



# APEX TOWN COUNCIL MEETING

TUESDAY, JANUARY 7, 2014

Keith H. Weatherly, 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  
J. Michael Wilson, Assistant 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, January 7, 2014, at 7:00 p.m. was held in the Council Chamber of Apex Town Hall, 73 Hunter Street

## COMMENCEMENT

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

## PRESENTATIONS

### **Presentation 01 : Department Heads/Supervisors**

#### **Introduction of newly-hired Town employees**

The following newly-hired employees were introduced:

- John Cannon, Public Works Operations Manager introduced James Turner, Street Crew Leader; Ashley Parker, Senior Utilities Maintenance Worker; and Aaron Prince, Utilities Maintenance Worker
- John Brown, Parks and Recreation Director introduced Patrick Fahy, Parks Maintenance Worker and Jerome Harrison, Parks Maintenance Worker
- Police Chief John Letteney introduced Joseph Asmussen, Police Officer; William Hotchkiss, Police Officer; Paul Reinas, Police Officer; and Kristopher Shuart, Police Officer
- EMS Chief Randall Heath introduced Christopher Simmons, EMS - Paramedic
- Mike Couch, Electric Utilities Manager introduced Matt Mills, Electrical Line Technician

## CONSENT AGENDA

**Consent 01** Minutes of the December 17, 2013 Regular Council Meeting and Minutes of the December 18, 2013 Personnel Committee Meeting

- Consent 02 Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Robert Briggs property containing 5.538 acres located at 6404 Old Jenks Road, Annexation #502 into the Town’s corporate limits
- Consent 03 Findings of Fact, Conclusions of Law, and Decision approving the ATI Industrial Automation Phase 5 Major Site Plan
- Consent 04 Findings of Fact, Conclusions of Law, and Decision approving the Scotts Ridge Elementary School Major Site Plan
- Consent 05 Public Hearing for the January 21, 2014 Town Council Meeting regarding Rezone #13CZ28, 0.98 acres located at 1009 North Salem Street from Residential Agricultural to Office and Institutional Conditional Zoning
- Consent 06 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ31, 4.32 acres located at 2801 Walden Road from Rural Residential to Medium Density-Conditional Zoning
- Consent 07 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ33 from Rural Residential to Medium Density-Conditional Zoning and a 2030 Land Use Map Amendment from mixed use: Commercial Services, Office Employment and High Density Residential to Medium Density Residential for, 85± acres located at 400 New Hill Olive Chapel Road
- Consent 08 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ34 from Rural Residential to Neighborhood Business-Conditional Zoning for 14± acres located at 400 New Hill Olive Chapel Road
- Consent 09 Public Hearing for the January 21, 2014 Town Council Meeting regarding rezone #13CZ35, 70.12 acres located at 8012 Green Level Church Road and 7529 Roberts Road from Rural Residential to Medium Density-Conditional Zoning
- Consent 10 Public Hearing for the January 21, 2014 Town Council Meeting regarding Rezone #13CZ36, 1.69 acres located at 2600, 2621, 2629, Schieffelin Road from Residential Agricultural and Planned Commercial Zoning to Light Industrial Conditional Zoning
- Consent 11 Public Hearing for the January 21, 2014 Town Council Meeting regarding various amendments to the Unified Development Ordinance
- Consent 12 Ordinance amending Chapter 20 of the Apex Town Code of Ordinances to add a new Section 20-89 to provide for the identification and regulation of street gates including a street gate across Sandy Hill Ct. in Castlewood Subdivision
- Consent 13 Approval of the eRecording of documents at the Wake County Register of Deeds, eRecording *Software License and Services Agreement* between Electronic Document Logistics, Inc. (“EDL”) and the Town with authority for the Town Attorney to execute same, and *Electronic Recording Submitter Agreement* between Wake County and the Town with authority for the Town Attorney to execute same
- Consent 14 Change Order #1 for the Community Park Lake Dam project

- Consent 15** Changes to the opening and closing times for various parks, greenways, and shelters.
- Consent 16** Budget ordinance amendment for repair of Police vehicle
- Consent 17** Street Closings for 2014 Peak Fest and 2014 July 4<sup>th</sup> Celebrations
- Consent 18** Resolution approving the Memorandum of Understanding Among the Naval Criminal Investigative Service and the North and South Carolina Regional State, County and Municipal Agencies for an Information Sharing Initiative Known as the Law Enforcement Information Exchange Carolinas (LINX Carolinas)

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO ACCEPT THE CONSENT AGENDA; COUNCIL MEMBER JENSEN SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

## REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda and asked for a brief discussion on a date for the Council's Annual Planning Retreat, this item to be New Business 06.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE ADDING NEW BUSINESS 06; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

## PUBLIC HEARINGS

### **Public Hearing 01 : June Cowles, Senior Planner**

#### **Public Hearing and approval of The Town of Apex Hazard Mitigation Plan Annual Report**

Staff presented the history of this Plan and a brief review of how Apex is complying with the Plan. The Town is working with other jurisdictions to update the Plan, thereby saving the Town money. A grant has been provided for this update. A survey will be placed on the Town website later this week. Hopefully, the Plan will be ready for distribution later this Fall.

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

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

## OLD BUSINESS

There were no Old Business items for consideration.

## PUBLIC FORUM

No one wished to speak during the Public Forum.

## NEW BUSINESS

**New Business 01 : Marty Mitchell, Director, Facility & Fleet Services**

**Approval of funding for a design contract with Smith Sinnett Architecture for the Mount Zion electrical site. This contract will include a full design plan to accommodate the growing needs and space requirements of the Electric Department up to and including construction documents. The remaining design contract (construction administration) would be awarded in the future after the construction project is bid.**

Staff stated this is the Phase II approach which was presented at least year's retreat.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER JENSEN MADE THE MOTION TO APPROVE  
THE FUNDING; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

**New Business 02 : Marty Mitchell, Director, Facility & Fleet Services**

**Funding for a pre-design and planning contract with BBH Design to evaluate the Town Campus third building. This contract will include a feasibility study and possible departmental placements within the new third building. The total design contract will be awarded in the future after consideration of the pre-design contract.**

Staff stated this has come up due to future staffing accommodations that will be needed. In attempt to get ahead of the curve, which is a two-year-to-completion project, the desire is to start with a pre-design contract. Afterwards, staff will come back with a full-blown contract.

Council expressed concern over taking away the currently identified green space on campus for the building; could it be located elsewhere to conserve this space. Staff stated all options would be explored.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE  
THE FUNDING; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

**New Business 03 : Gene Schulze, Chair, Personnel Committee**

**Personnel Committee recommendation for 1 full-time Planner I at Salary Grade 21 and 1 full-time Planning Technician at Salary Grade 20 effective immediately**

Council stated there is clearly a demonstrated need for these positions. It will allow the Planners to focus more on their responsibilities and not those of other positions. The Personnel Committee recommended approval.

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

**New Business 04: Bruce Radford, Town Manager & Hank Fordham, Town Attorney**

**Resolution Declaring Leasehold Interest Surplus and Resolution Starting Upset Bid Process in connection with a long term lease of a portion of Kelly Road Park property to Raleigh Towers LLC for use of the property for construction and operation of a wireless communication tower**

Staff stated the Town has realized great success in leasing cell tower space on top of elevated storage tanks. Raleigh Towers LLC has approached us to lease space, as there is at some points a lack of service traveling along I540 and on the west side of town. Staff supports this, which would bring in just over \$20,000/year.

Legal has worked closely with the developer for what will be a free-standing tower. One addition to the language was suggested by Legal related to any damages caused to Town facilities. The Resolutions would approve this as surplus property and subject it to an upset bid process.

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO APPROVE THE RESOLUTIONS; COUNCIL MEMBER DOZIER SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

**New Business 05: Bill Jensen, Chair, Economic Development Committee**

**Report from and recap of the January 3<sup>rd</sup> Economic Development Committee Meeting**

Council presented the items discussed in the meeting. The Committee recommends that capacity fees be brought up to the full charge that the staff has calculated and that these updated fees be reviewed by the Finance Committee. A queue system was discussed, one for residential and one for non-residential. Staff stated non-residential is not being impeded, so there was no further discussion on this item.

Lastly, the possibility of an Economic Development manager was discussed. Currently, a portion of the Communications Manager's time is supposed to be utilized assisting with ED, and several projects have been completed. Council would like to see more of her talents used in the ED area. The Town Manager provided background on how the Communications Manager's time was originally to be split, adding that with this being a newly-formed position, he underestimated the time it would take for primary job duties. Up until now, there has not been a tremendous demand for her to work on ED projects. Discussed was the idea of bringing in an intern to help with ED, the Mayor stating that a philosophical discussion on this subject could take place at the upcoming retreat. Council will work with the Chamber to help bring in people to work on this.

**Added New Business 06: Mayor Keith Weatherly**

**Discussion of the Planning Retreat**

The Mayor stated that retreats have typically be done on Fridays, taking up a full day. After brief discussion, Council decided that March 7<sup>th</sup> would be an appropriate date and that the retreat would either be at Town Hall or the Police Station.

MAYOR WEATHERLY CALLED FOR A MOTION. COUNCIL MEMBER WILKIE MADE THE MOTION TO APPROVE THE MARCH 7<sup>TH</sup> DATE FOR THE RETREAT; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

## CLOSED SESSION

**Closed Session to discuss the acquisition of real property**

MAYOR WEATHERLY CALLED FOR A MOTION. MAYOR PRO TEM SCHULZE MADE THE MOTION TO GO INTO CLOSED SESSION FOR THE ABOVE-STATED PURPOSE; COUNCIL MEMBER WILKIE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

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

## WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business,

MAYOR WEATHERLY CALLED FOR A MOTION TO ADJOURN. COUNCIL MEMBER JENSEN MADE  
THE MOTION; MAYOR PRO TEM SCHULZE SECONDED THE MOTION.  
THE MOTION CARRIED BY A UNANIMOUS 5-0 VOTE.

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Donna B. Hosch, CMC, NCCMC  
Town Clerk

ATTEST:

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Keith H. Weatherly  
Mayor

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