



APEX TOWN COUNCIL MEETING TUESDAY, JULY 21, 2015

William M. Sutton, Mayor
Eugene J. Schulze, Mayor Pro Tempore
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,
and Denise C. Wilkie, Council Members
Bruce A. Radford, Town Manager
Drew Havens, 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, July 21, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor William M. Sutton, Mayor Pro Tem Eugene J. Schulze, and Council Members William S. Jensen, Nicole L. Dozier, and Denise C. Wilkie.

Absent was Council Member Scott R. Lassiter, who was on vacation.

Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Recognition by Mayor Sutton of the award-winning NCAMES Lineman's Rodeo winners and the Annual APPA Public Power Lineworkers Rodeo winners

Mayor Sutton recognized and congratulated the winners of these events, noting that they are demanding contests for which our guys need to be in top physical shape.

The Apex team consisted of Journeymen Ken Weatherman and Dustin Prince, and apprentices Vince Deyoung, Matt Mills, Lincoln Denning, and Nathan Lowery. In the Journeyman category, Ken Weatherman earned 3rd place honors, and Dustin Prince earned 4th place.



Ken Weatherman



Dustin Prince and
Ken Weatherman

In addition to the State competition, Ken Weatherman was selected as part of the North Carolina team that competed in the national APPA Public Power Lineworkers Rodeo in California. Ken and his teammates from Wake Forest, Gastonia, and Washington took 2nd place honors in the Pole-top Rescue and Crossarm Changeout events and earned 1st place in the Deadend Insulator Replacement event.

CONSENT AGENDA

- Consent 01 Minutes of the June 16, 2015 Closed Session (recorded separately), the July 7, 2015 Regular Meeting, and the amended Minutes of the June 16, 2015 Regular Meeting
- Consent 02 Apex Tax Report dated 06/03/2015
- Consent 03 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 Windy Road Properties, Parkside Builders, LLC, and Logan Winteron properties containing 1.5386 acres located at 2505, 2509 and 2513 Mt. Zion Church Road, Annexation #549 into the Town’s corporate limits
- Consent 04 Revisions to the Town Standard Specifications and Standard Details
- Consent 05 3-year term contract for Town-owned Stormwater Best Management Practices (BMP) Maintenance Services
- Consent 06 Town Manager authorization to execute a standard services agreement with Michael Baker International in the amount of \$5,000 for participation in a BMP suitability study within the Shepherd’s Vineyard neighborhood
- Consent 07 Budget amendment to fund a loan agreement between the Town of Apex and Capital Area Preservation approved by the Council at its July 7, 2015 meeting
- Consent 08 Budget ordinance amendment to transfer \$210,244 from the Recreation Reserve Fund to the General Fund to fund debt service in accordance with the loan agreement with The Conservation Fund for the purchase land for Pleasant Park
- Consent 09 Purchase by Piggyback on Fire Truck bid conducted by Aurora, Oregon Fire Department
- Consent 10 Cemetery Lot 236 Plots C & D to be conveyed to the Apex Town Cemetery
- Consent 11 Cemetery Lot 232 Plots A & B to be transferred to Jerry Lewter

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Council Member Dozier requested the addition of a New Business item to discuss amending the Parks and Recreation Advisory Commission to add another member who would represent the elder population. Council was in agreement with the request.

PUBLIC FORUM

Tom Beebee, Standard Pacific Homes, stated that plans have been approved, easements have been acquired, monies have been deposited, and contracts are out to hopefully start constructions in 30 days or so on the White Oak pump station. This station was very much needed, and the Town was thanked for its efforts.

Bill Ponds, speaking for Castlewood residents, stated they supported the Oak Point master plan only if it included a gated emergency connection. They have worked hard to come up with a plan that satisfies neighbors and developers. Mr. Ponds outlined what Council asked the developer to come up with and explained why the gate would meet the stipulated need. He talked about how Thorn Hollow Drive is not designed for the increased traffic from the new development. The gate satisfies the UDO; removing it would be contrary to the UDO. The Planning Board unanimously recommended approval of the gate.

PUBLIC HEARINGS

Public Hearing 01 : John Brown, Parks and Rec Director

Public Hearing and Naming Rights agreement with the Apex Board Shop for the Competition Bowl at the Skate Plaza and authorize Town Manager to execute same

Staff stated Council approved the previously requested naming rights agreements; and this one was for the competition bowl. Kyle Dennis with the Board Shop wishes to name the bowl for his business. Council would need to approve the agreement.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE AGREEMENT; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 02 : Laurie Hohe, Town Attorney

Public Hearing and Order Closing Alley

Staff stated this is a 15 foot alleyway between Elm and Hughes Streets which the property owner has requested closed. The alley is no longer in use and we don't have to reserve any easements for utilities. If approved, the Order would be recorded and the property owners would not have to have anything done to their deed language.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ORDER; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex William and Sally McLaurin, John Stanton, Richard and Tarja Gray, Stephen and Mary Clark, Regina McLaurin and Kristy Dixon (Middleton) properties containing 73.03 acres located on the east and west sides of Holt Road north of Old Jenks Road and south of Howell Road, Annexation #538 into the Town's corporate limits

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

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex Town of Apex property known as "Portion of Pine Plaza Drive" containing +1.096 acres located at the end of Pine Plaza Drive near Laura Duncan Road, Annexation #539, into the Town's corporate limits

Staff oriented Council to the site, stating this needs to be annexed in order to receive Powell Bill funds. Staff recommended approval.

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

MAYOR SUTTON 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 4-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex property known as "Beaver Creek Crossing Tract" containing +.242 acres located east and south of 540 and along the western side of Beaver Creek Commons Drive Extension, Annexation #541, into the Town's corporate limits

Staff oriented Council to the site, stating that this was a clean-up item. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Howard L. and Mary Louise Holt, Ronald Morris and LuAnn Womble Bell, Estate of Danny Lee Womble, Lissa Morris, Carla Wood, Edith Morris and Blanche Morris (Greenmoor) property containing 124.055 acres located west of Green Level Church Road, north of Jenks Road and west of 540 Annexation #542 into the Town's corporate limits

Staff oriented Council to the site. This needs to be annexed for construction plan approval for Town sewer and water. The subdivision plan has been approved. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 07 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Standard Pacific of the Carolinas (Crestmont) property containing 69.11 acres located at Roberts Road and Green Level Church Road, Annexation #543 into the Town's corporate limits

Staff oriented Council to the site. This is an approved subdivision that needs to be annexed in order to get the construction plans signed. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex McWill, LLC property containing 6.24 acres located at 3029 Evans Road, Annexation #544 into the Town's corporate limits

Staff oriented Council to the site, stating the annexation was so that they may receive Town water and sewer. Staff recommended approval.

Mayor Sutton declared the Public Hearing open.

Harry Johnson, Attorney working with the property owner, stated their well is not working well and they wish to get Town water. He thanked the staff, especially Steve Adams, for such excellent assistance.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON 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 4-0 VOTE.

Public Hearing 09 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex property which is a portion of the Western Wake Regional Water Reclamation Facility containing + 17.93 acres located on US 1 South between New Hill Holleman Road and Shearon Harris Road, Annexation #545, into the Town's corporate limits

Staff requested this item be removed from the agenda to be re-advertised and brought back at a later date. Council was in agreement.

Public Hearing 10 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Standard Pacific of the Carolinas (Lake Castleberry Recreation Center) property containing .678 acres located north of Castleberry Road and east of Wimberly Road, Annexation #546 into the Town's corporate limits

Staff oriented Council to the site, stating this is part of the Lake Castleberry amenity center. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 11 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Town of Apex property known as the White Oak Pump Station containing +.957 acres located on the 1100 block of Wimberly Road, Annexation #547, into the Town's corporate limits

Staff oriented Council to the site. This Town-owned property has an approved site plan. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 12 : Michael Clark, Senior Planner

Public Hearing and Rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street from Residential Agricultural (RA) to Medium Density – Conditional Zoning. (MD-CZ)

The Applicant requested that this item be removed from the Agenda and re-noticed for consideration at a future meeting. Council was in agreement.

Public Hearing 13 : Brendie Vega, Principal Planner

Public Hearing and Rezoning application #15CZ16 and Ordinance (Town of Apex property) to rezone 17.93± acres located west of New Hill Holleman Rd and south of US 1 Highway from Wake County R-80 to TF-CZ Tech Flex-Conditional Zoning

Staff requested this item be removed from the Agenda to be re-advertised and brought back at a later date. Council was in agreement.

Public Hearing 14 : Brendie Vega, Principal Planner

Public hearing and Rezoning application #15CZ17 and Ordinance (White Oak Pump Station) to rezone 0.754± acres located along Wimberly Road between the American Tobacco Trail and Jenks Road from Wake County R-80W to RR-CZ - Rural Residential – Conditional Zoning

Staff stated that since being annexed, this was the first rezoning. Staff described what was being recommended along with limits and conditions. Staff recommended approval.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE REZONING AND ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 15 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

Staff detailed each of the requested amendments. The compact parking spaces were requested by a citizen. The Police Chief stated this is not an enforcement issue as long as the spaces are labeled and located properly. Staff added the spaces would be on private property.

Mayor Sutton declared the Public Hearing open.

Bud Mann, developer for Costco, stated they are asking for these spaces because of outside seating that tenants have requested. These would be for additional spaces and Mr. Mann stated he appreciated working with staff. The spaces would be one isle and on private property. Staff stated we currently don't allow compact spaces.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 16 : Brendie Vega, Principal Planner

Public Hearing and various amendments to the Unified Development Ordinance

The applicant requested that this Public Hearing be continued to the August 4, 2015 Regular Meeting.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE CONTINUANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 17 : Brendie Vega, Principal Planner

Public Hearing and 2030 Land Use Map Amendment from MD – Medium Density Residential to OE – Office Employment; and rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem St.) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ)

Staff oriented Council to the site to which the applicant requested a change. The house on the property was vandalized and destroyed, but the barn is in good condition. A neighborhood meeting was held. The applicant proposed 37 limitations of uses. One of the conditions was that the historic barn would remain intact. Staff recommended approval with the conditions offered.

Mayor Sutton declared the Public Hearing open.

Sagan Lampe stated her family owns the property and they want to put a new store there. The store was moved from downtown as it was no longer an appropriate place for their business.

Mayor Sutton declared the Public Hearing closed.

Council asked how would the property be sewerred, staff replying that the property owner will do a private well and septic. They will be annexing, but they are not in the Town limits at the moment.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE AMENDMENTS WITH CONDITIONS OFFERED BY THE APPLICANT; COUNCIL MEMBER JENSEN SECONDED THE MOTION. THE MOTION CARRIED BY A 4-0 VOTE.

[NOTE: This Public Hearing was reopened later in this meeting]

Public Hearing 18 : Reed Huegerich, Senior Planner

Public Hearing and amendment to the Thoroughfare and Collector Street Plan map as requested by Mae Bell Mangum

Staff oriented Council to the site. This request is in order to plan for better access to an area slotted for future development.

Mayor Sutton declared the Public Hearing open.

Thomas Drake stated he was representing the family on real estate matters. The public street dead ends into the property which does not meet the Town's safety standards. DOT put a barrier in front of the Mangum property, and now they don't have full access. Jewel Mangum gave a brief history of her family's property and stated she would be thankful for the Town's approval of the request.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE THE MOTION TO APPROVE THE AMENDMENT; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Town Manager Radford asked Council to revisit Public Hearing 17: **Public Hearing and 2030 Land Use Map Amendment from MD – Medium Density Residential to OE – Office Employment; and rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem St.) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ).**

Ms. Lampe's stated it is her intent not to annex since most of her employees work from home or in their trucks, thus not having much need for water and sewer. Staff stated this property is in the fire district and they will pay those taxes.

COUNCIL MEMBER WILKIE MADE THE MOTION TO RECONSIDER PUBIC HEARING 17;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Staff stated this request is not out of the ordinary and gave reasons why small businesses might not want to be annexed. They will not receive Town police protection. Staff recommends approval.

Mayor Sutton declared the Public Hearing reopened.

Ms. Lampe stated her family has been in the building materials business for four generations, three decades in the Apex community. This property is a better place for them, and their intent to be annexed has not been considered at this time. The plant to have about 20 employees.

Mayor Sutton declared the Public Hearing closed.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

Old Business 01 : Drew Havens, Assistant Town Manager

Discussion and possible decision regarding funding for Public Safety Station No. 5

Staff stated Station 5 has been on the radar since a year ago when Council said move on this. The building and its layout have been designed, this being a truly public safety building. The bids were opened and there was a good response. The apparent low bidder came in a +\$4.9 million. Expenses to complete the building, for furniture, etc., were presented.

The question now is how we will proceed to pay for the station. There are two options:

Option 1. Use \$1 million of the General Fund's fund balance and borrow the remainder of the amount needed through an installment purchase agreement; or

Option 2. To fund the entire amount from debt proceeds. This will not require the use of fund balance but will result in higher financing costs over the life of the debt.

We need direction from Council on how to proceed. Once we have a fully-recommended contractor, we will come back with final numbers. Staff's recommendation is option 1 as it will save financing costs.

Council proceeded to discuss the use of Fund Balance and the competing needs for this Fund, i.e., economic development; going below the 25% and possibility lowering this to 20%; and cost to taxpayers of using \$2 million or \$3 million instead of \$1 million. Staff recommended \$1 million so that in case something occurs during the course of the audit or there are other needs, there would still be some flexibility. Staff explained how more money can be put in later if Council decides. Responding to Council, staff stated this is a usable building plan.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO MOVE FORWARD WITH OPTION 1; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.

Responding to Council's questions about furniture costs, staff stated we are under the State contract and U.S. Communities who do pricing for municipalities. This cost includes everything including the work-out room. Council stated the pricing seemed high. The \$5,000 price for the dedication plaque also seemed high to Council. There was some discussion on the value of the plaque to taxpayers and whether or not one is needed.

COUNCIL MEMBER DOZIER CALLED THE QUESTION FOR OPTION 1.
THE MOTION CARRIED BY A 4-0 VOTE.

NEW BUSINESS

New Business 01 : Amanda Bunce, Planner

Crestmont Phases 2, 4 & 5 - revised Master Subdivision Plan - for the properties located east of Green Level Church Rd containing 31.78 acres and 51 lots

Staff stated this matter was back for revision because of a parcel being incorporated into phase 2 and a change in lot configuration in phases 4 and 5. The Planning Board recommended approval as did staff.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REQUEST; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Shelly Mayo, Planner

Oak Pointe Master Subdivision Plan including properties located at 0 US 64 Hwy W and 0, 6705, 6713, 6733 and 6721 Old Jenks Road. This project consists of 19.4 acres with 96 new single-family lots.

Staff corrected the acreage from 19.4 to 57.35 and oriented Council to the site. Thirteen zoning conditions were approved. A neighborhood meeting was held; the Parks and Rec Commission recommended building a greenway for credit towards their fee. The plan is consistent with the Transportation Plan, but did not meet two sections of the UDO. Staff talked about where it recommended the placement of cul de sacs. Staff recommended approval with four of four conditions: removal of a gated entrance, a cul de sac if the developer desires, a cul de sac provided with right of way to the end of the property line, and buffers and vegetation at buffers not be disturbed or added. The Planning Board recommended approval with conditions 3 and 4. Staff clarified several transportation aspects. About 500 extra vehicles per day would travel the streets, which broke down to less than 1 vehicle per minute without a gate.

The Fire Chief met with members of Castlewood. He had concerns with the gate, because there would be only one means of egress for residents. An unlocked gate is a visual deterrent, but it would still have a negative impact on response time of which he was not in favor. He was open to some sort of compromise but yielded to the UDO. Electronic-controlled gates would not allow residents to leave in case of emergency. Staff stated there are State maintained roads in Castlewood.

Stewart Jones, Jones and Clossen Engineering, in response to Council stated they can extend the greenway to where it doesn't exceed the recreation fee.

Council stated an unlocked gate would be the way to go and almost meet fire standards. In an emergency, a resident could open the gate. The Fire Chief stated his folks would have to get out of the truck to open the gate. The Police Chief concurred with the Fire Chief. Even though he understood neighbor concerns, the gate would slow down officer response, fire truck response, and EMS response.

The way this is designed, the majority of homeowners have one way out; and if something happens at an intersection, there would be no way out. Staff added that the UDO requires the road to be open, and putting in a gate will violate the UDO. Council asked how often we have this problem; it's only happened one time in the 16 years that he's been here. Council asked audience neighbors if they felt any differently after hearing the chiefs. The residents responded 'no - they have one access in and out now and nothing has happened in 30 years. They're more concerned about the day to day safety rather than emergency safety concerns. Council stated our public safety folks are the experts.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE WITH ONLY 3 AND 4 AND WITH A LATCH GATE ONLY. COUNCIL MEMBER DOZIER ADDED FOREGOING THE PARKS AND RECREATION FEE TO ENABLE THE GREENWAY EXTENSION.

COUNCIL MEMBERS JENSEN AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS SCHULZE AND WILKIE VOTED IN THE NEGATIVE. WITH MAYOR SUTTON NEEDING TO BREAK THE TIE, HE VOTED IN THE NEGATIVE.

THE MOTION FAILED BY A 3-2 VOTE.

MAYOR PRO TEM SCHULZE MADE A MOTION TO APPROVE THE PLAN WITH ALL FOUR STAFF RECOMMENDATIONS;
COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council discussed the allowable cul de sac and at the very least putting in traffic calming devices to discourage daily use of the roads. Council stated we have a procedure for this and we need to follow it. Staff stated they are State roads and DOT does not allow calming devices. Staff stated that with the circles to discourage traffic, it is not understood why calming devices would be needed.

COUNCIL MEMBER DOZIER AMENDED THE MOTION TO FOREGO PARKS AND RECREATION FEES IN ORDER TO
EXTEND THE GREENWAY TO THE EXTENT OF THE APPLICANT'S PROPERTY.

COUNCIL MEMBERS WILKIE, SCHULZE, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBER JENSEN VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-1 VOTE.

New Business 03 : Shelly Mayo, Planner

Woodall Master Subdivision Plan located at 6515 Apex Barbecue Road. This project consists of +/- 22.24 acres with 51 new single-family lots

Staff oriented Council to the site, stating that the Woodall's intend to live on the property for the foreseeable future. The Plan is in compliance with all Town Plans.

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

COUNCIL MEMBERS SCHULZE, WILKIE, AND JENSEN VOTED IN THE AFFIRMATIVE; COUNCIL
MEMBER DOZIER VOTED IN THE NEGATIVE.

THE MOTION CARRIED BY A 3-1 VOTE.

New Business 04 : Council Member Bill Jensen

Discussion on a reduction in RCA for solar for new residential developments

Council stated what he was requesting on this night was to have this sent to staff and the Planning Board for evaluation. A developer would have a baseline cost of an area used to promote a percentage of solar systems within the development. The objective would be to introduce solar to houses in Apex and would be a voluntary plan.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REQUEST; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

ADDED New Business 05 : Council Member Nicole Dozier

Discussion on senior programming

Council stated she wished to amend the Town Code to add another member as a senior representative on the Parks and Recreation Commission. The Town Attorney stated she would work with staff on drafting the amendment. Council did not know what the qualifications would be; but right now we have one senior member on the Commission, and she wished for there to be two. If elders want to be represented in a different way, however, we would need to be open to that. After some brief discussion and questions about age, Council stated they would defer to staff for answers.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE A MOTION TO APPROVE AN ADDITIONAL SENIOR MEMBER TO THE COMMISSION AND TO HAVE STAFF AND THE COMMISSION DETERMINE THE AGE AND PROVIDE AN AMENDMENT TO THE ORDINANCE; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN.
COUNCIL MEMBER DOZIER MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton
Mayor