



APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 1, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, December 1, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Minutes of the November 17, 2015 Regular Council Meeting and the Closed Session meetings of October 20, 2015 and November 17, 2015 (Closed Session Minutes recorded separately)
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #15CZ13, Salem Pointe PUD Amendment, Salem Pointe Associates, LLC, petitioners for the properties at 0, 1530, 1604, 1605 Salem Church Rd, 0 N Salem Street
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ22 Beaver Creek Phase 4 PUD Amendment, RST Development, LLC/DDR 1st Carolina Crossing North LP/ Glenda Toppe, petitioners for the property located at 2501 Creekside Landing Drive (portion)
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #15CZ23, McKenzie Ridge PUD, petitioners for the property located 8216 Humie Olive Road, 2600 and 0 Richardson Road, and 7916 and 8000 Ragan Road with the proposed conditions

- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #15CZ24, Mike Whitehead, petitioners for the property located eastern and western terminations of Colby Chase Drive with the proposed conditions and additional condition that the development not exceed two dwelling units per acre
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #15CZ27, A. Graham Shirley and Kimberly B. Shirley petitioners for the property located 206 S. Salem Street, with the proposed conditions and the added condition that “personal services” be eliminated from proposed uses
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #15CZ29, Alan Maness, BBM & Assoc., petitioner for the property located at 1200 Kelly Road
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #15CZ30 Mangum Property - Commercial, Jason Barron, Morningstar Law Group/Alwanda J. Mangum; Mae Bell Mangum/Sonya W. Mangum, petitioners for the property located at 2005, 2021 and 2023 Ten Ten Road
- Consent 09 Statement of the Town Council and Ordinance for Rezoning Case #15CZ31 Mangum Property – Residential, Jason Barron, Morningstar Law Group/Alwanda J. Mangum; Mae Bell Mangum/Sonya W. Mangum, petitioners for the property located at 2005, 2021 and 2023 Ten Ten Road.
- Consent 10 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of November 17, 2015
- Consent 11 Construction contract for *Pedestrian Improvements on Old Raleigh Rd at Laura Duncan Rd & Apex Peakway to ALS of North Carolina, Inc.* and authorization for Town Manager to execute same
- Consent 12 Set the Public Hearing on December 15, 2015 regarding Rezoning Case #15CZ26 (Weddington), where the applicant, Baker Residential is seeking to rezone 135.30± acres located at 4105 Green Level West Road along with 0, 0, and 809 Wimberly Road from Rural Residential (RR) & R-80W to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 13 Set the Public Hearing on December 15, 2015 for rezoning application #15CZ35 (Mary Bertoncino) to rezone 0.015± acres located at 2293 Toad Hollow Trail from Rural Residential (RR) to Medium Density- Conditional Zoning (MD-CZ)
- Consent 14 Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Staley and Halley Smith, Marlou Bacon and Marth Smith property containing 84.736 acres located at 0 and 809 Wimberly Road, Annexation #554 into the Town’s corporate limits
- Consent 15 Set Public Hearing for the December 15, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 16 Set the Public Hearing on December 15, 2015 to designate the James Madison Williams House located at 4525 Green Level West Road a Historic Landmark in compliance with North Carolina General Statute 160A-400.4
- Consent 17 Authorization for the Chief of Police to sign a Memorandum of Understanding between the Town of Apex (Apex Police Department) and the United States Department of Homeland Security Investigations for reimbursement of joint operations expenses from the Treasury Forfeiture Fund to the Town of Apex. The MOU has been reviewed by the Town Attorney.

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

REGULAR MEETING AGENDA

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings to be considered.

OLD BUSINESS

There were no Old Business items to be considered.

NEW BUSINESS

There were no New Business items to be considered.

CLOSED SESSION

There were no Closed Session items to be considered.

WORK SESSION

There were no Work Session items to be considered.

ORGANIZATIONAL PROCEEDINGS OF THE APEX TOWN COUNCIL

RECOGNITION OF OUTGOING COUNCIL MEMBERS

Scott R. Lassiter

Mayor Sutton presented Council Member Lassiter with a plaque of appreciation from the citizens of Apex and praised the sacrifices he's made for the good of the Town.. Council Member Lassiter retired his Council seat.

William M. Sutton

Town Manager Bruce Radford stated Mayor Sutton has taken us through significant events over the past 22 months – the budget and bond with no tax increase, restoration of town relationships with Holly Springs and Cary, and re-establishing communication with the school board and our own Chamber of Commerce, out of which there is now cooperation and mutual respect.

Mayor Sutton stated it was fun being mayor and cited his pride in Apex being named the Money Magazine #1 Best Place to Live in America. He thanked Council for giving him the job, and he thanked the manager and staff, but mostly the employees of the town. In 22 months, he received no calls or emails due to a failure of city services, and this was due to the employees.

Town Manager Radford stated Mayor Sutton and he had known each other 32 years, that Mayor Sutton served as a tremendous mentor, friend, confidant, and that he was like a father to him in many ways. Tonight was about Mayor Sutton's service to the town. He came and served as manager with outstanding results. When he ran for Council he was elected and served very well. When he was needed as mayor, he came forward and served. And when he was a young man and the country was at war, he came and served. The Apex citizens and Council and employees appreciated his service. Mayor Sutton has made a marked difference in the community which will follow him for all his days. He laid the foundation for this community that won the Money Magazine designations.

Town Manager Radford presented Mr. Sutton with the gavel which had been used in Council Meetings as well as a desk name plate with the name his granddaughter calls him since she could not say "Bill" – William "Bull" M. Sutton.

The Council thanked Mayor Sutton for all he's done for the Town. This was not an easy job, and Council thanked Mayor Sutton's wife, Pat, for letting us have him.

Mayor Sutton retired his Mayor's seat.

Mayor Pro Tem Schulze guided Council through the process of administering the Oaths of Office.

ADMINISTERING OF OATHS

William S. Jensen

Donna B. Hosch, Apex Town Clerk, administered the Oath of Office to Mr. Jensen as his wife, Lydia, stood with him. Council Member Jensen took his seat on the dais.

Wesley M. Moyer

Justice Robert H. Edmunds, Jr., Supreme Court of North Carolina, administered the Oath of Office to Mr. Moyer as his wife, Stacey, stood with him. Council Member Moyer took his seat on the dais.

Lance Olive

Justice Robert H. Edmunds, Jr., Supreme Court of North Carolina, administered the Oath of Office to Mr. Olive as his wife, Cheryl, stood with him. Mayor Olive took his seat on the dais.

SELECTION OF MAYOR PRO TEMPORE

Mayor Olive explained how the selection would be made as well as the duties of Mayor Pro Tem. He then opened the floor for nominations.

Council Member Wilkie nominated Council Member Dozier for the position and gave her reasons for the nomination. Council Member Dozier has done a fine job on the Think Apex campaign which has done a lot to encourage businesses and local shopping and economic development. She chaired the Environmental Committee, has advocated for the young and the seniors and has spoken a great deal about the senior center. She is a senior supporter. She has been available, respectful, and thoughtful to all. Council Member Dozier is deserving of the nomination because of her dedication. There is also a need for young girls in Apex to see women in leadership roles.

Mayor Olive asked Council Member Dozier if she accepted the nomination, and she answered in the affirmative but only with the support of the Council. She stated she did not expect this.

Mayor Olive closed the floor to nominations.

COUNCIL MEMBER DOZIER WAS ELECTED MAYOR PRO TEMPORE BY ACCLAMATION.

APPOINTMENTS OF STANDING COMMITTEES AND LIAISONS

Mayor Olive appointed the following Standing Committees:

- Economic Development Committee – Council Member Jensen, Chair; Council Member Moyer, Member
- Environmental Committee – Council Member Dozier, Chair; Council Member Jensen, Member
- Finance Committee – Mayor Olive, Chair; Council Member Schulze, Member
- Personnel Committee – Council Member Schulze, Chair; Council Member Dozier, Member
- Planning Committee – Council Member Jensen, Chair; Mayor Olive, Member

Mayor Olive explained the purpose of the Committees is to take the burden off Council by conducting research. The purpose of Liaisons is to visit external groups and associations to represent the Town, taking information to them and bringing information back.

Mayor Olive appointed the following Liaisons:

- Apex Chamber of Commerce – Council Member Moyer; Council Member Schulze, Alternate
- Apex Fire Advisory Board – Mayor Olive announced this Board dissolved without objection from the Council.
- Apex Parks, Recreation, and Cultural Resources Advisory Commission – Mayor Olive explained he wished to dissolve the Liaison for this Commission and establish a committee for policy, projects, and priorities. There were no objections to this from Council. Mayor Olive stated that in two weeks he would come back with the duties and responsibilities of this Committee. Council Member Moyer, Chair; Council Member Wilkie, Member
- Triangle J Council of Governments – Council Member Jensen; Council Member Dozier, Alternate
- Transportation Advisory Commission (CAMPO) – Mayor Olive stated that traditionally this position is held by the Mayor and will continue to be so. Selecting an alternate will be deferred until a later time.
- Mayor Olive stated he saw a need for a Liaison to the Apex Downtown Business Association. Council Member Wilkie will be that Liaison.

Mayor Olive asked if there was any further business. Town Manager Radford asked that Council consider having Council Member Dozier sworn in as Mayor Pro Tem. Mayor Olive explained why the swearing-in is performed. Town Clerk Donna B. Hosch administered the Oath of Office for Mayor Pro Tempore to Council Member Dozier.

Visitors were then invited to retire to the lobby for a reception honoring the Town Council.

ADJOURNMENT

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

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor