

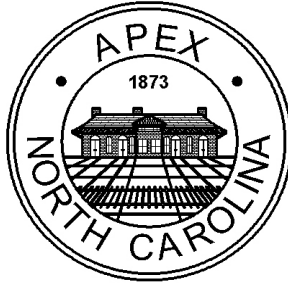
TOWN OF APEX, NORTH CAROLINA

Council Meeting Minutes for January 5, 2010

The Regular Meeting of the Apex Town Council scheduled for Tuesday, January 5, 2010, 7:00 p.m. was held in the Council Chambers of the Apex Town Hall, 73 Hunter Street, Apex Town Campus.

Mayor Keith H. Weatherly presided over the meeting.
All Council Members were present.

Mayor:
Keith H. Weatherly



Council Members:

Bryan Gossage
Bill Jensen
Mike Jones
Lance Olive
Gene Schulze

Web site: www.apexnc.org

COMMENCEMENT

Mayor Weatherly called the meeting to order, led the Pledge of Allegiance, and extended a welcome to those in attendance. Invocation was given by Council Member Olive.

PRESENTATION

Presentation No. 01 - US Census 2010

Christine Mackey, US Census Bureau, presented Road to 2010 Census (attached); noting facts and population estimates, with 9 of 12 Wake County towns among the State's 25 fastest growing; Wake County may surpass all North Carolina counties in population with this census count; a count of everyone living in the United States is mandated by the United States Constitution and helps to apportion Congress (state census data count may help North Carolina gain another congressional seat) and data must be submitted to the President of the United States by December, 2010 and helps with the distribution of over \$400 billion in federal funds to local, state and tribal governments. Census forms will be mailed to each household in March (Census Day April 1, 2010); census takers will be employed to visit homes that do not return questionnaires. 2010 Census banners will be placed in the downtown during February. Planning Director Khin reported information will be placed on the Town website and noted the importance of the population based revenue - Apex estimated population 35,032; \$6.1 million collected in population based revenue last year accounted for 22% of Apex's budget.

Presentation No. 02 - 2010 Peak City International Film Festival: John Demers (Bob Crowley)

John Demers expressed appreciation to the Town for its support in the successfulness of the 2009 Peak City International Film Festival; plans are underway for November 2010 festival with Jerry Mathers planning a return appearance; are looking for office space and will continue filming Rusty Bucket Kids Club.

End of Presentations



CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the agenda and without discussion. If a member of the Council 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 presented the Consent Agenda to be set prior to taking action. With no amendment to the Consent Agenda the following action was taken. **Action:** Council Member Gossage made the motion to approve the Consent Agenda. Council Member Jones made the second to the motion. Motion carried unanimously.

1. Minutes of December 15, 2009 Town Council Meeting.
2. Minutes of December 15, 2009 Town Council Closed Session (separate cover).
3. Annexation Petition # 447: Neelkamal Corporation (Around the World Market), owner/petitioner, petitioning to annex 1.108 acres into the Town's corporate limits and located at 2112 E. Williams Street: 1) Resolution Directing Clerk to Investigate Petition; 2) Certificate of Sufficiency by Clerk; and 3) Resolution Setting Date of Public Hearing for January 19, 2010.
4. Set Public Hearing January 19, 2010: Conditional Rezone #09CZ13 and Special Use Permit #09SUP03: (American Tower Corporation) seeking rezone from Rural Residential to Office & Institutional Conditional Zoning; 3. 54 acres located at 1716 Old US # 1 Hwy (for driveway not approved in its original location), PIN # 0731-32-8398.
5. Set Public Hearing January 19, 2010: various UDO Amendments.
6. 2009 Annual Certification of Firemen and 2010 State Certification Roster.
7. CSXT Agreements to allow two waterline crossings to be included in construction of Apex Peakway (N. Salem St. to New Dover Rd.) at a cost of \$9800 in fees due to CSXT and authorize Town Manager to execute same.
8. Tax Report for Town of Apex approved and accepted by Wake County Board of Commissioners in regular session December 7, 2009.

End of Consent Agenda

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda to be set prior to taking action. Attorney Fordham asked to add an item to Closed Session to receive legal advice regarding a potential litigation matter. **Action:** Council Member Schulze made the motion to amend the agenda as requested. Council Member Gossage made the second to the motion. The Agenda was set as amended.

PUBLIC HEARINGS

There were no scheduled Public Hearings.

OLD BUSINESS

There were 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.

No one spoke during Public Forum.



NEW BUSINESS

There were no New Business items to be considered.

CLOSED SESSION

Mayor Weatherly called for a motion to move into Closed Session to receive legal advice regarding potential eminent domain actions and to consider acquisition of easement interests in real property and to receive legal advice regarding a potential litigation matter.

Action: Council Member Schulze made the motion to move into Closed Session at 7:27 p.m. Council Member Jones made the second to the motion. Motion carried unanimously. Minutes of Closed Session are recorded separately. **Action:** Council Member Jones made the motion to move back into Regular Session at 8:11p.m. Council Member Gossage made the second to the motion. Motion carried unanimously.

With Council having moved back into **Regular Session**, the following action was taken:

Action: Council Member Jones made the motion to adopt **Resolution No. 10-0105-01** Authorizing Eminent Domain Proceedings Related to the Improvement of the Apex Sewer System by Extending Gravity Sewer Lines: Property Owner: Cecil Bunn Olive and Hollands Crossing Home Owners Assn. Inc. Council Member Jensen made the second to the motion. Motion carried unanimously.

Action: Council Member Jones made the motion to approve a Unilateral Offer and Agreement to Pay Condemnation Expenses and Costs between JVI and Town of Apex, North Carolina.

End of Regular Session

ADJOURNMENT

With no further business to come before the Council, Mayor Weatherly called for a motion to adjourn at 8:13 p.m. **Action:** Council Member Jones made the motion to adjourn. Council Member Olive made the second. Motion carried unanimously.

The minutes of the January 05, 2010 Council Meeting were submitted by the Town Clerk to the Town Council for their approval at the January 19, 2010 meeting.

Georgia A. Evangelist, MMC
Town Clerk

Keith H. Weatherly
Mayor