

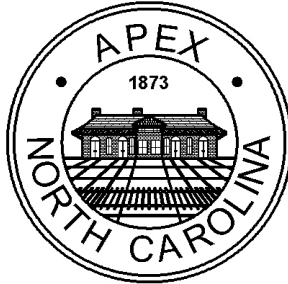
TOWN OF APEX, NORTH CAROLINA

Town Council Meeting Minutes for May 4, 2010

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 4, 2010, 7:00 p.m. was held in the Council Chambers of the Apex Town Hall and Town Campus, 73 Hunter Street.

Mayor Keith H. Weatherly presided over the meeting.

Mayor:
Keith H. Weatherly



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

Web site: www.apexnc.org

COMMENCEMENT

Mayor Weatherly called the meeting to order. Invocation was given by Council Member Jones. Pledge of Allegiance led by Scout Troop 316. Welcome extended to Scout Troops 316 and 131 and Apex High School students. Mayor Weatherly recognized the Town Clerk, Georgia Evangelist, and extended appreciation to her for having served the Town of Apex for 30 years, a renowned Master Municipal Clerk, having achieved this title through the International Clerk's Association.

PROCLAMATIONS

1) Lyme Disease Awareness, 2) National Physical Activity Plan, 3) National Day of Prayer, and 4) National Military Month.

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. Town Attorney requested an item be added to the consent agenda, item 8 (see below). **Action:** Council Member Schulze made the motion to approve the consent agenda with the addition of item 8. Council Member Gossage made the second to the motion. Motion carried unanimously to approve the consent agenda as amended.

1. Minutes of April 20, 2010 Town Council meeting.
2. Minutes of April 20, 2010 Town Council Closed Session.
3. Council Statement and Ordinance: Rezone #10CZ03, Jones & Cnossen Engineering, PLLC, petitioners, property located at 2650 Evans Road; Estates at Bella Casa Master Subdivision Plan and Rezone #10CZ03; rezone from Rural Residential district to Medium Density Conditional Zoning district.
4. Council Statement and Ordinance: Rezone #10CZ05, Jones and Cnossen Engineering, PLLC, petitioners, Property located at 924 Center Street: amend 2025 Land Use Classification from High and Medium Density Residential to Office Employment, and rezone from Residential Agricultural district to Office & Institutional Conditional Zoning district.
5. Set public Hearing May 18, 2010 for various amendments to the Unified Development Ordinance.
6. Budget Ordinance Amendment No. 9 and Capital Projects Ordinance Amendment for street and sidewalk repairs, electric substation repairs, and relocation of power lines required by NC-540.

Consent Agenda continued on page 2



7. Interlocal Agreement for Building Inspection Services; authorize Manager to approve and execute agreement; and designate building inspectors from Holly Springs to serve as members of the Apex Building Inspections.
8. Authorize Town Manager to execute the attached Performance Letter of Credit Release Agreement in settlement of possible claim against Old Mill Village Letter of Credit Number 3082460 and to execute Beneficiary's Agreement of Cancellation of letter of Credit Number 3082460 upon receipt of good funds in the amount of \$85,000.

End of Consent Agenda

REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda to be set prior to taking action. There were no amendments to the Regular Meeting Agenda. The Regular Meeting Agenda was set.

PUBLIC HEARINGS

Presenter: Director of Planning Dianne Khin

Public Hearing # 01 - Annexation #450

Review: This annexation is the approved site for Estates of Bella Casa. Certified Public Notice:

http://www.apexnc.org/docs/public_notice/notice/1-2010-05-05-20A7A63F-9228-A80F-DD564744D4FB7DC8.pdf

Public hearing and possible motion regarding Annexation Petition # 450: LHP Development, LLC.

owner/petitioner, petitioning to annex 11.096 acres into the Town's corporate limits and located at 2650 Evans Road.

Director of Planning presented request for Annexation # 450 as stated, and a new approved phase of Bella Casa, and located south of the town's nature park and Bella Casa and Park Side on the Creek, Staff recommends approval. Public Hearing was opened at 7:15 p.m. No one addressed the request for annexation. Public Hearing closed at 7:15 p.m. Mayor Weatherly referred the matter to Council.

Action: Council Member Jones made the motion to approve the request for annexation, adopting an ordinance to extend the corporate limits of the town by the said acreage. Council member Gossage made the second to the motion. Motion carried unanimously.

End of Public Hearing

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

Presenter: Director of Finance Lee Smiley

New Business # 01 – Financial Summary

Director of Finance gave a review of the 3rd. Quarter FY09-10 Financial Summary. Benchmark for 3rd. quarter financial performance is 75% for revenues and expenditures. Significant variances are noted in the summary. Finance Director reported finances are where he expects them to be at this point. Questions were answered for clarity. Report was well received by Council.

End of New Business # 01

Presenter: Chief of Police Jack Lewis

New Business # 02 – Cops Grant

Request approval to resubmit application to the Office of Community Oriented Policing Services (COPS Office) for 2010 COPS Hiring Recovery Program (CHRP) grant funding. Chief of Police noted an application was submitted in 2009, however funds were unavailable. Application was carried forward in 2010 in anticipation of renewed availability of federal funds. Police received notice that additional funds to this program were allocated and encouraged to resubmit an updated application to be reconsidered for approval. Mayor referred the matter to Council.

Action: Council Member Gossage made the motion to approve the request to resubmit the application. Council Member Schulze made the second to the motion. Motion carried unanimously.

Chief of Police noted the Police Department Building Dedication, 205 Saunders Street: May 11, 2010: 5:30 p.m.

End of New Business # 02

Presenter: Director of Information Technology Peter LaPiana

New Business # 03 – Paperless Agenda

Review: Council directed staff to come to them to discuss paperless agendas.

Presentation by Staff regarding paperless agendas.

Director of Information Technology noted Council had discussed this item during their retreat; staff seeks direction as Council Member Olive spoke in support of moving forward with paperless agendas; he had suggested timelines proceeding with the paperless agenda process and requested costs analysis; he prefers digital over paper and better allowing searchable content.

Director of Information Technology reported Morrisville, Cary, Raleigh and Garner follow a paperless agenda process, all different. He noted the Town Clerk and he had discussed the attached process, and further he noted going paperless would have a long term cost savings to the town, and to be cost effective, all should participate. Town would provide laptops to those that do not have one, cost of purchase \$910 each. Ultimate goal of IT is to have a secured public share folder on the Town's server that could be made available in a few weeks, where Council could log in from home. Agenda can be emailed in zip file format, or placed on CD, allowing town to save money, go green and streamline the agenda process. Questions were answered for clarity. Council was unanimous in their support of moving forward with the paperless agenda process. Staff will begin working with the process and moving in this direction over the next few weeks.

End of New Business # 03



Presenter: Mayor Keith Weatherly

New Business # 04 -Resolution of Support

Mayor Weatherly presented for Council's consideration, a Resolution Supporting the Wake County Board of Education. Past history of the Council has been consistent, making their concerns known, and have done so by adopting past resolutions, supporting community schools and opposing mandatory year round schools; supporting good quality education and parental choice. Comments of support by the Council were well taken, with minor amendments made to the resolution. Council Member Jensen hopes lower income housing would be built closer to schools, and perhaps a tax credit offered to live and work closer to the schools. Mayor Weatherly noted this falls out of scope of the school board. Mayor Weatherly referred the matter to Council.

Action: Council Member Schulze made the motion to adopt Resolution No. 2010-0504-09, amending same by removing majority from the second and third whereas, and removing Wake County Board of Education from the next four whereas. Council Member Gossage made the second to the motion. Motion carried unanimously.

End of New Business

CLOSED SESSION

Possible motion to move into Closed Session to discuss the following:

Closed Session # 01 - Potential Eminent Domain Litigation: Discussion of potential eminent domain cases in connection with West Street improvement project.

Closed Session # 02 - Senate Bill 44: Discussion regarding Senate Bill 44: Act to clarify the law regarding appeals of quasi-judicial decisions made under Article 19 of Chapter 160A and Article 18 of Chapter 153A of the General Statutes.

Action: Council Member Schulze made the motion to move into Closed Session at 8:00 p.m. Council Member Jones made the second to the motion. Motion carried unanimously. The following items were discussed. Minutes of Closed Session are recorded separately.

Action: Council Member Schulze made the motion to move into Closed Session at 8:32 p.m. Council Member Olive 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 Jensen made the motion to adopt Resolution No. 10-0504-10 Authorizing Eminent Domain Proceedings Related to the West Street Project for Street Rights-of-way, Related Drainage Easements, and Electric Easements for Improvement of the Apex Street, and Electric Systems related to the West Street improvement project. Council Member Jones made the second to the motion. Motion carried unanimously.

End of Regular Session

WORK SESSION

No Work Session was scheduled.

ADJOURNMENT

Mayor Weatherly called for a motion to adjourn at 8:35 p.m. **Action:** Council Member Schulze made the motion to adjourn. Council Member Jensen made the second to the motion. Motion carried unanimously.

The minutes of the May 4, 2010 Council Meeting were submitted by the Town Clerk to the Town Council for their approval during the May 18, 2010 meeting.

Georgia A. Evangelist, MMC
Town Clerk, Apex, North Carolina

Keith H. Weatherly
Mayor