



Apex Town Council Meeting

Tuesday, October 16, 2018

Lance Olive, Mayor
Nicole L. Dozier, Mayor Pro Tempore
William S. Jensen, Wesley M. Moyer, Audra M. Killingsworth, and
Brett D. Gantt, 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, October 16, 2018, 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, Audra M. Killingsworth, and Brett D. Gantt

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 was Council Member Wesley M. Moyer

COMMENCEMENT

Mayor Olive called the meeting to order, Pastor Mat Curry of Apex Baptist Church gave the Invocation, and Mayor Olive led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Jeff McCauley, Chief Financial Officer, Greenville Utilities Commission

Presentation of the Government Finance Officers Association's (GFOA's) Award for Excellence in Financial Reporting by Jeff McCauley, GFOA State Representative, to Vance Holloman, Finance Officer, and Suzanne Parmentier, Accounting and Budget Manager

Mr. McCauley outlined the requirements to win this award. The Town has received this recognition 24 consecutive years. Mr. McCauley presented the Certificate of Achievement to Mr. Holloman and Ms. Parmentier.

Mr. Holloman thanked Mr. McCauley for coming from Greenville to present the award. He thanked staff, particularly Ms. Parmentier, who were involved in the process.

CONSENT AGENDA

- Consent 01 Budget Ordinance Amendment No. 4 for reimbursement to be made to WS-JPA LLC per the amendment to the Developer's Agreement.
- Consent 02 Apex Tax Report dated 09/06/2018
- Consent 03 Master Agreement, valid through June 30, 2021, with Kleinfelder, Inc., and authorization for the Town Manager to execute same for On-Call Professional Services for Environmental, Geotechnical, and Construction
- Consent 04 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 Joanne Satterfield Shaheen, Mark & Kristy Seaboch, Robert Andrew Henry and Edge Real Estate Company, LLC properties (Castleberry Trails) containing 12.182 acres located east of Dorset Grove Road between Wimberly Road and the American Tobacco Trail, Annexation #646 into the Town's corporate limits
- Consent 05 Budget Ordinance Amendment No. 5 to provide funding in the amount of \$12,000 to cover study and planning costs for moving the Inspections Department from Town Hall to the Mason Street building

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE WITH A CORRECTION TO THE PUBLIC HEARING DATE IN CONSENT 04;
COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

REGULAR MEETING AGENDA

Mayor Olive stated the Town Attorney asked for a Closed Session to consult with the Town Attorney.

MAYOR OLIVE CALLED FOR A MOTION TO APPROVE THE REGULAR MEETING AGENDA. COUNCIL MEMBER DOZIER MADE THE MOTION WITH THE ADDITION OF THE CLOSED SESSION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

Public Hearing 01 : Lauren Staudenmaier, Planner I

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Nina Church, Michelle Demers, Kenneth and Jennifer Proulx and William and Deborah Elmore (Jordan Vistas) property containing 53.139 acres located at 2500, 2508, 2520, and 2532 New Hill Olive Chapel Road, Annexation #636 into the Town's corporate limits

and

Public Hearing 02 : Lauren Staudenmaier, Planner I

Public Hearing and possible motion on rezoning application and Ordinance for #18CZ17 (Jordan Vistas PUD). The applicant, Jeff Roach, Peak Engineering & Design, on behalf of William and Deborah Elmore, Nina Lynn Church, Michelle Demers, Kenneth and Jennifer Proulx, seeks to rezone approximately 52.909± acres located at 2500, 2508, 2520, & 2532 New Hill Olive Chapel Road; from Wake County Residential-40W (R-40W) & Residential-80W (R-80W) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff stated that the applicant asked for these two Hearings to be continued to the November 20, 2018 Regular Council Meeting. Jeff Roach, applicant, who was in attendance, confirmed the request.

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

Public Hearing 03 : Lauren Staudenmaier, Planner I

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Town of Apex (future Olive Farm Park) properties containing 22.213 acres located at 0, 0, 3020, & 3024 Olive Farm Road, Annexation #639 into the Town’s corporate limits
and

Public Hearing 04 : Lauren Staudenmaier, Planner I

Rezoning application and Ordinance #18RZ26 (Olive Farm Park) to rezone 22.213± acres located at 0, 0, 3020, and 3024 Olive Farm Road from Residential-40W (R-40W) to Conservation Buffer (CB).

Staff oriented Council to the site. A neighborhood meeting was held. Staff recommended approval.

Mayor Olive declared the Public Hearing open.

Holly Zhang stated she was a member of Triangle People Power and briefly explained the purpose of the Environmental Justice movement. It was determined by the Mayor that Ms. Zhang’s comments were more appropriate for Public Forum. However, she was allowed to continue her presentation.

Mayor Olive declared the Public Hearing closed with no one wishing to speak.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE
THE ORDINANCE AND REZONING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 05 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ22 (Tullamore PUD) to rezone approximately 13.31± acres located at 1805, 1745, & 0 Holt Road from Rural Residential (RR) & Medium Density Residential-Conditional Use (MD-CU #94CU23) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. The Parks, Recreation, and Cultural Resources Commission heard the issue. The Planning Board and Planning staff recommended approval with conditions offered by the applicant.

Staff answered Council questions related to buffers.

Stewart Jones, Jones and Crossen Engineering, representing the applicant, detailed this age-targeted neighborhood. He spoke about a parcel of land which was in question. It was up for rezoning on this evening, and Mr. Jones explained how they view the parcel.

Mr. Jones answered Council questions related to grading; economy housing pricing, Council not in agreement with the pricing being considered economy pricing; stream buffers; HOA land being part of the RCA; and a retention pond.

Mayor Olive declared the Public Hearing open.

Alex Corvin, president of Charleston Village HOA, explained why the HOA Board decided to sell the property and the process to do so. There was strong neighbor support to sell.

Stan Jackson, against the sale of the property, explained the reasons why he and his neighbors bought land backing up to this acreage. He detailed how the land was part of the original development. The resource conservation area, economic issues, and drainage of the pond were discussed. He asked that Council not rezone the land and let it be used as a resource conservation area.

Doug Jacobs, on behalf of the family that owns the majority of the land and in favor of the rezoning, spoke about the history of the property. His family sought to be able to provide for their family and support their mother with this sale.

Mayor Olive declared the Public Hearing closed.

Mr. Jones answered Council questions related to buffers. Council expressed appreciation towards age-targeted with first floor master bedrooms. However, the point of affordability had not been met with this Plan. Council expressed appreciation for the included solar considerations and talked about how we might be able to get to true affordable housing.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE REZONING WITH THE DISCUSSED CONDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive made a friendly suggestion to the neighbors as to how to help ease the problem of the sale of the HOA property.

Public Hearing 06 : Shelly Mayo, Planner II

Rezoning application #18CZ27. The applicant, 540 Flex & Business Park, LLC, sought to rezone approximately 10.04 acres located at 1600 Olive Chapel Road from Tech/Flex-Conditional Zoning (TF-CZ #14CZ20) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board and Planning staff recommended approval with the stated additional condition. Staff answered Council questions related to wording definitions.

Stuart Jones, Jones and Crossen Engineering, representing the applicant, offered a few key points related to the request. He answered Council questions regarding fencing and solar.

Mayor Olive declared the Public Hearing open.

Sarha Schtakloft stated she was speaking for her sister who is an owner in the building. She stated her sister was in opposition to the request and gave the reasons why.

Mayor Olive declared the Public Hearing closed.

Council asked Staff questions related to some of the uses that could be located in the buildings.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER KILLINGSWORTH MADE THE MOTION TO APPROVE THE REZONING WITH THE STATED CONDITION; THERE WAS NOT A SECOND.
THE MOTION FAILED.

COUNCIL MEMBER GANTT MADE THE MOTION TO DENY THE REQUEST. THERE WAS NOT A SECOND.

Council asked if it would be possible for the applicant and Council to work to resolve any matters.

COUNCIL MEMBER GANTT WITHDREW HIS MOTION BECAUSE OF A LACK OF A SECOND.

COUNCIL MEMBER GANTT MADE A MOTION TO CONTINUE THIS HEARING TO THE NOVEMBER 20, 2018 REGULAR COUNCIL MEETING; COUNCIL MEMBER KILLINGSWORTH SECONDED THE MOTION.

THE MOTION CARRIED BY A 4-0 VOTE.

Mayor Olive called for a five minute recess.

Public Hearing 07 : Sarah Rayfield, Senior Planner

Rezoning application #18CZ24 to rezone approximately 1.28± acres located at 1200 and 1204 Old Raleigh Road, from Residential Agricultural (RA) and Office & Institutional (O&I) to Neighborhood Business-Conditional Zoning (B1-CZ)

Staff oriented Council to the site. A neighborhood meeting was held for this conditional zoning. Staff stated some of the permitted uses. Staff recommended approval with added conditions. The Planning Board recommended approval. Staff answered Council questions related to traffic and a concrete island.

Jeff Roach, Peak Engineering Design, spoke about access points and preparation for any future development. He answered questions from Council related to access and solar.

Mayor Olive declared the Public Hearing open.

Gary Brown stated he had no future plans for development of this, his property, and that he had no problem with the rezoning. Mr. Brown spoke about buffers and outside kennels.

Tom Colhoun, representing the property owner, expressed concern about restricting traffic access.

Mayor Olive declared the Public Hearing closed.

Council expressed concern about restricting access. Council asked for clarification of access from staff, which was explained. Staff answered Council questions related to buffers.

MAYOR OLIVE CALLED FOR A MOTION. COUNCIL MEMBER GANTT MADE THE MOTION TO APPROVE THE REZONING WITH INCLUSION OF THE SOLAR CONDITION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.

There was further discussion about access.

THE MOTION CARRIED BY A 4-0 VOTE.

Public Hearing 08 : Amanda Bunce, Planning Manager

Rezoning application #18CZ01 (Sweetwater PUD Amendment). The applicant, ExperienceOne Homes, LLC seeks to rezone approximately 44.76 acres located at located at 0 Core Banks St; and 0, 3115, 3233 US 64 HWY West from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ21) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site. A neighborhood meeting was held. Planning staff and the Planning Board both recommended approval. Questions were answered related to story height.

Mark Ashness, applicant, stated they have worked on mixed use buildings. Marvin Waldo, president of Retail Strategies, stated they have been thinking about solar but there is an astronomical cost. They prefer to be able to keep rents reasonable. He detailed what the site is going to look like. He was agreeable to pre-conduit for solar but that would be it for right now. Council asked questions about the status of a basketball court.

David Schmidt spoke about the tenants who will be in the units. There would be very few children in the area, thus giving reason to why there are no plans for basketball courts. He detailed some of the other 55 events they plan to hold on site. He spoke about how solar remains cost prohibitive.

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 GANTT MADE THE MOTION TO APPROVE
THE REZONING WITH THE STATED CONDITION RELATED TO CONDUIT; COUNCIL
MEMBER KILLINGSWORTH SECONDED THE MOTION.

Council expressed his disappointment with there being no provision for solar to which further discussion ensued between Council and the requestors on a solar PV system. The requestor agreed to running conduit in the buildings and to exploring solar further.

COUNCIL MEMBERS GANTT, KILLINGSWORTH, AND DOZIER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-1 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, Planning Manager

Sweetwater Phase 9 Master Subdivision Plan for the properties located at 0, 3115, 3233 US 64 Hwy West containing ±24.59 acres with nine (9) nonresidential/mixed use lots

Staff oriented Council to the site. Staff recommended approval, as did the Planning Board.

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

CLOSED SESSION

ADDED Closed Session 01 : Laurie Hohe, Town Attorney

To consult with the Town Attorney

MAYOR OLIVE CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR OLIVE CALLED TO RETURN TO OPEN SESSION WITH NO OBJECTION FROM COUNCIL.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and with no objection from Council, Mayor Olive declared the meeting adjourned.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Lance Olive
Mayor