



APEX TOWN COUNCIL MEETING

TUESDAY, JANUARY 7, 2014

Keith H. Weatherly, 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
J. Michael Wilson, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 7, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Department Heads/Supervisors

Introduction of newly-hired Town employees

The following newly-hired employees were introduced:

- John Cannon, Public Works Operations Manager introduced James Turner, Street Crew Leader; Ashley Parker, Senior Utilities Maintenance Worker; and Aaron Prince, Utilities Maintenance Worker
- John Brown, Parks and Recreation Director introduced Patrick Fahy, Parks Maintenance Worker and Jerome Harrison, Parks Maintenance Worker
- Police Chief John Letteney introduced Joseph Asmussen, Police Officer; William Hotchkiss, Police Officer; Paul Reinas, Police Officer; and Kristopher Shuart, Police Officer
- EMS Chief Randall Heath introduced Christopher Simmons, EMS - Paramedic
- Mike Couch, Electric Utilities Manager introduced Matt Mills, Electrical Line Technician

CONSENT AGENDA

Consent 01 Minutes of the December 17, 2013 Regular Council Meeting and Minutes of the December 18, 2013 Personnel Committee Meeting

- Consent 02 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 Robert Briggs property containing 5.538 acres located at 6404 Old Jenks Road, Annexation #502 into the Town’s corporate limits
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving the ATI Industrial Automation Phase 5 Major Site Plan
- Consent 04 Findings of Fact, Conclusions of Law, and Decision approving the Scotts Ridge Elementary School Major Site Plan
- Consent 05 Public Hearing for the January 21, 2014 Town Council Meeting regarding Rezone #13CZ28, 0.98 acres located at 1009 North Salem Street from Residential Agricultural to Office and Institutional Conditional Zoning
- Consent 06 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ31, 4.32 acres located at 2801 Walden Road from Rural Residential to Medium Density-Conditional Zoning
- Consent 07 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ33 from Rural Residential to Medium Density-Conditional Zoning and a 2030 Land Use Map Amendment from mixed use: Commercial Services, Office Employment and High Density Residential to Medium Density Residential for, 85± acres located at 400 New Hill Olive Chapel Road
- Consent 08 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ34 from Rural Residential to Neighborhood Business-Conditional Zoning for 14± acres located at 400 New Hill Olive Chapel Road
- Consent 09 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ35, 70.12 acres located at 8012 Green Level Church Road and 7529 Roberts Road from Rural Residential to Medium Density-Conditional Zoning
- Consent 10 Public Hearing for the January 21, 2014 Town Council Meeting regarding Rezone #13CZ36, 1.69 acres located at 2600, 2621, 2629, Schieffelin Road from Residential Agricultural and Planned Commercial Zoning to Light Industrial Conditional Zoning
- Consent 11 Public Hearing for the January 21, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 12 Ordinance amending Chapter 20 of the Apex Town Code of Ordinances to add a new Section 20-89 to provide for the identification and regulation of street gates including a street gate across Sandy Hill Ct. in Castlewood Subdivision
- Consent 13 Approval of the eRecording of documents at the Wake County Register of Deeds, eRecording *Software License and Services Agreement* between Electronic Document Logistics, Inc. (“EDL”) and the Town with authority for the Town Attorney to execute same, and *Electronic Recording Submitter Agreement* between Wake County and the Town with authority for the Town Attorney to execute same
- Consent 14 Change Order #1 for the Community Park Lake Dam project

- Consent 15** Changes to the opening and closing times for various parks, greenways, and shelters.
- Consent 16** Budget ordinance amendment for repair of Police vehicle
- Consent 17** Street Closings for 2014 Peak Fest and 2014 July 4th Celebrations
- Consent 18** Resolution approving the Memorandum of Understanding Among the Naval Criminal Investigative Service and the North and South Carolina Regional State, County and Municipal Agencies for an Information Sharing Initiative Known as the Law Enforcement Information Exchange Carolinas (LINX Carolinas)

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

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda and asked for a brief discussion on a date for the Council's Annual Planning Retreat, this item to be New Business 06.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE ADDING NEW BUSINESS 06; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : June Cowles, Senior Planner

Public Hearing and approval of The Town of Apex Hazard Mitigation Plan Annual Report

Staff presented the history of this Plan and a brief review of how Apex is complying with the Plan. The Town is working with other jurisdictions to update the Plan, thereby saving the Town money. A grant has been provided for this update. A survey will be placed on the Town website later this week. Hopefully, the Plan will be ready for distribution later this Fall.

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

MAYOR WEATHERLY 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 UNANIMOUS 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

PUBLIC FORUM

No one wished to speak during the Public Forum.

NEW BUSINESS

New Business 01 : Marty Mitchell, Director, Facility & Fleet Services

Approval of funding for a design contract with Smith Sinnett Architecture for the Mount Zion electrical site. This contract will include a full design plan to accommodate the growing needs and space requirements of the Electric Department up to and including construction documents. The remaining design contract (construction administration) would be awarded in the future after the construction project is bid.

Staff stated this is the Phase II approach which was presented at least year's retreat.

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

New Business 02 : Marty Mitchell, Director, Facility & Fleet Services

Funding for a pre-design and planning contract with BBH Design to evaluate the Town Campus third building. This contract will include a feasibility study and possible departmental placements within the new third building. The total design contract will be awarded in the future after consideration of the pre-design contract.

Staff stated this has come up due to future staffing accommodations that will be needed. In attempt to get ahead of the curve, which is a two-year-to-completion project, the desire is to start with a predesign contract. Afterwards, staff will come back with a full-blown contract.

Council expressed concern over taking away the currently identified green space on campus for the building; could it be located elsewhere to conserve this space. Staff stated all options would be explored.

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

New Business 03 : Gene Schulze, Chair, Personnel Committee

Personnel Committee recommendation for 1 full-time Planner I at Salary Grade 21 and 1 full-time Planning Technician at Salary Grade 20 effective immediately

Council stated there is clearly a demonstrated need for these positions. It will allow the Planners to focus more on their responsibilities and not those of other positions. The Personnel Committee recommended approval.

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

New Business 04: Bruce Radford, Town Manager & Hank Fordham, Town Attorney

Resolution Declaring Leasehold Interest Surplus and Resolution Starting Upset Bid Process in connection with a long term lease of a portion of Kelly Road Park property to Raleigh Towers LLC for use of the property for construction and operation of a wireless communication tower

Staff stated the Town has realized great success in leasing cell tower space on top of elevated storage tanks. Raleigh Towers LLC has approached us to lease space, as there is at some points a lack of service traveling along I540 and on the west side of town. Staff supports this, which would bring in just over \$20,000/year.

Legal has worked closely with the developer for what will be a free-standing tower. One addition to the language was suggested by Legal related to any damages caused to Town facilities. The Resolutions would approve this as surplus property and subject it to an upset bid process.

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

New Business 05: Bill Jensen, Chair, Economic Development Committee

Report from and recap of the January 3rd Economic Development Committee Meeting

Council presented the items discussed in the meeting. The Committee recommends that capacity fees be brought up to the full charge that the staff has calculated and that these updated fees be reviewed by the Finance Committee. A queue system was discussed, one for residential and one for non-residential. Staff stated non-residential is not being impeded, so there was no further discussion on this item.

Lastly, the possibility of an Economic Development manager was discussed. Currently, a portion of the Communications Manager's time is supposed to be utilized assisting with ED, and several projects have been completed. Council would like to see more of her talents used in the ED area. The Town Manager provided background on how the Communications Manager's time was originally to be split, adding that with this being a newly-formed position, he underestimated the time it would take for primary job duties. Up until now, there has not been a tremendous demand for her to work on ED projects. Discussed was the idea of bringing in an intern to help with ED, the Mayor stating that a philosophical discussion on this subject could take place at the upcoming retreat. Council will work with the Chamber to help bring in people to work on this.

Added New Business 06: Mayor Keith Weatherly

Discussion of the Planning Retreat

The Mayor stated that retreats have typically be done on Fridays, taking up a full day. After brief discussion, Council decided that March 7th would be an appropriate date and that the retreat would either be at Town Hall or the Police Station.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE
THE MARCH 7TH DATE FOR THE RETREAT; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

CLOSED SESSION

Closed Session to discuss the acquisition of real property

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

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

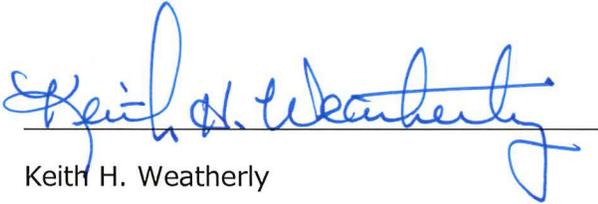
MAYOR WEATHERLY CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER JENSEN MADE
THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:



Keith H. Weatherly

Mayor

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TOWN COUNCIL MEETING

TUESDAY, JANUARY 21, 2014

Keith H. Weatherly, Mayor
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William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
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Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 21, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Keith H. Weatherly, Mayor Pro Tempore 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 J. Michael Wilson, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Lauren Simmons, Planner II

Recognition of the Winter Appearance Award winners

Due to the threat of inclement weather, these awards will be presented at the February 4th Regular Meeting.

CONSENT AGENDA

Consent 01 Minutes of the January 7, 2014 Regular Council Meeting

Consent 02 Apex Tax Report dated 12/01/2013

Consent 03 Ratify a change to the approved December 17, 2013 Council Minutes to correct a transposition error in Add-on New Business 08

- Consent 04** Findings of Fact, Conclusions of Law, and Decision approving Special Use Permit #13SUP02
- Consent 05** Abandoning a portion of public sanitary sewer easement that is no longer needed
- Consent 06** Statement of the Apex Town Council and enact Ordinance for Rezoning Case #13CZ20, Raleigh Land Fund I, LLC, petitioner for the property located at Jenks Road and 1513 Wimberley Road
- Consent 07** Statement of the Apex Town Council and enact Ordinance for Rezoning Case #13CZ29, Stuart Jones, Jones & Clossen Engineering, PLLC, petitioner for the property located at 2625 Olive Chapel Road
- Consent 08** Revisions to the Town Standard Specifications and Standard
- Consent 09** Budget ordinance amendment for Planning Department office improvements, design of Public Works facilities, predesign of Town Campus facilities, and purchase of land
- Consent 10** Authorize the Town Manager to consent on behalf of the Town to Beechridge Limited Partnership's converting to a limited liability company named Beechridge Housing, LLC without the conversion causing the acceleration of the debt owed by the limited partnership to the Town and authorizing the Town Manager to sign a consent in a form approved by the Town Attorney
- Consent 11** Resolution authorizing the Amended Interlocal Agreement for Provision of Sewer Services for Colvin Park Subdivision and to approve the Amended Alternative Sewer Connection Agreement
- Consent 12** Ordinance amending Chapter 13 of the Town Code to provide a schedule for the renewal and expiration of peddlers permits applicable to vendors who contract with the Town to provide concession for Town parks
- Consent 13** Co-sponsorship with the Apex Downtown Business Association a Founders Day Celebration on March 1, 2014

The Town Attorney asked that the document he distributed for Consent 12 be substituted and considered; the substituted document contained corrections.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ACCEPT
THE CONSENT AGENDA WITH THE SUBSTITUTE DOCUMENT FOR CONSENT 12;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda. The Town Attorney asked for the addition of New Business 05 dealing with an encroachment agreement. Mayor Weatherly asked for the addition of information he wished to share as New Business 06.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO ACCEPT THE REGULAR MEETING AGENDA WITH THE ADDITION OF NEW BUSINESS 05 AND 06; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

Public Hearing to receive citizen input regarding the formulation of the Fiscal Year 2014-2015 Annual Budget

Mayor Weatherly briefly explained the budget process and declared the Public Hearing open.

Susan Mangus complimented the Town on the Nature Park which is not far from her residence. She cannot walk to it, however, because there are no sidewalks. The 2013 Plan includes a multiuse path in 3-5 years. With Scotts Elementary also coming on line, would it be possible to move up the timeframe of the sidewalk. Mayor Weatherly stated this would be taken into consideration.

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

Public Hearing 02 : June Cowles, Senior Planner

The applicant has withdrawn the petition for Rezoning #13CZ27, 198.69 acres located at 0, 7625, 7641, 7720, and 4021 Green Level West Rd, and 8109, 8113, 8129 Green Level Church Road from Low Density Residential and Low Density Residential Conditional Zoning to Planned Unit Development Conditional Zoning

Staff stated that the applicant withdrew this request.

Public Hearing 03 : June Cowles, Senior Planner

Possible motion to continue the Public Hearing to the February 18, 2014 Town Council Meeting regarding Rezone #13CZ28, 0.98 acres located at 1009 North Salem Street from Residential Agricultural to Office and Institutional Conditional Zoning

Staff stated it was requested for this Public Hearing to be continued as stated.

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

Public Hearing 04 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ31, 4.32 acres located at 2801 Walden Road from Rural Residential to Medium Density-Conditional Zoning

Staff oriented Council to the site. A neighborhood meeting was held; the applicant requested several architectural changes which were consistent with Bella Cosa. Staff and the Planning Board unanimously recommended approval with conditions set by the applicant.

Mayor Weatherly declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering on behalf of Joseph Iaone, stated this would be the same as the other property on Holland Road; this would be adding this property into the fold.

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

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

Public Hearing 05 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ33 from Rural Residential to Medium Density-Conditional Zoning and a 2030 Land Use Map Amendment from mixed use: Commercial Services, Office Employment and High Density Residential to Medium Density Residential for, 85± acres located at 400 New Hill Olive Chapel Road

Staff oriented Council to the site. The applicant is additionally asking for an amendment to the 2013 Land Use Plan with proposed conditions. Staff and the Planning Board recommended denial of the rezoning and the amendment and staff stated the reasons why. There were concerns about single family being close to a major highway and what will happen to non-residential use in the future.

Mayor Weatherly declared the Public Hearing open.

Jason Baron on behalf of the owners stated he also has another case going through the process. Mr. Baron explained the percentages they wish for residential and non-residential. He explained why he believes this is a mandated lower-density area, overviewing their proposed plan and why they believe it makes sense. Another condition to the watershed was proposed. Referred to was Raleigh's land use map and how it's being used, Mr. Baron making a point about scale. Mr. Baron answered questions from Council on density, buffering, and stormwater management. Ed Tang, Withers and Ravenell, answered questions also about stormwater management.

Ryan Smith, resident, spoke in favor of the request and stated reasons why. His property is rural residential and he doesn't want high-density commercial in his backyard. There is concern about the streams, as he is on a well system. Tree thinning and prescribed burns would have more of an effect on high rather than low density.

Bunn Olive, resident, asked how low density would affect his mother's property which is in close proximity. Staff explained that the conditions would not mandate required buffering. The applicant agreed to revise this to Type A buffering. Staff explained how low density neighborhoods have, in the past, balked at commercial use and explained how keeping the land non-residential is an opportunity for the future.

Mayor Weatherly declared the Public Hearing closed.

Council discussed not abiding by the recently adopted 2030 Land Use Plan, reserving property that is tailor-made for commercial, and how residential next to commercial doesn't work side by side. Council stated that perhaps the Land Use Map needs to be more specific as current terms can be misleading. Council stated it wished to see the developer work more on his plan.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THIS FOR ONE MONTH; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 06 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ34 from Rural Residential to Neighborhood Business-Conditional for, 14± acres located at 400 New Hill Olive Chapel Road

Staff suggested that this be continued since it is related to Public Hearing 05.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO CONTINUE THIS FOR ONE MONTH; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 07 : Brendie Vega, Principal Planner

Motion to continue the Public Hearing to the February 18, 2014 Town Council Meeting regarding rezone #13CZ35, 70.12 acres located at 8012 Green Level Church Road and 7529 Roberts Road from Rural Residential to Medium Density-Conditional Zoning

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO CONTINUE THIS PUBLIC HEARING AS STATED; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 08 : June Cowles, Senior Planner

Public Hearing and motion regarding Rezone #13CZ36, 1.69 acres located at 2600, 2621, 2629, Schieffelin Road from Residential Agricultural and Planned Commercial Zoning to Light Industrial Conditional Zoning

Staff oriented Council to the site. No one attended the neighborhood meeting. Staff and the Planning Board recommended approval with conditions.

Mayor Weatherly declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering representing Andy Clark, stated the request is to covert the property from residential to industrial.

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

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST WITH CONDITIONS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 09 : Brendie Vega, Principal Planner

Public Hearing and motion to enact an Ordinance for various amendments to the Unified Development Ordinance

Staff overviewed the reasons for the proposed changes. Council and staff briefly discussed the possibility of adjusting the 300 foot notice limit for rezonings.

Mayor Weatherly declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, spoke as to why he spoke against additional notices about a year ago. Doing so doesn't always bring in more people, and its more difficult to plan for the potential of larger crowds.

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

MAYOR WEATHERLY 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 UNANIMOUS 5-0 VOTE.

Public Hearing 10 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Robert Briggs property containing 5.538 acres located at 6404 Old Jenks Road, Annexation #502, into the Town’s corporate limits

Staff oriented Council to this voluntary annexation, the request being made so that the applicant may receive water and sewer. Staff recommended approval.

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

MAYOR WEATHERLY 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 UNANIMOUS 5-0 VOTE.

Public Hearing 11 : Dianne Khin, Planning Director

Public Hearing and possible motion approving amendments to the 2030 Land Use Map

Staff stated these amendments were clarifications of language in the Plan as suggested by Council. Staff recommended the amendments.

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

MAYOR WEATHERLY 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 UNANIMOUS 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Mayor Pro Tem Gene Schulze, Finance Committee Chairman

Possible motion to approve adjustments in water and sewer acreage fees, development application fees, and building permit fees as recommended by the Finance Committee

Council stated adjusting fees were discussed in a Finance Committee meeting to determine if they were appropriate. The Committee felt fees should pay for as much of the costing as possible while still being reasonable. The current fees are static and not going up with the rise in expenses. The entire Council agreed to look at fees once a year to see if they are appropriate at the time and competitive with neighboring towns.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO INCREASE FEES AS PROPOSED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

NEW BUSINESS

New Business 01 : June Cowles, Senior Planner

Motion approving Greenmoor Master Subdivision Plan for the properties located at 7924 Green Level Church Road containing 99 acres and 254 lots

Staff oriented Council to the Site. A traffic impact study was performed, and looked at were the interior location of lots and the number of lots. The Plan also provides two recreational sites, a greenway connection, and partnership with the White Oak Basin regional pump station. From the neighborhood meeting, the applicant agreed to add sidewalks in areas on both sides of the street. Staff and the Planning Board recommended approval.

After brief discussion on the request, Council was prepared to vote.

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

New Business 02 : June Cowles, Senior Planner

Motion approving Siena & Verona at Bella Casa Master Subdivision Plan for the properties located at 0, 0, 2804, 3000, 3008, 3012 Holland Road containing 66.47 acres and 149 lots

Staff oriented Council to the site. The property was rezoned this Fall. A traffic impact analysis was done; and at the request of the DOT, the applicant is putting in a left turn. A sidewalk connection off of the cul de sac is being provided. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. Staff and the Planning Board recommended approval.

Council Member Dozier asked to be recused since she is a resident in the area and legislative chair for Bella Casa.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO RECUSE COUNCIL MEMBER DOZIER ON THIS ISSUE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

MAYOR WEATHERLY 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 UNANIMOUS 4-0 VOTE.

Council Member Dozier returned to Council.

New Business 03 : Lauren Simmons, Planner II

Motion approving James Street Station - Master Subdivision Plan - for the property located at 0, 100, 104, & 120 James Street containing 32.92 acres and 60 lots

Staff oriented Council to the site. A neighborhood meeting was held; the applicant will work with Apex Elementary School and provide a connection to James Street. The applicant also agreed to several architectural conditions, the Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval with the added conditions. Staff showed how the Peakway connection would be made.

MAYOR WEATHERLY 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 UNANIMOUS 5-0 VOTE.

New Business 04 : Mayor Keith Weatherly

Reappointments to the Board of Adjustment and Planning Board

Mayor Weatherly proposed the following reappointments as the individuals have previously served admirably:

Board of Adjustment

- Reappoint Craig Hardee as Chair, with a Chair term to expire December 31, 2015
- Reappoint Glynn Rodean as a regular member, with a term to expire December 31, 2015
- Reappoint Lou Gregus as a regular member, with a term to expire December 31, 2015
- Reappoint Staley Smith as a regular member, with a term to expire December 31, 2015
- Reappoint David Rowland as an alternate member, with a term to expire December 31, 2015

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

Planning Board

- Reappoint David Hooks as Chair to the Planning Board with a term to expire December 31, 2015
- Reappoint Tommy Morgan as Vice Chair to the Planning Board with a term to expire December 31, 2015

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REAPPOINTMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

New Business 05 : Hank Fordham, Town Attorney

Encroachment Agreement between Duke Energy Progress and the Town of Apex

Staff stated this would solve a problem that arose when the Wake County Board of Elections used Fire Station No. 2 as a voting prescient and damaged the septic drain fill. A new drain fill was built slightly off the site that the Town leases from Duke Energy Progress, but Duke Energy Progress will give Apex an encroachment agreement to cover this area of land.

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

New Business 06 : Mayor Keith Weatherly

Announcement by Mayor Weatherly

Mayor Weatherly announced that he would retire as Mayor effective at the close of business Friday, January 24th. He will begin a new position that will not be compatible with being Mayor. Council members expressed words of appreciation and gratitude to Mayor Weatherly.

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



Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:



Eugene J. Schulze

Interim Mayor

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TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 4, 2014

Eugene J. Schulze, Interim Mayor
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, February 4, 2014 at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Interim Mayor 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

Interim Mayor Schulze recognized audience member James Austin, former Mayor of Apex.

PRESENTATIONS

Presentation 01 : Brendie Vega, Principal Planner

Recognition of the Winter Appearance Award winners

Interim Mayor Schulze recognized the following two winners:

For Residential – Cambridge Village, an independent senior living facility. Mark Wilson accepted the award. For Non Residential – Crossroads Infiniti South, an auto dealership. Kolter Kesler accepted the award.

Interim Mayor Schulze thanked the winners for wanting to do the best for Apex.

CONSENT AGENDA

- Consent 01** Minutes of the January 14, 2014 Regular Council Meeting and Minutes of the January 7, 2014 Closed Session (*Closed Session Minutes recorded separately*)
- Consent 02** 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 Donald Lawrence, et.al., properties containing 295.383 acres located along the north side of Horton Road, west side of Country Acres Road and north of Old US 1 Hwy, Annexation #498 into the Town’s corporate limits
- Consent 03** Public Hearing for the February 18, 2014 Town Council Meeting regarding Rezone #13CZ30, 293± acres for the property located at 0, 9524 Horton Road, 3916 Old US 1 Hwy from R-80 W and R-40 W (Wake County) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification for the property located
- Consent 04** Public Hearing for the February 18, 2014 Town Council Meeting regarding Rezone #14CZ01, 14.78± acres for the property located at 532 Wimberly Road and 4325 Green Level West Road from Rural Residential (RR) and Low Density Conditional Zoning (LD-CZ) to Low Density Conditional Zoning (LD-CZ) district classification for the property located
- Consent 05** Ordinance and Statement of the Apex Town Council for Rezoning Case #13CZ31, Jones & Cnossen Engineering, PLLC/JVI Development II, petitioners for the property located at 2801 Walden Road
- Consent 06** Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ36, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioner, for the property located at 2600, 2621 and 2629 Schieffelin Road
- Consent 07** Public Hearing for the February 18, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08** Transfer of Lot 102 Plot E in Apex Town Cemetery
- Consent 09** Resolution approving the official Unified Development Ordinance book retained permanently in the office of the Town Clerk as the official codification of the Town's zoning, subdivision, and planning ordinances and adopting and issuing the replacement pages inserted therein since the last codification
- Consent 10** Granting the Wake County Public School System (“WCPSS”) a construction and license agreement which permits WCPSS to use Town land to add a right turn lane to Evans Road at its intersection with Apex Barbecue Road and to accept a \$5,000.00 payment from WCPSS for the license, and to authorize the Town Manager to execute the same

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

REGULAR MEETING AGENDA

Interim Mayor Schulze presented the Regular Meeting Agenda. Town Manager Radford requested the addition of a New Business item to discuss the Land Use Plan to find additional properties for non-residential development. Council Member Jensen requested verbiage added to New Business 03 to state “and at the discretion of the Council, select a Mayor to fill the present term”.

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED TWO CHANGES; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

There were no Old Business items for consideration

PUBLIC FORUM

Martha Fay, Jim Vogel, and Darren Eustance, spoke in support of Council Member Schulze serving out the vacant term of Mayor. Doing so will keep continuity, Schulze is a good man, and there’s no one more qualified for the job. The Mayor is the face and voice and leader of the Town, and this should be someone who has been here for the last few years. It seems, however, that the Council’s mind is made up as to who will be appointed without hearing what citizens have to say.

Tom Colhoun stated he wished to present Bill Sutton to serve the remaining term of Mayor. He gave an overview of Mr. Sutton’s qualifications and what he believes in for Apex. The Town needs someone focused on just Apex, and Bill is the man.

Interim Mayor Schulze stated that speaking as a citizen, the person appointed to the position will get his 100% support and he will continue with his objective to do what’s best for Apex.

NEW BUSINESS

New Business 01 : Lee Smiley, Finance Director

Review of 2nd Quarter Financial Summary

Staff gave an overview of general fund revenues, expenditures, and the debt service.

New Business 02 : Council Member Nicole Dozier

Consideration of an Apex promotional idea

Council Member Dozier expressed the desire for a program that would ensure new and existing residents as well as visitors know that Apex is a great place to live, work, and play. Focus should also be on things being here in Apex that would eliminate people having to go other towns. This information could be a part of our website.

Interim Mayor Schulze suggested sending this task to the Economic Development Committee; Chairman Jensen agreed, stating that he would set up a meeting to discuss the idea.

New Business 03 : Town Council

Discussion on Appointment of Mayor

Interim Mayor Schulze explained that he will serve as Mayor until an appointment by Council is made. Council stated the decision was made to look outside and a meeting would be held to review resumes. The Council should have the option at that point to make the decision as to who the Mayor will be. Consensus of Council was to meet at 5:30 p.m. on February 10th. After some discussion about meeting on the 2030 Land Use Plan,

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SET THE FEBRUARY 10TH SPECIAL MEETING AT 5:30 P.M.; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

Added New Business 04 : Town Council

Meeting Date for Discussion on the 2030 Land Use Plan

Consensus of Council was to hold this meeting on Thursday, February 13th at 5:30 p.m. in the training room.

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SET THIS SPECIAL MEETING AS STATED ABOVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 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,

INTERIM MAYOR SCHULZE CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER DOZIER MADE
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.



Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:



Eugene J. Schulze

Interim Mayor

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TOWN COUNCIL SPECIAL MEETING

MONDAY, FEBRUARY 10, 2014

Eugene J. Schulze, Interim Mayor
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Special Meeting of the Apex Town Council scheduled for Monday, February 10, 2014 at 5:30 p.m. was held in the Training Room at Apex Town Hall, 73 Hunter Street

In attendance were Interim Mayor 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

CONSENT AGENDA

Consent 01 Public Utility Easement in favor of Duke Energy

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE EASEMENT; COUNCIL MEMBER DOZIER SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

NEW BUSINESS

New Business 01: Town Council

Appointment of a new Mayor and selection of a Mayor to fill the present term

Interim Mayor Schulze explained the selection process and presented the names of the applicants: Rome Fontaine, Catherine Jones, Gene Schulze, and William "Bill" Sutton. Interim Mayor Schulze stated that this process had not been defined and that it was important to receive citizen input. Several citizens spoke to the experience, knowledge, and dedication to Apex of Gene Schulze and Bill Sutton.

Council stated there were good candidates, two very strong, so a decision should be able to be made on this night. Consensus of all Council was to discuss the top two applicants – Gene Schulze and Bill Sutton.

Council Member Jensen stated both candidates are tremendous advocates for the Town and have put in a lot of service. His vote was for Mr. Sutton because he knows the mechanisms of the Town, served on the Town Council and Planning Boards, and worked in two other towns temporarily as manager. He is in favor of Economic Development, and his vision of a live/work community is critical. Mr. Sutton knows many out-of-towners who he can work with.

Council Member Wilkie stated she had conversations with a cross section of folks in Town, and she mainly heard that citizens wanted someone with experience. Council Member Schulze was spoken of highly; he had been very kind in her transition. However, citizens wanted continuity and would like the Council to stay as it is. They did not wish to see a Mayor and then another Council member being appointed. The person selected should be interim and then let the people select who would be Mayor when the term runs out. Therefore, her support was for Mr. Sutton.

Council Member Schulze spoke about his many years involvement in the community and that the mayorship has to do with what is right for Apex. He has good relationships with businesses, the schools, and state-level contacts. He knows how things operate and how to get things done. While he wishes to become mayor, he will support Mr. Sutton if he is selected.

Council Member Lassiter stated he thought this would be a no brainer. He talked about precedent, continuity, and the chain of command. Apex was fortunate to have two fantastic candidates. His support was for Council Member Schulze.

Council Member Dozier stated she had also been contacted by the citizens. She viewed this as a positive problem to have two great people willing to serve. She wished for the Council to stay as it is. She loves that the senior members of Council will help her to become a better Council person, and she looks to Council Member Schulze for this. She did not feel he could do that if he was Mayor. Seeing as she wanted to keep things the way they are with her colleagues, her support was for Mr. Sutton.

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPOINT
WILLIAM SUTTON AS MAYOR; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

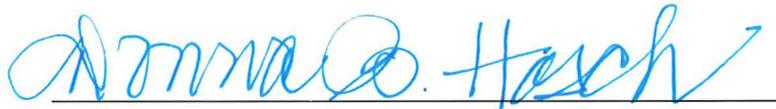
Mr. Sutton thanked the Council and citizens. He loves Apex, he wants to help people, and he wants to help the Council meet their agenda. He will be accessible, and he wants to see commercial come to Apex so people can work and live here. He will not serve beyond the term of the office.

Council stated that Mr. Sutton would be sworn in to office at the next Regular Council Meeting on February 18, 2014.

ADJOURNMENT

With there being no further business,

INTERIM MAYOR SCHULZE CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER JENSEN MADE
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



Eugene J. Schulze
Interim Mayor

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TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 18, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, February 18, 2014, 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, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

Interim Mayor Schulze called the meeting to order, gave the Invocation, and led the Pledge of Allegiance. Interim Mayor Schulze thanked Town employees who, under the leadership of the Town Manager, did an outstanding job clearing the roads during the last weather storm. He has received many emails complementing staff efforts.

Swearing in of newly-appointed Mayor, William "Bill" M. Sutton

Mr. Sutton was sworn in by Donna B. Hosch, Town Clerk, his wife, Pat, by his side. Mayor Sutton took his place on Council.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

Consent 01 Minutes of the February 4, 2014 Regular Meeting, the February 10, 2014 Special Meeting, and the January 3, 2014 Economic Development Committee Meeting

- Consent 02** Amendment of Chapter 9 of the Town of Apex Code of Ordinances to restrict the use of Sky Lanterns in the Town of Apex
- Consent 03** Construction contract and authorization for the Town Manager to execute same for Chatham & Moore Street Sidewalk Project
- Consent 04** Assignment, Assumption and Release of Encroachment Agreement with Wake Broadstone Associates, LLC and to authorize the Town Manager to execute same

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

REGULAR MEETING AGENDA

Mayor Sutton presented the Regular Meeting Agenda, to which there were no requested changes.

PUBLIC HEARINGS

Public Hearing 01 : June Cowles, Senior Planner

Public Hearing and motion regarding Rezone #13CZ28, 0.98 acre located at 1009 North Salem Street from Residential Agricultural to Office and Institutional Conditional Zoning

Staff oriented Council to the site. 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 REZONING. COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 02 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ33 from Rural Residential to Medium Density-Conditional Zoning and a 2030 Land Use Map Amendment from mixed use: Commercial Services, Office Employment and High Density Residential to Medium Density Residential for, 85± acres located at 400 New Hill Olive Chapel Road

Staff oriented Council to the site.

Mayor Sutton declared the Public Hearing open.

Jason Baron, on behalf of the applicant, stated he was before Council in January. A lively conversation resulted. They have been studying their request to determine if it could be revised to be more consistent with the Long Range Plan. Mr. Baron asked for a continuance to the March 18th Regular Council Meeting.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO CONTINUE THE PUBLIC HEARING TO THE MARCH 18TH COUNCIL MEETING; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 03 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ34 from Rural Residential to Neighborhood Business-Conditional for, 14± acres located at 400 New Hill Olive Chapel Road

Jason Baron, on behalf of the applicant, asked for the same continuance as the Public Hearing 02 since this is a companion case.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO CONTINUE THE PUBLIC HEARING TO THE MARCH 18TH REGULAR COUNCIL MEETING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 04 : Lauren Simmons, Planner II

Public Hearing and motion regarding Rezone #14CZ01, 14.78± acres for the property located at 532 Wimberly Road and 4325 Green Level West Road from Rural Residential (RR) and Low Density Conditional Zoning (LD-CZ) to Low Density Conditional Zoning (LD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The applicant asked for additional conditions, and staff recommended approval with these conditions. The Planning Board unanimously recommended approval.

Tom Bebe stated a berm may be created at some point; this could be an added condition. Discussed was traffic flow, changing the character of Castleberry Road, and further discussion on berms. Due to Council wishing verbiage to be included regarding berms,

MAYOR SUTTON DECLARED THE PUBLIC HEARING CLOSED, TO BE RE-OPENED AND CONTINUED LATER IN THIS MEETING.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and motion regarding rezone #13CZ35, 70.12 acres located at 8012 Green Level Church Road and 7529 Roberts Road from Rural Residential to Medium Density-Conditional Zoning

Staff oriented Council to the site. Two neighborhood meetings were held, and the applicant offered additional conditions. The Planning Board recommended approval; staff recommended approval with the conditions offered by applicant.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, stated this is part of the White Oaks sewer consortium and that they are cooperating with the design for the basin and staying with the Land Use Plan.

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.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 06 : Brendie Vega, Principal Planner

Public hearing and motion to enact an Ordinance for various amendments to the Unified Development Ordinance

Staff stated an applicant requested a change to the UDO concerning buffers; staff was in agreement with the change. Staff proposed other changes which were clarifications of terms.

Mayor Sutton declared the Public Hearing open.

Ben Kuhn, Attorney, on behalf of property owner Steven Blaugh, stated Mr. Blaugh feels an additional study should be done before going forward, particularly as it applies to mass grading projects that will affect his client's property with 22 feet of fill. Staff explained that Council has always allowed mass grading if it was in the public's interest. The Town Attorney explained the current mass grading policy.

Steve Blaugh stated he does not want 22 feet of fill against his property. Planning briefly explained grading plans, and the Town Attorney read the applicable standards concerning this.

Mayor Sutton declared the Public Hearing closed.

Planning clarified its interpretation of mass grading, stating that this same interpretation was made on two blue ribbon groups over the years. Planning stated they have stabilization measures. The Town Attorney stated Council could vote on the issues separately.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE AS SUBMITTED AND THAT STAFF IS TO LOOK AT MASS GRADING AT THE SUBDIVISION LEVEL; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Public Hearing 07: Dianne Khin, Planning Director

Continuance of Public Hearing to the March 18, 2014 Town Council Meeting regarding the adoption of an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Donald and Sharron Lawrence, Edith Lawrence, Billy Rogers, Jr., Gail T. Mooney, and Hal A. Lawrence properties containing 295.383 acres located at north side of Horton Road, west side of Country Acres Road and north of Old US 1 Hwy, Annexation #498, into the Town’s corporate limits

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO CONTINUE THE PUBLIC HEARING TO THE MARCH 18TH REGULAR TOWN COUNCIL MEETING; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Mayor Sutton called for the reopening of Public Hearing 04. Staff and the applicant agreed to the following condition: the developer shall provide a 30 foot Type E thoroughfare buffer along Green Level West Road where there are no existing trees present. The developer shall provide a 4-foot high earthen berm planted to the Type E standard with no steeper than 3-to-1 slopes.

Mayor Sutton declared the Public Hearing closed.

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

OLD BUSINESS

There were no Old Business items for consideration.

PUBLIC FORUM

No one wished to speak during Public Forum.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Motion approving Lake Castleberry - Master Subdivision Plan - for the property located at Green Level West, Wimberly and Castleberry Roads

Staff stated this is the companion to Public Hearing 04 and oriented Council to the site. A Traffic Impact Analysis was done, a neighborhood meeting was held, and the applicant requested the condition that no mass grading be permitted. Conditions were recommended by the Parks and Recreation Advisory Commission. The Planning Board recommended approval with conditions to 1, 3, and 4; condition 2 was debated and decision left to the Town Council; condition 5 was recommended to be reworded; and one condition was added after the Planning Board meeting, condition 6. Staff recommended approval with conditions.

Staff made a case for widening of the road. The applicant stated they see this as rural residential; staff stated that is not the Town's perspective. Since there will be no curb and gutter, the Town wants to provide some type of widening for pedestrians, bikes, etc. There could be a fee in lieu, which might make more sense in the short term.

The developer, Tom Bebe, stated they are continuing to work on the park aspect of this request. Last Fall there was a lot of opposition from the Castleberry Road neighborhood as they wished the road and atmosphere to remain as undisturbed as possible. Mr. Bebe and Craig Dewer talked about the effect of widening the road and their meeting with DOT.

Mr. Dewer stated they will co-locate with the power line so tress will not have to be removed. If not, they will dedicate the easement. There will be an 8" water line with an easement 5 feet inside the right of way; Public Works will not allow planting inside of this. Conversation pursued about sidewalks and buffers.

Staff discussed putting a power line down Castleberry Road and why this condition was needed. Waterlines aren't designed and approved yet, and we don't want these lines in the DOT right of way. Staff explained the reasoning why. The applicant agreed to his condition and asked for an additional condition – a 15-foot public access and maintenance agreement instead of a right of way dedication on Wimberly Road. Staff was in agreement with this.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE SUBDIVISION PLAN WITH THE 7 CONDITIONS AND A FEE IN LIEU FOR CONDITION 2;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

Staff further discussed condition 2, which the Town would prefer the language to read as a 27' back to back with sidewalk, residential standard.

The Town Attorney asked for a short Closed Session in order that Council receive legal advice.

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

Staff offered additional language for condition 5, which the applicant agreed to.

FOR CLARIFICATION, COUNCIL MEMBER LASSITER RESTATED HIS MOTION: MOTION TO APPROVE THE MASTER SUBDIVISION PLAN WITH ALL 7 AGREED UPON CONDITIONS WITH CONDITION 2 REQUIRING A FEE IN LIEU OF RESIDENTIAL STANDARD OF CURB AND GUTTER ON THE DEVELOPER'S SIDE OF THE FRONTAGE.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

New Business 02 : June Cowles, Senior Planner

Possible motion approving Willow Creek Master Subdivision Plan for the properties located at a portion of 6501 Old Jenks Road, 0, 6613, 6633, 6609 Old Jenks Road containing 43.6 acres and 151 lots

Staff oriented Council to the site. The Town Attorney stating there was a mass grading issue, it is a discretionary standard, and it would need to be a quasi-judicial proceeding. The parties have not been given notification of that. It would be advisable to continue this matter so the applicants will have time to address the issue properly.

Jason Baron, attorney for the applicant, stated they have not had an opportunity to prepare their materials. This case received unanimous approval from the Planning Board, but he has not been able to come to agreement with the property owner, Mr. Blaugh. Ben Kuhn, attorney for Mr. Blaugh, stated sticking points are legal requirements regarding liability, the pond and its aesthetics, and the 22' of fill.

Jewell Morris, owner of a part of the acreage, stated that Mr. Blough has been aware of the subdivision since the start, and the developers have worked diligently with the land owners. At this point, delays are inconvenient and detrimental.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO CONTINUE THIS ISSUE TO THE MARCH 18, 2014 COUNCIL MEETING AS A QUASI-JUDICIAL PUBLIC HEARING. COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

CLOSED SESSION

There were no scheduled Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

Mayor Sutton stated he'd asked Mayor Pro Tem Schulze to call a Personnel Committee Meeting to discuss the classification of an Economic Development Director position. The Town Manager stated that a special workshop meeting is asked for on February 26, 2014 to discuss the 2030 Land Use Plan. Immediately following that meeting, there will be an Economic Development Committee meeting to discuss economic development awareness initiatives.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:



A handwritten signature in cursive script, reading "William M. Sutton", is written over a horizontal line.

William M. Sutton, Mayor

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SPECIAL TOWN COUNCIL MEETING

WEDNESDAY, FEBRUARY 26, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Special Meeting of the Apex Town Council scheduled for Wednesday, February 26, 2014, at 5:15 p.m. was held in the Training Room on the third floor 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

Mayor Sutton called the meeting to Order and led the Pledge of Allegiance.

NEW BUSINESS

New Business 01 : Town Council

Tingen Road – Discussion on possible O&I and commercial

Staff stated this area is currently planned medium/high density residential. On the 2025 Land Use Map, it was planned Office and Institutional and Tech Flex. There was such little interest for O&I and TF that the Town was asked by developers to change this area to residential, and staff was not opposed to doing so at the time. Two additional areas could possibly be changed to Tech Flex, and there are developers interested in this. We need to strive for more mixed use where people can live and work in the same area. Planning explained the process by which the land use map could be changed.

COUNCIL MEMBER WILKIE MADE THE MOTION TO TAKE THIS MATTER BACK TO PLANNING FOR THEIR REVIEW.

Staff stated the map doesn't follow the current sewer plan; and if the Town wants to do this, it will have to spend money for a pump station in this area. Staff also explained the policy on sewerage following the sewer plan.

Consensus of Council was to send this to the Planning Board for consideration of Office Employment and Industrial Employment.

64 West – Small area plans

Council stated it was interested in seeing if staff can do some sort of conceptualization of what we would like to see in this area. This stems from a developer wanting to do 85% residential. We need to give guidance to developers which will make our lives easier. Staff stated this would be a labor-intensive task and pointed to a conceptualization that was done in January.

Council Member Lassiter left the meeting at 5:56 p.m.

Council briefly discussed guidelines which are given to developers and what happens when developers don't want to follow them. Staff went over mixed use guidelines and staff's understanding of what Council has wanted in the past. There is a difficulty in wanting to give guidance and flexibility at the same time. Council briefly discussed minimum acreage. The Town Attorney explained the legalities of minimum acreage as it relates to constitutional rights, rezonings and denial/acceptance of such, difficulties of non-mandatory policies and goals, and looking at successful case studies. Discussion on these subjects can continue at a later time.

MAYOR PRO TEM SCHULZE MADE THE MOTION TO PURSUE SETTING A GOAL OF 30% MINIMUM FOR NON-RESIDENTIAL
IN MIXED USE AREAS. COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Planning was directed to notify developers of this Council policy.

Olive Chapel – Consider non-residential or office

Council stated it mis-looked at the parcel and that it is fine with this. However, we could go down Kelly a ways and add parcels for O&I.

MAYOR PRO TEM SCHULZE MADE THE MOTION TO ADD TWO MORE LOTS SOUTH OF OLIVE CHAPEL AND ON THE WEST SIDE OF KELLY AS OFFICE EMPLOYMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

New Hill Area – Discuss office designation

Council stated there is a lot of housing in this area and the Plan says blocks of land for office or other uses should be reserved. If we block off for medium density housing, then we won't have a balance with business in that area. We can work with the New Hill folks and see what we can come up with.

Staff stated that another area they identified consisting of 209 acres was not on the 2025 plan. Council stated we should go for office and flex space in the area. Staff stated this would work because there is going to be sewer there; the question would be about cost. Discussion ensued on the effects of going over creeks and the possibility of another industrial area. Staff stated it did not see a problem if the area was designated all Office Employment and not Industrial Employment.

COUNCIL MEMBER JENSEN MADE THE MOTION FOR THIS TO GO TO THE PLANNING BOARD FOR CONSIDERATION OF THE AREAS BEING OFFICE EMPLOYMENT DESIGNATIONS WITHOUT ANY INDUSTRIAL EMPLOYMENT, TO INCLUDE AREAS NORTH OF THE CREEK; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON ADJOURNED THE MEETING.



Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:

A handwritten signature in cursive script, reading "William M. Sutton", is written over a horizontal line.

William M. Sutton

Mayor



TOWN COUNCIL MEETING

TUESDAY, MARCH 4, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 4, 2014, 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, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

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 : Nicole Loeffler, Chairman of the Board, Apex Chamber of Commerce

Presentation and request from the Apex Chamber of Commerce

Ms. Loeffler stated the Chamber is requesting seed money for a joint event they wish to hold with the Town, that event being the 100th anniversary of the Train Depot. Proposed is a cocktail reception on Friday, April 25th from 6:00-9:00 p.m. with a VIP reception, a public reception, and silent auction from which proceeds would go to the Historical Society. There will be a keynote address. The Chamber is targeting \$8,000 in expenses, of which they are requesting \$7,500 in seed money from the Town so that some of their vendors can go under contract. The Chamber will return \$2,500 after the event. Ticket prices will be between \$35 and \$50, the event will be held at the Chamber, and anticipated is 150-200 attendees.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUESTED SEED MONEY; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

Presentation 02 : Dianne Khin, Planning Director; Kent Jackson, Engineering Director; Lee Smiley, Finance Director
Annual presentation of growth and development, building and construction and financial statistics and trends including a review of 2013 and a forecast for 2014

Staff members outlined some of the pertinent data that will be presented at the upcoming Council Retreat. Multifamily vs. single family housing projections and the availability of fund balances were discussed.

CONSENT AGENDA

- Consent 01 Apex Tax Report dated 01/06/2014**
- Consent 02 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 property containing 28.09 acres located at Mt. Zion Church Road and Blazing Trail, Annexation #503 into the Town’s corporate limits**
- Consent 03 Public Hearing for the March 18, 2014 Town Council Meeting regarding Rezone #13CZ30, 293± acres for the property located at 0, 9524 Horton Road, 3916 Old US 1 Hwy from R-80 W and R-40 W (Wake County) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification and 2030 Land Use Map Amendment for a portion of properties from Rural Density Residential to Low Density Residential**
- Consent 04 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of January 21, 2014**
- Consent 05 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ28, Peter Cabrera and Isabel Hidalgo, petitioners for the property located at 1009 N Salem Street**
- Consent 06 Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ35, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioner, for the property located at 8012 Green Level Church Road and 7529 Roberts Road**
- Consent 07 Statement of the Apex Town Council and Ordinance for Rezoning Case #14CZ01, Standard Pacific of the Carolinas, petitioners for the property located at 532 Wimberly Road and 4325 Green Level West Road**
- Consent 08 Contract for audit for the fiscal year ending June 30, 2014**
- Consent 09 Authorization for the Town Manager to execute a 1-year extension of the Yard Waste Agreement originally entered into with Greenway Waste Solutions of Apex, LLC (formerly Highway 55 C&D Landfill, LLC) in 2002**
- Consent 10 Minutes of the February 18, 2014 Regular Council Meeting**

Council Member Jensen requested to pull Consent 10, Resolution In Support of Implementation of the Jordan Lake Reservoir Nutrient Strategy Rules, for discussion as New Business 02.

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

REGULAR MEETING AGENDA

Mayor Sutton presented the Regular Meeting Agenda to which there were no requested changes.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

Old Business 01 : Tim Donnelly, Public Works Director

Resolution authorizing entry and notice of entry pursuant to N.C.G.S. §40A-11 and N.C.G.S 136-120 to study routes for a Town of Apex public sewer connection

Staff presented a brief history of the function of Public Works. Explained was how water lines cannot be run and locations connected without going across a citizen's property. Sometimes citizens do not want this. Surveying was approved in Brookfield in November, and casing was placed expecting that someday sewer would flow. The property owners were met with for the purpose of surveying, and they were not comfortable. Therefore, it has now come to Council for authority to do so via a Resolution.

This is a field topographic survey, and the only damage would be walking on grass or trimming a bush for line of sight. Damage would be the ultimate responsibility of the Town, but we would work with surveyor on their fee to see how we could afford it. Stated was that GIS information is good, but it can be off as much as 2-3 feet. A survey would only be off a tenth of a foot. This surveying would be for an 8" gravity sewer line. After the survey, the next step would be to present a design and then to see if easements could be obtained. Staff gave a brief history of pump stations and explained why gravity sewer is a better way to go.

Council expressed dissatisfaction that the developer has not attempted to make resolution with the property owners so that this would not fall completely on the Town. Staff stated that the developer claimed property owners were offered \$20,000 by the developer for an easement and there were no takers.

Peter Cnossen, Jones and Cnossen Engineering, stated he's looked at possible routes for sewer and explained his findings. He has met with the property owners, and they are not interested one bit. Therefore, they are looking for options.

PUBLIC FORUM

Lisa Weaver, Terry Groce, Barbara Collins, Roland Boyd, and Margie Lemoi all spoke against the above surveying. Their concerns centered around property values seemingly being devalued, fill on property, the effect on plantings, the sewer line being on the other side of the Peakway, the possibility of a pump station being built, and people showing up on their land without any notice to them.

Pre-existing sewer lines were talked about and casing being put in under false premises. The previous developer threatened eminent domain, and letters from the Town seem to be the strong arm of the builder. The citizens felt they have been ignored and taken lightly. An additional route should be considered and surveyed before any final decisions are made. It was stated to Council that the area floods onto property when it rains, taking soil out from under the property. Additional flooding goes down the drive and takes out a backyard. One citizen stated they are not fighting the sewer, it's simply that they are paying for the mistakes made on the front end. Also spoken about was disruptive activity, climate change, and wildlife being forced out of their homes. There is oil in the creeks, play areas are gone, and garbage is being thrown. Why not put the sewer through land that is already destroyed.

With no one else wishing to speak during Public Forum, Mayor Sutton called for a brief recess at 8:25 p.m.; the meeting reconvened at 8:32 p.m.

Responding to the pre-existing sewer concern, staff stated that on a drawing dated July 2, 2008, it shows a similar route and other drawings have been proposed. Explained was the process of looking at drawings for logic, and there was nothing on the July drawing that noted pre-existing sewer. Peter Cnossen stated that there are approved construction drawings for Trackside South phases 1 and 2. He

Council Member Jensen requested to pull Consent 10, Resolution In Support of Implementation of the Jordan Lake Reservoir Nutrient Strategy Rules, for discussion as New Business 02.

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

REGULAR MEETING AGENDA

Mayor Sutton presented the Regular Meeting Agenda to which there were no requested changes.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

Old Business 01 : Tim Donnelly, Public Works Director

Resolution authorizing entry and notice of entry pursuant to N.C.G.S. §40A-11 and N.C.G.S 136-120 to study routes for a Town of Apex public sewer connection

Staff presented a brief history of the function of Public Works. Explained was how water lines cannot be run and locations connected without going across a citizen's property. Sometimes citizens do not want this. Surveying was approved in Brookfield in November, and casing was placed expecting that someday sewer would flow. The property owners were met with for the purpose of surveying, and they were not comfortable. Therefore, it has now come to Council for authority to do so via a Resolution.

This is a field topographic survey, and the only damage would be walking on grass or trimming a bush for line of sight. Damage would be the ultimate responsibility of the Town, but we would work with surveyor on their fee to see how we could afford it. Stated was that GIS information is good, but it can be off as much as 2-3 feet. A survey would only be off a tenth of a foot. This surveying would be for an 8" gravity sewer line. After the survey, the next step would be to present a design and then to see if easements could be obtained. Staff gave a brief history of pump stations and explained why gravity sewer is a better way to go.

Council expressed dissatisfaction that the developer has not attempted to make resolution with the property owners so that this would not fall completely on the Town. Staff stated that the developer claimed property owners were offered \$20,000 by the developer for an easement and there were no takers. **The property owners stated they never received such a letter.**

Peter Clossen, Jones and Clossen Engineering, stated he's looked at possible routes for sewer and explained his findings. He has met with the property owners, and they are not interested one bit. Therefore, they are looking for options.

PUBLIC FORUM

Lisa Weaver, Terry Groce, Barbara Collins, Roland Boyd, **Margie Lemoine, JoAnn Miller, and Ashleigh Mole** all spoke against the above surveying. Their concerns centered around property values seemingly being devalued, fill on property, the effect on plantings, the sewer line being on the other side of the Peakway, the possibility of a pump station being built, and people showing up on their land without any notice to them.

Pre-existing sewer lines were talked about and casing being put in under false premises. **Mr. Groce stated** the previous developer threatened eminent domain, and letters from the Town seem to be the strong arm of the builder. The citizens felt they have been ignored and taken lightly. An additional route should be considered and surveyed before any final decisions are made. It was stated to Council that the area floods onto property when it rains, taking soil out from under the property. Additional flooding goes down the drive and takes out a backyard. One citizen stated they are not fighting the sewer, **there's a lot more to it**, and it's simply that they are paying for the mistakes made on the front end. Also spoken about was disruptive activity, climate change, and wildlife being forced out of their homes. There is oil in the creeks, play areas are gone, and garbage is being thrown. Why not put the sewer through land that is already destroyed.

With no one else wishing to speak during Public Forum, Mayor Sutton called for a brief recess at 8:25 p.m.; the meeting reconvened at 8:32 p.m.

Responding to the pre-existing sewer concern, staff stated that on a drawing dated July 2, 2008, it shows a similar route and other drawings have been proposed. Explained was the process of looking at

doesn't know of anything that noted preapproved easements, but the approved construction drawing said easements would be required. Staff's thought is to survey everything and then look at the options vs. asking property owners if they mind people coming across their property.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO TABLE THIS ISSUE.

Council stated that not everything has been looked at; everything needs to be surveyed. The owner of the rental property needs to be contacted to determine if he wants the survey. If so, then the option of the line running through just his property should be explored. This should be able to be resolved without Council getting involved.

MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

NEW BUSINESS

New Business 01 : Lee Smiley, Finance Director

Budget ordinance amendment for purchase of Police Records and Mobile Computing Software

Staff stated this item came before Council on November 19th. It is being suggested that we now pay outright for the software instead of leasing it. It would work out better financially seeing as the contracts were not presented correctly. The first year of support will be covered; there will then be an annual maintenance fee.

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

Added New Business 02: Council Member Jensen

Resolution In Support of Implementation of the Jordan Lake Reservoir Nutrient Strategy Rules

Council spoke about the Clean Water Act and why this was put off. Pollutants need to be reduced going into our lake. Council wished to direct staff to send the Resolution along with a cover letter to all of our State representatives and Cary, Morrisville, Sanford, and Fayetteville town councils as we need more town on our side of this.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION AND FORWARD IT AS STATED ABOVE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council discussed making water drinkable and the DWQ who are being directed by politicians. We are not water quality experts and have to assume that the rules governing Jordan Lake safeguard the water quality. We need to make a statement to the people that we serve so that we will have support for this.

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

CLOSED SESSION

Closed Session 01 : To receive legal advice from the Town Attorney

The Town Attorney stated that this item could wait until a future meeting.

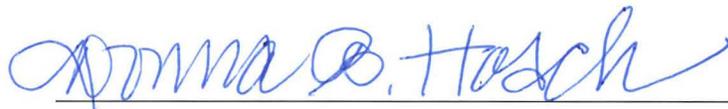
WORK SESSION

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 UNANIMOUS 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor



TOWN COUNCIL RETREAT

FRIDAY, MARCH 7, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Apex Town Council Retreat scheduled for Friday, March 7, 2014, at 8:30 a.m. was held at the Halle Cultural Arts Center, 237 N. Salem 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, and Town Attorney Henry C. Fordham, Jr.

Staff members in attendance were: HR Director Eleanor Green, Engineering Director Kent Jackson, Facilities and Maintenance Director Marty Mitchell, IT Director Peter LaPiana, Police Chief John Letteney, Parks and Recreation Director John Brown, Fire Chief Mark Haraway, Finance Director Lee Smiley, Assistant Public Works Director David Hughes, Communications Director Stacie Galloway, Planning Director Dianne Khin, EMS Director Randall Heath, Police Captain Jacques Gilbert, and Assistant Fire Chief Jeff Maynard.

Mayor Sutton called the retreat to order and welcomed David Hughes back to the Town as Assistant Public Works Director. The purpose of the Retreat was stated. The Town Manager further detailed with the big picture view.

The HR Director led the teambuilding exercise.

The Town Manger presented and led the discussion on the Strategic Plan which consists of five major priorities. Added discussion ensued surrounding the Town's philosophy on competitive pay, funding for fire station two and particularly EMS, the benchmarking study, the future of fire station one which can be closed and reorganized, park lands and the availability for purchase of Pleasant Plains,

enhancement/addition of recreation programs for older as well as younger children, infrastructure and growth, and road maintenance.

Mayor Sutton called for a short break.

The Town Manager continued presentation of the Strategic Plan. Mr. Tom Haney, citizen and business owner, provided input on impact fees, discussion expanding on these fees.

The HR Director presented statistics on position projections, discussion centering on how well Apex operates with a low employee/1,000 population number.

The Finance Director presented the various services projects and the Public Works Director presented additional information and statistics on meters, street sweeping, the wastewater plant, and the public works expansion phase 1. Conversation ensued on funded and unfunded Transportation Projects and Parks Projects.

The Public Works Director led the discussion on Stormwater Utility, which is a fee. Explained was what services could be paid for with such a fee and how a program could be implemented. This would be a way to take pressure off of the General Fund. After some further discussion, the general consensus of Council was to not consider this fee at this time. However, it was good food for thought.

The Finance Director spoke on a potential new bond referendum for parks and recreation and transportation projects. There was an update on the current bond situation. The debt was briefly discussed.

The Parks and Recreation Director spoke about the request/need for a skate plaza, noting that Christine Hilt, contracted to work on this project, would speak further on the issue. Ms. Hilt outlined the five phases of the project and what each would entail including cost estimates. There are a lot of skateboarding enthusiasts in the area and the Chamber has committed to support this effort. Police Captain Gilbert explained what this would mean to the community and how it would benefit the youth. Council expressed the wish to fund phases 1 through 4 all at one time for \$635,000. Fundraising donations could be utilized to pay for a portion of Phase 5, Ms. Hilt giving a \$175,000 donation estimate. Discussed was donors bringing in material fill and naming rights. Council asked about the possibility of

a splash pad in this location. Ms. Hilt answered that extra parking would need to be available, and she expressed the importance of older youth having their own space without mingling with younger children.

The Facilities and Fleet Services Director introduced John Hitch and Rhonda Angerio from Smith Sinnett Architectural Firm who presented design options for a new Community Center. There were no decisions made or guidance given to staff by Council.

The Mayor gave a brief summary of today's topics and thanked staff for all their hard work on today's presentations. The Town Manager expressed his appreciation as well.

All except those involved in the Closed Session were excused.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor

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TOWN COUNCIL MEETING

TUESDAY, MARCH 18, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, March 18, 2014, 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 Tempore 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, and Town Attorney Henry C. Fordham, Jr.

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 February 18, 2014 Regular Council Meeting, the February 18, 2014 Closed Session, the February 26, 2014 Special Council Meeting, the February 26, 2014 Economic Development Committee Meeting, the March 4, 2014 Regular Council Meeting, the March 5, 2014 Personnel Committee Meeting, and the March 7, 2014 Council Retreat (Closed Session Minutes Recorded Separately)
- Consent 02** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of February 18, 2014

- Consent 03** Corrected Attachment A – Legal Description for the Ordinance for Rezoning Case #13CZ35, to substitute the corrected Attachment A - Legal Description for the former Attachment A, and repeal of Ordinance #13CZ35 to the extent that the former Attachment A - Legal Description refers to a portion of PIN# 0723-84-9141
- Consent 04** Recommendations from the Personnel Committee to approve new fulltime Economic Development Director at Salary Grade 31 and Administrative Specialist at Salary Grade 15, and reclassification of vacant Customer Service Representative position in Parks and Recreation to Senior Customer Service Representative at Salary Grade 15
- Consent 05** Budget ordinance amendment and project ordinance amendment for construction of skate plaza and office space for Economic Development position
- Consent 06** Closing of streets in the Scott's Mill subdivision in conjunction with the 7th Annual Monarchs in Motion 5K Race on May 10, 2014

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 WITH A 5-0 UNANIMOUS VOTE.

REGULAR MEETING AGENDA

The Town Attorney requested an additional Closed Session related to instruction on the position to take on acquisition of real property. The Mayor stated that for Public Hearing 08, the family requested this item be postponed for two weeks due to family illness.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED TWO CHANGES; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Reed Huegerich, Senior Planner

Public hearing and motion on proposed amendments to the Thoroughfare and Collector Street Plan map and the Bicycle, Pedestrian, and Equestrian Plan map

Staff detailed the proposed two amendments, which were requested by Bill Daniel. Both amendments were recommended by the Planning Board.

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 AMENDMENTS; COUNCIL MEMBER LASSITER SECONDED THE MOTION. THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Donald and Sharron Lawrence, Edith Lawrence, Billy Rogers, Jr., Gail T. Mooney, and Hal A. Lawrence properties containing 295.383 acres located at north side of Horton Road, west side of Country Acres Road and north of Old US 1 Hwy, Annexation #498, into the Town’s corporate limits

and

Public Hearing 03 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ30, 295± acres for the property located at 0, 9524 Horton Road, 3916 Old US 1 Hwy from R-80 W and R-40 W (Wake County) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification and 2030 Land Use Map Amendment from Rural Density Residential and Low Density Residential to Low Density Residential

Staff stated these two Hearings needed to be heard together because if the rezoning was not approved, then the annexation did not need to be addressed/approved. Staff oriented Council to the site of the requested rezoning and its conditions. A neighborhood meeting was held. Staff as well as the Planning Board recommended approval with conditions.

Mayor Sutton declared the zoning Public Hearing open.

Dan Brubaker was not opposed but expressed concerns about wanting the Town to keep an eye on the traffic volumes as they develop along US 1, having the Plan reviewed by Wake County Emergency Management, Council enforcing lighting regulations, ensuring the Plan is reviewed by a competent authority, and preserving some dark skies in Apex.

Rick Ross had mixed feelings but was in favor as long as there was an extremely high standard for future development in New Hill, and maintaining New Hill’s natural beauty by rulings and permissions of Council as the Town grows larger. Conversation ensued between Council and the citizens concerning buffers and how they would affect lighting concerns.

The developer of Jordan Pointe stated they have worked very hard with all those involved. A site plan has been submitted which shows a rather large buffer, but they would not be opposed to more dense buffers.

John Mack was originally worried about the use of the land but was in favor of the use. He wanted it to be compatible with the neighbors, and was pleased a Type A buffer was proposed as it would be a safety factor as they operate their trains.

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

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

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

MAYOR SUTTON CALLED FOR A MOTION ON THE REZONING. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REZONING TO INCLUDE A 30' FOOT WIDE TYPE A BUFFER ALONG HORTON ROAD AND HWY 1 AND TO INCLUDE THE PUD CZ DISTRICT CLASSIFICATION 2030 LAND USE AMENDMENT FROM RURAL DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

Public Hearing 04 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ33 from Rural Residential to Medium Density-Conditional Zoning and a 2030 Land Use Map Amendment from mixed use: Commercial Services, Office Employment and High Density Residential to Medium Density Residential for, 85± acres located at 400 New Hill Olive Chapel Road.

The applicant requested that this item not be considered at this time; therefore, there was no action.

Public Hearing 05 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezone #13CZ34 from Rural Residential to Neighborhood Business-Conditional for 14± acres located at 400 New Hill Olive Chapel Road. This item was continued from the January 21 and February 18, 2014 Town Council Meetings.

The applicant requested that this item not be considered at this time; therefore, there was no action.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and motion on amendments to the 2030 Land Use Map

Staff stated the five amendment changes recommended by Council in a previous Work Session. The Planning Board recommended two changes in the New Hill area; the other recommendations at Tingen Road, Kelly Road, and Olive Chapel were agreed to as presented. The recommendations were made because of hearing from New Hill community residents who were not interested in tech flex uses and who wanted more commercial uses. Questioned was why changes were being made outside of the Comp Plan done last year. Staff felt the recommendations of the Planning Board should be listened to. Council expressed concern about losing office/institutional space and the amount of residential in the area. It could see changing the designation to office and commercial.

Mayor Sutton declared the Public Hearing open.

Dan Brubaker wanted to see this discussed more in-depth with more in-depth public input. He wanted to know how New Hill would be developed so it would be more of an asset to Apex. Maybe there should be a public outreach meeting to describe what's being proposed.

Paul Bart stated a community meeting is coming up in April and maybe this could be on their agenda. He wondered if this could be delayed to May for the two parcels.

Rick Ross didn't learn about this issue until the Planning Board meeting that he was attending for another issue. He wishes to have this discussed further; he does not want "crudy industrial".

Shirley Ottoway questioned if an Interchange will go in on the proposed realignment of Boscoe Road and if there would be another on/off ramp. Staff stated this is on both Apex's and Holly Springs' Transportation Plans.

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 CHANGES TO THE LAND USE PLAN MINUS THE TWO THAT AFFECT NEW HILL; MAYOR PRO TEM SCHULZE SECONDED THE MOTION. THE MOTION CARRIED WITH A 5-0 UNANIMOUS VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Parkside Development Group, LLC property containing 28.09 acres located at Mt. Zion Church Road and Blazing Trail, Annexation #503, into the Town’s corporate limits

Staff oriented Council to the site. Construction plan approval is needed and this action would do that.

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

Public Hearing 08 : June Cowles, Senior Planner

Quasi-Judicial Public Hearing and motion regarding Willow Creek Master Subdivision Plan for the properties located at a portion of 6501 Old Jenks Road, 0, 6613, 6633, 6609 Old Jenks Road containing 43.6 acres and 151 lots

This item was removed from the Agenda due to reasons stated earlier.

OLD BUSINESS

There were no Old Business items for consideration,

PUBLIC FORUM

No one wished to speak during Public Forum.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Motion approving Manors at Bella Casa Phase 8A - Master Subdivision Plan - for the property located at 2801 and 2805 Walden Road containing 9.61 acres and 16 lots

Council Member Dozier asked to be recused from this discussion and decision as this is part of her neighborhood.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO RECUSE COUNCIL MEMBER DOZIER FROM THIS DISCUSSION AND DECISION; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED WITH A 4-0 UNANIMOUS VOTE.

Staff oriented Council to the site, which will connect to Bella Casa Phase 6. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a payment of fee in lieu. The Planning Board and staff recommended approval with conditions as submitted by the applicant.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE MASTER SUBDIVISION PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED WITH A 4-0 UNANIMOUS VOTE.

Council Member Dozier returned to Council.

New Business 02 : Council Member Nicole Dozier
Discussion and consideration of a Splash Pad

Council Member Dozier asked that staff and the Parks and Rec Commission look at this option. She stated reasons this would be an asset to Apex, as shown in information she submitted (incorporated as part of these Minutes). She also felt this would bring the community together. Council stated staff has made preliminary steps to understanding this type of project, and it will be something for the Parks and Rec Commission to look at. The Town Manager asked that Council first allow staff to come up with its recommendations and send those on to the Parks and Rec Commission. Council stated we may need to look at two smaller units instead of one large unit in order to balance sizes with opportunities.

CLOSED SESSION

Closed Session 01 : to consult with the Town Attorney regarding an eminent domain claim and to give instructions to him regarding the same

Closed Session 02: to give the Town Attorney instruction on the position to take on acquisition of real property

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

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE RESOLUTION DISCUSSED IN CLOSED SESSION; COUNCIL

MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE MT. ZION ROAD SUBSTATION TO US 1 ELECTRIC LINE PROJECT FOR THE IMPROVEMENT OF THE APEX ELECTRIC SYSTEM; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED WITH A 5-0 UNANIMOUS 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 WITH A UNANIMOUS 5-0 VOTE.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor



TOWN COUNCIL MEETING

TUESDAY, APRIL 1, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, April 1, 2014, 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 Tempore 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Department Heads/Supervisors

Introduction of newly-hired employees

- Parks and Recreation Director John Brown introduced Taylor Wray, new at the Halle Cultural Arts Center; Andrew Baker, Parks & Recreation; Max McCaffrey, Parks & Recreation; and Kyle Kelly, Parks & Recreation
- Planning Director Dianne Khin introduced Shelly Mayo, Planner; and Liz Jones, Planning Technician
- Engineering Director Kent Jackson introduced Brooke Stevenson, Building Code Enforcement Officer

CONSENT AGENDA

- Consent 01** Minutes of the March 18, 2014 Regular Council Meeting and Minutes of the Closed Sessions of March 7, 2014 and March 18, 2014 (Closed Session Minutes recorded separately)
- Consent 02** Apex Tax Report dated 02/06/2014
- 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 Deeta Morris, Diane Tyrrell and Wayne & Jewel Morris properties containing 35.58 acres located at the north and south side of Old Jenks Road between Castleburg Drive and Sandy Hills Court, Annexation #504 into the Town’s corporate limits
- Consent 04** Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex JVI Development II, Inc. property containing 78.120 acres located off Holland Road, east of Walden Road, Annexation #509 into the Town’s corporate limits
- Consent 05** Public Hearing for the April 15, 2014 Town Council Meeting regarding Rezone #14CZ02, 7.38 acres located at the southeastern intersection of NC-55 and US 64 Hwy from Residential Agricultural and Planned Commercial Zoning to Planned Commercial Conditional Zoning
- Consent 06** Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ30, Donald and Sharron Lawrence, Edith Lawrence, Billy Rogers, Jr., Gail T. Mooney, and Hal A. Lawrence, petitioners for the property located at Old US Hwy 1 and Horton Road
- Consent 07** Public Hearing for the April 15, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08** Budget ordinance amendment and project ordinance amendment for construction of public works building expansion and capital outlays for improvements/expansion of the electric system
- Consent 09** Amendment to Chapter 20 Section 118 to remove James Street (NC 55 to Schieffelin Road) from the list of streets where through trucks are prohibited
- Consent 10** Ratify Minutes of the March 4, 2014 Regular Meeting

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM
SCHULZE 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 Regular Agenda.

PUBLIC HEARINGS

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

Public Hearing 01 : June Cowles, Senior Planner

Quasi-Judicial Public Hearing and possible motion regarding Willow Creek Master Subdivision Plan for the properties located at a portion of 6501 Old Jenks Road, 0, 6613, 6633, 6609 Old Jenks Road containing 43.6 acres and 151 lots
Town Attorney Fordham gave a brief description of how the Town would handle this request.

The Mayor asked that those who planned to speak for or against the Plan introduce themselves. In favor of the Plan, Jason Baron, Attorney, stated he was representing the applicant. Brandon Finch, Engineer of Record, and Bill Bryan, Co-Council, were also present. Wishing to speak against the Plan were Jim Conner, Attorney representing Steve Blough, and Patrick Smith and Patrick Schillington, Engineers.

The witnesses were sworn in by the Town Clerk.

Mayor Sutton questioned each Council Member as to their ability to make an impartial decision on this matter: Council Members Jensen, Wilkie, and Dozier stated they were able to make impartial decisions; Mayor Pro Tem Schulze stated his conversation with the applicant has been within the confines of the previous hearing and a few telephone calls and that he would be able to make an impartial decision. Council Member Lassiter asked to be recused as prior to this quasi-judicial hearing, he had communication with the applicant and stepped into area where it could be perceived that he could not be impartial.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO RECUSE COUNCIL MEMBER LASSITER; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Barron asked for the circumstances surrounding Council Member Lassiter's recusal. Council Member Lassiter stated that there was email correspondence between him and Blough where Blough talked

about possibly using his professional services not related to the Council; there was, however, no financial connection.

Staff presented its credentials and provided a brief overview of the Plan. A neighborhood meeting was held, and the Plan meets TIA recommendations. Mr. Blough's objections were stated. There were no questions for staff.

Mayor Sutton asked if any Council Member had viewed the site. Mayor Pro Tem Schulze stated he'd driven by the site; the other Council Members stated they had not. There were no questions for Mayor Pro Tem Schulze resulting from his drive by.

Mayor Sutton declared the Public Hearing open.

EVIDENCE PRESENTED BY THE APPLICANT: Jason Barron, Morningstar Law Group, gave a brief history of this request since February as well as outlining Mr. Blough's concerns. He was offered options, but they were not rejected or accepted. When going into the territory of settlement discussions, Jim Connor, Attorney representing Steve Blough, objected due to these questions being irrelevant. Barron stated they were willing to install stormwater pipe to redirect stormwater and presented their Plan for such. Brandon Finch, John McAdams Company, presented his background and explained their concept drainage plan for the site.

Barron spoke about the rezoning process and their subdivision Plan and mass grading that needs to be satisfied. Finch stated mass grading is fairly routine on projects. He overviewed the site plan and how they approached issues which arose. He believed the Plan as proposed was reasonable and provided a balance. He spoke on pond level concerns and presented a model from Duke upon which their Plan was based. The aesthetic impact was explained. Finch concluded with going over the pertinent points in the UDO and how they have complied with those points.

Connors cross examined Finch asking for clarification on elevation numbers, sewage outfall, compliance with applicable laws, modelling of the pond, and the retaining wall.

Barron redirected to Finch asking questions on the information he just clarified for Connors. Finch reiterated the conditions they offered to the Plan. The Town Attorney reminded Council that the conditions would need to be stated very clear if they were to be a part of a motion.

EVIDENCE PRESENTED BY THE OPPONENTS: Connor presented evidence from Patrick Smith and Patrick Shillington related to the UDO on mass grading. He distributed information which was objected to by Barron as he had not seen the documents. The Town Attorney stated he had not seen the information either. After looking over the documents, the Town Attorney explained why it was acceptable for the information to be distributed. Barron then offered into evidence their Agenda package documents. Connor objected to Barron's PowerPoint renderings which were not part of the original application, the Town Attorney stating these came into evidence without objection.

Patrick Smith, Environmental Consultant, stated his background, Connor offering him as an expert in his field. Smith explained his concern for noncompliance with the UDO. He outlined the existing site conditions, topography/drainages, proposed layout and site impacts, and results of the proposed grading. Connor asked to move their Exhibits B and C and E into evidence, Smith attesting to their validity.

At this juncture, Mayor Sutton called for a ten minute break. Following the break,

Smith was cross examined by co-council Bill Bryan for clarification of the information he presented. Several objections were made by Connor. Connor redirected to Smith, primarily related to grading and the modeling of the pond, the bypass pipe, a well, and the sight line.

Connor called Pat Shillington who stated his qualifications and credentials, Connor offering him as expert in his field. Shillington spoke on the sewer system in relation to cut and fill construction. Connor offered Exhibits F and G into evidence.

Barron cross examined Shillington on the depth of sewer lines. Connor then questioned Shillington further on the depth of the sewer lines.

Council asked questions about the depth of sewer lines under certain conditions, and staff stated the preference of Public Works. Staff started discussing mass grading, which Connor objected to since that

would be a decision of Council. Staff explained Public Works' role in reviewing subdivision plans and how they come about recommending sewerage.

Barron asked for rebuttal testimony from Finch based on his previous testimony. Council asked about the stream coming out of the pond. Connor explained the drainage illustrations as they related to the stream. For the record, Barron gave the definition of the by-pass pipe. Finch corrected Barron on his definition and detailed specifically where the pipe would run.

With no further questions or evidence to present, Mayor Sutton declared the Public Hearing closed.

With questions from Council for Barron, Mayor Sutton reopened the Public Hearing.

Council questioned the amount of drainage into the pond now and in the future. Barron stated they offered a well subject to agreement by Blough which would be a normal, residential well at a location agreed to by Blough. Barron stated where they would plant Cypress trees, staff suggesting they be Cedars instead to which Barron agreed. Barron clarified that the well would be dug up to 400 feet in order to provide 10 gallons/minute and Red Cards would be planted at the spacing of the size as required by the Planning Department.

SUMMARIES: Connor summarized why certain provisions of the UDO were not being met and why Council should deny the Plan. Barron summarized with how they have complied with the requirement of the ordinance and why what they're doing is reasonable and makes sense.

Mayor Sutton declared the Public Hearing closed.

The Town Attorney clarified Standards 8 and 9. Council expressed its concern regarding the wall, lowering the sewer line, how to decide which engineer had the correct scenario and who is on the hook if things don't work as stated, not wanting to do harm to the property, water flow, land preservation, storm water and surrounding streams, and the preservation and enhancement of the area.

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

Council Member Lassiter returned to Council.

OLD BUSINESS

There were no Old Business items for consideration.

PUBLIC FORUM

No one wished to speak during Public Forum.

NEW BUSINESS

New Business 01 : Dan Miller, Level 3 Communications

Possible motion to allow an encroachment in the public right of way through the Waterford Green Subdivision to accommodate Level 3 Communications fiber optic cable

Staff explained Level 3 Communications' purpose and the service they provide. Level 3 wished to connect to 500 Gregson, the American Airlines Reservation Hub. There is some service in the area, and they want to connect the lines together. Staff stated there was no staff recommendation on this item and introduced Dan Miller from Level 3 Communications.

Mr. Miller, Contract Manager, explained his job at the company. Bryan Kaye was introduced as a part of this request. Miller explained the installation process of the optic cable, stating that Apex Tool is currently their only Apex customer. Level 3 provides service only to enterprises. This project would take about a week to install.

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

New Business 02 : David Hughes, Assistant Public Works Director

Possible motion to approve and award the contract for expansion of the Cary/Apex Water Treatment Plant and the contract for the Raw Water Pumping Station Improvements and the associated Budget Ordinance No. 12 and the Capital Project Ordinance Amendment

Staff explained the gravity of the work needed in support of this this expansion which will take Apex well into the future for water capacity.

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

New Business 03 : Bruce Radford, Town Manager

Possible motion to adopt a Resolution declaring surplus the Town owned tracts of land identified as PIN #0732-77-7095 and #0732-76-9930 which are located in the southeast quadrant of the intersection of Hwy 64 and Hwy 55 and which together comprise approximately 7.72 acres

Staff detailed the dimensions and location of this land which, at this time, is not being used by the Town. A developer has is under contract to redevelop property in close proximity to the Town's land, for which we have no current use. The request was to declare the entire acreage surplus. There would be five acres left after the portion desired by the developer upon which we can put a buffer. Staff explained the developer will not buy all of the land. The amount of payment will be negotiated and brought back to Council for approval.

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

CLOSED SESSION

Closed Session 01 : To discuss the acquisition of real property

Closed Session 02 : To receive legal advice from the Town Attorney and to discuss a potential claim

Closed Session 03 : To discuss a personnel matter

It was the consensus of Council that item 01 would be discussed on this evening and that the remaining two items would be moved to the next regular meeting.

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

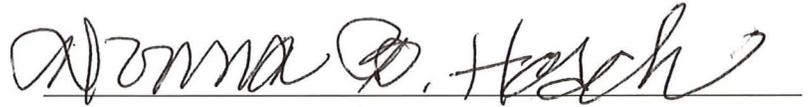
WORK SESSION

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 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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TOWN COUNCIL MEETING

TUESDAY, APRIL 15, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, April 15, 2014, 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 Tempore 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Presentation of Proclamation to the Police Department for National Telecommunicators Week

Mayor Sutton presented this Proclamation to Police Chief John Letteney and Communications and Technology Manager David Boggs. He expressed his appreciation for the exceptional work that the Telecommunicators perform.

Presentation 02 : Mayor Bill Sutton

Recognition of the Apex High School Men's Basketball Team as the 4-A State Champions!

Mayor Sutton presented this Proclamation to Coach Neal and members of the Championship Team. Council Member Wilkie offered words of praise along with Mayor Sutton to all members of the team and to the coaches for their exemplary performance. This is the first 4-A State Championship for the Apex Men's Basketball Team.

PUBLIC HEARINGS

Public Hearing 01 : Shelly Mayo, Planner

Public hearing and motion on rezoning application #14CZ02 to rezone 7.38 and 0.34 acres located at the southeastern quadrant of the intersection of NC-55 and US 64 Hwy (PIN 0732-77-7095 and 0732-76-9930) from Residential Agricultural and Planned Commercial zoning to Planned Commercial Conditional zoning, and motion on rezoning ordinance

Staff oriented Council to the site of these Town-owned properties. A neighborhood meeting was conducted, and 37 uses were proposed. Two additional conditions were proposed. Staff and the Planning Board recommended approval with the added conditions.

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

Council entered into discussion about the possibility of a precedent being set regarding wetlands. Staff explained how the land would be sold and its uses, stating a precedent would not be set as this is a use consistent with the UDO. The condition was there so the neighboring properties would understand the land could be bought by a developer for RCA and that the land would not be owned by the Town. After further discussion about RCA,

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE REZONING AS PRESENTED; 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.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex JVI Development II, Inc. property containing 78.120 acres located at located off Holland Road, east of Walden Road, Annexation #509, into the Town's corporate limits

Staff oriented Council to the site. Staff 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. MAYOR PRO TEM SCHULZE MADE A MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

OPPONENTS IDENTIFIED: No one identified themselves as being opposed to the request.

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

Staff stated their credentials and oriented Council to the site. A neighborhood meeting was held, and staff had reviewed the request for consistency. Submitted into evidence was a materials board provided by the applicant, the materials being consistent with site plan and zoning conditions.

There were no questions for staff by Council or the applicant.

Mayor Sutton asked Council had any of them visited the site, to which all answered in the negative.

EVIDENCE PRESENTED BY THE APPLICANT: Stuart Jones stated his credentials and work history. He presented impacts of the property, detailing the buildings and space requirements, buffers, and traffic patterns. A neighborhood meeting was held and there was no opposition. Jones mentioned a few site improvements they wished to make including a larger pond which was requested at the neighborhood meeting.

Jaclin Wawak presented her credentials and experience. She commented on the look that they've established and their lighting plan.

Kimberly Siran presented her credentials and experience and spoke on the parking lot area, buffers, and fencing.

Joshua Reinke presented his credentials and experience. He was contracted to do the traffic study, coordinating with the Town. A traffic impact analysis was not required since the flow was below the standards.

EVIDENCE FROM OPPONENTS: Irina Dayal began questioning Jones, asking with whom the neighborhood meeting was held. This was the first time she'd heard about this request. Jones responded that anyone within 300 feet of the rezoning and site plan were contacted. With her questions and comments continuing, the Town Attorney called Dayal out of order.

Mayor Sutton declared the Public Hearing closed.

The Town Attorney read the Statements, which Council agreed had been met.

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

Council Member Jensen returned to Council.

OLD BUSINESS

There were no Old Business items for consideration.

PUBLIC FORUM

No one wished to speak during Public Forum.

At this juncture, the Mayor called a ten minute break.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Motion approving Arcadia Ridge West - Master Subdivision Plan - for the property located at 2526 Olive Chapel Road containing 28.96 acres and 71 lots

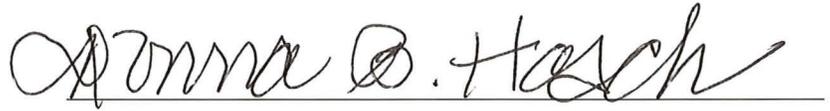
Staff oriented Council to the site. A neighborhood meeting was held; the Parks and Rec Commission recommended a fee in lieu; the Plan is consistent with the Apex Transportation Plan; it is compliant with the UDO, and staff and Planning Board recommended approval.

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

ADJOURNMENT

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.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor



TOWN COUNCIL MEETING

TUESDAY, MAY 6, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 6, 2014, 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 Tempore 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, and Town Attorney Henry C. Fordham, Jr.

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 April 1, 2014 Regular Council Meeting and the April 15, 2014 Regular Council Meeting
- Consent 02** Apex Tax Report dated 03/05/2014
- Consent 03** Authorization for the Town Manager to execute the Charging Station Donation Agreement with NC Advanced Energy Corporation (AEC)
- Consent 04** Amendment to Chapter 20 with the addition of Section 20-173, Electric Vehicle Charging Stations
- Consent 05** Moving forward with the design of Public Safety Station # 5 to be located at 6904 Apex Barbeque Road, Apex, NC

15th and 16th. For the Economic Development Manager, 61 applications were received, five will be interviewed which will take place on the 21st of May. The mechanics for the Council to meet the selected candidates will be worked out. There was a wonderful pool of candidates for both positions.

PUBLIC HEARINGS

Public Hearing 01 : June Cowles, Senior Planner

Public Hearing regarding Rezone #14CZ03, 3.60 acres located at 1508 Kelly Road and 1813 Olive Chapel Road 2600 (southwest corner of Olive Chapel Road and Kelly Road) from Rural Residential to Office and Institutional Conditional Zoning

Staff oriented Council to the site and stated the conditions of the rezoning. A neighborhood meeting was held; the Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

SPEAKING IN FAVOR: Jeff Roach, Peak Engineering and Design representing the owner, stated this would be a perfect use for the property.

Charles Berger, resident of Green Briar Development, expressed some concern about how the entrances to the parcel are going to be designed. Because of current traffic problems, Berger asked for a left turn to be added at the light at Kelly Road and Olive Chapel. He performed a traffic count from 2:00-6:00 p.m., and cars were backed up at the light. Staff stated that a 2015 project has been forwarded; explained were the improvements which would be made. Roach stated they are moving forward with a traffic study because of this bad intersection. They will try to find something that will alleviate the traffic short term until all improvements can be made.

Mayor Sutton declared the Public Hearing closed.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO
TABLE THIS REZONING AND ORDINANCE UNTIL A TIME THAT THE DEVELOPER REQUESTES A REHEARING;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : June Cowles, Senior Planner

Continue the Public Hearing to the August 19, 2014 Town Council Meeting regarding Rezone #14CZ05, 133.1 acres located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road from Wake County R80-W and Rural Residential to Low Density Residential Conditional Zoning

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO
CONTINUE THE PUBLIC HEARING AS STATED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Continue the Public Hearing to the August 19, 2014 Town Council Meeting regarding the adoption of an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Charles Womble, Clarence Goodwin, Mark Esposito, Ashley Gasiorowski and Kenneth and Sue Marks properties containing 133.411 acres located west of Richardson Road, northeast of Ragan Road, Annexation #505, into the Town’s corporate limits

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

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex JVI Development II, Inc. property containing 8.948 acres located at located off Old Raleigh Road, south of New Dover Road, Annexation #508, 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. MAYOR PRO TEM SCHULZE MADE A MOTION TO
ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

The General Fund is \$5 million ahead mainly because of sales tax and building permit fees and because some departments are spending less than expected. In the Electric Fund, sales are pretty much on target. A significant payment from the DOT is reflected in the figures. As for Water and Sewer, revenues are roughly where they should be. Expenditures are fairly low, and the debt payment is upcoming.

New Business 03 : Council Member Nicole Dozier

Shop local initiative to help encourage shoppers to visit local retailers prior to searching outside of the Town limits

Council Member Dozier stated this item went to staff to explore. Todd Pritchard, Colossal Agency, presented on what the database would look like.

Pritchard stated that as a small business owner in Apex, he was excited about such a website, which would be a search-engine type website. He stated conceptually what it would look like. Pritchard discussed branding, what would be used to develop the website, and how it would be marketed.

Staff stated the \$9,750 fee to move forward was already in the EDC budget that we don't plan to spend this year. Responding to Council, staff stated this project was not required to go to bid; other companies are not aware of the project. The Chamber has not been talked to about using their database, and we would move forward with or without it. A business would not have to be a Chamber member to be a part of this, and there would not be a charge to business owners. The new Economic Development Director would not typically be the one to build and maintain such a database. The Town website, press releases, local newspaper coverage, the Downtown Merchants Association, and the Chamber would be the marketing targets.

Pritchard stated marketing would be included in the stated cost. He felt this a no-brainer that would grow once the word gets out. Council was not convinced of the growth; people would search Google first. Council wanted to see a cost estimate without the website. Thought was that this should be bid out, but Council was reminded that other larger projects were not bid out. Clean up of the database would be done quarterly via automatic renewal. Pritchard touched on security as far as legitimate businesses, how this would be verified, and the information being secure. Council expressed concern about not having seen any of Pritchard's work or that of others.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO ALLOCATE THE FUNDS AND MOVE FORWARD; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

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

New Business 07 : Bruce Radford, Town Manager

Sale of surplus property

Staff stated this property at the intersection of Highway 55 and 64 had been declared surplus. 7.3 acres of the property are deemed RCA, and a company wishes to purchase 1.90 plus/minus acres. The appraisal of its value came in at \$190,000, and there was an initial offer to purchase by the company of \$185,000. The company was asked to increase their offer, they agreed and have submitted a written contract. This creates an upset bid process, which must be advertised. Staff recommendation is to sell the requested acreage to the company, Columbia, for use as offices and a restaurant. The Town Attorney stated a Resolution for the bid would be forthcoming.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO ALLOW THE MANAGER TO ADVERTISE AND DRAFT A RESOLUTION FOR THE UPSET BID PROCESS;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : to discuss the sale of surplus property

The Town Attorney stated this could be handled in open session and classified as New Business [see New Business 07].

Closed Session 02 : to consider and give instructions to the Town Attorney concerning potential eminent domain claims and receive legal advice regarding same

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



TOWN COUNCIL SPECIAL BUDGET WORKSHOP TUESDAY, MAY 13, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Special Budget Workshop of the Apex Town Council scheduled for Tuesday, May 13, 2014, at 5:30 p.m. was held in the Training Rooms of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tempore 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, and Deputy Town Clerk Bonnie J. Brock. Absent was Town Clerk Donna B. Hosch.

Staff in attendance: Stacie Galloway, Communications Manager; David Hughes, Asst. Public Works Director; Dianne Khin, Planning Director; John Brown, Director of Parks & Recreation; Kent Jackson, Construction Management Director; Pete LaPiana, Information Technology Director; Marty Mitchell, Facility & Fleet Services Director; Lee Smiley, Finance Director; Eleanor Green, Human Resources Director; Mark Haraway, Fire Chief; Jeff Maynard, Assistant Fire Chief; John Letteney, Police Chief; and Randall Heath, EMS Chief

COMMENCEMENT

Mayor Sutton called the meeting to order and led the Pledge of Allegiance.

INTRODUCTION

Mayor Sutton presented Council with the proposed Annual Budget for Fiscal Year 2014-2015 and stated the public hearing for the budget will be held the first meeting in June. The budget is to be adopted at the second meeting, June 17, 2014.

PUBLIC FORUM

Mayor Sutton opened the floor for public comment.

Don & Laura Grimes, Marshall Barnes and Mike Wilms, residents along S. Salem Street were concerned about the aesthetics and function of the downtown area. They asked Council to consider extending the electrical underground lines to Hunter and Chatham Streets for the beautification of downtown and at a minimum, conduct a feasibility study. They believe it will improve property values and safety and will be an investment for the future.

Nicky Winstead, retired Apex EMS Director, stated he is concerned that Wake County does not want to fund positions for an EMS Director or Administrative Assistant for the Apex EMS facility. Wake County EMS will not provide staffed, EMS ambulances for [Apex] football games. He recommended appointing a Council member to work with [Apex] EMS as a liaison in corresponding with Wake County EMS.

The General Fund capital requests were reviewed; the Council received the following responses on some of the line items discussed:

Smiley stated fund balances and projected revenues; the electric revenues will increase, the Powell Bill is a slow growing revenue and other revenues are expected to stay the same. Residential building permit revenues are very good, commercial permit revenues are not.

Green stated there are eight (8) new positions proposed, a 3.6% merit average is recommended as well as a 1% market increase to pay ranges and thirty four (34) positions were reclassified this year.

Galloway stated the website re-design is necessary because residents are having trouble with the current site; the town needs to move to a vendor who has experience with government sites.

Town Hall Secure Access Control – several department directors shared incidents and experiences from their staff where their personal safety was a concern. Also, there are employees who have left the town that still have keys to access town buildings.

Letteney stated there is an increased need for a canine; Apex PD has to borrow a canine which is used to track people; suspects, missing persons and is used for drug searches in schools. They cannot always get a dog when they need it, or, they have to wait which is not good for an investigation or a lost child.

Mayor Sutton requested to have future discussions regarding future Fire Department needs at a regular meeting.

The items for replacement chairs in the Council Dias area, Christmas tree lower tier addition and PowerPro ambulance stretchers were removed from the Capital Fund requests.

Radford stated there is \$168,000.00 in the budget to pay salaries for and EMS Director and Administrative Assistant and seeks direction. Council Member Lassiter stated he is in support of using these funds for the EMS salaries. Member Schulze concurred. Council Member Dozier stated we should not single-out one sport or one group of kids in providing ambulances at games. Heath stated Apex High School hires EMS to attend their games and they use a stand-by ambulance for this service. In additions, he discussed response times of the Town of Apex and Wake County EMS and the need to replace an ambulance. If the County takes over Apex EMS, it would cease to exist.

In response to the public comments regarding underground utilities, Radford stated it would be an estimated cost of \$1.5M to move existing overhead infrastructure underground from Chatham Street to NC 55. Hughes stated the removal of overhead infrastructure to underground lines will be very expensive, inconvenient to Salem Street merchants and residents and the scope of this work would involve easements, location, costs and who actually wants underground lines. It would not enhance functionality; only aesthetics. Couch offered the previous removal of overhead lines in the downtown area were for lighting only, the overhead power lines have been, and remain behind the downtown buildings. If we convert infrastructure to underground, Chatham and adjacent streets would be affected by new, underground lines for Salem Street. Khin stated these streets would lose trees because you cannot have vegetation in underground utilities.

Radford updated Council on the purchase of 92 acres for future park land that appears to be best suited for parkland. ^{Brown (AB)} Brown stated the tax value is more than the appraised value; the town offered the property owners the appraised value and we will know more on this within a month.

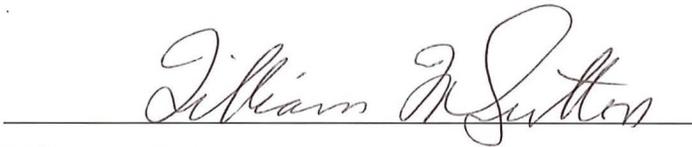
ADJOURNMENT

With there being no further business, the meeting adjourned at 8:10 p.m.



Bonnie J. Brock
Deputy Town Clerk

ATTEST:



William M. Sutton
Mayor



TOWN COUNCIL MEETING

TUESDAY, MAY 20, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 20, 2014, 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 Dozier gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Proclamation for National Emergency Medical Services Week

Mayor Sutton read and presented this Proclamation to EMS Chief Randall Heath.

Presentation 02 : Apex Downtown Business Association

Request regarding open consumption of alcohol at Jazz Fest

Ed Majkowski, member of the Board of Directors of the Apex Downtown Business Association, gave a brief history of the Jazz Fest. He cited safety reasons as to why they're asking for the closing of Salem Street this year. This would also allow seating in front of establishments for alcohol consumption; a one-time permit will be obtained for the beer garden. Alcohol consumption procedures were outlined.

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

CONSENT AGENDA

Consent 01 Apex Tax Report dated 04/03/2014

Consent 02 Street closures for 2014 Peak City Pig Fest

- Consent 03 Selling of Lot 218 Plot F in the Apex Town Cemetery
- Consent 04 Purchasing of Lot 58 Plot (S) G & H in the Apex Town Cemetery
- Consent 05 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Benjamin H. Whitley property containing 23.19 acres located at 3232 US 64 Hwy, Annexation #511 into the Town’s corporate limits
- Consent 06 Public Hearing for the June 3, 2014 Town Council Meeting regarding Rezone #14CZ06, 5.42 acres located at the southwest corner of Green Level West Road and Green Level Church Road from Rural Residential (RR) to Neighborhood Business Conditional Zoning (B1-CZ)
- Consent 07 Public hearing on June 3, 2014 for rezone #14CZ09 from Rural Residential (RR) and Residential-80W (R-80W) to Tech Flex- Conditional Zoning (TF-CZ). The subject property is approximately 23.19 acres generally located at 3232 US 64 Highway West
- Consent 08 Memorandum of Understanding (Contract) between Lenoir Community College and the Town related to the Town’s EMS Department participating in the College’s clinical training program for Paramedic students
- Consent 09 Findings of Fact, Conclusions of Law, and Decision approving the 540 Flex & Business Park Major Site Plan
- Consent 10 Statement of the Apex Town Council for Rezoning Case #14CZ03, Peak Engineering & Design, petitioners for the property located at 1508 Kelly Road and 1813 Olive Chapel Road
- Consent 11 Ordinance for Rezoning Case #14CZ03, Peak Engineering & Design, petitioners for the property located at 1508 Kelly Road and 1813 Olive Chapel Road
- Consent 12 Statement of the Apex Town Council for Rezoning Case #14CZ02, Town of Apex, petitioner for the properties located at the southeastern intersection of NC-55 and US 64 Hwy
- 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 19th Hole Group and Staley Smith property containing 10.9677 acres located at the Apex Peakway and North Salem Street, Annexation #507 into the Town’s corporate limits
- Consent 14 Public Hearing for proposed installment financing for water plant improvements and to refinance police and fire facilities
- Consent 15 Budget ordinance amendment for Wake County contribution to Fire Station 2 improvements
- Consent 16 Resolution to approve a revision to the 2012 Apex Local Water Supply Plan as required by NCGS 143-355 (I)
- Consent 17 Resolution to give authorization to the Purchasing Manager to sign the MVR63 Power of Attorney Form for disposal of vehicles declared a total loss

Consent 18 Resolution to the NC Legislature regarding tree regulations and standards

Council Member Lassiter asked to be recused from voting on the Consent Agenda based on a conflict with a cemetery plot. The Town Attorney stated it best to vote on that conflict separately.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE THE COSENT AGENDA MINUS ITEMS 3 AND 4; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE A MOTION TO RECUSE COUNCIL MEMBER LASSITER FROM VOTING ON ITEMS 3 AND 4; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE COSENT AGENDA ITEMS 3 AND 4; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Lassiter returned to Council.

REGULAR MEETING AGENDA

COUNCIL MEMBER JENSEN MADE A MOTION TO WITHDRAW THE PUBLIC HEARING ON THE 2030 LAND USE PLAN.

Council Member Jensen explained he felt the workshop meeting presented reason to go ahead with the Public Hearing; but after reviewing the outpouring of concern from citizens, he saw the need to withdraw the item. Stated was the purpose of the item – a live/work/bike community. Council Member Jensen hoped that in the future the community will recognize that Apex should not be carpeted with subdivision after subdivision without places to work.

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

PUBLIC HEARINGS

Public Hearing 01 : Lauren Simmons, Planner II

Public hearing on rezoning application #14CZ07, amending Rezoning #05CU10 to eliminate the condominium building from Phase II and replacing it with single family detached lots; and a rezoning ordinance

Staff oriented Council to the site, stating the request's consistency with the Land Use and Transportation Plans and the UDO. A neighborhood meeting was held. The Planning Board unanimously recommended approval along with staff.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering representing the developer, stated this was planned years ago but the neighborhood has been redesigned.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 02 : Lauren Simmons, Planner II

Public Hearing on Rezone #14CZ08, 3.6 acres for the property located between the end of Germaine Street and Herbert Street from Medium Density (MD) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification

Staff oriented Council to the site, stating consistency with the 2030 Land Use Map, the Transportation Plan, and the UDO. A neighborhood meeting was held. The Planning Board and staff recommend approval.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering and Design representing the property owner, further detailed the site. Ronald Taylor, citizen, stated his concern over stormwater and runoff once the lot is cleared. He cited a similar case in Cary. Roach explained the BMP which will be put on the site to prevent such. This issue would be reviewed further at the site plan level. Roach committed to the following added condition in response to questions by Council: the stormwater BMP shall be designed to regulate the 25-, 50-, and 100-year post development runoff to avoid overtopping of the dam and impoundment.

Mayor Sutton declared the Public Hearing closed.

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

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

Public Hearing 03 : Brendie Vega, Principal Planner

Quasi-Judicial Public Hearing regarding Special Use Permit SUP#14SUP01 and a Major Site Plan for Kelly Park Tower to be located at 1701 Kelly Road

The Town Attorney read a brief statement explaining the purpose of the request and giving instructions to Council for their deliberations. All Council members stated they had no relationships or financial connections to this issue which would cause them to not be able to make impartial decisions.

Mayor Sutton declared the Public Hearing open.

Staff oriented Council to the site and the tower. The request is consistent with the Transportation Plan and the UDO on this Town-owned property for which a lease has been approved by Council. No Council member stated they had visited the site.

CROSS OF STAFF: An Ashley Downs resident questioned the health risk of radiation and cancer of such a tower, speaking from information he'd found online and in magazines/journals. The Town Attorney stated he was not a health expert or an expert in cell tower safety. Mayor Sutton called him out of order.

SPEAKING IN SUPPORT: Jason Baron, attorney for the applicant, presented Matthew Danielson of Raleigh Towers and his credentials. Danielson gave a brief history of his company which finds locations for cell towers and explained why they came to this site – the need for bandwidth. The tower meets all guidelines and will be built according to all rules and regulations. Baron asked to have entered into evidence all information submitted and the staff report supporting this.

SPEAKING IN OPPOSITION: the same Ashley Downs citizen stated the tower would be too close to a school, and this would not be safe.

Mayor Sutton declared the Public Hearing closed.

The Town Attorney stated no issue was raised as to any particular Standard.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE SPECIAL USE PERMIT AND SITE PLAN; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing on an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Jerry B Lewter property containing 7.06 acres located at 1615 Salem Church road, Annexation #510 into the Town’s corporate limits
Staff oriented Council to the site, stating that 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 LASSITER MADE A MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing on an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Vans Road Development, LLC, Mary Harris Harbor and Hilda Grace Best property containing 14.59 acres located off Evans Road, Annexation #506, 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 LASSITER MADE A MOTION TO APPROVE THE ORDINANCE; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public hearing on an Ordinance regarding various amendments to the Unified Development Ordinance
Staff detailed the request related to several discretionary Standards.

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

OLD BUSINESS

There were no Old Business items for consideration.

PUBLIC FORUM

Chris Hayami spoke on the CSX railroad, stating that at one point trains would sit on the track close to her house with no uncoupling of cars. Six or eight weeks ago this changed, causing a lot of loud noise between 1:00 and 4:00 a.m. In addition, this rattles houses, calling for a concern for structural integrity and affecting the resale of homes. Hayami asked that this process be shifted as to time and location. There is an area proposed for storage which would be a better alternative.

Town Attorney Fordham encouraged the residents to consult with a private attorney immediately; they would have some rights that the Town doesn't have. Town Manager Radford stated this may be an uphill battle, but the residents may have some small victories along the way. Radford has spoken with John Dillard in CSX Governmental Affairs about a similar problem. The residents will be included in a meeting with Dillard in order to express their concerns.

Vincent Simorelli stated he has similar concerns, adding that the noise is affecting his work and job because he hadn't at that point been able to sleep in the last 10 days. What are residents to do if there is not money for a private attorney? Simorelli also asked why, contrary to the Statute, trains are allowed to remain still on the tracks for more than five minutes. Radford stated PD wrote a ticket for this in the past and it was thrown out of court, citing we were trying to refrain free trade and the railroad had greater authority over the tracks than we did. Also discussed was how long the horn could be blown. Fordham stated that in the past people have used a lawyer on contingency, again urging the residents to see an attorney.

Steve Wilkins spoke about a property next to him being annexed. The 2030 Plan calls for tech flex all around him but not his property. Staff explained why he was not originally included and stated the process to correct this would begin at the next Planning Board meeting.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Olive Chapel Park, Phase II - Master Subdivision Plan - containing 2.77 acres and 12 lots

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

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

New Business 02 : Lauren Simmons, Planner II

Jordan Pointe - Master Subdivision Plan - for the properties located at Old US Highway 1 and Horton Road containing 295.383 acres and 440 lots

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended partnership to coordinate a regional park facility or a fee in lieu. The Planning Board and staff unanimously recommended approval of the request.

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

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR 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

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TOWN COUNCIL MEETING

TUESDAY, JUNE 3, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 3, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Keith H. Weatherly, Mayor Pro Tempore 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, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Bruce A. Radford, Town Manager

Introduction of Andrew "Drew" Havens, the newly-hired Assistant Town Manager

Radford gave a summary of the hiring process which led to the hiring of Drew Havens as the new Assistant Town Manager and introduced him and his wife, Kim. Havens will begin work on July 7th.

Presentation 02 : Mayor Sutton

Proclamation to Chris Gredvig, Meals on Wheels, recognizing their 40th Anniversary

Mayor Sutton read and presented the Proclamation to Gredvig in recognition of Meals on Wheels' 40th Anniversary.

Presentation 03 : Mayor Sutton

Proclamation to Yury Rojasthe, Apex Kiwanas Club, recognizing their 25th Anniversary

Mayor Sutton read and presented the Proclamation to Rojasthe in recognition of the Apex Kiwanas Club's 25th Anniversary. Rojasthe thanked the Town for its assistance over the past years, noting some of the projects in which the Club is involved and its purpose.

Presentation 04 : Ben Hitchings and Bonnie Estes, NC Chapter of the American Planning Association

Proclamation to the Great Main Street Award Winner, North Salem Street

Hitchings, President of the NC Chapter of the American Planning Association, stated he was present to present the Award to North Salem Street. Mayor Sutton was presented a commemorative plaque.

CONSENT AGENDA

- Consent 01 Minutes of the April 28, 2014 Personnel Committee Meeting, the May 6, 2014 and May 20, 2014 Regular Council Meetings, the May 6, 2014 Closed Session, and the May 13, 2014 Special Budget Workshop Meeting (*Closed Session Minutes Recorded Separately*)
- Consent 02 Cancellation of the July 1, 2014 Regular Council Meeting in observance of the July 4th Holiday
- 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 Robert Alan Rossi & Amy McDevitt property containing 1.606 acres located at 0 Schieffelin Road, Annexation #513 into the Town's corporate limits
- Consent 04 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Straight Arrow property containing .7079 acres located at 2621 Schieffelin Road, Annexation #514 into the Town's corporate limits
- Consent 05 Statement of the Town Council for Rezoning Case #14CZ07, Live Oak Homes/Jones & Cnossen Engineering, petitioners for the property located at the end of Grande Chateau Lane and Alsace Drive containing 2.77± acres
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #14CZ08, 1873 Long Pond, LLC/Jeff Roach, Peak Engineering & Design, petitioners for the property located between the end of Germaine Street and Herbert Street
- Consent 07 Public Hearing for the June 17, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Resolution naming Review Officers for the Town of Apex to then be approved by Wake County Board of Commissioners
- Consent 09 Budget ordinance amendment related to the annual street repair and resurfacing contract

- Consent 10 Construction contract and authorization for Town Manager to execute same for Roadway Rehabilitation Project (patching and resurfacing – Knollwood, Shepherds Vineyard Phase 2B, Buckingham Phases 1-3, Creekside Commons, Investment Blvd)
- Consent 11 Ordinance making it lawful to possess, possess open containers of, and consume malt beverages and unfortified wine on the portion of Salem Street temporarily closed on September 20, 2014 for Jazz Fest during the closure
- Consent 12 Resolution authorizing the Town Manager to exempt particular projects from the requirements of N.C.G.S. §143-64.31 where the estimated professional fee for services is less than \$50,000
- Consent 13 Sale of Lot 135 Plot D in the Apex Town Cemetery
- Consent 14 Lot 209 Plot(s) C, D, and E reconveyed to the Apex Town Cemetery
- Consent 15 Amendment to Duke Progress Energy contract for fire protection at the Harris Nuclear Facility
- Consent 16 Release of Liability document between the Town of Apex Fire Department and Mr. John Kane for the use of property located at 7328 Roberts Road for firefighter training
- Consent 17 Resolution authorizing sale of 1.9 acres out of PINs ##0732-77-7095 and 0732-76-9930 for \$190,000.00 subject to the upset bid procedure and authorizing the Town Manager to execute the contract and authorizing the Town Manager and/or Town Attorney to make modifications to the contract language not affecting contact price

Council Member Wilkie requested pulling Consent Item 11 regarding malt beverages and having it discussed as Old Business.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO APPROVE THE COSENT AGENDA MINUS ITEM 11; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Fordham requested the addition of an Old Business Item related to easements as well as a Closed Session for Council to receive legal advice regarding a claim. Radford requested pulling Consent Item 16 related to property for use for firefighter training.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO MAKE THE ABOVE-STATED ADDITIONS AND DELETIONS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

Brett Gant, Whitehall Manor Homeowners Association, thanked Council for the inclusion of a sidewalk in the proposed budget and the the safety it will provide in their neighborhood.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

Public Hearing and discussion regarding the Fiscal Year 2014-2015 Town of Apex Budget

Mayor Sutton declared the Public Hearing open.

Radford called for questions from Council. Council stated it understood the need for security cameras downtown, but citizens have raised concerns about them in public areas. Police Chief John Letteney stated the cameras would primarily be used at the yearly festivals, with another camera being located in the PD parking lot. Conversations have taken place with the Downtown Business Association and the Festival Commission, and there were no concerns. There have been no complaints from citizens. The cameras would record 24/7 but not be constantly monitored. The video would serve as an investigative tool if needed.

Captain Blair Myhand, who is responsible for planning special events, stated that the events are now growing to 30,000 people. Their focus will be on prevention moreso than response. Myhand stated pride in Apex being a safe environment, with people walking around “without a care in the world”.

Jim Pendergraff, President of Wildfire Camera Networks, stated his credentials and gave a brief presentation on the camera system, noting that everyone now has video capability via cell phones. Explained were the wireless camera system’s specifications, expansion capabilities, and network layout. With Council’s concern about the 24/7 monitoring capability, Pendergraff stated that is taken care of by a solid policy and a police chief and staff to enforce it. PD is not at this point looking at the license plate reader function or monitoring the parks.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE CAMERA SYSTEM PURCHASE BUT THAT THERE MUST BE A POLICY IN PLACE BEFORE CAMERAS GO ONLINE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council questioned, in reference to a motorcycle grant, if there is a true need for more motorcycles. Staff stated the one motorcycle which we have now is used for public events, to get to wreck scenes, and to go places where cars cannot. Council was in agreement with the cycles.

Council questioned the property purchase for fire station number three, stating it was a lot of money for the amount of land available. Council stated it wanted to get the entire fire briefing before committing to the monies. Council consensus was for the monies to sit in contingency until the full briefing in August.

Council asked for justification for the white board. Staff stated that current equipment is antiquated and not suitable for Town needs. The white board would be available for every room in the building and could be used for ED presentations, maps and plans during meetings, bringing up the Town website, aerial photographs, drawing and capturing, emails, and videoconferencing particularly with out-of-state developers. There is no service fee involved. Council consensus was to approve this expenditure.

The Mayor questioned the need to raise water sewer rates in light of the current reserves. Staff stated that the thinking was to try to avoid a large rate increase down the road, although we could get through about another year without an increase. Council was in agreement with the Mayor not to raise the rates this year.

Mayor Sutton declared the Public Hearing closed.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Benjamin H. Whitley property containing 23.19 acres located at 3232 US 64 Hwy, Annexation #511, into the Town’s corporate limits and

Public Hearing 03 : Lauren Simmons, Planner II

Public Hearing regarding Rezone #14CZ09 and attached Ordinance from Rural Residential (RR) and Residential-80W (R-80W) to Tech Flex- Conditional Zoning (TF-CZ). The subject property is approximately 23.19 acres generally located at 3232 US 64 Highway West

Mayor Sutton declared the two Public Hearings open.

Staff oriented Council to the site of the annexation. A neighborhood meeting was held. The applicant requested two additional conditions, which staff detailed. Staff and the Planning Board recommended approval with the two additional conditions.

IN FAVOR OF THE REZONING: Glenda Toppe, applicant, stated that they were requesting tech flex, which was in compliance with the Plan. Two neighborhood meetings were held, after which changes were made to their request. Toppe detailed these changes. Council expressed concern about some of the uses which were removed because of the kind of profitable businesses which would be eliminated. The applicant was agreeable to adding back uses, even if it means doing so in the future, noting that eliminations were not based on requests from staff.

Mayor Sutton declared the Public Hearings closed.

MAYOR SUTTON CALLED FOR MOTIONS. COUNCIL MEMBER WILKIE MADE A MOTION TO APPROVE THE ANNEXATION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION. COUNCIL MEMBER WILKIE MADE A MOTION TO APPROVE THE REZONING WITH THE ADDITIONAL CONDITION OF MANUFACTURING AND PROCESSING; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
BOTH MOTIONS CARRIED BY 5-0 VOTES.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 19th Hole Group and Staley Smith property containing 10.9677 acres located at Apex Peakway and North Salem Street, Annexation #507 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 LASSITER MADE A MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : June Cowles, Senior Planner

Public Hearing and Rezone #14CZ06 and ordinance, 5.42 acres located at the southwest corner of Green Level West Road and Green Level Church Road from Rural Residential (RR) to Neighborhood Business Conditional Zoning (B1-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The request was consistent with the Towns Plans. Staff and the Planning Board recommended approval of the request. Responding to Council regarding sewerage, staff stated a previous such request was made by the owners to be sewerage by Cary.

SPEAKING IN FAVOR OF THE REQUEST: Dan Maisel, Leaf Zoning Services representing the owners, stated that they are anticipating growth in the area, especially with the advent of the high school. They have had water and sewer conversations with Apex and Cary staff members.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE THE REZONING AND ORDINANCE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Lee Smiley, Finance Director

Public hearing regarding proposed installment financing agreement for water plant improvements and to refinance police and fire facilities

Staff stated this would be for financing for the water treatment plant expansion, a \$16 million project. We will use \$8 million cash and borrow the remainder of the monies. We will also borrow an additional \$6 million to refinance the police and fire buildings. Staff explained in more detail the proposed financing.

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 A MOTION TO APPROVE THE TWO RESOLUTIONS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01: Hank Fordham, Town Attorney

Authorization for Public Works & Utilities staff to initiate negotiating the acquisition of easements needed to extend Town utility services into the White Oak Basin and authorization for staff and the Town Attorney to pursue agreements with various developers to reimburse the Town for the cost of acquiring the easements substantially in accordance with the a draft agreement

Staff presented a history of how we would like to see the White Oak Basin sewered via a regional plan, stating the following key points:

- 1) Developers are working together to build the public water and sewer infrastructure through a collaborative regional approach in the White Oak Basin. This regional approach was requested by Council in previous discussions regarding the Toll Brothers development in the White Oak Basin

- 2) The developers have spent significant funds to survey and design the infrastructure and it is nearing completion
- 3) A large number of easements will be required in order to build all the required infrastructure
- 4) Experience has taught us that not all easements we be able to be procured by negotiation. If the Council is unwilling to support eminent domain for some of the easements we should not go forward with the project
- 5) Staff believes the best communication with the property owners will be accomplished by having staff manage the easement negotiations and having the developers reimburse the Town for costs
- 6) Additional hired right of way agents and outside legal counsel will be required to accomplish the negotiations

The Town Attorney stated that a motion by Council would be agreement for staff to proceed with negotiations and come back with a final agreement, giving developers some sense of in what direction the Town will go. The developers will hire outside legal counsel who will work with the Town. Staff explained why it is better for the Town to get the easements.

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

Old Business 02: Council Member Gene Schulze

Ordinance making it lawful to possess, possess open containers of, and consume malt beverages and unfortified wine on the portion of Salem Street temporarily closed on September 20, 2014 for Jazz Fest during the closure

Council stated it was under the impression that it would get more information before voting on this. The Town Attorney stated this would be legal as the General Statutes give the Town the authority to make it so. However, it would be limited to this particular date while the street is closed. There are still some wrinkles with the ABC folks. Chief Letteney has met with the ABC folks and is not certain all Town concerns have been/can be addressed. The question still remains as to the point at which alcohol would be allowed up and down the street, this relating to the ABC laws regarding establishments.

Council stated it was uncomfortable with alcohol on the street all day around families. Council stated it felt this is a primarily an adult function. The Town Attorney stated the Ordinance would only address it being legal to have open containers of alcohol on the street.

The Town Manager polled Council as to how they would vote, with Council Members Wilkie and Dozier stating they would vote in the negative.

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

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Closed Session for Council to receive legal advice regarding a claim

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER LASSITER 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.

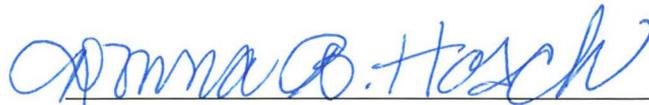
WORK SESSION

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 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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TOWN COUNCIL MEETING

TUESDAY, JUNE 17, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 17, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Keith H. Weatherly, Mayor Pro Tempore Eugene J. Schulze, and Council Members Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie.

Also in attendance were Town Manager Bruce A. Radford, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

Absent was Council Member William S. Jensen.

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 June 3, 2014 Regular Meeting and Closed Session, and the May 21, 2014 Economic Development Committee Closed Meeting (*Closed Session Minutes recorded separately*)
- Consent 02** Apex Tax Report dated May 5, 2014
- Consent 03** Statement of the Town Council for Rezoning Case #14CZ06, Longleaf Development Services / Shree Girirajgoverdhan Properties, LLC, petitioners, for the property located at the southwest corner of Green Level West Road and Green Level Church Road
- Consent 04** Statement of the Town Council for Rezoning Case #14CZ09, Glenda Toppe, petitioners for the property located 3232 US 64 Highway West

- Consent 05 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of May 20, 2014
- Consent 06 Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan and Special Use Permit #14SUP01 – Kelly Park Tower
- Consent 07 Set Public Hearing for the July 15, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Authorize the *Termination of Encroachment Agreement* and authorize the Town Manager to sign it, which will terminate the Encroachment Agreement
- Consent 09 Ordinance amending Sections 14-17.2 and 15-7 of the Apex Town Code related to the carrying of concealed handguns in Town buildings and recreation facilities to conform to state law
- Consent 10 *Amendment 4 to Contract #52063* between Apex and Duke Energy Progress, Inc. and authorization for the Town Manager to sign it
- Consent 11 Budget ordinance amendment for costs of serving regional wastewater plant, electric vehicle grant, and customer rebates
- Consent 12 Resolution authorizing execution and delivery of installment financing agreement
- Consent 13 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 14 Position Classification Plan for FY14-15 and associated Personnel Policy revision for Article I
- Consent 15 Resolution authorizing condemnations related to the Tingen Road sidewalk project

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE
THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

The Town Attorney requested the addition of a Closed Session to receive legal advice from the Town Attorney.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Robert Alan Rossi and Amy McDevitt property containing 1.606 acres located at 0 Schieffelin Road, Annexation #513, into the Town’s corporate limits

Staff oriented Council to the site, stating 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 LASSITER MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Straight Arrow Properties containing .7079 acres located at 2621 Schieffelin Road, Annexation #514, into the Town’s corporate limits

Staff oriented Council to the site, stating 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 DOZIER MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and motion on proposed amendments to the 2030 Land Use Map at 3212 and 3228 US 64 Hwy West

Staff reminded Council of the details of the site. The Planning Board and staff unanimously 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 WILKIE MADE
THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public hearing and motion to adopt an Ordinance regarding various amendments to the Unified Development Ordinance

Staff outlined the three sets of amendments. Several departments worked together to develop the modified/revised wording and processes regarding grading, detached townhomes, and landscaping and buffers. The Planning Board unanimously recommended approval of the request.

Mayor Pro Tem Schulze joined Council at 7:15 p.m.

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 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Bruce Radford, Town Manager

Motion to adopt the FY 2014-2015 Budget Ordinance

Staff presented the Ordinance, stating it had been carefully deliberated. The budget contained the projects about which the public was most vocal, and it balanced without tax, electric, and water and sewer rate increases. Radford thanked the department heads for their effort in making this possible. This was a smooth budget process.

Council complimented staff on the improved process undertaken this year and how well staff and community worked together. The staff was thanked, and Council stated it felt good about the raises which staff would receive.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : John Letteney, Chief of Police

Motion to approve a Memorandum of Understanding with the Wake County Public School System to provide School Resource Officer(s) to select public schools within the jurisdiction of the Apex Police department, and to authorize the Manager to execute same

Staff outlined the contents of the MOU, stating the current MOU expires at the end of this month. All involved municipalities have met with their staffs and attorneys and recommended approving the presented MOU. Apex staff recommends its approval as well. Responding to Council, staff explained resource officer staffing and the associated costs. It is felt that the full time SROs at the middle schools are needed beyond the realm of security. Staff explained that an increase in reimbursement to the Town has been discussed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE MOU WITH THE REQUEST THAT THE SCHOOL BOARD'S REIMBURSEMENT POLICY BE ADDRESSED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session 01: to receive legal advice and consider potential eminent domain litigation

Closed Session 02: to receive legal advice from the Town Attorney

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 4-0 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 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE MT. ZION ROAD SUBSTATION TO US 1 ELECTRIC LINE PROJECT FOR THE IMPROVEMENT OF THE APEX ELECTRIC SYSTEM;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

WORK SESSION

There were no Work session items for consideration.

ADJOURNMENT

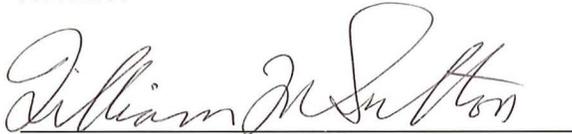
With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER WILKIE 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



TOWN COUNCIL MEETING

TUESDAY, JULY 15, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, July 15, 2014, 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 Tempore 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 Henry C. Fordham, Jr.

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 : Department Heads

Introduction of newly-hired Town employees

The following newly-hired Town employees were introduced by their respective Supervisors:

- David Hughes, Assistant Public Works Director, introduced William Reif, Street Maintenance Worker and Ryan Walter, Operator/Mechanic
- Mike Deaton, Environmental Programs Manager, introduced Darius Douglas, Solid Waste Equipment Operator
- Police Chief John Letteney introduced Daniel Hernandez, Telecommunicator; Alexandra Mraz, Police Officer, Palak Patel, Police Officer; and Larissa Velna, Police Officer
- John Brown, Parks and Recreation Director, introduced Allison Prelaske, Senior Programs Specialist; Lester Hollins, Parks Maintenance Worker; and Jackson Willing, Parks Maintenance Specialist

CONSENT AGENDA

- Consent 01** Minutes of the July 17, 2014 Regular Meeting and the July 17, 2014 Closed Session (Closed Session Minutes recorded separately)
- Consent 02** Selling of Lot 209 Plot(s) C, D, and E in the Apex Cemetery
- Consent 03** Updated Memorandum of Understanding (MOU) between the Town of Apex and the member agencies of the Capital Area Metropolitan Planning Organization
- Consent 04** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 17, 2014
- Consent 05** Reconsideration of the UDO Ordinance Amendment adopted on June 17, 2014 and revised UDO Ordinance Amendment to grandfather site and subdivision plans submitted prior to June 17, 2014 from the revised UDO Sections 7.5.6, 8.2.4, and 8.2.6.
- Consent 06** Budget ordinance amendments for purchases of power and refinancing of Police building loan
- Consent 07** Transfer of Lot 132 Plots G and H in the Apex Cemetery

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

There were no requested modifications to the Agenda.

PUBLIC FORUM

Graham Wilson, representing Apex Rotary Sunrise Club, thanked the Town for its assistance with Pigfest. He additionally thanked Mayor Pro Tem Schulze and Town Manager Radford, who participated as a certified barbeque judge. This year was extremely successful, raising a substantial amount of money. \$10,000 each will be donated to Western Wake Crisis Ministry and Operation Coming Home.

Joseph Howard, representing a group of residents from the downtown area, expressed excitement about getting quiet zones – the perfect answer to train horns. This has been going on for years. CSX is

exempt from many things, so the Town Manager and staff looking into what could be done is a blessing. Howard felt residents will be able to live a better life in Apex without these disturbing noises. Chris Hayami, representing a group of residents, thanked the Town Manager for being instrumental in getting more than was ever expected from CSX. The CSX representatives were extremely helpful. Hayami's only concern about the quiet zone is that kids are in the area all the time, and she wanted to be assured that they will hear the trains when they come through.

Roger Neal spoke about a flood at the branchline marker at the Villages of Apex. Professionals say stormwater is a difficult concern in that area. Neal wanted it on record that water in the community is problematic. The Town Manager stated he has visited the site, and it will be revisited on tomorrow in hopes of addressing the problem.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public hearing and Ordinance regarding various amendments to the Unified Development Ordinance

Staff outlined the various amendments and stated that 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. 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 02 : Reed Huegerich, Senior Planner

Public Hearing and amendments to the Thoroughfare and Collector Street Plan map

Staff explained these amendments arose from its investigating the realignment of multiple roads in the New Hill area. The Planning Board unanimously 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 ADOPT THE AMENDMENTS; 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 : Brendie Vega, Principal Planner

Lucas Farms Master Subdivision Plan for property located at 2212 Olive Chapel Road containing 5.22 acres and 4 lots
Staff oriented Council to the site. The site will be annexed, a neighborhood meeting was held, the Parks and Recreation Commission recommended payment of fee in lieu, and the Plan meets all Apex Plans and Ordinance. Staff recommended approval with conditions, to which the applicant has agreed. The Planning Board recommended approval.

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

New Business 02 : Reed Huegerich, Senior Planner

Colvin Park Phase IV Master Subdivision Plan for property located at 8120 and 8136 Stephenson Road containing 8.54 acres and 21 lots

Staff oriented Council to the site. The area will be annexed prior to construction, a neighborhood meeting was held, the Interlocal agreement is in affect for this area, the Parks and Recreation Commission recommended payment of fee in lieu, and the Plan conforms with Apex Plans and Ordinance. Staff recommended approval with condition. The Planning Board unanimously recommended approval.

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

New Business 03 : Bruce Radford, Town Manager; Jason Field, Moffatt & Nichol; Drew Thomas, NCDOT Rail Criteria and requirements for establishing a quiet zone in the central business district

Council stated this was in response to citizen concerns. The Town was not aware that a quiet zone was an option, and staff thanked Joe Howard for his research on this. Staff stated Rocky Mount was visited to view their quiet zone, which can be costly. Staff presented two train film clips – one with and one without a quiet zone. The Town would want to use the analytic solution and explanation was

given on the barriers, gates, and medians that may be required. Council stated this solution would certainly be worthwhile.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO PROCEED WITH THE ANALYTIC STUDY; COUNCIL MEMBER LASSITER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Bruce Radford, Town Manager

Surveying of properly located on Norwood Lane for the Gravity Sewer for Tractside South (Villages of Apex)

Staff stated this was a revisit of the Norwood sewer issue. Previously discussed was whether or not the line could go through 709 Norwood Lane, which is a rental property. No agreement has been made with the property owner and the Halle Group.

A Halle representative explained the various routes which could be used for the sewer outfall. Trying to settle with the property owners has been to no avail; therefore, Halle asked for a protective right of entry. Council asked for evidence of communication with the owners; Halle stated he would forward emails which have been sent. The property owners have asked for off-the-mark numbers which don't make sense; they are way in excess of appraisals. Halle stated they will now need to do surveying and appraisals. Halle has letters of intent for the commercial piece. Council stated no communication from the owners has been made to them.

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

New Business 05 : Mayor Bill Sutton

Discussion on the formation of an Environmental Committee

The Mayor stated this would be an internal committee and not a board. Staff briefed Council on similar committee activities of other towns, using a chart showing the purpose of other town committees and what type of information they process and make recommendation to council. Council stated this would give residents a chance to address a committee instead of addressing individual Council Members. This committee would give Council research information prior to its making decisions on issues.

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

Mayor Sutton stated he wished the appointment of Council Member Dozier as Chair and Council Member
Jensen and himself as its members.

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

CLOSED SESSION

Closed Session 01 : to receive legal advice related to a potential claim and give direction regarding same

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE A MOTION THAT
THE TOWN PAY DISCUSSED FEES TO WAKE COUNTY SCHOOLS AS SOON AS POSSIBLE.
COUNCIL MEMBER DOZIER SECONDED THE MOTION
THE MOTION CARRIED BY A 5-0 VOTE.

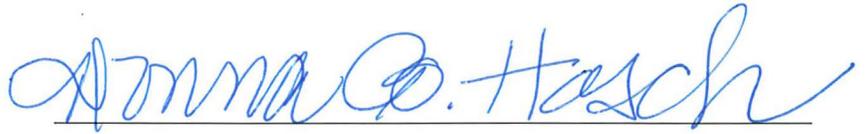
WORK SESSION

There were no Work Session items to be considered.

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

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TOWN COUNCIL MEETING

TUESDAY, AUGUST 5, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, August 5, 2014, 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 Tempore 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 Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Kraft Family YMCA Advisory Board

Charles Archer, Associate and Marco Ramirez, Executive Director

Mr. Archer expressed appreciation to the Council for what it does for the community. Located on Holly Springs Road, the mission of the YMCA is to put Christian principles into practice through several different kinds of programs. Appreciated are opportunities to partner with towns and other organizations. Mr. Archer overviewed membership and how funds support the various programs. Although the facility is not located in Apex, its programs are and appreciated is the opportunity to serve the citizens. The Council was invited to visit the facility to see the difference counselors are making in the lives of the children.

CONSENT AGENDA

- Consent 01 Minutes of the July 15, 2014 Regular Meeting and the July 15, 2014 Closed Session (Closed Session Minutes recorded separately)
- Consent 02 Apex Tax Report dated 06/03/2014
- 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 Milton Richardson & Vedia Jones-Richardson property containing 10.01 acres located at 2324 Mt. Zion Church Road, Annexation #516 into the Town’s corporate limits
- Consent 04 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex 540 Flex & Business Park property containing 10.744 acres located at 1604 & 1640 Olive Chapel Road, Annexation #517 into the Town’s corporate limits
- Consent 05 Public Hearing for the August 19, 2014 Town Council Meeting regarding rezone #14CZ10, rezone from Planned Unit Development –Conditional Zoning (PUD-CZ), R-80W and Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification for the property located at Milano Avenue and Blazing Trail between Venezia Way and Mt. Zion Church Road containing 153.8± acres
- Consent 06 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of July 15, 2014
- Consent 07 Public Hearing for the August 19, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Amendment to the FY 2014-15 Annual Budget Ordinance (Comprehensive Development Fee Schedule)
- Consent 09 Policy regarding the rental of Amphitheatre at the Apex Nature Park
- Consent 10 Amendment to the Open Gym Policy to allow non-residents to participate with purchase of pass
- Consent 11 Surplus of 700 feet of old fire hose that is out of service to be donated to the Carolina Tiger Rescue group
- Consent 12 Ordinances reducing all of the Town’s electric rate schedules by 3.22% due to change in State law effective July 1, 2014
- Consent 13 Findings of Fact, Conclusions of Law, and Decision for the denial of the application of Ashton Woods Homes for approval of proposed residential master subdivision plan
- Consent 14 Resolution ratifying acceptance of the attached water easement
- Consent 15 Conveyance of Lot 276 Plots E, F and G to the Town of Apex Cemetery
- Consent 16 Conveyance of Lot 216 Plots A and B to the Town of Apex Cemetery
- Consent 17 Transfer of Lot 42 Plots G and H in the Apex Cemetery

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

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

PUBLIC FORUM

J.C. Knowles, Apex Ambassador and President of the Downtown Business Association, expressed appreciation and pride for the partnership with Apex. The Association appreciates the support in assisting to help make downtown a model for other towns in North Carolina. Mr. Knowles presented Council members with the first historic Apex poster which will ultimately be sold for a nominal fee. Mr. Knowles stated it is a privilege to serve as Apex Ambassador.

Stephen Xavier, Executive Director of the Apex Chamber of Commerce, expressed his sincere and heartfelt thanks for the Town's support of their centennial event. The Town's seed money was extremely helpful, and Mr. Xavier presented the Town with a check. The Chamber is growing in positive ways, and Mr. Xavier is looking for Apex to be in the top five rating of best towns next year.

PUBLIC HEARINGS

There were no Public Hearings to be considered.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Closed Session 01 : To consider the purchase of real property

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

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

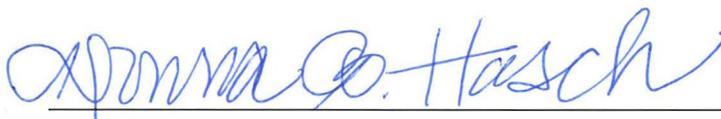
WORK SESSION

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 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



TOWN COUNCIL SPECIAL WORKSHOP MEETING
TUESDAY, AUGUST 12, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Special Workshop Meeting of the Apex Town Council scheduled for Tuesday, August 12, 2014, 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 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 Henry C. Fordham, Jr.
Absent was Mayor Pro Tem Eugene J. Schulze

COMMENCEMENT

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

The Mayor welcomed those in attendance and explained this was a specially-called meeting to get recommendations from the Manager and Fire Chief on present and future plans for the Fire Department. Those from the audience who wished to speak were called upon to address the Council.

Denyse Brown thanked the Fire Department for saving her parents' home, reading a statement explaining the heroic effort surrounding the incident and naming the individuals involved in the rescue. She expressed concern that growth will take over infrastructure. Ms. Brown asked that before closing Fire Station 1 (FS1), Council listen to citizen concerns.

Billy Gilbert with the Apex Fire Department stated he's enjoyed his work, even though it's hard and long hours. FS1 is an important icon in Apex, and he was in disagreement with its closing. It's disappointing

that this is even being thought about. FS1 has been in existence since 1939; we should not want to get rid of this landmark.

Jerry Henderson stated he fell over dead in Food Lion several years ago and explained how Lt. John White and crew brought him back to life. He did not know exactly what they did, but all the doctors stated it was short of a miracle that he was alive. Mr. Henderson stated he would do anything for these skilled, well-trained people, and didn't see the sense in reducing the same type of chance for someone else. If anything, more stations should be opened to continue to help people.

Marilyn Langdon has been a business owner since 1973, and she loves Apex and the downtown fire station. Ms. Langdon thought it would be an advantage to have a station on each side of the railroad tracks or additionally at another convenient location where the Town already owns the land.

The Mayor explained this was a Workshop and no decisions would be made on this evening – any decisions would be made at a Regular Meeting. The Mayor stated that Chief Haraway will be leaving at the end of the year, and he expressed his deep appreciation for everything that the Chief has done for so many years.

PRESENTATIONS

Presentation 01 : Fire Chief Mark Haraway

Presentation and discussion on Fire operations and Fire facility plans within the Town of Apex

Chief Haraway overviewed the Fire Department Service Delivery Model and Plan for the Future.

The Mayor asked about moving people from FS1 to another site. The Chief asked that if anything is done with FS1, that the Council allow the organizers to provide input. Council commended the Fire Department for being one of the top departments in the State and how it's being done cheaper than in other municipalities. Even though it is believed there is a better option for operation than FS1 one, FS1 is a huge piece of Apex history. It is hoped we don't turn our backs and forget from where we came.

The Chief stated Cary was faced with this same problem years ago. It turned its downtown station into an administrative facility; Apex could do the same and maintain the historical integrity. The Chief's recommendation of progression would depend on how fast White Oak Basin grows. Fire Station 5 (FS5) is the priority, which could address the needs in White Oak Basin. Staff reminded Council that the land for FS5 has been purchased and design plans have begun. Council stated that we are not in a hurry to change FS1; we are simply doing the planning that needs to be done. We also need to be looking out for property for Fire Station 6 (FS6).

The Chief stated that if there is an opportunity to purchase property for training, then we need to get that done first and worry about FS6 later. Briefly discussed was what type of property would be perfect for a training facility. Preference was for this to be done by redesigning FS1. If Veridia comes to fruition, land has been promised us for Fire Station 7.

Mayor Sutton called for a ten minute recess. Following the recess:

The Town Manager presented the Capital Improvement Plan (CIP), explaining that it is a moving document based on affordability. Large expenses, however, are scheduled as they are true capital expenses. Speaking specifically about the General Fund, overviewed were the funds that would be needed through 2018 – the big ticket items being highlighted, i.e., resurfacing of streets.

Mentioned was that the skate plaza is not in a budget that we've been authorized to spend, although Council has tentatively identified some funding. A group supporting the plaza is supposed to contribute \$1 million toward the project. Staff outlined what would be needed for parks and facilities. Next year improvements to public safety building #5 will be looked at. Money has been set aside for future parkland. The planning phase of a new town hall annex has been authorized. We are trying to get grant money for the White Oak greenway in cooperation with Cary. Overviewed were transportation projects such as the Salem Street interchange and completion of the Peakway from 55 to Schieffelin Road, with possible funding assistance from DOT.

Council asked could transportation projects be handled with bonds. Staff gave the General Fund debt numbers and additional debt capacity. Approximately \$8 million could be borrowed without a tax

increase, but it would not be enough to complete the Peakway. Council stated there is still a question about how much completing the Peakway project would improve traffic flow. Briefly discussed were developers and road widening.

The Town Manager stated affordability should be kept in mind. We can forecast growth fairly accurately two years out; after that we can't. We will only suggest working on those projects which are affordable.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER LASSITER 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



TOWN COUNCIL MEETING

TUESDAY, AUGUST 19, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, August 19, 2014, 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. Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr. Absent was Council Member Denise C. Wilkie

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 made.

CONSENT AGENDA

- Consent 01** Minutes of the August 5, 2014 Regular Meeting, the August 5, 2014 Closed Session (*Closed Session Minutes recorded separately*), the August 12, 2014 Special Workshop Meeting, and the August 4, 2014 Economic Development Committee Meeting
- Consent 02** Apex Tax Report dated 07/08/2014
- Consent 03** Budget ordinance amendment for payment of fines and forfeitures to school system

- 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 The Pantry Inc. property containing 1.509 acres located at 2105 Ten Ten Road, Annexation #518 into the Town’s corporate limits
- Consent 05** Resolution adopting and issuing the official Code of Ordinances book retained permanently in the Office of the Town Clerk including any supplements or replacement pages contained therein
- Consent 06** Allocation of recreation subdivision fees to connect the Whitehall Subdivision to the Beaver Creek Greenway

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM 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

Town Manager Radford requested moving New Business 01 regarding Hempstead at Beaver Creek to immediately following the Public Forum and adding a New Business item – Fire Condition Report. Town Attorney Fordham requested removing Old Business 01 regarding Agreements and Old Business 02 regarding budget amendments due to pending changes.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ACCEPT THE STATED CHANGES TO THE AGENDA; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC FORUM

Steven Brown, Chapel Ridge Road; Dan Corey, Chapel Ridge Road; Mike Bishop, Chapel Ridge Road; and Rita Boykin, Clark Farm Road all spoke concerning Hempstead. Several were fine with the development, but there was concern about street connectivity. There should be a better way to address the narrow, rural road which is in poor condition and still come up with a solution that would be beneficial to all. There were also concerns about the traffic study numbers, berms, jeopardizing quality of life, and changing the character of the neighborhood. Mayor Weatherly made a commitment that a connection would not be made to their street, his email having been shared with Council. Council was asked to take more time to look into the matter and to honor Mayor Weatherly’s commitment.

Lisa Burlison, Salem Village Drive; Rita Boykin, Clark Farm Road; and Elizabeth Hanna, Salem Village Drive spoke regarding the traffic calming medians in their neighborhood. These medians leave a large footprint on a street that is only 25 feet wide. Concerns centered on the locations seemingly not being carefully considered, the limiting of guest parking spaces, ineffectiveness, large vehicles not being able to navigate the medians, and there being no data backing up the need for medians. There was no opposition to an alternative of speed bumps or less intrusive measures. Several neighbors are finding it hard to back out of their driveways, noting that plans on paper don't always equate to what happens in real life.

NEW BUSINESS

New Business 01 : June Cowles, Senior Planner

Hempstead at Beaver Creek Townhomes Residential Master Subdivision Plan for the property located south of Beaver Creek Crossing Shopping Center containing 24.1 acres and 193 townhome lots

Staff oriented Council to the site and spoke briefly about types of buffers and buffer conditions, zoning conditions, berms, utility connectivity, storm drainage, architecture, and parking. The Parks and Recreation Commission recommended a fee in lieu. The Plan is in compliance with standards of the UDO and Peak Plan. Staff and the Planning Board recommended approval of the Plan.

Council stated that a previous Council did agree not to connect to this street unless there was a major change from rural density to something high density. Council asked were there any other alternatives, staff expressing concerns over safety and non-compliance with the UDO. DOT looked at the road, and the district engineer presented information which caused staff to look at the routes. As we grow, we are going to have to start connecting to these roads anyway. Council stated it wanted to do its best to honor statements by past Boards, a portion of previous Mayor Weather's letter being read aloud. The Town Attorney stated this letter was not legally binding and did not cause a contract or vested rights; it is not legally binding on future Councils. He explained what Council would be voting on this evening.

Staff stated density has increased and explained why this was easier to make a determination on earlier. The applicant's Plan follows the current set of facts. Staff explained the difference between this and Castleberry. The Fire Chief stated the Plan meets fire code regulations.

Council stated this is a tough decision, but approval is favored since the facts have changed. It's a good project, and we should trust that the traffic study is correct.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO
APPROVE THE SUBDIVISION PLAN.

The Town Attorney described how the legal principles could not be denied if the Plan met all the standards. Council asked if they could postpone this for it to go before the Board of Adjustment for a connectivity variance. The Town Attorney stated he had not researched this. Briefly discussed was the building of a parallel road. Staff stated that would need to go through the developer, and there was not a way to build another public street without going across private property.

Attorney David York, on behalf of the developer, addressed the connection issues. He distributed a subdivision map and discussed what has transpired in the past. The applicant has met the code in every way possible, and it would be a hardship to change the transportation plan. The developer has addressed neighbor concerns as best he could; he has done what he has to do under Apex law. Therefore, the developer requested this be approved.

The Town Attorney explained it was important not to act arbitrarily on the Transportation Plan. It would be difficult to legally deny this request if the connection is on the Transportation Plan. Council asked what would happen if the request was denied, the Town Attorney stating that the developer could do further research and come again before Council or sue.

WITH THERE NOT BEING A SECOND TO THE MOTION, THE MOTION FAILED.

Council asked the Attorney would the developers agree to delay this in order to further evaluate alternatives. The Attorney stated he was not sure they could do that and comply with the code. In responding to Council, the Town Attorney stated the Plan would have to be judged on the law at this point. The Attorney stated they would offer a letter of credit to make repairs on the road the first three years of the road being opened, if it would be needed, since the DOT stated the road doesn't need repairs now.

COUNCIL MEMBER JENSEN MADE A MOTION TO CONTINUE THIS TO THE SEPTEMBER 2ND COUNCIL MEETING.

The Attorney stated this would be fine but the code was not going to change before the next meeting.

MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

To continue Public Hearing to September 2, 2014 regarding an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Milton Richardson & Vedia Jones-Richardson property containing 10.01 acres located at 2324 Mt. Zion Church Road, Annexation #516, into the Town’s corporate limits
and

Public Hearing 02 : Lauren Simmons, Planner II

The item will be re-noticed to the property owners within 300 feet of the subject property and re-advertised on the Town’s website for the September 2, 2014 Town Council meeting. The Public Hearing is regarding rezoning #14CZ10, rezone from Wake County Residential-80W District (R-80W), Low Density Conditional Zoning (LD-CZ), Rural Residential (RR) and Planned Unit Development Conditional Zoning (PUD-CZ) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification for the property located at Milano Avenue and Blazing Trail between Venezia Way and Mt. Zion Church Road containing 153.8± acres

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO CONTINUE PUBLIC HEARING 01 TO THE SEPTEMBER 2ND COUNCIL MEETING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing regarding an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex 540 Flex & Business Park property containing 10.744 acres located at 1604 & 1640 Olive Chapel Road, Annexation #517, into the Town’s corporate limits

Council Member Jensen stated he’d spoken with the developer about solar energy and asked to be recused from the Public Hearing.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO RECUSE COUNCIL MEMBER JENSEN; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

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 LASSITER MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Council Member Jensen rejoined the Council.

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 04 : June Cowles, Senior Planner

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

All those wishing to speak at this Public Hearing were sworn in by the Town Clerk.

Mayor Sutton addressed Council asking if they'd had any discussion on this matter with outside sources and if they could be impartial in their decisions. All Council Members stated there had been no discussion with outside sources and that they could be impartial in their decisions.

Mayor Sutton declared the Public Hearing open.

Staff oriented Council to the site and the architecture of the buildings. A neighborhood meeting was held and a Traffic Impact Analysis was prepared. The applicant has agreed to conditions and the Plan meets all standards.

There was no cross examination of staff by Council, the applicant, or opponents.

Mayor Sutton asked Council had anyone viewed the site. All Council Members answered there was no viewing of the site other than passing by in a vehicle.

TESTIMONY BY THE APPLICANT: Amanda Mann, Attorney from Raleigh representing the church, introduced Father Donald Staib, Pastor of the church. He presented a brief history on the property and the development of the church. He thanked the staff for their assistance with this project and two previous projects. Ms. Mann presented the zoning history of the property and the project history.

Alan Maness, Project Engineer with BB&M Associates, presented his credentials. He gave an overview of the site, the layout plan, landscaping plan, and traffic improvements.

Diane Brown, Traffic Engineer, and Franco Mann, with Davenport, introduced traffic conditions, builds, peak periods, circulation patterns, and recommended improvements.

CROSS EXAMINATION OF APPLICANT'S TRAFFIC ENGINEERS BY COUNCIL: Council asked if there were any plans to try to direct traffic not to go through the neighborhoods. Mr. Mann stated this has been asked by the Pastor.

Captain Blair Myhand, Apex Police Department, stated they completed traffic studies, enforcement efforts, speed measuring trailers, traffic checkpoints, and special attentions. They found a high percentage of speeding vehicles but not at speeds high over the speed limit. Citations and warning tickets have been issued. A child was hit recently, but the vehicle was not speeding and the child basked into the street while playing. The Police Department has concluded there is not a significant speeding issue.

Ms. Mann stated an additional neighborhood meeting was held and about six folks attended. Roger Cannon, Architect with Cannon Architects, detailed the floor plan, elevations, and renderings.

CROSS EXAMINATION OF APPLICAN'T ENGINEER BY COUNCIL: Council asked if the building would double the size of people into the area. Mr. Cannon stated there will be more seating and accommodations than are currently in the gym that is being used.

There was no cross examination by any opponents.

Mayor Sutton asked opponents to come forward, of which there were none.

SUMMATIONS: Ms. Mann presented approval factors and conclusion factors. There were no opposing summations.

Mayor Sutton declared the Public Hearing closed.

Staff stated all standards had been met; Council stated it thought this project will be a great enhancement to the area.

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

Mayor Sutton called for a five minute recess.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and Ordinance regarding various amendments to the Unified Development Ordinance

Staff stated these were mainly clean-up amendments and described those 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 DOZIER MADE THE MOTION TO APPROVE THE AMENDMENTS; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration; these items were removed earlier in the meeting.

NEW BUSINESS - CONTINUED

New Business 02 : Mark Haraway, Fire Chief

2014 Municipal Fire Condition Report

Staff stated we are required to send this report to the Department of Insurance each year, this year's report being the same as last year's.

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

CLOSED SESSION

Closed Session 01 to consider the purchase of real property

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 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 4-0 VOTE.

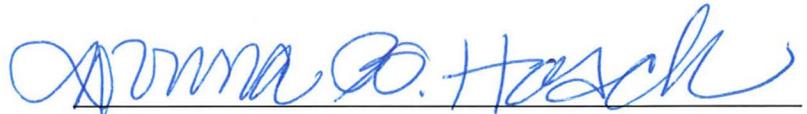
WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

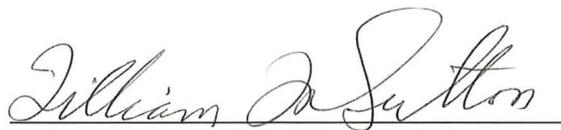
With there being no further business,

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

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TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 2, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, September 2, 2014, 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 Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Hassan Aden, CALEA Commissioner and Chief of Police, Greenville

Presentation of CALEA certification to the Apex Police Department

Police Chief John Letteney introduced Greenville Chief of Police and CALEA Commissioner Hassan Aden and presented his credentials and background. The Apex PD Command staff and retired Police Chief Jack Lewis stood with Chief Letteney. Chief Aden stated it was his honor to be present both as a friend and colleague to Jack Lewis and to John Letteney. Earning the CALEA certification is a huge accomplishment encompassing meeting over 400 standards which Apex has accomplished brilliantly. Chief Aden presented the framed certification to Mayor Sutton and Chief Letteney.

Chief Letteney stated that the CALEA process set in motion other levels of service in Apex. This accomplishment was a result of the work of all department employees, but particularly of Captain

Stevens and Corporal Critcher who spearheaded the process. Both were presented with certificates of appreciation. Chief Jack Lewis was also presented a plaque, expressing appreciation for his getting the CALEA process started. Council thanked the department leadership and all those involved in the effort.



CONSENT AGENDA

- Consent 01** Minutes of the August 19, 2014 Regular Town Council Meeting and the August 19, 2014 Closed Session
(Closed Session Minutes recorded separately)
- Consent 02** Resolution authorizing the Finance Director to file an application for State revolving loan funding for water plant improvements
- Consent 03** Set Public Hearing for the September 16, 2014 Town Council Meeting regarding Rezone #14CZ12, approximately 11.15 acres located at E. Williams St. and Eddie Creek Dr. from Light Industrial Conditional Zoning to Light Industrial Conditional Zoning
- Consent 04** Set Public hearing on September 16, 2014 for rezoning application #14CZ13 to rezone 1.10± acres located 950 Windy Road (PIN 0742-66-2535) from Planned Unit Development-Conditional Zoning to Planned Unit Development-Conditional Zoning, adding a use, microbrewery
- Consent 05** Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Lewis and Mindy Cooke, Glenn and Joy Futrell, Ten Associates Limited Partnership, Inez Mann, Ann Freeman Gazenbeek and Terry Slate properties containing 52.75 acres located along US 64 Hwy, east of Laura Duncan Road and Pine Plaza, Annexation #512 into the Town’s corporate limits
- Consent 06** Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan for Saint Mary Magdalene Church

- Consent 07 Set Public Hearing for the September 16, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of August 19, 2014
- Consent 09 Development Agreement with CRP – Apex II, LLC related to Nichols Plaza Shopping Center, authorizing the Town Manager and Town Attorney to make minor modifications to the agreement, and authorizing the Town Manager to execute the Agreement
- Consent 10 Purchase of Lot 276 Plots E, F, and G from the Apex Town Cemetery
- Consent 11 Purchase of Lot 216 Plots A and B from the Apex Town Cemetery
- Consent 12 Transfer of Lot 51 Plot G in the Apex Cemetery to David J Sears

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE
THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER DOZIER 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 regarding UDO standards. Town Manager Radford requested the addition of a New Business Item regarding exemption from the noise ordinance for the jazz festival.

Council was in agreement with the addition of these items.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Continuance of the Public Hearing to September 16, 2014 regarding an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Milton Richardson & Vedia Jones-Richardson property containing 10.01 acres located at 2324 Mt. Zion Church Road, Annexation #516, into the Town’s corporate limits

Staff stated this property was noticed with the developer being the owner, but some of the properties have since been sold meantime. This needs to be heard at the same time as the related rezoning.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO
CONTINUE THE PUBLIC HEARING; MAYOR PRO TEM SCHULZE 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 The Pantry Inc. property containing 1.59 acres located at 2105 Ten Ten Road, Annexation #518, into the Town’s corporate limits
Staff oriented Council to the site and stated it recommended approval of the annexation.

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 5-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

OLD BUSINESS

Old Business 01 : June Cowles, Senior Planner

Hempstead at Beaver Creek Townhomes Residential Master Subdivision Plan for the property located south of Beaver Creek Crossing Shopping Center containing 24.1 acres and 193 townhome lots

Staff stated this Hearing was being continued from two weeks ago and oriented Council to the site. The landscaping area was clarified; it is shown as Type B on the plan, but it actually meets Type A landscaping standards. A water line will be included. In response to Council, staff explained the RCA and its buffers.

The Parks and Recreation Commission recommended a fee in lieu for the recreational area because of the Beaver Creek Crossing PUD. Council asked if there could be more recreation requirements since there has been an increase in the number of housing units. Staff explained this has not gone back before the Recreation Commission because the developer will be building based on the approval of the Commission for the entire PUD. Council stated traffic may be reduced if more recreational space was provided because then there would be more to do in the area. Staff read the original Recreation Commission requirements, which stated payment of a fee in lieu based on density. The currently shown recreation area would be programming and a shelter area. The Town Attorney stated he agreed with

Planning's interpretation of the original PUD fee in lieu, and that the developer can't be made to do what is not in the UDO.

COMMENTS FROM THE AUDIENCE

Mike Bishop stated that in reference to green space, another similar sized development has two swimming pools. This is a missed opportunity to connect to the bicycle greenway. It seems there is a picking and choosing from fees in lieu, but the same is not done for road connectivity. He gave a PowerPoint presentation on the history of the subdivision, showed pictures of the neighborhood, and outlined the present situation speaking specifically about road connections and the traffic study being flawed. Suggestions on alternate proposals were presented. There were no questions of Mr. Bishop from Council.

Andrew Kenney spoke about alternate road connections. Additional traffic will further degrade the street which was unsuitable for traffic years ago. He read from a communication from the Town Engineer from 10 years ago. The proposed connection would change the character of the neighborhood. Mr. Kenney presented several connection options which he thought would be more suitable and beneficial. He pointed out there is no Type A buffer on the plan; it's really a Type B which is virtually useless.

Rita Boykin stated their concerns and solutions have been presented by the previous citizens and asked Council to work with them on their requests. She cited Mayor Weatherly's previous communication, even though she understood it is not legally binding.

David York, attorney for applicant NVR, stated that last week an email was sent indicating they'd looked at alternate connections. The Code requirements and the alternatives presented by the public do not meet Code requirements. NVR has spoken again with NC DOT regarding its responsibilities for the condition of the road. While the applicant's request may not be popular, it meets the UDO. The suggestion to get a variance from the Board of Adjustment will not comply with the requirements necessary to go before that board; they could not get a variance even if they requested to do so. Mr. York reminded Council that the Planning Board unanimously recommended approval even though they knew it was not popular. They have looked for options but could find none that are legal.

Council asked about the buffers on the plan. Staff explained the applicant is meeting Type A standards, this just needs to be noted on the plan. The applicant has also added more trees to the plan. Responding

to Council regarding the berm, staff stated the berms are where they should be and where they fit within the buffer as stated in the UDO. Staff stated the applicant agreed to a three year road maintenance plan the last time they were before Council and will still be willing to do this as long as it's reasonable.

Council commented on the previous commitments of Council and asked the Town Attorney what would be this Council's options; could Council vote 'no' without opening the Town to a lawsuit. The Town Attorney stated that if every single applicable requirement is met, then Council is supposed to vote in favor of the request. The Town Attorney reminded Council this was not a quasi-judicial hearing, so there was no room to make conditions. Council asked what would be the chances of winning in court if the request was turned down, the Town Attorney explaining that if the request met all the standards, we would lose. Council was also reminded that the connections were per the Transportation Plan, and the suggested alternate routes did not meet the standards.

Council asked about a connection to a bike greenway, and staff explained where a greenway will go. Staff also explained discretionary ROWs and why they're done. Staff stated that adequate roads are provided; the main concern being 20 feet of clear width for emergency vehicles. Additional widths are usually for sidewalks, and there is not one in this neighborhood nor is it required. Staff stated the UDO does not give a standard road width, it uses typical standards which are flexible.

Council asked about the increased density, staff responding the approval was for up to 300 units, this being the second piece of the larger project.

Mayor Pro Tem Schulze stated that if a request meets the UDO, then Council should approve the request even in light of comments from previous Boards.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO
APPROVE THE REQUEST WITH A THREE YEAR AGREEMENT ON STREET REPAIR AND A TYPE A BUFFER.

Further discussion ensued on how the deterioration of the road would be handled and at what cost. NVR stated it was willing to deal with the condition of the road as of this day. Staff stated the Town would certainly advocate for DOT to repave the road if necessary.

Council asked about a fire gate, staff stating this would not be possible because there were not two other accesses which would make the gate legal. There was brief discussion about Appendix D, the Fire

Chief stating Appendix D doesn't apply to this project, because the project meets the UDO. The project is compliant with Appendix D without the gate.

MAYOR PRO TEM SCHULZE REVISED HIS MOTION TO APPROVE THE REQUEST ADDING A \$30,000 MAXIMUM ON STREET REPAIRS FROM THE DEVELOPER TO BE WORKED OUT WITH NC DOT AND/OR THE TOWN, AND THE PLAN TO SHOW A TYPE A BUFFER ALONG THE WESTERN SIDE OF THE CHAPEL RIDGE NEIGHBORHOOD. COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Sutton called a five-minute recess.

Old Business 02 : Tim Donnelly, Public Works Director

Property Acquisition Reimbursement Agreements Nos. 1-5 and a Representation and Confidentiality Agreement and Engagement Agreement with outside legal counsel related to each, and authorization for the Town Manager to make minor modifications to, fill-in necessary information on, and execute the same, and authorization of the engagement of the services of outside real estate acquisition agents and outside legal counsel to acquire the lift station parcel and the water, sewer, and electric easements for the White Oak Basin Utility Project

Staff stated this item was in reference to the White Oak Basin and assistance to the Town in building a regional pump station. The developers will help pay the cost of the easements, but we will be responsible for the procurement process. For those which are just water or sewer, the developer will pay; for just power, the Town will pay; for those which are combined, there will be a proportionate split in payment.

There are safeguards in the documents drafted by the Town Attorney. The Town will have control of the process which will ensure people are treated as fairly as possible and ensure that the process goes smoothly. The five agreements were explained. We are working with Parks and Rec and Planning to see if we can obtain greenway easements and connectivity. Parks and Rec will gain this later in the process; these easements don't envision that. Council asked that staff explain the process to property owners, stating that we will ask for greenway easements down the road.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE AGREEMENTS SUBJECT TO STAFF'S EXPLORING INCLUDING GREENWAY EASEMENTS WHERE FEASIBLE BUT WITH AUTHORITY TO PROCEED WITH AN AGREEMENT IF ADDING GREENWAYS IS NOT FEASIBLE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Old Business 03 : Drew Havens, Assistant Town Manager

Budget ordinance amendment and capital project ordinance amendment for acquisition of water, sewer, and electric easements in the White Oak basin

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

NEW BUSINESS

Add on New Business 01: Council Member Bill Jensen

Amendments to the UDO to provide for recreational facilities in subdivisions exceeding 50 homes

Council stated the objective was to have staff look at setting aside recreation land for subdivisions of a certain size. The Parks and Recreation Commission will also look at this later on.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO AUTHORIZE STAFF TO LOOK INTO THIS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02: Bruce Radford, Town Manager

Exemption from Apex Ordinance 14.33(3) – Noise Prohibited During Night Time Hours

Staff stated this would be a one-time exemption for amplified music until midnight at the upcoming Jazzfest. The Police Department saw no problem with the request since there were no complaints from last year.

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.

CLOSED SESSION

Closed Session 01 : to discuss a personnel matter

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.

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor

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TOWN COUNCIL MEETING

TUESDAY, SEPTEMBER 16, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, September 16, 2014, 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 Henry C. Fordham, Jr.

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 September 2, 2014 Regular Council Meeting
- Consent 02 Apex Tax Report dated 08/03/2014
- Consent 03 Payment of Rotary dues on behalf of Joanna Helms
- Consent 04 Set Public Hearing for the October 7, 2014 Town Council Meeting regarding rezone #14CZ11, rezone from Rural Residential (RR) and Medium Density - Conditional Zoning to Medium Density - Conditional Zoning (MD-CZ) district classification for the property located at 2801 Walden Road containing 16.3± acres

- Consent 05** Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex JVI Development II property containing 20.639 acres located between Evans Road and Walden Road, Annexation #520 into the Town’s corporate limits
- Consent 06** Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Standard Pacific of the Carolinas property containing 28.515 acres located south of South Salem Street, north of Padstone Drive, Annexation #521 into the Town’s corporate limits
- Consent 07** Fire system monitoring contract for Apex Nature Park Maintenance Building and authorization for Town Manager to execute the same
- Consent 08** Professional services agreement with RS&H Architects-Planners-Engineers, Inc. to provide preliminary engineering services including but not limited to environmental surveys, public involvement, environmental documentation, surveying, and engineering design for Lake Pine Drive Improvements adjacent to Apex Community Park, TIP No. U-5537, pending NCDOT approval of the consultant’s scope and fee, and authorization for Town Manager to execute same
- Consent 09** Amendment to Option and Ground Lease Agreement and Consent to Assignment and Estoppel and authorization for the Town Manager to make minor changes to and execute the same

Council requested the Consent item regarding budget amendments for repairs be moved to New Business.

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

REGULAR MEETING AGENDA

Town Manager Radford requested the addition of an Old Business item related to White Oak and easements for multi-use trails and greenways. Council was in agreement with the addition.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Milton Richardson & Vedia Jones-Richardson property containing 10.01 acres located at 2324 Mt. Zion Church Road, Annexation #516, into the Town’s corporate limits

and

Public Hearing 02 : Lauren Simmons, Planner II

Public Hearing and motion regarding rezoning #14CZ10, rezone from Wake County Residential-80W District (R-80W), Low Density Conditional Zoning (LD-CZ), Rural Residential (RR) and Planned Unit Development Conditional Zoning (PUD-CZ) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification for the property located at Milano Avenue and Blazing Trail Drive between Venezia Way and Mt. Zion Church Road containing 144.8± acres

Staff oriented Council to the site regarding the annexation.

Staff oriented Council to the site regarding the rezoning, the request being to add 30 acres to the development. Eighteen lots were left out, as they were sold separately. There were no changes to the conditions. A neighborhood meeting was held, the rezoning is consistent with Apex Plans, and the Parks and Recreation Commission recommended a payment of fee of lieu for the additional acres. The Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Clossen Engineering, was present and Council asked him about green space. Mr. Jones stated there would be several pocket parks on the property and a three-acre recreational center.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 03 : Lauren Simmons, Planner II

Rezoning #14CZ11 from Rural Residential (RR) and Medium Density - Conditional Zoning (MD-CZ) to Medium Density - Conditional Zoning (MD-CZ) district classification for the property located at 2801 Walden Road containing 16.3± acres will be re-noticed to the property owners within 300 feet of the subject property and re-advertised on the Town’s website for the October 7, 2014 Town Council meeting

Staff stated this item would be re-advertised and re-noticed and heard at the October 7th Regular Council meeting.

Public Hearing 04 : Shelly Mayo, Planner

Public hearing and motion on rezoning application #14CZ12 to rezone +/- 11.15 acres located at E. Williams Street and Eddie Creek Dr. from Light Industrial Conditional Zoning to Light Industrial Conditional Zoning, and possible motion on rezoning ordinance

Staff stated this request was to add two additional uses – microbrewery and medical/dental office/clinic. Staff oriented Council to the site. A neighborhood meeting was held, this is consistent with the land use map, and 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 REZONING; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Lewis and Mindy Cooke, Glenn and Joy Futrell, Ten Associates Limited Partnership, Inez Mann, Ann Freeman Gazenbeek and Terry Slate properties containing 52.75 acres located along US 64 Hwy, east of Laura Duncan Road and Pine Plaza Drive, Annexation #512 into the Town’s corporate limits

Staff oriented Council to the site. 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 ADOPT THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Brendie Vega, Principal Planner

Public hearing and motion to adopt an Ordinance regarding various amendments to the Unified Development Ordinance

Staff briefed Council on the requested amendments. 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. 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.

OLD BUSINESS

Add-on Old Business 01: Bruce Radford, Town Manager White Oak Regional Lift Station

Staff explained the progress of the White Oak consortium over the past several years. Two weeks ago, Council gave staff direction to determine if multi-use paths and greenways could be put in place.

Staff stated the developers are anxious to get this done and time is of the essence. Therefore, they are willing to take on the cost of appraisals for the easements for the multi-use paths, even though it is not their responsibility. They also asked that the Manager and Town Attorney be allowed to make necessary changes to the documents presented two weeks ago. Conversation continued on where the path and greenway would run and the basic characteristics of each, from where any additional costs would come, and the pros and cons of obtaining the easements at this time. Council congratulated the developers for working together to get this project complete and stated they did not want to throw a wrench in the project.

Adam Ashbaugh, LSTAR Management, stated he did not think all of the five agreements would be affected by the appraisals. He outlined how the appraisals would be calculated before the matter would come back to Council for further consideration of cost.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO
APPROVE THE TRANSACTIONS AS THE MOTION WAS STATED ON THE LAST AGENDA ON THIS POINT WITH
ADDITION THAT THE DEVELOPERS' SUGGESTIONS BE INCORPORATED INTO THE AGREEMENTS AS
NECESSARY TO ACQUIRE THE MULTI-USE PATH, AND THAT ONCE THE APPRAISALS ARE OBTAINED THAT THE MATTER
COMES BACK TO COUNCIL. COUNCIL MEMBER LASSISTER SECONDED THE MOTION
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : June Cowles, Senior Planner

Motion approving an amendment to the Salem Village Phase 1 Master Subdivision Plan. A request to remove several traffic-calming medians on Salem Village Drive and Mostyn Lane that were originally approved on the subdivision plan. The attached plan sheets show the new road configuration without the specific traffic-calming medians that were objectionable to the residents

Staff stated several traffic meetings were held and the medians met with objection. Staff requested that the medians in front of resident homes be removed. The Planning Board recommended approval.

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

New Business 02 : Bruce Radford, Town Manager

Budget ordinance amendments for roof replacement for the Apex Union Depot building and contract for mechanical engineering services for HVAC repairs at the Community Center

Council stated the expense of repairing the Chamber roof should probably be bid out even if we end up with the preferred vendor. Staff explained that small leaks have tuned into gully-washers. The building is 100 years old, and Capital Area Preservation had to approve the roofing material which is being specially made for this project in Texas. Water remediation will need to be done once the roof is dry again. This is a semi-emergent situation, and the tarp does not alleviate the urgency. Staff explained formal bidding requirements.

Steven Xavier, Executive Director for the Chamber, stated that with water coming into the building, some of the walls have water marks, files have been destroyed, and tarps are spread inside to avoid further damage. His concern was the time it would take to order the materials if the job had to be bid. One good storm would take the tarp off the roof, and ceiling and walls would deteriorate even more.

Council agreed with the fundamental effort to bid this out; but with having to be good stewards of the money, we may spend more if we wait. Questioned was if a professional roofer could secure the tarp. Council furthered that the stains are huge and look bad, and the health of those inside is a concern. This is an historic building, and we don't want any more damage. Council asked if Capital Area Preservation would help offset the cost, and the answer was 'no'. Staff explained that all repair efforts have failed; the new material would give us a 100-year roof.

As for the HVAC, staff stated the chiller is the original and has been repaired several times. We are now waiting for it to fail, and want to be prepared with a replacement cost estimate.

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

ADDITIONAL DISCUSSION:

Council stated that the roof on the Tunstall House will soon be in need of repair/replacement. Staff stated the cost to stabilize the home to the point where it will not continue to deteriorate would be \$30,000. Council stated we need to get a price to do the work that needs to be done for what we want to use the house for, but this has to be determined. The Manager will put together a package of pricing to send to Council within 30 days.

CLOSED SESSION

Closed Session 01 : to receive legal advice from the Town Attorney regarding potential claims and to provide instructions related to potential claims

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.

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.

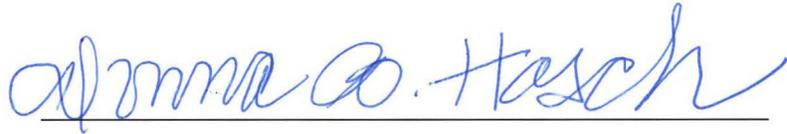
WORK SESSION

There were no Work Session items to be considered.

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



TOWN COUNCIL MEETING

TUESDAY, OCTOBER 7, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 7, 2014, 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 Henry C. Fordham, Jr.

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 September 16, 2014 Regular Council Meeting and the September 16, 2014 Closed Session
(Closed Session Minutes recorded separately)
- Consent 02** Appointment of Assistant Town Manager Drew Havens as first alternate commissioner to the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners
- Consent 03** Resolution supporting the Jordan Lake Partnership and the Triangle Regional Water Supply Plan
- Consent 04** Set a public hearing for October 21, 2014 to receive comment on the contract enabling the Town to purchase park property

- Consent 05** Set a Public Hearing on October 21, 2014 for rezoning application #14CZ13 (Bradley Commons PUD) to rezone 1.10± acres located at 950 Windy Road from Planned Unit Development-Conditional Zoning to Planned Unit Development-Conditional Zoning, adding a use, microbrewery
- Consent 06** Set a Public hearing on October 21, 2014 for rezoning application #14CZ14 (Deer Creek PUD) to rezone 103.06± acres located at US Hwy 64 W and New Hill Olive Chapel Road from Rural Residential to Planned Unit Development-Conditional Zoning
- Consent 07** Set a Public Hearing for the October 21, 2014 Town Council Meeting regarding Rezone #14CZ18 (Hope Community Church), 12.66 acres located at 2080 E Williams Street, from Light Industrial Conditional Use Zoning to Tech/Flex Conditional Zoning
- Consent 08** Set a Public Hearing for the October 21, 2014 Town Council Meeting regarding rezone #14CZ20 (540 Flex and Business Park), 10.75 acres located at 1604 & 1640 Olive Chapel Road, from Tech Flex-Conditional Zoning to Tech Flex-Conditional Zoning (TF-CZ) to add the uses of microbrewery, microdistillery and medical or dental office or clinic
- Consent 09** Statement of the Town Council for Rezoning Case #14CZ10 (Parkside PUD), Parkside Development Group, LLC, petitioners for the property located at Milano Avenue, Mt. Zion Church Road, Richardson Road and Blazing Trail
- Consent 10** Statement of the Town Council for Rezoning Case #14CZ12 (MCI Business Pak), Michael Mattachione, petitioners, for the properties located at 2121 E Williams Street, 5523, 5533, 5537 and 0 Eddie Creek Drive
- Consent 11** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of September 16, 2014
- Consent 12** Street closure for Apex HS Homecoming Parade
- Consent 13** Street closure for Trick or Treat festivities
- Consent 14** Budget ordinance amendment for the expenditure of restricted Police Department funds for investigative software
- Consent 15** Budget ordinance amendment for roof project at the Apex Union Depot building and interior work to repair water damage inside the building

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE 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

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

PUBLIC FORUM

Ann Barta stated she was representing parents from Olive Chapel Elementary concerned with the planned multi-business next to the school. This is a situation unique to Wake County. Traffic is a concern as well as the view of the children that the businesses will have. Ms. Barta asked for a traffic study from DOT and consideration for an alternate plan so that we don't go down in history as having an education/business zone. Ms. Barta asked for barrier landscaping which would help children not to see the doctor's office and vice versa.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Simmons, Planner II

Public hearing and adoption of Ordinance regarding rezoning #14CZ11 (Manors at Bella Casa 8B), rezone from Rural Residential (RR) and Medium Density Residential-Conditional Zoning to Medium Density Residential - Conditional Zoning (MD-CZ) district classification for the property located at 2801 Walden Road containing 16.3± acres

Staff oriented Council to the site, which is consistent with the Apex Plan. A neighborhood meeting was held; the applicant requested several additional uses. The Planning Board unanimously recommended approval of this request as did staff.

Mayor Sutton declared the Public Hearing open.

Peter Clossen, Jones and Clossen Engineering, stated this was a continuation of the Manors at Bella Casa development and offered to answer any questions from Council.

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 02 : Dianne Khin, Planning Director

Public Hearing and adoption of Ordinance on the Question of Annexation – Apex Town Council’s intent to annex JVI Development property (Manors at Bella Casa 8A & B) containing 20.639 acres located between Evans Road and Walden Road Annexation #520, into the Town’s corporate limits

Staff oriented Council to the site and stated 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; 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 adoption of Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Standard Pacific of the Carolinas property (Salem Village Phase 3) containing 28.515 acres located south of South Salem Street, north of Padstone Drive, Annexation #521, into the Town’s corporate limits

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

OLD BUSINESS

Old Business 01 : Peter Cnossen, PE, Jones & Cnossen PLLC

The applicant for rezoning #14CZ04 (Villages of Apex South aka “Trackside South”) has returned to give the Town Council an update on the sewer alignment from Norwood Lane and the location of the stormwater pond. The original item was to amend rezoning #07CZ05 to eliminate a Trackside South “live/work” condition and to change a Trackside South parking/loading requirement for non-townhome attached-residential, as more specifically described in the ordinance

Peter Cnossen, Jones and Cnossen Engineering, stated concerns from neighbors caused them to re-evaluate the stormwater pond that serves Phase II of the development and the possibility of running

gravity sewer through a rental lot on Norwood. The pond drawings were reviewed. Due to constraints, Clossen stated he didn't believe the pond could be moved to make significant improvements for the neighbors – the pond is where it needs to be. Landscaping will meet the requirements of DWQ and the Stormwater Manual.

As for gravity sewer, survey data was gathered on the rental lot and a preliminary design was drawn. Clossen has met with the Town, and the Town agreed it is a viable option to go through the lot. The existing sewer will need to be lowered, which will mean some demolition of Norwood Lane. Clossen described some of the impacts of this.

Appraisals were done on the rental property, and offers were made to the owner for the easement and the property. Both offers were rejected. Staff reminded Council of their previous condition for Halle Group to show proof of making offers to the property owners. Staff has that information. Clossen, therefore, asked for condemnation since they have done everything they could do.

Mr. and Mrs. Weaver addressed Council, stating that they really are not okay with the condemnation; this overrides a person's property rights. Mrs. Weaver has a large issue with the pond and runoff. She spoke on the effect this has on their property and the wildlife habitat. She questioned if the current planning standards would invalidate the developer's Plan which was done in 2007. She spoke about the lighting which is now going up and how it will throw glare on their property.

Clossen addressed the location of the pond and the requirements of its location, which is in compliance with the Town Ordinances and designed beyond the requirements of the UDO. There will be a replanting for the trees which were cut during a previous easement agreement. Clossen stated he was requesting a 20-foot Town of Apex sewer easement at 903 Norwood Lane. The Town Attorney stated this is normally done via Resolution.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO
HAVE THE TOWN ATTORNEY PREPARE A RESOLUTION FOR CONDEMNATION FOR COUNCIL CONSENT;
COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council stated it would not be comfortable asking for the easement had the property owner not been notified or if the owner was present to speak at this meeting. Council discussed the Town's offer for the

land. It was stated that 50% over the appraised value would be suitable. Council stated it wished to have a policy determining the value of these types of easements, to at least be the appraised value.

THE MOTION CARRIED BY A 5-0 VOTE.

Crossen then stated they wished to move forward with their rezoning request for Phase I to remove the live/work units and reduce parking requirements for multi-family usage. The owner has Letters of Intent for the commercial site as well as the residential portion.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REZONING WITH THE REZONING NOT TO WAIVE THE VESTED RIGHTS THAT OTHERWISE APPLY AND WITH THE CONDITION THAT VEGETATION WILL BE PLANTED ALONG THE BROOKFIELD NORWOOD SIDE TO BE AGREEABLE AND REASONABLE TO THE DEVELOPER, THE PLANNING STAFF, AND THE NEIGHBORS TO WHICH THE POND ABUTS;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Old Business 02 : Bruce Radford, Town Manager

Continuation of discussion regarding the preservation and future use of the Tunstall House

Staff stated there have been no more suggestions for the use of this property since the proposal for a senior center. Capital Area Preservation (CAP) has been met with, and they suggested stabilizing and revitalizing the building and then placing it on the market for use as office space. This is a very good idea, but there will need to be a determination of cost to bring the building to code. Staff will bring back to Council cost and possible rent numbers. CAP will not assist with funding, but they will help market the property. Possible grant money will be sought. It will cost \$30,000 to stabilize the building.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE MANAGER SPENDING \$30,000 TO STABILIZE THE BUILDING AND BRINGING TO COUNCIL AN ESTIMATE TO BRING THE BUILDING TO CODE. COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Old Business 03 : Bruce Radford, Town Manager and Kent Jackson, Engineering Director

Staff report on findings related to the establishment of railroad quiet zones adjacent to the Central Business District and Trackside North

Staff met with CSX and the Federal Railroad Federation. Initially, it was thought there was a potential to establish two quiet zones. CSX originally stated that the current equipment would be adequate and would only need the installation of controls on the pavement. The preliminary application process was

started, CSX made additional investigation, and it was found the equipment is not up to the current requirements of CSX. The cost to upgrade would be \$250/300,000 per location.

Staff explained that quiet zone one can be given an exception since this is a slow speed rail. Staff recommended proceeding with the Notice of Intent for quiet zone one and to postpone consideration of quiet zone two due to the excessive cost.

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

NEW BUSINESS

There were no New Business items for consideration.

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

Staff made recommendation to seek discussions with DOT to determine if they will cede Salem Street from the Peakway to Hwy 55. Based on how discussions go, if we are not getting any traction by the time Legislature is in session, we will seek a local act.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION APPROVING THE MANAGER TO SPEAK WITH THE DEPARTMENT OF TRANSPORTATION REGARDING FUNDING TO TAKE OVER THE ROADWAY FROM THE PEAKWAY TO HWY 55.
COUNCIL MEMBERS SCHULZE, JENSEN, DOZIER, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER LASSITER VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

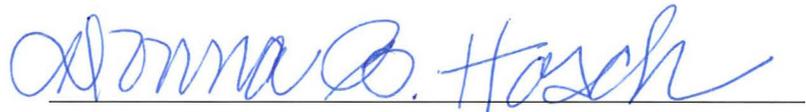
WORK SESSION

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



TOWN COUNCIL MEETING

TUESDAY, OCTOBER 21, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 21, 2014, 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 Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Mayor Sutton

Presentation of the 2014 North Carolina Marvin Collins Planning Award to Planning Director Dianne Khin

Mayor Sutton read the award and presented it to Dianne Khin, Planning Director, praising her for the work being done in the Planning Department.

CONSENT AGENDA

Consent 01 Minutes of the October 7, 2014 Regular Council Meeting, the October 7, 2014 Closed Session (Closed Session Minutes recorded separately), the October 8, 2014 Personnel Committee Meeting, and the October 9, 2014 Economic Development Committee Meeting

- Consent 02 Apex Tax Report dated 09/14/2014
- Consent 03 Cancelling the November 4, 2014 Regular Council Meeting in light of it being Election Day and calling a Special Meeting for Wednesday, November 5, 2014 at 7:00 p.m.
- Consent 04 Statement of the Town Council for Rezoning Case #14CZ11 (Manors at Bella Casa Phase 8B), Jones & Crossen Engineering, PLLC/JVI Development II, petitioners for the property located 2801 Walden Road
- Consent 05 Construction contract and authorization for the Town Manager to execute same for U-5530 AB Tingen Sidewalk
- Consent 06 Construction contract to Span Builders for the construction of a greenway connection between Whitehall Subdivision and Beaver Creek Greenway
- Consent 07 Resolution ratifying the Interlocal Agreements Related to the Western Wake Regional Water Reclamation Facilities
- Consent 08 Resolution approving the “Grant of Access and Use for Water Intake Structures, Water Pipelines and Aeration System in Conjunction with a Water Storage Agreement and Water Supply Agreement Located on B. Everett Jordan Dam and Lake Project, Chatham County, North Carolina”
- Consent 09 Resolution authorizing condemnations related to the Second Street Community Development Block Grant project
- Consent 10 Resolution authorizing condemnation related to the sewer line connection to manhole on Norwood Lane

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE 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 an Old Business item in regard to an extension of a contract to purchase Real Property from the Town. Council was in agreement with this addition.

PUBLIC FORUM

John Gasiarowski thanked Council for looking at his property or speaking with him via telephone. Gasiarowski explained that the lower area of the property has four-to-five acres of easements. 50-100 feet of the southernmost portion is unsaleable. The adjoining properties have been sold, and the collector road bisects his property almost in half. He has been consulting with Stewart Jones, and this minimizes the number of houses that can be put on the property. Gasiarowski explained his need to

move and his desire to get the Land Use Plan amended to medium density in one area and low density in another area.

Gordon Eakes, Gasiarowski's neighbor, also asked that his two acres be changed to medium density so that townhomes could be established there. This would improve his financial status and allow him to move to a more suitable home.

PUBLIC HEARINGS

Public Hearing 01 : Reed Huegerich, Senior Planner

Public Hearing and amendments to the Thoroughfare and Collector Street Plan map and the Bicycle, Pedestrian, and Equestrian Plan map

Staff detailed the requested amendments to the two Plans.

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

Public Hearing 02 : Lauren Simmons, Planner II

Public hearing and rezoning application #14CZ13 (Bradley Commons) to rezone 1.10± acres located at 950 Windy Road from Planned Unit Development-Conditional Zoning to Planned Unit Development-Conditional Zoning, adding a use, microbrewery

Staff oriented Council to the site, giving a brief history of the rezonings. Staff recommended approval of this request, as the addition of a microbrewery is an allowed use. Staff defined microbrewery as included in the UDO.

Mayor Sutton declared the Public Hearing open.

Jeff Roach, Peak Engineering, representing the applicant, presented a history of the rezonings and explained how the microbrewery would operate.

Mike Urban, resident of the Villages of Apex, stated he was familiar with microbreweries and didn't see the distinction between them and a bar. This seems to be an unprecedented use inside a residential neighborhood. Urban spoke about the in and out accesses, and stated his concern about people drinking and driving through the neighborhood.

Mayor Sutton declared the Public Hearing closed.

Staff defined the difference between a tasting room and a bar according to the UDO. There would be no change to access, since this request is just for the addition of a microbrewery. Staff stated there are no bars within the corporate limits. Staff from the Police Department responding to questions from Council, stated there have been no incidents of drunk driving since the opening of another microbrewery in Apex. If it was to become a problem, a traffic enforcement team would be put in the area to control the problem.

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

Council briefly discussed the possibility of a mixed use neighborhood with a restaurant and its advantages.

Public Hearing 03 : Lauren Simmons, Planner II

Public Hearing and rezoning application #14CZ14 (Deer Creek PUD) to rezone 103.06± acres located at US Hwy 64 W and New Hill Olive Chapel Road from Rural Residential to Planned Unit Development-Conditional Zoning

Staff oriented Council to the site, detailed the request, and gave a history of past rezonings. The Planning Board unanimously recommended approval as did staff.

Mayor Sutton declared the Public Hearing open.

Glenda Toppe, Glenda S. Toppe Associates, on behalf of the applicant, complimented staff on their presentation. She hit the high points showing how the plan is in compliance with Town Plans. Changes were made due to comments from neighbors at neighborhood meetings; this will be a high-quality development. Council asked if Phase II could be started earlier, Toppe stating this would be market driven and could happen if the demand is there for office space.

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 04 : Shelly Mayo, Planner

Public Hearing and rezoning application #14CZ18 (Hope Community Church) to rezone 12.66± acres located at 2080 E. Williams Street from Light Industrial Conditional Use to Tech-Flex - Conditional Zoning

Staff oriented Council to the site. A neighborhood meeting was held; the applicant offered a proposed list of uses and architectural conditions. Staff recommended approval with conditions offered by the applicant. Planning Board unanimously recommended approval.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, on behalf of the applicant, stated that the rezoning request is due to the church wishing to open a daycare facility.

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.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Lauren Simmons, Planner II

Public Hearing and rezone #14CZ20, 10.75 acres located at 1604 & 1640 Olive Chapel Road (540 Flex) from Tech Flex-Conditional Zoning (TF-CZ) to Tech Flex-Conditional Zoning (TF-CZ) adding the uses of microbrewery, microdistillery, and medical or dental office or clinic

Staff oriented Council to the site and gave a history of its rezonings. The site plan has been approved; the applicant is asking for additional uses. The Planning Board recommended approval as did staff, the uses being consistent with tech flex uses. Staff defined microbrewery and microdistillery; a restaurant would not be allowed in this district. Staff did not believe fumes from a distillery would reach the school.

Stuart Jones, Jones Crossen Engineering, stated he would be willing to remove the tasting room from each of the two uses, seeing as the request is mainly about production. There will be no loading docks or big trucks coming in. The school can't be seen from the site and vice versa.

Mayor Sutton declared the Public Hearing open.

Ann Barta stated that children would, in fact be able to see this site. She was concerned about the physical presence of a microbrewery and microdistillery on the children. Johnnie Barta, the son, spoke about the visibility of this site from school property. Kids may be influenced if they see drinking and smoking at the facility.

Rachel Cessna spoke about additional vehicles on their streets. She presented statistics on pedestrian accidents, and how this use might increase the risk of accidents. Staff confirmed there is a crossing guard in the area.

Stephanie Cessna stated she was worried about a microbrewery and drinking and driving. Traffic will become heavier, and she talked about the intersection being dangerous.

Ronald Yadusky spoke about alcohol addiction, escalation, and density, and how these might have an effect on children.

Mayor Sutton declared the Public Hearing closed.

Staff touched on the impact of residential vs. commercial traffic. After some short discussion, Stuart Jones agreed to remove the request for microbrewery and microdistillery uses.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE
THE REZONING WITHOUT THE MICROBREWERY AND MICRODISTILLERY USES;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : John Brown, Parks & Recreation Director

Public Hearing on loan contract and Resolution authorizing the purchase of the 92.16 acre Progressive Farms, LLC property and authorizing a contract for a loan from The Conversation Fund in the amount of \$2,225,600.00 which will be secured by the purchased property

Staff stated this was a culmination of discussions over the past few months. We have been looking for land in this area, and this site hopefully answers the question. This meets the goals of the Master Plan for significant parkland in the southwest quadrant, it addresses current and future program needs, and the price/acre is not arguable.

Mayor Sutton declared the Public Hearing open.

Greg Coley, Chair of the Parks, Recreation, and Cultural Resources Advisory Commission, recognized attending members of the Commission. He thanked the team for their efforts in this project and outlined how this will benefit Apex. A significant amount of subdivision fees are being committed to this acquisition.

Mayor Sutton declared the Public Hearing closed.

Council stated this was a milestone day for Parks and Recreation and thanked John Brown, Director, for his contributions.

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

OLD BUSINESS

Old Business 01 : Council Member Scott Lassiter

Discussion regarding the crediting of private recreation open space against the Town's Public Recreation requirements

Council referred to a previous request from Council Member Jensen to provide for open space within neighborhoods. Stated were the concerns of the Parks and Recreation Commission in how this could be accomplished as new neighborhoods are developed. The Commission agreed with this being a requirement, but they are not interested in seeing it take away from their funding source or being a way to acquire new lands.

The Town Attorney explained exactions and what standard applies to them, exactions being one of most vexing areas of the law. Overlooked was how the Supreme Court has ruled on these types of cases.

After further conversation, Council stated it wished to see this go back to the Commission and then back to Council. Staff responding to Council questions stated that the UDO specifies what type of land can be used and its conditions. Land cannot be arbitrarily picked, and we don't have to accept it.

Consensus of Council was for this to be referred back to the Commission and staff with their findings coming back to Council.

Old Business 02 : Bruce Radford, Town Manager

Discussion on extension of a contract to purchase Real Property from the Town

Staff stated the Town entered into an agreement to sell property at 54 and 55. The land adjacent is under contract for commercial development. The purchaser is asking for a 120-day extension in order to try to recruit tenants. Staff recommends doing this.

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

NEW BUSINESS

New Business 01 : John Brown, Parks & Recreation Director

Changes to the Parks, Recreation, Greenways and Open Space Master Plan Map

Staff explained this would sync with the Pedestrian and Bicycle Plan.

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

New Business 02 : Brendie Vega, Principal Planner

Approval of Crestmont - Master Subdivision Plan - for the properties located east of Green Level Church Rd and south of Roberts Road containing 68.87 acres and 167 lots

Staff oriented Council to the site. A fee in lieu was recommended; a greenway is proposed. Staff recommended conditions relating to preserved trees and tree protection fencing. The Planning Board unanimously recommended approval.

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

New Business 03 : Brendie Vega, Principal Planner

Approval of Germaine Village - Master Subdivision Plan - for the properties located north of the end of Germaine Street and south of Herbert Street containing 3.6 acres and 15 lots

Staff oriented Council to the site. The Parks and Rec Commission recommended a fee in lieu. The Planning Board unanimously recommended approval, as did staff.

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

New Business 04 : Lauren Simmons, Planner II

Approval of revisions to James Street Station - Master Subdivision Plan - for the property located at 0, 100, 104, & 120 James Street containing 32.92 acres and 60 lots

Staff stated the applicant wished to make two changes to the Plan regarding connections and grading. The Planning Board recommended approval as did staff.

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

New Business 05 : Lauren Simmons, Planner II

Approval of Manors at Bella Casa Phase 8B - Master Subdivision Plan - for the property located at 2801 Walden Road containing 22.7 acres and 47 lots

Council Member Dozier asked to be recused from this item since it could affect her property value.

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

Staff oriented Council to the site. A fee in lieu was recommended, and TIP recommended no changes. Staff recommended approval with two conditions: (1) additional connectivity in the area, and (2) the addition of a stub street. The Planning Board recommended approval with only the first condition. Staff recommended approval with both conditions. Staff detailed the reasoning for requesting the stub street.

Stuart Jones, Jones and Clossen Engineering, stated they are against a stub street because they would lose a lot. There is also a house on one of the lots. If the property were ever sold and the house removed, it might affect the value of the property. Alternate recommendation was presented to staff of not having the stub because of how it affects the properties.

Ms. Curry, property owner, spoke to being in favor of the stub street and how it would benefit her family in the future.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE PLAN ACCORDING TO THE RECOMMENDATION OF THE PLANNING STAFF;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS WILKIE, SCHULZE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 3-1 VOTE.

Council Member Dozier returned to Council.

New Business 06 : Bruce Radford, Town Manager

Funding for the painting of the caboose in downtown as requested by the Apex Historical Society

Staff stated the Town has traditionally assisted with the painting of the caboose. We would pay \$2,600 for the painting and the Historic Society would pay for the decals. The money would come from the General Fund.

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

New Business 07 : Drew Havens, Assistant Town Manager

Budget ordinance amendment to transfer \$1,227,316 from the Recreation Reserve Fund to the Recreation Capital Project Fund and amend the Recreation Capital Project Fund to fund the initial expenditures in accordance with the loan agreement Resolution to purchase land for Pleasants Park

Staff stated this would simply put the money where it needs to be.

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

CLOSED SESSION

Closed Session 01 : to receive legal advice about a potential claim and to provide legal advice

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE A MOTION TO APPROVE THE TOWN ATTORNEY LOOKING AT A ROADWAY ISSUE AND SUPERVISING THE PERSON ASSISTING WITH DOING SO; 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 LASSITER 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



TOWN COUNCIL SPECIAL MEETING

WEDNESDAY, NOVEMBER 5, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Special Meeting of the Apex Town Council scheduled for Wednesday, November 5, 2014, 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 Dozier gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations to be made. Mayor Sutton recognized the Apex High School students in attendance who were learning about local government.

CONSENT AGENDA

- Consent 01** Minutes of the October 21, 2014 Regular Council Meeting, the October 21, 2014 Closed Session (Closed Session Minutes Recorded separately), the October 16, 2014 Environmental Committee Meeting, and the October 23, 2014 Planning Committee Meeting
- Consent 02** Statement and Ordinance of the Town Council for Rezoning Case #14CZ13, KC2 Enterprises, LLC (Bradley Commons) petitioners, for the property located at 950 Windy Road
- Consent 03** Statement of the Town Council and Ordinance for Rezoning Case #14CZ14 (Deer Creek PUD), Meritage Homes, petitioners, for the property located at US 64 Hwy and New Hill Olive Chapel Road
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #14CZ18, Hope Community Church, petitioners for the property located at 2080 E Williams Street
- Consent 05** Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Charles Womble, Clarence Goodwin, Mark Esposito, Ashley Gasiorowski and

Kenneth and Sue Marks properties containing 133.411 acres located west of Richardson Road, northeast of Ragan Road, Annexation #505 (Stillwater Subdivision) into the Town's corporate limits

- Consent 06 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Edward and Peggy Riggsbee property (a single-family residence) containing 1.584 acres located at 1100 Greenlea Drive, Annexation #522 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 MJ Evans Homes, LLC (Lucas Farms) property containing 8.73 acres located at 0 and 2605 Olive Chapel Road, Annexation #525 into the Town's corporate limits
- Consent 08 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone and Ordinance #14CZ05, Stillwater (previously known as Richardson Forest) 133.1 acres located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road from Wake County R80-W and Rural Residential to Low Density Residential Conditional Zoning
- Consent 09 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone #14CZ17, Greenmoor PUD Plan 50.2 acres located at 7616 and 7716 Green Level Church Road from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 10 Set the Public Hearing on November 18, 2014 for rezone #14CZ24 (3913 US 64 West) from Rural Residential (RR) and to Neighborhood Business-Conditional Zoning (B1-CZ). The subject property is approximately 5.36 acres generally located at 3313 US 64 Highway West.
- Consent 11 Set Public Hearing for the November 18, 2014 Town Council Meeting regarding Rezone #14CZ26 (Woodall Tract), +/- 27.11 acres located at 6515 Apex Barbecue Road from Rural Residential to High Density Single Family Conditional Zoning
- Consent 12 Deed of property located adjacent to Jaycee Park from BRG Construction Company
- Consent 13 Resolution requesting the North Carolina Department of Transportation to release a portion of North Salem Street from the State highway system for inclusion in the Town's street system
- Consent 14 Amend Chapter 18, Apex Code of Ordinances, concerning placement of private irrigation systems within the public right of way
- Consent 15 Street closure requests for "Christmas on Salem" and the "Apex Christmas Parade"
- Consent 16 Statement and Ordinance of the Town Council for Rezoning Case #14CZ20, Jones & Crossen Engineering/540 Flex & Business Park LLC/JVI Development II, Inc., petitioners for the property located at 1640 Olive Chapel Road
- Consent 17 Budget ordinance amendment to fund remaining change order related expenditures for the Public Works facilities project

MAYOR SUTTON CALLED FOR A MOTION TO ACCEPT 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

Mayor Sutton asked if anyone requested modification of the Agenda. Council Member Jensen requested the addition of a New Business item – discussion on determining how much land to set aside to assure business opportunities in Apex and providing jobs for citizens. Town Manager Radford requested discussion on removing New Business 01 – discussion regarding an erosion problem along Old Raleigh Road – and sending this to the Environmental Committee. Council was in agreement with these two modifications.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

Old Business 01 : Tim Donnelly, Public Works Director

Funding of the multiuse path easement procurement along Wimberly Road and Jenks Road and Budget Ordinance Amendment No. 9 and Capital Project Ordinance Amendment

Staff reviewed this project which would be in the White Oak Basin and its associated cost factors. Restated was the process previously approved to obtain easements. Council asked the estimated cost of this project. Staff stated this would encompass several estimating procedures and pointed out the possibility that the multi-use paths would not be where we wanted or needed them to be. The developers would not be expected to pay the costs; a budget amendment from the General Fund would be needed. The agreement would also need to be modified. Staff gave the advantages/disadvantages of trying to put the paths in now vs. when the area develops. Council felt this was cost prohibitive.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION NOT TO GO FURTHER WITH MULTI-USE PATHS AT THIS TIME; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Council Member Bill Jensen

Discussion and regarding an erosion problem along Old Raleigh Road

Council Member Jensen had no objections to this matter going first to the Environmental Committee.

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

Added New Business 02 : Council Member Bill Jensen

Discussion on determining how much land to set aside to assure business opportunities in Apex and providing jobs for citizens

Council stated he wished for staff to take a more detailed look at this issue. If a study is not done and we shoot way under on the land to be set aside, we would become a bedroom community. That would bring higher taxes. We need to fly in the light instead of in the dark.

Council asked how would we quantify this? We can look at other areas like Pinnacle Park and get an idea from Veridia. We can't get an exact number, but we can set assumptions on where we wish go.

Staff stated a draft of the acreage has been reviewed. Staff will need to discuss this further, and, if necessary we need to get someone with greater economic background to determine the information we're looking for. Council stated this should be market driven, and we should not spend too much time on this. Council explained why this study would be a selling point for the Town. Council further discussed how self-sufficient we want Apex to be, if we need to play into the Wake County scenario, and our need to be careful regarding roads, schools, utilities, etc.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE A MOTION TO REFER THIS TO THE PLANNING COMMITTEE AFTER THE STUDY IS COMPLETED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 to discuss a personnel matter

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPOINT LAURIE HOHE AS INTERIM TOWN ATTORNEY AND TO AUTHORIZIE THE TOWN MANAGER TO APPOINT PARKER POE AS ASSISTANT TOWN ATTORNEYS AND TO REDEFINE THEIR CONTRACT TO REFLECT SUCH. COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

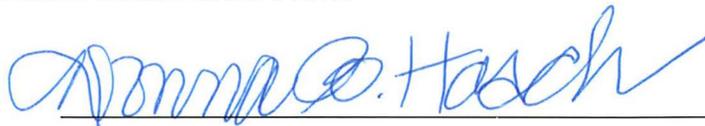
WORK SESSION

There were no Work Session items to be considered.

ADJOURNMENT

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.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor

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TOWN COUNCIL WORKSHOP

MONDAY, NOVEMBER 10, 2014

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 Workshop of the Apex Town Council scheduled for Monday, November 10, 2014, at 6:00 p.m. was held in the 3rd floor Training Room, 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

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, Public Works Director Tim Donnelly, Economic Development Director Joanna Helms; Paul Billow, Womble Carlyle; Ted Cole, Davenport & Company; representatives of the Hudson Group; and Tom Hendrickson

Mayor Sutton called the Workshop to order, which was called to discuss financing options for Veridia.

Town Manager Radford thanked all those in attendance. He stated a few weeks ago, representatives from the Hudson Group were met with and discussions have been ongoing about Veridia infrastructure needs. This would cost \$60 million for water, sewer, roads, etc., which is unaffordable to the Town at this time. Therefore, the Town was to come up with an alternate plan, which would cost less money, and still do the things we do – water, sewer, electric. The Town determined the best place to participate would be with sewer at a cost of \$17 million.

Paul Billow provided an overview of Veridia financing options. There has been no specific request from the developers for financing; they are taking a 'how can you help us' approach to achieving their goals. Billow outlined what he thought the Town's objectives should be:

- Promote and incentivize desired economic development
- Develop policies that can be applied on a consistent basis in the future
- Insulate Town from inherent and unknown risks and costs
- Minimize administrative burdens
- Maintain legal and financial integrity

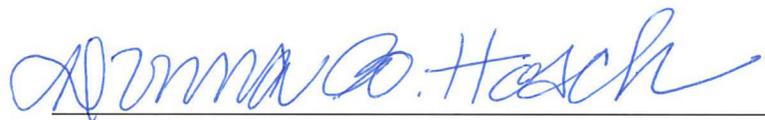
Council added that we also want a broad-based approach to this financing which can be used for subsequent requests.

Billow detailed the three available financing options and the benefits and potential risks of each. Tim Donnelly explained how capacity and acreage fees are collected. Billow stated that understanding the various aspects of the risks involved would allow for financing the cheapest way possible according to the case scenarios included in the packet he distributed (attached). Overlooked were alternative economic development incentives.

Ted Cole overviewed the Town's existing supported debts - tax, water, wastewater, and electric. Also overviewed were potential funding options, revenue sources, and financing options. The Town would probably not be in a position for the special assessment bond by Spring when this bond is set to expire. Cole detailed the financial elements and key financial measures of the special assessment bond and the traditional revenue bond.

Responding to questions from Council, Radford stated we will be discussing this for a while. Briefly discussed was special assessments alone vs. special assessments coupled with traditional assessments; not wanting to see our rate payers pay for Veridia; which financing option seemed the most favorable; seeing what the grant situation looks like; and wanting more information on the special assessment bond.

Mayor Sutton called the meeting adjourned with no commitment from Council on a financing option.



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor



TOWN COUNCIL MEETING

TUESDAY, NOVEMBER 18, 2014

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, November 18, 2014, 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, 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 5, 2014 Regular Council Meeting and the November 5, 2014 Closed Session
- Consent 02** Apex Tax Report dated 10/07/2014
- Consent 03** Ordinance and Statement of the Apex Town Council for Rezoning Case #14CZ04, NC II LP LTD Partnership, petitioners for the property located at 1960 Apex Peakway
- 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 Willow Michael property containing 2.772 acres located at 1508 Kelly Road, Annexation #523 into the Town's corporate limits

Consent 05 Non NFPA compliant Personal Protective Equipment declared surplus and donation of the equipment to the REDS team for the Guatemala project in which the team is involved

Consent 06 Identity Theft Prevention Program Annual Risk Assessment 2014

Council Member Dozier asked for Consent 05 – Budget ordinance amendment to fund additional costs related to the purchase of Pleasant Park – be removed and discussed as New Business 03.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE CONSENT AGENDA MINUS CONSENT ITEM 05;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Sutton called for modifications to the Agenda from Council or staff. Council Member Lassiter requested the addition of reconsidering an action taken by Council on October 21, 2014 regarding the *Approval of the Manors at Bella Casa Phase 8B - Master Subdivision Plan - for the property located at 2801 Walden Road*. The parties have come up with alternate options to pursue. He wished to place this item on the Agenda for the December 2, 2014 Regular Meeting. Town Manager Radford requested the addition of a Closed Session item to discuss a personnel matter. Interim Town Attorney Hohe requested the removal of the Closed Session item regarding potential eminent domain claims since settlement was reached.

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

PUBLIC FORUM

Gary Cartwright, representing six land owners, stated his delight with the eminent domain issue being resolved [which was removed from Closed Session]. He commended the employees and staff for their professionalism and transparency of information. He was proud of the Town for protecting their property rights and continuing to do so throughout the process.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and adoption of an Annexation Ordinance – Apex Town Council’s intent to annex Charles Womble, Clarence Goodwin, Mark Esposito, Ashley Gasiorowski and Kenneth and Sue Marks properties containing 133.411 acres located west of Richardson Road, northeast of Ragan Road, Annexation #505 (Stillwater Subdivision), into the Town’s corporate limits

and

Public Hearing 02 : June Cowles, Senior Planner

Public Hearing and Rezone and Ordinance #14CZ05, Stillwater (formally known as Richardson Forest) 133.1 acres located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road from Wake Count

Staff oriented Council to the site. The applicant is proposing low density residential conditional rezoning and annexation of the Wake County portion of the property. The applicant offered additional conditions. Two neighborhood meetings were held. The Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Speaking in opposition, James Moore was somewhat surprised at the request for low density residential seeing as how the area is mostly rural. If two units/acre are allowed, this would not be in keeping with the neighborhood. Previously, it was stressed that the reason for the density being so low was to maintain the water quality. If a higher density were approved, there would be more people, and more pollution going directly into the lake.

Vann Moore stated this is a rural habitat. She spoke about the history of the area, the different generations of people living there, and the wildlife. Moore wondered about Council’s long range goal to maintaining the home feeling of Apex and to what it will look like in 10-15 years. This request is exploiting one of God’s gifts. Moore asked Council to search their souls and ask is this what the people in the area really want.

Speaking in favor, David Goracke, developer, stated he thought it important to delay the annexation and rezoning to allow the site plan to catch up. It will address some of the comments made by the Moore’s. The rezoning is in accordance with the land use plan; Goracke gave the zoning densities. They are working to make something that Apex will be proud of long term.

Council asked about the neighborhood meeting concerns about the cemetery, road flooding, and the school. Goracke stated he researched the cemetery, and it is not of national historical preservation value. The bridge flooding is a NCDOT issue and out of his control; he was not aware of the bridge being up for improvements or upgrade. What is being built will be limited density, so this will comply with the school population. Council stated it would like to see the developer commit to developing a higher stormwater standard.

Mayor Sutton declared the Public Hearing closed.

After brief discussion of this being the appropriate time to ask the developer about stormwater standards, Mayor Sutton stated the annexation would be voted on and then the Public Hearing would reopen for the zoning portion.

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

Mayor Sutton declared the Public Hearing reopened to the rezoning request only.

Council asked the developer for a minimum 25-year flow control. Without knowing the calculations, the developer stated he would make the condition to investigate and do the best he could for improvement above the UDO standards. He did not know what impact a 25 year level would have on the ponds. Council asked would the developer commit to expanding the pond size by 25%; the developer committed to 15%. Council was in agreement with this.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST ADDING THE 15% EXPANSION OF THE POND AND NOTING THAT THE 2030 LAND USE PLAN LETS EVERYONE KNOW HOW APEX WILL GROW AND IN A WISE AND FAIR MANNER; COUNCIL MEMBER JENSEN SECONDED THE MOTION, SPEAKING ABOUT POPULATION GROWTH IN THE UNITED STATES AND DEVELOPMENTS BEING A BALANCING ACT. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and adoption of an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Edward and Peggy Riggsbee property (a single-family residence) containing 1.284 acres located at 1100 Greenlea Drive, Annexation #522, into the Town’s corporate limits

Staff oriented Council to the property. There is an issue with the septic systems, so they are wanting to tie into the Town’s System. Staff 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 WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and adoption of an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex MJ Evans Property, LLC (Lucas Farms) property containing 8.73 acres located at 0 and 2605 Olive Chapel Road, Annexation #525, into the Town’s corporate limits

Staff oriented Council to the property, stating 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. 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 05 : June Cowles, Senior Planner

Public Hearing and Rezone #14CZ17, Greenmoor PUD Plan 50.2 acres located at 7616 and 7716 Green Level Church Road from Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site, noting that the applicant agreed to all recommendations requested by staff. Included will be a 10-foot wide multiuse path and the condition of sidewalks on both sides of the streets going through the subdivision. The developer will work with other developers for a regional park site. A neighborhood meeting was held, the request is consistent with the TIP and UDO, and the Planning Board recommended approval.

Council asked about stormwater management, and applicant, Randy King of Pulte Homes, stated the subdivision plans will comply with the UDO and this is what they prefer to stay with.

Mayor Sutton declared the Public Hearing open.

Glenda Toppe on behalf of applicant stated this request corresponds with the previously approved PUD adjacent to this one. Three items were raised at the neighborhood meeting: (1) single family vs. townhomes: this will be single family; (2) drainage: properties to the south will not be affected; and (3) connectivity to the south; this is in compliance with the 2030 Land Use Map.

Mr. Rogers wanted to know what was going to happen with his septic field which goes into the applicant's property. Since this would be a civil issue, Council suggested that Mr. Rogers speak with an attorney. Mr. King stated he was unaware of this, but it will be evaluated and they will work with Mr. Rogers on a resolution.

As to stormwater, Mr. King stated it will be confusing to the home owners' association if there are two sets of standards. They are going to keep an existing pond which will show benefit downstream.

Joel Fox was concerned about the medium density zoning. If the development falls through, then what would happen if the requested rezoning has gone through. Staff stated that since this is a PUD, then this is what will have to be committed to. This is the first Mr. Fox was hearing about taking about 10 feet off of his property for the walkway. With this, traffic lanes, and a median, these things will almost be on his porch. What happens when 30-40 feet has been taken? He would not be able to sell his property. Council explained how the right of way works; staff explained what will happen as areas develop and how the roads may connect. However, it will be a long time before this happens.

Mr. Fox was disturbed with the current silt fence. Council stated it has spoken to staff and neighbors about this and no neighbors have come back to her about what they want done. Staff stated that the developer now has the opportunity to build the lines, since construction to continue was approved on this night.

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Rezone #14CZ24 (3913 US 64 West) from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The subject property is approximately 5.36 acres generally located at 3913 US 64 Highway West.

Staff oriented Council to the site, stating that the recently approved Deer Creek project is similar to this one. The Planning Board unanimously recommended approval as did staff.

Council Member Lassiter left the meeting unexcused at 8:14 p.m.

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

Public Hearing 07 : Shelly Mayo, Planner

Public Hearing and Rezone #14CZ26 (Woodall Tract), +/- 27.11 acres located at 6515 Apex Barbecue Road from Rural Residential to High Density Single Family Conditional Zoning

Staff oriented Council to the site which is consistent with the 2030 Land Use Map. A neighborhood meeting was held; the applicant proposed architectural conditions. Staff recommended approval with conditions proposed by the applicant. The Planning Board recommended approval.

J.W. Shearin, planning consultant, provided background on the family history, this being a vision by the family. Since they want to build single family homes, this would be a good transition for the school. Construction would not begin until the summer of next year when the school site is finished. Responding to Council, Mr. Shearin stated there will be curbing according to the standards. Staff stated that a certain number of streets light will be required. Once the property is annexed, the Town will properly light the area.

Council Member Lassiter returned to Council at 8:24 p.m.

There was brief conversation on the density of the property, the points of access, and if the increased population would overcrowd the middle school.

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 REZONING; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED A BRIEF RECESS

OLD BUSINESS

Old Business 01 : Marty Mitchell, Facility & Fleet Services Director

Design contract with Stewart Cooper Newell was projected at \$190,000 and based on an exact prototype reuse of PSS4. Programming efforts for PSS5 yielded an increase in the requested SF of 60%, thereby resulting in an increase in design cost to \$284, 625. Motion to approve additional expenditures to cover increased design costs.

Staff stated we are well underway for the design of fire station 5. Additional square footage is warranted which increases design costs. Staff briefly went through what are believed to be well-designed plans. A bay was added for use by the Police Department. Staff explained the office spaces, noting that school resource officers, crime prevention officers, and support staff will be moved to this station.

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

NEW BUSINESS

New Business 01 : June Cowles, Senior Planner

Stillwater Residential Master Subdivision Plan (formally known as Richardson Forest) 133.1 acres located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road

Staff oriented Council to the site, explaining the buffers and additional conditions on the construction plans for stormwater uses. A neighborhood meeting was held, and the Parks and Recreation

Commission recommended construction of a greenway. Staff concurred with TIA recommendations. This is consistent with the Transportation Plan and the UDO. The Planning Board and staff recommended approval.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN, COMPLIMENTING THE APPLICANT FOR MAKING A QUALITY PLACE FOR ADULTS AND FUTURE ADULTS TO LIVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Dianne Khin, Planning Director

Change to the 2030 Land Use Map to require either a minimum of 30% (current policy) or 50% non-residential acreage per project in the mixed use areas along US 64 west of Kelly Road to the Chatham County line

Town Manager Radford stated this request came from Council Member Jensen. Council Member Jensen gave the history of his looking at this issue since Sweetwater. He was concerned because we have a ratio problem in terms of where to put more businesses. If we don't set aside land, we will be built out with housing. With such a momentum to overcome in terms of housing, we won't see the proper ratio of available jobs to houses. We need to develop Apex as a quality town with a quality life.

Council Member Jensen explained how businesses would favorably affect the residential tax rates. This revised percentage would be a stop gap to help get us where we need to be. A study could be done to decide definitely what the percentage would need to be. We don't have to be enablers; we have to be planners.

Council stated it would love to see high end businesses. We could set a goal of 50% instead of forcing it, and then look at how we can get developments here. Council wants to look at things which would be more market driven. Council Member Jensen stated we have to give Economic Development a product to propose so businesses won't have to go so far out. Council thought the sentiments were correct, but it was voted on by the Planning Committee to keep the standard as it is at this same. We are not armed with the necessary information to say 50% will work better than 30%. Developers are already saying 30% is hard to reach. Do we possibly land bank until the demand is here? Council would like to see what the Town needs and what the residents want.

Council stated that since this would be just for Hwy 64, 50% would be a good goal for that location. Council spoke about residential and non-residential growth, median incomes, and the items discussed at coffee chat. If we continue to grow residential, all services will have to be increased and eventually

taxes or fees will have to be raised. If business pays more taxes than residents, then the cost spread would be easier on residents. Council Member Jensen spoke about losing land and how we can't get it back if we do. Council stated it is in favor of making Apex as attractive as possible to businesses. It can be a burden on people to go somewhere else to work, at which point they would not be contributing to their community.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE 50% NON RESIDENTIAL AS PRESERVATION UNTIL WE DO A STUDY TO GET A BETTER LEVEL ON WHAT THE PERCENTAGE NEEDS TO BE; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, LASSITER, AND WILKIE VOTED IN THE NEGATIVE; COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE AFFIRMATIVE.
THE MOTION FAILED BY A VOTE OF 3-2.

Council Member Jensen asked for an alternate motion of 40% non residential. Council stated it was comfortable with the current 30%. While what Council Member Jensen was saying was understood and respected, if we pigeonhole ourselves, as a whole we will be excluding a lot of development from the town. Council would love to see commercial on Hwy 64 and an office park, but people in \$650,000 homes would be upset, it thought, for those homes to back up to an office park. Council stated if businesses come to us, we will work with them.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE 40% NON RESIDENTIAL; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE, LASSITER AND WILKIE VOTED IN THE NEGATIVE; COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE AFFIRMATIVE.
THE VOTE FAILED BY A 3-2 VOTE.

**Added New Business 05 (from Consent Agenda) : Drew Havens, Assistant Town Manager
Budget ordinance amendment to fund additional costs related to the purchase of Pleasant Park**

Staff explained that there was capital money left in the project fund line item for the Nature Park which will not be needed. Therefore, this money can be moved into Pleasant Park. Council asked about the trails at the Nature Park, and staff explained the funding issues.

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

CLOSED SESSION

Closed Session 01 : to discuss a personnel matter

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

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER DOZIER 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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TOWN COUNCIL MEETING

TUESDAY, DECEMBER 2, 2014

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, December 2, 2014, 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

Presentation 01 : Mayor Bill Sutton

Resolution to Lee Smiley, retired Finance Director

Mayor Sutton read the Resolution to Mr. Smiley from the NC League of Municipalities honoring him for his lasting contributions to local government.

Assistant Town Manager Drew Havens introduced Sunny Hwang, the Town's new IT Director.

Presentation 02 : Keith Joyce, Joyce and Company

June 30, 2014 Audit Report

Keith Joyce provided highlights from the CAFR document, noting that the Town received a clean audit. We received the Certificate of Excellence for 2013 and will apply for the certificate for 2014.

Mr. Joyce noted and described three items of some concern not a part of the CAFR document – New World software issues, procurement card issues, and grant payments. There were significant deficiencies in the report, those being goods received prior to the PO being issued and electronic signatures on some PO's. Both issues have been addressed. Next year, new major standards will come into play. Mr. Joyce congratulated Mr. Radford and Mr. Smiley on the audit.

CONSENT AGENDA

- Consent 01** Minutes of the November 10, 2014 Council Workshop, the November 18, 2014 Regular Council Meeting, and the Closed Session Minutes from the November 18, 2014 Regular Meeting (Closed Session Minutes recorded separately)
- Consent 02** Statement of the Apex Town Council for Rezoning Case #14CZ05, Beazer Homes-Raleigh (Stillwater), petitioners for the property located at 0, 8312 Ragan Road and 2505, 2428, 2504, 2510 Richardson Road
- Consent 03** Statement of the Town Council and Ordinance for Rezoning Case #14CZ17 (Greenmoor), Pulte Homes petitioners, for the property located at 7716 and 7616 Green Level Church Road
- Consent 04** Statement of the Town Council and Ordinance for Rezoning Case #14CZ24, Smith & Smith Surveyors, P.A., petitioners for the property located at 3913 US 64 Hwy West
- Consent 05** Statement of the Town Council and Ordinance for Rezoning Case #14CZ26, J.W. Shearin, petitioner for the property located at 6516 Apex Barbecue 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 Marvin & Dianne Welton property containing 18.231 acres located at 2713 Olive Chapel Road, Annexation #519 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 Apex Olive, LLC property containing 29.430 acres located at 0 and 2904 Old US 1 Hwy, Annexation #526 into the Town's corporate limits
- Consent 08** Public Hearing on December 16, 2014 for rezoning application #14CZ15 (Arcadia Ridge West PUD) to rezone 46.13± acres located at 2625 Olive Chapel Road from PUD-CZ & Wake County R-80W to Planned Unit Development-Conditional Zoning
- Consent 09** Public Hearing on December 16, 2014 for rezoning application #14CZ19 (Middleton PUD) to rezone 73± acres located at Holt Road between Jenks Road and Hasbrouck Drive from Rural Residential to Planned Unit Development-Conditional Zoning

- Consent 10 Public Hearing for the December 16, 2014 Town Council Meeting regarding Rezone #14CZ22, Salem Creek PUD Plan Amendment 8.4 acres located at 620 South Salem Street from Planned Unit Development Conditional Zoning (PUD-CZ) to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 11 Public Hearing for the December 16, 2014 Town Council Meeting regarding Rezone #14CZ25 (Old Jenks and Thorn Hollow Road), +/- 58 acres located at Old Jenks Road South to Thorn Hollow Drive from Rural Residential, Residential Agricultural and Low Density – Conditional Use to Medium Density Conditional Zoning
- Consent 12 Public Hearing for the December 16, 2014 Town Council Meeting regarding Land Use Map Amendment and Rezone #14CZ29 (Apex Olive LLC), +/- 28.34 acres located at on Old US 1 Hwy from R-40 W to Medium Density Conditional Zoning
- Consent 13 Encroachment Agreement with Apex Orchard Villas, LLC and to authorization for the Town Manager to execute same
- Consent 14 Resolution approving donation of surplus personal protective equipment
- Consent 15 Road closure request for Founders Day 5K race/walk on February 28, 2015
- Consent 16 Memorandum of Agreement (MOA) Between the United States of America and the Town of Apex and Wake County and the North Carolina Wildlife Resources Commission for the purposes of constructing Town-owned utilities across US government property and authorization for the Town Manager to execute the MOA and the Town Manager and Attorney to make minor modifications to the MOA

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

REGULAR MEETING AGENDA

Council Member Lassiter requested the addition of New Business 05, a Resolution in response to citizen complaints. Mayor Sutton requested that the Closed Session item concerning personnel be removed and added as New Business 06. Council was in agreement with these requests.

PUBLIC FORUM

Kate McDonald, resident, asked Council about the development and growth of the Town. She was excited that Council asked for comments from citizens and wished to know how Council wanted this input. Council stated she could use emails, these meetings, or public hearings – there is not a philosophical sound-off except for the 2030 Plan. Ms. McDonald stated she is concerned about

commercial vs. non-commercial and school caps in light of the residential growth. Responding to her request for broader conversation, Council stated it may be a good idea to look at a Town Hall meeting as was done years ago. It would also be good to bring in other community leaders.

William Hill stated he doesn't see any commercial growth and wanted to know how we're going to sustain what we're building – how is infrastructure being measured against the growth and how is this reviewed? The Town Manager offered to speak with Mr. Hill on this matter. Mr. Hill asked about the Economic Development position. Council stated this is a new position and the director will do things of which we will be proud. She has done a good job so far, but it's difficult to turn the momentum around. The director also needs cooperation from the community. The infrastructure will need to be in place so that she can do her job.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Simmons, Planner II

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Willow Michael property containing 2.772 acres located at 1508 Kelly Road, Annexation #523, into the Town's corporate limits

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

OLD BUSINESS

Old Business 01 : Council Member Scott Lassiter

Reconsideration of the Manors at Bella Casa Phase 8B - Master Subdivision Plan - for the property located at 2801 Walden Road containing 22.7 acres and 47 lots

Council Member Dozier stated that when this was discussed previously, the Town Attorney asked her to recuse herself. Therefore, she was making the same request now.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION
TO RECUSE COUNCIL MEMBER DOZIER FROM THIS MATTER; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Lassiter stated he previously voted the opposite of what is being considered this evening. At that time, Council sided with the property owner. However, she and the developer have met, and she now has a different opinion. Ms. Curry, property owner, stated previously she did want the stub. However, after reviewing the plans and seeing what would need to be done to make that happen and discussion with her children, she now wants no part of the development. She requested the stub street be removed from the adjacent property on Evans Road. The developer, Stuart Jones, stated he was fine with this, and he will now go back to the original pan.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO GO BACK TO THE ORIGINAL PLAN AS PROPOSED BY THE DEVELOPER, ELIMINATING THE STUB STREET OUT TOWARDS
EVANS ROAD; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Council Member Dozier returned to Council.

NEW BUSINESS

New Business 01 : Lauren Simmons, Planner II

Change to the 2030 Land Use Map for the Gasiorowski/Eakes properties from Rural Density Residential to Low Density Residential

Staff oriented Council to the site. The Planning Committee and Council previously considered an item to change the land use map of the two properties, asking for a change in density to low and medium. Since that time, Mr. Gasiorowski has changed his request for only low density for the two properties. If Council agrees, staff will advertise the public hearings.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION
TO CONSIDER THIS REQUEST AT ANOTHER TIME; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Council stated this is getting into the Jordan lake area and hoped staff and owners could protect the lake.

New Business 02 : Mayor Bill Sutton

Reappointments and appointments to the Planning Board

Mayor Sutton requested approval of the following reappointments and appointments:

- David Hooks, reappointment as Chair, with appointment to this position to expire December 2015
- Tommy Morgan, reappointment as Vice Chair, with appointment to this position to expire December 2015
- Beth Godfrey, reappointment as Board Member, with appointment to expire December 2017
- Jack Clark, appointment as Board Member (replacing Chad Price), with appointment to expire December 2017
- Jim Mead, appointment as ETJ Representative (replacing Tom Colhoun whose terms for reappointment have expired), with appointment to expire December 2017

It was noted that Wake County will also need to approve the appointment of Jim Mead.

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

New Business 03 : Chief John Letteney / Captain Jacques Gilbert / Corporal Eric Buchanan

New police car graphics

Staff presented the new design and its history. The current design was award winning in 2005, but the majority of staff now wishes to see the re-designed change. Two officers worked to identify the new design; the reasoning behind the black and white theme was explained. The new design is unique, customized, incorporates Apex's heritage, and is 100% reflective. Responding to Council, staff stated the current vehicles will not be redone. Therefore, there will be two styles until the current vehicles lifespan out. Additionally, the trend is going more towards SUV's because of their comfort and functionality.

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

New Business 04 : Council Member Gene Schulze, Chairman of the Personnel Committee

New positions as discussed in the Personnel Committee meeting of November 25, 2014

Council overviewed the positions discussed in the Personnel Committee meeting regarding School Resource Officers (SROs) for PD and a LSE-to-fulltime Planner for Planning. Council stated the Police positions are proactive.

POLICE SROs: Council stated it supports education; however, Wake County should be working with us to support what's needed at the schools. We should have more conversation with the County on this. We could ask for their help, explaining that money for additional SROs is not in our budget. Questioned was why Wake County is not putting dollars for the Friendship SRO in their budget seeing as the school is not yet built.

Council explained that Wake County will reimburse us for a portion of the Friendship SRO. The County does not have money for the middle school SROs. Apex middle schools are the only ones without SROs because of the quality of the Town and its schools. Originally it was stated that money could be put in next year's budget for these positions, but PD says the SROs need to be trained prior to being on the job. The Police Chief has spoken with Wake County officials about financing.

Council expressed concern about not waiting until budget time to fund the positions; it was not sure of the urgency. Staff stated that hiring now would be a good transition to getting training. It is critical to make sure the person is a good fit for the job. Council stated that even though the Police Chief addressed Wake County, Council should do so also. There was the thought that the County will not fund the positions, because it doesn't do so for other municipalities. But if there's a way to compromise, then Apex will step up to the plate and then ask the County to do what's right in the future. With further question from Council about the critical need for the middle school SROs, staff stated that PD will not hire these positions before they are needed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE POSITIONS WITH THE AGREEMENT THAT THERE WAS SUPPORT FROM COUNCIL AND THE POLICE DEPARTMENT TO TRY TO GET FUNDING FROM WAKE COUNTY; COUNCIL MEMBER LASSITER SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

Added New Business 05 : Council Member Scott Lassiter
Resoluion reagrding CSX

Council stated there is a feeling among neighbors that they are helpless in the situation of noise from idling trains at night. A Resolution was presented to Council which would appeal to CSX and the

government in the coexistence of this railroad in Apex with its neighbors. Council Member Wilkie stated she had spoken with Congressman George Holding who stated that if we get him the information, he will pass it along to the Library of Congress to research and then see what he can do. Council stated that CSX should be ashamed of themselves because of the requirement in place to which they are not adhering. Since they are going against their own policy, maybe there could be an ordinance outlining idling conditions and fines if they don't adhere. There is a heater that automatically comes on and heats the engines so as not to waste diesel fuel and stink up the town. Council stated Congressman Holding forwarded information on idling and quiet free zones; he will be sent the Resolution if Council desired.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE RESOLUTION; COUNCIL MEMBER JENSEN AMENDED THAT MOTION TO INCLUDE COUNCIL MEMBER WILKIE BEING ABLE TO COMMUNICATE WITH CONGRESSMAN HOLDING'S OFFICE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Added New Business 06 : Mayor Bill Sutton
Selection of a new Town Attorney

The Mayor stated 52 applications have been received for the Town Attorney position, and the selection is strictly up to the Council. With so many applications to go through, the Mayor stated he wished an adhoc committee formed to come up with a reasonable number of applications to bring before Council for interviews along with the Human Resources Director. Council Members Dozier and Jensen stated they would be willing to be a part of this committee along with the HR Director. The committee will dissolve as soon as the attorney is selected.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE AD HOC COMMITTEE; COUNCIL MEMBER LASSITER 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 Sessions 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 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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TOWN COUNCIL MEETING

TUESDAY, DECEMBER 16, 2014

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, December 16, 2014, 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 Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie; Absent was Council Member William S. Jensen

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 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 December 2, 2014 Regular Council Meeting
- Consent 02** Apex Tax Report dated 11/05/2014
- Consent 03** Bidding the Public Safety Station 5 project immediately after the final design is completed and construction documents are issued
- 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 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

Consent 05 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Ila Mae Seagroves property (a single-family home) containing .506± acres located at 2833 Evans Road, Annexation #529 into the Town's corporate limits

Consent 06 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 intersections of Apex Peakway at Olive Chapel Road and Apex Peakway at NC 55 in TIP Project No. U-5118 AE

Consent 07 Utility Infrastructure Reimbursement Agreement between the Town of Apex and Green Olive Investments, Raleigh Land Fund I, Pulte Home Corporation (collectively the "Developers) and authorization for the Town Manager and Interim Town Attorney to make minor modification to the Agreement and authorize the Town Manager to execute the Agreement on behalf of the Town

Mayor Pro Tem Schulze requested pulling Consent 04 - Amend 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, and allow those constituents in attendance who wished to do so to address Council on this matter. He requested this item to go on the Agenda for the next meeting in January.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM

SCHULZE MADE THE MOTION TO APPROVE THE CONSENT AGENDA MINUS CONSENT 04;

COUNCIL MEMBER WILKIE 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

James Mercendetti, Assistant Pastor of Calvary Chapel in Apex, addressed Council regarding an accident on Ten Ten Road where a youth was hit by a car as he was crossing the street. Because of heavy traffic, folks have been asked not to park on one side of the street. The Town was invited to a meeting to see if it could help in some way, and brought up was the idea of no parking signs on Sundays. The church didn't think this would be a problem for any of the businesses, and they also asked for no parking in the

evenings. Staff stated its recommendation was for no parking after 6:00 p.m. each day of the week and no parking on Sundays. The Pastor stated this would address their concern, but Council stated two business members objected to this recommendation.

Gene and Nancy Jackson, parents of the hit youth, stated their son was attempting to cross the congested street, and it was difficult for him to see. He was hit by a car coming out of the parking lot. Luckily, there were no internal injuries. Lots of young people attend the church, and they wanted to ensure as safe a situation as possible.

Jeff Roach, Peak Engineering and Design, stated he asked Council to pull this item from Consent. There is a businessman across street who does a lot of work after hours and on weekends. He feels his clients will pull up, see the no parking sign, and continue on. Mr. Roach felt badly for the family and stated there may be an option to add signage. However, he was concerned what it would do to his and the other guy's business after hours. No parking signs will take away from the aesthetic, and he hoped staff would look at no parking signs on Town property. He asked to have the sign removed from the Seagrove property. Council asked about cones being put out, and staff stated this would have to be done by ordinance and that staff is fine with its current recommendation which meets the signage code. Council stated it wished more time to contemplate the matter.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Simmons, Planner II

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Marvin & Dianne Welton property containing 18.231 acres located at 2713 Olive Chapel Road, Annexation #519 into the Town's corporate limits

and

Public Hearing 02 : Lauren Simmons, Planner II

Public hearing and rezoning application #14CZ15 (Arcadia Ridge West PUD) to rezone 46.13± acres located at 2625 Olive Chapel Road from PUD-CZ & Wake County R-80W to Planned Unit Development-Conditional Zoning

Annexation: staff oriented Council to the site.

Rezoning: staff oriented Council to the site and stated the purpose for the request. The Parks and Rec Commission recommended a fee in lieu in addition to construction of a greenway with a performance bond. The request was consistent with Town Plans. The Planning Board and staff recommend approval.

Mayor Sutton declared the Public Hearing open.

Stuart Jones, Jones and Crossen Engineering, stated this was to add one piece onto the Arcadia Ridge PUD with all of the same conditions that have already been approved for the larger portion of the parcel.

Mayor Sutton declared the Public Hearing closed.

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

MAYOR SUTTON CALLED FOR A MOTION ON THE REZONING. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, WILKIE, AND LASSITER VOTE IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 03 : Shelly Mayo, Planner

**Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Apex Olive LLC property containing 29.430 acres located at 0 and 2904 Old US 1 Hwy, Annexation #526, into the Town’s corporate limits
and**

Public Hearing 04 : Shelly Mayo, Planner

Public hearing and Land Use Map Amendment from Low Density Residential to Medium Density Residential and Rezone #14CZ29 (Apex Olive LLC), +/- 28.34 acres located at on Old US 1 Hwy from R-40 W to Medium Density Conditional Zoning

Annexation: staff oriented Council to the site and explained the proposed Land Use Map (LUM) amendment.

LUM and Rezoning: staff detailed several scenarios of what it would look like if the current request was approved and if it was denied. At the Planning Board, several residents spoke against the LUM resulting in the applicant agreeing to conditions. The Planning Board voted 4-2 to approve. Staff recommended approval with the conditions stated by the applicant; it recommended approval of the LUM amendment.

Mayor Sutton declared the Public Hearing open.

Speaking in opposition, Martha Geer, on behalf of herself and Dr. Tim Hancock, was concerned about the lack of notice about the neighborhood meeting regarding the change to the LUM. At Planning Board, no real reason was given for the change. She addressed the Comprehensive Plan and how this request did not agree with it. Ms. Geer stressed there is a trust issue, and the LUM should not be changed to benefit one small development.

Speaking in agreement representing the owner, Jay Gilleece was unaware that folks outside of the notification area were upset with anything they were doing. After the Planning Board meeting, he addressed staff as to what they could do to rectify any problems. He referenced the chart presented by staff and explained they are not trying to get more density to the north. They are proposing 120 homes as the overall total, and the southern portion would be turned into medium density and never be developed.

Mayor Sutton declared the Public Hearing closed.

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

MAYOR SUTTON CALLED FOR A MOTION ON THE REZONING. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
COUNCIL MEMBERS SCHULZE, WILKIE, AND LASSITER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #14CZ19 (Middleton PUD) to rezone 73± acres located at the east end of Holt Road north of Old Jenks from Rural Residential to Planned Unit Development-Conditional Zoning

The Interim Town Attorney stated there was a valid protest petition regarding this item. To carry, there would need to be a super majority vote which would not change in number due to Council Member Jensen's absence.

Staff oriented Council to the site and stated the applicant has agreed to conditions. The Parks and Rec Commission recommended a fee in lieu in construction of the greenway trail as shown on the Master Plan. The request was consistent with Town Plans, and staff recommended approval. At the Planning

Board, owners spoke for and against the request. As a result, the applicant offered additional conditions. The Planning Board unanimously recommended approval with conditions proposed by the applicant.

Mayor Sutton declared the Public Hearing open.

Opposed, Eddie Lyons' main concern was the two ponds along Forget Me Not Road. He wants at least a border or fence so as not to be advertised as waterfront properties. He explained how the roads are narrow and how he sat with employees during a count of vehicles. Traffic on Holt and Jenks is a nightmare at a.m. and p.m. rush hours. Mr. Lyons was concerned that there is not a school zone or school speed limit sign.

Opposed, Greg McGhee stated he brought forth concerns to Planning but received no response. He addressed his land adjoining these properties, MI Homes possibly buying his property for a buffer, and how MI Homes didn't seem to know about his well. Mr. McGhee also addressed connectivity to his property, proposed density uses, and his being denied access to the water line.

Speaking in favor, Jeremy Medlin of MI Homes in Raleigh briefed Council on the history of his organization and how they are new to Apex. After meeting with neighbors and hearing their complaints about wells, shortage of water, and low flow, he assured them they would not do anything to cause harm or detriment to the drinking water. They commissioned a PE to do water and soil studies, and the research concluded no adverse effect to what they're proposing to do. All the wells currently on the property will be abandoned, and they will create an HOA restriction of no more wells. MI Homes will volunteer to do an offsite water line extension. They value the Town and want to be a partner moving forward.

Bob Zumwalt, Director Planning + Design, McAdams, highlighted important features of the plans. He spoke about concerns raised in the neighborhood meetings and how they were addressed. He stated they cannot add an additional 35 feet of water line.

Earl Lewellyn, Kimley-Horn, prepared a traffic study and briefly went through the results. He briefed Council on what the applicant has agreed to do.

Council asked about the two ponds. Jason Barron, representing the applicant, stated the bond issue was news to them. They will have to go through the subdivision process to see what they can do to address any concerns. They did not realize there was no school zone, but didn't see why there would be opposition to working with the Town to get one.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REZONING WITH CONDITIONS OFFERED BY THE APPLICANT.

After discussion ensued as to whether or not additional people would be allowed to speak, the Hearing was reopened. Gerald Scott, Twin Creek Road, didn't oppose the rezoning but he was concerned about the number of trees to be removed. The EPA stated the project will have an effect on water off of Twin Creek Road; Council was sent an email regarding this. On the south side there are well problems. MI Homes has proposed a water line; but there are restrictions on the water loop, and this should be resolved before the project is approved. Mr. Scott doesn't want to be connected but wants the line there so it would be available if needed.

Lori Tryon, Kenneth Ridge Court, stated she met with the Town Manager and the developers, and all have been more than wonderful. She was happy to have a developer willing to work with them and meet their concerns.

Kim Smith, Fire Pond Road, stated her pond is one of the ones referenced earlier. There is a protest petition and she has not been spoken with by MI Homes. Ms. Smith felt water was a huge issue and that there needs to be more attention to detail.

Keith Horrow, Twin Creek Road, wasn't real happy about the development, but respected the developer's right to do what they want with the area. Fundamentally, MI Homes has gone above and beyond to hear neighbor concerns. He supported the development.

A resident of Holt Road stated he has no access to sewer and won't have access which would be put in by the subdivision. There is a high pressure line on other side. He wanted to go on record asking how he could get sewer in the future.

Mayor Sutton declared the Public Hearing closed.

Council asked what needed to happen to get water on the other side, staff replying it would require a loop to be completed by the Town. The dead water line was explained, staff stating that the precedent has never been set for a line asked for by the residents. Restated was that the project would not affect the wells. Staff explained the sewer line being a private line and stated annexation would be an option for the property owners.

COUNCIL MEMBER LASSITER RESTATED HIS MOTION; MAYOR PRO TEM SCHUZLE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Sutton called a brief recess.

Public Hearing 06 : June Cowles, Senior Planner

Public Hearing and Rezone #14CZ22, Salem Creek PUD Plan Amendment 8.4 acres located at 620 South Salem Street from Planned Unit Development Conditional Use (PUD-CU) to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. This rezone was approved in 2005, the infrastructure is in, and street access is constructed, but the property was foreclosed upon. Staff has met with several builders and developers who had an issue with lot depth. Therefore, a PUD plan amendment is being looked at, staff detailing the amendment. The Parks and Rec Commission recommended a fee in lieu; the developer previously paid for 59 of the units. A neighborhood meeting was held. The Planning Board and staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Alan Maness, representing the applicant, explained needing to change the setbacks to make the property marketable.

Mayor Sutton declared the Public Hearing closed.

Council stated this was an appropriate place for high density housing.

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 4-0 VOTE.

Public Hearing 07 : Shelly Mayo, Planner

Public Hearing and Rezone #14CZ25 (Old Jenks and Thorn Hollow Road), +/- 58 acres located at Old Jenks Road South to Thorn Hollow Drive from Rural Residential, Residential Agricultural and Low Density – Conditional Use to Medium Density Conditional Zoning. A Protest Petition was submitted and the Town Attorney's advice is that it is valid.

The Interim Town Attorney stated there was a valid protest petition regarding this item. To carry, there would need to be a super majority vote which would not change in number due to Council Member Jensen's absence.

Staff oriented Council to the site and explained why annexation would not be required at this time. A neighborhood meeting held, the request was consistent with the LUM, and staff outlined the applicant's proposed conditions. There were opponents at the Planning Board meeting; the Board voted unanimously to approve the request. Staff recommended approval with conditions listed by applicant.

Mayor Sutton declared the Public Hearing open.

Daniel Martin addressed the subject of buried hazardous materials. He stated burying was being done while his house was being built and included animals, insecticides, paints, etc. A soil testing crew made a determination of the load-bearing capacity of the soil, but the current companies are not acknowledging there are buried hazardous materials. Mr. Martin suggested the site not be used for residential purposed until they have the facts.

Jim Mead distributed his presentation and a petition from Castlewood addressing three critical issues: road connectivity, density of lots, and width and type of buffers. Mr. Mead spoke about the purpose of the UDO, and stated that he maintained a professional land planner who came up with workable options to the three issues. He asked for denial of the request unless the developer agreed to their proposals, which have been shared with the developer.

Daniel Martin referenced Vision Drive, asking for connectivity now instead of in the future. He spoke about why this was important. He felt the developer was not concerned about the safety of the existing residents.

Don D'ambrosi, land planner, explained why the path currently drafted was not appropriate and outlined what they felt was the logical step-down. A civil engineer was employed to look at connectivity and found what they were proposing could be done, it would meet requirements, and not cause problems.

He presented their proposed revised conditions which they thought would be compatible with Town plans and ordinance.

Stuart Jones, Jones and Cnossen Engineering, pointed out an incorrect buffer description by staff and explained the reasons for the different types of buffers. He described the conditions of the seven affected parcels and how they are agreeable to the UDO. Conditions were added per neighbor and staff requests, and Mr. Jones described each. Mr. Jones stated limiting density would be a hardship and make the project difficult to work with. They will increase the buffer. As for access, their environmental expert went to the site, and the Town signed off on environmental issues. They are limited in what they can do with crossings, and he read part of the expert's letter in reference to this. Mr. Jones explained the contingencies if required to do other than they have stipulated with crossings, with denial of the use of the property being a possibility. A phase one environmental study was done, and the site was cleaned for hazardous waste. If something hazardous were to be found, it would be removed.

Paul Stam, representing owners of 12 acres to the south, stated the owners felt the LUM and staff and Planning Board recommendations were fine. As for connectivity, the current zoning has a condition to connect to the property to the north if the Castleberry property were developed. The owners supported the motion for the rezoning.

An opposing citizen wanted it made clear that he only wanted one crossing and would like to be able to discuss buffering issues. Stuart Jones was agreeable to trying to make a second connectivity.

Mayor Sutton declared the Public Hearing closed.

Responding to staff, Mr. Jones clarified the question of a connection to Thorn Hollow Drive.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE REQUEST WITH THE CONDITIONS STATED IN THIS HEARING; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Lauren Simmons, Planner II

Public Hearing and 2030 Land Use Map change for the Gasiorowski/Eakes properties from Rural Density Residential to Low Density Residential

Staff stated Council heard this request previously; 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 LASSITER MADE THE MOTION
TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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

Public Hearing 09 : Brendie Vega, Principal Planner

Quasi-Judicial Public Hearing and Special Use Permit SUP#14SUP02 and Major Site Plan for Hope Community Church to be located at 2080 E Williams Street, PIN #0740-86-9031

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

David York stated he would be speaking on behalf of Hope Community Church.

RESPONDING TO THE QUESTION BY THE MAYOR, all Council members stated there were no conflicts and that each would be impartial in their decision.

Staff oriented Council to the site and stated this request was in relation to a day care center. Neighborhood meetings were held in relation to the SUP and site plan. Staff detailed the requirements of the building and grounds; a rendering was presented. The request was consistent with Town Plans. Staff recommended approval with outlined conditions.

OPENING STATEMENT BY THE APPLICANT – David York stated he believed that between himself and his witnesses, there would be sufficient evidence for Council to be able to make a decision to allow the SUP.

SPEAKING IN OPPOSITION TO THE REQUEST - There was no opposition to the request.

SPEAKING IN FAVOR OF THE REQUEST - Senior Pastor, Mike Lee, made a brief statement thanking the Town and staff for their help and hard work. They are excited about opening the new campus; Pastor Lee acknowledged those in attendance from the church.

Mr. York called Stuart Jones who stated his name and address and outlined his credentials and his involvement in this process. He was offered as an expert witness familiar with the various aspects of the project and agreed, in his professional opinion, that all required conditions had been met.

Mr. York called Joshua Reinke who stated his name and address and outlined his credentials and his involvement in this process. He was offered as an expert witness familiar with the various aspects of the project which encompassed his area of expertise. He stated all required conditions had been met.

Mr. York called Neil C. Gustafson who stated his name and address and outlined his credentials and his involvement in this process. He was offered as an expert witness familiar with the various aspects of the project which encompassed his area of expertise. He stated all required conditions had been met.

CROSS EXAMINATION OF WITNESSES – There was no cross examination since there was no opposition.

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 Mayor stated the Council's decision was based on the Standards to which the expert witnesses testified. So will be the Findings of Fact.

THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Randall Heath, EMS Chief

New ambulance graphics

Staff stated the Town will receive a new ambulance in January or February and the desire is to add new graphics, especially since the current paint has no reflectivity. The team wishes to update their image to better represent the Town, thus the red white and blue colors.

Wake County is paying for the new unit as part of the contract via a lease agreement. We currently have four ambulance units and those will not be redone. All should have the proposed graphics in the next 3-5 years.

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

New Business 02 : Mayor Bill Sutton

Reappointments to the Board of Adjustment

Mayor Sutton requested the following reappointments be approved:

- . Larry Harris as the ETJ representative with a term to expire December 31, 2016
- . Perry Cox as Alternate with a term to expire December 2016
- . David Rowland from Alternate to Chair with a term to expire December 2015. David Rowland would replace Craig Hardee, whose terms as Member and Chair have expired.

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

CLOSED SESSION

Closed Session 01 : Closed Session to discuss a personnel matter

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

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

WORK SESSION

There were no Work Session items to be considered.

ADJOURNMENT

With there being no further business,

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



Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:



William M. Sutton, Mayor