



APEX TOWN COUNCIL MEETING

TUESDAY, MAY 5, 2015

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
Drew Havens, Assistant Town Manager
Donna B. Hosch, CMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 5, 2015, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

COMMENCEMENT

Mayor Sutton called the meeting to order, Father Donald Staib gave the Invocation, and Mayor Sutton led the Pledge of Allegiance.

PRESENTATIONS

Presentation 01 : Mayor Bill Sutton

Presentation of the Government Finance Officers Association's Award of Financial Reporting Achievement to Suzanne Parmentier, Accounting and Budget Manager representing the Finance Department

Mayor Sutton gave a brief history of Ms. Parmentier's performance, then read and presented her with the Award.

CONSENT AGENDA

- Consent 01 Minutes of the April 21, 2015 Regular Meeting
- Consent 02 Encroachment Agreement with Crown Builders and Developers of NC LLC and authorization for the Town Manager to execute same
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving Major Site Plan for Murphy Oil USA - Walmart
- Consent 04 Second Amendment to Contract for Sale and Purchase of Real Estate between CRP-Apex, LLC and the Town and authorization for the Town Manager to execute same
- Consent 05 Statement of the Town Council and Ordinance for Rezoning Case #14CZ16 (Aquiline PUD), Aquiline Apex Owner, LLC, petitioners for the property located at 1528 E Williams Street
- Consent 06 Statement of the Town Council and Ordinance for Rezoning Case #15CZ03, The Reserve at Beaver Creek, Alan Maness, BBM Associates for Rock Properties Inc., petitioner for the properties located at 1201, 1309, 1313, 1325 and 1333 Kelly Road. The Statement and Ordinance includes a correction to the text and layout of the PUD. Staff's report and presentation to Town Council incorrectly stated that the applicant offered a 30 foot Type A buffer along the

entirety of Kelly Road. Staff has included a correction which shows the Kelly Road Buffer as a 30 foot Type A opposite land zoned residential and a 30' Type E opposite land zoned non-residential

- Consent 07 Statement of the Town Council and Ordinance for Rezoning Case #15CZ06 (The Pointe) Alan Maness, BBM Associates, petitioners for the property located at 1401 & 1417 Kelly Road, 1700, 1704, 1712, 1724 & 1736 Olive Chapel Road
- Consent 08 Statement of the Town Council and Ordinance for Rezoning Case #15CZ07 (Crestmont II), Stuart Jones, Jones & Crossen Engineering, PLLC, petitioners for the property located at 8028 Green Level Church Road
- Consent 09 Set the Public Hearing on May 19, 2015 for a 2030 Land Use Map amendment from Low Density Residential to Commercial Services and rezoning application #15CZ11 and Ordinance (New Hill Community Center) to rezone 2.77± acres located on the east side of New Hill Holleman Rd, approximately 700 feet north of US 1 Highway (PIN 0629-09-4695) from Wake County Highway District to Planned Commercial-Conditional Zoning
- Consent 10 Construction contract and authorization for the Town Manager to execute same for 2015 Road Rehabilitation Project. Scope includes pavement repairs and resurfacing in Ashley Downs Phase 1, Beckett Crossing Phase 1, Apex Peakway from NC 55 to Hillcrest Road, a pedestrian crossing on Beaver Creek Commons Drive, and isolated repairs at various locations.
- Consent 11 Set Public Hearing for the May 19th Council Meeting to consider changes to the Town's Parks, Recreation, Greenways and Open Space Map consistent with changes approved on April 21st to the Town's Transportation Bicycle and Pedestrian Plan
- Consent 12 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ01 (Womble Property PUD) to rezone 39.40± acres located on North Salem Street (PINs 0742-68-7170, 0742-78-3227 and a portion of 0742-68-2141) from Residential Agriculture to Planned Unit Development-Conditional Zoning
- Consent 13 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ09 (7816 Green Level Church Rd) to rezone 1.51± acres located on the east side of Green Level Church Rd, approximately 500 feet north of Secluded Acres Rd (PIN 0723924042) from Rural Residential to Medium Density Residential-Conditional Zoning
- Consent 14 Set the Public Hearing on May 19, 2015 for rezoning application #15CZ10 (Mt Zion Church Rd) to rezone 1.44± acres located at 2505, 2509, and 2513 Mt. Zion Church Road from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ). Wake County PIN#s 0721-43-8595; 0721-43-8473; 0721-43-8351
- Consent 15 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 New Hill Community Center property containing 2.769 acres located at 3101 New Hill Holleman Road, Annexation #537 into the Town's corporate limits
- Consent 16 Set Public Hearing for the May 19, 2015 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 17 Street closures for 2015 Peak City Pigfest and 5K and Fun Run
- Consent 18 Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the Unified Development Ordinance (UDO) Amendments of April 21, 2015
- Consent 19 Encroachment Agreement with Duke Energy Progress ("DEP")

- Consent 20 Set a public hearing for May 19, 2015 to receive public comment relative to the ordinance to approve the sale of electric generation assets owned by the North Carolina Eastern Municipal Power Agency (NCEMPA) to Duke Energy Progress and approve a new wholesale power purchase agreement between the Town of Apex and NCEMPA
- Consent 21 Budget amendment to the General Fund to appropriate Fund Balance and increase the Capital Outlay appropriations for the Police Department to purchase cameras for twelve new police cars so those cars may be placed in operation
- Consent 22 Contract for design of future Pleasant Park
- Consent 23 Budget amendment to the General Fund for payment of a developer reimbursement as authorized by UDO Section 7.5.4 F

Mayor Sutton asked the Town Manager about monies coming out of the Capital Fund for Recreation in relation to Consent 22. The Manager stated it is not to exceed \$277,000.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE THE CONSENT AGENDA. COUNCIL MEMBER LASSITER MADE THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

REGULAR MEETING AGENDA

Council Member Dozier requested the addition of an item to discuss transparency, the Mayor stating this would become New Business 04.

PUBLIC FORUM

J.C. Knowles, Apex Ambassador and President of the Downtown Business Association, thanked Council for the beautiful benches downtown and at the Depot. Mr. Knowles stated there is great need for a free-standing senior citizen center and pleaded with Council to place funds in the FY15-16 budget for plan execution. The aging population is growing daily. All other municipalities in the area have these centers, and Apex should also. He hoped this will be the year to start on the great adventure of a center for Apex citizens. Mr. Knowles stated he will be 86 soon, and he plans to be at the ribbon cutting! He thanked Council for the things it does, for allowing him to speak, and for having him as Apex's Ambassador.

Paul Temple, President of Waterford Green Home Owners Association, updated Council on the progress of the median. It is in the process of being redeveloped, and he thanked staff for keeping them abreast of what's going on. As for the curbs, DOT stated their budget won't cover anything aside from the front section. From the last half of that section up the hill, several sections of the median are inappropriate, but they were approved somehow in the past. The curbing is deteriorating and dirt has to be mounded

higher for planting. When it's time to replace Waterford Green Drive, Mr. Temple asked the Town to consider including proper curbing. If the Town will tear out the paving and bring in proper soil, they will tear out the plantings. This is beyond aesthetic, it's functional as well and has to do with curb appeal in the community. For the upcoming bond issue, they would like Council to include this project.

PUBLIC HEARINGS

Public Hearing 01 : Bruce Radford, Town Manager

Public Hearing and Agreement regarding naming rights for the Skate Plaza and authorization for the Town Manager to execute same

Staff stated that construction of the plaza is in process and that there is continuous fund raising going on. So far, about \$68,000 has been raised. John Rogers made an offer to purchase naming rights for \$100,000 to name the plaza 'Rogers Family Skate Plaza at Trackside', which will be paid over a maximum of 24 months from date of Council approval. This is a magnanimous gesture; there will be few such plazas as this in the country.

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 APPROVE THE AGREEMENT; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Public Hearing 02 : Dianne Khin, Planning Director

Public Hearing and Ordinance on the Question of Annexation – Apex Town Council's intent to annex Parker Orleans Homebuilders property (Colvin Park Phase 4) containing 8.015 acres located at Redbud Tree Drive and Stephenson Road, Annexation #536, into the Town's corporate limits

Staff oriented Council to the site, stating that staff recommended approval. Sewer will go to Cary as part of the previous approval.

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

Council asked if there was a requirement to vote since he voted against it previously. The Town Attorney stated it would be unusual to vote against the request. Council stated sewer going to Cary says that there is an infrastructure problem.

MAYOR SUTTON CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE ORDINANCE; COUNCIL MEMBER WILKIE SECONDED THE MOTION. COUNCIL MEMBERS WILKIE, SCHULZE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBER JENSEN VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

Public Hearing 03 : Amanda Bunce, Planner

Quasi-Judicial Public Hearing and revised Major Site Plan for Saint Mary Magdalene Church, 30.65 acres located at 625 Magdala Place and 6450 Apex Barbecue Road

The Town Attorney read a statement regarding procedures and criteria for the Hearing. The Town Clerk swore in all those wishing to testify. All Council members stated they would be able to impartially hear this item.

OPENING STATEMENT BY APPLICANT: Pastor Donald Staib stated they needed to make adjustments to their Plan and introduced Amanda Mann, Attorney, representing the church. Ms. Mann gave a brief history of previously being before Council. Three minor issues have come up which triggered the re-approval: budgetary considerations, performance of a water percolation study, and addition of a wet pond.

No one from the audience opposed Ms. Mann's statement.

Staff member Amanda Bunce stated her credentials and reacquainted Council with the approval of the Plan from last year. A neighborhood meeting resulted in several proposed modifications. There was no cross by the Applicant of staff.

All Council stated they were familiar with the site but not anything having to do with this Hearing.

PRESENTATION BY APPLICANT: Engineer Alan Maness stated his credentials. He explained in more detail the three reasons why they were back before Council. There was no rebuttal by staff or Council.

Traffic Consultant Dionne Brown stated her credentials and discussed the revised TIA. There was no rebuttal by staff or Council.

Roger Cannon discussed the revised floor plan, elevations, and aesthetic aspects of the building. There was no rebuttal by staff or Council.

CONCLUDING REMARKS: Ms. Mann went through the approval and conclusion factors.

Mayor Sutton declared the Public Hearing closed.

The Mayor asked Council if there would need to be any deliberation of the Standards, to which all Council stated there would be none.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
THE REVISED PLAN; COUNCIL MEMBER LASSITER SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

OLD BUSINESS

Old Business 01 : Kent Jackson, Director and Adam Stephenson, Engineering Supervisor
Staff report on requests from Mr. Paul Temple of the Waterford Green Neighborhood

Staff thanked Mr. Temple for continuing to work with them towards a better understanding of his request. Staff discussed the aesthetics of each of the three islands. The first one has been restructured in its permanent location. Staff supports and recommends the work being done for the front island. The best method would be to identify a landscaper to do the work and provide us with an estimate and invoice. This work has been authorized in the Budget Ordinance. For the second island, the larger of the two, it is planted with an abundance of mature plantings. The current project has no impact on these plantings, so we can't honor this request. However, we have prepared an estimate of \$32,000 to replace curbing, remove existing asphalt, remove planting and soil, and rebuild the island without plantings. It will be part of the HOAs effort to rebuild the second island if the Town will rebuild the median.

Mr. Temple stated the back portion of the island would join the newer section, and the additional sections have trees that are mature and will begin to be problematic. He proposed, when it is time to repave, that the entire section which is not correct be made correct. Staff stated that when resurfacing, it would be reasonable to consider the curb condition if the contract warranted this, which will be two to three years out. Mr. Temple stated they will take responsibility for replanting.

Old Business 02 : Bruce Radford, Town Manager

Discussion and decision regarding potential bond projects for Transportation and Recreation and the prospects for a referendum in November

Staff stated that at the Retreat, Council's number one priority for the coming year's financial expenditures was transportation followed by recreational needs. The Town can fund \$15 million in General Fund obligations without a tax increase. There have been discussions with Council as to how to do this. This night's question was to determine how much Council wants to spend on which items. The Mayor read the Assumptions:

**2015 Bond Referendum #
Information and Decision Point**

Assumptions#

1. \$15 million dollars can be bonded without a tax increase
2. Southern Peakway section (S. Salem to Tingen Road) can be constructed for \$4.5 million.
3. Last remaining portion of the Peakway Schiefflin to NC55 will cost \$4.5 million.
4. To catch up to the lagging road maintenance (repaving) will cost \$5 million.
5. Design and costs for Pleasant Park construction are unknown. \$5 million can begin, but not complete, construction at Pleasant Park.
6. If only a portion of the funds necessary to complete Pleasant Park are approved, another referendum will be required in 2016. This measure would require a tax increase in order to pay the debt service.
7. If the General Assembly enacts the proposed changes to the sales tax distribution, the Town of Apex would see a \$2.3 million reduction in revenue. This will totally negate the ability to finance any General Fund debt without a tax increase.
8. If both Transportation and Parks/Recreation bonds are favored, we would call for two separate referendums on the same ballot.
9. \$5 million for Parks & Recreation would design and begin construction of Pleasant Park and provide funds for the design of a Senior Center.

Options#

1. Call for November referendum of \$15 million, split into \$10 million for Transportation and \$5 million for Parks.
2. Call for Parks bond only.
3. Call for Transportation bond only for \$15 million.
4. Do nothing

After hearing the Options, Council stated the Parks and Recreation Advisory Commission was presented the information, and they are in favor of splitting the bonds. They would like transportation done this year and then seek citizen support for parks and recreation after having time to formulate a plan for exactly what is needed. This is a clean alternative; constituents cries are to get transportation taken care of.

Council agreed with the postponement.

Council stated we haven't stopped building houses because there are road issues. Therefore, she was fine with doing both at the same time, but particularly doing for the seniors. She supported numbers 1 and 5.

The Mayor reminded Council that the plan for Pleasant Park was just approved on the Consent Agenda. Staff explained when the bonds would be issued if passed; the plan for Pleasant Park would be done prior to this.

Council stated that if we don't do a parks bond, we can get money from the General Fund to get the planning started on a senior center or task staff to look at other centers to see if one would be a fit for us.

Staff stated the Mayor previously made a suggestion, and it would be easily accomplished, to add \$400,000 from Unencumbered Fund Balance to pay for space planning for a senior center. Further discussion about alternative sites will take place at a later Council meeting. This information would come from a study.

Greg Coley addressed Council, stating that a Parks and Recreation meeting was held. Currently, subdivision fees are being used to finish greenway projects, the skate plaza, Salem Pond Park, and possibly synthetic turf for Hunter Street Park. 50% of monies pulled in within the next few years will pay for land at Pleasant Park. We will need some type of bond for Pleasant Park and a senior center. If the senior center is taken off campus, the cost would substantially increase. Mr. Coley did know how to do this unless there was some kind of design plan. The Commission's concern is that if we get \$5 million for parks, will that shortchange some of the transportation needs. With not being completely vetted, what would we tell the citizens we are going to do with the \$5 million; we need to be specific. Possibly we'd be able to look at grant money and approach a one-time bond in 2016. We have not had a bond since 2004 and it passed by 80%. He felt confident people will vote for a bond, but we want to be as complete as possible, to touch as many residents as possible.

Council expressed concern that people will ask why we need more money when we just built nature parks. Parks and Recreation needs more time to get their ducks in a row. The transportation bond is laid out to know exactly what's going on. She would like to set aside money for planning the senior center. Mr. Coley stated that in the Master Plan, a senior center and regional park were addressed. He was completely in support of a senior center, but wants it done right and vetted in meeting senior needs. Council liked the idea of adding money for the planning of the senior center. Staff stated putting in multi purpose trails in the Transportation Plan can be looked at.

Council recommended a slow approach to the senior center, but at least doing something to get it off the ground instead of trying to do the whole thing at one time. We should do the design and let it tell what we can do as time goes by.

Council agreed that \$5 million won't go far. We need to also consider economic development and infrastructure so as to get businesses here. This takes precedence over road maintenance. He would want to look at infrastructure as the second part of the bond instead of parks in order to put in sewer. The non residential would improve the standard of living and keep taxes down. Council would want to set up two bond issues - one for roads and one for infrastructure. Whenever we talk about preparing areas for businesses, we come up against a road block. If we don't do something soon, we will be lagging.

COUNCIL MEMBER LASSITER MADE A MOTION FOR COUNCIL TO AUTHORIZE STAFF TO PERSUE ISSUING AN EXCLUSIVE BOND FOR THE NOVEMBER ELECTION TO AUTHORIZE THE SALE OF NO MORE THAN \$15 MILLION OF GENERAL OBLIGATION BONDS, NOT TO EXCEED THE ACTUAL COST OF CONSTRUCTION OF THE PEAKWAY AND TO CATCH UP ON ROAD MAINTENANCE. IF THERE IS ANYTHING LEFT OVER, THEN WE WOULD POSSIBLY LOOK AT VARIOUS INTERSECTION IMPROVEMENTS.

After some brief discussion,

COUNCIL MEMBER WILKIE SECONDED THE MOTION.

COUNCIL MEMBER JENSEN MADE A MOTION TO AMEND THE PREVIOUS MOTION TO BREAK THE BOND INTO ONE FOR ROADS OF \$11 MILLION AND ONE FOR \$4 MILLION FOR INFRASTRUCTURE. COUNCIL MEMBER LASSITER REJECTED THE AMENDMENT, STATING HIS MOTION WAS DUE TO HIS HAVING A GREATER UNDERSTANDING OF HOW BONDS WORK.

There was brief conversation on Council's feeling of the importance of infrastructure.

Staff presented how the bond structure could work at a lower cost. Council asked how would we pay for the senior center, Council answering that the Manager would be asked to put it in the bond. Council stated she wished to see a plan for how it would be paid for, staff answering that a senior center is in the CIP for year 6. We would make funds available from the Uncumbered Fund Balance and bring back a budget amendment from the current year if Council chose to move forward immediately to do a site plan. Then the Transportation Plan and senior center would not be connected whatsoever.

COUNCIL MEMBER LASSITER CALLED THE QUESTION. COUNCIL MEMBERS WILKIE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE; COUNCIL MEMBERS JENSEN AND SCHULZE VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 3-2 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO APPROVE \$400,00 FROM FUND BALANCE FROM THIS YEAR'S BUDGET FOR DESIGN OF THE SENIOR CENTER. COUNCIL MEMBER WILKIE MADE THE MOTION;
COUNCIL MEMBER LASSITER SECONDED THE MOTION.

Council stated he supported the center and felt it deserving and long overdue. However, we don't have a game plan for paying for this.

COUNCIL MEMBERS JENSEN, WILKIE, LASSITER, AND DOZIER VOTED IN THE AFFIRMATIVE;
COUNCIL MEMBER SCHULZE VOTED IN THE NEGATIVE.
THE MOTION CARRIED BY A 4-1 VOTE.

Mayor Sutton called for a break, to which Council was in agreement.

Old Business 03 : John Letteney, Chief of Police

Discussion of the results from the preliminary study of Section 7.2.1 (L) Of the Town of Apex Unified Development Ordinance (UDO) –
Traffic Calming

Staff stated this was reviewed as per Council directive. A subsent with meeting with Town departments presented three options, staff recommending Option #3.

Option #1 – Make no revision to the UDO. The current process has been working well and addresses the input for the neighborhood beyond the area that would be subject to a petition. While a petition speaks in some measure to homeowner support, it does not address input from the larger community that may be affected by the traffic calming device. As the elected representatives of the neighborhood, the HOA input should be an integral part of the process.

Option #2 – Revise Section (L) (3) (b) (iii) of the UDO to state:

“The homeowner’s association(s) for the affected residential neighborhood(s) and 100% of the owners of lots fronting on or adjacent to the proposed traffic calming device locations shall be notified and provided a copy of the sketch plan referenced in Section 7.2.1 (L) (3) (b) (i). The homeowner’s association(s) and owners of lots shall be given a minimum 30-day comment period prior to the plan being scheduled for consideration at the next Town Council meeting. A letter of endorsement from the homeowner’s association(s) and adjacent owners is encouraged but not required to proceed with consideration by Town Council.”

This option allows HOA and neighbor input to be considered by Council, but does not require a formal endorsement.

Option #3 – Make no revision to the UDO at this time and allow staff additional time to fully review the UDO and research best practices for a traffic calming device process. This option will also allow for meetings with HOA representatives to be scheduled to gather their input. Some additional areas staff would like to research include the following:

- A review of the threshold speed that qualifies for the installation of a traffic calming device
- Use of the website for electronic petitions to be filed, followed by a method of validation of the signatures
- Use of the GIS system to create a more accurate area of influence
- Developing a better method to define the affected area
- Review of the process to determine the proper role for affected Town departments
- Review of the process to determine the time frame for expiration of a petition (i.e. six months)
- Eliminating the traffic calming device removal process from the UDO
- Potential increase in the percentage of payment required to supplement Town funds

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE
OPTION 3; COUNCIL MEMBER WILKIE SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

NEW BUSINESS

New Business 01 : Bladimere Flores

Street closure request for the 2015 Latino Art Festival

Mr. Flores, speaking on behalf of the Apex Latino Art Festival, stated this would be the 5th year of the Festival. He thanked Council for their previous years' help. Mr. Flores outlined how the Festival has grown and how it's not just an Hispanic but a community festival.

MAYOR SUTTON CALLED FOR A MOTION. COUNCIL MEMBER LASSITER MADE THE MOTION TO APPROVE THE
STREET CLOSURE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.

PD staff detailed the traffic route. Council stated this might be a negative if it takes away from the businesses. PD explained this is a family event, and they don't want anyone to get hit. Mr. Flores has been advised of Police cost. The Chamber is fine with the Depot being used for the event.

THE MOTION CARRIED BY A 5-0 VOTE.

New Business 02 : Vance Holloman, Finance Director

Review of 3rd Quarter Financial Summary

Staff detailed the Financial Summary, which is incorporated as a part of these Minutes.

New Business 03 : Dianne Khin, Planning Director

Discussion of opposition to House Bill 304/Senate Bill 320 regarding billboards

Staff stated the bill is re-stuck in committee, this being the third time it has come up. Staff detailed what the bill would incur and what it would mean for local government, nothing that Apex does not allow billboards. This will probably be brought up in the next session as well. Staff would like to see this as part of our Legislative Agenda.

The Town Attorney explained how this bill processed through the Legislature. Council stated we should add this to our Legislative Agenda and educate the community on what it would mean. Asked was how we can advocate along with DOT who also opposes this. We need to explain to the community this is not a 'jobs bill' as it is being advertised. The Mayor stated he spoke with Representative Stam about making rules inside our city limits.

COUNCIL MEMBER JENSEN MADE THE MOTION TO GO ON RECORD THAT THIS COUNCIL OPPOSES BOTH BILLS AND THAT WE WILL DRAFT A LETTER TO OUR DELEGATION AND WAKE COUNTY AS TO OUR POSITION. THE TOWN MANAGER WILL DIRECT STAFF TO PUT THIS OUT ON SOCIAL MEDIA. COUNCIL WILL ASSIST WITH THE EFFORT ON THE TOWN'S BEHALF.

Added New Business 04 : Council Member Dozier

Discussion on Transparency

Consistent with General Statute Section 143 and transparency on our new website, Council asked could we do more for the community to be in our meetings, particularly those who are elderly and disabled. Since the meetings are audio taped, can we put that audio on our website. Council asked for permission from Council for staff to come up with the best way to engage the community. The easiest thing would be audio on our website.

Council stated this seems an inexpensive alternative, not like video which was tried a while ago. YouTube was suggested. Council asked simply that staff explore the various options and come back to Council with a recommendation.

CLOSED SESSION

Closed Session 01 : To consult with the Town Attorney regarding a liquidated damages claim

MAYOR SUTTON CALLED FOR A MOTION TO GO INTO CLOSED SESSION. COUNCIL MEMBER WILKIE MADE THE MOTION. THE MOTION CARRIED BY A 5-0 VOTE.

MAYOR SUTTON CALLED FOR A MOTION TO RETURN TO OPEN SESSION. COUNCIL MEMBER JENSEN MADE THE MOTION. THE MOTION CARRIED BY A 5-0 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.

MAYOR PRO TEM SCHULZE MADE THE MOTION; COUNCIL MEMBER JENSEN SECONDED THE MOTION.
THE MOTION CARRIED BY A 5-0 VOTE.

Donna B. Hosch, CMC, NCCMC
Town Clerk

ATTEST:

William M. Sutton
Mayor