



VIRTUAL REGULAR TOWN COUNCIL MEETING

January 25, 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 Killingworth

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 | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, 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.

COMMENCEMENT

Mayor Gilbert called the meeting to order, roll called attendance, provided a brief word of encouragement and led the pledge of allegiance.

PRESENTATIONS

PR1 Apex Town Council and Stephanie Mitchell of the Apex Public School Foundation

Presentation of the Peak S.T.A.R. Award

Council Member Mahaffey stated the Peak S.T.A. R. was being presented to the second honoree, and that the award would be presented quarterly. Council stated that by partnering with the Apex Public School Foundation we are able to recognize staff members who have made outstanding contributions to area schools and that it is an opportunity to keep the public informed.

Stephanie Mitchell, President of The Apex Public School Foundation, recognized the honoree of the Peak STAR Award, Mr. Scott Chapman of Baucom Elementary School. Brian Saunders, Principal of Baucom Elementary School shared comments about Mr. Chapman's contributions and expressed appreciation to Mr. Chapman. Mr. Chapman expressed appreciation for receiving the honor. Council congratulated Mr. Chapman and thanked him for his hard work, as well as all the other educators.

PR2 Jacques K. Gilbert, Mayor
Presentation of Black History Month Proclamation
Council read the proclamation for Black History Month.

PR3 Jacques K. Gilbert, Mayor
Presentation of Proclamation recognizing Health and Humanity Yogathon 2022
Council read the proclamation for Health and Humanity Yogathon 2022.

CONSENT AGENDA

- CN1 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of January 11, 2022.
- CN2 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and property owner Shenandoah Homes, LLC to install a porch and house that will encroach 13 SF and steps that will encroach 9 SF onto Town's Public Utility Easement and authorize the Town Manager to execute the same.
- CN3 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a driveway that will encroach 18 SF onto Town's Public Drainage Easement and authorize the Town Manager to execute the same.
- CN4 Steve Adams, Real Estate and Public Utilities
Deed of easement with Duke Energy Progress for underground electric easement and to authorize the Town Manager to execute the deed on behalf of the Town of Apex.
- CN5 Tesa Silver, Deputy Town Clerk
Minutes of the December 14, 2021 Regular Town Council Meeting, the January 11, 2022 Regular Town Council Meeting, and the January 12, 2022 Special Town Council Meeting.
- CN6 Mary Beth Manville, Human Resources Director
Increasing the Legal Department's Paralegal position from 0.5625 to 1.0 FTE, and corresponding Budget Ordinance Amendment no. 13.
- CN7 Jason Armstrong, Chief of Police
Award badge and service handgun to Captain Ann Stephens who will retire from the Apex Police Department as of February 1, 2022
- CN8 Dennis Brown, Senior Capital Projects Manager

Approve and authorize the Town Manager to execute Facility Encroachment Agreement with CSX Transportation, Inc. for the new Pleasant Park Project.

CN9 Mary Beth Manville, Human Resources Director

A revision to the Town's Retiree Health Insurance Policy to allow new spouses to be added on to the Town's Retiree Health insurance plan if the retiree's spouse, who was covered at the time the retiree retired from the Town, passes away or drops coverage due to divorce.

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

Mayor Pro Tem Killingsworth made the motion to
approve the agenda;

Council Member Gray seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to approve the Regular Agenda.

Council Member Gantt made the motion to
approve the agenda;

Council Member Stallings seconded the motion.

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

PUBLIC FORUM

Ana Barnes, advocated and asked for Council support to build tiny homes in Apex.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Clearly & Alison N. Clearly (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.

Staff oriented Council to the site, stated that the request is due to the need for town services, and to receive approval of their construction plans. Staff is recommending approval.

Mayor Gilbert declared the Public Hearing Opened. With no comments, Mayor Gilbert declared the Public Hearing Closed.

Mayor Gilbert called for a motion.

Mayor Pro Tem Killingsworth made the motion to approve the annexation;

Council Member Gray seconded the motion.

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.

This Public Hearing is continued from the January 11, 2022 Town Council meeting. Staff oriented

Council to the site. Staff recommended approval and the Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Chad Essick, representing the applicant provided Council with a brief presentation on of the proposed rezoning, stated why the proposed rezoning would be appropriate, and provided information on the conditions the applicant committed to. Mr. Essick asked for Council support and approval.

Mayor Gilbert called for a motion.

Mayor Pro Tem Killingsworth made the motion to approve the rezoning;

Council Member Gray seconded the motion.

The motion carried by a 5-0 roll call vote

PH3 Shelly Mayo, Planner II

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.

Staff oriented Council to the Site and stated that the rezoning is for PUD amendments only. The rezoning is consistent with 2045 land use map. Planning Staff and the Planning Board recommended approval.

Nil Gosh, representing the applicant, stated that the rezoning was needed to “clean-up” things that were missed in the prior rezoning. The applicant wanted to ensure that there aren’t any nonconformities within the development. The applicant also wanted to the opportunity to develop the community with adequate and appropriate amenities. Mr. Gosh stated that the applicant hoped to receive Council’s support.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Gantt made the motion to approve the rezoning;

Council Member Gray seconded the motion.

The motion carried by a 5-0 roll call vote

PH4 Shawn Purvis, Assistant Town Manager

The Town of Apex ADA Assessment and Transition Plan.

Assistant Town Manager Purvis stated that the town started an ADA Assessment and Transition Plan process and that the Town has received the results of that study. Mr. Purvis stated that this was an informative hearing, and no decisions were needed from Council tonight. Mr. Purvis introduced Bryan Weinstein, P.E., AI/PE Group Manager of ADA Compliance and Accessibility Services and Ines Nizeye ACIP, AI/PE Project Manager with Tinadale Oliver (now Benesch).

Council received a presentation on the assessment that was conducted for the Town. Mr. Weinstein explained the requirements that the Town must adhere to be ADA compliant. The study was conducted to improve access, safety, and security of the Town’s buildings, parks, and rights-of-way so that an ADA Assessment and Transition Plan could be developed. Ms. Nizeye provided Council with

examples of prioritized assessed items and cost estimates to fix the assessed items. Ms. Nizeye reviewed the results of the Community Accessibility Survey.

Mr. Weinstein stated that they have provided an implementation plan that can be used as a guide for the Town to develop a program for the needed improvements. Mr. Weinstein reviewed the next steps that needed to be taken.

Mayor Gilbert declared the Public Hearing opened. With no comments, Mayor Gilbert declared the Public Hearing closed.

OLD BUSINESS

There were no Old Business items for consideration.

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 thanked all the service crews who worked this past weekend to keep residents safe.

Mayor Gilbert thanked Jenna Shouse for all of her work on the Lamp Project and is looking forward to hearing more about the project in the upcoming weeks.

Mayor Gilbert invited everyone to join him next Wednesday, February 2, 2022 at 12:00 p.m. at the Depot for Groundhog Day with Sylvia the Armadillo.

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 Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor