

# TOWN OF APEX, NORTH CAROLINA

Meeting Minutes for May 3, 2011

The Regular Meeting of the Apex Town Council scheduled for Tuesday, May 3, 2011, 7:00 p.m. was held in the Council Chambers of the [Apex Town Hall](#) and Town Campus, 73 Hunter Street.



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

Mayor Keith Weatherly presided over the meeting.

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

## COMMENCEMENT

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

## PRESENTATIONS

### Presentation 01

Proclamation for 2011 "National Police Week and Peace Officers Memorial Day".

### Presentation 02

Proclamation Apex High School Women's Varsity Swim and Dive Team "2010-2011 State 4A Champions".

### Presentation 03

Diana Dayal, President Apex Teen Council, gave an update on their events and future plans.

## 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 presented the Consent Agenda to be set prior to taking action. **Action:** Council Member Jensen made the motion to approve the consent agenda with a substitute document for #4. Council Member Jones made the second to the motion. Vote on the motion was 4-0. Motion carried unanimously.

1. Minutes for Council meeting of April 5, 2011; and April 5, 2011 Closed Session (separate cover).
2. Minutes for Council meeting of April 19, 2011.
3. Annexation Petition #461: Town of Cary for Western Wake Partners (WWP), petitioning to annex 23.558 acres into the Town's corporate limits and located at 2916 Olive Chapel Road; (non-contiguous to the Town's corporate limits), (Western Wake Partners proposed pump station requires Town public utilities services); 1) Resolution directing Clerk to investigate petition; 2) Certificate of Sufficiency by Clerk; and 3) Resolution setting date of public hearing for May 17, 2011.
4. Findings of Fact and Conclusions of Law for Motiva Major Site plan located at 2300 Ten-Ten Road approved by Council February 15, 2011.
5. Statement of the Council and Ordinance for Rezone #11CZ02 Lindsey McLamb, petitioner, for property located at 2705 Evans Road approved by Council March 15, 2011.
6. Statement of the Council and Ordinance for Rezone #11CZ03 Jones & Cnossen Engineering, PLLC, petitioner, for property located at 2820 Evans Road approved by Council April 19, 2011.
7. Statement of the Council and Ordinance for Rezone #11CZ04 Jack Skaggs, Jr., petitioner, for property located at 3521 Old US Hwy 1 approved by Council April 19, 2011.
8. Statement of the Council and Ordinance for Rezone #11CZ05 Jones & Cnossen Engineering, PLLC, petitioner, for property located at 924 Center Street approved by Council April 19, 2011.

**Consent Agenda continued**

9. Statement of the Council and Ordinance for Rezone #11CZ06 Colvin Park, PLLC, petitioner, for property located between Stephenson Road and Smith Road approved by Council April 19, 2011.
10. Statement of the Council and Ordinance for Rezone #11CZ07 Skyway Towers, petitioner, for property located at 3101 Tingen Road approved by Council April 19, 2011.
11. Statement of the Council and Ordinance for Rezone #11CZ08, Apex First Development and Town of Apex, petitioners, for the property located at Mill Hopper Lane and Apex Peakway approved by Council April 19, 2011.
12. Findings of Fact and Conclusions of Law for Special Use Permit #11SUP02, Skyway Towers, for property located at 3101 Tingen Road and approved by Council April 19, 2011.
13. Set Public Hearing May 17, 2011 for Rezone #10RZ08: Town of Apex Hunter Street Park, containing 10.57 acres.
14. Set Public Hearing May 17, 2011 for Rezone #10RZ09: Town of Apex Seagroves Park, containing 11.609 acres.
15. Set Public Hearing May 17, 2011 for Rezone #10RZ10: Beaver Creek Pump Station, containing 22.998 acres.
16. Set Public Hearing May 17, 2011 for Rezone #10RZ11: Olive Chapel Park PUD Amendment, containing 23.11 acres.
17. Road Closures for Saturday, May 14, 2011 Scott's Mill Subdivision, 7:30 a.m. to 9:30 a.m. for 2011 STTM Monarchs in Motion 5K Run/Walk.
18. Sprint Com, Inc. Lease Agreement to locate Communications Antenna and Equipment on Tingen Road Water Tank and Site, located at South Salem Street and Tingen Road, and supporting Resolution Declaring Leasehold Interest Surplus, Resolution Starting Upset Bid Process, and Legal Notice.

End of Consent Agenda

## REGULAR MEETING AGENDA

Mayor Weatherly presented the Regular Meeting Agenda to be set prior to taking action. Council Member Jensen asked to amend the agenda for New Business #2: Authorize expenditure of \$10,000 from General Fund for soil erosion control along Peakway. **Action:** Council Member Jones made the motion to add this item. Council Member Gossage made the second to the motion. Vote on the motion was 4-0. Motion carried unanimously. Mayor Weatherly asked to amend the agenda for New Business #3: Authorize expenditure to expand Code Red for warning emergency notification. **Action:** Council Member Schulze made the motion to add this item. Council Member Jensen made the second to the motion. Vote on the motion was 4-0. Motion carried unanimously.

## 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.  
 Comments *must be limited to 3 minutes to allow others opportunity to speak.*  
*No one spoke during Public Forum.*

## NEW BUSINESS

### New Business 01

Director of Finance Lee Smiley

**Review of 3<sup>rd</sup> Quarter Financial Summary:** Benchmark for 3<sup>rd</sup> Quarter financial performance is 75% for revenues and expenditures; significant variances were noted. Financial summary reflects finances are almost exact as one year ago and if the finances hold, will reflect a surplus at year end. Financial performance report was accepted by Council.

End of Old Business 01

### New Business 02

Council Member Bill Jensen

**Authorize expenditure of \$10,000 General Fund for temporary soil erosion control:** along Peakway, Olive Chapel Road to South Salem Street to prevent run-off in HOA retention pond. **Action:** Council Member Jensen made the motion to authorize the expenditure. Council Member Gossage made the second to the motion. Vote on the motion was 4-0. Motion carried unanimously.

End of New Business # 2

**New Business 03**

Mayor Keith Weatherly

**Authorize expenditure to expand Code Red Emergency Communications:** for warning emergency notification. A calling data base of all subscribers, citizens that are the most at risk within the projected path of an identified storm would be notified. Only citizens who sign up will receive the notification and may elect to receive alerts for any combination of severe weather warnings. Prorated May 15 for \$1,445 (renewal date 09/26/11 with first year cost \$3,937, and 2nd. and 3rd. year cost \$7,875). **Action:** Council Member Schulze made the motion to authorize the expenditure to expand the Code Red system. Council Member Jones made the second to the motion. Vote on the motion was 4-0. Motion carried unanimously.

**End of New Business # 3**

**End of New Business**

**CLOSED SESSION**

**There were no Closed Session items to be discussed.**

**WORK SESSION**

**No Work Session was scheduled.**

**ADJOURNMENT**

With no further business to come before the Council, Mayor Weatherly called for a motion to adjourn at 7:40 p.m.

**Action:** Council Member Jensen made the motion to adjourn. Council Member Gossage made the second to the motion. Vote on the motion was 4 and 0. Motion carried.

The minutes for May 3, 2011 Town Council meeting were submitted by Town Clerk to the Council for their approval during their May 17, 2011 meeting.

/s/Georgia A. Evangelist, MMC  
Town Clerk

/s/Keith H. Weatherly  
Mayor