



## Apex Town Council Meeting

Tuesday, October 17, 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  
David Hughes, Assistant Town Manager  
Shawn Purvis, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, October 17, 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, 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  
Absent was Mayor Pro Tem Nicole L. Dozier

### **COMMENCEMENT**

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

### **PRESENTATIONS**

**Presentation 01 : Bernita Demery, Director of Financial Services, City of Greenville**

**Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting by Bernita Demery, GFOA State Representative, to Vance Holloman, Finance Officer and Suzanne Parmentier, Accounting and Budget Manger**

Staff presented Ms. Demery's credentials and employment. Ms. Demery presented a brief history of how this award was created, those involved in reviewing the submittals, and how submittals were analyzed. Ms. Demery read and presented the award to Vance Holloman and Suzanne Parmentier. Vance Holloman complimented the efforts of staff, in particular Ms. Parmentier.

**Presentation 02 : Chief John Letteney and Mr. Travis Parrish, CALEA**

**Travis Parrish, CALEA Director of Client Services, presentation to the Apex Police Department with its CALEA Reaccreditation Certificate. Chief Letteney presentation to the Accreditation Manager.**

Chief Letteney stated this was PD's second accreditation award, and he presented a brief background on the department's efforts to earn the award. He introduced Mr. Parrish, presented his credentials and

employment background, and briefly stating what the CALEA organization does in the accreditation process.

Mr. Parrish provided background on the founding of CALEA and its goals and the importance of what the agency represents. Mr. Parrish read and presented the certificate to Chief Letteney. Chief Letteney spoke as to how the Police Department strives to achieve and maintain their level of professionalism and the work which went into qualifying for the award. Chief Letteney presented a certificate of achievement to Sgt. Matt Krutcher who was instrumental in the department's effort to win the CALEA award.

## **CONSENT AGENDA**

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- Consent 01 Minutes of the Regular Town Council Meeting of October 3, 2017 and Closed Session Minutes of July 18, 2017, September 5, 2017, and September 19, 2017 (*Closed Session Minutes recorded separately*)
- Consent 02 Contracts related to conversion of the Seymour Athletic Fields to Field Turf and authorization for the Town Manager to sign all related documents on behalf of the Town
- Consent 03 Amendment to a Development Agreement dated June 7, 2016, authorization for the Town Manager to sign said Amendment to Development Agreement, and Budget Ordinance Amendments No. 9 and No. 10 to reimburse Apex Pointe, LLC (Publix Pointe) for excess credits in accordance with the Development Agreement as amended
- Consent 04 Encroachment Agreement and authorization for the Town Manager to execute the same for private storm drain easements and one private curb easement to encroach upon a portion of the Public Utility Easement
- Consent 05 Land and Water Conservation Grant Contract for Phase II of Salem Pond Park in the amount of \$150,000 and authorization for the Town Manager to sign all associated documents
- Consent 06 Acceptance of \$100,000 from NC Rural Economic Development Office for Planning and Design of the Senior Center associated with the Community Center Expansion Project and to adopt Capital Project Ordinance No. 2018-3
- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #17CZ12, Cash for Houses, petitioners for the properties located at 0 and 2248 E. Williams Street
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #17CZ15, Peak City Properties, LLC, petitioner, for the property located at 200 W. Chatham Street
- Consent 09 Statement of the Town Council for Rezoning Case #17CZ22, ATM Development, LLC, petitioner for the property located at 5112 Church Road, 3028 & 3024 New Hill Holleman Road
- 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 Crossroads Holdings. LLC (Crossroads Ford) property containing 13.6525 acres located at the southwest quadrant of the intersection of US 64 Hwy and N. Salem Street, Annexation #615 into the Town's corporate limits
- Consent 11 Approve the Apex Tax Report dated 09/05/17

**Consent 12 Encroachment Agreement and authorization for the Town Manager to execute the same for a 3.5 foot deck to encroach upon a portion of the 7 foot Public Dry Utility Easement**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **REGULAR MEETING AGENDA**

Mayor Olive stated the applicant requested to withdraw Public Hearing 02. Council Member Wilkie stated she wished to receive an update on the Tunstall House Task Force, which Mayor Olive stated would be heard as Old Business 01.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER MOYER MADE THE MOTION WITH THE MODIFICATIONS NOTED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 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 : Amanda Bunce, Planning Manager**

**Amendments to the 2030 Land Use Map and rezoning application #17CZ19 (Horton Park PUD-CZ and LI-CZ). The applicant, MFW Investments, LLC seeks to amend the 2030 Land Use Map classification of ±22.67 acres located at 5101 Jessie Drive from Medium/High Density Residential to Office Employment/Industrial Employment and High Density Residential and to rezone ±149.029 acres located at 5100, 5101, 5125, & 5220 Jessie Drive, 0 Dezola Street, and 8140 & 8308 Smith Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and Light Industrial-Conditional Zoning (LI-CZ).**

Staff oriented Council to the amendments. A neighborhood meeting was held. Staff summarized the proposed uses. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu and staff stated they wished to continue to work with the developer on greenways. Staff answered various questions from Council. Staff recommended approval of the amendment and the proposed rezoning. The Planning Board recommended approval with conditions. Staff stated the rezoning was reasonable.

Representing the applicant, Jason Barron stated this would be a mixed use development and presented reasons why this would be an ideal use for the area and a benefit to the Town. He spoke about how they've worked with staff to include additional conditions.

Representing the applicant, Jeff Roach, Peak Engineering Design, spoke about the details of the project, and answered questions from Council.

Mayor Olive declared the Public Hearing open.

Donna Provance, speaking on behalf of several neighbors, asked Council to deny the request and stated reasons why. A petition to this effect signed by neighbors was distributed to Council.

Pam Wells spoke about road conditions on Ten Ten and an accident in which her daughter and her daughter's friends were involved. She asked for denial of the request because of heavy traffic implications.

Judy Ward, long time resident of the neighborhood and in opposition to the request, spoke about the traffic problems she experiences on Ten Ten and Jesse Road.

Pam Carter, in opposition, stated there were ethical and moral issues connected to this request and explained why she felt that way. She asked Council to deny the request.

Steve Rhodes spoke about road conditions in the area. He played a video which illustrated his concerns regarding traffic and asked Council to deny the request.

Michael Parks, employed by Dewberry, stated he performed a water study and explained what effect construction traffic would have on pipes. He spoke about the current disrepair of the streets. He asked for assurances of street closings under certain conditions.

Hunter Muse talked about traffic on Colby Chase and the safety of their children. He spoke about what would happen in the area should another recession occur.

John Bouchard spoke about keeping Colby Chase closed until certain construction activity was met along with speed bumps, a traffic circle, and a four way stop.

Mayor Olive declared the Public Hearing closed.

Staff recapped the conditions which were added to the request on this evening.

Jeff Roach, representing the applicant, clarified traffic calming devices.

Council asked questions and received answers related to a traffic study, a possible new high school, and how Jessie Drive would be built out.

Josh Reinke, representing the applicant, presented his credentials, stating that he performed the traffic analysis on this and talked about thresholds and meeting traffic signal improvement requirements.

Staff answered Council questions about Jessie Drive.

Council presented its thoughts on the positive and negatives of this request.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE  
THE LAND USE AMENDMENT AND THE REZONING WITH THE ADDED CONDITIONS;  
COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
COUNCIL MEMBERS MOYER, SCHULZE, AND WILKIE VOTED IN THE AFFIRMATIVE;  
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.  
THE MOTION CARRIED BY A 3-1 VOTE.

**Public Hearing 02 : Dianne Khin, Planning Director**

**This item was continued from the October 3, 2017 Council Meeting**

**Ordinance on the Question of Annexation - Apex Town Council's intent to annex Duane D. Raver (single-family) property containing 4.565 acres located at 2641 Whistling Quail Run, Annexation #613 into the Town's corporate limits**

This request was withdrawn by the requestor. Therefore, there was no action required on the part of Council.

Mayor Olive called for a recess.

**Public Hearing 03 : Liz Loftin, Planner II**

**Ordinance on the Question of Annexation - Apex Town Council's intent to annex Chatham Partners, LLC, Morisey II, LLC, Fonville Ventures II, LLC and Brookfield Properties, LLC (Gracewood PUD) property containing 232.46 acres located at 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Old US 1 Hwy, 0 Horton Rd, 4316 Old US 1 Hwy, Annexation #609 into the Town's corporate limits**

**and**

**Public Hearing 04 : Liz Loftin, Planner II**

**Rezoning application #17CZ18 (Gracewood PUD) and Ordinance. The applicant, Community Properties, Inc. sought to rezone ±232.565 acres located at 0, 0, 0 Old US Hwy 1, 0 Horton Road, and 4316 Old US 1 Highway from Wake County Zoning R-80W & R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ)**

Staff oriented Council to the site. A neighborhood meeting was held; the Parks and Recreation Commission recommended a fee in lieu. Staff recommended approval with proposed conditions; the Planning Board recommended approval. Staff answered questions from Council.

Representing the applicant, Jason Barron, Morningstar Law Group, introduced those in attendance who were also involved in the project. He gave highlights of the request and noted that a traffic analysis had been conducted. Mr. Barron answered questions from Council.

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

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ANNEXATION AND THE REZONING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

**Public Hearing 05 : Amanda Bunce, Planning Manager**

**Rezoning application #17CZ21 (Sweetwater PUD amendment). The applicant, Experience One Homes, LLC seeks to rezone approximately 164.072 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #16CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ).**

Staff oriented Council to the proposed changes to the PUD. Staff suggested additional language to be included in the request; however, it was not added by the applicant. Staff recommended approval as proposed as did the Planning Board.

Mayor Olive declared the Public Hearing open.

Mark Ashness, CE Group, spoke about uses, landscaping, and consistency of frontage. He answered questions posed by Council.

David Schmidt, on behalf of the applicant, explained their logic behind the elimination of steps in the back of the units - this would accommodate the older community.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

**Public Hearing 06 : Amanda Bunce, Planning Manager**

**Amendment to the Unified Development Ordinance related to buffers**

Staff oriented Council to the amendment. The Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Belinda Hester, property owner, stated this project would impact her tremendously as it related to buffers and accessibility.

Mayor Olive declared the Public Hearing closed.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE  
THE AMENDMENT; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

**Public Hearing 07 : Joanna Helms, Economic Development Director**

**This item was continued from the October 3, 2017 Council Meeting**

**Proposed contract for the acquisition of real property for the purpose of economic development for industrial or commercial use under G.S. 158-7.1**

Staff stated reasons why the Town pursued this acreage. It has been thoroughly vetted.

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 MOYER MADE THE MOTION TO APPROVE  
THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A 4-0 VOTE.

## **OLD BUSINESS**

**Old Business 01 : Tunstall House Task Force**

Council Member Wilkie asked for an update on the task force. Mayor Olive stated that at the November 21<sup>st</sup> Council Meeting, he would have appointments to present to Council. Council Member Wilkie will provide the Mayor with the names of interested persons.

## **UNFINISHED BUSINESS**

There were no Unfinished Business items for consideration.

## **NEW BUSINESS**

There were no New Business items for consideration.

## **CLOSED SESSION**

**Closed Session (1) to consult with the Town Attorney, and (2) to discuss a personnel matter.**

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 4-0 VOTE.

MAYOR OLIVE CALLED FOR A RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

## **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, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor