



TOWN COUNCIL MEETING

TUESDAY, OCTOBER 1, 2013

Keith H. Weatherly, Mayor
Eugene J. Schulze, Mayor Pro Tempore
Terry L. Rowe, Scott R. Lassiter,
William S. Jensen, and Lance Olive, Council Members
Bruce A. Radford, Town Manager
J. Michael Wilson, 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, October 1, 2013, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

In attendance were Mayor Keith H. Weatherly, Mayor Pro Tempore Eugene J. Schulze, and Council Members Terry L. Rowe, William S. Jensen, and Lance Olive. Also in attendance were Town Manager Bruce A. Radford, Assistant Town Manager J. Michael Wilson, Town Clerk Donna B. Hosch, and Town Attorney Henry C. Fordham, Jr. Absent was Council Member Scott R. Lassiter.

COMMENCEMENT

Mayor Weatherly called the meeting to order, Mayor Pro Tempore Schulze gave the Invocation, and Mayor Weatherly led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations made.

CONSENT AGENDA

[Consent 01](#) Minutes of the September 17, 2013 Regular Council Meeting, the June 18, 2013 Closed Session, and the September 3, 2013 Closed Session (*Closed Session Minutes recorded separately*)

[Consent 02](#) Public Hearing for the October 15, 2013 Town Council Meeting regarding rezone #13CZ13, rezone from Planned Unit Development –Conditional Zoning (PUD-CZ), R-80W and Rural Residential (RR) to Planned Unit Development Conditional Zoning (PUD-CZ)

district classification for the property located at Milano Avenue between Venezia Way and Mt. Zion Church Road containing 133.7± acres

[Consent 03](#) Public Hearing for the October 15, 2013 Town Council Meeting regarding rezone #13CZ22, 8.066± from Planned Unit Development –Conditional Zoning (PUD-CZ) to Planned Unit Development Conditional Zoning (PUD-CZ) district classification amending previously approved Conditional Zoning Case #07CZ05 to remove a condition requiring rear loaded garages for the property located at the end of Ambergate Station south of US 64 Highway

[Consent 04](#) Public Hearing for the October 15, 2013 Town Council Meeting regarding amendment to the 2030 Land Use Map from Medium Density Residential to Mixed Use: Office Employment, Medium Density Residential, and Commercial Services and Rezone #13CZ24, 1.34 acres located at 709 Hunter Street from Low Density Residential to Mixed Office Residential Retail-Conditional Zoning (MORR-CZ)

[Consent 05](#) Public Hearing for the October 15, 2013, Town Council Meeting regarding Rezone #13CZ25, +/-9.99 acres located at 8120 and 8136 Stephenson Road from Rural Residential to Medium Density Residential-Conditional Zoning (MD-CZ)

[Consent 06](#) Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex JVI Development II, Inc. property containing 5.094 acres located off Evans Road, Annexation #497, into the Town’s corporate limits

[Consent 07](#) Resolution to abandon portions of public utility and access easements that are no longer needed

[Consent 08](#) Budget ordinance amendment and project ordinance amendment for decorative bricks at Police Department, insurance refund for Police vehicle, Wake County grant for Fire equipment, and design of skate plaza

[Consent 09](#) 3rd Annual Abbington 5K Race / 1 mile walk

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

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda. The Town Manager requested the addition of an informational item prior to Closed Session.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE REGULAR AGENDA WITH THE STATED ADDITION; COUNCIL MEMBER ROWE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

PUBLIC HEARINGS

There were no Public Hearings to be heard.

PUBLIC FORUM

Jen Ferrell asked for Council's feelings on the Wake County School Bond. Mayor Weatherly reminded Ms. Ferrell of the purpose of Public Forum and suggested she seek discourse from Council Members individually.

NEW BUSINESS

New Business 01 : Mark Haraway, Fire Chief

Motion to enact an Ordinance Amending Section 5-9 of the Town of Apex Code of Ordinances to adopt Appendix D of the IFC (North Carolina State Building Code: Fire Prevention Code 2012) with modifications to Section D 107.1 and D 104.3 of the Appendix

Staff stated this was presented at the last Council meeting. After further review, the Ordinance was found to contain two minor conflicts with the UDO, the Building Code Council stating that the Ordinance could be modified to match the UDO. The revised Ordinance will be presented to the Code Council. The requirements will not be more stringent on developers and builders.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ORDINANCE; MAYOR PRO TEMPORE SCHULZE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

New Business 02 : Mark Haraway, Fire Chief

Motion allowing Fire Chief Mark Haraway to execute the purchase of a 2014 Spartan ERV Legend 168A Stock Pumper fire apparatus from First Choice Fire & Safety

Staff stated this purchase was approved as a CIP item for this year and funds are allocated in the budget. The truck and its needed equipment will come in under budget.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE PURCHASE; COUNCIL MEMBER ROWE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

Added New Business 03 : Bruce Radford, Town Manager

The Town Manager referenced the memo distributed to Council on the market adjustment for the Mayor's and Council's salaries. The decision was made in 1986 and again last February to pass along these adjustments as they are made for employees. This year that adjustment is 2%.

- Mayor: from \$9,861 to \$10,058, an annual increase of \$197 or \$16.41 per month
- Town Council Member: from \$7,677 to \$7,831, an annual increase of \$154 or \$12.83 per month

CLOSED SESSION

Closed Session 01 : Closed Session to receive legal advice from the Town Attorney

Closed Session 02 : Closed Session to discuss a personnel matter

MAYOR WEATHERLY CALLED FOR A MOTION TO GO INTO CLOSED SESSION.
MAYOR PRO TEMPORE SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

MAYOR WEATHERLY CALLED FOR A MOTION TO RETURN TO OPEN SESSION.
MAYOR PRO TEMPORE SCHULZE MADE THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR WEATHERLY CALLED FOR A MOTION TO ADJOURN.

MAYOR PRO TEMPORE SCHULZE MADE THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 4-0 VOTE.

Donna B. Hosch, CMC, NCCMC

Town Clerk

ATTEST:

Keith H. Weatherly

Mayor