



APEX TOWN COUNCIL MEETING TUESDAY, JULY 7, 2015

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
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, July 7, 2015, 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 Tem 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 Laurie L. Hohe

COMMENCEMENT

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

PRESENTATIONS

Mayor Sutton introduced the three coaches of the Apex High School Track Team: Head Coach Roy Cooper (31 years), Marck Trezona (25 years), and Paul Lockwood (6 years). He then introduced the five State champions and congratulated each on their stellar accomplishments: Michael Utecht, Anna Eaton, Cara King, Zoe Early, and Sydnei Murphy who set several records and was awarded the MVP for the State 4A Meet.

CONSENT AGENDA

- Consent 01 Minutes of the June 9, 2015 Council Workshop and the June 16, 2015 Regular Council Meeting
- Consent 02 Statement of the Town Council for Rezoning Case #15CZ05, Colen E. Davidson, Jr., Milestone Developments, LLC/Babetta Ann Breuhaus (trustee), Robert Andrew Finkle, David G. & Pamela C. Hahn, Phyllis L. Turner, Keith D. and Catherine R. Turner, Ronald W. Bordwell (trustee) and Patricia P Bordwell (trustee)-Bordwell Revocable Trust, Billy Rogers Mooney, Jr, Gail T. Mooney, Michael F. Burbidge Bishop Roman Catholic Diocese of Raleigh, petitioners for the property located at 0 & 9225 Barker Road and 2208, 2312, 2408, 2412, 2424 & 2340 New Hill Olive Chapel Road

- Consent 03 Statement of the Town Council and Ordinance for Rezoning Case #15CZ12, Jeff Roach, Peak Engineering and Design, PLLC, petitioners for the property located at 1920 Laura Duncan Road
- 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 William and Sally McLaurin, John Stanton, Richard and Tarja Gray, Stephen and Mary Clark, Regina McLaurin and Kristy Dixon (Middleton) properties containing 73.03 acres located on the east and west sides of Holt Road north of Old Jenks Road and south of Howell Road, Annexation #538 into the Town’s corporate limits
- Consent 05 Resolution No. 15-0707-17 Declaring Town Council’s Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation Town of Apex property known as “Portion of Pine Plaza Drive” containing +1.096 acres located at the end of Pine Plaza Drive near Laura Duncan Road, Annexation #539, into the Town’s corporate limits
- Consent 06 Resolution No. 15-0707-18 Declaring Town Council’s Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property known as “Beaver Creek Crossing Tract” containing +.242 acres located east and south of 540 and along the western side of Beaver Creek Commons Drive Extension, Annexation #541, into the Town’s corporate limits
- Consent 07 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 Howard L. and Mary Louise Holt, Ronald Morris and LuAnn Womble Bell, Estate of Danny Lee Womble, Lissa Morris, Carla Wood, Edith Morris and Blanche Morris (Greenmoor) property containing 124.055 acres located west of Green Level Church Road, north of Jenks Road and west of 540 Annexation #542 into the Town’s corporate limits
- Consent 08 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 Standard Pacific of the Carolinas (Crestmont) property containing 69.11 acres located at Roberts Road and Green Level Church Road, Annexation #543 into the Town’s corporate limits
- Consent 09 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 McWill, LLC property containing 6.24 acres located at 3029 Evans Road, Annexation #544 into the Town’s corporate limits
- Consent 10 Resolution No. 15-0707-19 Declaring Town Council’s Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property which is a portion of the Western Wake Regional Water Reclamation Facility containing + 25.859 acres located on US 1 South between New Hill Holleman Road and Shearon Harris Road, Annexation #545, into the Town’s corporate limits
- Consent 11 Resolution No. 15-0707-20 Declaring Town Council’s Intent to Annex, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation of Town of Apex property known as the White Oak Pump Station containing +.957 acres located on the 1100 block of Wimberly Road, Annexation #547, into the Town’s corporate limits
- Consent 12 Closing a portion of Ambergate Station Road from 8:00 am until 3:00 pm on Saturday, August 1st during the Grand Opening of Apex Skate Plaza

- Consent 13 Set Public Hearing for the July 21, 2015 Council Meeting to consider an Agreement regarding naming rights for the competition bowl at the Skate Plaza
- Consent 14 Statements of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of June 16, 2015
- Consent 15 Resolution naming Wake County Review Officers by the Town of Apex
- Consent 16 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ14 (1601 & 1621 Kings View Trail & 0 S. Salem Street) to rezone 33.43± acres located on the southeast corner of the intersection of Old US 1 Hwy and NC 540 from Rural Residential (RR) to Tech Flex-Conditional Zoning (TF-CZ)
- Consent 17 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ15 (1523 Salem Church Road and 0 Salem Church Road) to rezone 2.10± acres located on the north side of Salem Church drive approximately 1,500 feet west of the intersection of Salem Church Road and North Salem Street from Residential Agricultural (RA) to Medium Density – Conditional Zoning. (MD-CZ)
- Consent 18 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ16 and Ordinance (Town of Apex property) to rezone 17.93± acres located west of New Hill Holleman Rd and south of US 1 Highway from Wake County R-80 to TF-CZ Tech Flex-Conditional Zoning
- Consent 19 Set the Public Hearing on July 21, 2015 for rezoning application #15CZ17 and Ordinance (White Oak Pump Station) to rezone 0.754± acres located along Wimberly Road between the American Tobacco Trail and Jenks Road from Wake County R-80W to RR-CZ - Rural Residential – Conditional Zoning
- Consent 20 Set Public Hearing for the July 21, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 21 Construction Agreement to replace water lines in Apex Village
- Consent 22 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 Standard Pacific of the Carolinas (Lake Castleberry Recreation Center) property containing .678 acres located north of Castleberry Road and east of Wimberly Road, Annexation #546 into the Town's corporate limits
- Consent 23 Street closings for the Chick-fil-A Connect Race Series 5K race proposal benefiting the Cystic Fibrosis Foundation
- Consent 24 Capital project ordinance amendment for the Regional Waste Water Treatment Plant Project Fund to authorize the Town to expend funds which have previously been received by the Town

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

REGULAR MEETING AGENDA

There were no requested modifications to the Agenda.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

OLD BUSINESS

There were no Old Business items to be considered.

NEW BUSINESS

New Business 01 : Bruce Radford, Town Manager

Loan agreement between the Town of Apex and Capital Area Preservation and authorization for the Town Manager to execute the loan agreement and related documents, and to waive building permit fees for relocation of the historic house

Staff stated we've had a long and great relationship with the CAP folks, and this is an opportunity to participate with them again. The owner of the Williams house in Cary has asked that the house be moved to a lot in Apex. CAP has tentatively agreed to do so, and we are recommending a loan to them of \$7,500 over a 2 year period and waiving of the permit fees for movement of the house.

Stewart Jones, Chairman of the CAP Board, stated they've been working over a year to try to save this house. Planning Director Dianne Khin initially saved the house from being burned down. The property owner wants the house gone and has offered five acres across the street where it can be moved. There will be the expense of moving the house and the power lines, and there will need to be a new foundation built. The garage will not move as it is not original, and a kitchen that was added later will be removed, thus restoring the porch back to its original state. The house was hand built between 1900 and 1910.

Dianne Long, President of the Apex Historical Society, stated their board passed a resolution to support preservation of this house. This is part of their purpose – to promote and preserve historical places – and this house adds a lot of beauty to the community.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE REQUESTED LOAN AMOUNT AND WAIVIER OF THE PERMIT FEES; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Vance Holloman, Finance Director

Resolution authorizing the filing of an application with the Local Government Commission to issue \$15 million of GO Bonds for Street and Sidewalk Improvements

Staff briefly described the three items for approval – preliminary resolution, notice of intent, and form of ballot – noting that Womble has been our bond representative for a number of years.

Mayor Sutton stated that in light of the retreat, priorities set, and the recent hiring of a parks and recreation planner, he was requesting Council reconsider dividing the \$15 million bond into \$10 million for transportation and \$5 for parks and recreation. Council engaged in conversation about the division of these funds, staff reminding them that the bond will need to be spent on streets, sidewalks, and multi-use paths. Council was reminded that his issue had been talked about and decided several times prior to tonight. Council was also reminded that Fund Balance was in place in case it would be needed in the future.

COUNCIL MEMBER LASSITER CALLED THE QUESTION TO PASS THE RESOLUTION AS
PRESENTED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

CLOSED SESSION

Closed Session 01 : Closed Session to discuss personnel

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

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER
JENSEN MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
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 SUTTON CALLED FOR A MOTION TO ADJOURN.

COUNCIL MEMBER JENSEN MADE THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.

THE MOTION CARRIED BY A 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton
Mayor