



| REGULAR TOWN COUNCIL MEETING

March 09, 2021 at 6:00 PM

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

THIS WAS HELD AS A VIRTUAL MEETING

Town Council and Administration

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

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

Interim Town Manager: Ralph Clark | 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 Interim Town Manager Ralph Clark, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order and called Council Member roll call. Mayor Gilbert recognized National Women's Day and stated celebration of those who have transitioned and not able to be with us. He called for a moment of silence in honor of these women after which he led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jason Morado, Senior Project Manager, ETC

Presentation of citizen satisfaction survey results

Communications Manager Stacie Galloway stated the results of the survey were posted to the website this afternoon and would be posted to social media. Mr. Morado explained the purpose and specialization of his firm. This was the second survey they had done for Apex.

Mr. Morado explained the purpose of such a survey which was to identify and measure priorities, trends, performance, and the ability to objectively assess citizen satisfaction. He explained their methodology, stating that 523 surveys had been completed which far exceeded their goal of 400. There was a good distribution throughout the Town, the demographics reflecting the Town's actual population.

Residents had a very positive perception of the Town. They thought the Town was moving in the right direction, and satisfaction with Town services was much higher than in other communities. Mr. Morado stated the top overall community priorities were managing growth and development, traffic, and maintenance of streets and sidewalks.

According to the ratings, Apex rated very satisfied to satisfied with very few residents being dissatisfied with overall qualities. There has been an improvement in the overall quality categories over three years ago. Most residents felt Apex a safe place to live, even at night.

Mr. Morado spoke about trends, noting the notable satisfaction increases since 2017. He presented how Apex rates higher than the Atlantic Region and US. As far as perceptions, Apex rates higher than the latter. Town leadership almost doubled the regional and national average. Overall, customer service was rated very high.

The overall priority ratings increased since last time in several categories. The findings for the current pace of development was presented. Mr. Morado stated Apex is setting the standard in a lot of different categories.

Responding to Council, Mr. Morado stated the survey responses were collected in December 2020 and January 2021. Overall, our results are better than normal. He defined what states are included in the Atlantic Region.

The Mayor recognized staff and leadership for keeping things moving forward.

PR2 Roy Jones, CEO Electricities

Presentation of the 2020 Public Power Award of Excellence in the areas of Grid Modernization and Workforce Development

Mr. Jones stated how his organization identifies what power communities are truly leaders in the community. He gave brief background on his organization and appreciated the invaluable input and perspective of those staff who sit in on their meetings.

He stated what grid modernization encompasses and stated the two things Apex did to plan for the future and our being able to identify and remediate power outages quickly. As for workforce development, Apex is doing a fantastic job in this area. Mr. Jones complimented what we are doing in cooperation with the schools. Apex continues to train its professional linemen throughout their careers. The journeyman program takes about eight years from entry level to line worker, and Apex offers the training and opportunity to advance and provides pay increases.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the February 9, 2021 Regular Council Meeting
- CN2 Tesa Silver, Deputy Town Clerk
Minutes of the February 12, 2021 Regular Council Meeting, the February 15, 2021 Special Council Meeting, and the February 17, 2021 Special Council Meeting
- CN3 Donna Hosch, Town Clerk
Apex Tax Report dated January 5, 2021
- CN4 Council Member Terry Mahaffey
Ordinance amending Section 2.2 of the Code of Ordinances in reference to the Town's municipal filing fees
- CN5 Liz Loftin, Senior Planner
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for March 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Edwin A. Goodwin, Testamentary Trust/Judy G. Hackney, Trustee (Hackney Tracts) property containing 2.867 acres located at 2600 Olive Chapel Road, Annexation #701 into the Town's corporate limits
- CN6 Lauren Staudenmaier, Planner I
Statement of the Town Council for Rezoning Case #20CZ16, Joseph D. Cusumano, petitioner, for the property located on 2609 New Hill Olive Chapel Road
- CN7 Sarah Van Every, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ01 Wolfe Properties PUD Amendment, Josh Swindell, Envision Homes, LLC. petitioner, for the properties located on 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road
- CN8 Liz Loftin, Senior Planner
Set Public Hearing for the March 23, 2021 Town Council meeting regarding Rezoning Application #20CZ14 Hackney PUD and Ordinance. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 79.79 acres located at 0, 2500, and 2600 Olive Chapel Rd (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ)
- CN9 Liz Loftin, Senior Planner
Set Public Hearing for the March 23, 2021 Town Council meeting regarding Rezoning Application #21CZ02 Abbey Spring PUD. The applicant, Isabel Worthy Mattox, Mattox Law Firm, seeks to rezone approximately 5.01 acres located at 0 W. Williams Street (PIN 0742026247) from Planned Unit Development-Conditional Use (PUD-CU #02CU13) to Planned Unit Development-Conditional Zoning (PUD-CZ)

- CN10 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the March 23, 2021 Town Council meeting regarding amendments to the Unified Development Ordinance related to variance standards in the Watershed Protection Overlay Districts
- CN11 Marty Stone – Assistant Town Manager
Encroachment agreement between the Town and property owner Bond Building & Design, Inc. to install 75 S.F. of private driveway that will encroach onto the Town's 20' Public Utility Drainage Easement and authorize the Town Manager to execute the same
- CN12 Vance Holloman, Finance Director
Contract for audit services for the fiscal year ending June 30, 2021 with Cherry Bekaert LLP of Raleigh, North Carolina
- CN13 Vance Holloman, Finance Director and Michael Deaton, Water Resources Director
Budget Ordinance Amendment No. 15 appropriating funds for the purpose of reimbursing the developer of Children's Lighthouse Daycare located at 2001 Apex Peakway. This reimbursement was in accordance with a December 2011 agreement executed by the Town of Apex, Brookfield Properties, LLC (Brookfield), and Vineyard Development, LLC (Vineyard)
- CN14 Mary Beth Manville, Human Resources Director
Addition of one full-time equivalent Recreation Customer Service Specialist, salary grade 15, to staff the Senior Center
- CN15 Vance Holloman, Finance Officer
Temporary Ordinance Modifications extending the current suspension of utility disconnections and application of penalties and fees for unpaid utility balances

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion; Council Member Mahaffey seconded the motion.
The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion; Council Member Mahaffey seconded the motion.
The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

Mayor Gilbert stated there were two recorded public comments to be heard. Due to technical issues, Mayor Gilbert stated these two comments would be heard later in the meeting.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation – Apex Town Council's intent to annex Lufkin Leased Fee, LLC (3050 Lufkin Road) property containing 3.33 acres located at 3050 Lufkin Road, Annexation #707 into the Town's corporate limits
Staff oriented Council to the site and stated that staff recommended approval.

Staff answered Council questions on when this property was rezoned and its current zoning.

Mayor Gilbert declared the Public Hearing open. With no public comments being received, Mayor Gilbert declared the Public hearing closed. Mayor Gilbert stated voting on this matter would take place at a Special Council Meeting on March 11, 2021 at 5:00 p.m.

PH2 Amanda Bunce, Current Planning Manager
Amendment to the Unified Development Ordinance related to Resource Conservation Area in North Carolina Certified Sites
Staff oriented Council to the site and explained the requested amendments. Planning Board and staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no public comments being received, Mayor Gilbert declared the Public hearing closed. Mayor Gilbert stated voting on this matter would take place at a Special Council Meeting on March 11, 2021 at 5:00 p.m.

PH3 Shannon Cox, Long Range Planning Manager
Proposed amendments to the Thoroughfare and Collector Street Plan map related to the site known as Cash Corporate Center, south of Production Drive and Burma Drive and north of Pristine Water Drive
Staff oriented Council to the site and explained the requested amendments.

Responding to Council, staff answered questions related to connectivity.

Mayor Gilbert declared the Public Hearing open. With no public comments being received, Mayor Gilbert declared the Public hearing closed. Mayor Gilbert stated voting on this matter would take place at a Special Council Meeting on March 11, 2021 at 5:00 p.m.

PH4 Shannon Cox, Long Range Planning Manager
Proposed amendments to the Thoroughfare and Collector Street Plan map along and in the vicinity of New Hill Olive Chapel Road near Old US 1 Highway

Staff oriented Council to the site and explained the requested amendments. Staff recommended Alternative 1 as did the Planning Board.

Responding to Council, staff answered questions about density as it related to traffic.

Mayor Gilbert declared the Public Hearing open.

Staff read received comments from Kaitlan Hatcher, Elizabeth Moore, Patty W. McKeever, and Joseph McKeever, II, all supporting Alternative 1.

Mayor Gilbert declared the Public hearing closed.

Responding to Council, staff spoke about traffic studies and future and current roads, stating that we are looking at long-term plans.

Mayor Gilbert stated voting on this matter would take place at a Special Council Meeting on March 11, 2021 at 5:00 p.m.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Jenna Shouse, Long Range Planner II & John Bosio, MERJE

Updates on the Town of Apex Wayfinding Signage Program, including public input received on the gateway design options and updates made to the sign designs; and request any input from Town Council in order to finalize the Wayfinding sign design package.

Staff stated this would be the last update; the next move would be to the technical documentation portion of the project. She provided overviews on the gateway, additional design updates, and the sign design package. There was public engagement, staff stating the various options that were presented to the public.

Responding to Council, staff spoke about the bridge sign which is in the preliminary stage. We are working to see if we can obtain approval for this from DOT. Council was pleased with what was presented but had concerns about the bridge sign being too simple. Mr. Bosio explained how the digital component of the parking signs would work. We would start

with static, and the signs would be designed to accommodate digital later. This would also apply for the kiosk.

Responding to Council, conversation ensued about the placement of the "A" logo on the signage. Council and the Mayor thanked staff for their efforts.

Consensus of Council was for staff to move forward with this project.

NEW BUSINESS

NB1 Shelly Mayo, Planner II

Revisions to the Design and Development Manual Native and Adaptive Plant List Staff oriented Council to the updates of the plant list, planting details, site details, and architectural recommendations for the Small Town Character Overlay District. The plant list was not intended to be all inclusive. Consideration would be given to other plants which would do well here.

Staff presented a proposed plant list format which was simplified from the previous list. The Tree Cap Committee, Environmental Advisory Board, and Bee Committee all recommended approval of the proposed list and format. They also suggested listing trees which were bird or pollinator friendly. The Planning Board recommended approval.

Responding to Council, staff clarified consideration was given to pollinators and that the proposed list was general in nature. What was proposed held eco system benefit. Council thanked staff for the effort on this project which was better organized and more useful. There is a great deal of expertise among those involved, and it was good to see the collaboration worked well.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the proposed plant list with this being a living document; Council Member Stallings seconded the motion.

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

NB2 Vance Holloman, Finance Director

Resolution authorizing the filing of an application with the Local Government Commission to issue \$42 million of GO Bonds for Street and Sidewalk Improvements Staff stated the Resolution would allow the Town to begin the issuance of the debt process from its findings and determinations, mainly that there is the need for the bonds for streets

and sidewalks projects. He stated there will be a Public Hearing on the bonds with resulting actions to move forward.

Responding to Council, staff stated that he has not been made aware of a delay in our November elections, but we would not be locked in if the election was not held.

Council asked for the public forum comment from Darren Dexter to be heard. Mr. Dexter asked several questions related to the need for the bonds, other alternatives, projected start and completion dates, the benefit to him and his family, status of prior bonds passed, and how the bonds will be paid for.

Responding to Council, staff stated there will be numerous opportunities for the public to be informed and educated about the bonds prior to the referendum. The Town could release a list of anticipated projects prior to the election.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to adopt the Resolution; Council Member Killingsworth seconded the motion.

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

PRESENTATION BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager

In regard to the upcoming municipal election, staff stated that Raleigh and Cary are having significant problems in data being available to adjust their wards and districts. Other municipalities have stated they would prefer to continue to hold their elections in November. Do we want to continue with November, in which case we would have a choice of time for early voting or no early voting at all. This would cost us approximately \$70-\$80,000.

Council expressed concern about the level of engagement if Raleigh delays. Maybe everyone should stay on one calendar. It would be a risk going forward if everyone else delays. We should have early voting, but maybe two weeks is a little long.

Council expressed wanting the November date and early voting. Two weeks or less would be fine.

Council stated it would make sense to go with November if that is what others are doing. She wanted early voting but was not sure about the time span without figures in front of her.

ITM Clark clarified that Council consensus was for voting in November, spanning at least two weekends.

Staff explained the roof line on the upcoming Inspections building – it was made to look like a government building. There are no solar panels, but the building is designed to put them in at a later time. It won't be done now because of budget restrictions.

Staff spoke briefly on the following subjects:

- Water flushing which is done every year;
- Departmental reports and capital projects updates and if these were useful to Council;
- COVID vaccine and our making efforts to have employees vaccinated;
- Our installing two charging stations under the NC Phase 1 Volkswagen Mitigation Plan;
- A sewer spill on private property that has been take care of including the proper notices.

Staff was in conversation with Congresswoman Ross. There is a good possibility of being granted earmarks this year for worthy projects. It would be critical for the projects to be started and completed in short order. He thought about affordable housing and the safe sidewalks program. Either would be legitimate to be submitted. The Mayor thought these two projects would be worthy for consideration.

Council wanted to be kept aware of time lines in order to get items together for consideration of the earmarks. She thought putting vaccine information in the utility bills would help with vaccinations, particularly for those who may not have access to technology. Staff stated the latter would be discussed in the next day's staff meeting.

Council stated he felt it would benefit Apex if the S Line of CSX could be bought by the State, even though this may be a regional project.

Council talked about the information from the County being made available to our citizens by any means possible. She felt the earmark program was a wonderful initiative, giving us an opportunity to present those projects important to Apex, including work on the Peakway.

Staff stated the window of opportunity on the earmarks is very, very tight. We should know by early next week what money would be available and what the process would be. The emphasis will be on getting the money out and moving. Staff thought the two identified projects would fit, and he would speak with staff the following day about getting a package together for approval.

Mayor Gilbert asked for the second Public Forum comment to be played. Carolina Gill addressed the reports submitted by the consulting firm about the police department. She expressed her dissatisfaction with how situations are handled and provided figures on how many officers have died in the line of duty and because of suicide. What are we doing to help officers with these intentions? She expressed concerns about the vetting process of the consulting firm and made comments about racism.

Mayor Gilbert stated he was proud of the Council and everything it was doing. He acknowledged, especially in light of Women's History Month, the women on the Council how much he enjoyed serving with them – Mayor Pro Tem Nicole Dozier and Council Members Killingsworth and Stallings. He acknowledged staff as well.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

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

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor