



# Apex Town Council Meeting

Tuesday, April 3, 2018

Lance Olive, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and  
Brett D. Gantt, 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, April 3, 2018, 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, Wesley M. Moyer, Audra M. Killingsworth, and Brett D. Gantt  
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, gave the Invocation, and led the Pledge of Allegiance.

## **PRESENTATIONS**

There were no Presentations to be made.

## **CONSENT AGENDA**

- Consent 01 Minutes of the March 20, 20189 Regular Town Council Meeting
- Consent 02 Apex Tax Report dated 02/01/2018
- Consent 03 REMOVED FROM CONSENT AGENDA Facility Encroachment Acceptance Agreement No. CSX846025 between the Town of Apex and CSX Transportation, Inc. and authorization for the Town Manager to execute the Agreement
- Consent 04 Closing of the Chamber of Commerce Parking Lot from 8:00 am on Friday, May 4th through the end of Peak Fest activities on Saturday, May 5th

- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #18CZ02 Friendship Station PUD Amendment, Stuart Jones, Jones & Cnossen Engineering, PLLC/ 1071 Classic Road, LLC; 3 Boys Capital, LLC; 3 Boys Capital, LLC & Music Row Investments, LLC; Kia & John Barbee Jr.; Carol & John Barbee Sr.; Cathel Scott Brown; Linda Walden Brown; Joyce Bunch & Sharon Shields; John & Patricia Butler; Mary L. Evans; Mary H. Evans; GH Harris Heirs; Ronnie Hunter; Elizabeth H. Olive; Bernard Richardson; Floya H Richardson Heirs; Darnell Scott; Carolyn O. Thompson; Willie R. Walden; Friendship Station Development, LLC, petitioners for the property located at 3113, 3136, 3148, and 3232 Olive Farm Road; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Road; 0, 0, 2804, 2816, 2908, and 2916 Richardson Road; 2705 and 2712 Butterfinger Lane; 0 Macintosh Wood Drive; and parts of 2800 Richardson Road
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #18CZ03 Peakway Village PUD Amendment, Robert E. Seymour III/ Peakway RES Office, LLC, petitioners for the property located 1001 Olive Chapel Road
- Consent 07 CORRECTION TO COVER SHEET Set the Public Hearing on April 17, 2018 for rezoning application #18CZ07 (MCI Business Park). The applicant, Jones & Cnossen Engineering, PLLC, sought to rezone approximately 2.39± acres located at 5513 Eddie Creek Drive from Rural Residential (RR) to Light Industrial-Conditional Zoning (LI-CZ)
- Consent 08 Capital Project Ordinance Amendment No. 2018-7 to appropriate funds for the purchase of the Morgan, formerly Smith, Property at 1129 Wimberly Road and Budget Ordinance Amendment No. 21 to provide partial funding for the purchase
- Consent 09 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of March 20, 2018
- Consent 10 Set the Public Hearing on April 17, 2018 for rezoning application #18CZ04 Horton Park PUD Amendment. The applicant, Jeff Roach, Peak Engineering & Design, on behalf of MFW Investments, LLC, sought to rezone approximately 146.899± acres located at 5100, 5101, & 5220 Jessie Drive; 0 Dezola Street; 8140, 8252, 8306, & 8308 Smith Road from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ19) and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)
- Consent 11 Set Public Hearing for the April 17, 2018 Town Council Meeting regarding amendments to the Unified Development Ordinance related to lighting standards

Mayor Olive stated the Town Attorney requested the removal of Consent 03. The Town Manager stated there was a modification to Consent 07 which involved addition of wording on the cover sheet.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE CONSENT AGENDA WITH THE ABOVE-MENTIONED MODIFICATIONS; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

## **REGULAR MEETING AGENDA**

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

## **PUBLIC FORUM**

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Stan Thompson addressed Council regarding UDO changes for exterior lights. He spoke about preserving the evenings for rest, and cited several UDO's related to light pollution. He stated an applicant installed lighting on his property without the consent of the Planning Department, wanting the Town to conform to them vs. the other way around. Mr. Thompson spoke about his adversity to the resulting requested UDO special use permit.

Amber Groad spoke about the easement in her yard and work that had been done by Public Works. The ground was torn up and reseeded by the Town. However, she was unhappy with the seed used in the planting. Ms. Groad stated they tried to keep the grass up which took a lot of watering on their part. She asked if another type of seed could be used or if the Town would install sod. The Town Manager agreed to have someone contact Ms. Groad.

## **PUBLIC HEARINGS**

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**Public Hearing 01 : Liz Loftin, Planner II**

**Public Hearing and designation of the Baucom-Olive House located at 206 South Salem Street as an Historic Landmark in compliance with North Carolina General Statute § 160A-400.1. through § 160A-400.15**

Staff oriented Council to the site and stated reasons why the property should be classified as historical. Planning staff recommended approval. Jeremy E. Bradham, Preservation Specialist with Capital Area Preservation (CAP), Inc., further oriented Council to the site. He gave details of the history of the house as well as noting architectural details. He read the Significance Statement. CAP recommended approval.

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

Mayor Olive gave a brief history of his family's link to the home.

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

**Public Hearing 02 : Liz Loftin, Planner II**

**Public Hearing and designation of the Upchurch-Williams House located at 7213 Roberts Road as an Historic Landmark in compliance with North Carolina General Statute § 160A-400.1. through § 160A-400.15**

Staff oriented Council to the site, stating that CAP currently owns the house and it is on the market. Planning staff recommended approval of the designation. Mr. Bradham further oriented Council to the site. He detailed the history of the property, including the recent move of the house. He read the Significance Statement. Staff recommended approval of the designation as did CAP.

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 REQUEST; COUNCIL MEMBER GANTT SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

**Public Hearing 03 : Amanda Bunce, Planning Manager**

**Public hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Pulte Home Company, LLC (portion of Greenmoor open space and Brook Pine Trail ROW) property containing 0.164 acres located at Brook Pine Trail, west of NC540, Annexation #628, into the Town's corporate limits**

Staff oriented Council to the site, stating that 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 GANTT MADE THE MOTION TO APPROVE  
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.  
THE MOTION CARRIED BY A 5-0 VOTE.

## **OLD BUSINESS**

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**Old Business 01 : Vance Holloman, Finance Director**

**Resolutions providing for sale and issuance of \$23 million of 2018 General Obligation Public Improvement Bonds and up to \$1.5 million of 2018 Refunding Bonds**

Staff stated these resolutions would authorize the sale of our General Obligation bonds, and he stated the monetary details. The sale is scheduled for April 17th.

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

## **UNFINISHED BUSINESS**

There were no Unfinished Business items for consideration.

## **NEW BUSINESS**

There were no New Business items for consideration.

## **CLOSED SESSION**

There were no Closed Session items for consideration.

## **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 declared the meeting adjourned.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Lance Olive  
Mayor

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