

# TOWN OF APEX, NORTH CAROLINA

Town Council Meeting Minutes for May 18, 2010

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 18, 2010, 7:00 p.m. was held in the Council Chambers of the Apex Town Hall and Town Campus, 73 Hunter Street.

Mayor Keith H. Weatherly presided over the meeting.

Mayor:  
Keith H. Weatherly



Council Members:  
Bryan Gossage, Mayor pro tempore  
Bill Jensen  
Mike Jones  
Lance Olive  
Gene Schulze

Web site: [www.apexnc.org](http://www.apexnc.org)

## COMMENCEMENT

Mayor Weatherly called the meeting to order, gave the Invocation, led the Pledge of Allegiance and extended a welcome to those in attendance. Mayor Weatherly recognized Apex High School Students attending the meeting as a part of their graduation requirements for the Class of 2010.

## CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a Member of the Council requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Consent Agenda will be set prior to taking action on the following items.

Mayor Weatherly presented the Consent Agenda to be set prior to taking action; with no amendments to be made to the consent agenda, the following action was taken: **Action:** Council Member Jones made the motion to approve the Consent Agenda. Council Member Schulze made the second to the motion. Motion carried unanimously.

1. Minutes of May 4, 2010 Town Council Meeting.
2. Minutes of May 4, 2010 Town Council Closed Session (separate cover).
3. Minutes of May 5, 2010 Economic Development Committee Meeting.
4. Approved an addition to the list of official depositories for Town of Apex; recommend Bank of North Carolina.
5. Set date of required Public Hearing regarding proposed FY 2010-2011 Annual Budget for Tuesday, June 1, 2010 at 7:00 p.m., Apex Town Hall.
6. Increase in various non-resident and rental fees for various recreation programs and park facilities; allow non-resident rental requests for selected parks and recreation facilities.
7. Amend Town Code of Ordinances Section 20-100 (Speed Limits) to meet state statutes: Ordinance No. 10-0518-06.
8. Supplemental Project Agreement for traffic signal at the intersection of Center and Salem Streets to extend the project schedule due to unforeseen delays.

Consent Agenda continued on page 2

9. Approve Municipal Agreement with NCDOT for construction of sidewalk along Shepherds Vineyard Drive and Old Raleigh Road; authorize Town Manager to execute same.
10. Tax Report for Town of Apex approved and accepted by Wake County Board of Commissioners May 3, 2010.

End of Consent Agenda

## PRESENTATION

Special Presentation by David Wood, Apex Parks Recreation and Cultural Resources. David Wood who serves in the National Guard presented John Brown, Director of Parks, Recreation and Cultural Resources with a certificate from the National Committee for Employer Support of the Guard and Reserve recognizing the Town as a "Patriotic Supporter".

## REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda to be set prior to taking action. Mayor Weatherly called for a motion to add New Business Item #2 Appointment to the Board of Adjustment to fill vacancy and to go into Closed Session to receive legal advice regarding litigation matters. **Action:** Council Member Schulze made the motion to amend the agenda as stated. Council Member Olive made the second to the motion. Agenda set as amended.

## PUBLIC HEARINGS

Presenter: Senior Planner June Cowles

### **Public Hearing #1 – Special Use Permit #10SUP02 – Jordan Lake Sudbury School**

**Review:** Planning Board held their public hearing May 10, 2010 closed the public hearing. Vote: unanimous approval. Public Notice: [http://www.apexnc.org/docs/public\\_notice/notice/1-2010-05-18-3AB5787C-FAAA-A2CB-1D086C8BEB0175CE.pdf](http://www.apexnc.org/docs/public_notice/notice/1-2010-05-18-3AB5787C-FAAA-A2CB-1D086C8BEB0175CE.pdf)

Public Hearing and possible motion for Special Use Permit #10SUP02 Jordan Lake Sudbury School; a private school with an estimated 30 students located at 1200 N. Salem Street.

Staff presented the Planning report which is incorporated as part of the minutes and oriented to the site; the site was formerly Prince of Peace Episcopal Church and is now Peak United Methodist Church. The applicant proposes a private school with an estimated 30 students with the hours of operation of Monday through Friday from 9:30 a.m. to 3:30 p.m. Staff recommends approval with the following conditions:

1. The Special Use Permit shall only apply to Jordan Lake Sudbury School. No other school is allowed under this permit. Any other school other than Jordan Lake Sudbury School shall be required to obtain their own Special Use Permit.
2. The Special Use Permit shall only allow Jordan Lake Sudbury School to have a maximum of 50 students. Any additional students added to the school will require that Jordan Lake Sudbury School to obtain a new Special Use Permit.

Open Public Hearing. Applicant Sherri Bauer offered they are a small school; Peak United Methodist is renting rooms to them; the grades are K-12 and they have regular and one-on-one classes. Close Public Hearing.

**Action:** Council Member Gossage made the motion to approve. Council Member Jensen made a second to the motion. Motion carried unanimously.

End of Public Hearing # 01

Public Hearings continued on page 3

Presenter: Senior Planner June Cowles

### **Public Hearing #2 – Major Site Plan – Ample Storage**

**Review:** Planning Board held their public hearing May 10, 2010 closed the public hearing. Vote: 6:1 approval.

Public Notice: [http://www.apexnc.org/docs/public\\_notice/notice/1-2010-05-18-3AB6A96B-9795-1BDE-6B5F0E64BA332E55.pdf](http://www.apexnc.org/docs/public_notice/notice/1-2010-05-18-3AB6A96B-9795-1BDE-6B5F0E64BA332E55.pdf)

Public Hearing and possible motion regarding Major Site Plan for Ample Storage.

Staff presented the Planning report which is incorporated as part of the minutes; oriented to the site, noted current 2025 Land Use Classification and current use. Applicant proposes self storage buildings on lot one (1) and lot two (2) will be vacant. Building C will be a two-story building. The applicant proposes the buildings with red and brown brick and a metal roof and will provide landscaping along the railroad right-of-way. Staff recommends approval with the condition that the applicant pay a fee-in-lieu for the inside two (2) lanes of the Apex Peakway and multi-use path.

Open public hearing. Applicant Guy Lampe spoke in favor of the major site plan. He has stores in three states, the doors to the storage units will not be visible from the street, loading and unloading is done interior to the site and from the exterior is designed to look like an office building. Close public hearing.

**Action:** Council Member Schulze made the motion to approve. Council Member Gossage made the second to the motion. Motion carried unanimously.

End of Public Hearing # 02

Presenter: Principal Planner Brendie Vega

### **Public Hearing #3 – Major Site Plan – Providence Green**

**Review:** At the April 20, 2010 Meeting, Town Council unanimously voted to continue the Quasi-Judicial Public Hearing and Major Site Plan to the May 18, 2010 meeting. Public Notice: [http://www.apexnc.org/docs/public\\_notice/notice/1-2010-04-20-AB50958A-BA91-3EFF-DB9A85C30A2A7A1A.pdf](http://www.apexnc.org/docs/public_notice/notice/1-2010-04-20-AB50958A-BA91-3EFF-DB9A85C30A2A7A1A.pdf)

The applicant of the Providence Green Major Site Plan requested that the public hearing be continued pursuant to UDO Section 2.2.18(B) (5) (a) Continuance of public hearing to the June 15, 2010 Town Council meeting.

**Action:** Council Member Jones made the motion to continue the Quasi-Judicial Public Hearing and Major Site Plan for Providence Green to the June 15, 2010 Meeting. Council Member Jensen made the second to the motion. Motion carried unanimously.

Quasi-Judicial Public Hearing # 03 continued to June 15, 2010 meeting

Presenter: Principal Planner Brendie Vega

### **Public Hearing #4 – Unified Development Ordinance Amendments**

Public Notice: [http://www.apexnc.org/docs/public\\_notice/notice/1-2010-05-18-5E81324E-CEA1-9955-775AC2C7A370277D.pdf](http://www.apexnc.org/docs/public_notice/notice/1-2010-05-18-5E81324E-CEA1-9955-775AC2C7A370277D.pdf)

Staff presented the Planning report which is incorporated as part of the minutes. Planning Board wants to leave the compatibility standard with major site plans; they would not have been able to deny Providence Green without the compatibility standard. Open and close of public hearing.

Amendment #1 – **Action:** Council Member Jones made the motion to approve as proposed by Planning Board. Council Member Schulze made the second to the motion. Motion carried. Vote 5:1 Jensen

Amendment #2 – **Action:** Council Member Jensen made the motion to approve. Council Member Schulze made the second to the motion. Motion carried unanimously.

Public Hearing # 04 continued

Amendment #3 – **Action:** Council Member Schulze made the motion to approve. Council Member Jensen made the second to the motion. Motion carried unanimously.

Amendment #4 – **Action:** Council Member Jones made the motion to approve. Council Member Schulze made the second to the motion. Motion carried unanimously.

Amendment #5 – **Action:** Council Member Gossage made the motion to approve with removing supplemental standard for stand alone buildings in O&I from the amendment. Council Member Jensen made the second to the motion. Motion carried unanimously.

Amendment #6 – **Action:** Council Member Gossage made the motion to continue this item to the June 1<sup>st</sup>, 2010 meeting at 7:00 in the Council Chambers. Council Member Olive made the second to the motion. Motion carried unanimously.

End of Public Hearing # 04.

End of Public Hearings

## PUBLIC FORUM

Susan Evans stated her disappointment with Council's decision to go public in support of Wake County Public School Systems Community Schools.

## NEW BUSINESS

Presenter: Mayor Keith Weatherly

### **New Business Item #1 – Appointments for the Apex Parks, Recreation and Cultural Resources Advisory Commission.**

Mayor Weatherly recommended for Council's consideration, to reappoint Chair Angela Reinke and Vice Chair Greg Coley for a three (3) year term. **Action:** Council Member Schulze made the motion to approve the reappointments. Council Member Gossage made the second to the motion. Motion carried unanimously.

End of New Business # 01

**New Business Item #2 – Appointment Board of Adjustment.** Mayor Weatherly recommended appointing Staley Smith to serve the unexpired term of Amanda Mann. **Action:** Council Member Olive made the motion to approve the appointment to the Board of Adjustment. Council Member Gossage made the second to the motion. Motion carried unanimously.

End of New Business # 02

End of New Business

## CLOSED SESSION

Mayor Weatherly called for a motion to move into Closes Session to receive an update regarding a litigation matter and to receive legal advice on a potential litigation matter. **Action:** Council Member Jones made the motion to move into Closed Session at 8:25 p.m. Council Member Olive seconded the motion. Motion carried unanimously. Minutes of Closed Session are recorded separately. **Action:** Council Member Gossage made the motion to move back into Regular Session at 8:45 p.m. Council Member Schulze seconded the motion. Motion carried unanimously.

## ADJOURNMENT

Mayor Weatherly called for a motion to adjourn at 9:00 p.m. **Action:** Council Member Jones made the motion to adjourn. Council Member Jenson seconded the motion. Motion carried unanimously.

The foregoing minutes of the May 18, 2010 Council Meeting were prepared by Development Specialist Bonnie Brock and submitted by the Town Clerk to the Town Council for their approval during the June 1, 2010 meeting.

Georgia A. Evangelist, MMC  
Town Clerk, Apex, North Carolina

Keith H. Weatherly  
Mayor, Apex North Carolina