



APEX TOWN COUNCIL MEETING

TUESDAY, FEBRUARY 19, 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, February 19, 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 and gave the Invocation. Boy Scout Troop 209, who are sponsored by the Apex Lions Club, presented the colors and led the Pledge of Allegiance.

PRESENTATIONS

Mayor Weatherly stated that the Presentation by the Apex Festival Commission would occur following the vote on the Consent Agenda.

Presentation 01 : John Brown, Parks and Recreation Director

Presentation to Council by representatives of the US Tennis Association, USTA North Carolina, and Western Wake Tennis Association of grants totaling \$41,000 to aid in the restoration and repair of the tennis courts at Apex Community Park

Staff addressed Council on the success of Parks and Recreation's partnerships with organizations over the years. Kelly Gaines, USTA North Carolina, gave a brief history on how monies come about and how they're distributed. Employee Carl Lyon was congratulated on his incredible work. Mayor Weatherly expressed his appreciation and accepted the \$41,000 check.

Presentation 02 : Bruce A. Radford, Town Manager

Presentation from Clearscapes, Inc. regarding possible use of Tunstall House

Staff gave a brief introduction on the growing need for a senior center. Fred Belledin and Steven Schuster of Clearscapes described the process by which their renderings and figures were formulated, highlighted by a pictorial presentation. Going through the stakeholder process, stakeholders were generally very supportive of what Clearscapes presented. The site plan review brought out challenges which were subsequently addressed. Three site options were presented and discussed, along with their respective cost comparisons – all falling into the low to high million dollar-plus range. Mayor Weatherly stated this center will be discussed during the upcoming budget process. He put out a call for community feedback.

Presentation 03 : Dianne Khin, Planning Director; Lee Smiley, Finance Director; Kent Jackson, Engineering Director

Annual update/pre-Retreat information

Staff described the subjects which will be discussed at the upcoming Retreat, which will include the population projection based on estimated growth rates, residential projects in various stages of completion, average assessed values to sales, the 2013 building and construction forecast, interesting stats from 2012, new construction permit totals, permit comparisons with other municipalities, projected construction values, projected fund balances, and outstanding bonded and non-bonded debt.

CONSENT AGENDA

1. Minutes of the February 5, 2013 Regular Meeting and the February 5, 2013 Personnel Committee Meeting
2. Apex Tax Report dated January 7, 2012
3. Personnel Committee recommendation of the addition of one full-time Code Enforcement Officer
4. Addition of the Harris Nuclear Plant SOG, as an appendix, to the Town of Apex Emergency Operations Plan and allow Town Manager Bruce Radford to sign acceptance page
5. Encroachment and Maintenance Agreement with Halle Building Group, LP and authorize the Town Manager to execute same
6. Street closings for 2013 Peak Fest and 2013 July 4th Celebrations
7. Resolutions providing for the sale and issuance of bonds

8. Temporarily advancing \$9,000 to the Service Memorial project to facilitate the \$18,000 contribution over two years from the Festival Commission

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

Presentation 04 : Jeff Hastings, Chair, Apex Festival Commission

Presentation of an \$18,000 check to the Town Council for purchase of the clock planned for the Apex Service Memorial

Mr. Hastings, new Chair of the Commission, gave a short history of the festival. There has been an upgrade in sponsorship, their having to turn away vendors who wished to participate this year. Mayor Weatherly expressed his appreciation and accepted the \$18,000 check.

REGULAR MEETING AGENDA

The Town Attorney requested an addition as New Business 01 regarding an easement abandonment as well as a Closed Session item regarding claims against Apex. Mayor Weatherly stated he wished to add New Business 02 as discussion of the 2013 Legislative Agenda.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER ROWE MADE THE MOTION TO APPROVE THE REGULAR MEETING AGENDA WITH THE ABOVE THREE ADDITIONS; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

PUBLIC HEARINGS

Public Hearing 01 : Dianne Khin, Planning Director

Adoption of an Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Eagle Rock properties containing 9.6+ acres located at 500 Pristine Water Drive – Annexation #486 into the Town’s corporate limits

Staff presented a brief description the request; Planning recommends approval.

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

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 5-0 VOTE.

OLD BUSINESS

There were no Old Business items for discussion.

PUBLIC FORUM

No one wished to speak during Public Forum.

NEW BUSINESS

New Business 01 : Hank Fordham, Town Attorney

Abandonment of Utility Easement on the 55 James Street Midtown Project

Staff stated the Resolution would affect an abandonment of 0.299 acres of the property. Public Works supports the abandonment; it is not needed.

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

New Business 02 : Mayor Keith Weatherly

Discussion on the 2013 Legislative Agenda

Council discussed items which were left over from 2012 as well as those items on the list for 2013. Mayor Weatherly welcomed the addition of any other items from Council.

Council wished to add two items: (1) supporting business-friendly legislation and job creation related to the tax code and regulatory reform; and (2) language that would encourage, protect, and enhance the best schools and seek solutions for improving the educational experiences of those being ill served. This would include public as well as charter schools. After discussion, Council agreed that these two issues do not fall under municipal responsibilities. Since they are primarily philosophical, they should be introduced to our legislators as resolutions.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER ROWE MADE THE MOTION TO APPROVE THE 2013 LEGISLATIVE AGENDA AS INITIALLY PRESENTED; COUNCIL MEMBER OLIVE SECONDED THE MOTION. THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

WORK SESSION

There were no Work Session items for discussion.

CLOSED SESSION

Closed Session to discuss claims against Apex

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

ADJOURNMENT

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

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

Keith H. Weatherly
Mayor