



Apex Town Council Meeting

Tuesday, February 21, 2017

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
William S. Jensen, Eugene J. Schulze, Denise C. Wilkie,
and Wesley M. Moyer, Council Members
Drew Havens, Town Manager
Timothy L. Donnelly, Assistant Town Manager
David Hughes, 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, February 21, 2017, 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 David Hughes, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Birtt Wilson and Jimmy Perry, Citizens for Apex Parks

Citizens for Apex Parks (CAPS) to present the Mayor with a \$50,000 check to benefit various parks and recreation initiatives

Mr. Wilson gave a brief history on the formation of CAPS, its membership, and the projects it has supported. Mr. Perry presented the check to Mayor Olive, the Mayor stating he appreciated the efforts the various organizations and staff put into the parks system.

Presentation 02 : Shannon Cox, Senior Transportation Planner

Wake Transit Plan Implementation and Next Steps update

Staff stated this update was/is being presented to Councils across the County. There was no action being asked for from Council on this evening. Staff talked briefly about the proposed moves. She spoke about the TPAC Committee which was formed to determine how to implement the transit plan. In the coming months, Council would have the opportunity to participate in two agreements which were outlined. Outlined was the work plan process.

CONSENT AGENDA

- Consent 01 Minutes of the February 7, 2017 Regular Council Meeting and Closed Session Minutes from June 21, 2016, August 2, 2016, and September 20, 2016 (*Closed Session Minutes Recorded Separately*)
- Consent 02 Apex Tax Report dated 01/05/17
- Consent 03 Contract for audit services for the fiscal year ending June 30, 2017
- Consent 04 Budget ordinance amendment to appropriate insurance proceeds which will be received by the Town for the repair of a pickup truck used by the Utility Engineering-Water Resources Department
- Consent 05 Resolution authorizing transfer of a portion of Beaver Creek Pump Station site to the North Carolina Wildlife Resources Commission as mitigation to the United States Army Corp of Engineers and authorizing the Town Manager to execute any necessary documents
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #16CZ26 Pricewood PUD, Brad Whitehurst, Crescent Communities/Richard W. and Anne W. Caspar, Michael C. Ferrari, Larry J. and Dorothea H. Gardner, Sharon Boyle Heaton, William B. and Virginia Ott, Glenn and Christine Rinne, Michael and Joy T. Wilkes, petitioners for the property located at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane
- Consent 07 Amendment to the developer agreement with Meritage Homes of the Carolinas, Inc. for Deer Creek subdivision
- Consent 08 3 way Encroachment Agreement between Town of Apex, NCDOT, and Baker Residential of the Carolinas LLC related to the White Oak Creek Greenway Connection at the Weddington Subdivision and to authorize the Town Manager to execute all related documents
- Consent 09 Set a Public Hearing for Tuesday, March 7th, 2017 at 7:00PM to receive citizen input regarding appropriation of Town funds in support of a co-working facility in downtown Apex
- Consent 10 Updates and revisions related to the Code of Ordinances, Chapter 12, Article II - Electricity
- Consent 11 NCEMPA - Amended and Restated Renewable Energy Development and Service Agreement

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

REGULAR MEETING AGENDA

Mayor Olive stated there was a request to go into Closed Session related to land acquisition.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER SCHULZE
MADE THE MOTION WITH THE ADDITION OF A CLOSED SESSION RELATED TO LAND ACQUISITION;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

In accordance with North Carolina General Statute 160A-81.1, the Apex Town Council will hold Public Forum during the first Regular Council Meeting of each month

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Raleigh Land Fund I, LLC and Jeff and Lindy Morris (The Preserve at White Oak Creek) property containing 9.2394 acres located at White Oak Creek Drive and Secluded Acres Road, Annexation #591 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.

Council expressed concern about the travel corridor.

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

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Albert Womble property (Townes at North Salem) containing 48.16 acres located at N. Salem Street, east of the US 64 exit ramp and north of US 64 Hwy W, Annexation #586 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 SCHULZE MADE THE MOTION TO APPROVE
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 Tommy and Nancy King (portion of Salem Pointe PUD) property containing 2.067 acres located at 1605 Salem Church Road, Annexation #587 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 APPROVE
THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Ted Mills (portion of Sweetwater) property containing .117 acres located southwest of Vanclaybon Drive and east of future Richardson Road, Annexation #590 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 ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 05 : Mike Clark, Senior Planner

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex T. Lacey Williams Farm, LLC and Marth Smith Family LP (portion of Smith Farm Phase 1) property containing 1.234 acres located at 0 and 2820 Olive Chapel Road, near Richardson Road Annexation #592 into the Town’s corporate limits

and

Public Hearing 06 : Mike Clark, Senior Planner

Public Hearing and rezoning application #17CZ03 (Smith Farm PUD Amendment) to rezone 1.234± acres located south of US 64, east of the American Tobacco Trail, and north of Olive Chapel Road, from R-80W to Planned Unit Development – Conditional Zoning (PUD-CZ)

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

Council Member Dozier left the dais and Council Chamber.

Mayor Olive declared the Public Hearing open.

Stuart Jones, Jones and Cnossen Engineering, stated this request was primarily due to a survey discrepancy.

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

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

Council Member Dozier returned to Council Chamber and to the dais.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Lori McKinnish (Touch Integrated Veterinary Hospital) property containing 2.1138 acres located at 740 S. Salem Street, Annexation #593 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 08 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Staley Smith (Magnolia Office) property containing 2.062 acres located at 1005 N. Salem Street, Annexation #594 into the Town's corporate limits

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

Mayor Olive declared the Public Hearing open.

Johnny Nix, board member for the Home Owners Association, objected to the design of the complex. He did not know an office complex would be located behind him. He was concerned about cut through traffic. The traffic study shows an increase in traffic, which will be a hazard to playing children. He asked Council to look at the entrance and consider making it a right turn only entrance.

Roger Lague on the board for the Home Owners Association was concerned about the buffers. He would like to see an increase for a higher barrier between their properties and the new buildings. The HOA

would share the cost of the enhancements if agreed to by Council. He reminded Council that the community was in its infancy when the rezoning originally started.

Ron Montagna, vice president of the board of directors, stated that the requested modifications would increase the livability of the subdivision. The modifications are quite minor and reasonable in respect to the entire development.

Mayor Olive declared the Public Hearing closed.

The Town Attorney stated that this owner is good to work with and the neighbors may be able to work with him on their requested modifications. Staff clarified for Council the buffer to be 10 feet.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE WITH A REQUEST TO STAFF TO PASS ALONG THE NEIGHBOR COMMENTS TO THE DEVELOPER;
COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Liz Loftin, Planner

Goldenview Master Subdivision Plan for the properties located at 210-250 James Street containing 3.49 acres and 20 single-family lots

Staff oriented Council to the site. A neighborhood meeting was held, the Parks and Recreation Commission recommended a fee in lieu and a dedication of public greenway easement which has been provided. There was brief Council discussion regarding buffers.

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

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

Council Member Jensen stated he wanted to keep more of a rural look and the small town character in the area. He thought certain buffers should be a greater density.

New Business 02 : Brendie Vega, Principal Planner

Jenks Crossing Master Subdivision Plan for the properties located at 1921 Holt Road, 0 and 6716 Old Jenks Road containing 3.05 acres and 9 single family and 26 townhome lots

Staff oriented Council to the site. A neighborhood meeting was held, the Parks and Recreation Commission recommended a fee in lieu. The Planning Board recommended approval as did staff. Staff answered Council questions on buffers. The applicant, Stuart Jones, Jones and Crossen Engineering, answered Council questions on the stormwater pond.

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

CLOSED SESSION

Closed Session to receive information from the Town Attorney related to land acquisition.

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER SHCULZE 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 MOYER 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.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor