



TOWN COUNCIL MEETING

TUESDAY, JUNE 17, 2014

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
Donna B. Hosch, CMC, NCCMC, Town Clerk
Henry C. Fordham, Jr., Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, June 17, 2014, 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 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.

Absent was Council Member William S. Jensen.

COMMENCEMENT

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

PRESENTATIONS

There were no presentations to be made.

CONSENT AGENDA

- Consent 01** Minutes of the June 3, 2014 Regular Meeting and Closed Session, and the May 21, 2014 Economic Development Committee Closed Meeting (*Closed Session Minutes recorded separately*)
- Consent 02** Apex Tax Report dated May 5, 2014
- Consent 03** Statement of the Town Council for Rezoning Case #14CZ06, Longleaf Development Services / Shree Girirajgoverdhan Properties, LLC, petitioners, for the property located at the southwest corner of Green Level West Road and Green Level Church Road
- Consent 04** Statement of the Town Council for Rezoning Case #14CZ09, Glenda Toppe, petitioners for the property located 3232 US 64 Highway West

- Consent 05 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of May 20, 2014
- Consent 06 Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan and Special Use Permit #14SUP01 – Kelly Park Tower
- Consent 07 Set Public Hearing for the July 15, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 08 Authorize the *Termination of Encroachment Agreement* and authorize the Town Manager to sign it, which will terminate the Encroachment Agreement
- Consent 09 Ordinance amending Sections 14-17.2 and 15-7 of the Apex Town Code related to the carrying of concealed handguns in Town buildings and recreation facilities to conform to state law
- Consent 10 *Amendment 4 to Contract #52063* between Apex and Duke Energy Progress, Inc. and authorization for the Town Manager to sign it
- Consent 11 Budget ordinance amendment for costs of serving regional wastewater plant, electric vehicle grant, and customer rebates
- Consent 12 Resolution authorizing execution and delivery of installment financing agreement
- Consent 13 Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- Consent 14 Position Classification Plan for FY14-15 and associated Personnel Policy revision for Article I
- Consent 15 Resolution authorizing condemnations related to the Tingen Road sidewalk project

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE
THE MOTION TO APPROVE THE CONSENT AGENDA; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

REGULAR MEETING AGENDA

The Town Attorney requested the addition of a Closed Session to receive legal advice from the Town Attorney.

PUBLIC FORUM

No one wished to speak during Public Forum.

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 Robert Alan Rossi and Amy McDevitt property containing 1.606 acres located at 0 Schieffelin Road, Annexation #513, into the Town’s corporate limits

Staff oriented Council to the site, stating it recommended approval of the request.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 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 Straight Arrow Properties containing .7079 acres located at 2621 Schieffelin Road, Annexation #514, into the Town’s corporate limits

Staff oriented Council to the site, stating it recommended approval of the request.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER DOZIER MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 03 : Dianne Khin, Planning Director

Public Hearing and motion on proposed amendments to the 2030 Land Use Map at 3212 and 3228 US 64 Hwy West

Staff reminded Council of the details of the site. The Planning Board and staff unanimously recommended approval of the request.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE
THE MOTION TO APPROVE THE AMENDMENTS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 3-0 VOTE.

Public Hearing 04 : Dianne Khin, Planning Director

Public hearing and motion to adopt an Ordinance regarding various amendments to the Unified Development Ordinance

Staff outlined the three sets of amendments. Several departments worked together to develop the modified/revised wording and processes regarding grading, detached townhomes, and landscaping and buffers. The Planning Board unanimously recommended approval of the request.

Mayor Pro Tem Schulze joined Council at 7:15 p.m.

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

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

New Business 01 : Bruce Radford, Town Manager

Motion to adopt the FY 2014-2015 Budget Ordinance

Staff presented the Ordinance, stating it had been carefully deliberated. The budget contained the projects about which the public was most vocal, and it balanced without tax, electric, and water and sewer rate increases. Radford thanked the department heads for their effort in making this possible. This was a smooth budget process.

Council complimented staff on the improved process undertaken this year and how well staff and community worked together. The staff was thanked, and Council stated it felt good about the raises which staff would receive.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE
THE MOTION TO ADOPT THE ORDINANCE; COUNCIL MEMBER DOZIER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

New Business 02 : John Letteney, Chief of Police

Motion to approve a Memorandum of Understanding with the Wake County Public School System to provide School Resource Officer(s) to select public schools within the jurisdiction of the Apex Police department, and to authorize the Manager to execute same

Staff outlined the contents of the MOU, stating the current MOU expires at the end of this month. All involved municipalities have met with their staffs and attorneys and recommended approving the presented MOU. Apex staff recommends its approval as well. Responding to Council, staff explained resource officer staffing and the associated costs. It is felt that the full time SROs at the middle schools are needed beyond the realm of security. Staff explained that an increase in reimbursement to the Town has been discussed.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE MOU WITH THE REQUEST THAT THE SCHOOL BOARD'S REIMBURSEMENT POLICY BE ADDRESSED; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

CLOSED SESSION

Closed Session 01: to receive legal advice and consider potential eminent domain litigation

Closed Session 02: to receive legal advice from the Town Attorney

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE RESOLUTION AUTHORIZING EMINENT DOMAIN PROCEEDINGS RELATED TO THE MT. ZION ROAD SUBSTATION TO US 1 ELECTRIC LINE PROJECT FOR THE IMPROVEMENT OF THE APEX ELECTRIC SYSTEM;
MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 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 WILKIE MADE
THE MOTION; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 4-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton, Mayor