



## TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 4, 2014

Eugene J. Schulze, Interim Mayor  
William S. Jensen, Scott R. Lassiter, Nicole L. Dozier,  
and Denise C. Wilkie, Council Members  
Bruce A. Radford, 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, February 4, 2014 at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Interim Mayor 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, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr.

### COMMENCEMENT

Interim Mayor Schulze called the meeting to order, Council Member Lassiter gave the Invocation, and Interim Mayor Schulze led the Pledge of Allegiance.

Interim Mayor Schulze recognized audience member James Austin, former Mayor of Apex.

### PRESENTATIONS

**Presentation 01 : Brendie Vega, Principal Planner**

**Recognition of the Winter Appearance Award winners**

Interim Mayor Schulze recognized the following two winners:

For Residential – Cambridge Village, an independent senior living facility. Mark Wilson accepted the award. For Non Residential – Crossroads Infiniti South, an auto dealership. Kolter Kesler accepted the award.

Interim Mayor Schulze thanked the winners for wanting to do the best for Apex.

## CONSENT AGENDA

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- Consent 01** Minutes of the January 14, 2014 Regular Council Meeting and Minutes of the January 7, 2014 Closed Session (*Closed Session Minutes recorded separately*)
- Consent 02** Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Donald Lawrence, et.al., properties containing 295.383 acres located along the north side of Horton Road, west side of Country Acres Road and north of Old US 1 Hwy, Annexation #498 into the Town’s corporate limits
- Consent 03** Public Hearing for the February 18, 2014 Town Council Meeting regarding Rezone #13CZ30, 293± acres for the property located at 0, 9524 Horton Road, 3916 Old US 1 Hwy from R-80 W and R-40 W (Wake County) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification for the property located
- Consent 04** Public Hearing for the February 18, 2014 Town Council Meeting regarding Rezone #14CZ01, 14.78± acres for the property located at 532 Wimberly Road and 4325 Green Level West Road from Rural Residential (RR) and Low Density Conditional Zoning (LD-CZ) to Low Density Conditional Zoning (LD-CZ) district classification for the property located
- Consent 05** Ordinance and Statement of the Apex Town Council for Rezoning Case #13CZ31, Jones & Cnossen Engineering, PLLC/JVI Development II, petitioners for the property located at 2801 Walden Road
- Consent 06** Statement of the Apex Town Council and Ordinance for Rezoning Case #13CZ36, Stuart Jones, Jones & Cnossen Engineering, PLLC, petitioner, for the property located at 2600, 2621 and 2629 Schieffelin Road
- Consent 07** Public Hearing for the February 18, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08** Transfer of Lot 102 Plot E in Apex Town Cemetery
- Consent 09** Resolution approving the official Unified Development Ordinance book retained permanently in the office of the Town Clerk as the official codification of the Town's zoning, subdivision, and planning ordinances and adopting and issuing the replacement pages inserted therein since the last codification
- Consent 10** Granting the Wake County Public School System (“WCPSS”) a construction and license agreement which permits WCPSS to use Town land to add a right turn lane to Evans Road at its intersection with Apex Barbecue Road and to accept a \$5,000.00 payment from WCPSS for the license, and to authorize the Town Manager to execute the same

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

## REGULAR MEETING AGENDA

Interim Mayor Schulze presented the Regular Meeting Agenda. Town Manager Radford requested the addition of a New Business item to discuss the Land Use Plan to find additional properties for non-residential development. Council Member Jensen requested verbiage added to New Business 03 to state "and at the discretion of the Council, select a Mayor to fill the present term".

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED TWO CHANGES; COUNCIL MEMBER WILKIE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

## PUBLIC HEARINGS

There were no Public Hearings to be heard.

## OLD BUSINESS

There were no Old Business items for consideration

## PUBLIC FORUM

Martha Fay, Jim Vogel, and Darren Eustance, spoke in support of Council Member Schulze serving out the vacant term of Mayor. Doing so will keep continuity, Schulze is a good man, and there's no one more qualified for the job. The Mayor is the face and voice and leader of the Town, and this should be someone who has been here for the last few years. It seems, however, that the Council's mind is made up as to who will be appointed without hearing what citizens have to say.

Tom Colhoun stated he wished to present Bill Sutton to serve the remaining term of Mayor. He gave an overview of Mr. Sutton's qualifications and what he believes in for Apex. The Town needs someone focused on just Apex, and Bill is the man.

Interim Mayor Schulze stated that speaking as a citizen, the person appointed to the position will get his 100% support and he will continue with his objective to do what's best for Apex.

## NEW BUSINESS

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### **New Business 01 : Lee Smiley, Finance Director**

#### **Review of 2nd Quarter Financial Summary**

Staff gave an overview of general fund revenues, expenditures, and the debt service.

### **New Business 02 : Council Member Nicole Dozier**

#### **Consideration of an Apex promotional idea**

Council Member Dozier expressed the desire for a program that would ensure new and existing residents as well as visitors know that Apex is a great place to live, work, and play. Focus should also be on things being here in Apex that would eliminate people having to go other towns. This information could be a part of our website.

Interim Mayor Schulze suggested sending this task to the Economic Development Committee; Chairman Jensen agreed, stating that he would set up a meeting to discuss the idea.

### **New Business 03 : Town Council**

#### **Discussion on Appointment of Mayor**

Interim Mayor Schulze explained that he will serve as Mayor until an appointment by Council is made. Council stated the decision was made to look outside and a meeting would be held to review resumes. The Council should have the option at that point to make the decision as to who the Mayor will be. Consensus of Council was to meet at 5:30 p.m. on February 10<sup>th</sup>. After some discussion about meeting on the 2030 Land Use Plan,

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SET THE FEBRUARY 10<sup>TH</sup> SPECIAL MEETING AT 5:30 P.M.; COUNCIL MEMBER DOZIER SECONDED THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

### **Added New Business 04 : Town Council**

#### **Meeting Date for Discussion on the 2030 Land Use Plan**

Consensus of Council was to hold this meeting on Thursday, February 13<sup>th</sup> at 5:30 p.m. in the training room.

INTERIM MAYOR SCHULZE CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO SET THIS SPECIAL MEETING AS STATED ABOVE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 4-0 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,

INTERIM MAYOR SCHULZE CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER DOZIER MADE  
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

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Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:

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Eugene J. Schulze

Interim Mayor