



APEX TOWN COUNCIL MEETING

TUESDAY, DECEMBER 20, 2016

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, December 20, 2016, 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, 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. Absent was Council Member Denise C. Wilkie.

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 Regular Council Meeting of December 6, 2016
- Consent 02 Statement of the Town Council and Ordinance for Rezoning Case #16CZ21 Sweetwater PUD Amendment, ExperienceOne Homes, LLC, petitioners for the property located at 3233 US 64 Hwy West
- Consent 03 Appointment of the following individuals to the Board of Adjustment: Michael Wilson - 1/1/2017-12/31/2019 - Regular member; Staley Smith - 1/1/2017-12/31/2019 - Regular member; Lisa Carley - 1/1/2017-12/31/2019 - Regular member; and appointment of the following Board of Adjustment Members to the following roles: Chair: Staley Smith; Vice Chair: Michael Wilson

- Consent 04 Resolution authorizing the Town Manager to exempt particular projects where the estimated professional fee is less than \$50,000 in accordance with G.S. 143-64.31 and G.S. 143-64.32
- Consent 05 Findings of Fact, Conclusions of Law, and Decision approving the Apex High School Renovations Major Site Plan
- Consent 06 Budget Ordinance Amendment Numbers 13 and 14 for reimbursement to be made to MREC KLP Stillwater LLC per the Developer's Agreement
- Consent 07 General Fund budget ordinance amendment to appropriate the final receipt of grant funds received for the reconstruction of the public tennis courts at Apex Elementary School Park allowing other funds budgeted for the project to be used for other P&R Capital Improvements
- Consent 08 Findings of Fact, Conclusions of Law, and Decision approving the Meridian at Ten Ten Major Site Plan
- Consent 09 Purchase of Lot 105 Plot H from the Apex Town Cemetery
- Consent 10 Reconveyance of Lot 88 Plot G back to Apex Town Cemetery
- Consent 11 Apex Tax Report dated 11/02/2016

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 4-0 VOTE.

REGULAR MEETING AGENDA

Town Attorney Hohe requested a change in wording to the Closed Session.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA WITH THE REQUESTED CHANGE. COUNCIL MEMBER SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER 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 : Shannon Cox, Transportation Planner

Town Council continued this item to December 20, 2016 at their November 15, 2016 meeting

Public hearing regarding proposed amendment to the Transportation Plan's Thoroughfare and Collector Street Plan map within Salem Village as requested by the Town of Apex Planning Department

Staff re-oriented Council to the Plan. Council asked for a speed study to be done, of which the Police Department conducted two. Both indicated Pathstone Drive would not meet speed humps qualifications if it were downgraded. The Fire Chief stated speed humps would cause delays. Planning staff did not recommend any changes and explained the traffic flow on this street. Staff did recommend a new local connector street and for James Street west of the Peakway be designed as a major collector street. The Planning Board recommended approval of this.

Staff stated the Police Department collected a lot of hours of data and gave details on Town thresholds. Council's memory was refreshed on the traffic calming policy. Council questions were answered regarding traffic flow and collector street designations.

The Mayor stated there's already been a public hearing held on this and asked that those who spoke at that Hearing not speak again unless it was with new information. Mayor Olive declared the Public Hearing open.

Duvah Kquierdo, Bianca Bazil, Lukas Soboinski, John Grotevant, and Kieth Andes addressed Council with the following concerns: disagreement with making James Street a major collector, wanting to keep the area residential, a collector being more expensive for the Town to upkeep, property values being adversely affected, the increase in traffic and speeding from the houses being built in the area, the neck down device not working, the proposed mini circle not being appropriate for the community, keeping the community whole and safe for all of the children who gather for activities, sidewalks in relation to roadways with faster moving traffic, the speed study, collector streets not having driveways. Staff stated another traffic study would be done in the future as the area is built out more.

Mayor Olive declared the Public Hearing closed.

Council expressed concern about Pathstone and the number of kids in the area. Liked was the minor collector and the feature it brings, but not liked was not being able to put in speed bumps. Council was concerned about the James Street extension. Asked about were driveways on a minor collector, staff stating we may want to look at collector street standards of which we currently have two. Maybe we could have additional standards for residential vs. commercial streets. Staff talked about how they've worked with developers on these standards and the challenges they face. How things were in the original plan were discussed.

Council asked could we push the developer to connect James Street and Point Valley Lane to help alleviate traffic. Staff stated the developer was not required to provide another access until the neighborhood is built out more. Talked about was how staff did not think the neck down approach would work, but it was something the developer wanted to try. Council wanted to see James Street and Padstone left alone.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO APPROVE YATELY ROAD AS A NEW LOCAL CONNECTOR; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE JAMES STREET AS A MAJOR COLLECTOR; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.

Council discussed not wanting to see James as a major collector. There was discussion with staff regarding collector streets and driveways. Council wished to see a medium solution between collector streets and then for this to come back to Council.

THE MOTION CARRIED BY A 4-0 VOTE.

The Mayor stated the next consideration was the Padstone future western extension. Staff stated the request was for all of Padstone to be downgraded from a minor collector to a residential street.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO KEEP PADSTONE AS A MINOR COLLECTOR AT THIS TIME; COUNCIL MEMBER MOYER SECONDED THE MOTION.
COUNCIL MEMBERS JENSEN, MOYER, AND SCHULZE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER DOZIER VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 VOTE.

Public Hearing 02 : Mike Clark, Senior Planner

Public Hearing regarding rezoning application #16CZ25 (Harris Property PUD) to rezone 1.29± acres at 2010 Laura Duncan Road from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. The Planning Board and staff recommended approval as submitted.

Mayor Olive declared the Public Hearing open.

Nil Ghosh, representing the applicant, stated that a month ago Council unanimously approved a rezoning next to their property. He talked about relocating the historic home and what it could be used for.

Gary Roth, Capital Area Preservation, stated he supported the proposal as it would allow for the preservation of the historic property.

Mayor Olive declared the Public Hearing closed.

The Town Attorney pointed out a scheduling difficulty. Public Hearing 07 should have been considered prior to this Hearing. The Mayor stated the vote would be deferred, this coming back to Council after Public Hearing 07. Council agreed to hear Public Hearing 07 at this point.

Public Hearing 07 : Amanda Bunce, Senior Planner

Public Hearing regarding amendments to the Unified Development Ordinance related to the relocation of historic structures

Staff oriented Council to the amendments, stating the Planning Board recommended approval.

Mayor Olive declared the Public Hearing open.

Gary Roth stated he supported the amendment and commended staff for its efforts. He spoke about historic locations to where a structure could be moved, sometimes better evoking the setting of the house.

Mayor Olive declared the Public Hearing closed.

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

The vote was then considered for Public Hearing 02.

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

Public Hearing 03 : Amanda Bunce, Senior Planner

The applicant has requested that the public hearing be continued to the January 3, 2017 Town Council meeting

Public Hearing and possible motion on rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO CONTINUE THE PUBLIC HEARING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 04 : Shannon Cox, Transportation Planner

Public Hearing regarding amendments to the Transportation Plan's Thoroughfare and Collector Street Plan map in the vicinity of Haley Farm Subdivision as requested by the Town of Apex Planning Department

Staff oriented Council to the amendments, stating the Planning Board recommended approval. Staff answered questions from Council about future lots.

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 SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Brendie Vega, Principal Planner

Public Hearing regarding amendment to the Unified Development Ordinance Section 2.3.16(D) Sustainable Development Conditional Zoning District

Staff stated the applicant requested to move this to the January 3, 2017 meeting.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER SCHULZE MADE THE MOTION TO CONTINUE THE HEARING TO JANUARY 3, 2017; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 06 : Brendie Vega, Principal Planner

Public Hearing regarding amendments to the Unified Development Ordinance for Wireless Support Structures and Wireless Communication Facilities

Staff oriented Council to the amendments. Staff was working with other municipalities and organizations to put regulations in place, and those regulations were named. There are three structures in Town that were approved by DOT. Council talked about co-locations and what was allowed in the Ordinance, possible leasing of space in the ROW, and a pole in front of someone's house being addressed in the UDO. The Planning Board recommended approval but had concern about the latter.

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

Council briefly discussed not giving permission for regulated non-utilities to be in our ROW.

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

Public Hearing 08 : Amanda Bunce, Senior Planner

Public Hearing regarding various amendments to the Unified Development Ordinance. A recommendation on the UDO amendments has not been made by the Planning Board as required by North Carolina General Statutes §160A-383 and §160A-387. Consequently, per NCGS §160A-387, the Town Council may not hold a public hearing or take action on this item until such time as thirty days have passed from the time the amendment was referred to the Planning Board. Therefore, staff recommends that the Public Hearing be continued to the January 17, 2017 Town Council meeting.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

New Business 01 : Amanda Bunce, Senior Planner

Haley Farm Master Subdivision Plan for the properties located at 2632 Olive Chapel Road containing 7.99 acres and 26 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held. Staff recommended approval as proposed by the applicant. Staff answered Council questions about lot sizes, removal of trees, and

buffers. Stuart Jones, Jones and Crossen Engineering, on behalf of the applicant, addressed Council questions about buffers. He stated they could commit to a Type B buffer.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE PLAN WITH THE TYPE B BUFFER; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : Amanda Bunce, Senior Planner

Ellington Cove Master Subdivision Plan for the property located at 0 Ramblewood Drive containing 7.89 acres and 16 single-family lots

Staff oriented Council to the Plan. A neighborhood meeting was held; the Board of Adjustment approved the request for a variance. The Planning Board recommended approval as did staff.

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

New Business 03 : Michael Clark, Senior Planner

Deer Creek Rhew Tract Master Subdivision Plan for the properties located at 417 and 425 New Hill Olive Chapel Road containing 2.85 acres and 8 single family residential lots

Staff oriented Council to the Plan. The Parks and Recreation Commission recommended a fee in lieu; the Planning Board recommended approval as written as did staff. Staff answered questions about street types.

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

New Business 04 : Brendie Vega, Principal Planner

Relocation of the greenway connection at Regency-Enclave at White Oak Creek Subdivision (fka Beckwith)

Staff oriented Council to the relocation. This was originally approved in 2007, and staff named the conditions tied to the request back then. Today it would not meet ADA standards, and a new preliminary design has been submitted. Staff spoke about a portion of this property becoming part of the Apex greenway system. Staff recommended approval with the revised conditions. Staff answered Council questions about easements.

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

New Business 05 : Mike Clark, Senior Planner

Smith Farm Phases 2-4 Master Subdivision Plan for the properties located at a tract of Land south of US 64, west of the American Tobacco Trail, north of Olive Chapel Road containing 172.99 acres and 301 single-family lots and 138 townhouse units

Council Member Dozier left the meeting and Council Chamber.

Staff oriented Council to the Plan. The Planning Board recommended approval as did staff as proposed. Stewart Jones, Jones and Crossen Engineering, representing the applicant, answered Council questions on buffers, the median on Richardson Road, setbacks, and the 'feeling' of the development.

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

Council Member Dozier returned to Council Chamber and the meeting.

New Business 06 : Mayor Pro Tem Nicole Dozier

Direction to the Town Manager to arrange supper meetings for the Mayor and Council with other public and elected officials such as the following: Wake County delegation to the NC General Assembly; Wake County School Board; Wake County Commissioners; NC Department of Transportation. Due to the upcoming long session, the event with the Wake County delegation would be held early in calendar year 2017.

Council stated this was approved by previous Council, but she wanted to bring it back with this new group. The purpose of the meetings would be to work in an open session with other delegatgions. The goal would be to try to find common ground amongst all for our residents. The meetings could also be an educational tool. Council wants people to know that we're their advocate for mediating with other groups. Talked about was the format and these being meetings open to the public, there being an informal meal, the meetings being noticed and Minutes taken, possible locations, and this being an opportunity for other delegations to have more face time with us. Council thought meeting with DOT would also be helpful.

The Mayor acknowledged a Certificate of Appreciation received from the Farmers Market. He also read a letter from the Town of Red Springs expressing its appreciation for our assistance during Hurricane Matthew.

CLOSED SESSION

Closed Session to consult with the Town Attorney concerning Lawrence v. Hanson

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 MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

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



APEX Town Council Meeting

Tuesday, January 3, 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
Tim Donnelly, 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, January 3, 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.

PRESENTATION

There were no presentations to be made.

CONSENT AGENDA

- Consent 01 Set the Public Hearing on January 17, 2017 for a 2030 Land Use Map amendment from Medium Density Residential to Office Employment, and rezoning #16CZ33 (Roberts Road) to rezone 6.39 ± acres located at 7421, 7429, & 7433 Roberts Road from Rural Residential (RR) to Office and Institutional Conditional Zoning (O&I-CZ)
- Consent 02 Designation of Evoqua Water Technologies LLC as the Town's sole source, full-service odor control provider, and authorization for the Town Manager to execute a standard services agreement with Evoqua Water Technologies LLC for a term of one year

Consent 03 Set the Public Hearing on January 17, 2017 for rezoning application #16CZ30 (Preserve at White Oak Creek-revised PUD) to rezone 133.02± acres located at 0 Secluded Acres Road, 0 White Oak Creek Drive, 1104 White Oak Creek Drive, 1113 White Oak Creek Drive, and 0 Jenks Road from Rural Residential (RR) and Planned Unit Development-Conditional Zoning (PUD-CZ) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Consent 04 Amendment of Town Code Chapter 18, Section 18-8 “Trees, Shrubs or Flowers, Cutting, Injuring, Etc.”

Mayor Olive requested the addition of the following:

Add On Item PULLED FOR DISCUSSION AS NEW BUSINESS 02: Appointment of the following individuals to the Planning Board: Margo Bills, Michael Marks, Tommy Morgan, and David Hooks, all terms of 1/1/2017 through 12/31/2019; and the appointment of Margo Bills and Chair and Michael Marks as Vice Chair

Council Member Moyer requested the Add On Item be pulled for discussion.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA WITH THE ADD ON ITEM TO BE DISCUSSED AS NEW BUSINESS 02. COUNCIL MEMBER MOYER MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the requestor asked that Public Hearing 02 be withdrawn (not continued). Mayor Olive also requested the addition of a Closed Session item to review the performance of the Town Manager.

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

PUBLIC FORUM

JC Knowles introduced himself as the Apex Ambassador and editor and publisher of the Apex Gazette for the last 23 years. He will be branching out with The Gazette to make it a total community newspaper. The first order of business was to recognize those in the community who exhibited true man- and womanhood. Bruce Radford was recognized the previous night for his civic and regular life contributions to Apex. The woman of the year exemplifies the true meaning of womanhood. He read and presented the award to Mayor Pro Tem Nicole Dozier.

Lisa Vadmetz spoke about development and expansion. Growth is not being smartly done in regards to protecting water resources. Apex was the number one town in 2015, and this year it is not even in the top 50. She mentioned Cary is on the list, and we will never be in the top again if smarter planning is not put in place. She talked about traffic, land drainage, and overdevelopment in the Neuse River Basin.

PUBLIC HEARINGS

Public Hearing 01 : Amanda Bunce, Senior Planner

This item was continued from the December 20, 2016 Town Council meeting.

Public Hearing on rezoning application #16CZ26 (Pricewood PUD) to rezone 86.93± acres at 0, 1600, 1612, 1617, 1632, 1641 & 1645 Pricewood Lane from Rural Residential (RR) 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. The Planning Board recommended approval considering liability of the pond. Staff recommended approval with conditions proposed by the applicant. Staff answered Council questions regarding lot sizes and stormwater management.

Jason Barron, Morningstar Law Group, on behalf of the applicant, introduced the other members of his team. He expanded a bit more on the staff presentation, highlighting what they think will be a significant transportation improvement in the area. He clarified the liability concerns presented by the Planning Board, noting that the developer's actions will be ongoing. He believed the concerns would be covered by the end of the process.

Mayor Olive declared the Public Hearing open.

Leigh Thorne stated it was difficult to navigate this process and asked at what point something could be done. She supported the public forum speaker as her family would be impacted by this. Hers was no longer a quiet country road. Many people felt all these changes might be progress, but they are not good changes for Apex. She felt the developers were trying to address concerns about the pond, but she was concerned about the left lane that will be created. Wildlife has already left. She hoped Council would consider what this would do to Apex. She was concerned about the pond liability and the traffic impact and their quality of living.

Mayor Olive declared the Public Hearing closed.

Council asked the applicant to address concerns about bridge permits, which staff and Bob Zumwalt, McAdams, representing the developer, answered. Council asked about a 25 year stormwater

management possibility, Mr. Barron stating it is not now in the plan. Mr. Zumwalt and Mr. Barron answered questions about the houses being slab on grade.

Council stated he had a problem voting on more subdivisions not connected to economic development. Council was concerned about the traffic dumping onto existing roads. Council was concerned with the addition of more traffic to the area. She wanted to see more projects completed; this was the wrong location and time for her. Council liked the connectivity, giving three different outlets. Folks have the right to sell their property; it will be a nice area.

Regarding the traffic concerns, Mr. Barron asked what Council would like to see done. They have completed the traffic impact analysis and incorporated what it warranted. He addressed Council concerns about lot size and stated they would be willing to discuss this further with Council to offer additional conditions. Mr. Barron wished an opportunity to take Council feedback to the developer and then come back to Council with additional education. He asked that this be continued.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO CONTINUE THIS TO THE
FEBRUARY 7, 2017 REGULAR MEETING; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Brendie Vega, Principal Planner

This item was continued at the December 20, 2016 Town Council meeting at the request of the applicant

Public Hearing regarding an amendment to the Unified Development Ordinance Section 2.3.16(D) Sustainable Development Conditional Zoning District

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

Public Hearing 03 - Quasi Judicial : Amanda Bunce, Senior Planner

Quasi-Judicial Public Hearing regarding a Major Site Plan for Meridian at Nichols Plaza, 15.38 acres located at 0 Pine Plaza Drive (north side between Laura Duncan Road and Shepherds Vineyard Drive)

Mayor Olive declared the Public Hearing open. All those wishing to speak were sworn in by the Town Clerk. Mr. Barron was identified as representing the applicant. Lisa Valdmetz was in attendance representing the opponents.

There were no relational or financial conflicts from Council; all stated they would be able to decide the matter impartially. Council Member Jensen stated he spoke with the applicant about the preliminary site plan regarding the possibility of solar.

PRESENTATION OF EVIDENCE BY STAFF: Amanda Bunce presented her credentials and oriented staff to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu and greenway and bridge paths.

CROSS EXAMINATION OF STAFF BY COUNCIL: Staff clarified the greenway trail specifications, the completed impact analysis, and a 25 year stormwater.

CROSS EXAMINATION OF STAFF BY APPLICANT: None.

CROSS EXAMINATION OF STAFF BY OPPONENT: Staff addressed opponent questions about traffic impact and other projects in the area and how they would relate to traffic improvements.

PRESENTATION OF EVIDENCE BY APPLICANT: Mr. Barron presented his credentials and reminded Council of the definition of 'evidence'. They satisfied the UDO requirements, and he further oriented Council to the site. This project was approved by Council earlier.

Jon Callahan, President of John A. Edwards and Company, presented his credentials. He showed a rendering of the overall site and went through each standard.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mr. Callahan answered questions related to building height, the retention pond, and the car wash.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Mr. Callahan answered questions about run off and flooding.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Mark Barker, Northview Partners, presented his credentials and answered questions related to a possible greenway connection.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Mr. Barker answered questions related to a boardwalk.

CROSS EXAMINATION OF APPLICANT BY COUNCIL: Kevin Dean, Kimley-Horn, presented his credentials. He assisted in performing the traffic study and answered questions related to buildout levels of service and traffic impacts.

CROSS EXAMINATION OF APPLICANT BY OPPONENT: Jie Tang asked question about traffic counts associated with growth.

Mr. Barron requested that the staff report be entered into evidence.

PRESENTATION OF EVIDENCE BY OPPOSITION: Ms. Valdmetz stated the site plan could not be approved as it violated the Apex ordinance related to buffers. She presented her educational credentials and talked about stormwater retention.

CROSS EXAMINATION OF OPPONENT BY COUNCIL: Ms. Valdmetz talked about the RCA, buffers, and perennial streams.

CROSS EXAMINATION OF OPPOSITION BY STAFF: Dianne Khin presented her credentials and asked the opponent about the Town's watershed guidelines and presented the watershed overlay district map. The latter was shown to Council by Ms. Khin.

CROSS EXAMINATION OF OPPOSITION BY APPLICANT: None. The applicant objected to the opposition.

REBUTTAL BY STAFF: staff clarified the stream being intermittent and the legal ad being posted according to General Statute.

REBUTTAL BY APPLICANT: None.

CLOSING ARGUMENT BY APPLICANT: Mr. Barron reiterated that the evidence must be competent and substantiated. He spoke about owner rights and this being a difficult process for lay people. The project met all standards, and Mr. Barron requested approval.

CLOSING ARGUMENT BY OPPOSITION: None.

CLOSING ARGUMENT BY STAFF: None.

Mayor Olive declared the Public Hearing closed.

Mayor Olive went through the Standards with Council from which there were no objections.

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

Mayor Olive called for a five minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There are no Unfinished Business items for consideration

NEW BUSINESS

New Business 01 : Joanna Helms, Economic Development Director

Establishment of the Certified Apex Small Enterprise (CASE) program and to authorize collection of a \$25 non-refundable fee

Staff oriented Council to this program which was recommended by the Economic Development Committee. She detailed the program benefits, i.e., being able to track small businesses in Apex, and described the proposed website. There would be a nominal membership fee of \$25.

Council asked what would be the measure of success, staff stating they would be thrilled to see 50 members. They would start off slow and build as time goes on. The difference between CASE and THINK APEX and other existing programs were discussed as well as how this program would be rolled out to the community.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE PROGRAM AND MEMBERSHIP FEE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Mayor Lance Olive

Appointment of the following individuals to the Planning Board: Margo Bills, Michael Marks, Tommy Morgan, and David Hooks, all terms of 1/1/2017 through 12/31/2019; and the appointment of Margo Bills as Chair and Michael Marks as Vice Chair

Council asked about the members being appointed or reappointed, Mayor Olive stating they were reappointments. Council stated he would like to see new people start to cycle onto the Planning Board. The Mayor stated he has more appointments to bring before Council, which he hoped to do very shortly. He talked about the possibilities of those who have submitted board applications.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REAPPOINTMENTS AND APPOINTMENTS; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed session to (1) consult with the Town Attorney to preserve attorney client privilege, 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 DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE EVANS ROAD SIDEWALK PROJECT FOR THE IMPROVEMENT OF THE APEX STREET AND SIDEWALK SYSTEM; COUNCIL MEMBER SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO CLOSED SESSION WITH NO OBJECTIONS FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION TO RETURN TO OPEN SESSION WITH NO OBJECTIONS FROM COUNCIL.
THE MOTION CARRIED BY A 5-0 VOTE.

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