

# TOWN OF APEX, NORTH CAROLINA

Town Council Meeting Agenda for September 7, 2010

The Regular Meeting of the Apex Town Council scheduled for Tuesday, September 7, 2010, 7:00 p.m. will be held in the Council Chambers of the [Apex Town Hall](#) and Town Campus, 73 Hunter Street.

Mayor Keith H. Weatherly will preside over the meeting.

Mayor:  
Keith H. Weatherly



<http://www.apexnc.org/>

Council:  
Bryan Gossage,  
Mayor pro tempore  
Bill Jensen  
Mike Jones  
Lance Olive  
Gene Schulze

## COMMENCEMENT

Call the meeting to order  
Invocation  
Pledge of Allegiance  
Welcome

## PRESENTATIONS

Presenter: Mayor Keith Weatherly

**Presentation # 01 – Zoning Official Certification**

Presentation of North Carolina Local Government Zoning Official Certificate to Apex Zoning Compliance Officer Cliff Joyner.

End of Presentations

## CONSENT AGENDA

*All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the consent agenda and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Consent Agenda will be set prior to taking action on the following items.*

Mayor Weatherly will present the Consent Agenda to be set prior to taking action on the following 12 items.

1. Minutes of August 17, 2010 Town Council meeting.
2. Minutes of [August 17, 2010 Town Council](#) Closed Session (minutes recorded separately).
3. Revert unpaid lot(s) and plot(s) on reserve in the Apex Town Cemetery back to the Town for resale pursuant to Apex Town Code Section 6.63 Defaulting purchasers.

Consent Agenda continued on page 2



4. Set Public Hearing for September 21, 2010 Town Council meeting regarding BOP Development for Rezone #09CZ06; subject property located at end of Whistling Quail Road containing 11.096 acres.
5. Set Public Hearing for September 21, 2010 Town Council meeting regarding Bella Casa PUD Amendment for Rezone #10CZ06; subject property located at 2709 Evans Road containing 1.025 acres.
6. Set Public Hearing for September 21, 2010 Town Council meeting regarding Ellington Place PUD Amendment for Rezone #10CZ07; subject property located at Laura Duncan Road between Old Apex Road and Ramblewood Drive containing 20.38 acres.
7. Set public hearing September 21, 2010 Town Council meeting regarding Broadstone Station PUD for Rezone #10CZ10; subject property located at Apex Peakway between S. Hughes Street and Broadstone Way containing 57.45 acres.
8. Set Public Hearing for September 21, 2010 Town Council meeting regarding Calvary Chapel for Rezone #10CZ11; subject property located at 2633 Schieffelin Road containing 1.19 acres.
9. Approve Service Contract between Town of Apex and Hare Pipeline and authorize Town Manager to sign same on behalf of the Town.
10. Approve CSX Transportation Wire Line Crossing Permit #CSX-660397 Facility Encroachment Agreement and authorize Town Manager to sign same on behalf of the Town.
11. Approve: (1) Resolution of Award of Bid to Seaside Environmental Constructors, Inc., and (2) Construction Contract for the Middle Creek Water Reclamation Facility Sludge Thickener.
12. Approve Budget Ordinance Amendment No. 3 and Capital Projects Ordinance Amendments for street improvements and sludge thickener project at wastewater plant.

End of Consent Agenda

## REGULAR MEETING AGENDA

Mayor Weatherly will present the Regular Meeting Agenda to be set prior to taking action.

## PUBLIC HEARINGS

Presenter: Town Attorney Hank Fordham

### **Public Hearing # 01- Closure of a Portion of Laura Village Drive**

#### ***CONTINUATION OF PUBLIC HEARING FROM AUGUST 17, 2010 COUNCIL MEETING***

*Review: [Resolution 2010-0615-14](#) was adopted by the Town Council on June 15, 2010, noting their intent and scheduling a public hearing regarding closure of a portion of Laura Village Drive; proper notice was given and proposed street closure signs were posted; Council on July 20, 2010 voted to continue the hearing to August 3, 2010 to allow negotiations to continue regarding acceptable access; Council on August 3, 2010 voted to continue the hearing to August 17, 2010; Council on August 17, 2010 voted to continue the hearing to September 7, 2010 to allow negotiations to continue regarding acceptable access and closing of this designated portion of Laura Village Drive that would facilitate implementing the Hendrick Toyota development plan.*

Continuation of Public Hearing and possible motion to approve an Order Closing a Portion of Laura Village Drive (west of its intersection with Merchant Drive) and reserving utility easements as shown on the attached Survey # 1 and Survey # 2.

End of Public Hearing # 01

End of Public Hearings



## OLD BUSINESS

There are no Old Business items to be considered.

## PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council.  
Mayor Weatherly will recognize those who would like to speak at the appropriate time.  
Large groups are asked to select a representative to speak for the entire group.  
*Your comments must be limited to 3 minutes to allow others opportunity to speak.*

## NEW BUSINESS

Presenter: Attorney Hank Fordham

### **New Business #01 – Proposed Code of Ethics**

Discussion of Code of Ethics for the Town Council (and possibly Board of Adjustment and Planning Board).  
Possible motion to adopt same.

Presenter: Council Member Jensen

### **New Business #02 –Renewable Energy Systems**

Council Member Jensen will offer a Resolution to Enable Renewable Energy Systems in the Town of Apex.

Presenter: Mayor Keith Weatherly

### **New Business #03 –Reappointments**

Mayor Weatherly will recommend the reappointment of Apex representatives to the Wake County Growth Issues Task Force.

End of New Business

## CLOSED SESSION

**Closed Session:** Possible motion to receive legal advice from Town Attorney regarding potential litigation.

## WORK SESSION

No Work Session is scheduled.

## ADJOURNMENT