



## APEX TOWN COUNCIL MEETING

TUESDAY, MAY 3, 2016

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

The Regular Meeting of the Apex Town Council  
scheduled for Tuesday, May 3, 2016, 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 Interim Town Manager Drew Havens, Interim Assistant Town Manager  
Tim Donnelly, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

### COMMENCEMENT

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

### PRESENTATIONS

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**Presentation 01 : Mayor Lance Olive**

**Presentation of Proclamation recognizing Lupus Awareness Month to Amanda Bailey**

Mayor Olive read the Proclamation before presenting it to Ms. Bailey. Ms. Bailey thanked everyone for supporting her in this cause.

**Presentation 02 : Mayor Lance Olive**

**Presentation of Proclamation recognizing National Small Business Week to Joanna Helms**

Mayor Olive read the Proclamation before presenting it to Ms. Helms and stated he hoped everyone would support small business.

## CONSENT AGENDA

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- Consent 01 Minutes of the April 14, 2016 Budget Workshop, the April 18, 2016 Special Joint Meeting, and the April 19, 2016 Regular Town Council Meeting
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ07, Stuart Jones, Jones & Crossen Engineering/Vernard & Barbara Dean, Jr.; Barbara & Lyman Anderson, Trustees; Dennis & Brenda Goodman, petitioners for the properties located at 7625 Roberts Road, 0 Roberts Road, 8112 Green Level Church Road
- Consent 03 Budget Amendment No. 25 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- Consent 04 Construction contract and authorization for the Town Manager to execute same for installation of School Zone Flashing Beacons at various locations
- Consent 05 Changes to Apex Code of Ordinances, Article III - Peddlers, Transient Vendors and Solicitors, and New Article IV - Transient and Mobile Food Vendors
- Consent 06 Lot 221 Plots E & F to be reconveyed back to Town of Apex Cemetery
- Consent 07 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding Rezone #15CZ33, West Village PUD, 163.64 acres located at the Northwest quadrant of the intersection of Kelly Rd and Old US 1 Hwy from Rural Residential, Residential Agricultural, and Office and Institutional to Planned Unit Development Conditional Zoning (PUD-CZ)
- Consent 08 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding Rezoning and 2030 Land Use Map Amendment Application #16CZ09. The applicant, Jeff Roach representing Empire Construction, seeks to rezone approximately 0.92 acres located at Upchurch Street and Harwood Street from High Density Single Family Residential (HDSF) to Neighborhood Business Conditional Zoning (B1-CZ) and to change the 2030 Land Use Map Designation from Medium Density Residential to Office Employment and Commercial Service
- Consent 09 Set the Public Hearing on May 17, 2016 for rezoning application #16CZ12 to rezone 6.82± acres located at 1112, 1114 & 1116 Olive Chapel Road from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ)
- Consent 10 Set Public Hearing for the May 17, 2016 Town Council Meeting regarding amendments to the Unified Development Ordinance and the 2030 Land Use Map to require 30% minimum non-residential in Mixed Use areas of 3 or more Land Use Classifications (stripes)
- Consent 11 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of April 19, 2016

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER

MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

## REGULAR MEETING AGENDA

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

## PUBLIC FORUM

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Lisa Giulianui talked about a Facebook post concerning the pace at which Apex is growing and the outcome of what the future holds for our children. They should have a decent town handed down to them. It seems the developers are running the show. She talked about the tiny lots and everyone being on top of each other. Ms. Guillianui is moving from Apex because she can't deal with the pace and the bombardment from developers. She urged everyone to take it slow and allow people to adjust to the changes.

## PUBLIC HEARINGS

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**Public Hearing 01 : Dianne Khin, Planning Director**

**Joint Public Hearing of the Apex Town Council and Apex Planning Board to review the final 2035 Economic Study and Market Analysis prepared by Kimley-Horn and Associates**

Staff reminded everyone that a full presentation of this analysis was given on April 18<sup>th</sup>. The next step, after listening to the public, would be for staff to draft the amendments, those would go to Committee, and there would be public hearings before the Planning Board and Town Council.

Jessica Rossi, Kimley Horn, presented a recap of the study. She explained how some of the area was not previously studied, and their work was to give an indication of the market potential of the area. This would be effected by polices which the Town would make regarding the allocation of growth. She showed a map of the study area and detailed the identified nodes. Ms. Rossi explained the key metrics of the analysis and the three key assumptions. For Council, she further detailed the density percentages.

Mayor Olive declared the Public Hearing open.

Twelve members of the community expressed opinions concerning:

- Apex seemingly not allocating monies for proper infrastructure to support flex space.
- Not wanting to invest in property if Apex is going to look like west Cary in the future.
- Apex needing to grow smart for children who will inherit land here in the future.
- Adjacent uses; is eminent domain a part of the plan.

- Roads.
- Increase in housing prices, inventory going down, vacancy rates for rentals, and affordability suffering.
- All heirs not being notified of an easement which went through their family property. It feels like the property was stolen from them by the Town. Wanting to see more input in the decision making process on their property. Wanting to speak with Council more on this outside of this meeting. The services of the Town Manager were offered to ensure all was done legally.
- Support for the update and the experts being the right ones to look at the analysis for the area. Appreciate the effort of some Council members to set aside land, but Council being urged to look at the report. Apex has reaped benefits from growth and the hope is that the benefits will outweigh the growing pains. If not careful, housing prices will escalate and price people out of living here.
- Interested to see what happens in the implementation of the plan; will be hard to tell developers no; concern about this becoming a bedroom community which will not support the town in the future; need cautious development; if there are no jobs to bring in buyers for rooftops, will have empty rooftops which will decrease property values.
- Equestrian households don't always mix well with those who don't want to be around horses.
- Moved from Raleigh to quieter Apex. Watched Atlanta go from good place to live to horrible place to live. See this coming here and quite concerning.
- Will the ETJ be a part of Apex via annexation?

Mayor Olive, responding to citizen questions, stated this plan will be a guideline. A citizen asked how could the Town plan for the land when it doesn't know if owners want to sell it. Mayor Olive explained how the plan would help land owners if they did want to sell.

Staff, responding to citizen questions, stated there are no plans to expand the ETJ. This plan will help owners who petition for water and sewer, and staff explained voluntary annexations.

Mayor Olive declared the Public Hearing closed.

Mayor Olive stated the recommendation from staff was to continue studying the report, making needed modifications, taking this to the Planning Committee for recommendation to the Planning Board, and then bringing the matter before Council for public hearings and a possible motion by Council.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO SEND THIS THROUGH THE PROPER CHANNELS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council offered the following comments: we understand people's concerns, but it's a good thing that we're doing a professional plan. We're trying to head off problems. We are not shoving the plan down throats, we just want to be ready when development happens so that we can plan for it nicely. We want to make sure people appreciate this effort. Buffering properly done will be beneficial. Hopefully, all citizen concerns will be addressed. If we fail to plan the area, then we will fail the area. We have a vision for people when they make the decision to sell. Having a plan in place will be the wise thing to do in order to provide the best economic forecast.

THE MOTION CARRIED BY A 5-0 VOTE.

Council added that it will take time to get through the plan as there is a lot of information to go through. The Planning Committee meetings are open to the public.

**Public Hearing 02 : Drew Havens, Interim Town Manager**

**Public Hearing concerning the proposed Fiscal Year 2016-17 Budget**

Staff went over a few of the highlights and the timeline of the process. Staff and management appreciated the investment of Council in the process and their invaluable input. Given were the totals for the three major funds and the details of each were briefly stated. Staff stated that having earlier input from Council allowed a better thought-out budget. Mayor Olive stated he was thoroughly pleased with the process. Council was able to take time and think through the information presented. The Mayor stated he sampled a few mayors and none were able to provide the details of their budget that he already knew about ours.

Mayor Olive declared the Public Hearing open.

Kate McDonald thanked Council for allowing citizen input. She talked about five new positions and asked the Town to consider personnel with an environmental background. Development and conservation go hand in hand.

Jeff Hastings spoke about allocations for non-profits and named a few that were allocated funding in the budget. He was concerned that all entities given money have paid staff and that the Town is supplementing this. The two entities that did not get funded have no paid staff, and he asked Council to revisit this. History is paramount to what goes on in Apex, which the Historical Society does.

Mayor Olive declared the Public Hearing closed.

Staff stated that the next step would be revisions from Council within the next few weeks and adoption of the budget on June 3<sup>rd</sup>. Council stated he had further input and asked about another workshop. The Manager stated we can call one although another is not planned. The Mayor canvassed Council and all wished an additional workshop. The Mayor stated he would work with the Town Manager to get this set up.

## OLD BUSINESS

There were no Old Business items for consideration.

## UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

## NEW BUSINESS

There were no New Business items for consideration.

## CLOSED SESSION

Closed Session 01 : For a brief update of negotiating positions to be taken on behalf of the town in negotiating the material terms of a proposed contract for the acquisition of real property

Closed Session 02 : To discuss a personnel matter

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION FOR THE PURPOSES STATED ABOVE.

COUNCIL MEMBER SCHULZE 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 JENSEN SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO OFFER EMPLOYMENT TO DREW HAVENS [AS TOWN MANAGER] WITH THE TERMS AND CONDITIONS AGREED UPON IN CLOSED SESSION AND TO AUTHORIZE THE MAYOR TO EXECUTE THE EMPLOYMENT CONTRACT; 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 ADJOURNED THE MEETING.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor