



APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 15, 2015

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

The Regular Meeting of the Apex Town Council scheduled for Tuesday, December 15, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

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

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Withers-Ravenel regarding design options for Pleasant Park - Jason Bertoncino and Kurt Pfeifer

Mr. Bertoncino stated we are at the preliminary schematic phase of the project. He explained the process from beginning to end. Staff and Town have provided input. A sensitive topic is the concern for site access and what it may and may not be. We are early in the process, and the property is what it is. There is only one egress in and out, and they realize this is not ideal. This will absolutely need to be addressed later in the process. They were not at the level of the design to discuss egress on this evening.

Mr. Bertoncino briefly outlined the types of activities which need to be considered in the design/project goals, all the time keeping in mind that population is growing. He talked about the valuable feedback gathered at the charrette. They were able to identify some key components from this meeting. There may be an opportunity for an economic venue. There is a gas line and an existing cemetery along with stream buffers and neighborhoods of which we need to be cognizant.

Mr. Pfeifer presented three concepts to the Parks, Recreation, and Cultural Resources Commission. The Commission provided feedback on these based on the focus of the project. He listed some of the requested improvements including parking, buffers, connectivity, and the location of baseball fields. Using the feedback, two concepts were developed and he detailed these along with explaining the environmental impact. Concept 1 was favored by staff and the Parks, Recreation, and Cultural Resources Commission. Mr. Bertoncino talked about a stream buffer in this concept. It drains away from Jordan Lake, which will be addressed further later in the process.

Council asked for clarification of stormwater ponds, the cross country trails, parking being adequate particularly for tournaments, aesthetics of the baseball fields, and concessions and restrooms.

Presentation 02 : June 30, 2015 audit report from Joyce and Company

Keith Joyce, CPA, presented the audit using highlighted points. We had a clean audit opinion. Once again Apex received the Certificate of Excellence in Financial Reporting. Mr. Joyce pointed out two weaknesses -- purchase orders and grants and their account receivables. He mentioned a few less substantial things needing to be addressed that did not have a material effect on the financial statements. The previous problems with New World have been cleared up except for one trivial account. There was brief discussion about our Fund Balance, which is very healthy. The Mayor stated this has been another year of good fiscal management by Town employees. The Town should be proud of what has been done with taxpayer money.

CONSENT AGENDA

- Consent 01 Minutes of the December 1, 2015 Special Meeting, and the December 1, 2015 Regular Council Meetings
- Consent 02 Authorization for the Town Manger to sign a Memorandum of Understanding between the Town of Apex (Apex Fire Department) and Wake Technical Community College (WTCC) to allow WTCC Instructors to utilize Town of Apex owned equipment while instructing members of the Apex Fire Department and others who are registered to participate in certification courses. This MOU covers the five year period from January 1, 2016 to December 31, 2020.
- Consent 03 Authorization for staff to compile and submit grant request for up to \$250,000 from the North Carolina Parks and Recreation Trust Fund to aid in development of Phase I of Salem Pond Park
- Consent 04 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Ronald and Ellen Rose, Thomas E. and Jeanne Whittlesey, Grayson and Blaine Kelley and HYCK Associates property containing 41.612 acres located at 1201, 1309, 1313, 1325 & 1333 Kelly Road, Annexation #560 into the Town's corporate limits

- Consent 05 Declaration of a school zone speed limit ordinance along Lufkin Road for Lufkin Road Middle School, posting 25 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 06 PULLED FOR DISCUSSION AS NEW BUSINESS - Declaration of a school zone speed limit ordinance along Old Jenks Road for Salem Elementary and Salem Middle Schools, posting 35 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 07 Declaration of a school zone speed limit ordinance along North Salem Street for Thales Academy High School, posting 25 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only
- Consent 08 Budget amendment to appropriate donations which have been received by the Town for the purpose of funding the Peak-A Palooza Celebration held in October 2015
- Consent 09 Budget amendment to appropriate fund balance in the Police Donations Fund to pay for a holiday program for under privileged youth in the Town
- Consent 10 Sale of Lot 236 Plots C and D in Apex Town Cemetery
- Consent 11 Authorization for the Personnel Committee to work with the HR Director to develop a RFP and review responses in order to recommend an executive search firm and selection process to be used in hiring the new Town Manager

Council Member Moyer requested that Consent 06 be pulled for discussion. Mayor Olive stated it would become New Business 06.

COUNCIL MEMBER SCHULZE MADE A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ONE REQUESTED MODIFICATION; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

In reviewing the Agenda, Mayor Olive stated he wished to add two additional Closed Session items concerning legal matters. There was also an Unfinished Business item added by staff, Charter for the Parks, Recreation, and Cultural Resources Committee.

With no objections from Council, Mayor Olive declared the Agenda final.

PUBLIC FORUM

Mayor Olive explained the public forum process and the light system to help keep speakers on track of the three minute timeline.

In relation to traffic/other issues at Pleasant Park: Tony Santitoro, Marylou Harris, Mike Harris, Vicki Daimasso, and Joe Carroll all spoke about the single access in and out of the Park and this being a safety issue. Other comments offered were: appreciation for citizen input, plans being delayed until there are adequate traffic plans, being told the exit would be gated, the Park being a beautiful place, the light and noise pollution would disturb sleep, consideration of buffer zones, people in the area not being met with, a traffic study should be done. Judy Ives, whose mother originally bought the property, asked that tennis courts not go in front of her house.

In relation to sports at Pleasant Park, John Hayden, Lacrosse; Scott Dupree; Marlow Campbell, football; Mike Ostrander, baseball; Scott Olive, Lacrosse; Craig Oates, softball; Shelby Polachik; and Jackie Oates all spoke about the benefits of the Park. Comments offered were: the measure of success is the number of kids engaged in the programs, the Park will be an opportunity to catch up with growth, this could become an economic engine, there should be an investment in sports turf and sticking with six full-size multi fields, Apex would be able to handle large tournaments, the Park would be a top-notch facility, hopefully the Park could be used for training so teams would not have to go elsewhere, extensive revenue being lost to other towns who hold tournaments, would give sports a home court, having a wonderful downtown would be a draw.

In relation to the Land Use Map, David Bristol, Suzanne Harris, Jacob Rogers, Gordon Polson, Christine Azadell, Richard Stock, and Dave Carazelli offered the following: it seems unfair to put a study in place now, a study should not adversely affect long-term residents, properties under contract should be excluded, there is concern about the consequences to residential and commercial builders, to suggest residential construction would have to stop during a study is a serious concern, this should go to the Planning Committee for more discussion, decision should be delayed to give time for more citizen input, seems like this is moving fairly fast without much input, the word 'moratorium' is concerning, maybe get examples from other places, developers have been saying 50% would be difficult to achieve, if a moratorium is placed other towns will get the business, to stop potential residential development would affect the town seriously, there has been no notice from the Town that development may not be able to move forward – this developer only waiting on final signature to do so.

Colin MacNair and Carl Helton spoke about slowing growth. We're on track and rolling so let's not slow down, we have a great financial standing, downtown and residential areas epitomize a sense of community, the largest retailers want to relocate here and most towns see this as positive growth, the new Council should think long and hard before slowing down the train, we have a sewer plant to pay for and the residents don't want to see a raise in taxes to do so, we can do managed growth.

Joe Howard spoke about CSX issues. He thanked Bruce Radford for all the research and work he's done in trying to help them. There are still problems with noise, and it's gotten worse around Center Street. Mr. Howard has an appointment with Congress regarding an investigation into CSX. If CSX is bought, the congressional body will pay for it. He talked about the idling and CSX not turning off engines even in warm weather.

Mayor Olive called for a five-minute recess.

Mayor Olive stated about 30 folks spoke during Public Forum, and he thanked them for their input. There will be other opportunities for comment on things such as park plans. Parks and Recreation staff can answer questions on projects and timings. There is now a Parks, Recreation, and Cultural Resources Committee with Council Members Moyer and Wilkie for matters of policy. Tonight's comments did not fall of deaf ears. We also have an Economic Development Committee and a Planning Committee that can consider some of the things spoken about tonight.

PUBLIC FORUM

Public Hearing 01 : Michael Clark, Senior Planner

Continuation of public hearing from the November 17, 2015 Town Council meeting and Rezoning Case #15CZ15 (Westhigh subdivision). The applicant, Standard Pacific Homes, is seeking to rezone from Residential Agricultural (RA) to Medium Density Residential Conditional Zoning (MD-CZ) for the properties located at 1523 Salem Church Road and 0 Salem Church Road collectively containing 2.10± acres

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board unanimously recommended approval as did staff. Council asked for an explanation of density. Jason Baron, Morningstar Law Group, stated the neighborhood would be consistent with the Cary piece. The density will be three single family homes/acre. There is an outside chance that an historical home could make this four homes/acre because of its location. Mr. Baron explained an earlier density discrepancy.

Mayor Olive declared the Public Hearing open.

Judy Houseness stated this is a residential/agricultural area. There is a traffic problem in the area, yet building continues. She expounded on the problems they have now and what they will be in the future.

Mayor Olive declared the Public Hearing closed.

Staff talked about the current traffic problems in the area and indicated things could be better in the future. Mr. Baron talked further about connectivity requirements. There will be 92 units in the development on the combined properties.

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

Council stated our infrastructure will not sustain this much traffic. Mr. Baron stated they have no options to the stub streets, and pointed out Cary has an existing ordinance related to this. Staff stated it was not concerned about safety.

Public Hearing 02 : Michael Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Staley and Halley Smith, Marlou Bacon and Marth Smith property containing 84.736 acres located at 0 and 809 Wimberly Road, Annexation #554 into the Town’s corporate limits

and

Public Hearing 03 : Michael Clark, Senior Planner

Public hearing and Rezoning Case #15CZ26 (Weddington) and Ordinance, where the applicant, Baker Residential is seeking to rezone 134.858± acres located at 4105 Green Level West Road along with 0, 0, and 809 Wimberly Road from Rural Residential (RR) & R-80W to Planned Unit Development Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held, the applicant’s proposed uses were stated. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval as did staff.

Staff stated a small portion of the East Coast Greenway runs through Apex. Explained were the efforts to gradually connect to this greenway over the coming years. Staff also explained Cary has spent a large amount of money on this project, and we would not need to contribute anywhere near the Cary amount. Staff explained the low grades on level of service, Council stating that we need to do better.

Mayor Olive declared the Public Hearings open.

Glenda S. Topp, Glenda Topp Associates representing the applicant, further detailed the site. She noted this development is similar to back in the 70’s, 80’s, and 90’s. This will be a quality development that surpasses many of the Apex standards.

A citizen expressed concern over construction crews coming down her road. She felt it would be dangerous for construction crews to travel that close to the trail.

Mayor Olive declared the Public Hearings closed.

William Eudusky, Baker Residential, explained construction on the road in question. He clarified they will not impede anyone's use of their driveway. He also clarified Council's question on buffers.

MAYOR OLIVE CALLED FOR A MOTION ON THE ANNEXATION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION ON THE REZONING. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION WITH THE CONDITIONS OF A BUFFER, NO DRIVEWAYS BEING IMPEDED, A TOTAL OF 190 UNITS, AND LOT SIZES OF 9,800 SQUARE FEET.

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Brendie Vega, Principal Planner

Public Hearing and rezoning application #15CZ35 (Mary Bertoncino) to rezone 0.015± acres located at 2299 Toad Hollow Trail from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ)

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

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

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

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Annexation – Apex Town Council's intent to annex Mary K. Bertoncino property containing 0.15 acres located at 2299 Toad Hollow Trail, Annexation #558 into the Town's corporate limits

Staff recommended approval of the request.

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

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

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Annexation – Apex Town Council's intent to annex James H. and Ann C. Woodall and Standard Pacific of the Carolinas, LLC property containing 28.228 acres located at 0 and 6515 Apex Barbecue Road, Annexation #551 into the Town's corporate limits

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

Mayor Olive declared the Public Hearing open.

Tom Beebe, Standard Pacific Homes, stated he was in attendance to answer any questions.

Mayor Olive declared the Public Hearing closed.

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

Council Member Dozier stated her negative vote was due to being contacted by parents who feel there is an issue with the school in the area.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Annexation Ordinance – Apex Town Council's intent to annex Apex Pointe, LLC (Publix Pointe) property containing 35.95 acres located at the northeast quadrant of the intersection of Kelly Road and Olive Chapel Road, Annexation #557 into the Town's corporate limits

Staff oriented Council to the site, stating staff recommended approval

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

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

Public Hearing 08 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments. The Planning Board recommended 7-10 p.m. operating hours. There was discussion about the area of notification to neighbors for the annexation requested in Public Hearing 07. Mayor Olive suggested this go to the Planning Committee for discussion.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE VARIOUS AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION WITH THE TIME CHANGE TO 7-10 P.M. THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 09 : Michael Clark, Senior Planner

Public Hearing and designation of the James Madison Williams House located at 4525 Green Level West Road an Historic Landmark in compliance with North Carolina General Statute 160A-400.4

Staff stated only a portion of the property was requesting rezoning and gave a brief history of the structure. Gary Roth, Capital Area Preservation, detailed the property and its location and acreage. He spoke briefly about the house being moved into Apex earlier this day and thanked the Town for its support in helping to save the Upchurch historic house. Mr. Roth detailed the history of how the property was acquired and the house developed. He gave the Significance Statement. The Capital Area Preservation staff recommended approval of the designation and ordinance. It was unanimously recommended at a previous meeting that this move take place. Mr. Roth complimented Apex for being friendly to the Wake County Historical Commission and explained how the house would be historically preserved through the Commission. There is a 50% property tax deferral if it is applied for.

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

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

Council complimented the Commission and thanked them for this request.

Public Hearing 10 : Brendie Vega, Principal Planner

Public Hearing and amendment to the Thoroughfare and Collector Street Plan map as requested by Apex Planning Department and Jeff Roach, Peak Engineering

Staff detailed the two amendments. The Planning Board recommended approval. Council questioned public safety and traffic dumping onto collector streets.

Mayor Olive declared the Public Hearing open.

Jeff Roach, Peak Engineering Design, stated they have been in discussion with staff several months about this request. He outlined why they were asking for the amendment. There was Council discussion about driveways onto a collector street. Mr. Roach offered to come back with a plan that eliminates the street in question. Council was not comfortable making a decision without a public safety staff member present who could address this. Mr. Roach stated he would withdraw item 2. and come back to Council with it later on.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE ITEM 1. OF THE REQUEST AND EXCLUDE ITEM 2.; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive called for a five-minute recess.

UNFINISHED BUSINESS

Unfinished Business 01 : Vance Holloman, Finance Director

Resolution declaring the results of the November 3, 2015 referendum for the \$15 Million Street and Sidewalk Improvement Bonds, approving a Statement of Result of the Bond Referendum, and instructing the Town Clerk to publish that Statement

Staff stated the request was to declare or certify the results, approve the statement, and instruct the town clerk to publish the statement. Staff recommended adoption of the Resolution.

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

Added Unfinished Business 02 : Mayor Lance Olive

Parks, Recreation, and Cultural Resources Charter and CAMPO appointees

Mayor Olive stated he wanted to follow through in providing a charter for the Parks, Recreation, and Cultural Resources Committee. He read the proposed objective and Charter and explained the thinking in providing this Charter. Council wished to make sure public art was included.

COUNCIL WAS IN AGREEMENT WITH THE PROPOSED CHARTER WITHOUT OBJECTION.

Charter for the Parks, Recreation and Cultural Resources Committee

The objective of the Parks, Recreation and Cultural Resources Committee is to create an environment where the efforts of the associated staff and advisory commission are spent on the areas of most importance to the council, and, thus, have a reasonable expectation of being well-received. The charter of this committee shall be to establish high-level policies, priorities and projects related to:

- a) Parks: Location, Land Acquisition, Amenities, Maintenance, Hours of Operations, Problem Avoidance/Resolution, etc.
- b) Recreation: Programs, Age Coverage, Special Events, Locations, etc.
- c) Cultural Resources: Historical Education, Music, Fine Art, Natural Sciences, Events, etc.

The committee shall work to recommend and guide the council to establish boundaries and guidelines within which the Parks, Recreation and Cultural Resources Department and associated Advisory Commission shall pursue specific projects. Staff may be asked to help codify the committee recommendations before they are presented to council for approval.

In regards to CAMPO, Mayor Olive stated that since the meetings are typically attended by mayors, Mayor Pro Tem Dozier agreed to become the alternate liaison. She has also agreed to be removed as Triangle J alternate, that position to be filled at a later date.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Russell Dalton, Transportation Engineer

Direction to the Town Manager to request in writing that NCDOT plan for an increase in height of the proposed Apex Barbecue Road Bridge over Beaver Creek to accommodate the future Beaver Creek Greenway going under the bridge, agreeing to the anticipated delay in the bridge replacement schedule in project B-5161 in order to accommodate this request

Staff stated we have been in discussion for more than a year with DOT on the Greenway bridge. With a new DOT policy being drafted, the first installment of our \$390,000 cost match would be due July 2016. This amount is included in our CIP. DOT is asking we request the change in design which will cause a six month delay to raise the bridge. If we don't provide funding and the bridge goes at the current elevation, then work would need to be done on the Greenway and there would be a safety issue. Staff is in favor of the raising of the bridge.

Council asked for a cost if there was a temporary access. Staff stated the plan now is to shut down the road. DOT informed us that a temporary access would impact the parkland, and we would need to look for another feasible and practical alternative, which closing the road is a feasible alternative. Staff stated this would be General Fund money.

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

New Business 02 : Michael Clark, Senior Planner

Application for Deer Creek Master Subdivision Plan including properties located at 400 New Hill Olive Chapel Road. This project consists of approximately 99 acres and proposes 134 new single-family detached lots and 112 townhomes

Staff oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu and land set aside for the greenway. The Planning Board and staff recommended approval.

Withers and Ravenel expounded on the zoning and estimated lot sizes. Council stated he had problems with density but understood staff required this. Staff stated the initial submission had more townhomes than single family residential. The townhomes have now been decreased and the single family residential have been increased. Withers and Ravenel stated densities were a result of the zoning conditions they agreed to related to mixed use. Council further discussed zoning and acreage with staff.

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

Council Member Moyer stated he felt development at this intersection and the plan for expanding Apex in that area were not a good fit for this. He would have been willing to look at the subdivision plan and make alterations, to which Council Member Jensen was in agreement. Mayor Olive made the suggestion for the Planning Committee to in the future look at requirements that may or may not be for minimum and maximum percentages in mixed use areas.

New Business 03 : Shelly Mayo, Planner

Application for Manors at Bella Casa Phase 8C Master Subdivision Plan including properties located on Evans and Walden Roads. This project consists of approximately 19.27 acres and proposes 43 new single-family lots

Staff oriented Council to the site which was rezoned about a month ago. A neighborhood meeting was held, and the Parks and Recreation Commission recommended a fee in lieu. The Planning Board

recommended approval as did staff with a condition relating to easements. Stuart Jones, Jones and Crossen Engineering, clarified lot sizes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE APPLICATION WITH AN ADDITIONAL CONDITION OF A 30' WIDE GREENWAY AND SEWER EASEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Brendie Vega, Principal Planner

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

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS SCHULZE AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN, MOYER, AND DOZIER VOTED IN THE NEGATIVE. THE MOTION FAILED BY A 3-2 VOTE.

Council stated this request was too high in density for the area. Staff questioned if the vote put off the ability for the applicant to come back with another application for a similar type project. The three negative voters stated they would be willing to meet with the builder.

Council stated she voted in the affirmative because looking at Bella Casa, this would add additional types of homes for those who would like to live in the area with a different style home. Council stated these are a quality product that meets our requirements.

New Business 05 : Dianne Khin, Planning Director

2035 Land Use Study Area, policy regarding requiring 50% non-residential in mixed use areas depicted on the current 2030 Land Use Map, and possible change to the UDO to add Type AA Buffer between residential and non-residential developments as requested by the Town Council Planning Committee

Staff stated the Planning Committee suggested the study so that the Land Use Map can show specific parcels instead of the circles. The Committee suggested the policy be amended to 50% non-residential but allow for residential within non-residential on second floors or higher. This would not affect anything already zoned. Submitted projects would be grandfathered in. There are a wide range of buffers. The Planning Committee proposed a change for new Type AA buffers which would be opaque and require existing plantings. Staff explained the process by which these changes would need to be made.

Council stated he did read that nothing will be approved during this process. Staff stated we will not have a moratorium, that submittals can be made and go through the review process. The approval process was clarified. Council stated we should not hold up the process after people have spent a lot of money according to our Plan. It is unfair to prevent them from doing their projects.

Council agreed. If there is something in our hand, then we need to look at it. The objective was to try to protect areas for non-residential so we're not a 100% bedroom community. This would be temporary to allow staff and Council to look into the future. Economic Development is looking at this to ensure we have non-residential business areas. If we develop all the land into housing, where are people going to work. We need to bring in something so people have a choice of where to work – which will hopefully be here.

Staff stated the plan is to hire someone to do the study, as we are not equipped to do so. This could possibly be Kimberly Horne who worked on the 2030 Land Use Plan. It would take three to four months, and there would be public input sessions. Staff talked about employers wanting to have housing choices for their employees. Some employees want to be close to services. Staff stated things are different now, and we want to have a healthy community which requires a variety of uses and densities.

Council asked who was on the Planning Committee and how many votes were needed for this to come to Council. After response from the Mayor, Council asked the Mayor if he was in agreement with the study, to which he answered that he was and gave reasons as to why. Responding to being for the 50% increase, the Mayor stated it had to have a temporary assignment and date if it came to Council. Council stated he agreed in order to try to preserve mixed use zones.

Council asked about the proposed properties under contract. Are those properties able to continue with that they're doing? Council answered this would be the right thing, but they should be viable contracts which have already been signed. We can make individual decisions on those things which are pending. The study area will be minimized as quickly as we can. The properties actually in place will be grandfathered in.

Council asked if building permits, annexations, and residential development would continue during the study period. Council answered yes, these things will continue as we have almost 6,000 lots available to build. This would encompass six or seven years at a 4% growth rate, so this could be shut down today and developers could keep building houses at a 4% growth rate for five or seven years.

Council suggested adding another area for study at the intersection of US1 and 540. For folks coming to Pleasant Park, for example, where would we put a hotel?

Council stated she wants to be more flexible on the term 'in process'. If someone gives us their word that they have been talking to people, then there should be some flexibility. Council stated that if someone wants to do something with their property, then according to our Ordinance, we should not hold them up. As far as the study, let the free market decide. If people want to live in a bedroom community, then that's what they choose to do. Council stated he does not like this approach - it feels like this is being ramrodded down people's throats. These are invested property owners; it's wrong for us to try to tell them what to do with their property.

Council asked if landowners have requested these changes, to which the response was 'no'. Council asked if there would be neighborhood meetings before and after the study is done, the response being it would be up to the person doing the study. Council asked if there would be a guarantee of 3-4 months for the study, the response being this was uncertain. The cost of the study will be brought to Council. Staff explained this cost will involve several factors. Council stated the money for this study would come from General Fund. Council asked if a study like this has been done before, to which staff responded we did the 2030 Land Use update for \$60,000. It's anticipated this study would be less.

Council asked if there was any thought given to change the 2030 Land Use Plan to a 2035 Plan. Staff explained an entirely new plan would be intense and would not be done quickly or cheaply. The process would take a year or more. Staff stated, responding to whether or not we should do a quick study and then an intense study, that our Land Use Plan is not out of date. So we don't necessarily need to do a new plan right away. Staff pointed out the three areas that didn't have detailed studies during the 2030 plan because of budget constraints.

Council requested that this go back to Committee to be more narrowed as to its intent and to also identify the goal and answer the raised questions. Council stated he was in agreement and wanted every property owner in the area notified by letter that the land was under study. Also, he wanted anyone wanting to do something with their land to not be held up by this process in any way. Council also wanted to know if this has been done in other municipalities and if they use 50/50 for the land use piece. She also wished to know if this was successful for commercial.

Discussion continued on if 30% should be the highest we should go, small businesses, what the voters stated they wanted, preserving land for non-residential development, and land at major intersections where commercial would need to take place. The Mayor stated that if the study comes back and says

there is not a need for commercial in the area, then this gives us something on which to make a decision. Other areas have been studied, but the southwest area was not because of cost. If we don't study this now, then we need to do so soon or be willing to not consider mixed use nodes at all and let it build out to the county line.

COUNCIL MEMBER DOZIER MADE A MOTION TO SEND THIS PROPOSAL BACK TO THE PLANNING COMMITTEE FOR A MORE NARROWED FOCUS ON A LAND USE STUDY AS WELL AS THE PERCENTAGE OF NON-RESIDENTIAL - 30/40/50 PERCENTAGES - WITH MORE SPECIFICITY, AND WITH FULL ENGAGEMENT OF ALL STAKEHOLDERS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Olive stated the buffer portion of this item needed to be discussed. Staff stated it was asked at the Committee meeting to look at this. What was needed here was for Council to state it wants this looked at so that a proposal by staff could be formulated to go through the approval processes.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO STUDY THE BUFFERS AS STATED; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Added New Business 06 (from Consent Agenda): Council Member Moyer

Declaration of a school zone speed limit ordinance along Old Jenks Road for Salem Elementary and Salem Middle Schools, posting 35 mph during morning and afternoon carpool, 30 minutes before to 30 minutes after school begins and ends on school days only

Council asked why this school zone would be 35 and not 25 mph. Staff stated this was because it's a 45 mph road and the reduction is 10 miles. Council asked what we could do to make it 25 mph, staff responding that DOT's state statutes are always 10 mph or less. DOT would say that 25 on a 45 mph road is too low of an expectation for drivers, and staff expounded on this.

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

CLOSED SESSION

Closed Session 01 : Possible motion to go into Closed Session to discuss a personnel matter

Closed Session 02 : Possible motion to go into Closed Session to discuss a legal matter

Closed Session 03 : Possible motion to go into Closed Session to discuss a legal matter

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

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

COUNCIL MEMBER SCHULZE MADE A MOTION TO APPOINT ANDREW HAVENS AS INTERIM MANAGER IN ACCORDANCE WITH THE EMPLOYMENT AGREEMENT - INTERIM TOWN MANAGER, AND TO AUTHORIZE THE MAYOR TO SIGN THE AGREEMENT ON BEHALF OF THE TOWN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

COUNCIL MEMBER WILKIE MADE A MOTION TO AUTHORIZE THE PERSONNEL COMMITTEE TO CONDUCT A SEARCH FOR A CONSULTING FIRM/CONSULTANT TO WORK WITH THE TOWN COUNCIL TO CONDUCT A SEARCH FOR A TOWN MANAGER; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

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

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor