



# VIRTUAL REGULAR TOWN COUNCIL MEETING

January 11, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

## Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra M. Killingsworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

Deputy Town Clerk: Tesa Silver, CMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Pro Tem Audra M. Killingsworth, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also in attendance were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe. Absent was Mayor Jacques K. Gilbert.

## COMMENCEMENT

Mayor Pro Tem Killingsworth called the meeting to order and rolled called attendance. During Invocation, Council shared goals and resolutions for the new year. Mayor Pro Tem Killingsworth led the Pledge of Allegiance.

## PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor

Presentation of Dr. Martin Luther King Jr., Day Proclamation

Council read the proclamation for Dr. Martin Luther King Jr., Day.

PR2 Jacques K. Gilbert, Mayor

Recognition of Accomplishment for Apex Cougars Pop Warner Cheer Team.

Mayor Pro Tem Killingsworth congratulated the Apex Cougars Pop Warner Cheer Team on their first national championship win in the team's 16-year history.

## CONSENT AGENDA

CN1 Adam Stephenson, Transportation Engineering Manager

Municipal Agreement with NCDOT for Inspection of Bridges on the Municipal Street System F.A. Project BRZ-NBIS (22), Option C, and authorize Town Manager to execute same.

CN2 Shelly Mayo, Planner II

Set the Public Hearing for the January 25, 2022 Town Council meeting regarding Rezoning Application #21CZ28 Retreat at Cedar Crossing PUD Amendment. The applicant, Toll Southeast LP Company, Inc., seeks to rezone approximately 36.54 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 433 New Hill Olive Chapel Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350, 1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive; 1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.

CN3 Dianne Khin, Director of Planning and Community Development

Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for January 25, 2022 on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Cleary & Alison N. Cleary (Alderwood PUD) property containing 9.96 acres located at 8016 Jenks Road, 8000 Jenks Road, 7912 Jenks Road, Annexation #722 into the Town's corporate limits.

CN4 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

CN5 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Dry Utility Easement and authorize the Town Manager to execute the same.

CN6 Tesa Silver, Deputy Town Clerk

Minutes of the November 23, 2021 Regular Council Meeting.

CN7 Tesa Silver, Deputy Town Clerk

Apex Tax Report dated December 1, 2021.

- CN8 Erika Sacco, Director  
ESRI GIS Small Government Team Enterprise Licensee agreement approved for 3-year renewal.
- CN9 Jacques K. Gilbert, Mayor  
Reappointment of John Garrison, and appointment of Jason Maynard and Adam Efird as members on the Environmental Advisory Board (EAB).
- CN10 Jacques K. Gilbert, Mayor  
Reappointment of Katie Schaaf and Suzanne Mason as Chair and Vice Chair, respectively, of the Environmental Advisory Board (EAB).
- CN11 Colleen Merays, Downtown & Small Business Development Coordinator  
Closure and use of the Town Hall Parking Lot and roads for the Apex Chamber of Commerce's Run the Peak special event, and adopt ordinances modifying Town Code Section 14-14 for the Town Hall Parking Lot, 73 Hunter Street for the special event on March 12, 2022.

Mayor Pro Tem Killingsworth called for a motion to adopt the Consent Agenda.

Council Member Gantt made the motion;  
Council Member Gray seconded the motion.  
The motion carried by a 5-0 roll call vote.

#### REGULAR MEETING AGENDA

Mayor Pro Tem Killingsworth called for a motion to adopt the Regular Meeting Agenda.

Council Member Stallings made the motion;  
Council Member Gray seconded the motion.  
The motion carried by a 5-0 roll call vote.

#### PUBLIC FORUM

There were no Public Forum comments.

#### PUBLIC HEARINGS

- PH1 Liz Loftin, Senior Planner  
Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately 0.426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

Staff oriented Council to the site. A neighborhood meeting was held on August 26, 2021, where concerns were expressed about the sidewalk. Staff is currently working on methods to address the sidewalk concerns. The rezoning is consistent with the 2045 Land Use Map. The Planning Board recommended approval.

Council questioned why a rezoning was necessary and staff explained that the rezoning would conform the lot with the zoning of the surrounding area. Staff stated that before any additional changes were made on this lot, another rezoning would have to come back before Council.

Brendie Vega, the applicant stated that they are working with the neighbors to address their concerns in regards to privacy and the trees on the property. Ms. Vega stated that they are also seeking the rezoning to later be annexed into town and to establish sewer service.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. With no comments, Mayor Pro Tem Killingsworth declared the Public Hearing closed.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Mahaffey made a motion to approve the rezoning;

Council Member Gantt seconded.

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

PH2 Shelly Mayo, Planner II

Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon Capital, LLC., seeks to rezone approximately 3.08 acres from Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

Staff stated that the applicant requested the rezoning be continued to the January 25, 2022 Regular Council Meeting.

Council Member Mahaffey made a motion to continue the rezoning to the January 25, 2022 meeting;

Mayor Pro Tem Killingsworth seconded.

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

PH3 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented council to the amendments. There were no concerns from Council in regards to the amendment to Section 7.18 Penalties and Remedies for Violation of Article. Council expressed concern on how the language presented in the second amendment (Amendments to Sections 6.1.12.B) and how the language could potentially affect areas containing RCA.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. With no comments, Mayor Pro Tem Killingsworth declared the Public Hearing closed.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made a motion to approve Amendment #1 as presented;

Council Member Stallings seconded.

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

Mayor Pro Tem Killingsworth made a motion

to refer Amendment #2 back to the Planning Committee for further review;

Council Member Stallings seconded.

Mayor Pro Tem Killingsworth and Council Members Stallings, Mahaffey, and Gray voted in the affirmative.

Council Member Gantt voted against.

The motion carried by a 4-1 roll call vote.

PH4 Amanda Grogan, Budget & Performance Manager

Citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget.

Staff stated that the purpose of this public hearing was to receive citizen input on the formulation of the Fiscal Year 2022-2023 Annual Budget. Staff stated that the budget priority survey is available online for citizen input. 325 participants have completed the survey thus far and 95% of those results are from residents. Staff provided Council with upcoming dates in regards to the budget.

Mayor Pro Tem Killingsworth declared the Public Hearing opened. Staff stated that we received two comments and that those comments had been received by Council. Mayor Pro Tem Killingsworth declared the Public Hearing closed.

## OLD BUSINESS

OB1 Christopher "C.J." Valenzuela, Housing Program Manager

Provide financial support to DHIC, Inc. for the affordable housing project known as Broadstone Walk in the form of a loan from the Affordable Housing Fund for construction contingent upon final project approval and approve corresponding Budget Ordinance Amendment No. 12.

Staff provided a presentation on the Broadstone Walk Project. Staff presented the justification for the DHIC, Inc Gap Funding request and the criteria to receive funding from Wake County. Staff stated that the project needed financial support from the Town in the form of a loan from the Affordable Housing Fund contingent upon the final project approval. Council would also need to approve corresponding Budget Ordinance Amendment No. 12 in the amount of \$350,000. Staff provided the projected income limits for the.

Staff also provided a brief update on the Apex Cares Program. The Town has received 14 applications, all 14 applications are anticipated to be fully funded, and staff anticipates an increase in applications.

Council expressed concern about how the funds from Wake County are distributed. The Town raised taxes to establish the Affordable Housing Fund and it appears that the Town is being penalized for having those resources available. Council expressed concern that Wake County is contributing less to projects in Apex due to the fund and would like to see the County establish guidelines that would be utilized in determining funding disbursement for all its' municipalities.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made a motion to approve financial support to DHIC, Inc for the affordable housing project known as Broadstone Walk in the form of a loan from the Affordable Housing Fund for construction contingent upon final project approval and approval of corresponding Budget Ordinance Amendment No. 12;

Council Member Gray seconded.

Council stated that we needed to move forward with the current project, but expressed the need to find a solution with Wake County on how funds are distributed moving forward.

Mayor Pro Tem Killingsworth and Council Members Gantt, Stallings, and Gray voted in the affirmative.

Council Member Mahaffey voted against.

The motion carried by a 4-1 roll call vote.

OB2 Vance Holloman, Finance Director

Resolution declaring the results of the bond referendum held in the Town of Apex, North Carolina on November 2, 2021, upon the question of approving \$42,000,000 Street and Sidewalk Improvement Bonds.

Staff stated that the Town received the certified results from the referendum for the Street and Sidewalk Improvement Bonds and 71% of the votes cast were in favor of the bonds. Staff is seeking the approval of resolution declaring the results of the bond referendum.

Council asked for clarification on the results and resolution received from Wake County. Staff notated the typographical error made, stated that they would get the resolution amended and that Council could proceed based on the confirmation of the affirmative votes.

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made the motion to approve the resolution;

Council Member Stallings seconded.

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

#### UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

#### NEW BUSINESS

There were no New Business items for consideration.

#### UPDATES BY TOWN MANAGER

Town Manager Crosby stated that the Martin Luther King Jr., Day celebration is this Saturday. A March will be held at 9:00 am, and will begin at Apex First Baptist Church ending at Town Hall. The Friday night event has been postponed. She congratulated the peak performers and acknowledge staff who were also acknowledged for their performance and service. Town Manager Crosby extended a special thanks to the fire department for their service and assistance with the fire in Rocky Mount at QVC.

#### CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Pro Tem Killingsworth adjourned the meeting.

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Tesa Silver, Deputy Town Clerk

ATTEST:

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Audra M. Killingsworth, Mayor Pro Tem