



Apex Town Council Meeting

Tuesday, May 16, 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, May 16, 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, Denise C. Wilkie, and Wesley M. Moyer
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe
Absent were Mayor Pro Tem Nicole L. Dozier and Council Member Eugene J. Schulze

COMMENCEMENT

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

PRESENTATIONS

**Presentation 01 : Tom Colwell, Parks, Recreation, and Cultural Resources Advisory Committee Member
Update on Public Art Policy / Plan**

Mr. Colwell stated an arts policy had come before Council in the past. Council asked that a study group be formed to assess public art in the Town. Mr. Colwell read a statement from the group and talked about the aspects of the program they developed and its goals. At this time, the group was not asking for funding but for authorization to put their program into action.

Council stated they saw this as a worthwhile project which would enhance the appearance of the Town. The Mayor wished to take another look at the program and then have it come back before Council for adoption.

CONSENT AGENDA

- Consent 01** Budget Ordinance Amendment No. 32 and a Capital Project Ordinance Amendment to provide for increased funding in the amount of \$200,000 for the Public Safety Station 5 project to cover additional architectural costs related to construction administration
- Consent 02** Apex Tax Report dated 04/18/17
- Consent 03** Resolution Supporting the Establishment of a Permanent Pedestrian Crossing of the Railroad at Tingen Road in cooperation with CSX Transportation and the North Carolina Department of Transportation
- Consent 04** Minutes of the Regular Town Council Meetings on April 18, 2017 and May 2, 2017 and the Budget Workshop on April 20, 2017
- Consent 05** Budget Ordinance Amendment Number 31 which, in conjunction with Budget Ordinance No. 29, will provide funds to reimburse MREC KLP Stillwater LLC per the Developer's Agreement
- Consent 06** Findings of Fact, Conclusions of Law, and Decision approving the Special Use Permit 17SUP01Heritage Leadership Academy located at 2080 E. Williams Street
- Consent 07** Findings of Fact, Conclusions of Law, and Decision approving the Westford Apartments Major Site Plan
- Consent 08** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on Unified Development Ordinance (UDO) Amendments of April 18, 2017 related to solar within Resource Conservation Areas
- Consent 09** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on Unified Development Ordinance (UDO) Amendments of April 18, 2017 related to stormwater management
- Consent 10** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of April 18, 2017

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER MOYER

MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER JENSEN

MADE THE MOTION; COUNCIL MEMBER MOYER SECONDED THE MOTION.

THE MOTION CARRIED BY A 3-0 VOTE.

The Mayor stated that the two absent Council Members were not running late, that they had been excused from this meeting. In their absence, there was a quorum present to hear the Agenda items.

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, Principal Planner

Public Hearing and rezoning application #17CZ06 (Jordan Manors PUD amendment). The applicant, Meritage Homes, seeks to rezone approximately 121.10± acres located at 0, 2208, 2312, 2340, 2408, 2412, 2424 New Hill Olive Chapel and 9225 Barker Road from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ05) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. Staff and the Planning Board recommended approval of the request and deemed it appropriate for the site. Staff answered questions from Council regarding steps and slabs.

The applicant, Kirby LaForce, spoke about what they are proposing – an all-ranch community. He spoke about the demographic that preferred minimal steps into their homes.

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

There was a bit of Council discussion about those who would want this type of home.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council spoke about the dynamics of a raised vs. a slab home.

THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 02 : Shelly Mayo, Planner

Public Hearing and rezoning application #17CZ07. The applicant, Jeff Mangum from Triangle Landscaping Supplies, wishes to rezone +/- 4.83 acres located at 2010 Lufkin Road from Light Industrial - Conditional Use (LI-CU) to Light Industrial - Conditional Zoning (LI-CZ).

Staff oriented Council to the site, for which the applicant was asking the approval of additional uses. A neighborhood meeting was held, which was not attended. The Planning Board and 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 JENSEN MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Amanda Bunce, Principal Planner

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Don and Sharon Lawrence (Jordan Point Pump Station) property containing 2.2765 acres located on Horton Road, northwest of Horton Ridge Drive, Annexation #599 into the Town's corporate limits

and

Public Hearing 04 : Amanda Bunce, Principal Planner

Public Hearing and rezoning application #17RZ05 (Jordan Pointe Pump Station #2) and Ordinance to rezone 2.28± acres located at 0 Horton Road from Wake County R-80W to Rural Residential (RR)

Staff stated the ordinance and rezoning would be reviewed together. Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval of the rezoning; staff recommended approval of both requests.

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 MOYER MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REZONING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 05 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation - Apex Town Council's intent to annex Judith Louise Freeman (Ellington Cove) property containing 7.8933 acres located at Laura Duncan Road and Bay Bouquet Lane, Annexation #600 into the Town's corporate limits

Staff oriented Council to the site. 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 JENSEN MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 06 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Sarah Fowler, Gerald and Sandra Harris (The Reserve at Mills Farm) property containing 11.23 acres located at 2010 and 2030 Laura Duncan Road, Annexation #602 into the Town’s corporate limits

Staff oriented Council to the site. Staff recommended approval of the request.

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 WILKIE MADE THE MOTION TO APPROVE
THE ORDINANCE; COUNCIL MEMBER MOYER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 07 : Shannon Cox, Transportation Planner

Public hearing and amendments to the Transportation Plan’s Thoroughfare and Collector Street Plan map to consolidate the two future Minor Collector streets planned between NC 55 (E Williams Street) and Smith Road, south of future Jessie Drive, and upgrade to one Major Collector street on an adjusted corridor alignment

Staff oriented Council to the proposed amendments. The Planning Board voted 5-3 to approve the request. Staff provided Council a brief explanation as to why the vote was not unanimous.

Mayor Olive declared the Public Hearing open.

The applicant, Mike Whitehead, explained the reason for the amendments. He spoke about the additional work which would need to be done and the financial impact. He explained this was a late notice surprise which they were waiting for their engineers to analyze. He asked if this could be moved to a future meeting.

Josh Beck asked for denial of the request, speaking about buffers and traffic not coming through their neighborhood.

Alton Richardson questioned the location of the road in relation to his property and its resulting effects. Mayor Olive clarified that land will not be condemned for this road and that the road is not planned to be completed until someone wishes to sell or develop their property. Mr. Richardson stated he wanted to be sure he had a say about what affects his property line.

Mayor Olive declared the Public Hearing closed.

Staff answered Council questions on property owner notification timelines. Council talked about the collector and how he felt it would be a smart thing to do.

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

Council stated he had a hard time with a portion of this at first, but his mind had been changed by the need for such a collector. Council questioned why this should be decided tonight, not giving the applicant a chance to evaluate this further.

THE MOTION CARRIED BY A 3-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

**Unfinished Business 01 : Joanna Helms, Economic Development Director
An Agreement between the Town of Apex and The Coworking Station**

Staff stated this related to our ongoing efforts to bring coworking space to Apex. At a previous Council meeting, there was a public hearing. Council provided feedback. The proposal, as a result, was revised and put in the form of a standard agreement. Staff touched on a few of the items in the agreement which related to previous questions from Council.

At this point, the Mayor called for moving on to New Business in order to allow time for the final agreement to be printed for Council review.

NEW BUSINESS

**New Business 01 : Shelly Mayo, Planner
Center Street Station Master Subdivision Plan for the properties located at 1100 Center Street containing 7.43 acres and 45 townhomes**

Staff oriented Council to the site. A neighborhood meeting was held. The Parks and Recreation Commission recommended a fee in lieu. The Planning Board and staff recommended approval. Staff answered questions from Council about easements and a greenway.

Council gave direction to staff regarding the greenway, which the Town Manager acknowledged.

The Mayor expressed concern about lack of connections in a section of the property. Staff explained how this concern could be addressed, and Council directed staff to add a stub to the Transportation Plan.

The applicant offered to answer any questions by Council, to which there were none.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE SUBDIVISION PLAN; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

**RETURN TO Unfinished Business 01 : Joanna Helms, Economic Development Director
An Agreement between the Town of Apex and The Coworking Station**

With the final Agreement before Council, staff further detailed those items which Council wished addressed. The Economic Development Committee reviewed the document and recommended approval.

Responding to Council, staff spoke about the issue of parking as brought up by the downtown merchants, stating that parking will not cause a problem.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER MOYER MADE THE MOTION TO APPROVE
THE AGREEMENT; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

Council members expressed their delight in this effort coming to Apex and how great this will be for downtown. Council thanked staff for her hard work on this project.

THE MOTION CARRIED BY A 3-0 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 Olive adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor