



## Apex Town Council Meeting

Tuesday, March 7, 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, March 7, 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 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 : Danielle Greene, AG Teacher – Olive Chapel Elementary**

**Presentation by students at Olive Chapel Elementary School regarding their research on growth and development and how it may affect small town charm**

Ms. Greene explained how her class came up with their ideas on the Peak Plan. Three students gave the results of their ideas which included a balance plan and building up instead of spreading out. Ms. Green stated her students also focused heavily on parks and recreation and sticking to small businesses.

**Presentation 02 : Radar Harrison, Assistant County Ranger for Wake County USFS**

**Presentation of Tree City USA award to Town of Apex**

Ranger Harrison stated Apex is one of 87 municipalities in the United States to receive this award. He gave a brief overview of the history of the program and explained why it's important to keep trees in our cities. He overviewed the requirements which Apex met. Ranger Harrison presented the award to Mayor Olive. The Mayor recognized staff member David Wood for his work on this project, along with the

Citizen Tree Board. The Mayor also recognized Kate McDonald who pointed out to Council that this certification existed.

## **CONSENT AGENDA**

---

- [Consent 01](#) Minutes of the February 21, 2017 Work Session, the February 21, 2017 Regular Meeting, and Closed Session Minutes of October 4, 2016, November 1, 2016, December 6, 2016, and February 21, 2017 (*Closed Session Minutes Recorded Separately*)
- [Consent 02](#) Additional special events for 2017
- [Consent 03](#) Budget amendment associated with purchase of playground equipment for Apex Community Park
- [Consent 04](#) Amendment to Section 20-61 of the Town of Apex Code of Ordinances to remove the time-of-day left turn restriction for Marco Drive at NC 55
- [Consent 05](#) Amendment to Section 20-71 of the Town of Apex Code of Ordinances to designate Templeton Street as a one-way street
- [Consent 06](#) Budget Amendment No. 23 to provide funding for capital outlay in the Electric Fund beyond the amount initially anticipated in the budget
- [Consent 07](#) Amendment to Section 20-166 of the Town of Apex Code of Ordinances to designate the four on-street parking spaces on the north side of Saunders Street nearest North Salem Street as a loading zone for use by a large truck or multiple smaller vehicles as needed and designate the first parking space on the west side of North Salem Street south of Center Street as a loading zone
- [Consent 08](#) Contract for PowerDMS software for the Police Department
- [Consent 09](#) Professional services agreement with Kimley-Horn & Associates, Inc. in the amount of \$95,026.04 for a feasibility study of the Apex Peakway Southeast Connector, from NC 55 (E Williams Street) northward to Schieffelin Road and along Schieffelin Road northward to Center Street, and authorization for the Town Manager to execute same; Capital Project Ordinance Amendment in the amount of \$100,000. The study will be funded from monies already in Capital Project Fund which have not yet been appropriated for this purpose.
- [Consent 10](#) Set Public Hearing on March 21, 2017 for rezoning application #17CZ01 (800 S Salem Street) to rezone 7.17 acres located at 0 and 800 S. Salem Street from Medium Density Residential (MD) to High Density Multi-Family Residential - Conditional Zoning (HDMF-CZ)

- [Consent 11](#) Set the Public Hearing on March 21, 2017 for rezoning application #17CZ02 to rezone 7.353± acres located at 3801 Green Level West Road from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ)
- [Consent 12](#) 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 Apex Independent Living, LLC (portion of Cambridge Village) property containing 1.091 acres located at 11000 Cambridge Village Loop, Annexation #595, into the Town’s corporate limits
- [Consent 13](#) 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 Chatham Partners Windy Ridge, LLC (Meridian at Nichols Plaza) property containing 15.38 acres located at Pine Plaza Drive, west of Park Summit Boulevard and north of Costco Wholesale, Annexation #596 into the Town’s corporate limits
- [Consent 14](#) 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 Raleigh Land Fund I, LLC (portion of The Preserve at White Oak Creek future right-of-way) property containing .058 acres located on Secluded Acres, Annexation #598 into the Town’s corporate limits
- [Consent 15](#) Revisions to the Town Standard Specifications and Standard Details
- [Consent 16](#) Resolution Supporting the City of Raleigh Falls Lake Reallocation Water Supply Plan
- [Consent 17](#) Statement of the Town Council and Ordinance for 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)
- [Consent 18](#) Budget Amendment of Powell Bill Funds for Infrared Asphalt Heater
- [Consent 19](#) Budget ordinance amendment to appropriate funds received from the State of North Carolina as a reimbursement for costs incurred while assisting Bladen County in responding to Hurricane Matthew.

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

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

THE MOTION CARRIED BY A 5-0 VOTE.

## **REGULAR MEETING AGENDA**

Mayor Olive stated that with agreement of the presenters of the Quasi-Judicial Public Hearings, Hearings 02 and 03 would be reversed in order accommodate the schedule of one of the applicants.

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

## **PUBLIC FORUM**

Jeanne Hack asked Council to consider allowing the United Methodist Church to have handicapped signs in front of their church on Hughes Street for use on Sundays. This would better enable them to use the ramp that enters their building. Having five congregations that attend on Sundays, Ms. Hack didn't think the request unreasonable.

Shawn Gukelberger, acting vice president for the White Hall Home Owners Association, stated their opposition to the plan to build a bridge over S. Salem Street. The bridge will be an eyesore to their community and a black eye to the town. Home values will be depreciated, and they will have difficulty getting in and out of their neighborhood.

Margaret "Katie" Pauls also expressed concern about the bridge. This 20-30 foot bridge will be in their backyard, and the added traffic will give concern for the children who play in the circle. She asked for the plans to be halted, stating that it will not be in line with the aesthetic of our town, home values will go down and revenue will be lost as a result. She stated she was not aware of negotiation with the railroad for an at-grade crossing.

## **PUBLIC HEARINGS**

**Public Hearing 01 : Joanna Helms, Economic Development Director**

**Citizen input regarding appropriation of Town funds in support of a co-working facility in downtown Apex**

Assistant Town Manager Donnelly presented. The Economic Development Committee has been working on this for over a year. Lighthouse Recruiting has provided a proposal for consideration, and this was to gather public comment as required

Mayor Olive declared the Public Hearing open.

Tara Luellen and Christine Williams with Lighthouse Recruiting, stated there is a void for co-working space in Apex. The proposed space in downtown is historic and currently not utilized. Their current station has been at capacity for several months after educating the public as to its purpose. Over 50 businesses have used their space, which is currently in Holly Springs. The Apex space will allow 23 businesses to grow in one building. They wish to come to Apex instead of going elsewhere.

Mayor Olive declared the Public Hearing closed.

Council received clarification on the amount of money the Town was being asked to contribute. Council stated there is a need for this type of business in Apex, this coming out of the Economic Development Committee. Our financial portion will be phased out in three years.

Council stated he did not feel this was something we should be doing. It is nothing more than the town speculating on a new business. We tried this several years ago and the project failed. He would support a privately funded project.

Council gave reasons why the Committee recommended this project. Council discussed the feasibility of providing metrics for the next three years. We want high value businesses with high value draws. Council expressed support for the project, seeing it as a win/win for the community; it will help the downtown.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION FOR STAFF TO MOVE FORWARD IN PUTTING TOGETHER A CONTRACT/AGREEMENT BASED ON DISCUSSION THUS FAR, ALONG WITH BEGINNING THE THREE YEAR METRIC; COUNCIL MEMBER DOZIER SECONDED THE MOTION. COUNCIL MEMBERS JENSEN, MOYER, DOZIER, AND WILKIE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE. THE MOTION CARRIED BY A 4-1 VOTE.

The Mayor spoke about how this would be beneficial for businesses from Apex. Also, metrics will provide us decision points.

*An audio recording of the following Quasi-Judicial Public Hearings made by the Town Clerk is incorporated into these Minutes by reference. The audio recordings or transcripts of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearings.*

---

**Public Hearing 03 - Quasi-Judicial : Brendie Vega, Principal Planner**

**Major Site Plan for Cambridge Village Phase 2, 15.66 acres located at 11000 Cambridge Village Loop (corner of S. Hughes and Apex Peakway)**

Mayor Olive read the Statement related to the procedures for this type of Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

The Mayor asked Council if any had any communication with the applicant, if there were any financial conflicts, and if each Council Member would be able to hear and decide the matter impartially. No Council Member had any communications with the applicant, none had viewed the site, and all would be able to hear and decide the matter impartially.

Staff presented her credentials and background and oriented Council to the site. A neighborhood meeting was held, the parks and recreation fee structure was explained. Planning staff recommended approval.

**CROSS EXAMINATION OF STAFF FROM COUNCIL:** None.

**CROSS EXAMINATION OF STAFF FROM APPLICANT:** None.

**EVIDENCE PRESENTED BY APPLICANT:** David York, representing the applicant, presented his credentials and thanked staff for their cooperation on this project. He introduced the other members of his party.

Steven Beattie gave a brief overview of their goals. There were no questions from Council or staff.

Michael Lattiner presented his credentials and work experience. He answered questions posed by Mr. York. There were no questions from Council or staff.

Jason Gable presented his credentials and work experience. He answered questions posed by Mr. York. There were no questions from Council or staff.

Jamie Whitacre presented his credentials and his work experience and stated his involvement with the project. He answered questions posed by Mr. York. There were no questions from Council or staff.

Mayor Olive stated there were no opponents present.

**CLOSING ARGUMENTS FROM STAFF:** None.

**CLOSING ARGUMENTS FROM APPLICANT:** None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if anyone had comments on any of the Standards. Council expressed thanks to the applicant for exceeding several of the Standards.

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

**Public Hearing 02 – Quasi Judicial : Michael Clark, Senior Planner**  
**Major Site Plan for The Reserve at Mills Farm, 11.22 acres located 2010 and 2030 Laura Duncan Road**

Mayor Olive read the Statement related to the proceedings of this type of Hearing.

Mayor Olive declared the Public Hearing open.

The Town Clerk swore in all those wishing to speak.

The Mayor asked Council if any had any communication with the applicant, if there were any financial conflicts, and if each Council Member would be able to hear and decide the matter impartially. No Council Member had any communications with the applicant, none had viewed the site, and all would be able to hear and decide the matter impartially.

**OPENING STATEMENT BY STAFF:** None.

**OPENING STATEMENT BY APPLICANT:** Nil Gosh, representing the applicant, stated he was glad to be back in front of Council with this project.

Staff presented an additional map which would be entered into evidence wherein the applicant swapped out plantings.

Staff presented his credentials and background and oriented Council to the site. The Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval with the submitted drawings. Staff answered Council questions regarding buffers and sidewalk connectivity.

**EVIDENCE PRESENTED BY APPLICANT:** Mr. Gosh asked that all staff reports and submitted drawings be placed into evidence.

Jon Callahan presented his position, credentials, and work history. He oriented Council to the site and went through the Standards. Mr. Callahan answered clarifying questions from Mr. Gosh.

Scott Kiger presented his position, credentials, and work history. He spoke about buffers, specifically the Saw Tooth oak trees, in response to Council questions.

Mr. Callahan answered Council questions about a greenway connection.

Mayor Olive stated there were no opponents present.

**CLOSING ARGUMENTS FROM STAFF:** None.

**CLOSING ARGUMENTS FROM APPLICANT:** Mr. Gosh asked for all submitted documents to be entered into evidence. He stated that they believed all applicable Standards and requirements had been met and asked Council for approval of the project.

Mayor Olive declared the Public Hearing closed.

Mayor Olive asked Council if anyone had comments on any of the Standards, to which there were none.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE  
THE MAJOR SITE PLAN; COUNCIL MEMBER MOYER 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**

There were no New Business items for consideration.

## **CLOSED SESSION**

**Laurie Hohe, Town Attorney : Closed Session to consult with the Town Attorney related to handling of the matter of the City of Fayetteville and the Public Works Commission of the City of Fayetteville v. NC Environmental Management Commission, NC Department of Environmental and Natural Resources and the Town of Cary and the Town of Apex**

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

Mayor Olive spoke briefly about the Sister Cities International program and explaining its purpose. While vacationing in Ireland the following week, he would attempt to partner with the City and County of Waterford which is similar in size to Apex.

## **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

THIS PAGE INTENTIONALLY LEFT BLANK