff recommending Option #3.

Option #1 – Make no revision to the UDO. The current process has been working well and addresses the input for the neighborhood beyond the area that would be subject to a petition. While a petition speaks in some measure to homeowner support, it does not address input from the larger community that may be affected by the traffic calming device. As the elected representatives of the neighborhood, the HOA input should be an integral part of the process.

Option #2 – Revise Section (L) (3) (b) (iii) of the UDO to state:

“The homeowner’s association(s) for the affected residential neighborhood(s) and 100% of the owners of lots fronting on or adjacent to the proposed traffic calming device locations shall be notified and provided a copy of the sketch plan referenced in Section 7.2.1 (L) (3) (b) (i). The homeowner’s association(s) and owners of lots shall be given a minimum 30-day comment period prior to the plan being scheduled for consideration at the next Town Council meeting. A letter of endorsement from the homeowner’s association(s) and adjacent owners is encouraged but not required to proceed with consideration by Town Council.”

This option allows HOA and neighbor input to be considered by Council, but does not require a formal endorsement.

Option #3 – Make no revision to the UDO at this time and allow staff additional time to fully review the UDO and research best practices for a traffic calming device process. This option will also allow for meetings with HOA representatives to be scheduled to gather their input. Some additional areas staff would like to research include the following:

- A review of the threshold speed that qualifies for the installation of a traffic calming device
- Use of the website for electronic petitions to be filed, followed by a method of validation of the signatures
- Use of the GIS system to create a more accurate area of influence
- Developing a better method to define the affected area
- Review of the process to determine the proper role for affected Town departments
- Review of the process to determine the time frame for expiration of a petition (i.e. six months)
- Eliminating the traffic calming device removal process from the UDO
- Potential increase in the percentage of payment required to supplement Town funds

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
OPTION 3; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Bladimere Flores

Street closure request for the 2015 Latino Art Festival

Mr. Flores, speaking on behalf of the Apex Latino Art Festival, stated this would be the 5th year of the Festival. He thanked Council for their previous years' help. Mr. Flores outlined how the Festival has grown and how it's not just an Hispanic but a community festival.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE
STREET CLOSURE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

PD staff detailed the traffic route. Council stated this might be a negative if it takes away from the businesses. PD explained this is a family event, and they don't want anyone to get hit. Mr. Flores has been advised of Police cost. The Chamber is fine with the Depot being used for the event.

THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Vance Holloman, Finance Director

Review of 3rd Quarter Financial Summary

Staff detailed the Financial Summary, which is incorporated as a part of these Minutes.

New Business 03 : Dianne Khin, Planning Director

Discussion of opposition to House Bill 304/Senate Bill 320 regarding billboards

Staff stated the bill is re-stuck in committee, this being the third time it has come up. Staff detailed what the bill would incur and what it would mean for local government, nothing that Apex does not allow billboards. This will probably be brought up in the next session as well. Staff would like to see this as part of our Legislative Agenda.

The Town Attorney explained how this bill processed through the Legislature. Council stated we should add this to our Legislative Agenda and educate the community on what it would mean. Asked was how we can advocate along with DOT who also opposes this. We need to explain to the community this is not a 'jobs bill' as it is being advertised. The Mayor stated he spoke with Representative Stam about making rules inside our city limits.

COUNCIL MEMBER JENSEN MADE THE MOTION TO GO ON RECORD THAT THIS COUNCIL OPPOSES BOTH BILLS AND THAT WE WILL DRAFT A LETTER TO OUR DELEGATION AND WAKE COUNTY AS TO OUR POSITION. THE TOWN MANAGER WILL DIRECT STAFF TO PUT THIS OUT ON SOCIAL MEDIA. COUNCIL WILL ASSIST WITH THE EFFORT ON THE TOWN'S BEHALF.

Added New Business 04 : Council Member Dozier

Discussion on Transparency

Consistent with General Statute Section 143 and transparency on our new website, Council asked could we do more for the community to be in our meetings, particularly those who are elderly and disabled. Since the meetings are audio taped, can we put that audio on our website. Council asked for permission from Council for staff to come up with the best way to engage the community. The easiest thing would be audio on our website.

Council stated this seems an inexpensive alternative, not like video which was tried a while ago. YouTube was suggested. Council asked simply that staff explore the various options and come back to Council with a recommendation.

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney regarding a liquidated damages claim

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

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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

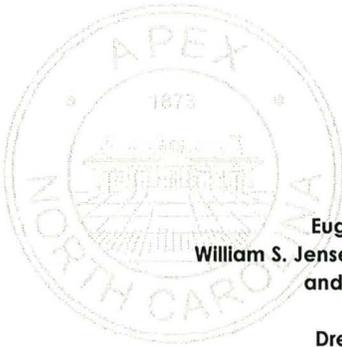


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, MAY 19, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 19, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01 Minutes of the May 5, 2015 Regular Meeting
- Consent 02 Apex Tax Report dated 04/07/2015
- Consent 03 2015 Western Wake Regional Wastewater Management Facilities Agreement Between the Towns of Cary, Morrisville and Apex
- 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 Jo Harris property containing 1 acre located at 2909 Evans Road, Annexation #540 into the Town's corporate limits
- Consent 05 Budget amendment to appropriate funds for the design of a Senior Center. The Council voted to appropriate these funds for this purpose at its May 5, 2015 meeting.
- Consent 06 Amendment to rules and regulations governing use of Trackside Skate Plaza

- Consent 07** Budget amendment to the Capital Project Ordinance to appropriate the proceeds of a loan from The Conversation Fund in the amount of \$2,225,600.00 for the purchase of 92.16 acres from Progressive Farms, LLC. The purchase of the land and the loan were approved by the Council at its October 21, 2014 meeting.
- Consent 08** Findings of Fact, Conclusions of Law, and Decision approving the revised Saint Mary Magdalene Addition Major Site Plan
- Consent 09** White Goods Grant Program services agreement with Wake County and authorization for the Town Manager to execute

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

REGULAR MEETING AGENDA

Town Manager Radford requested the addition of calling for a Public Hearing at the June 2nd Regular Meeting to receive citizen input on the FY 15-16 Budget.

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

Town Attorney Hohe requested a New Business item regarding encroachment agreements. All Council Members were in agreement.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planner

Rezoning application #15CZ01 (Womble Property PUD) to rezone 39.40± acres located on North Salem Street from Residential Agriculture to Planned Unit Development-Conditional Zoning

Staff oriented Council to the site, stating the Planning Board recommended approval of the request. There was brief conversation regarding congregate living.

Mayor Sutton declared the Public Hearing open.

Jason Baron with Morningstar, on behalf of the applicant, stated the request is consistent with the Peak Plan. Their feeling is the use is an appropriate use for the area which will absorb the type of growth the Town is expecting to 2030. This is the right use and the right location and an interesting site. This is a significant investment, which Baron pointed out will bring in substantial parks and recreation fees when built out to maximum.

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

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

Public Hearing 02 : Amanda Bunce, Planner

Rezoning application #15CZ09 (7816 Green Level Church Road) to rezone 1.51± acres located on the east side of Green Level Church Road, approximately 500 feet north of Secluded Acres Road from Rural Residential to Medium Density Residential-Conditional Zoning

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

Mayor Sutton declared the Public Hearing open.

Pat Ross, owner of the property, thanked staff for their assistance with this process.

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

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

Public Hearing 03 : Brendie Vega, Principal Planner

Rezoning application #15CZ10 (Mt Zion Church Road) to rezone 1.44± acres located at 2505, 2509, and 2513 Mt. Zion Church Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

Staff oriented Council to the site, stating a neighborhood meeting was conducted and the Planning Board and staff recommended approval of the request.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, stated he was available for any questions.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 04 : Amanda Bunce, Planner

Ordinance on the Question of Annexation – Apex Town Council's intent to annex New Hill Community Center property containing 2.769 located at 3101 New Hill Holleman Road, Annexation #537 into the Town's corporate limits

Staff oriented Council to the site, stating that the Public Hearings were being held in conjunction with each other since annexation is required prior to asking for the proposed rezoning. A neighborhood meeting was conducted, and the Planning Board and staff recommend approval of the annexation and the rezoning.

and

Public Hearing 05 : Amanda Bunce, Planner

2030 Land Use Map amendment from Low Density Residential to Commercial Services and rezoning application and Ordinance #15CZ11 (New Hill Community Center) to rezone 2.77± acres located on the east side of New Hill Holleman Road, approximately 700 feet north of US 1 Highway from Wake County Highway District to Planned Commercial-Conditional Zoning

Brad Simpson, New Hill Community Center representative, stated the timeline for opening is as soon as possible. Plans will hopefully be complete next week.

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

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REZONING AND LAND USE MAP REQUESTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Brendie Vega, Principal Planner

Change to the 2030 Land Use Map for the Goodwin/ US 64 Hwy/Jenks Road area

Staff oriented Council to the site, stating the request was to remove the "high density" wording. The Economic Development Committee requested the Land Use Map amendment.

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

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

Public Hearing 07 : John Brown, Parks & Recreation Director

Town's Parks, Recreation, Greenways and Open Space Map consistent with changes approved on April 21st to the Town's Transportation Bicycle and Pedestrian Plan

Staff stated this was to clean up their master plan map per previous approval of Council.

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

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

Public Hearing 08 : Brendie Vega, Principal Planner

Various amendments to the Unified Development Ordinance

Staff stated this request was previously tabled further information. Two of the amendments were proposed by the applicants. The first went to the Planning Board, and the vote on this was not unanimous. Staff from Public Works stated this came before Council previously, and Council did not pass the request. Staff discussed street standards which are beneficial for the area, lot size and how the lots are to be sewered, State regulations not being as rigorous as Apex's, how private sewers are 'scary', and why the one acre minimum is supported. Staff's recommendation was to deny the request because of how soils can cause problems for maintenance. The only other standard is curb and gutter, which is better for taxpayers and for the Town to maintain. Staff stated private sewers are fraught with problems, the closest one serving another home park. We made a similar mistake earlier by sending sewer to Cary. Staff's recommend was for town sewer and curb and gutter.

Mayor Sutton declared the Public Hearing open.

Mike Whitehead, petitioner, stated he knew there would be pushback. He explained how he wants to do things better using a swale section design and what would happen with an HOA. He stated beefy street designs are not inferior and gave examples. There is a need for executive housing, and their development would include these. Mr. Whitehead exampled other cities that have ribbon paved streets

and how they've been willing to work with Public Works. They are still looking at the municipal sewer system and how this would work. If there is great pushback on the private sewer, they will drop this option. Mr. Whitehead explained everyone who would benefit would pay their share of a pump station. They would complete a through street and another in/out access. The plan is to ask to be annexed.

Jeff Roach, Peak Engineering and Design, showed a presentation of what others in the area have as standards, detailing them as he went along. Staff stated that even though other cities are doing swales, the drive is their beliefs vs. ours. It was stated that grass swales do have some benefits based on certain factors. They can be good for the environment if well maintained.

Mayor Sutton declared the Public Hearing closed.

Council Member Lassiter stated he was looking at what was in the best interest of the Town. This would be an opportunity to allow for large executive housing and to get away from some of the small, cookie cutter neighborhoods, although it's uncertain if this is what people want and will settle for.

COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE REQUEST; MAYOR PRO TEM
SCHULZE SECONDED THE MOTION.

Mayor Pro Tem Schulze stated he has always said we should want to find ways for executive housing. He respects staff and does not go against their recommendations lightly. However, this seems like it can be successful and the roads have held up. However, he was opposed to 'home grown' sewer systems. If a way can be figured out for an alternate septic system, then this would be fine with him.

Council Member Jensen was not in favor, although he wants to see executive housing. He talked about White Oak doing this with curb and gutter, one-half acre lots not being large, and how he thought the UDO was well written. When Council went against staff recommendation for Colvin Park, we lost the opportunity to get a large lift station. While swale properly done is ecological, he was concerned about going from 12% to 24% impermeable surfaces. Staff are our experts and each town is different.

Council Member Wilkie stated people keep asking for executive housing, which is something needed for economic development. She's looked at environmental issues and how this would handle stormwater runoff.

Staff stated that if Council approved the request, it will come back with specific changes. If changed, in other developments with one-half acre lots, soils will limit what people can do. Staff advised Council to be prepared for septic systems not working.

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

Staff stated the second UDO was in relation to vehicle sales and rental, light, and that staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Jason East, petitioner, explained his sales are done online and that he actually just needs the storage required for him to be a dealer.

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

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

Mayor Sutton called for a ten minute recess to which Council was in agreement.

**Public Hearing 09 : Bruce Radford, Town Manager and Council Member Scott Lassiter
Ordinance to approve the Asset Purchase Agreement and the Full Requirements Power Purchase Agreement between the North Carolina Eastern Municipal Power Agency (NCEMPA) and Duke Energy Progress, Inc. and to approve and authorize the execution of the Debt Service Support Contract, the Full Requirements Power Sales Agreement, and the Power Sales Agreements Termination Agreement between the Town and the North Carolina Eastern Municipal Power Agency**

Staff stated this has been an ongoing effort for 2 ½ years, and that staff strongly recommended taking advantage of this deal.

Graham Edwards, NCEMPA, presented background on the deal and the economics for Apex specifically. The deal is advantageous for everyone, but not everyone will get the same deal. For six years this has been discussed, and two contracts were negotiated. In escrow will be significant monies for the decommissioning of facilities. This is required, and the monies can only be used for this purpose. Duke will take any liability post closure. Mr. Edwards spoke about peak demand and how this will work. Customers

will have to be served on the same priority as Duke's direct serve customers, now and 30 years forward. Mr. Edwards explained the economics of the deal and decommissioning. There has been no pushback on the deal from anyone else.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO ADOPT THE ORDINANCE AND TO APPROVE THE EXECUTION OF THE CONTRACTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council Member Dozier stated this resembles a foreclosure and she wanted more of a short sale. She is happy, however, to have a better proposal than in the beginning. She will support this because she's been assured it will be a seamless handoff. Council Member Jensen stated this was a gift horse. Why go from being the lowest in cost to the third lowest in cost. Mr. Edwards explained how the Town moves around on the scale based on usage on an annual basis. Council asked why Duke is falling over themselves to absorb our requirements. Mr. Edwards stated Duke is looking at this as gaining an alternative power supply and how its advantageous to their balance sheet. It's a good deal short and long term.

Council applauded Mr. Edwards for his efforts. The Mayor stated this was the most important decision Council will make for some years to come.

THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS.

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Council Member Scott Lassiter

Appointments to the Parks, Recreation, and Cultural Resources Advisory Commission effective with itsr June 24th Meeting

Mayor Sutton cited the current ordinance in reference to how candidates are to be selected for nomination to the Commission. He had no problem with the appointee, he just did not know of the vacancy. Council should know in advance of vacancies so that they have input and in case they know of constituents who wish to serve.

COUNCIL MEMBER JENSEN MADE A MOTION TO DEFER THE APPOINTMENT FOR ONE MONTH IN ORDER
TO GIVE OTHERS AN OPPORTUNITY TO APPLY.

Council Member Lassiter, liaison, stated he was surprised. For however many years, the Mayor has asked the liaisons to recommend replacements and re-appointees. The Parks and Rec Director was instructed to present resumes to the liaison prior to this meeting, the Mayor stating he received the resume. He did not recall being informed, however, of the vacancy. Council stated this was not fair to the proposed appointee; the liaison was operating as has always been the case.

After some discussion about being mindful of casting a broader net in the future and a decision as to how the Town Manager will ensure Council is aware of vacancies in the future,

COUNCIL MEMBER JENSEN WITHDREW HIS MOTION SINCE THE INDIVIDUAL WAS VERY WELL QUALIFIED
AND WOULD BE A GREAT ASSET TO THE COMMISSION.

Council Member Lassiter presented Renee Pfeifer's qualifications and credentials and personal and professional background. He stated Julia Epplin and Michael Kanters were up for reappointment.

COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE ALL THREE INDIVIDUALS FOR APPOINTMENT
/REAPPOINTMENT AND TO APPROVE THE MANAGER'S PROCESS OF INFORMING COUNCIL
OF VACANCIES; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

**ADDED New Business 02 : Town Attorney Laurie Hohe
Encroachment agreements for 309, 311, and 315 Old Mill Village Drive**

Staff stated these agreements were in reference to Old Mill Village.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE
AGREEMENTS; MAYOR PRO TEM SCHULZE 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.

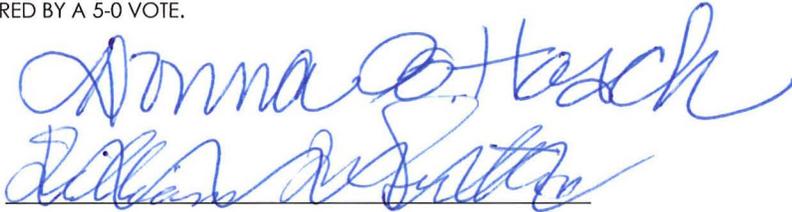
ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

COUNCIL MEMBER JENSEN MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

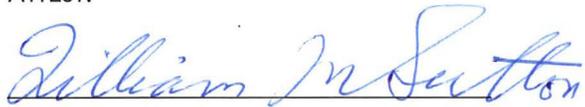
THE MOTION CARRIED BY A 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC

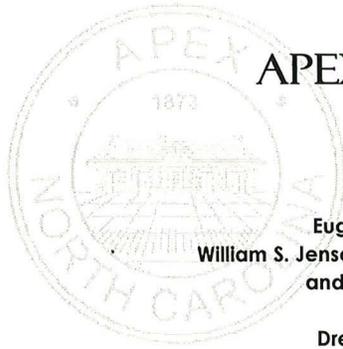
Town Clerk

ATTEST:



William M. Sutton

Mayor



APEX TOWN COUNCIL WORKSHOP SESSION

TUESDAY, MAY 28, 2015

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

The Workshop (Budget) Session of the Apex Town Council scheduled for Thursday, May 28, 2015, at 5:00 p.m. was held in the Third Floor Training Room of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter (later into the Session), Nicole L. Dozier, and Denise C. Wilkie

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, IT Interim Director Erika Sacco, Fire Chief Keith McGee, Finance Director Vance Holloman, Police Chief John Letteney, Facilities Director Marty Mitchell, Engineering Director, Kent Jackson, Human Resources Director Eleanor Green, Planning Director Dianne Khin, Economic Development Director Joanna Helms, Communications Manager Stacie Galloway, Assistant Public Works Director David Hughes, Parks and Recreation Director John Brown, Public Works Director Tim Donnelly, EMS Chief Randall Heath, Assistant Fire Chief Jeff Maynard, Parks and Recreation Staff Members Craig Setzer and David Wood, and several interested citizens

Mayor Sutton called the meeting to order. He stated he felt the Town Manager put together a good budget and extended him the opportunity to go over the Budget Message.

TM Radford thanked all for the tedious efforts that resulted in a balanced budget with no tax increase, the total budget being \$96,804 million. In the General Fund there is an increase in expenditures of 4.77% vs. FY14/15, but this mirrors well with the growth rate. The General Fund proposed budget is \$43 million.

Our current policy calls for a 25% retainage for General Fund balance. The Mayor asked for consideration of a policy change to reduce this percentage to 20%. FD Holloman has given his assurance that our bond rating would not be affected. This drop will free up over \$2 million in case Council wishes more flexibility to spend on something during the budget year, i.e., acquisition of property.

FD Holloman explained how he's looked at all the figures and how there would be no impact on our AAA rating if the reduction is made. Pointed out was that even though times were tough, we did not have to

use the unencumbered balance. The Mayor stated that we are drawing less than 1% of interest on the money, so it would be okay to spend it if Council so wished. The Mayor's pet project would have been buying properties for expansion. Discussion by Council followed on this, Council being in favor since the value of what could be done with the money would be worth more than the interest. The Mayor exemplified projects that could be completed – street repairs done, if needed, prior to the bond and economic development projects. The new policy could be put in place by resolution at next Tuesday's meeting.

COUNCIL MEMBER JENSEN MADE THE MOTION TO HAVE THE RESOLUTION PREPARED REFLECTING THE 20% CHANGE FOR THE FOLLOWING TUESDAY'S REGULAR MEETING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CM Lassiter joined the meeting at this juncture.

CM Schulze stated he wished to see the monies used for roads and that it should not replace bond money.

TM Radford talked about the fire trucks and school warning lights that were recommended. Council discussed spending from the Fund Balance on things that are replacements and not emergencies. TM Radford stated there is a replacement policy, but monies never match up. TM Radford explained why the items are necessary. Council stated the need is there, the problem is in planning for needs in the future and explained was how this might be accomplished.

The Mayor pointed out how expenditures in the Police Department have gone up in two years over \$2 million and how Council would like to opportunity to discuss this. TM Radford overviewed the revenue figures. For EMS, almost \$1.3 million will come from Wake County. We were unsuccessful in getting funding for the Chief's and Admin's positions from the County. There is no increase in trash service. Council briefly discussed bringing this function inhouse and the added expense and possible benefits and cost savings.

TM Radford overviewed the Electric Fund, speaking about the transfer of service to Duke Energy. Our residents will see somewhat of a decrease in rates. The CIP projects were outlined.

The Water and Sewer fund shows modest growth; water demand remains flat. \$4 million in debt service payments are included. CIP projects were outlined. CM Jensen talked about raising acreage fees, stating this was discussed by the Economic Development Committee. He understood we can't raise capacity fees. The increase in fees would be to put in infrastructure for attracting new businesses. PWD

Donnelly talked about the history of the older sewer lines. He looked at information on Raleigh's acreage fees, and they are almost twice what ours are.

Another alternative to gaining money would be to increase user fees. PWD Donnelly explained why increasing acreage fees would be the most beneficial. CM Jensen asked staff to look more fully into this and give recommendations as to how to bring in more funding at the first regular meeting in July. He recommended raising fees to \$300/acre and gave an estimate of what this would bring in.

Personnel requests: TM Radford stated the Personnel Committee recommended approval of the proposed new positions. There would be 30 new employees inclusive of the firefighters to man the new fire station. Distributed was a chart on population. Mayor Sutton stated he was disappointed that the positions doubled from last year. TM Radford stated we are feeling the pressures of development.

TM Radford discussed benefits, stating that we would be adding a vision program. Council questioned why, at a time when the Town is not hurting, employees are not getting more than a 3.6 percent increase, especially when the benefits are eroding. Council asked staff to look at the cost of leaving copays and deductibles as they are now as well as looking into improving dependent benefits.

TM Radford distributed a graph showing how efficient we are in operating costs. He believes the budget expresses that sentiment.

Council requests were reiterated: acreage fees, health insurance costs, workshop for other infrastructure issues, and a resolution for the Fund Balance. CM Dozier asked has the Town ever put money in everyone's flexible spending accounts. HRD Green stated this is being looked at for next year

COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE THE BUDGET AS PRESENTED;

COUNCIL MEMBER LASSITER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

TM Radford stated that a more formal vote to approve the budget would be done at Tuesday's meeting.

With there being no further business,

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

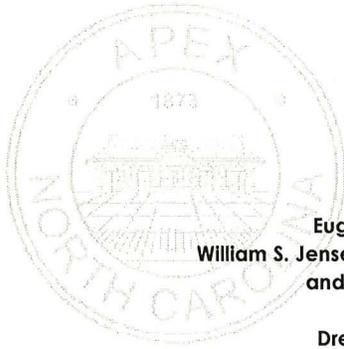


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, JUNE 2, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 2, 2015, at 7:00 p.m. will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Department Heads/Supervisors : Introduction of new Town Employees

Department heads and supervisors introduced their new employees:

John Brown, Parks and Recreation – Graham Tillerson, intern

Craiz Metzger, Parks and Recreation – Jamar Spellman

John Cannon, Public Works – Lee Thompson, Niko Pace, and Thomas Keating

David Hughes, Public Works – Joe Ennis

John Letteney, Police – Alex Cossifos, Josh Weldon, and Officer Rocky

Dianne Khin, Planning – Chris Bronczyk and Mike Clark

Tim Donnelley, Public Works – Brandon Boone

CONSENT AGENDA

- Consent 01 Minutes of the May 19, 2015 Regular Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #15CZ01, Albert B. Womble, Timothy and Sonja Mann, Diane Neithold, Mark Mann, Donna Mann, Kimberly McIntyre, Mickey Mann, petitioners for the property located on N Salem Street, northeast of the US 64 off-ramp
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ09, Patrick Rost/Diverse Holdings, LLC, petitioners for the property located at 7816 Green Level Church Road
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #15CZ10, Stuart Jones, Jones & Crossen Engineering PLLC, petitioners for the property located at 2505, 2509, and 2513 Mt Zion Church Road
- Consent 05 Statement of the Town Council for Rezoning Case #15CZ11, Brad Simpson, David H. Simpson Construction Company/Paul Barth, petitioners for the property located at 3101 New Hill Holleman Road
- 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 the Babetta Ann Breuhaus (trustee), Robert Andrew Finkle, David G. & Pamela C. Hahn, Phyllis L. Turner, Keith D. and Catherine R. Turner, Ronald W. Bordwell (trustee) and Patricia P Bordwell (trustee)-Bordwell Revocable Trust, Billy Rogers Mooney, Jr, Gail T. Mooney, and Michael F. Burbidge Bishop Roman Catholic Diocese of Raleigh properties containing 121.78 acres located at 0 & 9225 Barker Rd and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Rd, Annexation #534 into the Town's corporate limits
- Consent 07 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of May 19, 2015
- Consent 08 Set Public Hearing on June 16, 2015 for a 2030 Land Use Map amendment from Rural Density Residential to Low Density Residential and rezoning application #15CZ05 and Ordinance (Jordan Manors PUD) to rezone 121.10± acres located at 0 & 9225 Barker Rd and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Road from Wake County R-40W and Wake County R-80W to Planned Unit Development-Conditional Zoning
- Consent 09 Set Public Hearing on June 16, 2015 for rezoning application #15CZ12 (1920 Laura Duncan Rd) to rezone 4.5± acres located on the Northwest corner of the intersection of Laura Duncan Road and Pine Plaza Drive from Residential Agricultural (RA) and Planned Commercial-Conditional Zoning (PC-CZ #11CZ13) to Tech Flex-Conditional Zoning (TF-CZ)
- Consent 10 Set Public Hearing for the June 16, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 11 Resolution supporting the reauthorization of the Land and Water Conservation Fund and to direct staff to send a copy of the resolution to the North Carolina Recreation and Park Association for forwarding to the appropriate elected officials in Washington D.C.
- Consent 12 **THIS ITEM WAS PULLED FOR DISCUSSION AS OLD BUSINESS 01**
Amend the Fiscal Policy Guidelines, Reserve Policies, Items No. 2 and No. 3, to establish a policy that Available Fund Balances be at least 20% of the Total Annual Operating Budget. These Policies currently call for Available Fund Balances of at least 25% of the Total Annual Operating Budget
- Consent 13 Lot 40, Plots E and F to be conveyed to the Apex Town Cemetery
- Consent 14 Lot 247, Plots E and F to be conveyed to the Apex Town Cemetery

Consent 15 Lot 214, Plots C, D, and H to be conveyed to the Apex Town Cemetery

Consent 16 Lot 232, Plots G and H to be conveyed to the Apex Town Cemetery

Council Member Wilkie requested that Consent 12 be pulled for further discussion.

MAYOR SUTTON CALLED FOR A MOTION TO ACCEPT THE CONSENT AGENDA MINUS CONSENT 12. COUNCIL MEMBER WILKIE MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Jensen requested the addition of a New Business item to discuss the Western Wake Wastewater facility. Town Attorney Hohe requested the addition of a Closed Session to receive advice from the Town Attorney. All Council Members were in agreement with the stated additions.

PUBLIC FORUM

Shannon Flaherty, Executive Director of the Apex Chamber of Commerce, on behalf of the Chamber's Board of Directors and staff, thanked Council for its support of the Chamber's first 5k run on May 16th. They are grateful for the use of Town Hall as a staging area, special thanks going to Captain Myhand and Apex PD. The run experienced over 100% of the natural average of participants, they hope to have another event next year with increased participation, and they look forward to continuing to work closely with the Town.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Jo Harris property containing 1 acre located at 2909 Evans Road, Annexation #540, into the Town's corporate limits

Staff oriented Council to the site, stating that water service was required because of a failed well. Staff recommended approval.

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

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

Public Hearing 02 : Bruce Radford, Town Manager

Public Hearing to receive citizen input on the Fiscal Year 2015-2016 Budget

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

The Mayor stated a budget workshop was held last week. 28 new positions were proposed including 12 new firemen. Last year, 8 new positions were approved; this year the request is for 16 [not including the firemen]. This seems like an excessive jump in personnel. The Mayor proposed that the Manager cut eight of the positions, rank them in terms of the most critical, and bring that information back to Council.

MPT Schulze stated he had the same concerns except on a broader scale. He read the budget as we are dipping into the Reserve Fund for firetrucks and traffic lights. So this means the budget doesn't balance on its own. TM Radford spoke about the last four years and how the Fund Balance has not been dipped into but added to by millions of dollars. MPT Schulze stated we are spending more than what's coming in. We've talked about wanting a senior center, roads, and parks. This seems like an unsustainable path. Apex is only going to grow but so big; and at some point, we won't have the additional revenues to count on. MPT Schulze also wanted to eliminate the transfer of \$1 million from Fund Balance. CM Dozier asked would we still be able to strengthen health benefits if positions were cut. MPT Schulze didn't see how this could be done. CM Dozier wanted to hear what the Manager had to say.

MPT Schulze stated that at the Retreat, public safety was not on the high end of priorities. The Manager's report says turnover has gotten worse. Compensation is one end, but there are many other factors. The comment was made that we want to remain competitive, and MPT Schulze feels we are.

CM Wilkie agreed with CM Dozier on benefits. She does not want to see people leaving; it's more costly to train new employees. So if there are better benefits, we will be able to retain more employees. CM Wilkie agreed that something needs to be cut. Mayor Sutton stated he wanted the Manager to come back to Council with \$1 million in cuts to Fund Balance spending.

CM Lassiter brought up the plan to spend Fund Balance, stating everyone was fully aware of this. The long-range plan was to spend down. This is the citizens' money, and they need to see some meaningful

service. There is more money in the bank than this Council and State regulations allow. TM Radford offered the following:

- There is over 40% in unencumbered fund balance = \$14 million
- There was a four year plan to spend \$1.5 million each year to decrease the Fund Balance while not reducing the number the policy called for which equals 25%
- In year one, we added \$1.7 million at year end ; year two, we added \$1.3 million; and year 3 we added \$1 million
- We have continued to add to our Fund Balance every year, even during recession, except for expenditures last year

CM Lassiter echoed some of the concerns of Council and wants to rest easy that all employees asked for are of critical need. He did not see a glaring red flag for dipping into the \$1 million when four years ago the plan was to dip into it \$4 million. We are still well behind what we intended to do.

CM Dozier wants to make sure employees are able to achieve a healthy work/life balance and healthy work atmosphere.

MPT Schulze stated budgets are about priority. We can put employee compensation on top, but then something else has to come off.

CM Jensen stated it is our responsibility to prioritize. Being \$1 million in the red is an accounting situation. We try to do our projects conservatively. We can save money on new fire apparatus, but we also talked about sitting on money at a 1% interest rate. This equipment will cost more next year. So it's better to buy now or spend more on it next year. TM Radford stated that if we purchase the rescue vehicle this year, we will get \$84,000 from the County towards the purchase. CM Jensen stated we can possibly look at aging out vehicles. Police vehicles, however, have to be in top notch shape. CM Jensen would be happy to use the Fund Balance monies for roads. But we also have to look at vehicles, for example, and see when would be the best time to purchase them.

TM Radford stated if we reduce the budget by \$1 million, then we will not be able to reduce employee benefits. Council/staff conversation ensued on how spending could possibly be done so as to not be frowned upon by our bond rater.

CM Dozier asked for **New Business 02 : Eleanor Green, Human Resources Director - Response to request from the Budget Work Session on costs and data related to Employee Health Insurance** to be discussed at this time since it was appropriate.

HRD Green was asked by the Personnel Committee to come back to Council with dependent care monies. HRD Green presented three options, which she detailed. She also gave information on what other municipalities are doing and stated that we've lost people because of the cost of health insurance. We can match salaries, but people turn us down because of our crappy family coverage. Responding to question from Council, HRD Green stated placing \$100 in employee flex accounts would be difficult to do right at the 19th hour. Employees would need to be educated so that unused monies would not be lost.

Employee Health Insurance

Options	Plan Design and Subsidy	Total Additional costs not included in FY15-16 Budget
Option A	Keep deductibles, out of pocket maximums and dependent insurance costs the same as current plan year. Current Deductible -\$1000/\$3000; OPM - \$3000/\$6000. Dependent subsidy will raise to 38% to keep current employee costs.	\$206,110
Option B	Maintain current deductibles and out of pocket maximums Raise dependent subsidy to 40%	\$228,870
Option C	Maintain current deductibles and out of pocket maximums Raise Dependent Subsidy to 50%	\$345,411

CM Lassiter stated it is best to spend money when times are bright. And our skies are pretty sunny financially. We don't know what next year will bring; so if we spend now when times are good, we won't be in such bad shape next year. He does not take reoccurring health expenses lightly, and we didn't have to lay off when others did. The question is; is it really a problem or just scary?

CM Wilkie liked Option B, particularly since it would make us more competitive. She would much rather pay the people we have than recruit more people. CM Jensen agreed, especially since spouse coverage might not be necessary in all cases. This would keep us competitive, and training new employees is expensive. MTP Schulze stated he is supportive but wanted to know where the money is going to come from. CM Wilkie would rather give more benefits than add another vehicle. CM Lassiter clarified from the Manager that there are items in the budget that could come from Fund Balance. CM Jensen stated he wished to now go to Option A since the spouse subsidy could come from other places. CM Lassiter advocated for Option B. CM Dozier stated she would drop conversation on the flex card this year and commended everyone for adding vision and keeping dental.

COUNCIL MEMBER DOZIER MADE THE MOTION TO INCREASE THE BENEFIT PACKAGE PER OPTION B, HAVE STAFF FIND THE RELATED FUNDS, AND REPORT BACK TO COUNCIL. COUNCIL MEMBER LASSITER SECONDED THE MOTION.

CM Jensen stated since there wasn't much difference between Option A and B, he would now support Option B. MPT Schulze stated he supported this in principal, but he wanted to see how the final budget is going to play out. TM Radford stated now revenues, which have been cautiously estimated, will also need to be budgeted and possibly cut. Staff will have to find \$1.2 plus million, which CM Lassiter stated he did not agree with.

THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Sutton asked the Manager to come back to Council with eight of the 16 new positions, fire notwithstanding, ranked in order of importance, and the elimination of \$1 million in Fund Balance. Council is to be kept informed between now and the next meeting of the revised recommendations.

COUNCIL MEMBER LASSITER MADE A MOTION FOR THE MANAGER TO RANK THE EIGHT LEAST CRITICAL POSITIONS, TO ADD OPTION B TO THE BUDGET, AND BRING THESE FIGURES BACK TO COUNCIL [NO CHANGE IN FUND BALANCE].

THE MOTION DIED FOR LACK OF A SECOND.

CM Jensen stated he was not saying to ax everything, which is why he was asking the Manager to prioritize and come back to Council as this is an education process. He may find positions and vehicles that can be deferred. MPT Schulze stated he was asking the Manager to sharpen his pencil more; he was not giving direction as to from where the cuts should come. He was deferring to the Town Manager's judgment.

CM Lassiter asked did Council recently vote to reduce the policy on the amount of Fund Balance. Council responded yes, during the Budget Workshop where this was discussed and voted on to go on Consent Agenda.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO HAVE THE MANAGER PRIORITIZE PERSONNEL AND TO DO A BALANCED BUDGET WITHOUT GOING INTO FUND BALANCE.

COUNCIL MEMBER JENSEN SECONDED THE MOTION.

COUNCIL MEMBERS JENSEN, WILKIE, SCHULZE, AND DOZIER VOTED IN THE AFFIRMATIVE;

COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

TM Radford requested a special budget workshop between now and the next meeting. Mayor Sutton stated Council may be satisfied with what the Manager recommends, but the Manager wants an open dialog which would be helpful. The Manager reminded Council the budget is required to be adopted

before the end of June. He wants to have the Budget Message done before the 16th. Council was in agreement for a Special Session at 5:00 p.m. on Tuesday, June 9th.

OLD BUSINESS

From the Consent Agenda as requested by Council Member Wilkie: **Amend the Fiscal Policy Guidelines, Reserve Policies, Items No. 2 and No. 3, to establish a policy that Available Fund Balances be at least 20% of the Total Annual Operating Budget. These Polices currently call for Available Fund Balances of at least 25% of the Total Annual Operating Budget**

Council Member Wilkie stated she felt keeping this at 25% was more fiscally responsible after a bit more evaluation.

COUNCIL MEMBER WILKIE MADE A MOTION TO KEEP THE PERCENTAGE AT 25%; COUNCIL
MEMBER LASSITER SECONDED THE MOTION.

Council discussed its concerns that spending might get out of hand; the policy can be changed if there is an emergency; and if the amount is lowered, then we won't have to have as large a Fund Balance. Council was concerned that we are sitting on constituents' money and not giving them value for this money. He did not see staff going wild with spending if the percentage was lowered.

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

NEW BUSINESS

New Business 01 : David Hughes, Assistant Public Works Director

Appropriation of \$3,000.00 for contracting with Jones Landscaping to plant dwarf mondo grass and install stone check dams along a short section of Old Raleigh Road as a demonstration project for erosion control prevention along ditch lines'

Staff stated we will try this erosion process since it's difficult to grow regular grass in the area. If it works, we may use it in other parts of town as well. Council stated the intertwined root system will be very stable and the mondo grass will not have to be mowed. Check damns will slow down backfill a bit.

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

New Business 02 : Eleanor Green, Human Resources Director

Response to request from the Budget Work Session on costs and data related to Employee Health Insurance

This was discussed during Public Hearing 02.

Added New Business 03: Council Member Bill Jensen

Discussion of the Western Wake Wastewater facility

Council stated the facility has cut off a piece of land south of Hwy 1 which is near the Shearon Harris Nuclear Plant which can't be used for housing. Cary has leased out some property at their facility for a solar farm, it didn't cost money up front, and it's a good use of money. He asked Council to consider partnership with Cary to evaluate and get proposals for how much we would get for leasing our property which would sit idle for a long time.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO PURSUE THIS AVENUE, THE TOWN MANAGER TO MEET WITH CARY NEXT WEEK; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Added Closed Session 01: to receive advice from the Town Attorney

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

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

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE RESOLUTION NO. 15-0602-14 AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE BEAVER CREEK GREENWAY FOR THE CONTINUED OPERATION OF THE APEX RECREATIONAL FACILITIES. COUNCIL MEMBER LASSITER MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

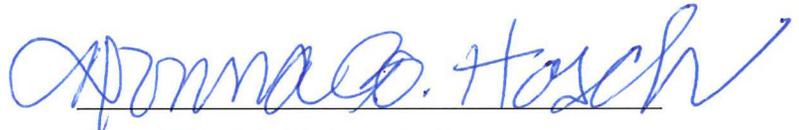
ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER WILIE SECONDED THE MOTION.

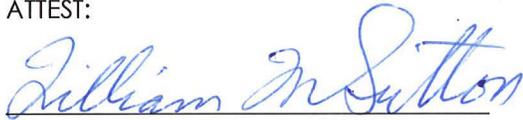
THE MOTION CARRIED BY A 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC

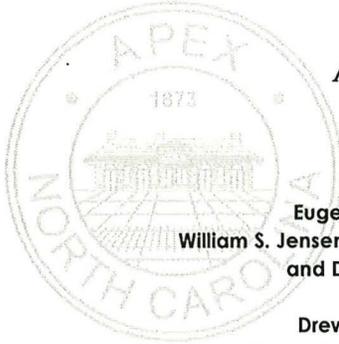
Town Clerk

ATTEST:



William M. Sutton

Mayor



APEX TOWN COUNCIL SPECIAL MEETING

TUESDAY, JUNE 9, 2015

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

The Special Meeting of the Apex Town Council scheduled for Tuesday, June 9, 2015, at 5:00 p.m. was held in the Training Room of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Planning Director Dianne Khin, Fire Chief Keith McGee, Facilities and Fleet Director Marty Mitchell, Parks and Recreation Director John Brown, Engineering Director Ken Jackson, Public Works Director Tim Donnelly, Police Chief John Letteney, Human Resources Director Eleanor Green, EMS Chief Randall Heath, IT Director Erika Sacco, Assistant Fire Chief Jeff Maynard, Assistant Public Works Director David Hughes, and staff members Mike Deaton, Jean Weatherman, April Haughney, John Cannon, Tim Fontaine, Stacie Galloway, Craig Setzer, Ann Stephens, David Boggs

COMMENCEMENT

Mayor Sutton called the meeting to order.

The Mayor stated Council received from the Manager supplemental information to the budget which identified eight positions that could likely be done without as well as a balanced budget without going into Fund Balance. The Manager did a good job in his willingness to take the Mayor's suggestions. If any of the positions were to be kept, there would need to be cuts elsewhere.

Radford stated that at direction of Council, the Fund Balance was reduced by \$1 million and the amount of healthcare deductibles to the tune of \$230,000 was absorbed. The eight positions were ranked from the most needed to the less critical. This would be a further reduction of the 50+ positions originally requested. In the past three years, the Fund Balance contribution has been added to. Last year, one-half million was used as per the plan. The presentation today was to discuss the CIP, Fund Balance methods used in the past, and what is suggested by the Finance Officer.

FUND BALANCE

Holloman displayed a graph showing a very positive picture of the Town's Fund Balance. He discussed changes in the balance, available funding from 2010 to 2015, and the difference between fund balance and available balance. Holloman stated he knows how the State looks at these numbers, and theirs are not as conservative as ours. In a peer group of 21 towns that operate electric, Apex has the 4th highest fund balance. Apex has gone into fund balance in the past but not for recurring expenditures.

The rating agency states that we are structurally sound; the impact of appropriating the \$1 million would not endanger our rating by the agency. Holloman encouraged Council to consider the levels of reserves the Town now has and what the impact of using the \$1 million would be versus what we'd give up if we didn't appropriate the funds. This is a value judgment. Holloman explained the levels, how they are looked at, and the fact that we are safely above those levels. Holloman explained how we would still be in good graces with the agency if we appropriated the monies for a road bond. At one time, Apex was the smallest town to have an AAA rating.

Council was concerned that if we spend Fund Balance, at some point our financial house would be in jeopardy. Assurance is wanted that next year the Manager will bring a balanced budget with no tax increase. Radford spoke about the bond situation and assured Council there would not be a tax increase next year, adding that if growth continues at the current rate, we will approve 400 acres of residential development over the next three years. Discussion ensued on recurring and one-time expenditures, on what the \$1.2 million would be spent, spending Fund Balance instead of getting a loan, and the effects of sitting on Fund Balance.

Havens talked about the CIP and what what was laid out allows us to do. He explained how everything is programmed into the CIP – we know what our needs will be for the next five years. The CIP was modified after the Retreat based on Council requests, and we are trying to live within our needs. We are within our plan except for the school beacons which were deemed valuable enough to put in the CIP.

COUNCIL MEMBER LASSITER MADE A MOTION TO PAY FOR THE SCHOOL BEACONS OUT OF FUND BALANCE;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Discussion ensued on trucks, flashers, and Lake Pine Drive improvements. Council stated that if we don't do these things this year, we will do them next year when they will cost more. We should add the \$1 million back into the General Fund budget. Council asked was there another way to pay for these items. Radford suggested Council look at the rest of the budget and hold the motion until after going through the process.

COUNCIL MEMBER LASSITER WITHDREW HIS MOTION.

There was further discussion on the \$15 million bond.

REQUESTED POSITIONS

Green stated her job is to make sure that employees are healthy and happy at work, that we can attract and retain employees, and that she is in tune to employees and supervisors. She could tell stories about work going undone because there are not enough employees to do the work, and employees are working on vacation because they don't have help. 53 positions were requested originally, and 25 of those were cut. The remaining positions requested were really critical. Not adding these positions impacts employee morale. Employees are doing more and more with less, and no one realizes how hard they are working. Our top performers will end up going elsewhere. Not enough employees impacts accidents and safety; they are working faster and not paying attention to safety. This causes an uptick in insurance.

The Mayor asked did the increase in insurance and merit help morale. Green stated we have not done a widespread announcement of insurance and the merit does help, but it eats into it if employees are continuously being asked to do more and more with less. As for the position to population ratio, if we don't add positions, it will lower our service level. Radford added that there is no other municipality that creates functions like Apex, and we are still lowest on the list of employees per thousand.

Lassiter apologized to everyone because he felt Council may have given the wrong idea when the positions soared through the Workshop and Personnel Committee. Scrutinizing the positions should have been done earlier, the Mayor adding that Council was only doing its due diligence. Schulze stated Council was looking for the positions to be valid; and that as has been stated in the past, Council has the right to reserve if they want to add positions. Wilkie thanked Council for the Workshop since three Council Members were not privy to what went on in the Personnel Committee and didn't know the justifications for the positions. In the future, she would like to know the dialog from the Personnel Committee meetings.

Brown provided justification for the parks planner position. He is conservative, his staff has worked hard, and the Parks and Recreation Commission was in attendance to support the position. This comes at a time when Council has asked for additions and expansions to parks and greenways. Everything Council has asked for will be covered in this position. Brown is the only department head on TRC, but he doesn't have time to attend. He relies on staff from other departments to ensure everything that needs to be done is done. A lot of work his department should be doing is done by Planning and Engineering. This is not fair given the level of growth that their staffs are experiencing. He is responsible for two publications

that haven't been updated in two years and no longer given out to citizens because of the outdated information.

This position would be someone who has worked with the development community, planning, and municipal services. Every comparison with other municipalities shows we provide a huge amount of services to the community. At some point services will suffer. We have professionals that should be trusted and in whom Council has confidence. No one is trying to build an empire; no one wants to do anything detrimental to the Town. Khin added that TRC is made up of mid-level professionals, not department heads. The employees have a lot more time to review the material. This is a burden on the employees since because what Brown does is not their primary focus, they have to try to remember what is going on in his area. Things have been missed. She pointed out TRC reviews over 20 plans per month. Brown stated a big part of the job would be grants, sponsorships, etc. There may be an opportunity for the position to pay for itself over time.

Radford pointed out this position was last on the list since it was felt it could be done without for another year. Khin has made a request for this position for the past 3 years, and it has been part of the original budget. Jensen pointed out that two folks who have gone to school for grant writing have not written any grants. Why not go outside for this on a percentage basis. Radford stated this has been done in the past.

Donnelly spoke about the environmental specialist position. This is the only position in Public Works that hasn't been recurring; it wasn't there last year. This is in response to growth, the TRC process, and Council wanting an Environmental Committee. Donnelly spoke about complaints and erosion sites. This would relieve the pressure on middle management staff, which is the biggest bottleneck for TRC. Stormwater utility was discussed. We want to maintain the quality that has won us awards. Without this new hire, response to stormwater complaints and erosion will overwhelm employees and frustrate citizens.

Lassiter stated that if all justifications continued like the ones from Brown and Donnelly, then he was done. We will need these positions to provide quality.

The last person asked to present was John Letteney for the detective position. He stated there is only one officer working drug investigations; one other person is splitting his time to assist. We have to work around the sheriff's office, which is not efficient. They follow their policies and not ours. They are not as familiar with Apex; therefore, we lose effectiveness on working tips. Letteney talked about crime statistics and our current quality of life. Tips come in from citizens, and we don't have people to address them.

Lassiter stated he wished to see approved the recommended budget with benefits Option B, which would include the million dollars from Fund Balance. Schulze felt all the positions were valid. However, he also felt we would be spending more money than we would be taking in this year. Holloman explained how encumbrances would work. Revenue expenditures will still be positive this year. The school flashers were clarified, which Council felt were life and death items, and which they could see coming out of Fund Balance.

Havens explained that if the expenses were not approved this year, it may cost more for maintenance, and then the expenses will still come back next year. Schulze stated he was trying to figure out if we are going towards a tax increase, Radford stating that growth will pay for itself year after year. We have saved money over a period of time, and we will continue to save without expenses exceeding our savings account. Wilkie stated that as an elected official, she has to explain these positions to citizens and she wants to be able to provide reasons. She is satisfied with the personnel requests and did not want this to be a competition between departments. She felt the money was there for the requested projects. In talking to people, she found that they want their quality of life and questioned why we're sitting on the money. She would appreciate the flashers being put back in the budget because they are important.

Dozier stated she was satisfied with the original budget. She had time to talk to folks; and in a high-growth town, people expect to have their needs and wants met. It is unfair to grow and not know how hard this is for staff. She was concerned with benefits and the quality of life for staff. Adding staff may also provide for career movement. Dozier felt like morale was down on this day, which bothered her, and she wants employees to come to work and be happy. We need a budget that plans for the future.

COUNCIL MEMBER JENSEN MADE A MOTION TO INCLUDE ALL PERSONNEL POSITIONS REQUESTED
BY THE MANAGER; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Following some discussion about the bridge over Salem Street and saving money by bringing down the Fund Balance,

COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE THE BUDGET AS PRESENTED; COUNCIL MEMBER DOZIER
SECONDED THE MOTION WITH THE ADDITION OF THE ADDED BENEFITS. COUNCIL MEMBERS JENSEN, DOZIER, WILKIE,
AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

ACREAGE FEES

Jensen asked for more clarification of our fees after looking at Raleigh's fees. Donnelley stated suggestion came from Committee to raise these fees, which have not been adjusted a lot. The recommendation was to raise acreage fees \$300 for residential. Since we have justification for this, it is not a legal issue.

COUNCIL MEMBER JENSEN MADE THE MOTION TO RAISE RESIDENTIAL ACREAGE FEES \$300; COUNCIL MEMBER LASSISTER SECONDED THE MOTION.

Donnelley stated these fees have only been raised once in 20 years. They were raised \$1,000 across the board about two years ago. The fees are restricted to water and sewer infrastructure.

THE MOTION CARRIED BY A 5-0 VOTE.

Radford stated the budget ordinance would be presented at the next regular Council Meeting to be held the following Tuesday.

ADJOURNMENT

With there being no further business,

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

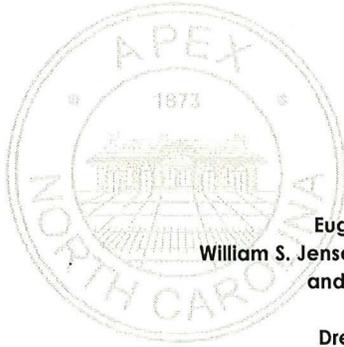


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, JUNE 16, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 16, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Greg Allison, UNC School of Government

Presentation of the North Carolina Association of CPA's Outstanding Member in Government Award to Vance Holloman

Mr. Allison introduced himself and stated his role at the School of Government. This year it was well deserved for their organization to recognize Apex Finance Director Vance Holloman. Mr. Allison briefly stated Mr. Holloman's background and praised him for being a tireless public servant. Mr. Allison noted that Mr. Holloman was recognized 10 years ago with this same honor. Mr. Holloman thanked the Association and praised them for their work around the State. He acknowledged members of former staffs with whom he worked who were in attendance.

Presentation 02 : Mayor Bill Sutton

Presentation of Proclamation to the Apex High School Men's Lacrosse Team recognizing them as the 2015 NCHSAA 4A Men's Lacrosse Champions

Mayor Sutton recognized Coach Gene Vigue and members of the team and read the Proclamation which he then presented to the Coach. Council Member Wilkie congratulated the entire team, pointing out they overcame many obstacles to obtain this championship.

CONSENT AGENDA

- Consent 01 Minutes of the May 28, 2015 Council Workshop and the June 2, 2015 Regular Council Meeting
- Consent 02 Supplemental agreement with NCDOT for municipal funds totaling an estimated \$11,030, or 30% of the \$36,765 in estimated total "betterment costs", to add sidewalk within Town of Apex corporate limits on the Old Holly Springs-Apex Road Bridge over NC 540. The NCDOT share of the sidewalk is estimated to be \$25,735. The interchange is being designed and constructed by NCDOT.
- Consent 03 Amendment to Section 20-36(b) of the Town of Apex Code of Ordinances
- Consent 04 Standard services contract with Kimley-Horn as amended and authorization for the Town Manager to execute same for project coordination and management, NEPA documentation, traffic forecasting, traffic capacity analysis, and traffic signal design for the federal project U-5118 AE, Operational Improvements for NC 55
- Consent 05 Amendments to the Town of Apex Code of Ordinances to address parking within 15 feet of any driveway or any crosswalk and along Saunders Street
- Consent 06 Construction contract and authorization for the Town Manager to execute same, and approval of capital budget ordinance amendment for Sidewalk & Multi-use Path on Apex Barbecue Road
- Consent 07 Construction contract and authorization for the Town Manager to execute same, and approval of capital budget ordinance amendment for Sidewalk on South Salem Street
- Consent 08 Position Classification Plan for FY15-16
- Consent 09 Authorization for the Town Manager to amend the Scope of Project description of the Locally Administered Project Agreement as noted, approval of the amended Locally Administered Project Agreement with NCDOT and the Assumption agreement with CRP – Apex II, LLC, approval of the associated capital budget ordinance amendment and authorization for the Town Manager to execute the agreements
- Consent 10 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 11 Budget ordinance amendment to appropriate insurance proceeds which have been received by the Town for the replacement of fire equipment
- Consent 12 Agreement for Provision of Emergency Medical Services with the Wake County EMS System for FY 15-16 and Lease Agreement (Ambulance use agreement required for Wake County to bill for transport services)

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

REGULAR MEETING AGENDA

Town Attorney Hohe requested the addition of a new business item regarding a resolution. Mayor Sutton requested the addition of a closed session to seek advice from the town attorney and to discuss personnel. Council was in agreement with the additions.

PUBLIC FORUM

Lori Tryon addressed the Middleton PUD, discussing a cul de sac that is now showing as a stub road on that PUD. There was an agreement of some sort entered into by the neighbors on Howell Road that this road would not connect to any other road, and she asked that the Town leave it as a cul de sac.

Greg McGhee addressed a project on Howell Road. He distributed documents to Council on issues previously discussed. As a condition to the Middleton PUD, he wanted an access road to the proposed sewer pump station off of Howell Road to include a recorded public easement for future sewer. Another condition he requested was that on the western portion of Middleton Subdivision, the road connectivity be removed with the recorded utility to remain on the southern portion of the western side. Mr. McGhee also spoke about working with staff on the townhomes on this western portion, wherein he would like 10 parking spaces to be eliminated and returned to the RCA adjoining the 10 foot buffer on his property. The non-pervious surface of his roof has not been recognized, and there is a common pipe under his property that water has been going through for 25 years. There is nothing on the Plans that show this pipe which is right were the 10 spaces are that he would like eliminated.

Jeff Hastings had a concern about the budget and borrowing money. He questioned how the Town would separate capital from non-capital improvements and how borrowed money would be recouped. He wants this to continue to be a good place to live, work and play, and he doesn't want to see taxes get to where businesses will encumber a large portion of taxes moving forward.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Babetta Ann Breuhaus (trustee), Robert Andrew Finkle, David G. & Pamela C. Hahn, Phyllis L. Turner, Keith D. and Catherine R. Turner, Ronald W. Bordwell (trustee) and Patricia P. Bordwell (trustee)-Bordwell Revocable Trust, Billy Rogers Mooney, Jr, Gail T. Mooney, and Michael F. Burbidge Bishop Roman Catholic Diocese of Raleigh properties containing 121.78 acres located at 0 & 9225 Barker Road and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Road, Annexation #534 into the Town's corporate limits

and

Public Hearing 02 : Amanda Bunce, Planner

Public Hearing and 2030 Land Use Map amendment from Rural Density Residential to Low Density Residential and rezoning application #15CZ05 and Ordinance (Jordan Manors PUD) to rezone 121.78± acres located at 0 & 9225 Barker Road and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Road from Wake County R-40W and Wake County R-80W to Planned Unit Development-Conditional Zoning

Staff oriented Council to the site, stating the annexation was being heard in association with Public Hearing 02. Three neighborhood meetings were held, another buffer was added at the Planning Board meeting, a Traffic Impact Analysis was conducted, and the Planning Board recommended approval of the land use amendment and the rezoning. As for stormwater management, a 25 year pond was not requested by staff.

Mayor Sutton declared the Public Hearings open.

Colen Davidson, developer of Jordan Manors, presented a slideshow to help further detail his Plan. He explained the benefits of the Plan and committed to the 25 year stormwater request.

The Town Attorney stated a protest petition was received and determined not valid because this was the initial zoning of the property.

Mayor Sutton declared the Public Hearings closed.

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

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE LAND USE MAP AMENDMENT AND REZONING WITH THE AGREEMENT FROM THE DEVELOPER THAT HE WILL COMMIT TO THE 25 YEAR STORMWATER MANAGEMENT.
COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and 2030 Land Use Map change for the area near Jordan Manors and Jordan Pointe

Staff stated it was proposing to change this area to low density to be consistent with rest of area. The Planning Board recommended approval along with staff.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council discussed densities and why would Council want to do this now. Staff stated it typically tries to plan in an orderly fashion and thought Council would want to consider this. If we do nothing, the hope is that a plan comes in the same as the adjacent areas.

MAYOR PRO TEM SCHULZE WITHDREW HIS MOTION.

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

Public Hearing 04 : Amanda Bunce, Planner

Public Hearing and rezoning on application #15CZ12 (1920 Laura Duncan Road) to rezone 4.5± acres located on the Northwest corner of the intersection of Laura Duncan Road and Pine Plaza Drive from Rural Residential (RR) and Planned Commercial-Conditional Zoning (PC-CZ #11CZ13) to Tech/Flex-Conditional Zoning (TF-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, and the applicant agreed to additional conditions from staff. The Planning Board and staff recommended approval with the conditions agreed to by staff. Council discussed buffering options and how this would affect current residences.

Mayor Sutton declared the public hearing open.

Harold Clark stated he did not understand the various buffers. Staff provided an explanation.

Jeff Roach, Peak Engineering and Design, stated they have been working with staff on this rezoning. He explained how a particular buffer has been increased based on how they wish to develop the site. He stated how nice the buildings will be in this area and how the site will fit in with Costco. Right of Ways were discussed and their proximity to the buffers. Mr. Clark stated he did not want to see the same thing happen as happened with Hendrick, i.e., promises that were not kept as to lighting.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON 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.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff explained the three requested amendments, the first two which the Planning Board and staff recommended for approval. The third request was by staff regarding accessory apartments.

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

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

OLD BUSINESS

Old Business 01 : Bruce Radford, Town Manager

Fiscal Year 2015-2016 Budget Ordinance and the Schedule of Development Fees

The Mayor thanked staff for working hard and long on the budget which is reflective of the Town's growth. He appreciated that the budget retains the tax rate and there was no increase in water, sewer, waste recycling, or yard waste collection fees. Mayor Sutton complimented Council on their due diligence through two worksessions. The highlight will be the \$15 million bond issue for transportation and roads up for vote in November.

The Town Manager stated staff did work diligently. We've had two public hearings and work sessions. He presented the Budget Ordinance.

Council stated he saw some impressive benchmarking information during the budget process. When looking at our services, we do things cheaper than anyone else in our peer group. Staff agreed. Council stated the cost of services in Apex for what we provide is lower than anyone else who provides the same services. Some of these municipalities are raising taxes and we aren't.

Council asked staff if the parks bond passes, will it require a tax increase. Staff stated that the transportation bond will not require a tax increase, but it's close. Noted was that a \$20 million bond would require an increase. Council asked if we can reduce the amount of the bond, can we reduce the amount of tax increase. Staff stated that's a logical conclusion, but it would depend on several factors. Council asked that if the parks bond doesn't pass, how will we pay for our requirements. Would this require going into Fund Balance? Staff stated at that point we would need to see where we stand, receive input, and

make a value judgment as to whether or not we would go into Fund Balance based on the value of assets.

Council asked staff for clarification of what we'd buy out of Fund Balance, staff replying the monies would be used for very long capital improvement items. Council stated that costs are going up. Therefore, if we dip into Fund Balance today and put things in place rather than wait another year, in many respects we will be saving money. Reserves were put together so that we could make this kind of spending. If we let it grow, we are sitting on taxpayer money making only about ½% a year. Council disagreed. If we save, we can build, i.e., a senior center, rather than borrow the money. Staff talked about the Total Balance, our being questioned if we go below \$9 million, what unassigned Fund Balance will be as of June 2015, and pointing out we are three times over what we need to keep in reserves per the fiscal policy.

Council discussed those things he could not justify in the budget; things that were not considered emergency items. Staff pointed to the four items in the original budget message for which the million dollars would be used and the process by which they were identified for purchase. Council discussed the Wake County tax rate and its affects. He saw an increase coming down the road and tonight would be a good time to stop it. We should be spending money a little more wisely.

Council stated she felt the budget was a good one, and it's the way it is because we are improving for residential growth. We are planning for the future for the same or better level of service. We need to make sure we have enough staff to get the work done. Council are the ones making the decision to grow. If we can to control growth, then we have to make a decision as to which projects can and cannot be done.

Council stated he's looked at the budget every way possible, and it does not deviate from the plan that has been in place for the last three years for spending down the General Fund. Staff reiterated that there will not be a tax increase this year, and the bond referendum for road improvements could be passed without a tax increase for next year. If parks and recreation are added next year, then that would create a need for a tax increase the following year. Council stated we could lower the parks and recreation bond if cuts were made on this night.

Council stated that if we cut our needs now while we have the resources, then eventually they will catch up with us. Staff agreed.

Council discussed the increase in the General Fund balance that has not been spent, how we may not have to borrow as much money for the transportation bond, how we have not decided what we will spend on the recreation bond, and how we may put this off two years when the time comes to discuss it. She was looking to the future and the fact that we have to provide for goods and services. People she's spoken with have stated we need to spend the money before prices increase. She has analyzed and scrutinized the budget, and she believes it is fiscally responsible.

COUNCIL MEMBER LASSITER MADE THE MOTION TO ADOPT THE BUDGET ORDINANCE AS PRESENTED;

COUNCIL MEMBER DOZIER SECONDED THE MOTION.

COUNCIL MEMBERS LASSITER, DOZIER, JENSEN, AND WILKIE VOTED IN THE AFFIRMATIVE;

MAYOR PRO TEM SCHULZE VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Sutton called for a recess, to which Council was in agreement.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner

Greenmoor Phase 1B revised Master Subdivision Plan for the properties located at 7904 Green Level Church Road containing 10.07 acres and 23 lots

Staff oriented Council to the site. DOT agreed with the amendments, and the Planning Board recommended approval.

MAYOR SUTTON 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 : Shelly Mayo, Planner

Middleton Master Subdivision Plan including the properties located at 6308 Old Jenks Road, 1204 Holt Road, 1212 Holt Road, 1201 Davis Drive, 1200 Holt Road, 1208 Holt Road and 1125 Holt Road. This project consists of 73.03 acres with 111 new single-family lots and 62 townhome lots

Staff oriented Council to the site for these properties that had previously been rezoned. A neighborhood meeting was held, and a fee in lieu was recommended. This is consistent with the Apex Transportation Plan. Staff restated Mr. McGhee's request for the removal of a stub street. The Planning Board did not hear Mr. McGhee's request, but staff did not have a problem with it. The plan meets all UDO requirements, and the Planning Board recommended approval with the condition that the stub street on the northeastern side be turned back into a cul de sac as the neighbors requested. Council discussed the

grading relating to Mr. McGhee's property, trees that the developer is seeking to preserve, and parking issues.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE PLAN ADDING THE REQUEST FOR THE CUL DE SAC BY THE NEIGHBORS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

COUNCIL MEMBER JENSEN REQUESTED AMENDING THE MOTION TO INCLUDE THE REMOVAL OF THE STUB STREET TO THE SOUTH OF MR. MCGHEE'S PROPERTY AS REQUESTED.

Council Member Lassiter declined the request and explained his reasoning for doing so. Jason Baron, on behalf of the applicant, stated he was comfortable with removing the stub street.

COUNCIL MEMBER LASSITER AMENDED HIS MOTION TO ALSO INCLUDE THE REMOVAL OF THE STUB STREET AS AGREED TO BY MR. BARON.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Reed Huegerich, Senior Planner

Sweetwater Master Subdivision Plan for the properties located at 2216 and 2408 Olive Chapel Road and 3115, 3121 3224, 3233 U.S. Hwy 64 West containing 164.69 acres and 416 units (353 single-family and 63 townhomes)

Staff oriented Council to the site, the PUD being approved earlier this year. A neighborhood meeting was held, a public greenway easement, construction of a greenway, and fees were approved by the Parks and Recreation Commission. The Plan is in compliance with the Apex Plan, and the Planning Board recommended approval with the condition of BMPs.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE PLAN;
COUNCIL MEMBER LASSITER SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, LASSITER, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Added New Business 04 : Laurie Hohe, Town Attorney

Resolution to close an alleyway

Staff stated a resident on Colbert Street requested the alleyway be closed between Elm Street and Hughes Street which runs behind his property. The resolution will begin the process for a July 21st public hearing. The alleyway has not been opened or used by the Town since 1911.

MAYOR SUTTON 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.

CLOSED SESSION

Closed Session 01: Added Closed Session to seek advice from the Town Attorney and to discuss personnel

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

In reference to the Charrette, several Council Members stated they could not attend on the scheduled date of August 2nd. The Mayor suggested the meeting take place in Town Hall and be conducted like a workshop. Staff gave the meaning of the word Charrette ("the cart") and the history of the concept which has been used for all manners of design projects. On the 2nd, lots of ideas will come in from lots of people and no idea will be deemed as bad. Council has the ability to decide how the final project will look. This is a great way to get a project done. If Council can attend, then ok. If Council wants staff to attend and bring back tentative ideas, then that's ok.

Withers and Ravenal landed the contract. The Mayor stated the alternative is for the consultant to meet with Council two at a time so as not to violate the open meetings law. It's another way to get things done and could start as early as next week. Staff stated we were trying to make the meeting as convenient as possible for seniors. Council briefly discussed other locations for a senior center and how to advertise the Charrette so as to not be misleading as to where a center would be built.

Council agreed for Withers and Ravenal to meet with them two at a time for their ideas and then move on from there.

The skate plaza grand opening on July 25th was discussed, staff stating a more suitable date for this event would be worked out.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC

Town Clerk

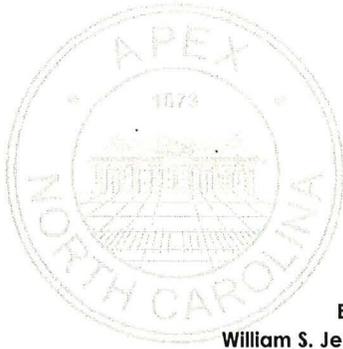
ATTEST:



William M. Sutton

Mayor

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APEX TOWN COUNCIL MEETING TUESDAY, JULY 7, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, July 7, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Mayor Sutton introduced the three coaches of the Apex High School Track Team: Head Coach Roy Cooper (31 years), Marck Trezona (25 years), and Paul Lockwood (6 years). He then introduced the five State champions and congratulated each on their stellar accomplishments: Michael Utecht, Anna Eaton, Cara King, Zoe Early, and Sydnei Murphy who set several records and was awarded the MVP for the State 4A Meet.

CONSENT AGENDA

- Consent 01** Minutes of the June 9, 2015 Council Workshop and the June 16, 2015 Regular Council Meeting
- Consent 02** Statement of the Town Council for Rezoning Case #15CZ05, Colen E. Davidson, Jr., Milestone Developments, LLC/Babetta Ann Breuhaus (trustee), Robert Andrew Finkle, David G. & Pamela C. Hahn, Phyllis L. Turner, Keith D. and Catherine R. Turner, Ronald W. Bordwell (trustee) and Patricia P Bordwell (trustee)-Bordwell Revocable Trust, Billy Rogers Mooney, Jr, Gail T. Mooney, Michael F. Burbidge Bishop Roman Catholic Diocese of Raleigh, petitioners for the property located at 0 & 9225 Barker Road and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Road

- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ12, Jeff Roach, Peak Engineering and Design, PLLC, petitioners for the property located at 1920 Laura Duncan 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 William and Sally McLaurin, John Stanton, Richard and Tarja Gray, Stephen and Mary Clark, Regina McLaurin and Kristy Dixon (Middleton) properties containing 73.03 acres located on the east and west sides of Holt Road north of Old Jenks Road and south of Howell Road, Annexation #538 into the Town's corporate limits
- Consent 05 Resolution No. 15-0707-17 Declaring Town Council's Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation Town of Apex property known as "Portion of Pine Plaza Drive" containing +1.096 acres located at the end of Pine Plaza Drive near Laura Duncan Road, Annexation #539, into the Town's corporate limits
- Consent 06 Resolution No. 15-0707-18 Declaring Town Council's Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property known as "Beaver Creek Crossing Tract" containing +.242 acres located east and south of 540 and along the western side of Beaver Creek Commons Drive Extension, Annexation #541, 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 Howard L. and Mary Louise Holt, Ronald Morris and LuAnn Womble Bell, Estate of Danny Lee Womble, Lissa Morris, Carla Wood, Edith Morris and Blanche Morris (Greenmoor) property containing 124.055 acres located west of Green Level Church Road, north of Jenks Road and west of 540 Annexation #542 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 Standard Pacific of the Carolinas (Crestmont) property containing 69.11 acres located at Roberts Road and Green Level Church Road, Annexation #543 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 McWill, LLC property containing 6.24 acres located at 3029 Evans Road, Annexation #544 into the Town's corporate limits
- Consent 10 Resolution No. 15-0707-19 Declaring Town Council's Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property which is a portion of the Western Wake Regional Water Reclamation Facility containing + 25.859 acres located on US 1 South between New Hill Holleman Road and Shearon Harris Road, Annexation #545, into the Town's corporate limits
- Consent 11 Resolution No. 15-0707-20 Declaring Town Council's Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property known as the White Oak Pump Station containing +.957 acres located on the 1100 block of Wimberly Road, Annexation #547, into the Town's corporate limits
- Consent 12 Closing a portion of Ambergate Station Road from 8:00 am until 3:00 pm on Saturday, August 1st during the Grand Opening of Apex Skate Plaza

- Consent 13 Set Public Hearing for the July 21, 2015 Council Meeting to consider an Agreement regarding naming rights for the competition bowl at the Skate Plaza
- Consent 14 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 16, 2015
- Consent 15 Resolution naming Wake County Review Officers by the Town of Apex
- Consent 16 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem Street) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ)
- Consent 17 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street from Residential Agricultural (RA) to Medium Density – Conditional Zoning. (MD-CZ)
- Consent 18 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ16 and Ordinance (Town of Apex property) to rezone 17.93± acres located west of New Hill Holleman Rd and south of US 1 Highway from Wake County R-80 to TF-CZ Tech Flex-Conditional Zoning
- Consent 19 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ17 and Ordinance (White Oak Pump Station) to rezone 0.754± acres located along Wimberly Road between the American Tobacco Trail and Jenks Road from Wake County R-80W to RR-CZ - Rural Residential – Conditional Zoning
- Consent 20 Set Public Hearing for the July 21, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 21 Construction Agreement to replace water lines in Apex Village
- Consent 22 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 Standard Pacific of the Carolinas (Lake Castleberry Recreation Center) property containing .678 acres located north of Castleberry Road and east of Wimberly Road, Annexation #546 into the Town's corporate limits
- Consent 23 Street closings for the Chick-fil-A Connect Race Series 5K race proposal benefiting the Cystic Fibrosis Foundation
- Consent 24 Capital project ordinance amendment for the Regional Waste Water Treatment Plant Project Fund to authorize the Town to expend funds which have previously been received by the Town

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

REGULAR MEETING AGENDA

There were no requested modifications to the Agenda.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

There were no Old Business items to be considered.

NEW BUSINESS

New Business 01 : Bruce Radford, Town Manager

Loan agreement between the Town of Apex and Capital Area Preservation and authorization for the Town Manager to execute the loan agreement and related documents, and to waive building permit fees for relocation of the historic house

Staff stated we've had a long and great relationship with the CAP folks, and this is an opportunity to participate with them again. The owner of the Williams house in Cary has asked that the house be moved to a lot in Apex. CAP has tentatively agreed to do so, and we are recommending a loan to them of \$7,500 over a 2 year period and waiving of the permit fees for movement of the house.

Stewart Jones, Chairman of the CAP Board, stated they've been working over a year to try to save this house. Planning Director Dianne Khin initially saved the house from being burned down. The property owner wants the house gone and has offered five acres across the street where it can be moved. There will be the expense of moving the house and the power lines, and there will need to be a new foundation built. The garage will not move as it is not original, and a kitchen that was added later will be removed, thus restoring the porch back to its original state. The house was hand built between 1900 and 1910.

Dianne Long, President of the Apex Historical Society, stated their board passed a resolution to support preservation of this house. This is part of their purpose – to promote and preserve historical places – and this house adds a lot of beauty to the community.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUESTED LOAN AMOUNT AND WAIVER OF THE PERMIT FEES; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Vance Holloman, Finance Director

Resolution authorizing the filing of an application with the Local Government Commission to issue \$15 million of GO Bonds for Street and Sidewalk Improvements

Staff briefly described the three items for approval – preliminary resolution, notice of intent, and form of ballot – noting that Womble has been our bond representative for a number of years.

Mayor Sutton stated that in light of the retreat, priorities set, and the recent hiring of a parks and recreation planner, he was requesting Council reconsider dividing the \$15 million bond into \$10 million for transportation and \$5 for parks and recreation. Council engaged in conversation about the division of these funds, staff reminding them that the bond will need to be spent on streets, sidewalks, and multi-use paths. Council was reminded that this issue had been talked about and decided several times prior to tonight. Council was also reminded that Fund Balance was in place in case it would be needed in the future.

COUNCIL MEMBER LASSITER CALLED THE QUESTION TO PASS THE RESOLUTION AS
PRESENTED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : Closed Session to discuss personnel

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

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER
JENSEN 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.

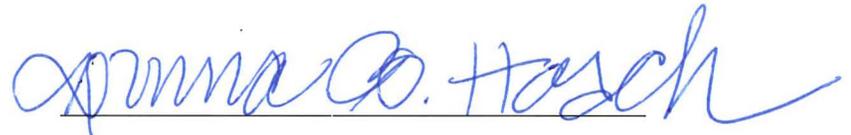
ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC

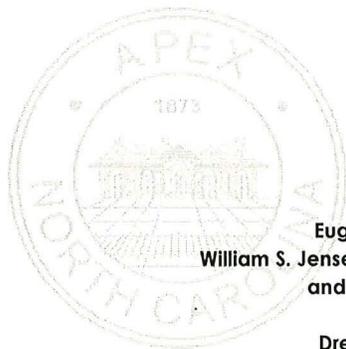
Town Clerk

ATTEST:



William M. Sutton

Mayor



APEX TOWN COUNCIL MEETING TUESDAY, JULY 21, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, July 21, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Nicole L. Dozier, and Denise C. Wilkie.

Absent was Council Member Scott R. Lassiter, who was on vacation.

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

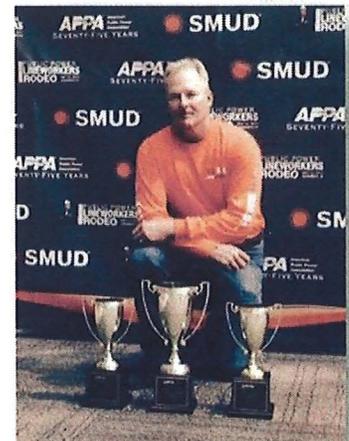
Mayor Sutton called the meeting to order, Council Member Wilkie gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Recognition by Mayor Sutton of the award-winning NCAMES Lineman's Rodeo winners and the Annual APPA Public Power Lineworkers Rodeo winners

Mayor Sutton recognized and congratulated the winners of these events, noting that they are demanding contests for which our guys need to be in top physical shape.

The Apex team consisted of Journeymen Ken Weatherman and Dustin Prince, and apprentices Vince Deyoung, Matt Mills, Lincoln Denning, and Nathan Lowery. In the Journeyman category, Ken Weatherman earned 3rd place honors, and Dustin Prince earned 4th place.



Ken Weatherman



Dustin Prince and
Ken Weatherman

In addition to the State competition, Ken Weatherman was selected as part of the North Carolina team that competed in the national APPA Public Power Lineworkers Rodeo in California. Ken and his teammates from Wake Forest, Gastonia, and Washington took 2nd place honors in the Pole-top Rescue and Crossarm Changeout events and earned 1st place in the Deadend Insulator Replacement event.

CONSENT AGENDA

- Consent 01 Minutes of the June 16, 2015 Closed Session (recorded separately), the July 7, 2015 Regular Meeting, and the amended Minutes of the June 16, 2015 Regular Meeting
- Consent 02 Apex Tax Report dated 06/03/2015
- 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 Windy Road Properties, Parkside Builders, LLC, and Logan Winteron properties containing 1.5386 acres located at 2505, 2509 and 2513 Mt. Zion Church Road, Annexation #549 into the Town's corporate limits
- Consent 04 Revisions to the Town Standard Specifications and Standard Details
- Consent 05 3-year term contract for Town-owned Stormwater Best Management Practices (BMP) Maintenance Services
- Consent 06 Town Manager authorization to execute a standard services agreement with Michael Baker International in the amount of \$5,000 for participation in a BMP suitability study within the Shepherd's Vineyard neighborhood
- Consent 07 Budget amendment to fund a loan agreement between the Town of Apex and Capital Area Preservation approved by the Council at its July 7, 2015 meeting
- Consent 08 Budget ordinance amendment to transfer \$210,244 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 land for Pleasant Park
- Consent 09 Purchase by Piggyback on Fire Truck bid conducted by Aurora, Oregon Fire Department
- Consent 10 Cemetery Lot 236 Plots C & D to be conveyed to the Apex Town Cemetery
- Consent 11 Cemetery Lot 232 Plots A & B to be transferred to Jerry Lewter

MAYOR SUTTON 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 4-0 VOTE.

REGULAR MEETING AGENDA

Council Member Dozier requested the addition of a New Business item to discuss amending the Parks and Recreation Advisory Commission to add another member who would represent the elder population. Council was in agreement with the request.

PUBLIC FORUM

Tom Beebee, Standard Pacific Homes, stated that plans have been approved, easements have been acquired, monies have been deposited, and contracts are out to hopefully start constructions in 30 days or so on the White Oak pump station. This station was very much needed, and the Town was thanked for its efforts.

Bill Ponds, speaking for Castlewood residents, stated they supported the Oak Point master plan only if it included a gated emergency connection. They have worked hard to come up with a plan that satisfies neighbors and developers. Mr. Ponds outlined what Council asked the developer to come up with and explained why the gate would meet the stipulated need. He talked about how Thorn Hollow Drive is not designed for the increased traffic from the new development. The gate satisfies the UDO; removing it would be contrary to the UDO. The Planning Board unanimously recommended approval of the gate.

PUBLIC HEARINGS

Public Hearing 01 : John Brown, Parks and Rec Director

Public Hearing and Naming Rights agreement with the Apex Board Shop for the Competition Bowl at the Skate Plaza and authorize Town Manager to execute same

Staff stated Council approved the previously requested naming rights agreements; and this one was for the competition bowl. Kyle Dennis with the Board Shop wishes to name the bowl for his business. Council would need to approve the agreement.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE AGREEMENT; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Laurie Hohe, Town Attorney

Public Hearing and Order Closing Alley

Staff stated this is a 15 foot alleyway between Elm and Hughes Streets which the property owner has requested closed. The alley is no longer in use and we don't have to reserve any easements for utilities. If approved, the Order would be recorded and the property owners would not have to have anything done to their deed language.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ORDER; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex William and Sally McLaurin, John Stanton, Richard and Tarja Gray, Stephen and Mary Clark, Regina McLaurin and Kristy Dixon (Middleton) properties containing 73.03 acres located on the east and west sides of Holt Road north of Old Jenks Road and south of Howell Road, Annexation #538 into the Town's corporate limits

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

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE 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 Town of Apex Town of Apex property known as "Portion of Pine Plaza Drive" containing +1.096 acres located at the end of Pine Plaza Drive near Laura Duncan Road, Annexation #539, into the Town's corporate limits

Staff oriented Council to the site, stating this needs to be annexed in order to receive Powell Bill funds. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE 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 Town of Apex property known as "Beaver Creek Crossing Tract" containing +.242 acres located east and south of 540 and along the western side of Beaver Creek Commons Drive Extension, Annexation #541, into the Town's corporate limits

Staff oriented Council to the site, stating that this was a clean-up item. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Howard L. and Mary Louise Holt, Ronald Morris and LuAnn Womble Bell, Estate of Danny Lee Womble, Lissa Morris, Carla Wood, Edith Morris and Blanche Morris (Greenmoor) property containing 124.055 acres located west of Green Level Church Road, north of Jenks Road and west of 540 Annexation #542 into the Town's corporate limits

Staff oriented Council to the site. This needs to be annexed for construction plan approval for Town sewer and water. The subdivision plan has been approved. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Standard Pacific of the Carolinas (Crestmont) property containing 69.11 acres located at Roberts Road and Green Level Church Road, Annexation #543 into the Town's corporate limits

Staff oriented Council to the site. This is an approved subdivision that needs to be annexed in order to get the construction plans signed. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex McWill, LLC property containing 6.24 acres located at 3029 Evans Road, Annexation #544 into the Town's corporate limits

Staff oriented Council to the site, stating the annexation was so that they may receive Town water and sewer. Staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Harry Johnson, Attorney working with the property owner, stated their well is not working well and they wish to get Town water. He thanked the staff, especially Steve Adams, for such excellent assistance.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 09 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex property which is a portion of the Western Wake Regional Water Reclamation Facility containing + 17.93 acres located on US 1 South between New Hill Holleman Road and Shearon Harris Road, Annexation #545, into the Town's corporate limits

Staff requested this item be removed from the agenda to be re-advertised and brought back at a later date. Council was in agreement.

Public Hearing 10 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Standard Pacific of the Carolinas (Lake Castleberry Recreation Center) property containing .678 acres located north of Castleberry Road and east of Wimberly Road, Annexation #546 into the Town's corporate limits

Staff oriented Council to the site, stating this is part of the Lake Castleberry amenity center. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 11 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex property known as the White Oak Pump Station containing +.957 acres located on the 1100 block of Wimberly Road, Annexation #547, into the Town's corporate limits

Staff oriented Council to the site. This Town-owned property has an approved site plan. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 12 : Michael Clark, Senior Planner

Public Hearing and Rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street from Residential Agricultural (RA) to Medium Density – Conditional Zoning. (MD-CZ)

The Applicant requested that this item be removed from the Agenda and re-noticed for consideration at a future meeting. Council was in agreement.

Public Hearing 13 : Brendie Vega, Principal Planner

Public Hearing and Rezoning application #15CZ16 and Ordinance (Town of Apex property) to rezone 17.93± acres located west of New Hill Holleman Rd and south of US 1 Highway from Wake County R-80 to TF-CZ Tech Flex-Conditional Zoning

Staff requested this item be removed from the Agenda to be re-advertised and brought back at a later date. Council was in agreement.

Public Hearing 14 : Brendie Vega, Principal Planner

Public hearing and Rezoning application #15CZ17 and Ordinance (White Oak Pump Station) to rezone 0.754± acres located along Wimberly Road between the American Tobacco Trail and Jenks Road from Wake County R-80W to RR-CZ - Rural Residential – Conditional Zoning

Staff stated that since being annexed, this was the first rezoning. Staff described what was being recommended along with limits and conditions. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE REZONING AND ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 15 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff detailed each of the requested amendments. The compact parking spaces were requested by a citizen. The Police Chief stated this is not an enforcement issue as long as the spaces are labeled and located properly. Staff added the spaces would be on private property.

Mayor Sutton declared the Public Hearing open.

Bud Mann, developer for Costco, stated they are asking for these spaces because of outside seating that tenants have requested. These would be for additional spaces and Mr. Mann stated he appreciated working with staff. The spaces would be one isle and on private property. Staff stated we currently don't allow compact spaces.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 16 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

The applicant requested that this Public Hearing be continued to the August 4, 2015 Regular Meeting.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE CONTINUANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 17 : Brendie Vega, Principal Planner

Public Hearing and 2030 Land Use Map Amendment from MD – Medium Density Residential to OE – Office Employment; and rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem St.) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ)

Staff oriented Council to the site to which the applicant requested a change. The house on the property was vandalized and destroyed, but the barn is in good condition. A neighborhood meeting was held. The applicant proposed 37 limitations of uses. One of the conditions was that the historic barn would remain intact. Staff recommended approval with the conditions offered.

Mayor Sutton declared the Public Hearing open.

Sagan Lampe stated her family owns the property and they want to put a new store there. The store was moved from downtown as it was no longer an appropriate place for their business.

Mayor Sutton declared the Public Hearing closed.

Council asked how would the property be sewerred, staff replying that the property owner will do a private well and septic. They will be annexing, but they are not in the Town limits at the moment.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE AMENDMENTS WITH CONDITIONS OFFERED BY THE APPLICANT; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

[NOTE: This Public Hearing was reopened later in this meeting]

Public Hearing 18 : Reed Huegerich, Senior Planner

Public Hearing and amendment to the Thoroughfare and Collector Street Plan map as requested by Mae Bell Mangum

Staff oriented Council to the site. This request is in order to plan for better access to an area slotted for future development.

Mayor Sutton declared the Public Hearing open.

Thomas Drake stated he was representing the family on real estate matters. The public street dead ends into the property which does not meet the Town's safety standards. DOT put a barrier in front of the Mangum property, and now they don't have full access. Jewel Mangum gave a brief history of her family's property and stated she would be thankful for the Town's approval of the request.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE AMENDMENT; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Town Manager Radford asked Council to revisit Public Hearing 17: **Public Hearing and 2030 Land Use Map Amendment from MD – Medium Density Residential to OE – Office Employment; and rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem St.) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ).**

Ms. Lampe's stated it is her intent not to annex since most of her employees work from home or in their trucks, thus not having much need for water and sewer. Staff stated this property is in the fire district and they will pay those taxes.

COUNCIL MEMBER WILKIE MADE THE MOTION TO RECONSIDER PUBIC HEARING 17;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Staff stated this request is not out of the ordinary and gave reasons why small businesses might not want to be annexed. They will not receive Town police protection. Staff recommends approval.

Mayor Sutton declared the Public Hearing reopened.

Ms. Lampe stated her family has been in the building materials business for four generations, three decades in the Apex community. This property is a better place for them, and their intent to be annexed has not been considered at this time. The plant to have about 20 employees.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Drew Havens, Assistant Town Manager

Discussion and possible decision regarding funding for Public Safety Station No. 5

Staff stated Station 5 has been on the radar since a year ago when Council said move on this. The building and its layout have been designed, this being a truly public safety building. The bids were opened and there was a good response. The apparent low bidder came in a +\$4.9 million. Expenses to complete the building, for furniture, etc., were presented.

The question now is how we will proceed to pay for the station. There are two options:

Option 1. Use \$1 million of the General Fund's fund balance and borrow the remainder of the amount needed through an installment purchase agreement; or

Option 2. To fund the entire amount from debt proceeds. This will not require the use of fund balance but will result in higher financing costs over the life of the debt.

We need direction from Council on how to proceed. Once we have a fully-recommended contractor, we will come back with final numbers. Staff's recommendation is option 1 as it will save financing costs.

Council proceeded to discuss the use of Fund Balance and the competing needs for this Fund, i.e., economic development; going below the 25% and possibility lowering this to 20%; and cost to taxpayers of using \$2 million or \$3 million instead of \$1 million. Staff recommended \$1 million so that in case something occurs during the course of the audit or there are other needs, there would still be some flexibility. Staff explained how more money can be put in later if Council decides. Responding to Council, staff stated this is a usable building plan.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE FORWARD WITH OPTION 1; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

Responding to Council's questions about furniture costs, staff stated we are under the State contract and U.S. Communities who do pricing for municipalities. This cost includes everything including the work-out room. Council stated the pricing seemed high. The \$5,000 price for the dedication plaque also seemed high to Council. There was some discussion on the value of the plaque to taxpayers and whether or not one is needed.

COUNCIL MEMBER DOZIER CALLED THE QUESTION FOR OPTION 1.
THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner

Crestmont Phases 2, 4 & 5 - revised Master Subdivision Plan - for the properties located east of Green Level Church Rd containing 31.78 acres and 51 lots

Staff stated this matter was back for revision because of a parcel being incorporated into phase 2 and a change in lot configuration in phases 4 and 5. The Planning Board recommended approval as did staff.

MAYOR SUTTON 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 4-0 VOTE.

New Business 02 : Shelly Mayo, Planner

Oak Pointe Master Subdivision Plan including properties located at 0 US 64 Hwy W and 0, 6705, 6713, 6733 and 6721 Old Jenks Road. This project consists of 19.4 acres with 96 new single-family lots.

Staff corrected the acreage from 19.4 to 57.35 and oriented Council to the site. Thirteen zoning conditions were approved. A neighborhood meeting was held; the Parks and Rec Commission recommended building a greenway for credit towards their fee. The plan is consistent with the Transportation Plan, but did not meet two sections of the UDO. Staff talked about where it recommended the placement of cul de sacs. Staff recommended approval with four of four conditions: removal of a gated entrance, a cul de sac if the developer desires, a cul de sac provided with right of way to the end of the property line, and buffers and vegetation at buffers not be disturbed or added. The Planning Board recommended approval with conditions 3 and 4. Staff clarified several transportation aspects. About 500 extra vehicles per day would travel the streets, which broke down to less than 1 vehicle per minute without a gate.

The Fire Chief met with members of Castlewood. He had concerns with the gate, because there would be only one means of egress for residents. An unlocked gate is a visual deterrent, but it would still have a negative impact on response time of which he was not in favor. He was open to some sort of compromise but yielded to the UDO. Electronic-controlled gates would not allow residents to leave in case of emergency: Staff stated there are State maintained roads in Castlewood.

Stewart Jones, Jones and Crossen Engineering, in response to Council stated they can extend the greenway to where it doesn't exceed the recreation fee.

Council stated an unlocked gate would be the way to go and almost meet fire standards. In an emergency, a resident could open the gate. The Fire Chief stated his folks would have to get out of the truck to open the gate. The Police Chief concurred with the Fire Chief. Even though he understood neighbor concerns, the gate would slow down officer response, fire truck response, and EMS response.

The way this is designed, the majority of homeowners have one way out; and if something happens at an intersection, there would be no way out. Staff added that the UDO requires the road to be open, and putting in a gate will violate the UDO. Council asked how often we have this problem; it's only happened one time in the 16 years that he's been here. Council asked audience neighbors if they felt any differently after hearing the chiefs. The residents responded 'no – they have one access in and out now and nothing has happened in 30 years. They're more concerned about the day to day safety rather than emergency safety concerns. Council stated our public safety folks are the experts.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE WITH ONLY 3 AND 4 AND WITH A LATCH GATE ONLY. COUNCIL MEMBER DOZIER ADDED FOREGOING THE PARKS AND RECREATION FEE TO ENABLE THE GREENWAY EXTENSION.

COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS SCHULZE AND WILKIE VOTED IN THE NEGATIVE. WITH MAYOR SUTTON NEEDING TO BREAK THE TIE, HE VOTED IN THE NEGATIVE.
THE MOTION FAILED BY A 3-2 VOTE.

MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE THE PLAN WITH ALL FOUR STAFF RECOMMENDATIONS;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council discussed the allowable cul de sac and at the very least putting in traffic calming devices to discourage daily use of the roads. Council stated we have a procedure for this and we need to follow it. Staff stated they are State roads and DOT does not allow calming devices. Staff stated that with the circles to discourage traffic, it is not understood why calming devices would be needed.

COUNCIL MEMBER DOZIER AMENDED THE MOTION TO FOREGO PARKS AND RECREATION FEES IN ORDER TO
EXTEND THE GREENWAY TO THE EXTENT OF THE APPLICANT'S PROPERTY.

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

New Business 03 : Shelly Mayo, Planner

Woodall Master Subdivision Plan located at 6515 Apex Barbecue Road. This project consists of +/- 22.24 acres with 51 new single-family lots

Staff oriented Council to the site, stating that the Woodall's intend to live on the property for the foreseeable future. The Plan is in compliance with all Town Plans.

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

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

New Business 04 : Council Member Bill Jensen

Discussion on a reduction in RCA for solar for new residential developments

Council stated what he was requesting on this night was to have this sent to staff and the Planning Board for evaluation. A developer would have a baseline cost of an area used to promote a percentage of solar systems within the development. The objective would be to introduce solar to houses in Apex and would be a voluntary plan.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

ADDED New Business 05 : Council Member Nicole Dozier

Discussion on senior programming

Council stated she wished to amend the Town Code to add another member as a senior representative on the Parks and Recreation Commission. The Town Attorney stated she would work with staff on drafting the amendment. Council did not know what the qualifications would be; but right now we have one senior member on the Commission, and she wished for there to be two. If elders want to be represented in a different way, however, we would need to be open to that. After some brief discussion and questions about age, Council stated they would defer to staff for answers.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE AN ADDITIONAL SENIOR MEMBER TO THE COMMISSION AND TO HAVE STAFF AND THE COMMISSION DETERMINE THE AGE AND PROVIDE AN AMENDMENT TO THE ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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 SUTTON CALLED FOR A MOTION TO ADJOURN.

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

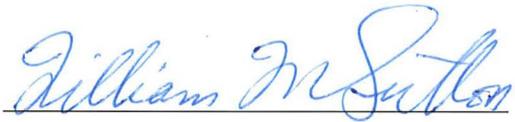
THE MOTION CARRIED BY A 4-0 VOTE.



Donna B. Hosch, CMC, NCCMC

Town Clerk

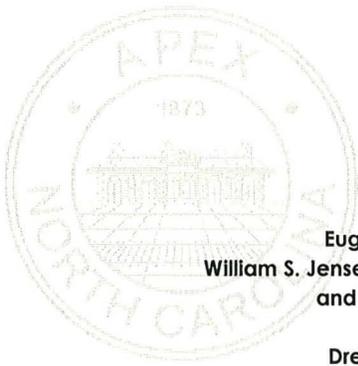
ATTEST:



William M. Sutton

Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, AUGUST 4, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, August 4, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members Bill Jensen, Scott R. Lassiter, and Denise C. Wilkie

Absent was Council Member Nicole L. Dozier who was ill

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Town Attorney Hohe introduced the newly hired Assistant Town Attorney Brian Meyer and presented his professional history. Council welcomed him to the Town.

Presentation 01 : Tom Colwell, Parks and Recreation Advisory Commission

Presentation on Public Art in Apex

Mr. Colwell introduced Ian Sands, an art teacher at Apex High School. Together they asked for support in developing a study group which would return to Council with a plan for public art. Mr. Sands explained the concept of public art: normally, an artist is given a set amount of money to do a project, which is generally rotated each year. It is important to look at new developments and set aside funds for placing art in these developments. Mr. Sands showed examples of past projects on which they've worked. Mr. Colwell stated they were not looking for funding on this evening, simply approval for the study group to be formed and support of a public art program. They would work with Parks and Recreation to form this group.

Council complimented the gentlemen on their approach of the subject and to Council. Mr. Colwell stated they would like a Council Member, a Parks and Recreation Commission person, and folks from the community as part of the study group.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE FORMATION OF THE STUDY GROUP; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CONSENT AGENDA

- Consent 01 Minutes of the July 21, 2015 Regular Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #15CZ14, Rosewood 1322, LLC and John Lampe, II, petitioners for the property located at 1601 & 1621 Kings View Trail and 0 S. Salem Street
- Consent 03 Statement of the Town Council for Rezoning Case #15CZ17 (White Oak Pump Station), Bruce A. Radford, Town of Apex, petitioner for the property located Wimberly Road
- Consent 04 Facility Encroachment Agreement between the Town of Apex and CSX Transportation, Inc. and authorizing the Town Manager to execute the Agreement
- Consent 05 Set Public Hearing for the August 18, 2015 Town Council Meeting regarding Rezone #15CZ19 (Evans & Walden Road), +/- 7.11 acres located at 2919 Evans Road, 2813 Walden Road, 2817 Walden Road and 0 Walden Road from Rural Residential to Medium Density Conditional Zoning
- Consent 06 Set the Public Hearing on August 18, 2015 for rezoning application #15CZ20 (Cash Property) to rezone 2.33± acres located on the southeast corner of the intersection of E. Williams Street and NC 55 Bypass from Planned Unit Development (PUD-CU #02CU07) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 07 Set Public Hearing for the August 18, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Utility Infrastructure Reimbursement Agreement between the Town of Apex and MREC KLP Stillwater, LLC and authorization for the Town Manager to execute the Agreement on behalf of the Town
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of July 21, 2015
- Consent 10 Set Public Hearing for the August 18, 2015 Town Council Meeting to consider entering into an installment financing agreement under GS 160A-20 for \$4.5 million. The proceeds of the agreement will be used to construct Public Safety Station No. 5. The hearing is required by GS 160A-20.
- Consent 11 Resolution of Intent to close the alleyway between Elm and Hughes Streets as requested by Staley Smith and to call for a Public Hearing at the September 15, 2015 Council Meeting
- Consent 12 Resolution codifying the Town's Code of Ordinances and the Unified Development Ordinance (UDO)
- Consent 13 Street closure and noise ordinance exception requests for the 2015 Jazzfest (09/19/2015)

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER WILKIE MADE THE MOTION. MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

There were no requests for modifications to the Agenda.

PUBLIC FORUM

Mary Lee Blatchford thanked Council for listening to senior concerns over moving senior services to the YMCA. Seniors are opposed to moving to Pleasant Park; they want to be close in Town. Many seniors attended the recent charrette. Ms. Blatchford stated that Mr. Radford was patient and informative to her questions. Staff stated Council will no longer consider going to Pleasant Park. \$400,000 has been allocated for design of a center, and bids will be sought for something close to campus. Ms. Blatchford stated seniors will look forward to being actively involved and continuing to support Parks and Recreation. They appreciate and value the number of services in our town.

Cindy Foster stated that in reference to land and the underwriting of the YMCA, she was concerned why the YMCA is being given precedence over other needs of the Town for that land. Ms. Foster talked about the financial impacts of this and how it would impact the Town's debt. The YMCA in Cary made a profit last year. Why should tax dollars support a private entity that turns a profit? She stated she would like a clear explanation of this if it's going to be done.

Jackie Nilsson objected to the Town and YMCA working together to provide a facility. She was opposed to giving up acreage needed for athletic fields and the Town tying up tax dollars to fund a facility that will collect revenue. The YMCA should develop its own plan separate from the Town. Ms. Nilsson did not see the benefit of this joint venture.

Val Weiss thanked Council for hearing the seniors. She looked forward to working with the Town on the design of a senior center. The charrette was well handled, and she hoped the Town got new suggestions for Pleasant Park.

Joe Howard thanked Council for its help with the train issues. He pointed to Council Member Lassiter talking later this evening about buying the CSX land to expand the Town campus. He was excited about the congressional letter written by the Mayor. Carol Armstrong from Congressman Holding's office came

in and talked about possible federal grants to buy out CSX and put in quiet zones. Greenville had our same problem, they received federal government help, and they moved the switching operation out of town.

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 Windy Road Properties, Parkside Builders, LLC, and Logan Winteron properties containing 1.5386 acres located at 2505, 2509 and 2513 Mt. Zion Church Road, Annexation #549 into the Town's corporate limits

Staff oriented Council to the site, stating three lots were purchased which the applicant wants to be a part of the subdivision. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO
ADOPT THE ORDINANCE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

Prior to consideration, this UDO Ordinance Amendment will be referred back to the Environmental Committee.

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance

Staff stated it wished to pull this item and have it readvertised after the Environmental Committee has a chance to discuss it. Council was in agreement.

OLD BUSINESS

Old Business 01 : Vance Holloman, Finance Director

Bond order authorizing the issuance of up to \$15 million in Street and Sidewalk Improvement Bonds subject to approval by the voters at a November 3, 2015 referendum, direction to the Finance Officer to file with the Town Clerk a Sworn Statement of Debt and a Statement of Total Estimated Interest and to call for a public hearing on September 1, 2015 concerning the validity of the bonds and the advisability of issuing the bonds

Staff stated this was an additional step in the process to hold a referendum, explained the need for the requested documents and actions. A public hearing must be held before the bond order can be processed. We would then be in position to move forward. We have followed all necessary succeeding steps, and the application has been filed with the State and all associated paperwork completed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REQUESTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Old Business 02 : Kent Jackson, Engineering Director

Preliminary engineering agreement with CSX Transportation for engineering services required as part of the Town's request to establish a Quiet Zone and payment of an advance deposit in the amount of \$63,300

Staff stated it has been working on this effort for a little more than year. We have reviewed all crossing locations which would be involved, and it is recommended that we move forward with the agreement. We have met with Tom Drake and Liz Hud, Mr. Drake stating that we will not get reliable information until we enter into the agreement. The requested deposit is the estimated engineering cost, for which we will receive reimbursement if we don't use it. One of the crossings will not require any additional improvements.

Staff stated there was no discussion about grants, but we will persue all available monies. Last year Council approved \$300,000 as the working budget for this project, which will take about six months to complete. Talked about were the requirements for median barriers. Mr. Drake recommend closing Elm at Center Street. Council asked about making this a one way and only closing half the street. There was still concern among Council about grants. If we started this process and grants came through, would we be reimbursed. Council stated grants are not retroactive so maybe we should quickly persue this avenue first. Staff stated this would be an appropriation not a grant and appropriations are difficult to get. We have allocated the funds and are capable of spending this amount. Council stated it wanted to do a study and the grant process at the same time.

MAYOR SUTTON CALLED FOR A MOTION. MAY PRO TEM SCHULZE MADE THE MOTION TO APPROVE
THE REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner II

Salem Creek Townhomes Phase 2 Master Subdivision Plan for the property located west of S. Salem Street and north of Salem Creek Drive containing 2.24 acres and 7 lots

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE
THE MASTER PLAN; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Brendie Vega, Principal Planner

Salem Pointe Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 10.7 acres and 64 lots

Staff oriented Council to the site. A neighborhood meeting was held; there were approved architectural conditions. Staff asked the developer to include wrap around porches, to which they responded this would be given as an option to homeowners. Because of new legislation, this can't be imposed. Council discussed the aesthetics of the porches.

Jeff Roach, Peak Engineering, talked about how 20% of the same type of units in Cary have the wrap around porches. The developer wants this offered as an option for 25 end units. Mr. Roach spoke with the developer, and they said they couldn't do this for every unit. Mr. Roach stated this is an architectural condition that can't be enforced. Staff stated it could have been a condition at the zoning phase but now we can't go back and ask for this. Mr. Roach stated they are not trying to take advantage of anything. Council asked him would he compromise. He stated he couldn't authorize this.

COUNCIL MEMBER LASSITER MADE A MOTION TO TABLE THIS UNTIL FURTHER INFORMATION IS PRESENTED
AND THERE IS MORE DISCUSSION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 03 : Council Member Scott Lassiter

Discussion to attempt to enter into negotiations with CSX to purchase their downtown property currently housing their freight station

Council Member Lassiter thanked Council for the opportunity to talk about this. Because of increased rail traffic, we are struggling with railroad issues that previous Councils have not. The switching operation is the problem. We are aware of commerce and their need to do business, but not where our residents live and work. Council wished to attempt to see if CSX would be interested in the idea of selling their property downtown. There are examples across the State where this has been done successfully. The railroad is causing environmental and traffic impacts. The downtown residents and businesses support the negotiations.

We will have a need in the future for Town campus space or parking lots, etc. Lots of businesses and young, vibrant companies may want to move to Apex. We won't lose anything by trying to improve the lives of our residents and downtown businesses. Mr. Drake says CSX is willing to do what we ask as long

as we pay for it, so at least they are open to conversation. There could be grants totaling \$9 or \$10 million that other towns have received. And even if we have to spend money on a study, it will be well worth it.

COUNCIL MEMBER LASSITER MADE A MOTION TO MOVE AHEAD WITH THIS REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

Council stated if this will cost money, it will need to come back to Council. Council was interested in getting this done.

CLOSED SESSION

Closed Session 01: to consult with the Town Attorney

Closed Session 02: to discuss the acquisition of real property

Closed Session 03: to discuss personnel

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION TO GO INTO CLOSED SESSION TO DISCUSS THE ABOVE THREE ITEMS PLUS TO RECEIVE INPUT FROM THE TOWN ATTORNEY ON HOUSE BILL 150; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER WILKIE MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Pro Tem Schulze read the title of the Resolution [Number 15-0804-24] discussed in Closed Session: Resolution Authorizing Eminent Domain Proceedings Related to the Wimberly Road Electric Line Project for the Improvement of the Apex Electric System.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE RESOLUTION; COUNCIL MEMBER JENSEN 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 SUTTON CALLED FOR A MOTION TO ADJOURN.

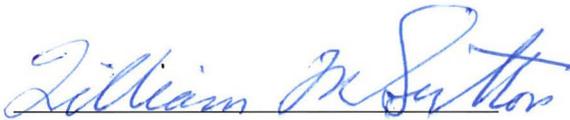
COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

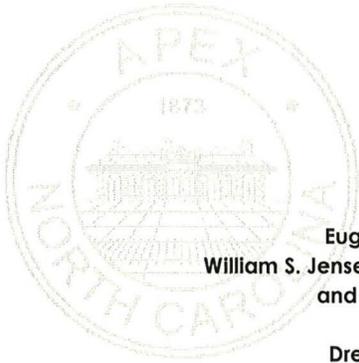


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, AUGUST 18, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, August 18, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 **Minutes of the August 4, 2015 Regular Council Meeting**
- Consent 02 **Encroachment Agreement between the Town of Apex and Andoria Enterprises, LLC (Primrose School), and authorization for the Town Manager to execute said Agreement**
- Consent 03 **CSC Recording Solutions Agreement between Corporation Service Company ("CSC") and the Town of Apex and authorization for the Town Attorney to execute same**
- Consent 04 **Ordinance amending Sections 15-6 and 15-10 of the Apex Town Code pertaining to the hours of operation of the Rogers Family Skate Plaza and permitting the use of inline skates and non-motorized scooters**
- Consent 05 **Amendment to Section 14-14 of the Apex Code of Ordinances authorizing possession and consumption of malt beverages and unfortified wine purchased at the Jazz Fest to be consumed on the closed portion of Salem Street to coincide with the hours of Jazz Fest, September 19, 2015**

- Consent 06 **ITEM PULLED FOR DISCUSSION AS NEW BUSINESS - Sewer Easement Abandonment for the Kelly Road force main located at the northwest corner of the intersection of S. Salem Street and Apex Barbecue Road**
- Consent 07 **Declaration of a reduced school speed ordinance along Apex Barbecue Road for Scotts Ridge Elementary School Zone**
- Consent 08 **Sale of cemetery Lot 214 Plot H located in the Apex Town Cemetery**
- Consent 09 **Automobile Insurance Release from Liability document**
- Consent 10 **Apex Tax Report dated 07/06/2015**

Council Member Jensen asked that Consent 06 be pulled for a brief discussion for understanding. Mayor Sutton stated it would then be New Business 04.

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

REGULAR MEETING AGENDA

Town Manager Radford requested the addition of New Business 05 to consider budget funding for a Town celebration. Mayor Sutton requested Closed Sessions to consult with the Town Attorney on two issues and for a personnel matter. Council was in agreement with these requests.

PUBLIC FORUM

Paige Williams stated she started the petition regarding development at Pleasant Park. They are seeking this to be a mixed use facility with a YMCA natatorium. There are 850 signatures on the petition and more are coming. She provided figures on the number of children involved in swimming, but there is nowhere to train in town. The children have to travel to other municipalities. Ms. Williams provided figures on how much revenue comes in from year round swim competitions. A Y would meet the needs of the community and serve the high risk, low income children. Responding to Council, Ms. Williams stated she has not contacted the school system for collaboration. She felt there would be none since it wouldn't generate revenue for them.

Seth Mazlowski, a student and member of YODA, explained how swimming is a character and confidence builder. He grew as a person, became a leader, and began impacting the lives of others. He is now going to college because of swimming; he talked about his journey to becoming a lead athlete. The YMCA is special and a special place for all children.

Ms. Williams stated this is an amazing community and a YMCA would be the cherry on top because it supports all in the community. She presented her petition to the Clerk.

Amy Riley, representing parents of students at Apex Friendship High School, asked for proper side- and cross walks at the new school as soon as possible. There is a lot of construction around the school which is supposed to be ongoing for quite a while. Many parents have contacted Council about this issue and have received positive feedback from several Council members. She thanked Council for being proactive. Responding to Council, staff stated this project is being bid now, a budget amendment will be in front of Council in two weeks, and construction of the cross walk would start almost immediately afterwards. There will be a police officer on site to help with traffic. The developer will put in the Blazing Trail sidewalk and the Town will pay for the cross walk.

Tony Sanatoro spoke about the petition for the YMCA. He's talked to several Council Members about Pleasant Park. There is a private, secluded neighborhood with one way in and one way out. They were assured the Park would have minimal impact on their 38 homes. But they can count on lights and yelling and screaming until 10:00 every night as well as on the weekends. Mr. Sanatoro asked Council to honor its commitment to keep the impact on them to a minimum.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner

Public Hearing and rezoning petition #15CZ19 (Evans & Walden Road) to rezone 7.09± acres from Rural Residential (RR) to Medium Density Residential Conditional Zoning (MD-CZ) for the property located at 2919 Evans Road, 0, 2813 and 2817 Walden Road

Staff oriented Council to the site. A neighborhood meeting was held, the use is consistent with the 2030 Land Use Map, and the applicant proposed a limitation on uses. Staff and the Planning Board recommended approval.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, stated this is adjacent to the existing development and the intent is to add the four parcels into Bella Casa, the conditions and uses being the same.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, WILKIE, JENSEN, AND LASSITER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Public Hearing 02 : Amanda Bunce, Planner II

Public Hearing and rezoning petition #15CZ20 (Cash Property) to rezone 2.33± acres from Planned Unit Development Conditional Use (PUD-CU-#02CU07) to Neighborhood Business Conditional Zoning (B1-CZ) for the property located at the southeast corner of the intersection of E. Williams Street and NC55 Bypass

Staff oriented Council to the site. A neighborhood meeting was conducted, and 30 uses were proposed. The Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Don Myzel, representing Ravenel, presented possible uses for the property. They invited individuals outside of the required announcement area to the neighborhood meeting, and they were glad they did. Doing so brought about several useful conditions. Mr. Myzel explained where the access points would be.

Charlotte LeClair stated she was out of town when this originally came up. She talked about the flow of traffic, which is very busy. A church will be a few feet from the convenience store, and it will have a day care which will house more than 200 children plus employees. There will be traffic from this also. Then there will be after school activities. Ms. LeClair talked about several other activities which will be going on in the area. A traffic study was done, and she felt Council should be curious about the numbers. A lot of people are moving out because of the traffic. Ms. LeClair talked briefly about widening the road, and the environmental impact of a gas station. She wondered why another gas station is needed when there are already two in the area.

Council asked since there was not a certainty that a gas station would go in if the property were rezoned, would they just be deciding on the many types of businesses that could go in at this point. Staff answered that was correct.

Mayor Sutton declared the Public Hearing closed.

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

Council briefly discussed how retail would, in actuality, make a minimal impact.

THE MOTION CARRIED BY A 5-0 VOTE

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and various amendments two the Unified Development Ordinance

Staff oriented Council to the amendments which were referred to the Planning Board for recommendation. Council asked would this allow for densities to increase. Staff responded it would and the program would be voluntary on the part of the developer. Council stated this would be the way to present solar to new subdivisions. This would be looked at as a pilot program and Council could shut down the program if it so desired.

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

Council stated this idea was suggested by a development company. He explained how in the future we could possibly raise the kilowatts.

Council expressed appreciation for the way this was brought in without costing the Town money. However, he would rather see RCA areas which would be affected by this idea.

Council stated he doesn't like the Town trying to incentivize people to act a certain way. If this is a worthy cause, then developers will do it on their own.

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

Council explained why she would be voting against this along with another Council member. One Council member stated he was struggling with the idea. Council stated this is a method of getting people to understand the process. Why can't we let this run for a few years and see how it works. He explained how government is already incentivizing.

Council stated she supported this because it's touted as a good idea by the developer and attorney. She wants to do what's good for the environment. Council stated we need to look beyond the borders of Apex to see what we can do to make the world a better place.

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

Public Hearing 04 : Vance Holleman, Finance Director

Public hearing and selection of a financial institution to provide funding, making findings and determinations regarding the need to finance Public Safety Station No. 5 and authorization for staff to file an application with the Local Government Commission to approve an installment financing agreement for the project

Staff stated that following the Public Hearing, Council would consider the two resolutions. Staff detailed the requested amounts, Council encouraging staff not to go beyond the stated amount to be transferred from Fund Balance. Council stated it did not want to see rainy day funding spent on a park.

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

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

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Shelly Mayo, Planner

Reserve at Beaver Creek Master Subdivision Plan for the property located at 1201, 1309, 1313, 1325 and 1333 Kelly Road containing 31.81 acres and 32 single-family lots and 150 townhomes

Staff oriented Council to the site. A neighborhood meeting was held, which was the same meeting as for the PUD. The plan met the UDO requirements, a parks and recreation fee was proposed, the plan was consistent with the Transportation Plan, and a multi-use path will be constructed and connected to existing sidewalk. Staff recommended approval. Discussed was the disagreement over RCA and densities.

Alan Maness, BBM Associates, stated a traffic report was submitted. Access as shown was approved by the Town. A traffic signal will be studied at 80% of the CO's of the community, which was the

recommendation of the Town. Mr. Maness felt a signal would be warranted at that time if not before, explaining how the DOT justifies a signal. He also talked about densities, in and out accesses, and lot sizes.

Kevin McElroy, representing the HOA, stated traffic is a concern seeing as it's already an issue. A light is warranted whether a study has been done or not. Council asked the Town Manager if staff could ask DOT to put in the light now.

Carla Tiller, talked about how hard it is to get in and out of the area. Without a light, there will certainly be accidents.

Council asked the Town Attorney if we could approve the request upon the condition of a light being put in now. The Attorney stated that the developer could not comply with this because the light is a DOT decision. Staff stated that in the past we have told the DOT a developer would pay for a light, but the DOT said no because it did not meet their criteria. Mr. Maness stated they told the DOT they would pay, but the answer was no. He explained that the pork chop will come out. Council did not believe it would make things any safer, but staff requested it be gone. Mr. Maness thought a signal light would be the best solution.

The Town Attorney explained that if all the approvals were met, then there was not a lot of discretion on the part of Council. Staff stated they met the PUD and UDO standards.

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

Council asked the Town Attorney what recourse there would have been had the motion been denied. Theoretically, stated the attorney, the applicant would have gone to the courthouse and argued that they met the Town's standards and complied with all requirements of the Town. They would have then requested the judge to overturn Council's decision.

New Business 02 : Stacie Galloway, Communications Manager
Discussion and consideration of using website graphic for broader purposes

Staff spoke to the new graphic designed by a committee with the assistance of the website vendor. It has become the graphic representation, not as formal as the seal. Several departments want to use the graphic for different purposes, one being the water tower which is up for repainting this year. Another

purpose would be the replacement of a few signs like the signs showing our Money designation as Number 1.

Council stated he did not like our having different letterheads. And the new graphic looks cartoonish. He would like to see some options for the graphic since this would be a long-term decision. The Mayor stated we could open this up to the public or to the high school to submit graphics and have a secret committee to narrow down the entries and send the final ones to Council for approval. It could be a community contest. Council asked could the water tower be painted without the logo and have that put on later, to which staff replied 'yes'.

New Business 03 : Council Member Bill Jensen

Discussion regarding how Apex will manage the expected growth in housing

Council stated he has seen a lot of residential proposals in the past but not a lot of business applications, and he talked about the business to residential tax base. If we just get housing, that only helps the landowners, developers, and some business people. It doesn't help the vast majority of people who live here. Cary is trying to manage some of their development based on the capacity of schools. He just wanted to begin a process here in Apex. We can start by looking at not annexing pure residential properties, placing a limit on building permits on new developments, or the UDO could be looked at for densities. We need to look at what is going to take place in the next five years.

Responding, Council stated we should look at this based on studies. One has been done by Michael Walden. Some population growth is necessary. Apex has a plan to manage growth – the 2030 Land Use Map. Stated was how the town used to be closed up shops and folks going elsewhere to shop. We can't partition ourselves off but we can look at things which will guarantee the value of the town. Tonight we should be celebrating our accomplishments instead of seeking to change a plan. Council and staff will know when to pump the brakes.

Responding, Council stated growth is good and Council and staff have shown they can handle growth admirably. Council wants to reach out and see what other towns have done who are similar. There was concern about roads and schools. Council wanted options to look at. We should figure out how to work with other levels of government for our citizens. We need to stay balanced. Council touched on the percentage of growth and wanted to know how many people are getting jobs.

Council stated the Land Use Plan doesn't manage the total rate of growth. He talked about the 4% growth rate and growing over that percentage. Extremely fast growth is not good for residents. If we

become a bedroom community, we will end up paying much higher taxes. Council wanted to hear from residents and what they want to do via an old fashioned town hall meeting.

COUNCIL MEMBER JENSEN MADE A MOTION TO HOLD AN OLD TOWN HALL MEETING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Responding, Council stated his phone number and email are open and citizens can stop by his house. Council stated while a town meeting is not necessary because of the meetings we have here, he would not stand in the way of this type of forum. We can always benefit from information. Council stated we have public forum every other week. We don't have a place for such a large number of people. Council stated she does this state-wide and we can structure this the way we want. It's a great way of hearing from people and some are more comfortable speaking this way. Council wanted to first have options on what we would be allowed to do.

COUNCIL MEMBER JENSEN WITHDREW HIS ORIGINAL MOTION IN ORDER TO FIND OUT WHAT CARY AND OTHER AREAS COMPARABLE TO APEX ARE DOING. COUNCIL MEMBER DOZIER SECONDED THE WITHDRAWAL MOTION.
ALL COUNCIL MEMBERS WERE IN AGREEMENT.

Added New Business 04 : Council Member Bill Jensen

Pulled Consent Agenda Item 06, Sewer Easement Abandonment for the Kelly Road force main located at the northwest corner of the intersection of S. Salem Street and Apex Barbecue Road

Council asked if we want to recoup our money on abandoning easements. Staff stated the line was built in the DOT right of way. DOT rerouted the road, but we did not reroute the sewer force main. The property owner sued us trying to make us move the line and we declined. We have always said that if it was no longer needed, we would go back and try to make it valuable land.

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

Added New Business 05 : Bruce Radford, Town Manager

Discussion to consider budget funding for a Town celebration

Staff stated that a few years ago, we threw a celebration for the community for the Money magazine #9 best place to live designation. Staff has discussed another celebration for the #1 designation and would like Council to approve the celebration for October 11th, to be held on campus, from 1-5:00 p.m., for \$20,000. Most of this amount will come back to us via sponsorships.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUESTS;
COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council stated he did not feel this was a good use of taxpayer money. It would be fine to get sponsorships. Because we're number one, that doesn't benefit most people here. Council noted our support of other festivals.

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Added Closed Sessions (1) to consult with the Town Attorney privately to preserve the attorney-client privilege, (2) to consult with the Town Attorney related to the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. NC Environmental Management Commission, NC Department of Environment and Natural Resources and the Town of Cary and Town of Apex, Intervenor, and (3) for a personnel issue

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER DOZIER MADE
THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE
THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

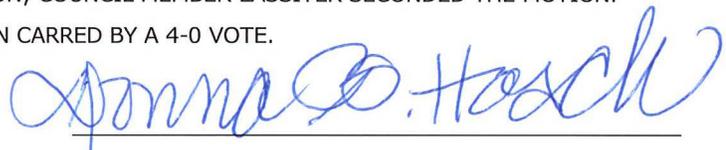
ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 4-0 VOTE.

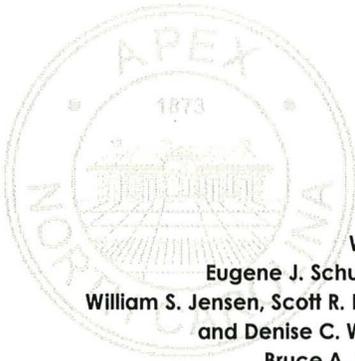


Donna B. Hosch, CMC, NCCMC, Town Clerk

ATTEST:



William M. Sutton, Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 1, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, September 1, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

North Carolina Certified Municipal Clerk (NCCMC) State Certification achieved by Bonnie J. Brock, Deputy Town Clerk

Mayor Sutton read the certification, congratulated Ms. Brock, and presented her with the certificate.

Presentation 02 : Mayor Bill Sutton

American Institute of Certified Planners (AICP) Certification achieved by Amanda Bunce, Planner II

Mayor Sutton read the certification, congratulated Ms. Bunce, and presented her with the certificate.

CONSENT AGENDA

Consent 01 Closed Session Minutes of the August 4, 2015 Regular Council Meeting (Closed Session Minutes recorded separately)

- Consent 02 Amend existing ordinances to allow expansion of the Parks, Recreation, and Cultural Resources Advisory Commission, designate one member as a “senior citizen representative, and amend the term expiration date to at the conclusion of the May meeting each year
- Consent 03 ElectriCities cooperative purchasing contract for LED lighting purchases on behalf of Apex and other member cities
- Consent 04 Professional services agreement with VHB Engineering NC, P.C. in the amount of \$40,499.93 for a feasibility study of the grade separated design of the Apex Peakway at CSX Railroad/South Salem Street and authorization for the Town Manager to negotiate and execute same; and Budget Ordinance Amendment Number 7 and the associated Capital Project Ordinance Amendment in the amount of \$45,000
- Consent 05 PULLED TO BE RESCHEDULED FOR A LATER DATE - Set Public Hearing on September 15, 2015 for rezoning application #15CZ24 (eastern and western terminations of Colby Chase Drive) to rezone 7.58± acres located between the Pemberley and Merion residential developments from Residential Agricultural (RA) to Medium Density – Conditional Zoning. (MD-CZ)
- Consent 06 Set Public Hearing for the September 15, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #15CZ19, Stuart Jones, Jones & Clossen Engineering, PLLC, petitioner for the property located at 2919 Evans Road, 2813 Walden Road, 2817 Walden Road, 0 Walden Road
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #15CZ20, Don Mizelle, Withers & Ravenel, petitioner for the property located at 0 E. Williams Street
- Consent 09 Set the Public Hearing on September 15, 2015 for a 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #15CZ25 (7628 Vaudry Court) to rezone 3.23± acres located on the south side of Old US 1 Highway across from Humie Olive Road from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ)
- Consent 10 Street closure for Apex High School Homecoming Parade
- Consent 11 Reimbursement agreement with NCDOT and authorization for the Town Manager to execute same and Budget Ordinance Amendment Number 6 and the associated Capital Project Ordinance Amendment in the amount of \$10,000
- Consent 12 Expenditures for two new sidewalk extension projects and approve the associated budget ordinance amendments

Mayor Sutton stated the applicants were not ready for the public hearing regarding Consent 05, so that item was pulled from the Agenda.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA MINUS CONSENT 05. COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

Paige Williams, orchestrator for the project at Pleasant Park, stated the petition she submitted was never intended to divide the town. She wished to provide clarifying information. When the article in the paper asked for action, that's what she did by submitting the petition which supports a mixed use park. Of the 114 names, there is also interest in the swimming aspect. The belief is that a mixed use complex will serve all citizens. She would love to see a YMCA in our community.

Matt Lauffer offered support for a mixed use facility at Pleasant Park. He has seen the value of athletics in the community and for leadership roles. He spoke about the value of public/private partnerships. The Y has partnered with several communities successfully; it is a well-run organization. This is about smart development and thinking about future generations and the value we can bring to them.

Glenn Wright expressed support for the YMCA. He has MS; and while he can't run or jump, he can swim. So the Y would benefit more than just swimmers. He defied Council to find a use for the land that would be open all year round with all types of activities. Let's keep on building what we have to keep the town great.

Wendy Poole supported a mixed-use facility. Since her kids don't play field sports, she supported a YMCA. They have an area gym, child care services, seniors' activities, and reduced rates that no other gym has. Apex runs a gamut of economic successes and all would come together in such a facility. Ms. Poole can't run or jump either, so she looks to swim – something you can do for the rest of your life. It's too expensive to use Cary's athletic facility, and there's not another aquatics facility close to here. The Y also brings in jobs.

David Legarth stated he is a healthcare planner and explained what this entails. He talked about the benefit of a public/private partnership and how it would be a bonus for all citizens. It would also be something to leave for generations to come.

Betty Foster stated she was for the Y as well as for a senior center. Shame on us for not having a senior center while we're the number one place to live. The Community Center is not the same as a senior center, and she wants to see something that all can use.

A male citizen spoke on behalf of the Y. His children swim, he's a swim official, so he has a unique perspective on swimming. He talked about the positive things he's seen, pointing out he's not seen any negatives such as brawls. He talked about the positives of swimming and how it enhances the community.

J.C. Knowles, President of the Downtown Business Association, stated his organization appreciates Council, personnel, and the citizens for making Apex number one in America. It is an honor and privilege to serve officially as ambassador; he congratulated the town on a job well done.

Karen Walker stated she never received notification of the rezonings close to her. She visited Town Hall the previous week; the radius for notification was explained to her. She urged Council to rethink the area of notification. She spoke about how the land at the end of Colby Chase is supposed to be protected. With someone trying to rezone the property, she would like Council to remember the families living there and the increase in traffic if they are used as a through road. She encouraged the finishing of the road which runs in the same general direction. Ms. Walker expressed her concerns about sitting in traffic, putting in a convenience store/gas station, crimes which increase near freeway entrances and exits, and her feeling that the land could be used for something different.

Cindy Foster, referred to herself as an older resident and spoke about how she feels great because of the Rec Department. She hears wonderful comments about the Y and how they understand personal needs. She's not against the Y, but she wants the town to do what they have promised the community first [a senior center]. Ms. Foster previously presented to Council several questions about the Y being a profit organization, and she was still awaiting answers. Instead of outsourcing services, she wished the town to support a successful community parks and rec department.

Tom Colhoun stated he was being hammered by social media and an online petition for a rezoning that has not yet even been submitted for property on the north side of 64 on Davis and Jenks. Mr. Colhoun talked about the 2030 Land Use Plan and what would be on this 63 acres, of which 45 is developable. Traffic was explained for several types of businesses. This would be a great opportunity for development which would contribute to the town's tax base, it would not require an incentive package, and it would fix roads.

Wes Moyer asked Council to consider a dealership being at the beginning of the drive into town. We should learn from your neighbors as to where to not place dealerships.

PUBLIC HEARINGS

Public Hearing 01 : Vance Holloman, Finance Director

Public hearing concerning the validity and advisability of issuing \$15 million of GO Bonds for Street and Sidewalk Improvements and adoption and publishing of the bond order introduced at the August 18th Council meeting, to call for a bond referendum, to set the date of November 3, 2015 for the referendum, and to publish notice of the referendum and establish the form of the ballot

Staff explained the process that would occur after the public hearing.

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

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

OLD BUSINESS

Old Business 01 : Vance Holloman, Finance Director

Resolution authorizing the execution and delivery of an installment financing agreement with Bank of North Carolina

Staff stated Council unanimously approved the application. He asked that Council instruct him and the Town Manager to execute the agreement. Staff verified there is not a prepayment penalty.

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

Old Business 02 : Marty Mitchell, Facilities Director and Vance Holloman, Finance Director

Construction contract for Public Safety Station 5 to A B Goodrich Contracting of Raleigh, NC at \$4,982,695 and budget amendments necessary to fund the project. Note: This contract will not be executed until the installment financing has been closed and funds made available.

Staff stated that out of eight bidders, Goodrich came in as the lowest responsible bidder and the bid came in under-budget. Staff explained the two budget amendments and the transfer and setup of how the money will be used. We will save money on interest by making the transfer. Council stated it was in favor of taking more money out of the Fund Balance in order to save on interest.

Staff detailed the items which would need to be accounted for in the project. Council stated it wanted detailed figures for furniture and fixtures. Staff explained we are saving about 50% of these costs by

purchasing through the State and US Communities. Council was in agreement that in the future we need to look into the pay down of the loan.

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

Old Business 03 : Council Member Bill Jensen

Organize and conduct a town hall-style meeting to ascertain the feelings of the public regarding the growth and direction of the Town of Apex and to request staff to determine date and location of this meeting

The Mayor stated it was his recollection that staff was directed to see what other communities have done on the issue of growth and to bring that information back to Council. Staff stated this information was not yet complete.

Council stated he has had people talk to him about being in favor of having a town hall meeting. Therefore, he wished to start the planning for this type of meeting. He wanted to hear more of what people want to see. He suggested including those running for Council since some who are sitting now may not be sitting after the election.

Council stated that a church has talked about doing this type of meeting. They felt it would bring a lot of discontent and that it doesn't bring cohesiveness – only division. She would hate to see that here. Council should listen to the community, and we are available and approachable for that to happen. Given were examples of how extensive she has listened to residents. For example, she had eight contacts recently in less than a day's time. Talking to five people/day is 150 conversations/month. Council now pretty much knows how residents feel from these conversations. We need to look more at Wake Forest or Huntersville to see how they're dealing with growth and issues. Council hears on social media how folks say this is a great place to live and they are happy here. Council members are already accessible, available, and approachable without a town hall meeting. We are here every two weeks and people should be comfortable talking at Council meetings. If they are not, they can email or message us on Facebook.

Council stated we all value resident comments; we are about public service. We want to make sure that any input meets certain criteria – that it is productive and going to be used in some way and that it's convenient and based in facts. We don't want a rally for everyone who believes the town can make certain things happen, like bringing in more businesses. We can only guide and direct growth; we can't force it. Council would like to see a virtual town hall – something saved that we can refer back to vs. someone driving somewhere for a few minute soundbite.

Council disagreed with previous Council. The town is growing fast. Some people are familiar with Council meetings and are here often. A town hall meeting would be a perfect opportunity to educate people on things such as the car dealership. It would be an opportunity to see how their elected leaders feel and think about the community. It would be good for transparency, and it would be about education. Council felt strongly citizens should have this opportunity. He would be for an electronic and physical town hall meeting. Council stated that it would be offensive as a public official to say no to this type of meeting.

Council stated the Chamber will have a candidate forum. She was fine with a town hall type meeting being used as an educational forum. She did not think it should be question and answer. Council felt there would be disgruntled folks who would not be interconnected with the community.

Council continued conversation on being respectful in forums, their being solution based, and our possibly looking into televising meetings. Cary went through growth and how they helped prepare via schools, for example, was mentioned. We are getting information constantly, and citizens have an opportunity to be heard individually.

It's time to keep politics out of this, so such a forum should be conducted after election so the new Council would be the ones to take the action – a fresh start and fresh ideas. Council was in agreement with this being done after the election.

Staff stated it did not know how long it would take to develop a digital town hall since one has not been done before. However, one could most likely be held the first of the year.

COUNCIL MEMBER JENSEN MADE A MOTION TO DIRECT STAFF TO BEGIN PLANNING A TOWN HALL MEETING TO TAKE PLACE THE FIRST OF THE YEAR AFTER THE SEATING OF THE NEW COUNCIL, AS WELL AS A DIGITAL TOWN HALL MEETING, AND DETERMINING THE EVENT STRUCTURES AND LOCATION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council stated this would be a good way to receive input on how people want the town to develop and what things they see as problems. She stated staff should be present at the forum to be able to answer questions. Televising such a forum can be done rather inexpensively; staff should look into this.

NEW BUSINESS

New Business 01 : Brendie Vega, Principal Planner

Revision of Parkside at Bella Casa, Phases 10 & 11 - Master Subdivision Plan - for the properties located at Blazing Trail and Mt. Zion Church Road containing 43 acres

Staff oriented Council to the site. The applicant was proposing the addition of a new lot, since the wet land has gone away. Stuart Jones, Jones and Crossen Engineering, explained this wetland climbed up the side of a steep hill. The Corps of Engineers has signed off on this request. There will be disclosure to homeowners when a house is built on the land; the disclosure will be part of the formal record.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council stated she has a problem approving a lot that has a problem. Mr. Jones, responding to Council, stated that they will be diligent about foundations so that the house would not get swallowed up. The house would be built on the corner away from the wetland. Staff explained the home would not be presold if the foundation turned out to be a mess. If purchased and anything happened, contractors would be obligated to fix any problems with the home. The Mayor stated that if anything does happen, the buyers would blame the Town and want us to fix the problems.

MAYOR PRO TEM SCHULZE WITHDREW HIS ORIGINAL MOTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO DENY THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Brendie Vega, Principal Planner

Salem Pointe Master Subdivision Plan for the properties located at N. Salem Street and Salem Church Road containing 10.7 acres and 64 lots

Staff oriented Council to the site. This came before Council the first meeting in August. The plans have been revised to include porches on all end units. Planning approved the reviewed plans. Council stated this was a good victory for the town to maintain its aesthetic values. The developer worked well with us. Hopefully, this will set a precedent.

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

New Business 03 : Council Member Bill Jensen

UDO (medium Density Residential District) change from a density of six units per acre to five units per acre; change to the section of the UDO (High Density Multi-Family Residential District) be changed from a density of 14 units per acre to 12 units per acre

Council discussed this with staff, and he would like to withdraw the 12-14 units/acre and increase the RCA requirement. His request is to have staff look at this and run it through the Planning Board.

COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO LOOK AT AND THEN GO THROUGH THE PLANNING BOARD THE REQUIRING OF HIGHER RCA REQUIREMENTS FOR THE HIGH DENSITY OF 14 UNITS/ACRE;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Council Member Bill Jensen

Use of Cary and Apex jointly owned land for a solar farm

Council pointed to a cut-off piece of land at the Western Wake Water Reclamation Facility (WWWRF) about which we've had brief discussions with Cary. The WWWRF is on two sides of Highway 1. The land on one side is landlocked to a degree, surrounded by Duke Energy land through which they have an easement. We can't use this land; it's near the nuclear power plant.

Cary has a solar power plant which turned out to be no cost to them. Cary is pursuing a power plant on this land. Council wished weigh in as this being a useful way of using the land. We would get value from the land that we are not getting now. Cary would be the prime mover on this and we would support them. Staff stated another option could be neither Cary nor Apex being involved in this; we would lease to someone already in the business and would gain a percentage on the lease. Council stated lots of folks in eastern NC are doing this.

COUNCIL MEMBER JENSEN MADE A MOTION TO DIRECT STAFF TO COORDINATE WITH CARY TO RECEIVE PROPOSALS, IF POSSIBLE, AND TO INVESTIGATE ACCESS AND OTHER PRELIMINARY AVENUES.
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

COUNCIL MEMBER WILKIE MADE A MOTION TO GO INTO CLOSED SESSION TO DISCUSS THE ACQUISITION OF REAL PROPERTY; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

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

Council entered into discussion regarding a YMCA at Pleasant Park and expressed not knowing if it's something that would be wanted, even though it would be an asset. There were conflicted stories in the paper and circulating within the community. Council would like to see a closed area for children.

Who would be paying for the Y to be built? Why couldn't different organizations in the community go in together and invest in the Y? Knightdale is rallying and finding money for a pool.

The Mayor asked would Council be interested in a workshop with the Y folks to get questions answered. There was question if the charrette showed a need for a Y at Pleasant Park. The Mayor responded that he put this on and wanted to know how it got removed, if it did. After more discussion about the results of the charrette, staff stated that Council will have final say-so about what will go at the Park. Staff was fairly confident the plan will come back with the Y showing since the Mayor was quite clear with the Withers & Ravenel people that he wanted it at Pleasant Park. A splash pad was mentioned.

Council stated the need to wait for the results of the report. There is no rush for a decision on a YMCA. Council asked the status of the senior center, staff responding that an RFP will go out in the next couple of weeks. The matter will come back before Council at the December meeting. It was previously mentioned that the location of a senior center would be at Town Hall campus. It was asked what about the land we just traded for? Staff stated this could be an option for consideration. Money would be saved if the senior center were close. Even if it would be a tough way to go, we could use eminent domain.

Council stated she was simply interested in what would balance the needs of the town. Therefore, we are not ready to choose a Y over a senior center or one location over another. All pieces need to be considered, and we need to have all the information. Let's make sure this is done and done right. Staff stated a short press release can be put out clarifying the facts in order to help clear up questions from the community. Council asked that all future press releases sent which cc Council also show everyone to whom the release is being sent. The Withers & Ravenel report will be out in February.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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



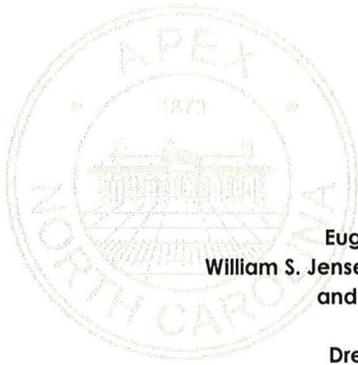
Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 15, 2015

William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, Assistant Town Manager
Bonnie J. Brock, CMC, NCCMC, Deputy Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, September 15, 2015, at 7:00 p.m. will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

Mayor Sutton called the meeting to order at 7:00 p.m. Council Member Wilke gave the invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01

Police Chief John Letteney announced that the Apex Police Department received the Grand Prize in the 2015 Police Vehicle Design Contest from Law and Order Magazine and presented the award and plaques to Apex Police Department staff and the graphics vendor who were involved in the design.

Presentation 02

Economic Development Director Joanna Helms gave a presentation on the first year accomplishments; highlights were the development of a Town of Apex Business Directory currently in production, marketing, recruitment and inventory of land and buildings available for new businesses.

CONSENT AGENDA

Consent 01 Motion to approve Minutes of the August 18, 2015 Regular Council Meeting – This item was pulled from the agenda until a later meeting

- Consent 02 Motion to adopt a Resolution Directing the Deputy Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Richard and Sandra Fox property containing 4.7 acres located at 2801 Holland Road, Annexation #553 into the Town's corporate limits
- Consent 03 Motion to award a construction contract and authorize Town Manager to execute same for Sidewalk on South Salem Street
- Consent 04 Motion to approve abandonment of the drainage easement area shown on Exhibit A as "20' Drainage Easement" on the terms stated in the attached Resolution
- Consent 05 Motion to revise the Town's Soil Erosion & Sedimentation Control Ordinance
- Consent 06 Motion to adopt a Resolution Directing the Deputy Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties containing 164.154 acres located south of US 64 Hwy, and west of Abbingtion subdivision at the end of Bryant Pond Lane and Rock Island Drive, Annexation #550 into the Town's corporate limits
- Consent 07 Motion to approve a multi-year water tank maintenance contract for the three existing elevated water storage tanks at Mason Street, Hunter Street and Tingen Road

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER DOZIER MADE THE MOTION. MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE

REGULAR MEETING AGENDA

Council Member Jensen requested the addition of New Business items regarding an amendment to the 2030 Land Use Map, an amendment to the Unified Development Ordinance and to cancel the November 3, 2015 meeting due to the local election. Council was in agreement with the request.

PUBLIC FORUM

Resident Laurie Crissman, a retired principal of Apex Elementary School asked Council to support YMCA students and programs associated with "Y Achievers" which consist of 3rd, 4th and 5th graders. Melissa Myers, an Artisan Studio owner asked Council to support a UDO amendment to allow this use near the Downtown Business District.

PUBLIC HEARINGS

Public Hearing 01: Amanda Bunce, Planner II

Public hearing and possible motion on a 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #15CZ25 (7628 Vaudry Court) to rezone 3.23± acres located on the south side of Old US 1 Highway across from Humie Olive Road from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ)

Planner Bunce stated what was being requested along with the limitations, uses and conditions. Staff recommended approval.

MAYOR SUTTON OPENED THE PUBLIC HEARING; WITH NO ONE COMING FORWARD TO SPEAK, MAYOR SUTTON CLOSED THE PUBLIC HEARING AND CALLED FOR THE MOTION.

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

Public Hearing 02: Laurie Hohe, Town Attorney

Public hearing and possible motion to approve Order Closing Alley running between N. Elm Street and N. Hughes Street

Town Attorney Hohe stated the owner, Staley Smith requested the alley closure and that there is no economic value to the town.

MAYOR SUTTON OPENED THE PUBLIC HEARING; WITH NO ONE COMING FORWARD TO SPEAK, MAYOR SUTTON CLOSED THE PUBLIC HEARING AND CALLED FOR THE MOTION.

COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ALLEY CLOSURE; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON OPENED THE PUBLIC HEARING.

Resident Lance Olive stated townhome parking has been far away from the units; this is a good UDO amendment for the town and an artisan studio would be a good use for Apex.

WITH NO ONE ELSE COMING FORWARD TO SPEAK, MAYOR SUTTON CLOSED THE PUBIC HEARING AND CALLED FOR THE MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO RECOMMEND APPROVAL; COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01: Council Member Scott Lassiter

Possible motion to reconsider the September 1, 2015 Town Council vote denying a revision to Parkside at Bella Casa, Phases 10 & 11 - Master Subdivision Plan - for the properties located at Blazing Trail and Mt. Zion Church Road containing 43 acres. The proposed revision changes the layout from 110 to 111 lots.

MAYOR SUTTON CALLED FOR THE MOTION TO RECONSIDER THE ITEM. COUNCIL MEMBER LASSITER MADE A MOTION TO RECONSIDER THIS ITEM; MAYOR PRO-TEM SCHULZE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Council Member Jensen suggested Council Member Lassiter recuse himself because he had accepted a campaign contribution from the developers making the request. Council Member Lassiter expressed that he had accepted a contribution from the developers but he could remain unbiased and impartial. Council Member Lassiter also stated he was bringing the issue back up due to new information from the US Army Corps of Engineers who state the lot is buildable. The two continued their verbal jousting until Mayor Sutton referred the matter at hand back to the entire Council.

Frank Floyd, the developer stated he contacted the Army Corps of Engineers to complete a compaction test; the result was it is a buildable lot with 95% compaction and he offered to document the test results in the deed to disclose this information. Planning Director Dianne Khin suggested documenting the current Army Corps of Engineers findings on the plat. Council Member Wilkie and Mayor Pro-Tem Schulze expressed they wanted documentation and disclosure to the buyer on the deed. Mayor Sutton stated he did not want to set a precedent. Council Members Wilkie and Dozier asked Assistant Public Works Director David Hughes about this lot. Hughes stated it is a buildable lot and there are ways to mitigate water problems with stone and drainage measures. Council Member Wilkie asked the Town Attorney how we can assure the disclosure to a potential buyer. Town Attorney Hohe stated the deed typically references the recorded plat and the closing attorney should be looking at the plat.

MAYOR SUTTON CALLED FOR THE MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO RECOMMEND APPROVAL WITH THE DEVELOPER TO REFERENCE THE ARMY CORPS OF ENGINEERS COMPACTION TEST FINDINGS ON THE DEED AND PLAT.

MAYOR PRO TEM SCHULZE SECONDED THE MOTION. MOTION CARRIED BY A 3-2 VOTE: COUNCIL MEMBERS JENSEN AND DOZIER VOTED NAY.

NEW BUSINESS

New Business 01 : Shannon Flaherty, Apex Chamber of Commerce

Consideration of The Town of Apex to grant the Apex Chamber of Commerce free rent and utilities in exchange for the services the Chamber provides to the Town.

Shannon Flaherty of the Apex Chamber of Commerce stated the Chamber does not charge organization to use the Depot, their services are basically a full-time visitor's center, and other town's she researched financially support their local Chambers of Commerce from \$20K to \$200K per year.

Council Members asked Ms. Flaherty about the current and future cost of the Depot lease. Discussion ensued regarding costs, services provided by the Chamber, and the information provided in the packets presented as well as interval reviews of the contract.

MAYOR SUTTON CALLED FOR THE MOTION. COUNCIL MEMBER DOZIER MADE A MOTION TO AMEND THE CURRENT CONTRACT BETWEEN THE TOWN OF APEX AND THE APEX CHAMBER OF COMMERCE TO PROVIDE FREE RENT AND UTILITIES THROUGH THE YEAR 2018; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Shelly Mayo, Planner

Possible motion to approve the application for the Richardson West Master Subdivision Plan for the properties located on Jacks Drive, Richardson Road, and Olive Chapel Road. This project consists of approximately 70.6 acres and proposes 112 new single-family lots

THIS ITEM WAS WITHDRAWN BY THE APPLICANT AND WILL BE BROUGHT BACK IN NOVEMBER

New Business 03 : Tim Donnelly, Public Works Director

Possible motion to approve the attached Resolution Declaring Leasehold Interest Surplus and to approve the Resolution Starting Upset Bid Process in connection with a long term lease of a portion of Jaycee Park property to TOWERCOM IV, LLC for use of the property for construction and operation of a wireless communication tower

Public Works Director, Tim Donnelly stated TOWERCOM IV proposes to lease Town property in the amount of \$1,700.00 a month to build a cell tower. The lease is similar to the Kelly Park Tower. Parks and Recreation has control of the site and is in support. If carriers are added, the town will get a percentage of the rent collected. Public Safety requested to be added to the tower as a carrier and

TOWERCOM agreed to make provisions. The upset bid process will be publicly advertised. This will require a rezoning, a special use permit, recombination and major site plan. The pros are revenue for the Town and better cell coverage. The cons would be neighbors complaining about cell towers being unsightly.

COUNCIL MEMBER JENSEN MADE A MOTION TO DELAY THIS ITEM TO THE OCTOBER 6, 2015 MEETING. COUNCIL MEMBER LASSITER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Council Member Nichole Dozier

Possible motion to consider NC Certified Retirement Community Designation

Council Member Dozier asked staff to look into this designation as a place suitable for retirees. The cost as clarified by Town Manager Bruce Radford is a minimum fee of \$10,000.00 + \$.50 per person based on the current population of the Town. There was a consensus by all Council Members.

New Business 05 : Council Member Nichole Dozier

Possible motion to consider Community Education and Engagement-local and state level effort

Council Member Dozier stated she would like more communication and education on municipal government to help engage the public with Council. It would help to host a dinner event with the Wake County School Board or the Department of Transportation where it is open to the citizens. There was a consensus by all Council Members.

New Business 06 : Council Member William Jensen

Possible motion to amend the 2030 Land Use Map and UDO Amendment

Council Member Jensen proposed an amendment the 2030 Land Use Map and possible UDO amendment for the US 64 and North Salem Street area with a live/work concept. He would like staff to come back with an amendment to the Planning Board for a recommendation.

COUNCIL MEMBER JENSEN MADE A MOTION TO RECOMMEND APPROVAL. COUNCIL MEMBER DOZIER SECONDED THE MOTION. MOTION CARRIED WITH A 5-0 VOTE.

New Business 07: Council Member William Jensen

Possible motion to consider cancelling the November 3, 2015 meeting due to the local election

MAYOR PRO TEM SCHULZE MADE A MOTION TO RECOMMEND APPROVAL. COUNCIL MEMBER WILKIE SECONDED THE MOTION. MOTION CARRIED WITH A 5-0 VOTE.

CLOSED SESSION

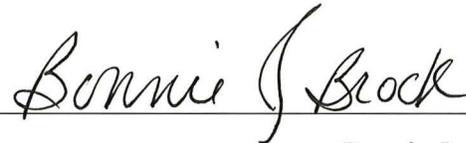
There were no Closed Session items for consideration

WORK SESSION

There were no Work Session items for consideration

ADJOURNMENT

WITH THERE BEING NO FURTHER BUSINESS, MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.
COUNCIL MEMBER WILKIE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED
BY A 5-0 VOTE.



Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk

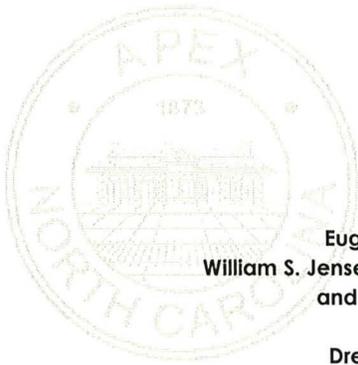
ATTEST:



William M. Sutton

Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 06, 2015

William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, Assistant Town Manager
Bonnie J. Brock, CMC, NCCMC, Deputy Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 06, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

Mayor Sutton called the meeting to order at 7:00 p.m. Mayor Pro Tem Schulze gave the invocation, and Mayor Sutton led the Pledge of Allegiance.

CONSENT AGENDA

Council Member Jensen requested to move Consent Item 03 to New Business Item 02.

Consent 01 Motion to approve Minutes of the September 15, 2015 Regular Council Meeting

Consent 02 Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #15CZ25, Rich and Richere Levert, petitioner for the property located at 7628 Vaudry Court.

Consent 03 Moved to New Business Item 02

Consent 04 Motion to approve street closure for a portion of Hunter Street from Salem Street to Laura Duncan Road on Sunday October 11th from 11 a.m. to 6 p.m. for Peak-a-Palooza

Consent 05 Motion to approve Statement of the Town Council for UDO amendments approved September 15, 2015.

Consent 06 Motion to set public hearing for October 20, 2015 for Rezoning Case #15CZ21, Cambridge Village PUD Amendment containing 15.71 acres located at S. Hughes Street and Apex Peakway from Planned Unit Development Conditional Zoning and Planned Commercial to Planned Unit Development Conditional Zoning (PUD-CZ).

Consent 07 Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Salem Pointe Associates, LLC and John L. Riggs property containing 10.74 acres located between North Salem Street and Salem Church Road, Annexation #552 (Salem Pointe) into the Town's corporate limits.

Consent 08 Motion to set public hearing for the October 20, 2015 Town Council meeting regarding various amendments to the Unified Development Ordinance.

MAYOR SUTTON 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 Sutton called for additional Agenda items from Council or Staff and set the Agenda prior to taking action. Town Manager Radford requested Old Business Item 01 to be removed from the agenda regarding a request from a wireless communication tower company to build on the Jaycee Park property; the applicant has withdrawn this request.

PUBLIC FORUM

Reta Reardon of Abbingtion asked Council to reconsider Sweetwater subdivision; it is not a good plan and it will increase traffic and put an additional burden on schools. Mayor Pro Tem Schulze stated this is not the time to speak on this item, but it is on the agenda.

Jack Clark of 313 Chanticlair Drive in Abbingtion stated he is concerned about the clutter of political signs; he would like Council to consider looking at and adopting the state regulations on political signs.

Lou Fortunato, Board member of the Apex Chamber stated they support the Transportation Bond that would allocate funds to complete the unfinished portions of the Apex Peakway and that the Chamber

is running the Candidates Forum. He summarized the event to be held at the Apex Friendship High School.

PUBLIC HEARINGS

[Public Hearing 01](#)

Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties containing 164.154 acres located south of US 64 Hwy and west of Abbingtion subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #550 (Sweetwater) into the Town's corporate limits. The petitioner is requesting that this public hearing be continued to the November 17, 2015 Town Council meeting.

The petitioner, David Schmidt stated they don't have construction documents approved yet and the bank loans cannot close until all approvals are in place. The current landowners do not want to annex until all of the approvals are in place; they would have to pay taxes.

Council, Town Staff and the applicant discussed the process and timing of annexation and the approval of construction drawings. The developer cannot close until all approvals are met and they want to postpone annexation to November 17, 2015 which is after the Technical Review Committee (TRC) meets and reviews the construction plans; the review of the plans would not be done by the next Council meeting on October 20, 2015.

MAYOR SUTTON OPENED THE PUBLIC HEARING.

Property owners Mallie Jenks and Ted Mills both stated they want Experience One to annex after the closing. Property owner Vivian Lamb stated she does not want to annex until the buyer is ready to close. This is the time to sell their land and the developer has done everything the town required. Steve Ulrich of Abbingtion stated he is concerned with rescheduling to after the election and asked Council to not approve the annexation. Joe Hakoos stated he is opposed to Sweetwater; the density is too high. Gala Zolie stated there are no other elementary schools planned for Apex, we're growing too fast. Sherry Degen stated that ten years ago, there weren't enough schools, there still aren't enough schools today and there is too much traffic. Ray Patrino of Abbingtion stated Council should consider schools, roads; congestion and overcrowding.

MAYOR SUTTON CALLED FOR THE MOTION. COUNCIL MEMBER JENSEN MADE THEM MOTION TO CONTINUE THE PUBLIC HEARING TO THE OCTOBER 20, 2015 MEETING. COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A 3-2 VOTE. COUNCIL MEMBERS WILKIE AND LASSITER VOTED NAY. COUNCIL MEMBER WILKIE STATED SHE VOTED NAY BECAUSE TRC WOULD NOT HAVE MET BEFORE THE NEXT COUNCIL MEETING.

Public Hearing 02

Dianne Khin, Planning Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Richard and Sandra Fox property (well failure) containing 4.7 acres located at 2801 Holland Road, Annexation #553, into the Town's corporate limits. The property owners are experiencing a well failure and need to annex in order to receive town water services.

MAYOR SUTTON OPENED THE PUBLIC HEARING; WITH NO ONE COMING FORWARD TO SPEAK, MAYOR SUTTON CLOSED THE PUBLIC HEARING AND CALLED FOR THE MOTION.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ANNEXATION. COUNCIL MEMBER WILKIE SECONDED. THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01

Mayor Pro Tem Schulze

Possible motion regarding proposed changes to the Personnel Policy. The Town has a nepotism policy where relatives of officials cannot be hired. We currently have an employee who has been with the town for about ten years who is the brother-in-law of candidate Wes Moyer. If Moyer wins the election, the firefighter would have to resign or Moyer would not be able to take office. We don't want to lose a good employee nor prohibit someone from running for office. The changes in the policy addresses this issue. Council Members Lassiter and Jensen asked to be recused from the vote. Town Attorney Hohe explained the recusal process.

MAYOR SUTTON CALLED FOR THE MOTION. MAYOR PRO TEM SCHULZE MADE A MOTION TO RECUSE COUNCIL MEMBERS LASSITER AND JENSEN FROM THE VOTE. COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED WITH A 3-0 VOTE

MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE THE PERSONNEL POLICY CHANGES. COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED WITH A 3-0 VOTE

New Business 02

Motion to approve a Resolution of Intent to rename a portion of Old Holly Springs Apex Road. Councilmen Jensen stated staff should address this because it looks confusing to have a road to stop and start. Kent Jackson, Director of Engineering and Construction Management stated what's driving this is NCDOT hired a design/build contractor, DOT is pressing for a road name which triggered Mr. Hendrickson of Veridea to make the request. It would work for DOT to work from interchange to interchange. The rules from Wake County is if you have an intersection point you can do this even though US1 and Old Holly Springs Road do not actually intersect. Staff is open for other limits on this. Council and staff discussed options and costs.

COUNCIL MEMBER JENSEN MADE A MOTION TO NOT CHANGE THE ROAD NAME. COUNCIL MEMBER WILKIE ASKED THE REASON FOR THE CHANGE. TOWN MANAGER RADFORD STATED VERIDEA REQUESTED THIS AS AN ECONOMIC DEVELOPMENT EFFORT, ENHANCING THE NAME VERIDEA; 540 WILL BE HEAVILY TRAVELLED TOLL ROAD AND THIS GETS THEIR NAME ON 540. COUNCIL MEMBER JENSEN WITHDREW HIS MOTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO RECOMMEND EXTENDING OLD HOLLY SPRINGS ROAD TO TINGEN ROAD. COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED WITH A 5-0 VOTE.

CLOSED SESSION

There are no Closed Session items for consideration

WORK SESSION

There are no Work Session items for consideration

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 5-0 VOTE.



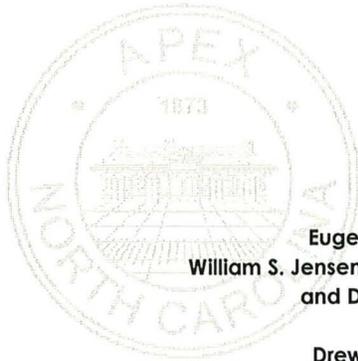
Bonnie J. Brock, CMC, NCCMC
Deputy Town Clerk

ATTEST:



William M. Sutton
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, OCTOBER 20, 2015

William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, Assistant Town Manager
Bonnie J. Brock, CMC, NCCMC, Deputy Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 20, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations made.

CONSENT AGENDA

- Consent 01** Minutes of the October 06, 2015 Regular Council Meeting
- Consent 02** Set the Public Hearing on November 17, 2015 for rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street (from Residential Agricultural (RA) to Medium Density – Conditional Zoning
- Consent 03** Set the Public Hearing on November 17, 2015 for a rezoning application #15CZ23 (McKenzie Meadows PUD) to rezone 61.41± acres located at 8216 Humie Olive Road, 7916 and 8000 Ragan Road, and 0 and 2600 Richardson Road, from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 04** Set the Public Hearing on November 17, 2015 for rezoning application #15CZ24 (Eastern and Western Terminations of Colby Chase Drive) to rezone 7.58± acres located between the Pemberley and Merion residential developments (PIN 0750-26-4926) from Residential Agricultural (RA) to Medium Density – Conditional Zoning (MD-CZ)

- Consent 05 Set the Public Hearing on November 17, 2015 for rezoning application #15CZ27 (206 S. Salem Street) to rezone 0.38± acres from Office & Institutional (O&I) to Mixed Office-Residential-Retail – Conditional Zoning (MORR-CZ)
- Consent 06 Set the Public Hearing on November 17, 2015, for rezoning application #15CZ28 (West Williams Street Retail) to rezone 5.01± acres located on the west side of West Williams Street south of Olive Chapel Road from Planned Unit Development-Conditional Use (PUD-CU) to Neighborhood Business-Conditional Zoning (B1-CZ)
- Consent 07 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ13 (Salem Pointe PUD), +/- 10.74 acres located approximately 900 feet from the intersection of N. Salem Street and Salem Church Road. The applicant proposes changing the properties from Residential Agricultural, Medium Density, Medium Density Conditional Use, and Office and Institutional Conditional Use to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 08 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ22 (Beaver Creek Crossing PUD Amendment), +/- 28.56 acres located at 2501 Creekside Landing Drive. The applicant proposes an amendment to the PUD.
- Consent 09 Set the Public Hearing on November 17, 2015 for a 2030 Land Use Map amendment from Planned Commercial to Medium Density Residential and rezoning application #15CZ29 (1200 Kelly Road) to rezone 17.33± acres located on the west side of Kelly Rd south of US 64 Hwy from Planned Commercial-Conditional Use (PC-CU) to Medium Density Residential-Conditional Zoning
- Consent 10 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding rezoning case #15CZ30 (Mangum Property Commercial Rezoning), +/- 1.74 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes changing the properties from Planned Commercial Conditional Use to from Planned Commercial Conditional Zoning (PC-CZ)
- Consent 11 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding a proposed 2030 Land Use Map Amendment and Rezoning Case #15CZ31 (Mangum Property Residential Rezoning) for +/-19.5 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes amending the 2030 Land Use Map from Commercial Services to High Density Residential, and changing the zoning district from Planned Commercial Conditional Use (PC-CU) to High Density Multi-Family Residential Conditional Zoning (HDMF-CZ)
- Consent 12 Set Public Hearing for the November 17, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- 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 Standard Pacific of the Carolinas (Crestmont 1-3) property containing 2.00 acres located at 8028 Green Level Church Road, Annexation #556, into the Town's corporate limits
- Consent 14 Budget amendment to appropriate \$30,000 to stabilize the Tunstall House. The Council voted to use \$30,000 to stabilize the building at its October 7, 2014 meeting
- Consent 15 Addendum to the lease agreement between the Town of Apex and the Apex Chamber of Commerce and authorization for the Town Manager to execute said addendum
- Consent 16 Contract to convert the soccer field at Hunter Street Park to synthetic turf, authorization for the Town Manager to execute all contracts related to the conversion, and associated budget amendment

Consent 17 Order a Power Transformer for Mt. Zion substation to Delta Star and budget amendment in the Electric Substation Project Fund for the purchase

Consent 18 Street closure on Salem Street from Chatham Street to Center Street for Trick or Treating on October 24, 2015

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER LASSITER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

Helen Brantley, resident, stated they're having problems with water under their roof which the contract company installed improperly. She distributed pictures and a list of building codes. NC building codes are not detailed enough for metal roofs, so many are improperly installed. She can't get the NC building codes amended. So that no one else would have to go through this, Ms. Brantley asked that the town do an amendment which would be suitable for metal roofs. Catana was the builder and he went bankrupt right after they bought the house. Staff stated we will look into this.

Marlo Campbell, resident and Director of the Apex Football Alliance, stated they are looking forward to the agreement with Apex Parks and Recreation. He thanked John Brown for his assistance.

Graham Wilson recognized the numerous boy scouts in attendance who are working on badges. He thanked Council members for meeting with them. He also thanked the town for its support of Peak City Pigfest. Last year, \$10,000 was given to the Western Wake Crisis Ministry and that amount will be given this year. The remainder of the funds are used to support various projects during the year. June 17 and 18 are the dates for Peak Fest in 2016.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Continuation from the October 6, 2015 - Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties containing 164.154 acres located south of US 64 Hwy and west of Abbingdon subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #550 (Sweetwater) into the Town's corporate limits

On Friday, October 16, 2015, the applicant withdrew this request for annexation. Council asked if this will come back before Council before or after Council changes [due to the election]. Staff stated the request was completely withdrawn, so the applicant would be required to restart the process.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Salem Pointe Properties, LLC and John L. Riggs property (Salem Pointe) containing 9.848 acres located at 1530, 1534, 1604 Salem Church Road and 0 North Salem Street, Annexation #552 into the Town's corporate limits

Staff oriented Council to the site and recommended approval.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering Design and representing the owner, stated he was available to answer any questions.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Brendie Vega, Principal Planner

Public Hearing and Rezone #15CZ21, Cambridge Village PUD Amendment, 15.71 acres located at South Hughes Street and Apex Peakway from Planned Unit Development Conditional Zoning and Planned Commercial to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The applicant would like to amend the PUD, and staff detailed the requested changes. A full TIA was determined to not be needed. Staff recommended approval with the changes offered by the applicant.

Mayor Sutton declared the Public Hearing open.

David York, Smith Moore Leatherwood, stated he and his associates were present to answer any questions. The facility has been very well received by the community.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER 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 various amendments to the Unified Development Ordinance

Staff detailed the requested amendments.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Mayor William Sutton

Discussion regarding the location of a Senior Center

The Mayor stated this has been talked about for some time. We need to now focus on where to put a senior center, especially since the town has put out RFQs for its design. The RFQs should be in this week. Staff will pursue, interview, and select a consultant; a contract could be awarded in December. The consultant, therefore, must have a site certain. The Mayor asked John Brown, Parks and Rec Director, where he would like to see the center and why.

Brown stated 99% of the seniors want this tagged onto the existing community center for a variety of reasons. If so, then we won't have to duplicate the large program space since the gyms are here on site. Seniors like the idea of interacting with other ages. Like seniors, Brown felt it best to tag onto the community center. Council stated that at the retreat he was asked to get with Marty Mitchell, Facilities Director, to see if this was feasible since this is where seniors want the center. After meeting with Mitchell, it is possible to put the center on this campus. A concept design was shown.

Council stated she wanted to get this more out of an idea phase and bring it to reality. Many other places have these centers and we don't. She does not want to keep talking about this; she wants to do something. Therefore,

COUNCIL MEMBER DOZIER MADE A MOTION TO HAVE THE SENIOR CENTER LOCATED ON TOWN CAMPUS;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Mitchell stated there is another option which would accomplish the same thing. He asked for permission to explore and bring back to Council the option of placing a center in front of the water tower. It would require closing the pond, but this is a viable option. Mitchell talked to several staff members and they support this. We need to remember that twenty years from now we will need another building for staff.

Council saw this as a three option scenario which would also include the land across the street. He would like to see Mitchell give the pros and cons to all three. Council stated it did not want to see seniors walking across the street. Mitchell asked again to allow staff to review and compile data on the first two proposals. Brown stated he has not seen option two. Council asked about double decking the parking lot instead of covering the pond. Staff stated this has been talked about, but there is a design issue as to how it would be accommodated.

Council discussed what would happen if this issue went to a new Council. The second option will be sketched out for review in November. Council wanted to look at a three story building, which Mitchell agreed with.

Council stated she would amend her motion if staff comes back in November with a concept. Brown explained his concept further with the gym spaces and office spaces. Maybe should look at other concept. The Mayor stated he was wondering how long this was going to go on. He felt this is being delayed and that staff does not want a decision. It's up to this Council to decide where the center should go. He wished to go along with Brown since he will need to run the programs.

COUNCIL MEMBER DOZIER RESTATED HER MOTION AND INCLUDED OPTIONS FOR THE FIRST
TWO SCENARIOS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council stated there's no money to get this done. Council stated all other places have them so we should too; we do have the money. Staff stated recommendations will be ready to present to Council at the second meeting in November.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Discussion regarding buffering along the Apex Peakway

Council stated there has been a request from the folks in Amherst where there is no buffering along Amherst subdivision. He wished to see a policy that when we cut the Peakway, we will place Type A buffers where possible. This would be a means of improving the quality and look of the town and buffering the people along the Peakway.

Council stated this was a great idea; we need more trees along that area. Council wished a note attached that it will provide the cost of this first before the policy is finalized. Staff stated we are putting 33 trees between 55 and North Salem now. Council also wishes to see buffering for residents. Staff talked about a median that can't be planted and explained why crepe myrtles would be used.

COUNCIL MEMBER JENSEN MADE A MOTION FOR STAFF TO WRITE A POLICY AS STATED;

COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : John Brown, Director of Parks, Recreation and Cultural Resources

Multi-year use agreement with The Triangle Football Club (TFC) for selected use of multi-use fields owned and controlled by the Town of Apex

Staff showed a picture of what the fields would look like. We have the opportunity to enter into agreement with the local soccer club so that there will be space for their program. This will generate revenue and give kids an opportunity to play here in Apex without traveling all over the county. It will help with economic development by bringing tournaments to Apex. The five year agreement will give them space at various parks within our control.

Staff has met with TFC and they are willing to pay a \$24,000 lump sum up front and a years' worth of rental fees in order to have access to some of this space. Staff has also talked to the lacrosse folks about opportunity for the high school when they need space. This is in response to Council request at the retreat. This has gone through the Recreation Commission and they are in agreement. Seymour' athletic field would probably be the next place looked at. Staff talked about turf fields and how much safer they are and how confident we are to recommend them. There was brief discussion about how tournaments could impact the economy.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO

APPROVE THE AGREEMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session to consult with the Town Attorney about legal issues and potential litigation

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER LASSISTER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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

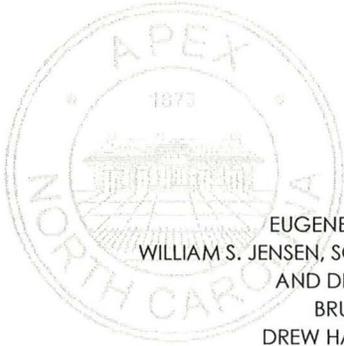


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 17, 2015

WILLIAM M. SUTTON, MAYOR
EUGENE J. SCHULZE, MAYOR PRO TEMPORE
WILLIAM S. JENSEN, SCOTT R. LASSITER, NICOLE L. DOZIER,
AND DENISE C. WILKIE, COUNCIL MEMBERS
BRUCE A. RADFORD, TOWN MANAGER
DREW HAVENS, ASSISTANT TOWN MANAGER
DONNA B. HOSCH, CMC, NCCMC, TOWN CLERK
LAURIE L. HOHE, TOWN ATTORNEY

The Regular Meeting of the Apex Town Council scheduled for Tuesday, November 17, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

Mayor Sutton called the meeting to Order, the Invocation was given by Council Member Dozier, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Mayor Sutton

Presentation of Proclamation for World Pancreatic Cancer Day to Ryan Hillen in the Fire Department

Mayor Sutton read the Proclamation and presented it to Ryan Hillen of the Fire Department. Mr. Hillen spoke as to how this disease tragically affected his family and thanked everyone for their support of this cause.

CONSENT AGENDA

- Consent 01** Minutes of the August 18, 2015, September 1, 2015, and October 20, 2015 Regular Council Meetings and the Closed Session meetings of August 18, 2015 and September 1, 2015 (Closed Session Minutes recorded separately)
- Consent 02** Apex Tax Reports dated 07/02/2015 and 10/08/2015
- Consent 03** Statement of the Town Council and Ordinance for Rezoning Case #15CZ21, David York, Smith Moore Leatherwood, LLP/ Apex Independent Living LLC, petitioners for the property located at 10000 Cambridge Village Loop, Northwest quadrant of S. Hughes St and Apex Peakway

- Consent 04 Construction contract for the alternate bid and authorize Town Manager to execute same for Sidewalk on Apex Barbecue Road at Scotts Ridge Elementary
- Consent 05 Professional services agreement with VHB Engineering NC, P.C. to provide preliminary engineering services including but not limited to environmental surveys, environmental documentation, traffic capacity analysis, and traffic signal design for Operational Improvements and Sidewalk on Kelly Road, located at the intersection of Olive Chapel Road, TIP No. U-5118 AF, and authorize Town Manager to execute same
- Consent 06 Municipal agreement with NCDOT to secure 80% of the project right of way and construction cost in federal funds, requiring 20% matching local (Town of Apex) funds, proposing a three-lane section with bicycle lanes, sidewalk to the west side, and multi-use path to the east side, continued from inside Town of Cary limits across a portion of Apex Community Park, TIP Project No. U-5537 contingent upon Cary's approval of the attached interlocal agreement, and motion to approve an interlocal agreement with Town of Cary for reimbursement of a portion of local funds to Town of Apex, and authorize the Town Manager to execute same
- Consent 07 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of October 20, 2015
- Consent 08 MOVED TO NEW BUSINESS - Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex James H. and Ann C. Woodall and Standard Pacific of the Carolinas, LLC property (Woodall Subdivision) containing 28.228 acres located at 0 and 6515 Apex Barbecue Road, Annexation #551 into the Town's corporate limits
- Consent 09 MOVED TO NEW BUSINESS - Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Anna L. Rhodes property (Caliber Collision) containing 4.66 acres located at 1920 Laura Duncan Road, Annexation #555 into the Town's corporate limits
- Consent 10 MOVED TO NEW BUSINESS - Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Apex Pointe, LLC (Publix Pointe) property containing 35.95 acres located at the northeast quadrant of the intersection of Kelly Road and Olive Chapel Road, Annexation #557 into the Town's corporate limits
- Consent 11 Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Mary K. Bertoncino property containing 0.15 acres located at 2299 Toad Hollow Trail, Annexation #558 into the Town's corporate limits
- Consent 12 Street closure requests for "Christmas on Salem" and the "Apex Christmas Parade"
- Consent 13 Identify Theft Prevention Program Annual Risk Assessment 2015
- Consent 14 Recommendations from Personnel Committee to accept revision to the Drug and Alcohol Testing Policy and Position Reclassification request
- Consent 15 Renewal of online subscription to Westlaw and authorize the Town Attorney to execute the same

Council Member Lassiter requested moving Consents 08, 09, and 10 for later discussion. Mayor Sutton stated they would be discussed as New Business items. A resident asked to not pull the item relating to Hwy 55. Town Manager Radford stated this request was out of order but that Council could discuss this when not addressing the Consent Agenda.

MAYOR PRO TEM SCHULZE MADE A MOTION TO ACCEPT THE CONSENT AGENDA WITH THE ABOVE REQUEST; COUNCIL MEMBER LASSITER SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, LASSITER, WILKIE, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE VOTE CARRIED BY A 4-1 VOTE.

REGULAR MEETING AGENDA

There were no requested modifications to the Regular Agenda.

PUBLIC FORUM

With the large number of citizens in attendance, the Mayor asked for individual comments to be kept to three minutes or for each group to appoint three or four persons to speak for them. Staff asked the Mayor if he wished time to be kept to three minutes/individual, to which the Mayor responded in the affirmative.

Glenda Topp, Glenda S. Topp & Associates, requested to continue the West Williams Street rezoning. They've met with neighbors several times and contacted the HOA president and property owners who are interested in meeting more to see if outstanding issues can be resolved. With the amendment, conditions are being added that are not in the existing in PUD that give property owners additional protection. Topp stated that some people would not like the additional time, but the applicant and owner want the continuance in order to meet for what they hope will be a win/win situation. They believe they can come up with a plan that's good for the neighborhood and a good use for Apex.

Jeff Roach, Peak Engineering, asked for Consent 09 (Caliber Collision) which was pulled by Council to be heard at the December 1st meeting to note be pulled since his client is looking to close at the end of November.

Residents Bruce Rifleman, Kent Muzillio, Mark Weiman (also Amherst HOA president), Maggie O'Keif, Diana Londone, Ed Pangburn, Frank Miller, Shelly Glemshire, Nancy Rose, Dan Tilley, Lisa Alfonzo, Jane Siger, and Nicole Riffleman all spoke against the West Williams Street rezoning with the following types of concerns:

- The public hearing should go forward as planned since it's been in the works for a while and has gone to the Planning Committee. They should be ready to have the request heard.
- What is the criteria for allowing a rezoning? There will be ten grocery stores within a two mile radius. This will be the first store of this type from Germany to go in the U.S. with a private label. The development will dump waste onto properties from the stream.
- The store is very large with no footprint in the U.S. We don't know anything about them.
- How is this being considered over citizen needs? This will be a threat to U.S. retailers. Who would buy a home abutting this?
- This will destroy the wetland, there will be a nasty smell, and a possibility of overflow. EPA has rules about wetlands and they will be contacted.
- The continuance should not be approved since all neighborhoods were represented and there's nothing else to talk about with the developer. The large store will negatively affect traffic.
- Kids play in the creek and the developer will cause a cesspool.
- Traffic study shows 40% of the traffic into the store would flow out onto 55.
- Americans have a right to be safe in their homes. It will be a benefit to the store if it operates 24 hours/day; but no benefit to the residents. There was a previous letter which stated it wanted to be harmonious to the neighborhood.
- There was concern about the issue of sound, hours of operation, fencing, and lights. Thought this was going to be an office development.
- The top of the building would be 50+ feet above the houses.

Frank Miller, Civil Engineer, stated the stormwater design will meet all federal, state, and local regulations. He requested a continuance on behalf of the applicant.

Turner Rose, working with the applicant, stated they are not a discount store. They have met all the regulations and standards. They are not asking for a change in use but a change in size.

Jason Wory, Traffic Engineer, stated a study was done on the adjacent intersections. He explained the changes that would be made to affect traffic impact on the area. He also asked for a continuance.

Mayor Sutton asked that all comments from Public Forum relating to Public Hearing 06 be counted as the Public Hearing and that this be considered that Hearing. Council was in agreement.

Topp stated there needed to be a formal public hearing and asked the Town Attorney to weight in. What did they need to do to move forward since this was outside of the public hearing format.

COUNCIL MEMBER JENSEN MADE A MOTION TO GO INTO CLOSED SESSION TO RECEIVE ADVICE FROM THE TOWN ATTORNEY; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

COUNCIL MEMBER JENSEN MADE A MOTION TO RETURN TO OPEN SESSION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

After conferring with the Town Attorney,

MAYOR SUTTON CALLED FOR A MOTION TO MOVE PUBLIC HEARING 06 TO PUBLIC HEARING 01.

Mayor Sutton asked that anyone else wishing to speak would wait for that Public Hearing.

COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE PUBLIC HEARING 06 TO PUBLIC HEARING 01;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

The applicant requested a continuance of this public hearing to the January 19, 2016 Town Council meeting in order to continue working with the neighbors to address their concerns

Public Hearing and 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)

Going forward as determined earlier by Council, staff oriented Council to the site. A neighborhood meeting was held; the use is consistent with the Land Use Plan. The applicant proposed zoning conditions and those were stated. The Planning Board and staff recommended approval. Responding to Council, staff explained the restriction on hours. There is an official PUD plan on the books.

Mayor Sutton declared the Public Hearing open.

Glenda Topp, Topp and Associates, on behalf of the applicant, stated this is in an approved PUD, and the proposed uses are not changing. The request is to take this out of the PUD and to rezone. They were not opposed to putting this back in the PUD and looking at it that way. They wished to add a condition about hours of operation with no time limit for five years. They were requesting hours from 6 a.m. to midnight, and the only way to change this was through another rezoning. They have added architectural

conditions. As far as the site being raised, they have raised the height of the building to two stories and there is underground parking. They are reducing the height of the building by 10 feet. Stormwater engineers have redesigned the site to accommodate this. They wished to continue the case and had no problem with waiting for the new Council. Ms. Topp believed they could reach a common ground and are open to suggestions. The owner was making an effort for a use good for the community and town. The site has not been in use since 2003. They will respect whatever decision Council makes.

Mike Herbert, resident, stated he supported the PUD when he moved into his house, but he would not have invested if he knew this proposed use would come about. He wanted to see the PUD to stand without change. He would want to see a library, park, or real estate office on the site – anything of a smaller scale. We don't need the concrete water runoff into the creek that runs behind the homes.

Mayor Sutton stated that Council agreed the previous comments did not need to be repeated.

Staff clarified Council questions relating to the buildings per the original PUD.

Mayor Sutton declared the Public Hearing closed. He explained if this was continued to January 19th, others would have a chance to speak then.

MAYOR SUTTON CALLED FOR A MOTION TO CONTINUE THE PUBLIC HEARING UNTIL THE JANUARY 19TH MEETING. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council explained how past practice has been to give the applicant an opportunity to work with owners, and also to give those not present a chance to speak later. Council stated he understood why we would want to continue this, but he thought the original PUD was a better plan. It's fair to give the owners an opportunity to reconsider this, but he didn't see any different outcome.

Council stated to change the rules now would be unfair to the residents who bought homes based on the PUD. Council stated she saw the area where the high elevation would be and it didn't feel right to her.

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

Mayor Sutton called for a brief recess.

Public Hearing 02 : Brendie Vega, Principal Planner

Public Hearing and Rezone #15CZ13, Salem Pointe PUD Plan Amendment 12.81 acres located at 0, 1530, 1604, 1605 Salem Church Rd, 0 N Salem Street from PUD-CZ (Planned Unit Development-Conditional Zoning) & RA (Residential Agricultural) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held; the applicant is proposing the same uses. The applicant agreed to elevation conditions. The use conforms to Apex standards. The PUD plan was reviewed, and the Parks and Rec Commission recommended payment in lieu. The Planning Board and staff recommended approval. Responding to Council, staff stated this property has not been annexed.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering, representing the applicant, oriented Council to the site. They were simply asking to add two acres to the site with the same conditions as previously.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, WILKIE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.

The motion carried by a 4-1 vote.

Public Hearing 03 : Michael Clark, Senior Planner

The applicant requested this item be continued to the December 15, 2015 meeting.

Public hearing and possible motion regarding Rezoning Case #15CZ15 (Westhigh subdivision)-The applicant, Standard Pacific Homes is seeking to rezone from Residential Agricultural (RA) to Medium Density Residential Conditional Zoning (PUD-CZ) or the property located at 1523 Salem Church Road and 0 Salem Church Road containing 2.10± acres

Staff stated the applicant requested this be continued to the December 15th meeting since they are in talks with Cary. Jason Baron, on behalf of the applicant, stated a companion case is, in fact, in the works with Cary.

MAYOR SUTTON CALLED FOR A MOTION TO CONTINUE AS REQUESTED. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public Hearing and rezoning case #15CZ22 (Beaver Creek Crossing PUD Amendment), +/- 28.56 acres located at 2501 Creekside Landing Drive. The applicant proposes an amendment to the PUD.

Staff oriented Council to the site. A neighborhood meeting was held; the use is consistent with the Land Use Plan. Staff outlined the proposed changes to the PUD by the applicant. The applicant agreed to additional staff conditions. The Planning Board and staff recommended approval with the amended conditions by the applicant. Council expressed its concern about this butting up against the neighboring subdivision.

Glenda Topp, Glenda S. Topp and Associates, on behalf of the applicant, oriented Council to the site and explained why they felt the amendment was warranted. She stated what they have added to the PUD, i.e., architectural features, to this walkable community.

Chris Irv, Senior VP of DVR, stated this was one of the first projects he developed 10 years ago. They have been working to get retail on the north side, but this has not yet happened. He explained possible reasons why. They believe this residential project will finish their vision for this site. They marketed to all sorts of people, and the interest was for 95% residential.

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

Council stated he could not see increasing the density in this area. Council agreed even though this would probably help retail. Council talked about increased traffic and wanting to see this go to ten units/acre. Council stated she wished to see more of a balance between apartments and town homes; she talked about the high prices. Ms. Topp discussed this with the developer, and they agreed to keep the units to ten/acre.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE
THE REQUEST AT 10 UNITS/ACRE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, WILKIE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS
JENSEN AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 05 : Michael Clark, Senior Planner

Public Hearing and Rezoning Case #15CZ23 (McKenzie Meadows) – The applicant, Parkside Development Group, LLC/Jones & Cnossen Engineering is seeking to rezone from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ) for the property located at 0 and 2600 Richardson Road, 7916 and 8000 Regan Road and 8216 Humie Olive Road containing 61.41± acres

Staff oriented Council to the site. A neighborhood meeting was held. Staff stated the conditions proposed by the applicant. The plan is agreeable with all Apex plans and standards. The Parks and Rec Commission proposed a fee in lieu. The Planning Board and staff recommended approval.

Stuart Jones, Jones and Cnossen Engineering, representing the applicant, oriented Council to the site stating that they have proposed six architectural conditions. Mr. Jones clarified the homes having three steps and answered questions from Council about buffers.

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

Council stated we need to remember we are now at 4,900 available housing units. How are we going to put the brakes on this?

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

THE MOTION CARRIED BY A 3-2 VOTE.

Public Hearing 06 : Michael Clark, Senior Planner

Public Hearing and Rezoning Case #15CZ27 – The applicant, A. Graham and Kimberly Shirley are seeking to rezone from Office & Institutional (O & I) to Mixed Office Retail Residential Conditional Zoning (MORR-CZ) for the property located at 206 S. Salem Street containing .38± acres

Staff oriented Council to the site. A neighborhood meeting was held.

Graham Shirley, owner, gave a brief history of this older home. The family is in the process of making repairs to the structure with hopes of moving into this as their home.

Lance Olive, resident, stated he liked the idea of this being utilized as a residential unit.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 07 : Amanda Bunce, Planner II

Public Hearing and 2030 Land Use Map amendment from Planned Commercial/Office Employment to Medium Density Residential and rezoning application #15CZ29 (1200 Kelly Road) to rezone 17.33± acres located on the west side of Kelly Road and south of US 64 Hwy from Planned Commercial-Conditional Use (PC-CU) to Medium Density Residential-Conditional Zoning (MD-CZ)

Staff oriented Council to the site, stating the use was not consistent with the Land Use Map. A neighborhood meeting was conducted. The applicant has proposed conditions regarding limitations of uses. The Planning Board recommended approval of both requests. Staff did not support the future change to the Land Use Map. Staff recommended denial of the amendment. Responding to Council, staff spoke to buffers.

Alan Maness, BBM Associates, on behalf of the owners, gave a brief presentation as to development on this property, especially as it related to commercial use and its traffic concerns. If all else fails, probably the only satisfactory use would be for something like a storage facility. Mr. Maness gave a list of those larger retailers who have rejected moving to this location. Responding to Council, Mr. Maness explained why the traffic burden would be great if a small office was on this site.

Mayor Sutton declared the Public Hearing open.

An HOA president representing the abutting properties, stated the majority of residents were in support of this request.

Gordon Paulsen, broker on the property, stated they tried for medical uses for the property. The single driveway was a huge problem. Everything they tried that wasn't residential was turned down. Council discussed this property not matching up to the standards in Abbington.

Sue David and Melanie Schuller stated they supported the residential use.

Mayor Sutton declared the Public Hearing closed.

Council talked about wanting a resemblance to Abbington. Mr. Maness addressed how the market would not support this.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO AMEND THE LAND USE PLAN CONSISTENT WITH THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE

THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council talked about the live/work concept and larger buffers between residential and non-residential.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Brendie Vega, Principal Planner

Public Hearing and rezoning case #15CZ30 (Mangum Property Commercial Rezoning), +/- 1.74 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes changing the properties from Planned Commercial Conditional Use to Planned Commercial Conditional Zoning (PC-CZ)

and

Public Hearing 09 : Brendie Vega, Principal Planner

Public Hearing and proposed 2030 Land Use Map Amendment and Rezoning Case #15CZ31 (Mangum Property Residential Rezoning) for +/-19.5 acres located at 2021, 2023 & 2005 Ten-Ten Road. The applicant proposes amending the 2030 Land Use Map from Commercial Services to High Density Residential, and changing the zoning district from Planned Commercial Conditional Use (PC-CU) to High Density Multi-Family Residential Conditional Zoning (HDMF-CZ).

Staff stated there were two rezonings to this property to include 15CZ31. Staff oriented Council to the property. A neighborhood meeting was held and none of the neighbors attended. The Planning Board recommended approval.

Jason Barron, Morningstar Law, on behalf of the applicant and owners, Sandra and Jewel Magnum, stated there were roughly 22 acres zoned for commercial use. He gave a brief background on the property, pointing out site restraints. He appreciated working with staff who recommended approval. Mr. Barron spoke about why this use is the "right use, right location". He'd heard concerns from Abbington for Council to listen to the citizens. Now it's time to listen to the Mangums.

Mr. Baron talked about how the Mangums had been carrying commercial taxes for 50 years. Sanya Mangum introduced Jewell Mangum who gave a history of why the property was rezoned commercial and how this has been unsuccessful. The need to sell the property to move to a quiet place to care for their family members who are ill.

Tommy Drake, broker, briefly stated his selling history. He's tried many years to get commercial use for this property, but it's not viable in today's market. Northview Partners will develop a first class community here; the Mangums have a great relationship with them. Density would be as per Town code.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REZONING FOR CZ30; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO AMEND THE LAND USE MAP; COUNCIL MEMBER LASSITER SECONDED THE MOTION

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REZONING FOR CZ31; COUNCIL MEMBER LASSITER SECONDED THE MOTION

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 10 : Michael Clark, Senior Planner

Public Hearing and Rezoning Case #15CZ24 (Colby Crossing) – The applicant, Mike Whitehead, is seeking to rezone from Rural Residential (RR) to Medium Density Residential Conditional Zoning (MD-CZ) for the property located at the eastern and western terminations of Colby Chase Drive containing 7.58± acres

Staff oriented Council to the site. A neighborhood meeting was held. The applicant proposed limited uses along with an additional condition. The Planning Board and staff recommended approval with conditions.

Jeff Roach, Peak Engineering Design, representing the applicant, gave a brief history on the project.

Mayor Sutton declared the Public Hearing open.

Residents Michael Parks, John Bruchard (also co-president of the Marion Home Association), Simone Bullock, Hunter Aamirez, and George King talked about being in support of the project, wanting a larger buffer, being concerned about safety and traffic hazards of the area, a lot of people going into the area to go to Hope Church and two more subdivisions going in, wanting to delay the opening of Colby Chase as a through street until other traffic alternatives could be devised, and wanting traffic calming devices,

Mayor Sutton declared the Public Hearing closed.

Fire staff spoke about public safety in this area. This is not a direct route deal but at least they can get their trucks in there. Luckily, this is not a high call area. Police staff stated they are worried about one road access. There is concern about cut through traffic, street calming, etc. This property is partly in the town and partly in the County, but we have a good relationship with the county to cover the area. Council discussed emergency services getting in and out. Mr. Roach talked about no gravity sewer to this area.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE REQUEST AS PRESENTED; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

Council further discussed emergency services and speed. He would go with not opening Colby Chase or going with the plastic devices that emergency services can ride over. Council stated she would support the motion if we have an alternative to work on and asked should this be continued until the road situation is resolved. Staff said there would be a maintenance issue with anything put out there. No conditions have been offered regarding traffic calming.

COUNCIL MEMBER JENSEN MADE AN ALTERNATE MOTION TO APPROVE THE REZONING AS REQUESTED WITH A DENSITY OF TWO UNITS/ACRE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
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

Staff detailed the amendments.

Jeff Roach, Peak Engineering Design, stated this went through the Environmental Committee and a language change was made.

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

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

Public Hearing 12 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Standard Pacific of the Carolinas property containing 2.00 acres located at 8028 Green Level Church Road, Annexation #556, into the Town's corporate limits

Staff oriented Council to the site.

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

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

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

OLD BUSINESS

Old Business 01 : Marty Mitchell, Facilities Director
Alternate option for the proposed Senior Services Facility

Staff stated we have discussed for some time specifically where to put a center on campus. We now have two options. After giving it some thought, we believe the best place would be between here and the Tunstall House. Staff presented reasons why this location was chosen. There would need to be additional parking. A funding source has been identified for the construction. There will be an enclosed walkway.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO PLACE THE BUILDING AS SUGGESTED BY STAFF; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council was concerned that this was being supported even though we don't have a funding source. Council stated there are ways to be creative as was done with the skate plaza. We owe it to people who are aging to have something special for them. Staff stated one of the goals would be for the building to be three stories.

THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Dianne Khin, Planning Director
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties (Sweetwater) containing 164.154 acres located south of US 64 Hwy and west of Abbingdon Subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #559, into the Town's corporate limits

Staff stated the Council needed to make a decision as to when to set this public hearing. Council stated there has been vigorous discussion to clear this off the Agenda so as to go to the new Council. However, this Council has voted for this new development. Backing off this development now would open up the Town to a likely lawsuit.

COUNCIL MEMBER LASSITER MADE A MOTION TO SET THE PUBLIC HEARING FOR THE DECEMBER 1, 2015 MEETING AT 6:00 P.M., PRIOR TO THE CEREMONIAL MEETING. MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

Council stated the Council which really has to deal with this is the one that has been duly elected. Council, after some discussion, asked the Town Attorney about the standard for annexations to which she gave a response. Recent changes have been made in the statues as to annexation procedures, but she did not believe they were applicable in this instance. Council asked if the requesting group could conceivably appeal to the legislature to require the town to provide water and sewer. The Town Attorney asked if Council wished to go into Closed Session to receive legal advice.

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

Council stated since the majority of Council did not want the Town Attorney to answer the question in public that he posed, he would speak as someone with a basic understanding of government. The ultimate authority with town business lies with the State Legislature which can require the town to annex a development whether the town council says so or not. This is where this is headed if this is voted down. They also have the authority to require the town, through a local act in the legislature, to provide water and sewer and not benefit from annexation and tax revenue.

Mayor Sutton restated a motion had been made to set this public hearing for December 1st at 6:00 p.m. Council stated since this was a controversial issue, it was important that people in Apex see this Council as one of stability. We are going to follow our own approved rules. To pull the rug out from under the developer now is a mistake – for this and future developers. Hundreds of dollars have been invested and the bottom line is we need to be fair. In this case, the deed has been done and he will support this on December 1st. Council stated we should have looked at any possible impact prior to now.

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

New Business 02 : Shelly Mayo, Planner

West Master Subdivision Plan including properties located at Jacks Drive, Richardson Road, and Olive Chapel Road. This project consists of approximately 70.6 acres and proposes 112 new single-family lots

Staff oriented Council to the site. A neighborhood meeting was held. All stormwater requirements are being met. The Parks and Rec Commission recommended a fee in lieu. The Plan is consistent with Town Plans and standards. Council voted to approve the subdivision plans. The Planning Board recommended approval of the request. Jason Barron, Morningstar Law, stated this was approved previously by Council and it meets all Plans and Standards.

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

New Business 03 : Amanda Bunce, Planner II

Jordan Manors Master Subdivision Plan - for the properties located west of New Hill Olive Chapel Road containing 121.1 acres and 240 lots

Staff oriented Council to the site. This is consistent with Apex Plans. The Planning Board and staff recommended approval. Bill Daniel, preparer of the Plan, stated Council asked for stormwater conditions to be raised to 25 years. This plan incorporates that. There is plenty space for a greenway and a multi-use trail with some of it being boardwalk.

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

ADDED New Business 04 – Consent items 08, 09, 10

. Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex James H. and Ann C. Woodall and Standard Pacific of the Carolinas, LLC property (Woodall Subdivision) containing 28.228 acres located at 0 and 6515 Apex Barbecue Road, Annexation #551 into the Town's corporate limits

. Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Anna L. Rhodes property (Caliber Collision) containing 4.66 acres located at 1920 Laura Duncan Road, Annexation #555 into the Town's corporate limits

. Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Apex Pointe, LLC (Publix Pointe) property containing 35.95 acres located at the northeast quadrant of the intersection of Kelly Road and Olive Chapel Road, Annexation #557 into the Town's corporate limits

Council stated we need to provide these the same service to have public hearings on December 1st at 6:00 p.m. Council disagreed since two are less controversial and he did not see the urgency to put them on the December 1st Agenda.

COUNCIL MEMBER LASSITER MADE THE MOTION TO MOVE THESE THREE ITEMS TO
THE AGENDA OF DECEMBER 1ST AT 6:00 P.M.

Jeff Roach representing Caliber Collision stated his clients have scheduled a closing for November 30 and they are not being permitted to extend the contract to the 15th. This is the third developer that has done

this to her, thus the reason she is not willing to extend. Alan Maness stated Publix would also like to be on the Agenda for December 1st.

After more discussion on when to hear these items,

COUNCIL MEMBER WILKIE SECONDED THE MOTION BUT ONLY FOR CALIBER COLLISION TO BE HEARD ON THE 1ST. COUNCIL MEMBERS WILKIE, LASSITER, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS SCHULZE AND DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Council asked for reiteration of the Caliber Collision issue.

COUNCIL MEMBER JENSEN MADE THE MOTION TO KEEP WOODALL AND PUBLIX ON THE AGENDA FOR DECEMBER 15TH; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : Closed Session to consult with the Town Attorney

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

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR RIGHT OF WAY AND TEMPORARY CONSTRUCTION EASEMENT TO INSTALL STREETS. COUNCIL MEMBER WILKIE MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

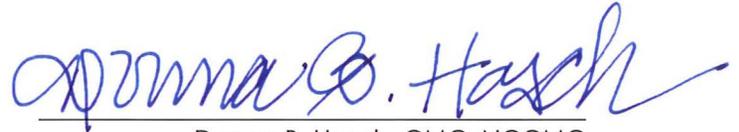
ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 5-0 VOTE.

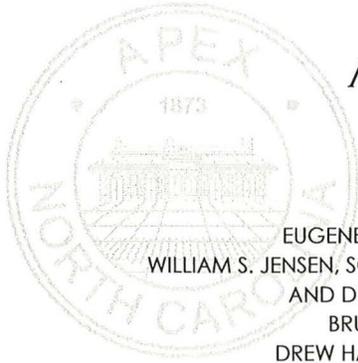


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL SPECIAL MEETING TUESDAY, NOVEMBER 23, 2015

WILLIAM M. SUTTON, MAYOR
EUGENE J. SCHULZE, MAYOR PRO TEMPORE
WILLIAM S. JENSEN, SCOTT R. LASSITER, NICOLE L. DOZIER,
AND DENISE C. WILKIE, COUNCIL MEMBERS
BRUCE A. RADFORD, TOWN MANAGER
DREW HAVENS, ASSISTANT TOWN MANAGER
DONNA B. HOSCH, CMC, NCCMC, TOWN CLERK
LAURIE L. HOHE, TOWN ATTORNEY

The Special Meeting of the Apex Town Council scheduled for Monday, November 23, 2015, at 5:30 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie
Also in attendance were Town Manager Bruce A. Radford, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, HR Director Eleanor Green, Mayor Elect Lance Olive, Council Member Elect Wesley Moyer, and Reporter Will Doran

Mayor Sutton called the meeting to order, stating the purpose of the meeting was to discuss the upcoming retirement of Town Manager Bruce Radford.

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION TO DISCUSS A PERSONNEL MATTER.
MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Sutton excused Ms. Hosch and Mr. Doran.

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

Mr. Radford requested a retirement dinner to be paid for by the Town and catered by White Swan BBQ of Smithfield. Guests would include employees and their spouses, Mayor and Town Council and their spouses, and other honored guests. Citizens wishing to attend would pay cost for their meal. The event would be held at the Community Center.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE A RETIREMENT DINNER FOR MR. RADFORD; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

There was a brief discussion on the next steps following Mr. Radford's retirement. No solid decisions were made for the process.

ADJOURNMENT

With there being no further business,

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

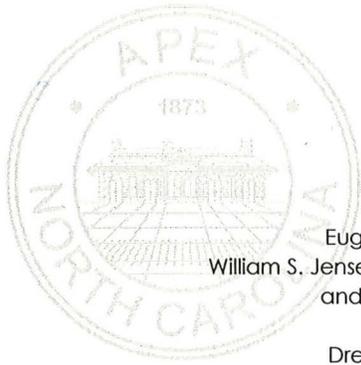


Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton
Mayor



APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 1, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, December 1, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the November 17, 2015 Regular Council Meeting and the Closed Session meetings of October 20, 2015 and November 17, 2015 (Closed Session Minutes recorded separately)
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #15CZ13, Salem Pointe PUD Amendment, Salem Pointe Associates, LLC, petitioners for the properties at 0, 1530, 1604, 1605 Salem Church Rd, 0 N Salem Street
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ22 Beaver Creek Phase 4 PUD Amendment, RST Development, LLC/DDR 1st Carolina Crossing North LP/ Glenda Toppe, petitioners for the property located at 2501 Creekside Landing Drive (portion)
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #15CZ23, McKenzie Ridge PUD, petitioners for the property located 8216 Humie Olive Road, 2600 and 0 Richardson Road, and 7916 and 8000 Ragan Road with the proposed conditions

- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #15CZ24, Mike Whitehead, petitioners for the property located eastern and western terminations of Colby Chase Drive with the proposed conditions and additional condition that the development not exceed two dwelling units per acre
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #15CZ27, A. Graham Shirley and Kimberly B. Shirley petitioners for the property located 206 S. Salem Street, with the proposed conditions and the added condition that "personal services" be eliminated from proposed uses
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #15CZ29, Alan Maness, BBM & Assoc., petitioner for the property located at 1200 Kelly Road
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #15CZ30 Mangum Property - Commercial, Jason Barron, Morningstar Law Group/Alwanda J. Mangum; Mae Bell Mangum/Sonya W. Mangum, petitioners for the property located at 2005, 2021 and 2023 Ten Ten Road
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #15CZ31 Mangum Property – Residential, Jason Barron, Morningstar Law Group/Alwanda J. Mangum; Mae Bell Mangum/Sonya W. Mangum, petitioners for the property located at 2005, 2021 and 2023 Ten Ten Road.
- Consent 10 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 17, 2015
- Consent 11 Construction contract for *Pedestrian Improvements on Old Raleigh Rd at Laura Duncan Rd & Apex Peakway to ALS of North Carolina, Inc.* and authorization for Town Manager to execute same
- Consent 12 Set the Public Hearing on December 15, 2015 regarding Rezoning Case #15CZ26 (Weddington), where the applicant, Baker Residential is seeking to rezone 135.30± acres located at 4105 Green Level West Road along with 0, 0, and 809 Wimberly Road from Rural Residential (RR) & R-80W to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 13 Set the Public Hearing on December 15, 2015 for rezoning application #15CZ35 (Mary Bertoncino) to rezone 0.015± acres located at 2293 Toad Hollow Trail from Rural Residential (RR) to Medium Density- Conditional Zoning (MD-CZ)
- Consent 14 Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Staley and Halley Smith, Marlou Bacon and Marth Smith property containing 84.736 acres located at 0 and 809 Wimberly Road, Annexation #554 into the Town's corporate limits
- Consent 15 Set Public Hearing for the December 15, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 16 Set the Public Hearing on December 15, 2015 to designate the James Madison Williams House located at 4525 Green Level West Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- Consent 17 Authorization for the Chief of Police to sign a Memorandum of Understanding between the Town of Apex (Apex Police Department) and the United States Department of Homeland Security Investigations for reimbursement of joint operations expenses from the Treasury Forfeiture Fund to the Town of Apex. The MOU has been reviewed by the Town Attorney.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER
JENSEN MADE THE MOTION; MAYOR PRO TEM SCHULZE 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.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings to be considered.

OLD BUSINESS

There were no Old Business items to be considered.

NEW BUSINESS

There were no New Business items to be considered.

CLOSED SESSION

There were no Closed Session items to be considered.

WORK SESSION

There were no Work Session items to be considered.

ORGANIZATIONAL PROCEEDINGS OF THE APEX TOWN COUNCIL

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Scott R. Lassiter

Mayor Sutton presented Council Member Lassiter with a plaque of appreciation from the citizens of Apex and praised the sacrifices he's made for the good of the Town.. Council Member Lassiter retired his Council seat.

William M. Sutton

Town Manager Bruce Radford stated Mayor Sutton has taken us through significant events over the past 22 months – the budget and bond with no tax increase, restoration of town relationships with Holly Springs and Cary, and re-establishing communication with the school board and our own Chamber of Commerce, out of which there is now cooperation and mutual respect.

Mayor Sutton stated it was fun being mayor and cited his pride in Apex being named the Money Magazine #1 Best Place to Live in America. He thanked Council for giving him the job, and he thanked the manager and staff, but mostly the employees of the town. In 22 months, he received no calls or emails due to a failure of city services, and this was due to the employees.

Town Manager Radford stated Mayor Sutton and he had known each other 32 years, that Mayor Sutton served as a tremendous mentor, friend, confidant, and that he was like a father to him in many ways. Tonight was about Mayor Sutton's service to the town. He came and served as manager with outstanding results. When he ran for Council he was elected and served very well. When he was needed as mayor, he came forward and served. And when he was a young man and the country was at war, he came and served. The Apex citizens and Council and employees appreciated his service. Mayor Sutton has made a marked difference in the community which will follow him for all his days. He laid the foundation for this community that won the Money Magazine designations.

Town Manager Radford presented Mr. Sutton with the gavel which had been used in Council Meetings as well as a desk name plate with the name his granddaughter calls him since she could not say "Bill" – William "Bull" M. Sutton.

The Council thanked Mayor Sutton for all he's done for the Town. This was not an easy job, and Council thanked Mayor Sutton's wife, Pat, for letting us have him.

Mayor Sutton retired his Mayor's seat.

Mayor Pro Tem Schulze guided Council through the process of administering the Oaths of Office.

ADMINISTERING OF OATHS

William S. Jensen

Donna B. Hosch, Apex Town Clerk, administered the Oath of Office to Mr. Jensen as his wife, Lydia, stood with him. Council Member Jensen took his seat on the dais.

Wesley M. Moyer

Justice Robert H. Edmunds, Jr., Supreme Court of North Carolina, administered the Oath of Office to Mr. Moyer as his wife, Stacey, stood with him. Council Member Moyer took his seat on the dais.

Lance Olive

Justice Robert H. Edmunds, Jr., Supreme Court of North Carolina, administered the Oath of Office to Mr. Olive as his wife, Cheryl, stood with him. Mayor Olive took his seat on the dais.

SELECTION OF MAYOR PRO TEMPORE

Mayor Olive explained how the selection would be made as well as the duties of Mayor Pro Tem. He then opened the floor for nominations.

Council Member Wilkie nominated Council Member Dozier for the position and gave her reasons for the nomination. Council Member Dozier has done a fine job on the Think Apex campaign which has done a lot to encourage businesses and local shopping and economic development. She chaired the Environmental Committee, has advocated for the young and the seniors and has spoken a great deal about the senior center. She is a senior supporter. She has been available, respectful, and thoughtful to all. Council Member Dozier is deserving of the nomination because of her dedication. There is also a need for young girls in Apex to see women in leadership roles.

Mayor Olive asked Council Member Dozier if she accepted the nomination, and she answered in the affirmative but only with the support of the Council. She stated she did not expect this.

Mayor Olive closed the floor to nominations.

COUNCIL MEMBER DOZIER WAS ELECTED MAYOR PRO TEMPORE BY ACCLAMATION.

APPOINTMENTS OF STANDING COMMITTEES AND LIAISONS

Mayor Olive appointed the following Standing Committees:

- Economic Development Committee – Council Member Jensen, Chair; Council Member Moyer, Member
- Environmental Committee – Council Member Dozier, Chair; Council Member Jensen, Member
- Finance Committee – Mayor Olive, Chair; Council Member Schulze, Member
- Personnel Committee – Council Member Schulze, Chair; Council Member Dozier, Member
- Planning Committee – Council Member Jensen, Chair; Mayor Olive, Member

Mayor Olive explained the purpose of the Committees is to take the burden off Council by conducting research. The purpose of Liaisons is to visit external groups and associations to represent the Town, taking information to them and bringing information back.

Mayor Olive appointed the following Liaisons:

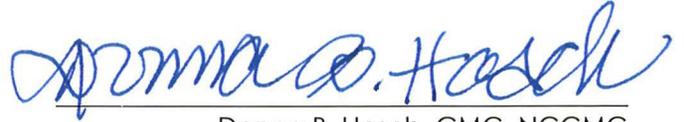
- Apex Chamber of Commerce – Council Member Moyer; Council Member Schulze, Alternate
- Apex Fire Advisory Board – Mayor Olive announced this Board dissolved without objection from the Council.
- Apex Parks, Recreation, and Cultural Resources Advisory Commission – Mayor Olive explained he wished to dissolve the Liaison for this Commission and establish a committee for policy, projects, and priorities. There were no objections to this from Council. Mayor Olive stated that in two weeks he would come back with the duties and responsibilities of this Committee. Council Member Moyer, Chair; Council Member Wilkie, Member
- Triangle J Council of Governments – Council Member Jensen; Council Member Dozier, Alternate
- Transportation Advisory Commission (CAMPO) – Mayor Olive stated that traditionally this position is held by the Mayor and will continue to be so. Selecting an alternate will be deferred until a later time.
- Mayor Olive stated he saw a need for a Liaison to the Apex Downtown Business Association. Council Member Wilkie will be that Liaison.

Mayor Olive asked if there was any further business. Town Manager Radford asked that Council consider having Council Member Dozier sworn in as Mayor Pro Tem. Mayor Olive explained why the swearing-in is performed. Town Clerk Donna B. Hosch administered the Oath of Office for Mayor Pro Tempore to Council Member Dozier.

Visitors were then invited to retire to the lobby for a reception honoring the Town Council.

ADJOURNMENT

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



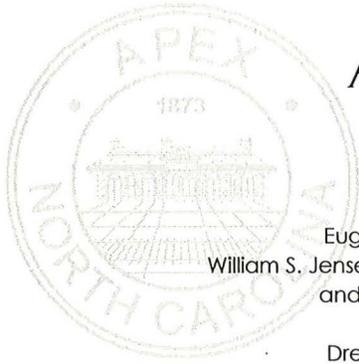
Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:


Lance Olive
Mayor

On behalf of all citizens...
God Bless Apex, North Carolina and
the United States of America.

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APEX SPECIAL TOWN COUNCIL MEETING TUESDAY, DECEMBER 1, 2015

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

The Special Meeting of the Apex Town Council scheduled for Tuesday, December 1, 2015, at 6:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

Mayor Sutton called the meeting to order.

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 Anna L. Rhodes property containing 4.66 acres located at 1920 Laura Duncan Road, Annexation #555 into the Town's corporate limits

Staff oriented Council to the site, stating that the project has previously been approved.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering Design, stated they are waiting for the annexation in order to close on the property.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER 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 3121, LLC, Robert and Vivian Lamb, Mallie and Judy Jenks, Ted Mills, ANS Trust Kathie Russell, Trustee properties containing 164.154 acres located south of US 64 Hwy and west of Abbington Subdivision at the end of Bryant Pond Lane and Timken Forest Drive, Annexation #559, into the Town's corporate limits

Staff oriented Council to the site. Annexation is required in order to have construction plans approved and to gain water and sewer access.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council stated he knew this was a controversial matter, but it's a matter of principle. The Plan has been approved several times through the process and the rules were followed. It meets the UDO and the 2030 Land Use Plan, which was approved by all citizens of the Town in open forum. It was reviewed by consultants and staff, TRC, and the Planning Board and Council. In his mind, if we want to send a message for those to come to and invest in Apex, then we need to act consistently in accordance with the rules. Council did not know of an annexation that had ever been turned down and this was not the point in the process to do so for this one. It would be unfair to turn this down, and it would send the wrong message to people wanting to come to Apex.

Council agreed and she stated this has been examined and every argument has been reviewed. She felt confident in voting 'yes'.

Council stated this was the worse development proposal in his opinion. He pointed out where in the UDO we look at the values and one is compatibility. He talked about the consultants, density conversations, usable land, and the incompatibility. This is detrimental to adjacent properties, and most in Abbington think so in terms of traffic, schools, land being used for non-residential, and a possible drop in property values. Council has sided with the large property owners and developers and not with citizens who have voted us to represent them on the Council.

Council cited three arguments which have been heard over and over again. She gave figures on the number of schools being built. The developer will do road improvements on 64 and Richardson Road. Looking at this again, the density is compatible. We would be doing a disservice if we don't pass this. She had taken no money from Experience One.

Council spoke more about density and how this doesn't connect Richardson Road. With the White Oak Basin, we are going to have a ton of housing. If we are going to make this a live/work community, where are we going to put the work places? This is not good for Abbingdon, Apex, or the tax base. The Mayor stated he has not commented on this before. He admired Council for sticking to principles, but there is another principle - representative government. Council is supposed to be for the people.

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

ADJOURNMENT

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

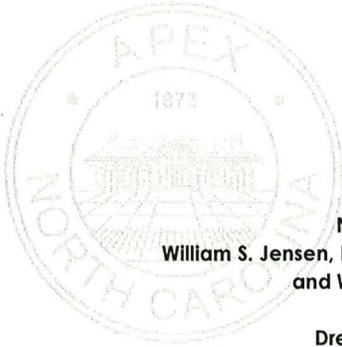
ATTEST:

Lance Olive



William M. Sutton
Mayor

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APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 15, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, December 15, 2015, 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 Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Withers-Ravenel regarding design options for Pleasant Park - Jason Bertoncino and Kurt Pfeifer

Mr. Bertoncino stated we are at the preliminary schematic phase of the project. He explained the process from beginning to end. Staff and Town have provided input. A sensitive topic is the concern for site access and what it may and may not be. We are early in the process, and the property is what it is. There is only one egress in and out, and they realize this is not ideal. This will absolutely need to be addressed later in the process. They were not at the level of the design to discuss egress on this evening.

Mr. Bertoncino briefly outlined the types of activities which need to be considered in the design/project goals, all the time keeping in mind that population is growing. He talked about the valuable feedback gathered at the charrette. They were able to identify some key components from this meeting. There may be an opportunity for an economic venue. There is a gas line and an existing cemetery along with stream buffers and neighborhoods of which we need to be cognizant.

Mr. Pfeifer presented three concepts to the Parks, Recreation, and Cultural Resources Commission. The Commission provided feedback on these based on the focus of the project. He listed some of the requested improvements including parking, buffers, connectivity, and the location of baseball fields. Using the feedback, two concepts were developed and he detailed these along with explaining the environmental impact. Concept 1 was favored by staff and the Parks, Recreation, and Cultural Resources Commission. Mr. Bertoncino talked about a stream buffer in this concept. It drains away from Jordan Lake, which will be addressed further later in the process.

Council asked for clarification of stormwater ponds, the cross country trails, parking being adequate particularly for tournaments, aesthetics of the baseball fields, and concessions and restrooms.

Presentation 02 : June 30, 2015 audit report from Joyce and Company

Keith Joyce, CPA, presented the audit using highlighted points. We had a clean audit opinion. Once again Apex received the Certificate of Excellence in Financial Reporting. Mr. Joyce pointed out two weaknesses -- purchase orders and grants and their account receivables. He mentioned a few less substantial things needing to be addressed that did not have a material effect on the financial statements. The previous problems with New World have been cleared up except for one trivial account. There was brief discussion about our Fund Balance, which is very healthy. The Mayor stated this has been another year of good fiscal management by Town employees. The Town should be proud of what has been done with taxpayer money.

CONSENT AGENDA

- Consent 01** Minutes of the December 1, 2015 Special Meeting, and the December 1, 2015 Regular Council Meetings
- Consent 02** Authorization for the Town Manger to sign a Memorandum of Understanding between the Town of Apex (Apex Fire Department) and Wake Technical Community College (WTCC) to allow WTCC Instructors to utilize Town of Apex owned equipment while instructing members of the Apex Fire Department and others who are registered to participate in certification courses. This MOU covers the five year period from January 1, 2016 to December 31, 2020.
- Consent 03** Authorization for staff to compile and submit grant request for up to \$250,000 from the North Carolina Parks and Recreation Trust Fund to aid in development of Phase I of Salem Pond Park
- 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 Ronald and Ellen Rose, Thomas E. and Jeanne Whittlesey, Grayson and Blaine Kelley and HYCK Associates property containing 41.612 acres located at 1201, 1309, 1313, 1325 & 1333 Kelly Road, Annexation #560 into the Town's corporate limits

- Consent 05** Declaration of a school zone speed limit ordinance along Lufkin Road for Lufkin Road Middle School, posting 25 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 06** PULLED FOR DISCUSSION AS NEW BUSINESS - Declaration of a school zone speed limit ordinance along Old Jenks Road for Salem Elementary and Salem Middle Schools, posting 35 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 07** Declaration of a school zone speed limit ordinance along North Salem Street for Thales Academy High School, posting 25 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 08** Budget amendment to appropriate donations which have been received by the Town for the purpose of funding the Peak-A Palooza Celebration held in October 2015
- Consent 09** Budget amendment to appropriate fund balance in the Police Donations Fund to pay for a holiday program for under privileged youth in the Town
- Consent 10** Sale of Lot 236 Plots C and D in Apex Town Cemetery
- Consent 11** Authorization for the Personnel Committee to work with the HR Director to develop a RFP and review responses in order to recommend an executive search firm and selection process to be used in hiring the new Town Manager

Council Member Moyer requested that Consent 06 be pulled for discussion. Mayor Olive stated it would become New Business 06.

COUNCIL MEMBER SCHULZE MADE A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ONE REQUESTED MODIFICATION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

In reviewing the Agenda, Mayor Olive stated he wished to add two additional Closed Session items concerning legal matters. There was also an Unfinished Business item added by staff, Charter for the Parks, Recreation, and Cultural Resources Committee.

With no objections from Council, Mayor Olive declared the Agenda final.

PUBLIC FORUM

Mayor Olive explained the public forum process and the light system to help keep speakers on track of the three minute timeline.

In relation to traffic/other issues at Pleasant Park: Tony Santitoro, Marylou Harris, Mike Harris, Vicki Daimasso, and Joe Carroll all spoke about the single access in and out of the Park and this being a safety issue. Other comments offered were: appreciation for citizen input, plans being delayed until there are adequate traffic plans, being told the exit would be gated, the Park being a beautiful place, the light and noise pollution would disturb sleep, consideration of buffer zones, people in the area not being met with, a traffic study should be done. Judy Ives, whose mother originally bought the property, asked that tennis courts not go in front of her house.

In relation to sports at Pleasant Park, John Hayden, Lacrosse; Scott Dupree; Marlow Campbell, football; Mike Ostrander, baseball; Scott Olive, Lacrosse; Craig Oates, softball; Shelby Polachik; and Jackie Oates all spoke about the benefits of the Park. Comments offered were: the measure of success is the number of kids engaged in the programs, the Park will be an opportunity to catch up with growth, this could become an economic engine, there should be an investment in sports turf and sticking with six full-size multi fields, Apex would be able to handle large tournaments, the Park would be a top-notch facility, hopefully the Park could be used for training so teams would not have to go elsewhere, extensive revenue being lost to other towns who hold tournaments, would give sports a home court, having a wonderful downtown would be a draw.

In relation to the Land Use Map, David Bristol, Suzanne Harris, Jacob Rogers, Gordon Polson, Christine Azadell, Richard Stock, and Dave Carazelli offered the following: it seems unfair to put a study in place now, a study should not adversely affect long-term residents, properties under contract should be excluded, there is concern about the consequences to residential and commercial builders, to suggest residential construction would have to stop during a study is a serious concern, this should go to the Planning Committee for more discussion, decision should be delayed to give time for more citizen input, seems like this is moving fairly fast without much input, the word 'moratorium' is concerning, maybe get examples from other places, developers have been saying 50% would be difficult to achieve, if a moratorium is placed other towns will get the business, to stop potential residential development would affect the town seriously, there has been no notice from the Town that development may not be able to move forward – this developer only waiting on final signature to do so.

Colin MacNair and Carl Helton spoke about slowing growth. We're on track and rolling so let's not slow down, we have a great financial standing, downtown and residential areas epitomize a sense of community, the largest retailers want to relocate here and most towns see this as positive growth, the new Council should think long and hard before slowing down the train, we have a sewer plant to pay for and the residents don't want to see a raise in taxes to do so, we can do managed growth.

Joe Howard spoke about CSX issues. He thanked Bruce Radford for all the research and work he's done in trying to help them. There are still problems with noise, and it's gotten worse around Center Street. Mr. Howard has an appointment with Congress regarding an investigation into CSX. If CSX is bought, the congressional body will pay for it. He talked about the idling and CSX not turning off engines even in warm weather.

Mayor Olive called for a five-minute recess.

Mayor Olive stated about 30 folks spoke during Public Forum, and he thanked them for their input. There will be other opportunities for comment on things such as park plans. Parks and Recreation staff can answer questions on projects and timings. There is now a Parks, Recreation, and Cultural Resources Committee with Council Members Moyer and Wilkie for matters of policy. Tonight's comments did not fall of deaf ears. We also have an Economic Development Committee and a Planning Committee that can consider some of the things spoken about tonight.

PUBLIC FORUM

Public Hearing 01 : Michael Clark, Senior Planner

Continuation of public hearing from the November 17, 2015 Town Council meeting and Rezoning Case #15CZ15 (Westhigh subdivision). The applicant, Standard Pacific Homes, is seeking to rezone from Residential Agricultural (RA) to Medium Density Residential Conditional Zoning (MD-CZ) for the properties located at 1523 Salem Church Road and 0 Salem Church Road collectively containing 2.10± acres

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board unanimously recommended approval as did staff. Council asked for an explanation of density. Jason Baron, Morningstar Law Group, stated the neighborhood would be consistent with the Cary piece. The density will be three single family homes/acre. There is an outside chance that an historical home could make this four homes/acre because of its location. Mr. Baron explained an earlier density discrepancy.

Mayor Olive declared the Public Hearing open.

Judy Houseness stated this is a residential/agricultural area. There is a traffic problem in the area, yet building continues. She expounded on the problems they have now and what they will be in the future.

Mayor Olive declared the Public Hearing closed.

Staff talked about the current traffic problems in the area and indicated things could be better in the future. Mr. Baron talked further about connectivity requirements. There will be 92 units in the development on the combined properties.

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

Council stated our infrastructure will not sustain this much traffic. Mr. Baron stated they have no options to the stub streets, and pointed out Cary has an existing ordinance related to this. Staff stated it was not concerned about safety.

Public Hearing 02 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Staley and Halley Smith, Marlou Bacon and Marth Smith property containing 84.736 acres located at 0 and 809 Wimberly Road, Annexation #554 into the Town's corporate limits

and

Public Hearing 03 : Michael Clark, Senior Planner

Public hearing and Rezoning Case #15CZ26 (Weddington) and Ordinance, where the applicant, Baker Residential is seeking to rezone 134.858± acres located at 4105 Green Level West Road along with 0, 0, and 809 Wimberly Road from Rural Residential (RR) & R-80W to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, the applicant's proposed uses were stated. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval as did staff.

Staff stated a small portion of the East Coast Greenway runs through Apex. Explained were the efforts to gradually connect to this greenway over the coming years. Staff also explained Cary has spent a large amount of money on this project, and we would not need to contribute anywhere near the Cary amount. Staff explained the low grades on level of service, Council stating that we need to do better.

Mayor Olive declared the Public Hearings open.

Glenda S. Topp, Glenda Topp Associates representing the applicant, further detailed the site. She noted this development is similar to back in the 70's, 80's, and 90's. This will be a quality development that surpasses many of the Apex standards.

A citizen expressed concern over construction crews coming down her road. She felt it would be dangerous for construction crews to travel that close to the trail.

Mayor Olive declared the Public Hearings closed.

William Eudusky, Baker Residential, explained construction on the road in question. He clarified they will not impede anyone's use of their driveway. He also clarified Council's question on buffers.

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

MAYOR OLIVE CALLED FOR A MOTION ON THE REZONING. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION WITH THE CONDITIONS OF A BUFFER, NO DRIVEWAYS BEING IMPEDED, A TOTAL OF 190 UNITS, AND LOT SIZES OF 9,800 SQUARE FEET.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #15CZ35 (Mary Bertoncino) to rezone 0.015± acres located at 2299 Toad Hollow Trail from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

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

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

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

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Annexation – Apex Town Council's intent to annex Mary K. Bertoncino property containing 0.15 acres located at 2299 Toad Hollow Trail, Annexation #558 into the Town's corporate limits

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 DOZIER MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Annexation – Apex Town Council's intent to annex James H. and Ann C. Woodall and Standard Pacific of the Carolinas, LLC property containing 28.228 acres located at 0 and 6515 Apex Barbecue Road, Annexation #551 into the Town's corporate limits

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

Mayor Olive declared the Public Hearing open.

Tom Beebe, Standard Pacific Homes, stated he was in attendance to answer any questions.

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

Council Member Dozier stated her negative vote was due to being contacted by parents who feel there is an issue with the school in the area.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Annexation Ordinance – Apex Town Council's intent to annex Apex Pointe, LLC (Publix Pointe) property containing 35.95 acres located at the northeast quadrant of the intersection of Kelly Road and Olive Chapel Road, Annexation #557 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 ANNEXATION; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. The Planning Board recommended 7-10 p.m. operating hours. There was discussion about the area of notification to neighbors for the annexation requested in Public Hearing 07. Mayor Olive suggested this go to the Planning Committee for discussion.

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 VARIOUS AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION WITH THE TIME CHANGE TO 7-10 P.M. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 09 : Michael Clark, Senior Planner

Public Hearing and designation of the James Madison Williams House located at 4525 Green Level West Road an Historic Landmark in compliance with North Carolina General Statute 160A-400.4

Staff stated only a portion of the property was requesting rezoning and gave a brief history of the structure. Gary Roth, Capital Area Preservation, detailed the property and its location and acreage. He spoke briefly about the house being moved into Apex earlier this day and thanked the Town for its support in helping to save the Upchurch historic house. Mr. Roth detailed the history of how the property was acquired and the house developed. He gave the Significance Statement. The Capital Area Preservation staff recommended approval of the designation and ordinance. It was unanimously recommended at a previous meeting that this move take place. Mr. Roth complimented Apex for being friendly to the Wake County Historical Commission and explained how the house would be historically preserved through the Commission. There is a 50% property tax deferral if it is applied for.

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

Council complimented the Commission and thanked them for this request.

Public Hearing 10 : Brendie Vega, Principal Planner

Public Hearing and amendment to the Thoroughfare and Collector Street Plan map as requested by Apex Planning Department and Jeff Roach, Peak Engineering

Staff detailed the two amendments. The Planning Board recommended approval. Council questioned public safety and traffic dumping onto collector streets.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering Design, stated they have been in discussion with staff several months about this request. He outlined why they were asking for the amendment. There was Council discussion about driveways onto a collector street. Mr. Roach offered to come back with a plan that eliminates the street in question. Council was not comfortable making a decision without a public safety staff member present who could address this. Mr. Roach stated he would withdraw item 2. and come back to Council with it later on.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE ITEM 1. OF THE REQUEST AND EXCLUDE ITEM 2.; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a five-minute recess.

UNFINISHED BUSINESS

Unfinished Business 01 : Vance Holloman, Finance Director

Resolution declaring the results of the November 3, 2015 referendum for the \$15 Million Street and Sidewalk Improvement Bonds, approving a Statement of Result of the Bond Referendum, and instructing the Town Clerk to publish that Statement

Staff stated the request was to declare or certify the results, approve the statement, and instruct the town clerk to publish the statement. Staff recommended adoption of the Resolution.

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.

Added Unfinished Business 02 : Mayor Lance Olive

Parks, Recreation, and Cultural Resources Charter and CAMPO appointees

Mayor Olive stated he wanted to follow through in providing a charter for the Parks, Recreation, and Cultural Resources Committee. He read the proposed objective and Charter and explained the thinking in providing this Charter. Council wished to make sure public art was included.

COUNCIL WAS IN AGREEMENT WITH THE PROPOSED CHARTER WITHOUT OBJECTION.

Charter for the Parks, Recreation and Cultural Resources Committee

The objective of the Parks, Recreation and Cultural Resources Committee is to create an environment where the efforts of the associated staff and advisory commission are spent on the areas of most importance to the council, and, thus, have a reasonable expectation of being well-received. The charter of this committee shall be to establish high-level policies, priorities and projects related to:

- a) Parks: Location, Land Acquisition, Amenities, Maintenance, Hours of Operations, Problem Avoidance/Resolution, etc.
- b) Recreation: Programs, Age Coverage, Special Events, Locations, etc.
- c) Cultural Resources: Historical Education, Music, Fine Art, Natural Sciences, Events, etc.

The committee shall work to recommend and guide the council to establish boundaries and guidelines within which the Parks, Recreation and Cultural Resources Department and associated Advisory Commission shall pursue specific projects. Staff may be asked to help codify the committee recommendations before they are presented to council for approval.

In regards to CAMPO, Mayor Olive stated that since the meetings are typically attended by mayors, Mayor Pro Tem Dozier agreed to become the alternate liaison. She has also agreed to be removed as Triangle J alternate, that position to be filled at a later date.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Russell Dalton, Transportation Engineer

Direction to the Town Manager to request in writing that NCDOT plan for an increase in height of the proposed Apex Barbecue Road Bridge over Beaver Creek to accommodate the future Beaver Creek Greenway going under the bridge, agreeing to the anticipated delay in the bridge replacement schedule in project B-5161 in order to accommodate this request

Staff stated we have been in discussion for more than a year with DOT on the Greenway bridge. With a new DOT policy being drafted, the first installment of our \$390,000 cost match would be due July 2016. This amount is included in our CIP. DOT is asking we request the change in design which will cause a six month delay to raise the bridge. If we don't provide funding and the bridge goes at the current elevation, then work would need to be done on the Greenway and there would be a safety issue. Staff is in favor of the raising of the bridge.

Council asked for a cost if there was a temporary access. Staff stated the plan now is to shut down the road. DOT informed us that a temporary access would impact the parkland, and we would need to look for another feasible and practical alternative, which closing the road is a feasible alternative. Staff stated this would be General Fund money.

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

New Business 02 : Michael Clark, Senior Planner

Application for Deer Creek Master Subdivision Plan including properties located at 400 New Hill Olive Chapel Road. This project consists of approximately 99 acres and proposes 134 new single-family detached lots and 112 townhomes

Staff oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu and land set aside for the greenway. The Planning Board and staff recommended approval.

Withers and Ravenel expounded on the zoning and estimated lot sizes. Council stated he had problems with density but understood staff required this. Staff stated the initial submission had more townhomes than single family residential. The townhomes have now been decreased and the single family residential have been increased. Withers and Ravenel stated densities were a result of the zoning conditions they agreed to related to mixed use. Council further discussed zoning and acreage with staff.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
COUNCIL MEMBERS WILKIE, JENSEN, SCHULZE, AND DOZIER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER MOYER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Moyer stated he felt development at this intersection and the plan for expanding Apex in that area were not a good fit for this. He would have been willing to look at the subdivision plan and make alterations, to which Council Member Jensen was in agreement. Mayor Olive made the suggestion for the Planning Committee to in the future look at requirements that may or may not be for minimum and maximum percentages in mixed use areas.

New Business 03 : Shelly Mayo, Planner

Application for Manors at Bella Casa Phase 8C Master Subdivision Plan including properties located on Evans and Walden Roads. This project consists of approximately 19.27 acres and proposes 43 new single-family lots

Staff oriented Council to the site which was rezoned about a month ago. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu. The Planning Board

recommended approval as did staff with a condition relating to easements. Stuart Jones, Jones and Crossen Engineering, clarified lot sizes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE APPLICATION WITH AN ADDITIONAL CONDITION OF A 30' WIDE GREENWAY AND SEWER EASEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Brendie Vega, Principal Planner

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

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; 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 3-2 VOTE.

Council stated this request was too high in density for the area. Staff questioned if the vote put off the ability for the applicant to come back with another application for a similar type project. The three negative voters stated they would be willing to meet with the builder.

Council stated she voted in the affirmative because looking at Bella Casa, this would add additional types of homes for those who would like to live in the area with a different style home. Council stated these are a quality product that meets our requirements.

New Business 05 : Dianne Khin, Planning Director

2035 Land Use Study Area, policy regarding requiring 50% non-residential in mixed use areas depicted on the current 2030 Land Use Map, and possible change to the UDO to add Type AA Buffer between residential and non-residential developments as requested by the Town Council Planning Committee

Staff stated the Planning Committee suggested the study so that the Land Use Map can show specific parcels instead of the circles. The Committee suggested the policy be amended to 50% non-residential but allow for residential within non-residential on second floors or higher. This would not affect anything already zoned. Submitted projects would be grandfathered in. There are a wide range of buffers. The Planning Committee proposed a change for new Type AA buffers which would be opaque and require existing plantings. Staff explained the process by which these changes would need to be made.

Council stated he did read that nothing will be approved during this process. Staff stated we will not have a moratorium, that submittals can be made and go through the review process. The approval process was clarified. Council stated we should not hold up the process after people have spent a lot of money according to our Plan. It is unfair to prevent them from doing their projects.

Council agreed. If there is something in our hand, then we need to look at it. The objective was to try to protect areas for non-residential so we're not a 100% bedroom community. This would be temporary to allow staff and Council to look into the future. Economic Development is looking at this to ensure we have non-residential business areas. If we develop all the land into housing, where are people going to work. We need to bring in something so people have a choice of where to work – which will hopefully be here.

Staff stated the plan is to hire someone to do the study, as we are not equipped to do so. This could possibly be Kimberly Horne who worked on the 2030 Land Use Plan. It would take three to four months, and there would be public input sessions. Staff talked about employers wanting to have housing choices for their employees. Some employees want to be close to services. Staff stated things are different now, and we want to have a healthy community which requires a variety of uses and densities.

Council asked who was on the Planning Committee and how many votes were needed for this to come to Council. After response from the Mayor, Council asked the Mayor if he was in agreement with the study, to which he answered that he was and gave reasons as to why. Responding to being for the 50% increase, the Mayor stated it had to have a temporary assignment and date if it came to Council. Council stated he agreed in order to try to preserve mixed use zones.

Council asked about the proposed properties under contract. Are those properties able to continue with that they're doing? Council answered this would be the right thing, but they should be viable contracts which have already been signed. We can make individual decisions on those things which are pending. The study area will be minimized as quickly as we can. The properties actually in place will be grandfathered in.

Council asked if building permits, annexations, and residential development would continue during the study period. Council answered yes, these things will continue as we have almost 6,000 lots available to build. This would encompass six or seven years at a 4% growth rate, so this could be shut down today and developers could keep building houses at a 4% growth rate for five or seven years.

Council suggested adding another area for study at the intersection of US1 and 540. For folks coming to Pleasant Park, for example, where would we put a hotel?

Council stated she wants to be more flexible on the term 'in process'. If someone gives us their word that they have been talking to people, then there should be some flexibility. Council stated that if someone wants to do something with their property, then according to our Ordinance, we should not hold them up. As far as the study, let the free market decide. If people want to live in a bedroom community, then that's what they choose to do. Council stated he does not like this approach – it feels like this is being ramrodded down people's throats. These are invested property owners; it's wrong for us to try to tell them what to do with their property.

Council asked if landowners have requested these changes, to which the response was 'no'. Council asked if there would be neighborhood meetings before and after the study is done, the response being it would be up to the person doing the study. Council asked if there would be a guarantee of 3-4 months for the study, the response being this was uncertain. The cost of the study will be brought to Council. Staff explained this cost will involve several factors. Council stated the money for this study would come from General Fund. Council asked if a study like this has been done before, to which staff responded we did the 2030 Land Use update for \$60,000. It's anticipated this study would be less.

Council asked if there was any thought given to change the 2030 Land Use Plan to a 2035 Plan. Staff explained an entirely new plan would be intense and would not be done quickly or cheaply. The process would take a year or more. Staff stated, responding to whether or not we should do a quick study and then an intense study, that our Land Use Plan is not out of date. So we don't necessarily need to do a new plan right away. Staff pointed out the three areas that didn't have detailed studies during the 2030 plan because of budget constraints.

Council requested that this go back to Committee to be more narrowed as to its intent and to also identify the goal and answer the raised questions. Council stated he was in agreement and wanted every property owner in the area notified by letter that the land was under study. Also, he wanted anyone wanting to do something with their land to not be held up by this process in any way. Council also wanted to know if this has been done in other municipalities and if they use 50/50 for the land use piece. She also wished to know if this was successful for commercial.

Discussion continued on if 30% should be the highest we should go, small businesses, what the voters stated they wanted, preserving land for non-residential development, and land at major intersections where commercial would need to take place. The Mayor stated that if the study comes back and says

there is not a need for commercial in the area, then this gives us something on which to make a decision. Other areas have been studied, but the southwest area was not because of cost. If we don't study this now, then we need to do so soon or be willing to not consider mixed use nodes at all and let it build out to the county line.

COUNCIL MEMBER DOZIER MADE A MOTION TO SEND THIS PROPOSAL BACK TO THE PLANNING COMMITTEE FOR A MORE NARROWED FOCUS ON A LAND USE STUDY AS WELL AS THE PERCENTAGE OF NON-RESIDENTIAL - 30/40/50 PERCENTAGES - WITH MORE SPECIFICITY, AND WITH FULL ENGAGEMENT OF ALL STAKEHOLDERS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive stated the buffer portion of this item needed to be discussed. Staff stated it was asked at the Committee meeting to look at this. What was needed here was for Council to state it wants this looked at so that a proposal by staff could be formulated to go through the approval processes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO STUDY THE BUFFERS AS STATED; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Added New Business 06 (from Consent Agenda): Council Member Moyer

Declaration of a school zone speed limit ordinance along Old Jenks Road for Salem Elementary and Salem Middle Schools, posting 35 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only

Council asked why this school zone would be 35 and not 25 mph. Staff stated this was because it's a 45 mph road and the reduction is 10 miles. Council asked what we could do to make it 25 mph, staff responding that DOT's state statutes are always 10 mph or less. DOT would say that 25 on a 45 mph road is too low of an expectation for drivers, and staff expounded on this.

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

CLOSED SESSION

Closed Session 01 : Possible motion to go into Closed Session to discuss a personnel matter

Closed Session 02 : Possible motion to go into Closed Session to discuss a legal matter

Closed Session 03 : Possible motion to go into Closed Session to discuss a legal matter

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

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

COUNCIL MEMBER SCHULZE MADE A MOTION TO APPOINT ANDREW HAVENS AS INTERIM MANAGER IN ACCORDANCE WITH THE EMPLOYMENT AGREEMENT - INTERIM TOWN MANAGER, AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE TOWN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

COUNCIL MEMBER WILKIE MADE A MOTION TO AUTHORIZE THE PERSONNEL COMMITTEE TO CONDUCT A SEARCH FOR A CONSULTING FIRM/CONSULTANT TO WORK WITH THE TOWN COUNCIL TO CONDUCT A SEARCH FOR A TOWN MANAGER; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

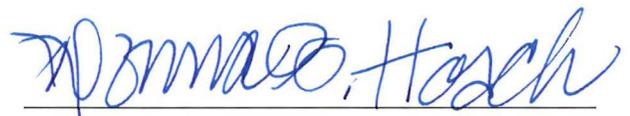
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Lance Olive
Mayor

