



APEX TOWN COUNCIL MEETING

TUESDAY, JUNE 16, 2015

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

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

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

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Greg Allison, UNC School of Government

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

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

Presentation 02 : Mayor Bill Sutton

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

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

CONSENT AGENDA

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

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

REGULAR MEETING AGENDA

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

PUBLIC FORUM

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

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

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

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Planner

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

and

Public Hearing 02 : Amanda Bunce, Planner

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

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

Mayor Sutton declared the Public Hearings open.

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

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

Mayor Sutton declared the Public Hearings closed.

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

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

Public Hearing 03 : Brendie Vega, Principal Planner

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

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

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

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

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

MAYOR PRO TEM SCHULZE WITHDREW HIS MOTION.

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

Public Hearing 04 : Amanda Bunce, Planner

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

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

Mayor Sutton declared the public hearing open.

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

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

Mayor Sutton declared the Public Hearing closed.

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

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

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

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

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

OLD BUSINESS

Old Business 01 : Bruce Radford, Town Manager

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL MEMBER DOZIER SECONDED THE MOTION.

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

MAYOR PRO TEM SCHULZE VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 4-1 VOTE.

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

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner

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

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO

APPROVE THE PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Shelly Mayo, Planner

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

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

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE PLAN ADDING THE REQUEST FOR THE CUL DE SAC BY THE NEIGHBORS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

COUNCIL MEMBER JENSEN REQUESTED AMENDING THE MOTION TO INCLUDE THE REMOVAL OF THE STUB STREET TO THE SOUTH OF MR. MCGHEE'S PROPERTY AS REQUESTED.

Council Member Lassiter declined the request and explained his reasoning for doing so. Jason Baron, on behalf of the applicant, stated he was comfortable with removing the stub street.

COUNCIL MEMBER LASSITER AMENDED HIS MOTION TO ALSO INCLUDE THE REMOVAL OF THE STUB STREET AS AGREED TO BY MR. BARON.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Reed Huegerich, Senior Planner

Sweetwater Master Subdivision Plan for the properties located at 2216 and 2408 Olive Chapel Road and 3115, 3121 3224, 3233 U.S. Hwy 64 West containing 164.69 acres and 416 units (353 single-family and 63 townhomes)

Staff oriented Council to the site, the PUD being approved earlier this year. A neighborhood meeting was held, a public greenway easement, construction of a greenway, and fees were approved by the Parks and Recreation Commission. The Plan is in compliance with the Apex Plan, and the Planning Board recommended approval with the condition of BMPs.

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

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

THE MOTION CARRIED BY A 3-2 VOTE.

Added New Business 04 : Laurie Hohe, Town Attorney

Resolution to close an alleyway

Staff stated a resident on Colbert Street requested the alleyway be closed between Elm Street and Hughes Street which runs behind his property. The resolution will begin the process for a July 21st public hearing. The alleyway has not been opened or used by the Town since 1911.

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

THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01: Added Closed Session to seek advice from the Town Attorney and to discuss personnel

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

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

In reference to the Charrette, several Council Members stated they could not attend on the scheduled date of August 2nd. The Mayor suggested the meeting take place in Town Hall and be conducted like a workshop. Staff gave the meaning of the word Charrette ("the cart") and the history of the concept which has been used for all manners of design projects. On the 2nd, lots of ideas will come in from lots of people and no idea will be deemed as bad. Council has the ability to decide how the final project will look. This is a great way to get a project done. If Council can attend, then ok. If Council wants staff to attend and bring back tentative ideas, then that's ok.

Withers and Ravenal landed the contract. The Mayor stated the alternative is for the consultant to meet with Council two at a time so as not to violate the open meetings law. It's another way to get things done and could start as early as next week. Staff stated we were trying to make the meeting as convenient as possible for seniors. Council briefly discussed other locations for a senior center and how to advertise the Charrette so as to not be misleading as to where a center would be built.

Council agreed for Withers and Ravanal to meet with them two at a time for their ideas and then move on from there.

The skate plaza grand opening on July 25th was discussed, staff stating a more suitable date for this event would be worked out.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.

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

THE MOTION CARRIED BY A 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:

William M. Sutton

Mayor

This Page Intentionally Left Blank