



# REGULAR TOWN COUNCIL MEETING

Tuesday, January 26, 2021 at 6:00 PM

~~Council Chamber at Apex Town Hall, 73 Hunter Street~~

THIS WAS A VIRTUAL MEETING

## Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Drew Havens, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe.

## COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Mayor Pro Tem Dozier gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

## PRESENTATIONS

Amanda Bunce, Current Planning Manager with Tim Maloney, Wake County Planning, Development & Inspections Director, and Tim Gardiner, Planner III-Transportation

Presentation on the status of PLANWake, the draft comprehensive plan for Wake County.

Ms. Bunce introduced Mr. Maloney and Mr. Gardiner. Mr. Gardiner gave Council a brief overview of the process Wake County used to create the draft comprehensive plan. Wake County is currently on the outreach phase of the process. The public can review the plan and submit comments by visiting PLANWake.org. The scope and purpose of the draft comprehensive plan, and the methods in which the County will track, monitor, and compete the goals of the plan were identified. The County hopes to continue to grow partnerships with municipalities to collaborate to service the County. Mr. Gardiner anticipates the plan to be adopted in February 2021.

Mayor Jacques Gilbert

Presentation of Proclamation recognizing Health and Humanity Yogathan

Mayor Gilbert read the proclamation recognizing the annual Health and Humanity Yogathan organized by Hindu Swayamsevak Sangh (HSS).

Mayor Jacques Gilbert

Presentation of Black History Month Proclamation

Mayor Gilbert read the proclamation declaring February Black History Month.

Mayor Jacques Gilbert

Recognition of Years of Service

Mayor Gilbert and Council thanked and recognized Town Manager Havens for his accomplishments, achievements, years of service, leadership, and stewardship as a farewell to Town Manager Havens. Mr. Havens was retiring from the Town of Apex to become the Town Manager in Duck, North Carolina.

#### CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Apex Tax Report dated 12/07/2020

CN2 Mayor Jacques Gilbert

Reappoint Jeff Ulrick, Bill Carraway, and Betsy Sisley to the Tree CAP Committee

CN3 Allyson Coltrane, Long Range Transit Planner II

Town Manager to sign and execute, the Triangle Transportation Demand Management Agreement to fund a portion of the new Long-Range Transit Planner position and promotion of the GoApex Route 1 in Fiscal Year 2021.

CN4 Marty Stone, P.E.-Assistant Town Manager

Town Manager to execute an Encroachment Agreement between the Town and property owner, Andrew J. Jablonski (Grantee), regarding Wake County, NC PIN#0732-15-3557, 1032 Diamond Dove Lane, recorded in Book of Maps 2018, Page 1365, Wake County Register of Deeds.

CN5 Dennis Brown, Senior Capital Projects Manager

Town Manager to execute Contract Amendment #2 for GMP 2 with Construction Manager at Risk, J M Thompson, in the amount of \$4,537,077.23 for the new Pleasant Park Project. This Guaranteed Maximum Price 2 (GMP 2) includes turf and fencing

packages for the soccer fields, as well as the underground drainages system for the turf.

CN6 Erika Sacco, IT Director

Capital Project Ordinance Amendment 2021-04 to allocate \$210,000 funding for IT related contracts related to the Senior Center and Community Center Expansion.

CN7 Brian Meyer, Deputy Town Attorney and Mitch McKinney, Deputy Police Chief

Resolution adopting an involuntary Commitment Custody and Transportation Agreement.

CN8 Drew Havens, Town Manager

Vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

Mayor Gilbert stated Consent Agenda items 7 and 8 were to be removed from the Consent Agenda.

Mayor Gilbert called for a motion to adopt the Consent Agenda.

Council Member Killingsworth made the motion with the stated changes;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

#### REGULAR MEETING AGENDA

Mayor Gilbert stated Public Hearing 8 would be heard before Public Hearing 1 and a Closed Session needed to be added to the Agenda to discuss personnel matters.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda.

Council Member Mahaffey made the motion with the changes; Council

Member Stallings seconded the motion.

The motion carried by a 5-0 roll call vote.

#### PUBLIC FORUM

There were no public comments to be heard.

#### PUBLIC HEARINGS

PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR& Advisors  
Town of Apex Affordable Housing Plan

Staff stated an Affordable Housing Plan has been drafted. The plan identifies affordable housing needs in Apex, and sets vision and goals for developing affordable housing. Staff thanked the steering committee for their contributions with the plan and the process. A public presentation of the draft plan was presented to the Planning Board on December 4, 2020, the Planning Board held a Public Hearing and the comment period was open through January 26, 2021.

Staff received feedback during the public comment period that the purpose and full intent of the plan needed to be clarified. Staff outlined the changes made to the draft. The Steering Committee met January 7, 2021 and voted unanimously to recommend the adoption of the plan. The Planning Board voted on January 13, 2021 and a 4-4 vote was reached on whether to recommend the adoption of the plan. The members that voted against the recommendation voiced concerns on using alternate wording on incentive zoning based on one perspective. Staff recommended adopting the plan with the alternate clarifying wording.

Mayor Gilbert declared the Public Hearing open.

Suzanne Harris-HBA of Raleigh-Wake County, thanked staff for the amended changes to the plan providing clarity to the document and asked Council to vote favorably for the current draft of the plan.

Erica Leatham-M/I Homes of Raleigh, LLC, stated the Town should set clear policies and priorities, and recommended reviewing how to effectively utilize zoning tools for the plan.

Mayor Gilbert declared the Public Hearing closed. Mayor Gilbert explained no decision would be made tonight. The public comment period for all Public Hearings would be held open for an additional 24 hours. Council would vote on the Public Hearing at the meeting scheduled for February 1, 2021.

PH2 Joanna Helms, Economic Development Director

Financial assistance for Small Business Support Initiatives during winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Staff recommended that the initiatives presented start during winter but continue throughout the year. Staff recommended the implementation of Parking to Dining Phase 2, starting March 15, 2021 and running through May 31, 2021. Staff presented several

promotional and marketing ideas including Winter on Salem, a social media ad campaign, small business highlight videos, and Count on Me NC. Staff recommended providing training and education webinars and creating a "white paper" for local businesses.

Staff recommended starting a grant or a micro-loan program that could award a business up to \$2,000 for COVID-19 related expenses. Approximately \$325,000 will need to be allocated for the program, the funds will be reallocated from funds that were not used from the small business loans. The Town Attorney confirmed the program would need to be a micro-loan program. Council asked for additional information and clarity on requirements for the micro-loan program.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH1 Joanna Helms, Economic Development Director

Economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant)

The developer for "Project Delta" was proposing to purchase approximately 26 acres at Cash Corporate Center. The office operation would create 220 jobs. The project has a total investment of \$32,000,000 and is eligible for a \$109,440 tax grant over a 3-year period, totaling \$328,320.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH3 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation-Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Staff oriented Council to the site and stated the applicant's reason for the request.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH4 Sarah Van Every, Senior Planner

Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINS 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site and stated the applicant's proposal for rezoning. The Planning Board recommended approval. Staff recommended approval of the rezoning with the proposed conditions with the exception of the pedestrian connection.

Patrick Kiernan, Jones & Clossen Engineering, PLLC, representing the applicant, acknowledged there had been a lot of concerns about the development, and explained the applicant's reasons for the rezoning request. Mr. Kiernan stated compromises had been made to address some of the concerns expressed regarding the potential development. He explained the pedestrian connection to the Robert's Road sidewalk may be redundant, and that was why it was not included in the application.

Council expressed concern over the depictions shown and the ability of the new development to blend in with the existing area. Mr. Kiernan clarified these were only options, and that the Planning staff would review the master subdivision plan.

Mayor Gilbert declared the Public Hearing open.

Ajith Kallambella-expressed concern over construction traffic through the Crestmont subdivision, and stated the developer had not organized a community meeting.

Jawahar Ruddarraju-asked the developer to share the master subdivision plan with the Crestmont neighborhood, and to receive feedback from the neighborhood. J. Ruddarraju asked that construction traffic not be allowed thru the Crestmont neighborhood and that a traffic study be conducted once the new development is complete.

Meenakshi Ramanathan-requested a copy of the minutes of the Planning Board meeting held on January 13, 2021, a copy of the master subdivision plan, the affidavit submitted by the applicant, and that a traffic study be completed once the new development is completed.

Prathiba Charla-requested that if removed, the large trees on her property line be replaced with smaller trees. P. Charla asked Council to consider the increase of traffic in regards to

the safety of children playing in the neighborhood, and inquired into whether the houses would be built with basements or crawl spaces.

Rajesh Nadipalli-expressed concern over the environmental impact the new development would have on the area and Jordan Lake, and over having construction traffic through the Crestmont neighborhood. R. Nadipalli stated that the developer had not contacted the neighborhood for a meeting on the master subdivision plan and requested a traffic study be completed once the development is completed.

Srikanth Cherukuri-expressed concern of the impact of the development to Jordan Lake and of trees being cut down. S. Cherukuri asked that the developer ensure that there would be no construction traffic through the Crestmont neighborhood and that a traffic study be completed once the development is completed.

Umesh Kedla-asked if the new development would have proper drainage and how large trees in the development would be addressed. U. Kedla expressed concern about traffic in the area and inquired how the development would affect home values.

Vidya Ranganathan-requested the developer share the master subdivision plan and that upon completion of the development, a traffic study be conducted. V. Ranganathan asked for clarification on how the entire process works.

Mayor Gilbert declared the Public Hearing closed.

Council asked staff to explain the process, and staff explained all three processes. Staff mentioned the sidewalk project on Roberts Road would be starting soon. Mr. Kiernan stated construction traffic would be on Gratrell Way until there is a road connection. Once the connection was made signage and general zoning compliance would assure no thru construction traffic in the Crestmont Neighborhood.

Mayor Gilbert called a 5-minute break.

PH5 Sarah Van Every, Senior Planner  
Ordinance on the Question of Annexation-Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits

And

PH6 Sarah Van Every, Senior Planner

Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Jeff Roach, Peak Engineering & Design, representing the applicant, briefly summarized the request and asked Council for their support as all of the conditions are consistent with the 2045 Land Use Plan.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed.

PH7 Lauren Staudenmaier, Planner I

Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649670), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Spencer Terry, Carolina Land Development Group, explained that benefits of approving the rezoning request. He addressed the traffic plan that has been developed over concerns that were brought forth from the Planning Board.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed

PH9 Amanda Bunce, Current Planning Manager

Amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for on-premise consumption.

Staff oriented Council to the amendment, stating the Planning Board recommended approval. Council expressed concern over approving the amendment to later alter the amendment in the opposite direction.



Mayor Gilbert declared the Public hearing open. With there being no public comment, Mayor Gilbert declared the Public hearing closed.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

There were no New Business items to discuss.

PRESENTATION BY TOWN MANAGER

There was no presentation.

CLOSED SESSION

CS1 Mayor Jacques Gilbert  
Possible motion to go into Closed Session to discuss personnel matters

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Mayor Pro Tem Dozier seconded the motion.  
The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a return to Open Session with no objections from council.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Jontesca Silver, CMC, NCCMC  
Deputy Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor