



TOWN COUNCIL MEETING

TUESDAY, JULY 15, 2014

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
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, July 15, 2014, 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 Tempore Eugene J. Schulze, and Council Members William S. Jensen, Scott R. Lassiter, Nicole L. Dozier, and Denise C. Wilkie. Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager Drew Havens, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

COMMENCEMENT

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

PRESENTATIONS

Presentation 01 : Department Heads

Introduction of newly-hired Town employees

The following newly-hired Town employees were introduced by their respective Supervisors:

- David Hughes, Assistant Public Works Director, introduced William Reif, Street Maintenance Worker and Ryan Walter, Operator/Mechanic
- Mike Deaton, Environmental Programs Manager, introduced Darius Douglas, Solid Waste Equipment Operator
- Police Chief John Letteney introduced Daniel Hernandez, Telecommunicator; Alexandra Mraz, Police Officer, Palak Patel, Police Officer; and Larissa Velna, Police Officer
- John Brown, Parks and Recreation Director, introduced Allison Prelaske, Senior Programs Specialist; Lester Hollins, Parks Maintenance Worker; and Jackson Willing, Parks Maintenance Specialist

CONSENT AGENDA

- Consent 01** Minutes of the July 17, 2014 Regular Meeting and the July 17, 2014 Closed Session (Closed Session Minutes recorded separately)
- Consent 02** Selling of Lot 209 Plot(s) C, D, and E in the Apex Cemetery
- Consent 03** Updated Memorandum of Understanding (MOU) between the Town of Apex and the member agencies of the Capital Area Metropolitan Planning Organization
- Consent 04** Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 17, 2014
- Consent 05** Reconsideration of the UDO Ordinance Amendment adopted on June 17, 2014 and revised UDO Ordinance Amendment to grandfather site and subdivision plans submitted prior to June 17, 2014 from the revised UDO Sections 7.5.6, 8.2.4, and 8.2.6.
- Consent 06** Budget ordinance amendments for purchases of power and refinancing of Police building loan
- Consent 07** Transfer of Lot 132 Plots G and H in the Apex Cemetery

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

There were no requested modifications to the Agenda.

PUBLIC FORUM

Graham Wilson, representing Apex Rotary Sunrise Club, thanked the Town for its assistance with Pigfest. He additionally thanked Mayor Pro Tem Schulze and Town Manager Radford, who participated as a certified barbeque judge. This year was extremely successful, raising a substantial amount of money. \$10,000 each will be donated to Western Wake Crisis Ministry and Operation Coming Home.

Joseph Howard, representing a group of residents from the downtown area, expressed excitement about getting quiet zones – the perfect answer to train horns. This has been going on for years. CSX is

exempt from many things, so the Town Manager and staff looking into what could be done is a blessing. Howard felt residents will be able to live a better life in Apex without these disturbing noises.

Chris Hayami, representing a group of residents, thanked the Town Manager for being instrumental in getting more than was ever expected from CSX. The CSX representatives were extremely helpful. Hayami's only concern about the quiet zone is that kids are in the area all the time, and she wanted to be assured that they will hear the trains when they come through.

Roger Neal spoke about a flood at the branchline marker at the Villages of Apex. Professionals say stormwater is a difficult concern in that area. Neal wanted it on record that water in the community is problematic. The Town Manager stated he has visited the site, and it will be revisited on tomorrow in hopes of addressing the problem.

PUBLIC HEARINGS

Public Hearing 01 : Brendie Vega, Principal Planner

Public hearing and Ordinance regarding various amendments to the Unified Development Ordinance

Staff outlined the various amendments and stated that the Planning Board 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 ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Reed Huegerich, Senior Planner

Public Hearing and amendments to the Thoroughfare and Collector Street Plan map

Staff explained these amendments arose from its investigating the realignment of multiple roads in the New Hill area. The Planning Board unanimously 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 ADOPT THE AMENDMENTS; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Brendie Vega, Principal Planner

Lucas Farms Master Subdivision Plan for property located at 2212 Olive Chapel Road containing 5.22 acres and 4 lots

Staff oriented Council to the site. The site will be annexed, a neighborhood meeting was held, the Parks and Recreation Commission recommended payment of fee in lieu, and the Plan meets all Apex Plans and Ordinance. Staff recommended approval with conditions, to which the applicant has agreed. The Planning Board recommended approval.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION
TO APPROVE THE MASTER SUBDIVISION PLAN; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Reed Huegerich, Senior Planner

Colvin Park Phase IV Master Subdivision Plan for property located at 8120 and 8136 Stephenson Road containing 8.54 acres and 21 lots

Staff oriented Council to the site. The area will be annexed prior to construction, a neighborhood meeting was held, the Interlocal agreement is in affect for this area, the Parks and Recreation Commission recommended payment of fee in lieu, and the Plan conforms with Apex Plans and Ordinance. Staff recommended approval with condition. The Planning Board unanimously recommended approval.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE
THE MOTION TO APPROVE THE MASTER SUBDIVISION PLAN; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 03 : Bruce Radford, Town Manager; Jason Field, Moffatt & Nichol; Drew Thomas, NCDOT Rail Criteria and requirements for establishing a quiet zone in the central business district

Council stated this was in response to citizen concerns. The Town was not aware that a quiet zone was an option, and staff thanked Joe Howard for his research on this. Staff stated Rocky Mount was visited to view their quiet zone, which can be costly. Staff presented two train film clips – one with and one without a quiet zone. The Town would want to use the analytic solution and explanation was

given on the barriers, gates, and medians that may be required. Council stated this solution would certainly be worthwhile.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
FOR STAFF TO PROCEED WITH THE ANALYTIC STUDY; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 04 : Bruce Radford, Town Manager

Surveying of property located on Norwood Lane for the Gravity Sewer for Trackside South (Villages of Apex)

Staff stated this was a revisit of the Norwood sewer issue. Previously discussed was whether or not the line could go through 709 Norwood Lane, which is a rental property. No agreement has been made with the property owner and the Halle Group.

A Halle representative explained the various routes which could be used for the sewer outfall. Trying to settle with the property owners has been to no avail; therefore, Halle asked for a protective right of entry. Council asked for evidence of communication with the owners; Halle stated he would forward emails which have been sent. The property owners have asked for off-the-mark numbers which don't make sense; they are way in excess of appraisals. Halle stated they will now need to do surveying and appraisals. Halle has letters of intent for the commercial piece. Council stated no communication from the owners has been made to them.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO APPROVE THE SURVEYING AND APPRAISAL; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

New Business 05 : Mayor Bill Sutton

Discussion on the formation of an Environmental Committee

The Mayor stated this would be an internal committee and not a board. Staff briefed Council on similar committee activities of other towns, using a chart showing the purpose of other town committees and what type of information they process and make recommendation to council. Council stated this would give residents a chance to address a committee instead of addressing individual Council Members. This committee would give Council research information prior to its making decisions on issues.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION
TO APPROVE THE FORMATION OF THIS COMMITTEE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Mayor Sutton stated he wished the appointment of Council Member Dozier as Chair and Council Member
Jensen and himself as its members.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION
TO APPROVE THE STATED MEMBERS OF THE COMMITTEE; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : to receive legal advice related to a potential claim and give direction regarding same

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER JENSEN MADE
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER DOZIER MADE
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE A MOTION THAT
THE TOWN PAY DISCUSSED FEES TO WAKE COUNTY SCHOOLS AS SOON AS POSSIBLE.
COUNCIL MEMBER DOZIER SECONDED THE MOTION
THE MOTION CARRIED BY A 5-0 VOTE.

WORK SESSION

There were no Work Session items to be considered.

ADJOURNMENT

With there being no further business,

MAYOR SUTTON CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER JENSEN MADE
THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton, Mayor

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