



APEX TOWN COUNCIL MEETING

TUESDAY, AUGUST 2, 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, Town Manager
Timothy L. Donnelly, 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, August 2, 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
William S. Jensen, Eugene J. Schulze, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Tim Donnelly,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Presentation of Proclamation to Police Chief John Letteney by Citizens Assisting Police in Apex (CAPA)

Richard Brooks, President of CAPA, explained the objective of this organization. He spoke about the police officers who have lost their lives, and the feeling of sadness associated with these deaths. CAPA wished to present the Apex Police Department with a Proclamation of respect, appreciation, and support. The Proclamation was presented to Chief John Letteney, with several members of the Police Department accompanying him. Chief Letteney praised the work being done by CAPA and stated we are glad to have them as a part of our organization. Mayor Olive also expressed his appreciation to our Police Department and to CAPA for everything both do every day.

CONSENT AGENDA

Consent 01 Statement of the Town Council and Ordinance for Rezoning Case #15CZ34, Tony M. Tate Landscape Architecture/Kuntal Gandhi, Empire Estate LLC, petitioners for the properties located at 0 & 1920 E. Williams Street

- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ08, Jason Barron, Morningstar Law Firm/Terry E Slate; Gerald Mann; Estate of Inez H. Mann, petitioners for the properties located at 0 Pine Plaza Drive
- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #16CZ15, North View Partners/Sara Fowler, petitioners for the property located 2030 Laura Duncan Drive
- Consent 04 Statement of the Town Council and Ordinance for Rezoning Case #16CZ19, Larry Witek, First Capital Investments LLC/Judith L. Freeman, petitioners for the property located at 0 Ramblewood Drive (terminus of Bay Bouquet Lane)
- Consent 05 Municipal agreement with NCDOT for the Town to participate in the construction and administrative costs of providing sidewalk across the Apex Barbecue Road bridge and accommodating Beaver Creek Greenway underneath it in bridge replacement project B-5161, estimated to be \$464,791 in local funds, and authorization for the Town Manager to execute same
- Consent 06 Installation of two (2) speed hump traffic calming devices according to the Town of Apex Standard Details on Bryan Drive east of Apex Peakway in the amount of \$3,970, with \$3,176 Town of Apex funds and \$794 in matching funds from Amherst HOA, fulfilling the required 20% HOA matching funds in accordance with the UDO
- Consent 07 Resolution for an Interlocal Agreement for Provision of Sewer Service in a Designated Portion of Apex Urban Service Area
- Consent 08 Encroachment Agreement with NCDOT related to White Oak Creek Greenway and authorization for the Town Manager to execute all related documents
- Consent 09 Municipal agreement with NCDOT to be eligible for up to \$2,500,000 in reimbursement of project construction costs, requiring \$2,500,000 in matching local (Town of Apex) funds, to construct a crossing either over or under the CSX railroad and provide a roadway connection to South Salem Street in TIP Project No. U-5928, and authorization for the Town Manager to execute same and the associated Capital Project Ordinance Amendment in the amount of \$5,000,000
- Consent 10 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 C.H. Jewly Partnership (Peachtree Landing) property containing 16.02 acres located at 1725 US 64 Hwy, Annexation #570 into the Town's corporate limits
- Consent 11 Esri Small Municipal Government Enterprise License Agreement (ELA) for a three year term to include software maintenance and authorization for the Town Manager to sign the contract
- Consent 12 Statement of the Town Council for Rezoning Case # 16CZ10, Stuart Jones of Jones and Clossen Engineering representing Parkside Builders, petitioners for the property located at 2632 Olive Chapel Road.
- Consent 13 Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ17 (Villages of Apex). The applicant, Peter Clossen, Jones & Clossen Engineering, on behalf of NC II LP LTD Partnership, True Homes, and North Carolina Office I LP seeking to rezone approximately 50.42 acres located at 1960 Apex Peakway & 56 Hunter Street from Planned Unit Development - Conditional Zoning (#14CZ04) to Planned Unit Development - Conditional Zoning, to change conditional zoning conditions

- Consent 14 Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ18 (Old Mill Village). The applicant, Peter Cnossen, Jones & Cnossen Engineering, on behalf of Apex First Development, LLC seeking to rezone approximately 2.84 acres located at 400 & 450 N Mason St from Planned Unit Development-Conditional Zoning to Planned Unit Development - Conditional Zoning
- Consent 15 Set Public Hearing for the August 16, 2016 Town Council Meeting regarding Rezoning Application #16CZ20. The applicant, Jeff Roach of Peak Engineering seeking to rezone approximately 1.8 acres located at 740 South Salem Street from Office & Institutional Conditional Zoning (08CZ11) to Office & Institutional Conditional Zoning, to change conditional zoning conditions.
- Consent 16 Change the current regular Town Council agenda format to state that in accordance with North Carolina General Statute 160A-81.1, the Town of Apex will hold its public comment during the first regular council meeting of the month, beginning October 4, 2016. This period will be entitled "Public Forum" on the agenda.
- Consent 17 Personnel Committee Recommendations of Position Reclassifications
- Consent 18 Minutes of the July 19, 2016 Regular Council Meeting

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

REGULAR MEETING AGENDA

Mayor Olive requested a brief Closed Session prior to the Public Forum to receive advice from the Town Attorney. In addition, he requested moving Public Hearing 05 before Public Hearing 01 since staff requested continuing the Hearing.

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

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER MOYER 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.

PUBLIC FORUM

Stuart Jones, Jones and Cnossen Engineering, stated that the project to be considered in New Business 01, Smith Farms, was in compliance with the PUD and UDO guidelines and that staff recommended approval. He and members of Lennar were in attendance in case there were questions.

PUBLIC HEARINGS

MAYOR OLIVE CALLED FOR A MOTION TO CONTINUE PUBLIC HEARING 05 TO SEPTEMBER 6, 2016 AS REQUESTED BY STAFF.

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

THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 01 : Michael Clark, Senior Planner

This item was continued from the May 17, 2016 Town Council meeting.

Public Hearing regarding Rezone #15CZ33, West Village PUD, 163.34 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)

Staff oriented Council to the site. The applicant met with some of the neighbors. The applicant made modifications to the request since it was first presented. The property owner met with staff and Capital Area Preservation about the home on the property possibly being classified as historical. The home is non-contributing. However, Capital Area Preservation classified a detached, log structure as historical, for which the developer would apply for an historic preservation easement for the portion of the land to where this structure will be moved. The Planning Board and staff recommended approval.

The Economic Development Director spoke about the impact of such a project from an economic development perspective, outlining office and medical space. Apex has a need for business to business companies. These businesses invest in technology and usually have very high-end construction. Staff noted that when companies seek to relocate, they look at healthcare services in the community. When an opportunity comes, we need to be ready or have a plan in place for what could be.

Jason Barron, Morningstar Law Group, representing the applicant presented information on the project. They worked hard to come forward with a plan that the Town would support, and he pointed out changes made since the last meeting. On this evening, they made the offer regarding Kelly Road of a warrant analysis and the installation of a temporary signal at the existing termination of Kelly Road and US1a. Mr. Barron stated there would be significant infrastructure coming out of this project, bringing life to a portion of Town that doesn't have life right now. They would bring in mixed use which exceeded standards, balancing the two competing land use principles.

Council asked would they be willing to add more charging stations, Mr. Barron stating he would consult with his client on this. Council asked where they stood with the eleven points raised by neighbors, Mr. Barron stating what they were and were not able to do. He further responded to Council about well failures, buffers, and pre-wiring the appropriate homes for solar.

Traffic Engineer Ronald Stevenson addressed concerns about the traffic light on Kelly Road and US1, stating this would come down to the amount of traffic. He felt they could work with DOT for approval on this if needed.

Responding to Council, Mr. Barron stated he would be willing to do a waterline if the need arose; he would make this a commitment as part of the rezoning. Staff stated the area would have to be annexed for use of the water but not to extend the water. An exception would be if land is condemned. Mr. Stevenson stated the traffic light would be more of an interim solution. As commercial builds out and there is more traffic, there could be issues at the existing Kelly Road. He explained traffic and lane numbers, as did staff.

Mayor Olive declared the Public Hearing open, stating that a complete Public Hearing on this item was heard on May 17th.

Steve Swamp thanked everyone involved for their work on this. Working with the HOA head, a list was formulated which included the entire community. Mr. Swamp repeated comments from Council, and gave the three conditions most important to them. He stated the four points not resolved by the developer and gave details of each. He was not opposed to the project, he simply wanted what was best for the community.

Thomas Harper was not opposed to the project. He spoke about the wells and stated he would not mind having well insurance.

Kim Walker stated there was full neighborhood attendance at the last meeting and wanted to be certain their concerns were heard.

Patrick and Timothy Fahey spoke on behalf of their parents, stating this would be a good project for all parties. The broker and developer have worked diligently to address all concerns, i.e., buffers, lot sizes, amenities, street connection elimination, and water service being made available. This project also conformed to the Town's long range plans. All requirements have been met or exceeded, and citizens

will be positively affected. The property has been in their family since 1920, and they have been good stewards. The family was asking Council for approval of the plan and their right to sell the property.

Mr. Barron responded that they will offer a Type A planting along Kelly Road, a conduit for solar, and two additional EY charging stations. He thought well insurance a bandaid, but would commit \$75,000 in escrow which could be used for insurance or extending the water line. The community will have the ability to decide how to use the funds. Staff talked about roundabouts in response to Council questions.

Mayor Olive declared the Public Hearing closed.

Council was glad to see the 43%. Staff stated the water escrow account was something that's not been done previously. Council stated the roundabouts seems to be very efficient once you get used to them. Council stated the neighborhood sign was not on the importance sheet, Mr. Barron stating they would construct and install a sign as a condition. He reiterated the four conditions discussed earlier.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST WITH THE STATED CONDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

Council talked about traffic and the process of the meetings with neighbors. Council would be in agreement if both sides continue to talk. She was also concerned about traffic.

COUNCIL MEMBERS MOYER, JENSEN, DOZIER, AND WILKIE VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Council Member Schulze stated he recognized the property owners have a right to sell their land. He felt the potential traffic would be a nightmare.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex BPC Lufkin, LLC (Summit Church) property containing 8.310 acres located at 3000 Lufkin Road plus adjacent right-of-way containing 6.899 acres, Annexation #574 into the Town's corporate limits

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

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Classic Road Partners, LLC (Pinnacle Park Center) property containing 25.352 acres located at 0 Ten Ten Road, Annexation #579, into the Town's corporate limits

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

Public Hearing 04 : Amanda Bunce, Senior Planner

This item was continued from the July 19, 2016 Town Council Meeting Agenda on July 26, 2016.

Public Hearing and 2030 Land Use Map amendment from Medium Density Residential to Office Employment and rezoning application #16CZ11 to rezone 8.7± acres located at 1409 & 1429 Chapel Ridge Road from Rural Residential (RR) to Office & Institutional-Conditional Zoning (O&I-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Staff did not recommend approval of the amendment or rezoning and stated the reasons why. The Planning Board also recommended denial of the requests. Staff answered questions from Council as to what it would and would not suggest as far as uses were concerned.

Stuart Jones, Jones and Crossen Engineering, spoke on behalf of the property owners. They own the property and will be the developers of the project, wanting to move their offices to the site. Mr. Jones talked about the process they went through regarding residential and commercial development, and what they have done in trying to get this project through. He went through some of the architectural conditions and talked about the changes that have already changed the character of this neighborhood. The benefits of this professional park were outlined. Mr. Jones felt the office uses could be a good neighbor to residential.

Council was concerned about the number of access points onto Chapel Ridge Road, and Mr. Jones explained these. Council asked if the applicant would commit to two access points, to which he agreed.

He talked about what they would commit to if allowed by DOT. Mr. Jones stated the area would look more like residential and be very attractive.

Mayor Olive declared the Public Hearing open.

Rita Boykin stated she was speaking for eight others. She spoke about the surrounding zoning, commercial zoning not being consistent. They had one meeting with the developer who stated this was the requirement. Ms. Boykin stated their concerns: lowering their property values, increased traffic, elimination of privacy on properties, better buffers, runoff into the pond, increased noise, and this being a precedent for developers to ignore the Peak Plan. This is spot zoning, and she referenced Covington vs. the Town of Apex. She asked Council to deny the request as did staff and the Planning Board.

Ken Bunn, a new resident, talked about spot zoning and its Supreme Court definition. This was clearly a small tract, and the Planning Board stated this rezoning was unreasonable. The use would not be compatible, and the neighbors did not come up with any benefits. Mr. Bunn cited the Peak Plan and Mahaffey vs. Forsyth.

Anne Cain talked about the previous lots, surrounding uses, and the 400 residents who signed a petition. She stated why she felt this should be denied and wondered what would happen if the plans change. She talked about future developers ignoring the Peak Plan.

Timothy Kurmanskie, Architect, spoke in support of the applicant. This lends itself to appropriate land use as it transitions to the townhomes and Beaver Creek shopping center. They have taken care with the design of the buildings, and this will be a fine addition to the area.

John Gaskrowski, property owner, stated this was the third proposal created of which Council knew the details. They have been in Apex over 25 years, and he gave a brief family history. They purchased the property to try to develop something Apex would like. The office complex would house his staff. They were not asking for a rezoning to turn around and sell this to someone else. They are here to stay, and his family would manage this. The design would be unique and the footprint for other projects on that road.

Mayor Olive declared the Public Hearing closed.

Presenting final thoughts, Mr. Jones stated they asked at the neighborhood meeting if more meetings were needed, and the neighbors said no. They only wanted to talk about one use on the property; he

received very little feedback on the other uses he mentioned. The road connection previously approved by Council will make a large difference in the neighborhood, with or without this project. Mr. Jones responded to Council questions about uses, buffers, and the number of residents in the area. He agreed to revisions to the uses and their hours of operation. Staff restated each new condition proposed by the applicant.

Council responded with the following types of comments: great project but wrong location; don't want commercial adjacent to residential; appreciated the concessions made; goes against the Land Use Plan, and Planning Board and staff recommended denial; would set a precedent; cut through will drastically change the neighborhood; if lived there, would choose this over residential; aesthetics of the project are great; split between the pros and cons; has strong buffers; would be walkable assets to the community; and things change and we have to change with them.

Council talked about the applicant being denied on their first request, coming back with this one, and possibly being told no again. Staff stated the applicant originally wanted high density but didn't think they would get it because of previous Council discussions about townhomes. Council stated we are out of balance with residential to non-residential. The Land Use Plan should be our guiding point. Council stated this area would be a thoroughfare before too long and that it was a good use for the area.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REQUEST WITH THE CONDITIONS STATED. THERE WAS NO SECOND TO THIS MOTION.
THE MOTION FAILED.

COUNCIL MEMBER SCHULZE MADE AN ALTERNATE MOTION TO DENY THE REQUEST;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.

Council discussion ensued regarding a previous 540 Flex, quality buildings, traffic, and a lot going on in this area.

COUNCIL MEMBERS JENSEN, WILKIE, AND MOYER VOTED IN THE NEGATIVE;
COUNCIL MEMBERS SCHULZE AND DOZIER VOTED IN THE AFFIRMATIVE.
THE MOTION TO DENY FAILED BY A VOTE OF 3-2.

There was further Council discussion about the pros and cons of the plan.

COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE REQUEST WITH CONDITIONS PROPOSED; COUNCIL MEMBER MOYER SECONDED THE MOTION.

COUNCIL MEMBERS WILKIE, MOYER, AND JENSEN VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBERS DOZIER AND SCHULZE VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

Mayor Olive called a ten minute recess.

Public Hearing 05 : Amanda Bunce, Senior Planner

Staff requests that this public hearing be continued to the September 6, 2016 Town Council meeting.

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

Council approved continuing this Hearing in an earlier motion.

Public Hearing 06 : Amanda Bunce, Senior Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan for Security Self Storage, 10.85 acres located at 7325 Vanclaybon Drive

Mayor Olive read an Opening Statement explaining the quasi-judicial process.

Mayor Olive declared the Public Hearing open. All those wishing to speak were sworn in by the Town Clerk.

Jason Barron, Morningstar Law Group, representing applicant stated he proposed to call one witness. There were no opponents to the proposal.

Mayor Olive polled Council for impermissible conflicts and prior communications. All Council members stated there were no conflicts and there had been no prior communications.

OPENING STATEMENT BY APPLICANT – Mr. Barron stated the proposal satisfied the ordinance requirements. This would be a beneficial change to the landscape and be aesthetically pleasing. He oriented Council to such. They would be good neighbors.

PRESENTATION BY STAFF – Staff presented her credentials and oriented Council to the site which was in compliance with all standards.

QUESTIONS OF STAFF BY COUNCIL – Council asked for clarification of materials and buffering, staff explaining the current landscaping plan.

CROSS EXAMINATION OF STAFF BY THE APPLICANT - None.

COUNCIL OBSERVATIONS – Mayor Olive asked Council had any seen the site. Council responded seeing it from the road, not being able to see it from the road, and seeing it because of living in the area. There were no questions from the applicant about Council observations.

PRESENTATION OF EVIDENCE BY APPLICANT: Mr. Barron called Tony Tate, landscape architect and planner, who stated this credentials. Mr. Tate stated water and sewer was needed on the property, and the use was in compliance with the UDO. Outdoor storage will be put inside or have a covering. He explained the buffers, door locations, uses, dedication of right of way, deceleration lane, and access to the site. It was compatible with surrounding land uses and complied with all standards.

Mr. Barron asked that the Staff Report be submitted into evidence. There were no rebuttals to this testimony.

APPLICANT CLOSING ARGUMENT – Mr. Barron stated the evidence supported the use and all requirements had been met. The applicant is designing the site to comply with 25 year storm water.

Mayor Olive declared the Public Hearing closed.

Mayor Olive proceeded to go through the Standards with Council. Council was in agreement with 1, 2, 3, 4, 6, 7, and 8; Council asked a questions about 5.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST SUBJECT TO THE 25 YEAR STORMWATER MANAGEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Russell Dalton, Senior Engineer

Recommend Alternative 1 and continue forward in preliminary design and eliminate Alternatives 2 & 3 from further consideration for the Apex Peakway Southwest Connector, TIP# U-5928

Staff presented updates on the study. He went over the three alternatives and the pros and cons of each, including concerns from the public. Staff outlined the next steps if Alternative 1 were approved by Council. Responding to Council, staff stated the neighbors have been emailed with updates, including renters. He talked about trying to address neighbor concerns and the impact to Shangri La, with whom they had met.

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

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Michael Clark, Senior Planner

Smith Farm Phase 1 Master Subdivision Plan for the properties located at 0, 2700, 2708, 2712, 2720, 2732, and 2740 Olive Chapel Road containing 57.34 acres and 132 dwelling units

Staff oriented Council to the site. The Planning Board and staff recommended approval of the request. There is an historic home on the site, and an historic easement will be put in place before the property is plated.

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

CLOSED SESSION

Closed Session to consult with the Town Attorney to preserve the attorney-client privilege

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

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION. 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 APPROVE A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM – YELLOWBRIDGE CAPITAL, LLC.
COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE A RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS
FOR THE IMPROVEMENT OF THE APEX WATER SYSTEM – BANK OF AMERICA.
COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER JENSEN 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 and with no objection from Council,

MAYOR OLIVE ADJOURNED THE MEETING.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor