



APEX TOWN COUNCIL MEETING

TUESDAY, APRIL 2, 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, April 2, 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, Lance Olive, and Scott R. Lassiter. 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.

COMMENCEMENT

Mayor Weatherly called the Meeting to order, gave the Invocation, and led the Pledge of Allegiance.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

1. Motion to approve Minutes of the March 19, 2013 Regular Meeting, the March 19, 2013 Closed Session (*Closed Session Minutes recorded separately*), and the March 25, 2013 Economic Development Committee Meeting
2. Motion to approve the Apex Tax Report dated 02/04/2013
3. Motion to transfer Lots No. 2, 4, 6, and 8 in Plot A of the S. S. Rogers Sections of the Apex Town Cemetery
4. Motion to re-convey Lot 209 Plot K in the Apex Town Cemetery to the Town of Apex
5. Motion to re-convey Lot 17 Plot C in the Apex Town Cemetery to the Town of Apex

6. Motion to approve the Statement of the Town Council for Rezoning Case #12CZ13, Benjamin Whitley
7. Motion to set a Public Hearing for the April 16, 2013 Town Council meeting regarding various amendments to the Unified Development Ordinance
8. Motion to adopt a resolution in support of Parks and Recreation Trust Fund

Attorney Fordham requested that the item "Motion to approve a Resolution approving Amendment No. 1 to Interlocal Agreement for Interim Cost Sharing and Capacity Allocation Related to the Western Wake Regional Wastewater Management Facilities, which will allocate the settlement payment from Holly Springs and allocate past and future costs of the ongoing partners" be removed and discussed as Old Business 01.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO ACCEPT THE CONSENT AGENDA WITH THE MODIFICATION AS STATED; COUNCIL MEMBER ROWE SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

REGULAR MEETING AGENDA

Attorney Fordham asked for a Closed Session with the purpose being "to consult with the Town Attorney to preserve the attorney/client privilege". Council Member Jensen requested a Closed Session to discuss annexation, and Attorney Fordham requested a Closed Session prior to Old Business 01.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE REQUESTED CLOSED SESSIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parker & Orleans Homebuilders, Inc. properties containing 63 ± acres located off Stephenson Road, east of Timpani Trail and north of Satori Way, Annexation # 487, into the Town's corporate limits

Staff oriented Council to the site, stating that Planning approves the annexation.

Mayor Weatherly declared the Public Hearing open. With no one wishing to speak, Mayor Weatherly declared the Public Hearing closed.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER OLIVE MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER LASSITER SECONDED THE MOTION. COUNCIL MEMBERS OLIVE, LASSITER, SCHULZE, AND ROWE VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE. THE MOTION CARRIED BY 4-1 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and motion to adopt an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Green Olive Investments, LLC properties containing 28.34 ± acres located 1928 Olive Chapel Road, Annexation #488, into the Town’s corporate limits

Staff oriented Council to the site, stating that Planning recommends the annexation.

Mayor Weatherly declared the Public Hearing open. With no one wishing to speak, Mayor Weatherly declared the Public Hearing closed.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE ANNEXATION; COUNCIL MEMBER ROWE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

OLD BUSINESS

Old Business 01

Motion to approve a Resolution approving Amendment No. 1 to Interlocal Agreement for Interim Cost Sharing and Capacity Allocation Related to the Western Wake Regional Wastewater Management Facilities, which will allocate the settlement payment from Holly Springs and allocate past and future costs of the ongoing partners

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 5-0 VOTE.

MAYOR WEATHERLY CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER OLIVE MADE THE MOTION; MAYOR PRO TEMPORE SCHULZE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

MAYOR WEATHERLY CALLED FOR A MOTION.

COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE THE RESOLUTION WITH THE UNDERSTANDING THAT STAFF HAS FURTHER DISCUSSIONS ABOUT PAYMENT REPRESENTED IN ITEM NUMBER TWO; COUNCIL MEMBER

ROWE SECONDED THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC FORUM

Matthew Myers of 1200 E. Williams Street, who addressed Council at the previous Meeting, stated he'd done more research on the placing of banners to help attract customers to businesses in his area. Because of the configuration of the shopping area, banners are needed to help draw customers to the businesses there. This would be for businesses 200 feet from the DOT right of way and would require a 26 square foot change in the Ordinance. They are asking for only one banner per business, this excluding businesses with signs at the road or inside the 200 foot limit. The businesses would agree to pay a fee for the banners. Mr. Myers explained the difficulties of making rent payments if the businesses can't attract customers.

Mayor Weatherly asked the Planning Director and Town Attorney to work together to determine if banners could be allowed. Council briefly discussed portable signage, signage on private property, criteria for businesses that don't face the street, and the need to be fair to all businesses across the board. Mr. Myers stated Burger King had out such a banner, the Town Manager stating the Town was unaware of this and the banner would gone the next day.

Citizen Craig Laudau stated Mr. Myers does great work as a tattoo artist and explained that all kinds of people are getting tattoos for all kinds of reasons. He expressed his desire to see Mr. Myers succeed as much as those small businesses on Salem Street.

NEW BUSINESS

New Business 01 : Lee Smiley, Finance Director

Motion to approve budget ordinance amendment and project ordinance amendments for recreation bonds, refunding bonds, and improvements at the water treatment plant

Staff summarized the purpose of the request. Improvements at the water treatment plant will be done by Cary.

MAYOR WEATHERLY CALLED FOR A MOTION.

MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL

MEMBER LASSITER SECONDED THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

New Business 02 : Mayor Keith Weatherly

Appointments and reappointments to the Board of Adjustment, Planning Board, and Parks, Recreation, and Cultural Resources Advisory Board

Mayor Weatherly requested the following appointments and reappointments:

Board of Adjustment

- Reappoint Craig Hardee as Chair, with a Chair term to expire December 31, 2013

Planning Board

- Reappoint David Hooks to the Board with a term to expire December 31, 2015 and appoint Mr. Hooks as Chair, with a term to expire December 31, 2013
- Appoint Tommy Morgan to the Board with a term to expire December 31, 2015 and appoint Mr. Morgan as Vice Chair, with a term to expire December 31, 2013
- Reappoint Mike Marks to the Board with a term to expire December 31, 2015
- Reappoint Lisa Carley to the Board with a term to expire December 31, 2015

Parks, Recreation, and Cultural Resources Advisory Board

- Appoint Charles Wilkins, Jr. to the Board with a term to expire May 31, 2015

MAYOR WEATHERLY CALLED FOR A MOTION.

MAYOR PRO TEMPORE SCHULZE MADE THE MOTION TO APPROVE THE APPOINTMENTS/REAPPOINTMENTS;

COUNCIL MEMBER ROWE SECONDED THE MOTION.

THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

CLOSED SESSION

Closed Session to consult with the Town Attorney to preserve the attorney/client privilege.

MAYOR WEATHERLY CALLED FOR A MOTION TO GO INTO CLOSED SESSION.

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

THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

MAYOR WEATHERLY CALLED FOR A MOTION TO RETURN TO OPEN SESSION.

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

THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

WORK SESSION

There were no Work Session items.

ADJOURNMENT

WITH THERE BEING NO FURTHER BUSINESS, MAYOR WEATHERLY CALLED FOR A MOTION TO ADJOURN.
COUNCIL MEMBER ROWE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Keith H. Weatherly
Mayor