



REGULAR TOWN COUNCIL MEETING

Tuesday, January 12, 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. Council Member Stallings gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

Mayor Jacques K. Gilbert

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

Mayor Gilbert read the Proclamation declaring Monday, January 18, 2021 Dr. Martin Luther King, Jr. Day.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the December 15, 2020 Regular Town Council Meeting

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated April 30, 2020, August 16, 2020 and November 1, 2020

- CN3 Mayor Jacques K. Gilbert
Appointment of Elaine Boyle to the Planning Board
- CN4 Mayor Jacques K. Gilbert
Reappointment of Katie Schaff and Appointment of Suzanne Mason to the Environmental Advisory Board
- CN5 Sarah Van Every, Senior Planner
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding 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).
- CN6 Sarah Van Every, 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 on the Question of Annexation – Apex Town Council's intent to annex Yumewarra Farm Assembly located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.
- CN7 Sarah Van Every, Senior Planner
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ13 Yumewarra Farm Assembly. The applicant, Bill Zahn, sought to rezone approximately 18.737 acres located at 0, 0, and 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).
- CN8 Lauren Staudenmaler, Planner I
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., sought to rezone approximately 3.86 acres for the properties located at 0 & 5920 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679) from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).
- CN9 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing actions on the various Unified Development Ordinance (UDO) Amendments of December 15, 2020.

CN10 Dianne Khin, Director of Planning and Community Development

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Peak City Partners, LLC located at 1200 James Street, Annexation #699 into the Town's corporate limits.

CN11 Joanna Helms, Economic Development Director

Set Public Hearing for January 26, 2021 Town Council Meeting regarding an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

CN12 Russell Dalton, Sr. Transportation Engineer

Ordinance amending Section 20-164 with the addition of subsection (39) to enforce a No Parking restriction along both sides of Perry Road from Apex Peakway to American Way.

CN13 Adam Stephenson, Engineering Supervisor

Revision to the Town Standard Specifications and Details

CN14 Michael Deaton, Water Resources Director

Resolution to Abandon Existing Water and Sewer Utility Easements and Temporary Construction Easements as shown on the attached Utility Easement Abandonment Plat for Holleman Hills Subdivision.

CN15 Tony Godwin, Chief of Police

Ordinance amending Section 20-38 to allow the Chief of Police to maintain an eligible list of towing services for use by the Police Department.

Mayor Gilbert relayed to Council that an amendment was made to Consent 15 and that there was the addition of Consent 16 to set a Public Hearing for Economic Development.

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

Member Mahaffey made the motion with the stated changes;

Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Gilbert stated that the second item under New Business 1 should be listed as New Business 2.

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

Council Member Gantt made the motion with the stated change;

Council Member Mahaffey 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

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

NB1 Jacques Gilbert, Mayor

10 North Carolina League of Municipalities (NCLM) Legislative Goals for the NCLM Goals process and the appointment of the designated delegate.

Mayor Pro Tem Dozier stated the NCLM advocates and lobbies on issues and concerns for all municipalities within the State. She explained that in selecting goals Council will ensure that Apex's voice is heard. Council discussed the seventeen goals presented by the NCLM and selected ten they felt were most important to the Town of Apex and its' constituents. Council selected the following 10 goals:

- Grant local governments the authority to build broadband infrastructure in order to partner with private providers, and provide additional funding to help close the digital divide.
- Secure Federal and State aid directly to municipalities to offset all revenues due to the Covid-19 pandemic.
- Expand incentives and funding for local economic development.
- Increase State and Federal funding for affordable housing.
- Create a permanent and adequate funding stream for local infrastructure needs.
- Improve State-wide funding and support for LEO Training focused on use of force, mental health and de-escalation skills.

- Improve processes and payments for moving utility lines located in the right-of-way during transportation projects.
- Permit all cities to establish a police department citizen review board.
- Increase public safety grant funding and expand allowable uses.
- Reduce pressure on property tax payers by expanding locally-controlled options for revenue generation.

Council agreed that all seventeen goals were of value and importance, however, they selected the ten that best fit the needs of the Town. Town Manager Havens stated Council needed to designate a member of Council to report the selected goals to the NCLM.

Mayor Gilbert called for a motion to appoint a designee.

Council Member Mahaffey made the motion to appoint Council Member Mahaffey;

Council Member Dozier seconded the motion.

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

NB2 Drew Havens, Town Manager

Update on various Town projects/operations

Town Manager Havens gave updates on various projects currently underway within the Town. He reported that Mr. Mike Causey presented Fire Chief Keith McGee and the Fire Department a class 1 classification. A class 1 classification is the highest classification a fire department can be granted. Less than 1% of fire departments across the United States have been able to obtain a class 1 classification.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

To consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3)

CS2 Mayor Jacques Gilbert

To discuss personnel matters

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

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

With no objection from Council, Mayor Gilbert called for to return to Open Session.

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the Beaver Creek Greenway extension project for the improvement of the Apex Greenway.

Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing Eminent domain proceedings related to Old US 1 and New Hill Olive Chapel Road traffic signal project.

Council Member Mahaffey made the motion; Council Member Gantt seconded the motion.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the Tingen Road Sidewalk Project for the improvement of the Apex street and sidewalk system.

Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

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

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Jontesca Silver, CMC NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



APEX TOWN COUNCIL STRATEGIC PLANNING RETREAT

Friday, January 15, 2021 at 8:00 AM

~~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, Town Attorney Laurie L. Hohe, and Department Directors

COMMENCEMENT

Mayor Gilbert welcomed everyone in attendance.

Town Manager Havens thanked Council and the staff for their attendance. He stated Council and staff collaborated at last year's retreat to create a vision and mission statement for the Town. The goal of this year's retreat was to continue to build upon the foundation created in the prior year's retreat.

The Retreat's facilitators were Lou O'Boyle, Director of Engagement, and Stacia Aylward, Chief Executive Officer for Zelos. Ms. O'Boyle welcomed everyone and gave an overview of how the day would proceed.

The majority of the day, Council and staff collaborated to review the strategic goals and plans set at the last retreat and formulated ideas on how to make sure those plans and goals are achieved.

ADJOURNMENT

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

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



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.

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 6:00 PM

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

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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 Manager Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Deputy Town Clerk Tesa Silver.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

There were no Consent Agenda items.

REGULAR MEETING AGENDA

There were no Regular Meeting Agenda items.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR&A Advisors
Public hearing and possible motion regarding adoption of the *Town of Apex Affordable Housing Plan*.

Staff did not receive any new substantive comments in regards to the draft Affordable Housing Plan. The comments that were received were general questions from the public, support in favor of the plan, and concerns over the location of the affordable housing homes.

Mayor Pro Tem Dozier made a motion to adopt the original Affordable Housing Plan; Council Member Killingsworth seconded the motion.

Mayor Pro Tem Dozier clarified that the plan is not a mandate, but a plan that has incorporated the achieved visions and principles that Council established, that is consistent with Fair Housing Laws, and was developed by professionals including Town Staff, consultants, and advisors.

Council Member Gantt made a motion to amend the motion to accept the wording recommended by the Planning Board and Staff. After brief discussion by Council, the motion died due to lack of a second.

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

PH1 Joanna Helms, Economic Development Director
Public hearing to consider and receive public input on providing an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

Staff provided a brief review. There were no additional comments submitted.

Council Member Mahaffey made the motion to approve the economic development incentive for "Project Delta";
Council Member Killingsworth seconded the motion.
The motion carried by a 5-0 vote by roll call.

PH2 Joanna Helms, Economic Development Director
Public hearing to consider and receive public input on providing financial assistance for Small Business Support initiatives during Winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Staff provided updates on the initiatives. Fewer parking spaces will be utilized in Parking to Dining phase 2, and the additional 35 water barriers may not need to be

purchased. Surveys were sent out to businesses for Winter on Salem and the businesses expressed interest in holding the event in Spring and not closing the street to allow for more thru traffic. After feedback from area business, the department recommended not pursuing the micro-loan program. The estimated cost for the initiatives without the micro-loan program is \$45,000.

Council Member Stallings made the motion to approve the initiatives with the updated changes; Council Member Gantt seconded the motion.

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

PH3 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an 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 provided a brief overview of the annexation. There were no additional comments submitted. Staff recommended approval of the Annexation.

Council Member Mahaffey made the motion to approve; Council Member Killingsworth seconded. The motion carried by a 5-0 vote by roll call.

PH4 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, seeks 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 provided a brief overview. There were no additional comments submitted.

Council Member Gantt made the motion to approve; Council Member Killingsworth seconded the motion.

Staff clarified information on a potential walking path connecting to Roberts Road and the route for construction traffic. Council expressed concern with growth and development and schools being at capacity. Council determined a meeting with all stakeholders would be advantageous to discuss school capacity moving forward.

The motion carried by a 4-1 vote by roll call. Mayor Pro Tem Dozier and Council Members Gantt, Killingsworth, and Mahaffey voted in the affirmative; Council Member Stallings voted against.

PH5 Sarah Van Every, Senior Planner

Public hearing and possible motion to adopt an 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

Public Hearing and possible motion to approve 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 provided a brief overview. There were no additional comments submitted.

Council Member Gantt made the motion to approve; Council Member Killingsworth seconded. The motion carried by a 4-1 vote by roll call. Mayor Pro Tem Dozier, and Council Members Gantt, Killingsworth, and Mahaffey voted in the affirmative; Council Member Stallings voted against.

PH7 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ15 Smithfield 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 0740649679), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Staff provided a brief overview. There were no additional comments submitted.

Council Member Killingsworth made the motion to approve; Mayor Pro Tem Dozier seconded. The motion carried by a 5-0 vote by roll call.

PH9 Amanda Bunce, Current Planning Manager
Public Hearing and possible motion regarding 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 recommend to pull this item from consideration.

OLD BUSINESS

There were no Old Business items to discuss.

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 were no presentations.

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; Council Member Stallings seconded the motion.

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

With no Objection from Council, Mayor Gilbert called for to return to Open Session.

Council Member Killingsworth made the motion to approve the appointment of Ralph Clark as Interim Town Manager; Council Member Stallings seconded the motion.

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

WORK SESSION

There were no work sessions.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 8:00 AM

~~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 Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Human Resources Director Mary Beth Manville.

Also in attendance from Developmental Associates were Steve Straus and Joe Durham

COMMENCEMENT

Mayor Gilbert called the meeting to order and introduced Steve Straus.

Mr. Straus gave a brief background on Developmental Associates and stated their mission. He presented the Scope of Work which will be involved in recruiting for the Town Manager position. He gave an example of how their recruiting document will look.

Mr. Durham talked about their multi-method recruitment process and what they believe will be the outcome of this method. He explained that along with various posting methods when recruiting, they also contact people via email. Their recruiting methods help to ensure the most diverse pool of prospects.

Mr. Straus detailed the steps involved in the recruitment process.

Council asked how COVID might affect the applicant pool, to which Mr. Straus stated they have not necessarily seen a decrease in the level of interest in other positions. Instead, the pace at which candidates take other positions has increased.

Asked about factors of importance to Council, Mr. Straus stated that if they hear something from Council, these factors would be built into the process. Exercises can be developed to assess cultural competency, and emotional intelligence results show a lot about diversity and inclusion. Mr. Durham added that any Council concerns will come out in the process loud and clear. Council was fine with using this same process for the crisis management assessment piece.

Mr. Staus stated that internal and external communication approaches will need to be handled in a different way.

Council asked how assessors are selected. Mr. Straus stated they know the folks who are out there, and they always make sure they have a diverse selection. They have been running the process virtually, which has had some unexpected benefits for them. Because there is no travel, virtual has expanded their pool of assessors.

Council asked how the success of those placed is tracked afterwards and how does the failure rate go back into the process to improve it. Mr. Straus stated their success rate is very strong. They focus totally on NC and are in touch with the client to determine how things are going. Only a few hires have not worked out well. In the latter, Council went against his firm's results.

Council asked about the timelines. Mr. Staus stated that within three months, everything could be sealed.

The Mayor thanked Mr. Straus and Mr. Durham for their comprehensive overview of the process. Developmental Associates has always done a great job for Apex, and he looked forward to the process.

Mr. Straus outlined the next steps if the Town wanted to work with them. He explained why they prefer, and the benefits of, group sessions versus 1-on-1 sessions. However, they will do the latter if the Town desired. The Mayor understood how group sessions can be positive, enjoyable, and thought provoking.

The HR Director stated that the consensus of Council was to move forward with Developmental Associates.

With that, Mr. Straus began by asking Council for their key challenges for the next town manager. He stated he would also want to have a 1-on-1 with the outgoing manager. Mr. Staus asked if Council wanted input from others on the challenges. If so, they could set up

focus group sessions, hold public meetings, distribute surveys, or a combination of these methods. He explained, responding to Council, that doing so would give more depth. Council expressed an interest in seeing public input from the business community, local school leadership, and young students who represented student bodies. Mr. Staus explained this process would take at least two weeks, and he talked about how this could be accomplished.

Consensus of Council was to start the process by getting input from other groups and putting out the employment ad now.

Council stated their key challenges facing the next town manager:

- Dealing with racism and social justice issues involving community and communication of these.
- Reassessing the organization as a whole to make sure the right people are in the right positions; looking at the organizational structure.
- Continuing the thoughtful work started on diversity and inclusion.
- Balancing important and competing priorities of different stakeholders.
- Infrastructure needs and quality of life.
- Staff morale and continuing with supporting staff in an equitable way.
- Challenges managing our growth; helping elected officials and citizens with how Apex will look in the future with the growth that is happening; Town workforce keeping up with growth.
- A vision for the quality of life.
- Climate change; someone who sees the importance of this and integrating it into our work.
- Being a real person of progress – a visionary.
- Flexibility maintaining a sense of tradition but understanding how this affects change; people first.
- Developing current staff members for growth opportunities.
- Empathy for staff and the public.
- Efficiency, organization, and external communication with the community.

Mr. Straus stated these qualities would work into the key competencies. He explained how we should keep the doors open as wide as possible. He exemplified their normal wording for expectations and qualifications.

He also explained it would be important to put a hiring range in the ad. Council stated they would be in favor of a competitive salary, Mr. Staus stating that most councils are

willing to consider the current salary range or higher than that of the current manager. The HR Director will work out these details for Mr. Straus.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

Tuesday, February 09, 2021 at 6:00 PM

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

THIS MEETING WAS HELD VIRTUALLY

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 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.

Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order and asked for a moment of silence to honor those affected by COVID-19. She led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Pro Tem Dozier

Presentation of the Government Finance Officers Association's (GFOA's) Distinguished Budget Presentation Award to Shawn Purvis, Assistant Town Manager. MPT Dozier stated this was the second year in a row that Apex has won this award because of our high principles of government budgeting. She stated the four categories of the award, for which we were proficient in all. Assistant Town Manager Purvis stated this was a teamwork project. Vance Holloman, Amanda Grogan, and Jessica Hoffman and her team did the bulk of the work. He stated that we are continuing to work to make sure that this document serves all and that it is transparent.

PR2 John Lynde, Apex Leos (Youth Club of Lions International)

Presentation by member of the Apex Leos regarding a mental health program

Mayor Pro Tem Dozier stated that the presenter asked for this item to be heard at a later date.

PR3 Nicole Bernard

Presentation by Nicole Bernard, Director, Shield NC

Ms. Bernard stated they are partnered with Apex PD; Officer Kenneth Ragland, Community Policing and Crime Prevention Officer, would do the first part of the presentation. The Officer explained what Shield NC is about and what they do to protect people from human trafficking through prevention and awareness. In 2019, Shield NC and the Police Department made a decision to bring together non-profits, service providers, and leaders in the community to build a network to empower those involved in human trafficking.

The Officer presented their Mission and Vision statements. He spoke about human trafficking issues and their organization's involvement in such related to education to help reduce vulnerabilities. They have been able to identify several victims of human trafficking and assisted local victims who had been human trafficked. He thanked Council and all others involved in their efforts.

Ms. Bernard spoke about their community prevention model. It has been used in the human trafficking field as one of the best practices. She explained how they strategically select speakers for their meetings and how they follow up with the attendees of the meetings. She explained how others in the community can get involved. Ms. Bernard thanked Council for the time and opportunity to present tonight.

Council stated she has sat in on most of their meetings and was impressed and appreciative of the professional job they do. This is a great community service.

Council asked how others can get involved in a different way. Ms. Bernard stated that if someone is serving any group of people, they would be happy to have them join.

Council stated she has attended a few of the meetings virtually and appreciated the opportunity to attend in this way.

MPT Dozier stated she asked Ms. Bernard and others to join her in speaking with Senator Burr's office related to what local governments needed to help support people, especially small business owners. Ms. Bernard brought to the table the piece about people being unprotected during COVID-19, which was a good prospective to take to the Senator's office.

PR4 Nicole Powell

Presentation by Nicole Powell regarding the Carbon Dividend Act

Ms. Powell stated she was a member of the citizens climate lobby, a non-profit, non-partisan advocacy organization. There are currently volunteers across the county reaching out to organizations and individuals forming relationships on common ground to create sustainable climate solutions. Their main focus is to support the passage of an act in Congress to support their goals.

Ms. Powell asked Council to pass a resolution supporting EDICA and explained what this would do related to fuels and how the fees would be distributed. If an act was implemented, there would be a 90% reduction of carbon emissions by 2050, and it would create jobs and economic growth and lower public health risks. Apex would join 128 other local governments, organizations, and individuals who have joined, including with several surrounding municipalities. Passing of the resolution would show Congress that the bill is supported nationwide. Support for the law would benefit the entire town.

Council asked if there was a resolution template, Sharon Bagatel responding 'yes' and that she would share it with us. She stated she has worked with Chapel Hill and Durham on their resolutions. Council asked if there was a sponsor in Congress to introduce this, Ms. Bagatel stating 'yes', they do have bi-partisan sponsors. She added they have support in both Houses.

Council asked how this went with the Environmental Advisory Board. Ms. Powell stated she had spoken with them, there were a few questions, and the Board would not say whether or not the Town would be supported in this. They were there primarily to listen.

Mayor Pro Tem Dozier conducted a roll call of those Council Members present.

CONSENT AGENDA

CN1 Sarah Van Every, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #20CZ11, Justin Michela/Matthew & Michelle Michela, Justin & Maryann Michela and Matthew & Michelle Michela, and Justin & Maryanne Michela petitioners, for the property located on 7517 Roberts Road, 2310 Pollard Place and 2000 Cabin Cove Road.

CN2 Sarah Van Every, Senior Planner

Statement of the Town Council for Rezoning Case #20CZ13, Bill Zahn, Humie Olive Associates/Yumeewarra Farm, LLC, petitioners, for the property located on 0 and 8633 Humie Olive Road.

- CN3 Lauren Staudenmaier, Planner I
Statement of the Town Council and Ordinance for Rezoning Case #20CZ15, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., petitioners, for the property located on 5920 and 0 Old Smithfield Road.
- CN4 Lauren Staudenmaier, Planner I
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.
- CN5 Lauren Staudenmaier, Planner I
Set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).
- CN6 Sarah Van Every, Senior Planner
Set Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #21CZ01 Wolfe Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN7 Shelly Mayo, Planner II
Set the Public Hearing for the February 23, 2021 Town Council meeting regarding Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres from Medium Density – Conditional Zoning (MD-CZ) to Medium Density – Conditional Zoning (MD-CZ). The proposed rezoning is located at 8550 Stephenson Road.
- CN8 Shelly Mayo, Planner II
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for February 23, 2021 on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits.

- CN9 Marty Stone – Assistant Town Manager
Encroachment agreement between the Town and Matthew Paul Donohue and wife Kacie Smith Donohue to install 75 SF of a 3' wide concrete walkway and 203 SF of concrete driveway that will encroach onto the Town's 20' Public Sanitary Sewer Easement and authorize the Town Manager to execute the same.
- CN10 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 11 SF of private sidewalk and 13 SF of a private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.
- CN11 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and Tri Pointe Homes Holdings, Inc. to install 52 SF of private sidewalk and 64 SF of private driveway that will encroach onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.
- CN12 Shawn Purvis, Assistant Town Manager
Appointment of Assistant Town Manager Shawn Purvis as commissioner for the Town of Apex on the North Carolina Eastern Municipal Power Agency Board of Commissioners and Assistant Town Manager Marty Stone as first alternate to the NCEMPA Board of Commissioners.
- CN13 Adam Stephenson, Engineering Supervisor
Construction contract and authorization for the Town Manager to execute same, and corresponding Budget Ordinance Amendment No. 2021-11 and Capital Project Ordinance Amendment 2021-05 for U-5537 Lake Pine Drive Improvements.
- CN14 Mary Beth Manville, Human Resources Director
Revisions to the Town's Drug & Alcohol Testing Policy.
- CN15 Mary Beth Manville, Human Resources Director
Increasing the authorized FTE of the Fire Department's Senior Program Support Specialist position from .875 (35 hours/week) to 1.00 (40 hours/week).
- CN16 Mary Beth Manville, Human Resources Director
Addition of the Athletics & Grounds Maintenance Worker I and II (Grade 13), Athletics Technician (Grade 14), and Parks Operations Worker I and II (Grade 15) to the Town's Position Classification Plan. Reclassification of the Athletics and Grounds Specialist position from Grade 14 to 15, the reclassification of the Parks Operations Technician position from Grade 16 to 15, and the Parks Operations Specialist position from Grade 15 to 16.
- CN17 Mayor Jacques Gilbert
Reappointment of Chair and Vice Chair positions on the Environmental Advisory Board.

Mayor Pro Tem Dozier stated there was Interest in removing Consent 14.

Mayor Pro Tem Dozier called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion with the removal of Consent 14;
Council Member Gantt seconded the motion.
The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier stated there was the request for an additional Closed Session: To consult with the Town Attorney pursuant to GS 143-318.11(a)(3) and the removal of Closed Session 2.

Mayor Pro Tem Dozier called for a motion to adopt the Regular Meeting Agenda.
Council Member Killingsworth made the motion with the stated modifications;
Council Member Stallings seconded the motion.
The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Russell Dalton, Sr. Transportation Engineer
Modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a right-in/right-out access as presented; and, Possible Motion to recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Drive/Horton Park Drive.

Staff stated responses from the public had been posted online. He oriented Council to the project, presenting the highlights. He overviewed the process timeline, the public meeting map highlighting Sweetgum Drive, resident comments and concerns, preliminary access alternatives, NCDOT comments, public outreach, and next steps – Sweetgum access alternative and the 10-foot side path.

Council conversation ensued with staff about long-term and full access points, Council wanting to be certain that this was possible and/or sustained, the 10-foot side path and its

use, the necessity of the cul-de-sac, permanence of the options, possible further studies, and environmental issues.

Mayor Pro Tem Dozier declared the Public Hearing open.

Staff summarized the public comments received related to Sweetgum Drive, those comments incorporated by reference.

Mayor Pro Tem Dozier declared the Public Hearing closed.

Mayor Pro Tem Dozier reminded that this item would be left open for 24 hours.

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 Old Business items for consideration.

PRESENTATION BY TOWN MANAGER

Mayor Pro Tem Dozier welcomed Interim Town Manager Ralph Clark. Mr. Clark stated it was an honor to serve in this position. He has been impressed with the quality of the staff that will take Apex forward. He was looking forward to being a part of this effort.

CLOSED SESSION

- CS1 Steve Adams, Utilities Acquisition Specialist
Closed session to establish the Town's negotiation position for acquisition of real property pursuant to NCGS 143-318.11(a)(5).
- CS2 REMOVED FROM THE AGENDA - Drew Havens, Former Town Manager
Closed Session per Council direction to discuss approving vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

ADDED CS3 Closed Session to consult with the Town Attorney pursuant to GS 143-318.11(a)(3).

Mayor Pro Tem Dozier called for a motion to go into Closed Session. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

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

Mayor Pro Tem Dozier stated that Council would not return to Open Session, that Council would adjourn from Closed Session.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business and without objection from Council, Mayor Pro Tem Dozier adjourned the meeting from Closed Session.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Nicole L. Dozier, Mayor Pro Tem



TOWN COUNCIL BUDGET RETREAT

Friday, February 12, 2021 at 8:30 AM

~~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 interim Town Manager Ralph Clark, Assistant Town Manager Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Deputy Town Clerk Tesa Silver, Budget and Management Analyst Amanda Grogan, Budget Technician Jessica Hoffman, Budget LSE Kathryn Paquet, Finance Director Vance Holloman, Inspections Director Rudy Baker, Economic Development Director Joanna Helms, Electric Utilities Director Eric Neumann, Fire Chief Keith McGee, Human Resources Director Mary Beth Manville, Director of Information Technology Erika Sacco, Parks, Recreation, & Cultural Resources Director John Brown, Planning Director Dianne Khin, Interim Police Chief Tony Godwin, Public Works and Transportation Director Jose Martinez, Water Resources Director Michael Deaton, and Communications Manager Stacie Galloway.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. He welcomed everyone in attendance. Assistant Town Manager Purvis stated the purpose of the meeting, and explained the structure of the meeting.

Stormwater Utility

Assistant Town Manager Stone reviewed the current utility fee and the stormwater utility program. Council expressed concern over the current program and fee structure, at last year's meeting. Staff outlined three different options that could be utilized to address Council's concerns. Staff provided pros and cons for continuing to fund the Stormwater

Utility Program through the General Fund, by dedicating a percentage of funds annually, or by using a tiered fee structure.

Council Member Mahaffey made the motion to direct staff to move forward with setting up the utility fee starting January 1, 2022, to lower the tax rate by approximately half of the savings that would be provided, and to prepare the budget to direct half the other savings to ApexCares or The Affordable Housing Project as the needs direct. Council Member Killingsworth seconded the motion and added that the program should be reevaluated every 5 years. The motion carried by a 5-0 vote by roll call vote.

Sidewalk Needs

Staff provided a presentation on how sidewalk needs are identified and prioritized. Staff outlined the walking and biking school needs projects that are anticipated to begin in 2021. Staff will continue to look for additional funding sources to complete additional projects, and to communicate more information about these projects to the public through the Town's website.

Sidewalk Needs

Vance Holloman, Finance Director, explained how the Town would benefit financially by issuing \$5,000,000 in debt through private placement. This would allow the Town to complete half of its' paving projects. He explained why it would be beneficial to proceed with private placement opposed to issuing a bond. He explained the proposed bond referendum. Staff needs direction on how to proceed with projects and if Council would like to issue the \$5,000,000 in the current fiscal year or the next fiscal year.

Mayor Gilbert called a break.

Council came to a consensus to move forward with Staff's recommendations.

Financial Condition Review

Vance Holloman, Finance Director, reviewed the financial condition of the Town Fiscal Year Ending June 30, 2020 including fund reserves and the Town's debt status.

Capital Project Prioritizations Results and Discussion

Staff stated that the Town created and received results from its' first Citizen Budget Priority Survey. The survey provided the public with an opportunity to provide input on the budget without coming to Town Hall. The survey increased transparency in how the budget is developed. Staff explained how the survey was conducted and the results received from the survey. Staff discussed areas identified within in the seven categories identified by staff: Housing Affordability, Economic Stability and Growth, Environmental Sustainability, Vibrant and Accessible Downtown, Public Safety, Recreation and Cultural Opportunities, and Transportation & Infrastructure.

Staff explained that the CIP is the planning mechanism that Council uses to allocate financial resources to achieve long term goals. Staff outlined the project prioritization results from Council for 34 projects.

Mayor Gilbert called a break.

Staff reviewed the strategic goals and objects, and outlined initiatives currently underway. Council reviewed the identified initiatives, and expressed the importance of continuing to be as accessible as possible for all citizens. Council identified priorities for next steps to be taken.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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SPECIAL TOWN COUNCIL MEETING

Monday, February 15, 2021 at 4:30 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 Assistant Town Manager Shawn Purvis, Town Attorney Laurie L. Hohe, Deputy Town Clerk Tesa Silver, and Economic Development Director Joanna Helms.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

There were no Consent Agenda items.

REGULAR MEETING AGENDA

There were no Regular Meeting Agenda items.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Joanna Helms, Economic Development Director

Public Hearing to receive public input on the acquisition of +/-2.3 acres of the Cash Corporate Center located at 2100 Production Drive for Economic Development Purposes.

Staff proposed that the Town acquire 2.3 acres of property at Cash Corporate Center with the intent to extend Burma Drive. The extension and realignment would tie into what already exists at Cash Corporate Center. The cost to acquire the property is \$59,056 per acre totaling \$136, 879. Assistant Town Manager Purvis explained that the cost will be covered once the Town sells the property.

Mayor Gilbert declared the Public Hearing opened. There were no comments. Mayor Gilbert declared the Pubic Hearing closed. Mayor Gilbert explained no decision would be made today. The public comment period for the Public Hearing would be held open for an additional 24 hours. Council would vote on the Public Hearing at the meeting scheduled for 5:00 pm on February 17, 2021.

OLD BUSINESS

There were no Old Business items to discuss.

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 were no presentations.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no work session.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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SPECIAL TOWN COUNCIL MEETING

Wednesday, February 17, 2021 at 5:00 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 Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Assistant Town Managers Shawn Purvis and Marty Stone, Town Attorney Laurie L. Hohe, Deputy Town Clerk Tesa Silver, and Economic Development Director Joanna Helms.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order and called roll call for attendance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

There were no Consent Agenda items.

REGULAR MEETING AGENDA

There were no Regular Meeting Agenda items.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Joanna Helms, Economic Development Director
Public Hearing to receive public input on the acquisition of +/-2.3 acres of the Cash Corporate Center located at 2100 Production Drive for Economic Development Purposes.

Staff reported that no additional comments were submitted.

Council Member Killingsworth made the motion to approve the acquisition of approximately 2.3 acres of the Cash Corporate Center and appropriate funds for Economic Development in the amount of \$136, 879; Council Member Gantt seconded the motion. The motion carried by a 5-0 vote by roll call.

OLD BUSINESS

There were no Old Business items to discuss.

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 were no presentations.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no work session.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

Tuesday, February 23, 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

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, Town Attorney Laurie L. Hohe, and Deputy Town Clerk Tesa Silver.

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. He asked for a moment of silence for those who have passed from COVID-19 and for those facing hardship in Texas. Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PRI Mayor Jacques Gilbert and the Apex Town Council Proclamation recognizing John M. Brown for 35 years of service to the Town and people of Apex as Parks, Recreation, & Cultural Resources Director

Mayor Gilbert read and presented the Proclamation recognizing John M. Brown for his service to the Town, and presented John M. Brown with the Governor's Order of the Long Leaf Pine. Director Brown expressed his gratitude for all those who have contributed to his career and the citizens of the Town of Apex. Council thanked Director Brown for his service to the Town, acknowledged his accomplishments during his career, and shared well wishes in his upcoming retirement.

PR2 Mary Beth Manville, Human Resources Director
Presentation announcing the new Town of Apex Retiree Recognition Board.

Staff presented a sample of the Town of Apex Retiree Recognition Board. The board list the names of employees who retired from the Town with a minimum of 5 years of service. The board will be displayed in Town Hall.

PR3 Jacques Gilbert, Mayor
Presentation of Women's History Month Proclamation

Mayor Gilbert and Town Council read the Proclamation declaring the month of March Women's History Month.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk and Tesa Silver, Deputy Town Clerk
Motion to approve Council Meeting Minutes

CN2 Terry Mahaffey, Council Member
Motion to adopt a Resolution supporting the Energy Innovation and Carbon Dividend Act

CN3 Dianne Khin, Director of Planning and Community Development
Motion to adopt a 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 March 9, 2021 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.

CN4 Mary Beth Manville, Human Resources Director
Motion to approve the addition of one Diversity Officer position, salary Grade 27, for the Administration Department.

CN5 Marty Stone – Assistant Town Manager
Motion to approve an encroachment agreement between the Town and Daniel Gerard O'Sullivan and wife Kyra Lynn O'Sullivan to install a fence of which 330 S.F. will encroach onto the Town's 20' wide Public Utility Easement and authorize the Town Manager to execute the same.

CN6 Marty Stone – Assistant Town Manager
Motion to approve an encroachment agreement between the Town and William David Paxton and wife Vicki Thomas Paxton to install 100 S.F. and 84 S.F of fence

- and 78 S.F. of stairs that will encroach onto the Town's 30' Sanitary Sewer Easement and authorize the Town Manager to execute the same.
- CN7 Marty Stone, Assistant Town Manager and Vance Holloman, Finance Director
Motion to approve Budget Ordinance Amendment No. 12 appropriating funds for the purpose of reimbursing a developer for completion of the Reliance Avenue Extension connecting to the Meridian at Ten Ten Apartment Complex.
- CN8 Keith McGee, Fire Chief
Motion to approve Town Manager to sign an amendment to the Fire Protection Agreement Apex and a Business Associate Agreement that are required for Apex Fire Department to provide assistance at the mass vaccination site hosted by Wake County.
- CN9 Russell Dalton – Sr Transportation Engineer
Motion to approve a reimbursement agreement between the Town and NCDOT for construction of EB-6046, West Chatham St Sidewalk, and authorize the Town Manager to execute the same.
- CN10 Michael Deaton, Water Resources Director
Motion to approve revisions to the Policy Regarding Town Participation in Utility Projects.
- CN11 Michael Deaton, Water Resources Director
Motion to approve a Utility Infrastructure Reimbursement Agreement with MFW Investments, LLC, and to authorize the Town Manager the same for construction of the Middle Creek Regional Pump Station 2 and associated gravity sewer and force main infrastructure.
- CN12 Colleen Merays, Downtown & Small Business Development Coordinator
Motion to close up to 13 on-street parallel parking spaces along N. Salem Street from Center St. to Chatham St. to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through May 31, 2021.
- CN13 Steve Adams, Utility Acquisition Specialist
Motion to approve purchase of +/- 5 acres located at 736 Hunter Street for \$467,000, to grant authority to the Interim Town Manager to execute the contract and authority to the Interim Town Manager and Finance Director to execute all closing documents on behalf of the Town, and to approve Budget Ordinance Amendment 13.
- CN14 Megan Pendell, Sustainability Coordinator
Motion to approve amendments to Apex Town Code section 2-58 in regards to membership on the Environmental Advisory Board.
- CN15 Russell Dalton – Sr Transportation Engineer

Motion to approve a 2nd supplemental reimbursement agreement between the Town and NCDOT for construction of U-5537, Lake Pine Drive Improvements, and authorize the Town Manager to execute the same.

CN16 Amanda Grogan, Budget & Management Analyst

Motion to approve Budget Ordinance Amendment No. 14 to account for COVID expense reimbursements and distribution of those funds to department budgets and to allocate fund balance to cover additional onboarding and personnel costs

Mayor Gilbert corrected the date in Consent Agenda Item 12. Council Member Killingsworth stated that the language in Consent Agenda Item 4 is now gender neutral.

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

PUBLIC FORUM

Carol Ferguson, Dan and Karen Willis, Jay Smith, and Micky and Peggy Smith; congratulated Parks, Recreation and Cultural Resources Director John M. Brown well wishes on his retirement.

Marcellus Howard; asked if some of the tennis courts at Apex Nature Park and Kelly Road Park could be repurposed as pickleball courts.

Lori Nelson; expressed concern over the state of the Apex Police Department. She asked for action to continue to be taken by the Mayor, Town Council and the Interim Police Chief, and that a citizen review board be created to address some of the issues that the Police Department is facing.

Carla Gregg-Kerns, Darlene Oglesby, Jessica Matthews, Kevin Nelson, Ross Pierson, Stephanie Mitchell, and Reid Pierson, S. Peoples; stated that they stood with Lori Nelson

and the call for police reform in Apex based on the Apex Police Department Cultural Assessment.

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager
Possible motion to continue the public hearing for proposed Transportation Plan amendments associated with Rezoning Application #20CZ12 Felton Grove High School. Due to the Planning Board continuing their vote from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

AND

PH2 Shelly Mayo, Planner II
Possible motion to continue the public hearing for Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 60.68 acres located at 8550 Stephenson Road from Medium Density Residential-Conditional Zoning (MD-CZ #12CZ14) to Medium Density Residential-Conditional Zoning (MD-CZ). Due to the Planning Board continuing their public hearing from February 10, 2021 to March 8, 2021 and the fact that 30 days will not have passed from the date of the first Planning Board public hearing, this item will not be heard by Town Council at this time, so a continuance of the Town Council public hearing to March 23, 2021 is requested.

AND

PH3 Shelly Mayo, Planner II
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits. **The applicant requests this item be continued to the March 23, 2021 meeting.**

Mayor Gilbert called for a motion to continue Public Hearing 1, 2, and 3 until the March 23, 2021 regular scheduled meeting. Council Member Gantt made the motion;

Council Member Killingsworth seconded the motion.

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

PH4 Lauren Staudenmaier, Planner I
Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan

L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

AND

PH5 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning. The Environmental Advisory Board has reviewed the application and did not recommend any additional zoning conditions. The rezoning is consistent with the 2045 Land Use Plan and it is compatible with the existing area. The Planning Board recommended approval. Staff recommended approval.

Mayor Gilbert declared the Public Hearing Opened. There were no comments. Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated that no action would be taken and that a vote would be held at the meeting scheduled for Thursday, February 25, 2021 at 4:00 pm.

PH6 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #21CZ01 Wolfe Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site, stated the applicant's proposal for rezoning and explained the PUD Amendment. The Planning Board recommended approval. Staff recommended approval.

Mayor Gilbert declared the Public Hearing Opened.

John Shell; asked several questions related to the White Oak Site Plan.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated that no action would be taken and that a vote would be held at the meeting scheduled for Thursday, February 25, 2021 at 4:00 pm.

PH7 Shannon Cox, Long Range Planning Manager
Public hearing and possible motion regarding proposed amendments to the 2045 Land Use Map related to transit-oriented development.

Staff oriented Council to the amendments, and provided public feedback on the amendments. Staff provided updated recommendations to the 2045 Land Use Map. The Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing Opened.

Sarah Sleight and Peter Muecke; asked that Council deny the proposed amendment of the lot at 0 W. Williams Street due to the lot's unique topography, the surrounding infrastructure and housing, and the stream.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated that no action would be taken and that a vote would be held at the meeting scheduled for Thursday, February 25, 2021 at 4:00 PM

OLD BUSINESS

There was no Old business.

UNFINISHED BUSINESS

UB1 Russell Dalton, Sr. Transportation Engineer
Possible Motion to recommend modifying Jessie Drive Phase 1 final design plans to remove the proposed U-turn bulb-out and include the Sweetgum Access Alternative while keeping Sweetgum Drive connected to Jessie Drive as a right-in/right-out access as presented; and, Possible Motion to recommend continuing the 10-foot side path westward along the north side of Jessie Drive in the Phase 1 final design plans to the intersection at future Production Drive/Horton Park Drive.

Staff reviewed the design plan for modifying Jessie Drive Phase 1 and the various options that have been considered. Staff summarized the public comments received after the Public Hearing.

Nate Nicholes; agreed with the new connector road to provide left turns versus U-turn, but he was against the proposed connector route. He favored pursuing a connector route south of the pipeline.

Amy Marshall; against the proposed connector route and cited request for traffic signal at Ten Ten Road. She cited concerns with any restrictions to existing Sweetgum Drive residents and emergency access. She suggested the use of 4801 Jessie Drive for a roundabout or turnaround leaving Sweetgum Drive access as is.

Elizabeth Farquhar and Zach Wienandt; opposed to the Jessie Drive project and cited concerns with access, environmental impact and home values due to Jessie Drive project.

Brian Bradley; cited concern with any restriction to existing Sweetgum Drive and requested a traffic signal at Ten Ten Road. He suggested a connector route directly parallel to the west side of the pipeline.

Rebecca Mitchell; against the proposed connector route and cited request for a traffic signal at Ten Ten Road. She was in favor of new access to Sweetgum Drive and suggested the route west of the pipeline.

Brent Cadd; proposed alignment east of the pipeline on Jessie Drive that would curve behind 2512 and 2528 Sweetgum Drive and asked for further evaluation based on the proposed suggestion.

Nicholas Ward; suggested a connector to Ten Ten Road be reconsidered, if it could provide long term left turn (turn in) and right turn (turn out) access to Sweetgum Drive. He was not in favor of direct impacts to any portion of the parcel located at 2528 Sweetgum Drive.

Donna Provance; requested further evaluation time to consider all options and was not in favor of impacts to the primary or secondary well.

Brian Dean; was in favor of new access to Sweetgum Drive and suggested the route west of the pipeline crossing the pipeline south of the house located at 2528 Sweetgum Drive.

Staff addressed the multiple obstacles the Town faced with the various options that could be completed at Jessie Drive, and recommended the U-turn bulb if Council is opposed to the connector route.

Council Member Mahaffey made the motion to decline to build the side path to the north of Jessie Drive; Council Member Killingsworth seconded. The motion carried by a 5-0 vote by roll call.

Council Member Mahaffey made the motion to direct staff to continue with the bulb out option and to further direct staff to consider transportation plan updates considering the lots for provide further connectivity to Sweetgum Drive; Council Member Gantt seconded. The motion carried by a 5-0 vote by roll call.

NEW BUSINESS

NB1 Mayor Jacques Gilbert and the Apex Council
Possible motion to consider renaming the Apex Community Center to the John M. Brown Community Center

Mayor Gilbert read a Resolution recognizing the many contributions of Parks, Recreation, and Cultural Resources Director John M. Brown and his community involvement.

Council Member Killingsworth made the motion to adopt the Resolution to rename the Apex Community Center as the John M. Brown Community Center; Council Member Stallings seconded. The motion carried by a 5-0 vote by roll call.

NB2 Colleen Merays, Downtown & Small Business Coordinator
Motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2021 and 2022.

Staff reviewed Special Event Permit application requests the Town has received. Applications have been submitted for the farmers market, Music Festival and Peak Festival.

Council Member Killingsworth made the motion to approve; Mayor Pro Tem Dozier seconded. The motion carried by a 5-0 vote by roll call.

NB3 Vance Holloman, Finance Director

Consider information and data presented by Finance staff to provide direction to finalize the development of a utility customer assistance program

The Town suspended disconnections due to the Governor's Orders and has established payment plans for those who would be in jeopardy of their services being disconnected. Western Wake Ministry Crisis has assisted in establishing criteria for the assistance program. Staff reviewed the eligibility requirements. Staff will be directed to not turn off anyone who has applied for assistance until eligibility to participate in the program has been determined. Staff recommended to allow suspension to be lifted as of February 28, 2021, with no cutoffs the month of March and for cutoffs to begin with the April billing cycle.

Council agreed with the assistance program, but stated that they did not want to cut people off during the pandemic.

Council Member Killingsworth made the motion to extend the moratorium until May 31, 2021; Mayor Pro Tem Dozier seconded. The motion carried by a 5-0 vote by roll call.

NB4 Terry Mahaffey, Council Member

Discussion and the setting of municipal election filing fees for the Town

Council Member Mahaffey stated that the Council has the authority to set filing fees for office and asked if Council should consider adjusting the fees. He stated that he doesn't believe the fee should be tied to compensation.

Council Member Mahaffey made the motion to have staff prepare an ordinance to set the filing fees to \$50 for Council and \$75 for the Mayor, and report to the Board of Elections; Council Member Killingsworth seconded. The motion carried by a 5-0 vote by roll call.

PRESENTATION BY TOWN MANAGER

Interim Manager Clark stated that a process should be created to streamline citizen complaints and that he received all departmental reports.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney
Possible motion to go into closed session to consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3) and discuss a personnel matter pursuant to NCGS 143-318.11(a)(6).

Council Member Killingsworth made the motion to go into Closed Session; Council Member Mahaffey seconded. The motion carried by a 5-0 vote by roll call.

WORK SESSION

There was no Work Session

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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SPECIAL TOWN COUNCIL MEETING

Tuesday, February 25, 2021 at 4:00 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 Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Deputy Town Clerk Tesa Silver.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance.

PUBLIC HEARINGS

PH4 Lauren Staudenmaier, Planner I

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Joseph D. Cusumano and Reagan L. Cusumano property containing 1.914 acres located at 2609 New Hill Olive Chapel Road, Annexation #705 into the Town's corporate limits.

AND

PH5 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ16 Cusumano Property and Ordinance. The applicant, Joseph D. Cusumano, seeks to rezone approximately 1.90 acres for the property located at 2609 New Hill Olive Chapel Road (PIN 0710847078), from Wake County Residential-40W (R-40W) to Medium Density-Conditional Zoning (MD-CZ).

Mayor Gilbert declared the Public Hearing Opened. There were no additional comments submitted. Mayor Gilbert declared the Public Hearing Closed.

Council Member Killingsworth made the motion to approve; Council Member Mahaffey seconded. The motion carried by a 5-0 vote by roll call.

PH6 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #21CZ01 Wolfe Properties PUD Amendment. The applicant Josh Swindell, Envision Homes, LLC., seeks to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723508938, & 0723601654) from Planned Unit Development-Conditional Zoning (PUD-CZ #19CZ22) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff provided a brief overview of the rezoning application. Mayor Gilbert declared the Public Hearing Opened. There were no additional comments submitted. Mayor Gilbert declared the Public Hearing Closed.

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

PH7 Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding proposed amendments to the 2045 Land Use Map related to transit-oriented development.

Staff provided a brief overview of the areas included in the 2045 Land Use Map that had been widely questioned. Council discussed how to proceed with these areas based on the feedback received from citizens.

Council Member Mahaffey made the motion to approve areas A, B, C, and E as presented; Council Member Killingsworth seconded. The motion carried by a 5-0 vote by roll call.

Council Member Gantt made the motion to approve D as presented; Council Member Mahaffey seconded. The motion carried by a 3-2 vote by roll call; Council Members Killingsworth, Gantt, and Mahaffey voted in the affirmative and Mayor Pro Tem Dozier and Council Member Stallings voted against.

Council Member Mahaffey made the motion to approve the four parcels labeled A as presented and the remainder to go back to the Planning Committee for further reconsideration; Council Member Killingsworth seconded. The motion carried by a 4-1 vote by roll call. Mayor Pro Tem Dozier and Council Members Killingsworth, Stallings, and Mahaffey voted in the affirmative and Council Member Gantt voted against.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| 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



| SPECIAL TOWN COUNCIL MEETING

March 11, 2021 at 5:00 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 stated the purpose of the meeting was to vote on the Public Hearing items from the Regular Council Meeting held on March 9, 2021. Mayor Gilbert called for Council Member roll call.

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 provided a review and stated there were no new public comments.

Mayor Gilbert called for a motion. Council Member Stallings made a motion to adopt the Ordinance; Council Member Gantt seconded the motion.

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

PH2 Amanda Bunce, Current Planning Manager

Amendment to the Unified Development Ordinance related to Resource Conservation Area in North Carolina Certified Sites

Staff provided a review and stated there were no new public comments.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to approve the Amendments; Council Member Dozier seconded the motion.

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

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 provided a review and stated there were no new public comments.

Mayor Gilbert called for a motion. Council Member Stallings made a motion to approve the Amendments; Council Member Killingsworth seconded the motion.

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

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 provided a review and stated there were no new public comments.

Council stated we need to think long term about the land use west of New Olive Chapel going forward. He spoke about the two-lane roads coming with long term consequences.

Council asked Council if he was concerned about density, Council answering 'yes'. Council stated it was worth having a conversation about this.

Council stated he didn't understand the density concern. The purpose of this change was more about commuters than land use. Responding to Council, Council stated he agreed this needed to be a regional discussion. Staff stated changes are needed. She re-emphasized this was more about commuter traffic, but she understood the density concern. She thought it was fine to revisit this.

Council stated we want to be as planful as possible moving forward.

Mayor Gilbert called for a motion. Council Member Mahaffey made a motion to approve Alternative 1; Council Member Gantt seconded the motion.

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

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

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| SPECIAL TOWN COUNCIL MEETING

March 18, 2021 at 9:00 AM

~~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; 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, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Human Resources Director Mary Beth Manville, Town Clerk Donna B. Hosch, and Steve Straus and Holly Danford from Developmental Associates.

COMMENCEMENT

Mayor Gilbert called the meeting to order. He stated that this was a Closed Session Meeting to conduct business related to the hiring of a new Town Manager.

Mayor Gilbert called for a motion to go into Closed Session to discuss a personnel matter. Council Member Cheryl Stallings made the motion; Council Member Audra Killingsworth seconded the motion.

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

Mayor Gilbert called for a motion to return to Open Session. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

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

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



| REGULAR TOWN COUNCIL MEETING

March 23, 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; 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, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Interim Town Manager Ralph Clark, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert acknowledged recent events that occurred in Boulder, CO and Atlanta, GA and held a moment of silence. He led the pledge.

PRESENTATIONS

There were no presentations.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk and Tesa Silver, Deputy Town Clerk
Motion to approve Minutes of the February 23, 2021 Regular Council Meeting, the February 25, 2021 Special Council Meeting, the March 9, 2021 Regular Council Meeting, and the March 11, 2021 Special Council Meeting
- CN2 Donna Hosch, Town Clerk
Motion to approve the Apex Tax Report dated 02/01/2021
- CN3 Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment of March 11, 2021.

CN4 Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the April 13, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance.

CN5 Dianne Khin, Director of Planning and Community Development

Motion to adopt a 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 April 13, 2021 on the Question of Annexation - Apex Town Council's intent to annex Jordan Lutheran Church property containing 6.22 acres located at 1201 Chapel Ridge Road, Annexation #708 into the Town's corporate limits.

CN6 Dianne Khin, Director of Planning and Community Development

Motion to adopt a 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 April 13, 2021 on the Question of Annexation - Apex Town Council's intent to annex MFW Investments, LLC (portion of PIN #0751 21 6689 located at 0 East Williams Street), Trinity Apex North 100, LLC (portion of PIN #0751 32 3228 located at 5125 Jessie Drive) and Horton Park MF, LLC (portion of PIN #0751 31 9308) located at 5101 Jessie Drive) properties (Horton Park PUD), as recorded in Book of Maps 2021 Pages 128-134 containing ±1.139 acres, Annexation #709 into the Town's corporate limits.

CN7 Megan Pendell, Sustainability Coordinator

Motion to approve Sai Pranathi Sana as a new member on the Environmental Advisory Board (EAB).

CN8 Russell Dalton, Sr. Transportation Engineer

Motion to approve a reimbursement agreement between the Town and NCDOT for construction of TM-0026, bus stops to serve GoApex Route 1, and authorize the Interim Town Manager to execute the same.

CN9 Adam Stephenson, Engineering Supervisor

Motion to approve revisions to the Town Standard Specifications and Details.

CN10 Mary Beth Manville

Motion to approve the authorization of one (1) full-time Housing Program Manager position, salary grade 26, and Budget Amendment 16, to fund associated costs.

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

Council Member Killingsworth made the motion; Mayor Pro Tem Dozier seconded the motion. The motion carried by a 5-0 roll call vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated that New Business 3, Possible motion to terminate an existing access easement presented by Planning Director Dianne Khin needed to be added to the Agenda.

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

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding proposed Transportation Plan amendments associated with Rezoning #20CZ12 Felton Grove High School.

Staff reviewed the proposed amendments associated with the rezoning. The Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing Opened. There were no public comments. Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated no decision would be made tonight, and that Council would vote on this Public Hearing on Thursday, March 25, 2021 at 9:00 a.m.

PH2 Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 68.06 acres located at 8550 Stephenson Road from Medium Density Residential-Conditional Zoning (MD-CZ #12CZ14) to Medium Density Residential-Conditional Zoning (MD-CZ).

AND

PH3 Shelly Mayo, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits.

Staff oriented Council to the site and stated the applicant's purpose for rezoning. Staff recommended approval with the additional condition of a 100 ft riparian buffer. The Planning Board recommended approval with the requested additional condition.

Betty Parker with Wake County Board of Education stated that construction would tentatively start in February of 2022 and that the school would open in 2024. She stated that 2,240 seats would be created in the new high school to address overcrowding and the rapid growth seen in the area. She stated that they would decline to offer the requested condition of the riparian buffer. The conditions listed within the application are compliant with the requirements found within the Town's UDO.

Mayor Gilbert declared the Public Hearing Opened.

Tonya and Mark Cumalander; requested that the rezoning be declined based on the impact it would have on the Briarwood neighborhood. They stated that traffic would affect the public safety and welfare of the residents. The landfill located near the site has loads that go above the tree line and the noise associated with the machinery used would cause a distraction in a school setting. They asked for an opportunity for all stakeholders to be present to discuss the project before an approval was granted.

Maria Martinez; concerned about the traffic and how it will affect the safety of the children who play in the neighborhood. She wanted more information about the project and requested a neighborhood meeting.

Benita Serapio; against the rezoning and expressed concern that the residents would have to leave their homes.

Alejandro Soto, Alejandrina Badillo, Claudia Medel, and Nallely Chavez, were all concerned about the impact of the school's construction on the neighborhood. They are concerned that they may be forced to move from their homes.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated no decision would be made tonight, and that Council would vote on this Public Hearing on Thursday, March 25, 2021 at 9:00 a.m.

PH4 Liz Loftin, Senior Planner
Public hearing and possible motion to adopt an Ordinance 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.

AND

PH5 Liz Loftin, Senior Planner
Public Hearing and possible motion to approve 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 Road (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the site and stated the applicant's purpose for rezoning. The Parks & Recreation Advisory Commission recommended approval for the construction of the greenway. The Planning Board recommended approval with the proposed conditions. Staff recommended approval with the proposed conditions.

Glenda Toppe, representing the applicant, thanked staff, Council, and the neighbors for their input that has allowed the applicant to make positive changes. The development is expected to have 279 units based on the acreage with 60% being townhomes and 40% being single family homes. She stated that the project is consistent with the land use plan and she provided an overview of the environmental amenities that are planned for the development.

Mayor Gilbert declared the Public Hearing Opened.

Melinda Dyk and 28 residents of Smith Farm; are against the rezoning. Stated that new citizens are often overwhelmed with schools being over capacity and place the blame on the Town. By approving the rezoning Council will continue to support the problem. Traffic would be increased within the joining neighborhoods and poses a safety concern for small children playing in the area. The group also expressed concerns about the environmental affects that would be caused from developing the area.

Nathan Cenis; expressed concern over the density of the development. He asked Council to consider the rezoning so that it is less dense or to redesign the development to keep townhomes off the main road.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated no decision would be made tonight, and that Council would vote on this Public Hearing on Thursday, March 25, 2021 at 9:00 a.m.

PH6 Liz Loftin, Senior Planner

Public Hearing and possible motion to approve 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).

Staff oriented Council to the site and stated the applicant's purpose for rezoning. The Environmental Advisory Board reviewed the application and recommended approval with

adjusted zoning conditions. The applicant agreed to the recommended zoning conditions. The Parks & Recreation Advisory Commission recommended approval. The Planning Board recommend approval. Staff recommended approval with the proposed conditions.

Isabel Mattox, representing the applicant, explained that the development will be ideally located for affordable housing as it will be located near retail, amenities, and by the future transit stop. Tim Morgan with Evergreen Construction, provided a brief overview about the company and showcased several senior housing projects within their portfolio. He briefly reviewed the plan for the housing project for Apex. Rick Baker with the Timmons Group explained some of the challenges that have been overcome for the project. Ms. Mattox stated that numerous changes have been made based on feedback received from the neighbors. She stated that the proposal is reasonable and the development will be a benefit to the town.

Mayor Gilbert declared the Public Hearing Opened

Phil Welch; supported the rezoning. He stated several benefits for the Town to approve the rezoning, and that it would be ideal to begin implantation of Apex's Affordable Housing Plan.

Diana Londono; expressed concerned that if the rezoning is approved but the developer is unsuccessful in securing funding that it could leave the property open for development not related to affordable housing. She also expressed concern over the environmental impacts of the potential development.

Jane Seeger; thanked the developer for their collaborative work with the neighbors. She expressed concern over the location of the dumpster and expressed that environmental measures be taken to address the impact the development will have on the environment.

Wake League of Women Votes and its Affordable Housing Committee, Beth Bordeaux, the West Regional Affordable Housing Group, Julie Barnes, Paul Baumann, Laura Holley, Andrea Haynes, Paula Tilley, Cathy & Frank Cheney, Angeles Martinez de Carvajal, Alice Burrows, Nancy Tamms, Karen Gower, and Nancy Plath were all in favor of an approval of the rezoning.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated no decision would be made tonight, and that Council would vote on this Public Hearing on Thursday, March 25, 2021 at 9:00 a.m.

PH7 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding an amendment to the Unified Development Ordinance (UDO) related to variances from the standards of the Watershed Protection Overlay District.

Staff oriented Council to the amendment. Staff recommended approval and the Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing Opened.

Kristen and Grant Cain; requested that Council vote to remove Section 6.1.12.E.2. of the UDO. They stated that the rules within the section are inconsistent within their neighborhood and the Town.

Mayor Gilbert declared the Public Hearing Closed. Mayor Gilbert stated no decision would be made tonight, and that Council would vote on this Public Hearing on Thursday, March 25, 2021 at 9:00 a.m.

PUBLIC FORUM

Maria DeJesus; expressed gratitude to the Apex Police Department and the Mayor, in how they helped her. She requested Council provide all information in regards to the racial allegations being brought against the police department.

Cathy & Frank Cheney; expressed support of the Eco Park Project.

OLD BUSINESS

There were no Old Business items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

NB1 Shawn Purvis, Assistant Town Manager

Possible motion to provide financial support to Evergreen Construction Company for the affordable housing project at Abbey Spring in the form of grants from the Affordable Housing Fund for Recreation Fees-in-lieu and a loan for construction contingent upon final project approval

Assistant Town Manager Purvis asked that this item be continued to the Thursday meeting, when Council votes on the rezoning.

Council Member Mahaffey made the motion to continue New Business 1 to Thursday, March 25, 2021; Mayor Pro Tem Dozier seconded the motion.

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

NB2 Joanna Helms, Director

Possible Motion to approve a Development Agreement with The Crown Companies, LLC and to authorize the Town Manager to execute the same.

Staff explained that the Town entered into an agreement at Cash Corporate Center to develop the area for economic development purposes. The Town has been working with a developer who would like to purchase the remainder of the property. The developer would place turn-key ready buildings on the site to expedite recruiting new businesses. This agreement would release the Cash family from the current agreement, and the developer would continue to work with the Town on developing the property for the purposes of economic development.

Mayor Gilbert called for a motion to approve a development agreement with The Crown Companies, LLC and to authorize the Town Manager to execute the same.

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

NB3 Dianne Khin, Planning Director

Possible motion to terminate an existing access easement.

Staff stated that the easement was conveyed over to the Town in 2017 when the Town purchased property. The Town has no need for the easement. It has been requested that the Town terminate the easement for a closing of a property. Staff asked for approval to terminate the easement and to give the Town Manager the authorization execute the agreement.

Council Member Mahaffey made the motion to authorize the Town Manager to enter into an agreement and to terminate the easement; Council Member Gantt seconded the motion.

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

UPDATES BY TOWN MANAGER

Interim Town Manager Clark stated that the employees who have worked from home due to COVID-19 are expected to return to work on July 1, 2021. Each director will provide an outline of if their employees will return to the office, work from home or a hybrid of the two. The Town will continue to follow the mask guidelines determined by the CDC. He received the inspection report from NCDEQ and thanked staff for their work. He stated that the report is one of the best he had ever seen and found the Town with no errors. He stated that water flushing would continue through April. He stated that he is still involved in discussions to determine the outcome for early voting for the November election.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| SPECIAL TOWN COUNCIL MEETING

March 25, 2021 at 9:00 AM
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; 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, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Interim Town Manager Ralph Clark, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called a roll call attendance.

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding proposed Transportation Plan amendments associated with Rezoning #20CZ12 Felton Grove High School.

Staff provided a brief summary of the amendments as they relate to Felton Grove High School.

Mayor Gilbert declared the Public Hearing Opened. There were no additional public comments. Mayor Gilbert declared the Public Hearing Closed.

Council Member Stallings made the motion to approve the proposed amendments;

Council Member Gantt seconded the motion.

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

PH2 Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #20CZ12 Felton Grove High School. The applicant, Wake County Board of Education, seeks to rezone approximately 68.06 acres located at 8550 Stephenson Road from Medium Density Residential-Conditional Zoning (MD-CZ #12CZ14) to Medium Density Residential-Conditional Zoning (MD-CZ).

AND

PH3 Shelly Mayo, Planner II

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Wake County Board of Education (Felton Grove High School) property containing 68.06 acres located at 8550 Stephenson Road, Annexation #700 into the Town's corporate limits.

Staff provided a brief summary of the site and the applicant's purpose for rezoning. Betty Parker with Wake County Board of Education addressed the concerns that were brought up about cafeteria sizing, and parking spaces for the school. She also explained that the notices that were provided complied with the standards of the UDO. She stated that they are willing to help in any way that they can to address the concerns brought forth from the public.

Mayor Gilbert declared the Public Hearing Opened.

Staff summarized the five emails that were received within the 24-hour period. The emails addressed concerns of future evictions in a low-income neighborhood that has been impacted highly during the COVID-19 pandemic. The emails stated that there is a low volume of traffic in the neighborhood and are concerned about the potential for a heavy flow of traffic. Staff received a petition of 130 signatures against the project. The emails addressed construction impacts on the neighborhood and they requested a different entrance and exit of the school.

Mark Cumalander; stated that the school system has not been mindful of the neighbors. He stated that there is a lawsuit pending and that it would be premature for Council to act before the lawsuit is completed. He stated that the school system should have included the neighborhood in their meetings and their notices. He expressed that there is a safety risk for the children and families. He felt that the lower social economic neighborhood is being

exploited. He asked that Council deny or delay the decision so that the above matters could be addressed.

Mayor Gilbert declared the Public Hearing Closed.

Mayor Pro Tem Dozier expressed that there needed to be a more proactive plan to engage all stakeholders, with better access to information and notices. She felt that there needed to be an additional public meeting, that the process should be slowed down to ensure that all concerns are addressed and that the process is completed correctly.

Council Member Killingsworth expressed the need to engage the community in the process. She stated that the Town needed to review its practices and procedures so that in cases like these the Town is engaging the whole community.

Council Member Stallings asked staff to review the UDO to determine how the UDO could be updated to change how the process is handled in the future. She asked the applicant to have a translator present for future public meetings regarding this particular site and inquired if any homes would be moved. Ms. Parker assured her that the County currently has no plans to move any of the homes in the neighborhood, and that they are preparing to address all the concerns that have been brought forward by the public at the upcoming public meetings.

Council Member Mahaffey stated that he is committed to finding solutions to the short fallings that have been seen in this process.

Council Member Gantt stated that the current situation with overcapacity, and expensive and limited large parcels of land has driven the current process. He felt that the site was subpar and that the Town would continue to have problems with overcapacity and traffic at the school site for years to come.

Mayor Gilbert stated that he is too concerned, but understands the need for the school. He asked that key community leaders be included in the process moving further.

Council Member Stallings stated that she agreed with Council Member Gantt and that the conversation needed to continue to determine a long-term plan that will address the needs.

Council Member Gantt stated that he felt that a denial would ensure that those much-needed conversations would happen because a denial would create a sense of urgency.

Mayor Pro Tem Dozier reemphasized that both the Town and the school board could have done a better job with this process. She reiterated that the community's concerns need to be heard and that they need to be a viable part of the process. She stated until then she would not be supportive of the project. She proposed that before moving forward a meeting could be held with all the stakeholders and the school system to address the concerns that have been brought forth.

Ms. Parker stated that they are only seeking rezoning approval. She explained that the process to obtain a school site is objective; schools within the County are located in a variety of neighbors at varying economic levels. They intend to hold a site review plan meeting with the neighbors. The meeting would provide information as to how the development would really impact the community.

Council Member Killingsworth suggested that the school have a pantry for the school and families, and Mayor Pro Tem Dozier suggested that the pantry also include health and beauty items, that those in need are able to shop for themselves, and that they are allowed to privately access the pantry.

Council Member Killingsworth made the motion to approve with the understanding that there will be meetings held where the community will be engaged so that all their concerns are heard; Council Member Stallings seconded the motion. The motion carried 3-2 by a roll call vote. Council Members Killingsworth, Stallings, and Mahaffey voted in the affirmative.

Mayor Pro Tem Dozier and Council Member Gantt voted against.

PH4 Liz Loftin, Senior Planner

Public hearing and possible motion to adopt an Ordinance 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.

AND

PH5 Liz Loftin, Senior Planner

Public Hearing and possible motion to approve 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 Road (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff provided a brief summary of the site and the applicant's purpose for rezoning. Staff reviewed a new condition submitted by the applicant.

Mayor Gilbert declared the Public Hearing Opened.

Emily Cenis; asked that the site be rezoned low to medium density, and to conserve 60% of the trees on the property.

Mayor Gilbert declared the Public Hearing Closed

Rodney King, stated that he appreciated Council's consideration. He stated that the project fits well with the natural setting of the area, and that the townhomes and single-family homes would bring a variety of home buyers.

Council stated that they appreciated how the process had been handled however, they felt that they could not support this project due to issues with school capacity.

Ms. Vega asked if the case could be deferred to the April 13th or April 27th meeting to allow the applicant the time to reconsider options for the site and to try to address Council's concerns.

Council Member Killingsworth made a motion to defer Public Hearing 4 and 5 to the April 27th Regular Council Meeting; Council Member Gantt seconded the motion. The motion was denied 3-2. Council Members Killingsworth and Gantt voted in the affirmative, and Mayor Pro Tem Dozier and Council Members Stallings and Mahaffey voted against.

Planning Director Khin stated that the UDO states that the applicant has to be given one continuance.

Council Member Mahaffey made a motion to reconsider the previous motion; Mayor Pro Tem Dozier seconded the motion. The motion carried 5-0 by a roll call vote.

Mayor Gilbert called for a vote on the prior motion. The motion carried 5-0 by a roll call vote. Public Hearings 4 and 5 were continued to the April 27, 2021 Regular Council Meeting.

PH6 Liz Loftin, Senior Planner

Public Hearing and possible motion to approve 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).

Staff briefly reviewed the site and the applicant's purpose for rezoning.

Mayor Gilbert declared the Public Hearing Opened. There were no additional public comments. Mayor Gilbert declared the Public Hearing Closed.

Council asked the applicant to address the concerns brought forth about age limit, the dumpster, the retainer wall, and the pedestrian connection.

The applicant addressed the concerns that were brought forth in regards to the age limits, the dumpster, and the retainer wall. There are currently no plans to create any type of pedestrian connection.

Council Member Killingsworth made the motion to approve the project with the amendment to remove the age restriction and striking the pedestrian connection.

Council Member Killingsworth then withdrew the motion.

Council Member Mahaffey made the motion to approve project as presented;

Council Member Stallings seconded the motion.

Council Member Killingsworth made an amendment to remove the lower age restriction;

Council Member Stallings seconded the motion.

Council clarified that they were only concerned with removing the age restriction in relation to a spouse and/or companion, so that seniors who are 55 and older were not restricted from housing based on the age of a spouse and/or companion. Town Attorney Hohe recommended that the definition for the age requirement come from Federal language and that the Town not define the age requirement or the terms of a relationship between two people.

Council Member Killingsworth stated that would like to see all future processes handled in the manner in which this one was handled, however, Council needed to also keep in mind what was best for the community as a whole. Council came to a consensus to follow the governmental definition for the age requirement.

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

Mayor Pro Tem Dozier and Council Members Killingsworth, Gantt, and Stallings voted in the affirmative; Council Member Mahaffey voted against.

Council Member Gantt asked the applicant if they would be willing to provide an easement for the future construction of a sidewalk. The applicant stated that they were fine with providing the easement as long it didn't prevent them from meeting any requirements for the project.

Council Member Gantt made a motion to strike the condition on connectivity;

Mayor Pro Tem Dozier seconded the motion. The motion carried 4-1 by a roll call vote.

Mayor Pro Tem Dozier and Council Members Killingsworth, Gantt, and Stallings voted in the affirmative; Council Member Mahaffey voted against.

Mayor Gilbert called for a vote on the original motion. The motion carried 5-0 by a roll call vote.

PH7 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding an amendment to the Unified Development Ordinance (UDO) related to variances from the standards of the Watershed Protection Overlay District.

Staff reviewed the amendment to the UDO.

Mayor Gilbert declared the Public Hearing Opened. There were no additional public comments. Mayor Gilbert declared the Public Hearing Closed.

Council Member Killingsworth made the motion to approve;

Council Member Gantt seconded the motion. The motion carried 4-1 by a roll call vote;

Mayor Pro Tem Dozier and Council Members Killingsworth, Gantt, and Stallings all voted in the affirmative; Council Member Mahaffey voted against.

NEW BUSINESS

NB1 Shawn Purvis, Assistant Town Manager

Possible motion to provide financial support to Evergreen Construction Company for the affordable housing project at Abbey Spring in the form of grants from the Affordable Housing Fund for Recreation Fees-in-lieu and a loan for construction contingent upon final project approval

Assistant Town Manager Purvis stated that this was a request from the Evergreen Construction Company for grant funding to offset recreation fees-in-lieu and loan funding for \$500,000 to

support the project in GAP financing. The funds would not be issued until Fiscal Year 2023 and an approval would help strengthen the project.

Mayor Pro Tem Dozier made the motion to provide financial support to Evergreen Construction Company for the affordable housing project at Abbey Spring in the form of grants from the Affordable Housing Fund for Recreation Fees-in-lieu and a loan for construction contingent upon final project approval;
Council Member Killingsworth seconded the motion.

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

ADJOURNMENT

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

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| SPECIAL TOWN COUNCIL MEETING

March 31, 2021 at 8:00 AM

~~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; 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, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Human Resources Director Mary Beth Manville, Town Clerk Donna B. Hosch, and Steve Straus, Heather Lee, and Holly Danford from Developmental Associates.

COMMENCEMENT

Mayor Gilbert called the meeting to order. He stated that this was a Closed Session Meeting to conduct business related to the hiring of a new Town Manager.

Mayor Gilbert called for a motion to go into Closed Session to discuss a personnel matter. Council Member Cheryl Stallings made the motion;
Council Member Nicole Dozier seconded the motion.

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

Mayor Gilbert called for a motion to return to Open Session. Council Member Stallings made the motion; Council Member Dozier seconded the motion.

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

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



| REGULAR TOWN COUNCIL MEETING

April 13, 2021 at 6:00 PM
Council Chamber at Apex Town Hall, 73 Hunter Street

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; 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 and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey. 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. Absent was Mayor Pro Tem Nicole L. Dozier.

COMMENCEMENT

Mayor Gilbert called the meeting to order and led the Invocation followed by the Pledge of Allegiance.

PRESENTATIONS

PR1 Tony Godwin, Interim Chief of Police

Presentation of National Telecommunicator Week 2021 Proclamation

Staff recognized the Telecommunicators, an important function of Police operations. He outlined the work that they do, handling 67,000 calls in 2020, a 62% increase in the past five years. Calls into the center are answered in less than ten seconds. Wayne Faber joined Interim Chief Godwin to receive the Proclamation from the Mayor. Telecommunicator Faber recited a few stories about his work after which the Council shared in the reading of the Proclamation before its presentation to Faber.

PR2 Jacques K. Gilbert, Mayor

Presentation of Earth Day 2021 Proclamation

Council joined the Mayor in the reading of the Proclamation.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk and Tesa Silver, Deputy Town Clerk
Minutes of the March 18, 2021 Special Council Meeting, the March 23, 2021 Regular Council Meeting, the March 25, 2021 Special Council Meeting, and the March 31, 2021 Special Council Meeting
- CN2 Donna Hosch, Town Clerk
Ordinance amending Section 6-67 of the Town Code to authorize the Town Clerk to process plot sales in the Apex Cemetery
- CN3 Donna Hosch, Town Clerk
Resolution authorizing the Town Clerk to process plot sales in the Apex Cemetery
- CN4 Jacques K. Gilbert, Mayor
Appoint Council Member Terry Mahaffey as the Council's voting member for the North Carolina League of Municipalities and Interim Town Manager Ralph Clark as the alternate voting member
- CN5 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and property owners Siddharth Singhvi and wife Anjul Singhvi to install a private fence that will encroach 360 S.F. onto the Town's 20' Public Sanitary Sewer Easement and authorize the Town Manager to execute the same
- CN6 Shelly Mayo, Planner II
Statement of the Town Council and Ordinance for Rezoning Application #20CZ12 Felton Grove High School located at 8550 Stephenson Road. The applicant is Betty Parker for Wake County Board of Education
- CN7 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) Amendment of March 25, 2021
- CN8 Sarah Van Every, Senior Planner
Set Public Hearing for the April 27, 2021 Town Council meeting regarding Rezoning Application #21CZ08 Cash Corporate Center. The applicant, Town of Apex/Jack 1, LLC., seeks to rezone approximately 121.30 acres located at 0 Pristine Water Drive, 2100 Production Drive, 0 and 1201 Burma Drive (PINs 0751138504, 0751244221, 0751143089 and a portion of former PIN 0751136687) from Light Industrial-Conditional Zoning (LI-CZ #18CZ19) to Light Industrial-Conditional Zoning (LI-CZ).

- CN9 Marty Stone, PE, Assistant Town Manager
Budget Ordinance Amendment No. 17 which appropriates funds to pay amounts due under the first amendment to the Utility Infrastructure Reimbursement Agreement with WS-JPA, LLC and which authorizes a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment
- CN10 Dianne Khin, Director of Planning and Community Development
Ordinance correcting, replacing, and superseding original Annexation Ordinance No. 2020-1215-25 approved by Town Council December 15, 2020
- CN11 Liz Loftin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ02, Abbey Spring PUD, Isabel Worthy Mattox, petitioner, for the property located at 0 W. Williams Street (PIN 0742026247)
- CN12 Vance Holloman, Finance Director
Proposal from Pinnacle Bank in connection with the sale and issuance of a general obligation bond of the Town of Apex, North Carolina
- CN13 Adam Stephenson, Engineering Supervisor
Construction contract and authorization for the Town Manager to execute same for EB-6019 Laura Duncan Road Pedestrian Improvements
- CN14 Craig Setzer, Interim Director, Parks, Recreation and Cultural Resources
Appoint Mary Lee Blatchford as the new senior citizen representative for the Parks, Recreation and Cultural Resources Advisory Commission
- CN15 Adam Stephenson, Engineering Supervisor
Resolution authorizing dedication of public right of way and granting a permanent maintenance easement to the NC Department of Transportation
- CN16 Megan Pendell, Sustainability Coordinator
Appoint Kimberly Pierson and Patrick Adams as new members on the Environmental Advisory Board (EAB)
- CN17 Megan Pendell, Sustainability Coordinator
Appointment of Chair and Vice-Chair positions on the Environmental Advisory Board (EAB)
- CN18 Michael Deaton, Water Resources Director
Water main construction contract to JSmith Civil, LLC and authorization for the Town Manager to execute the contract on behalf of the Town

CN19 Michael Deaton, Water Resources Director

Fee-in-lieu for 482 linear feet of 12" watermain as part of the Jordan Lutheran Church development. Due to water quality (long dead end line with no services), this section of water should not be permitted and built at this time. Once development occurs at adjacent properties and this section of water is required, the fee-in-lieu funds can be utilized.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Gantt made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated that staff requested to remove New Business 03, Development Agreement with BIN - APEX LLC, from the Agenda.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Mahaffey made the motion with the stated revision; Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

PUBLIC FORUM

Maria DeJesus, domestic violence survivor, thanked the Mayor and PD for their assistance in the past. She stated she was aware the Town could not release personal information. She, instead, was asking for public evidence in seeking justice for issues related to matters against the Apex PD. She spoke about being grateful to live in Apex and wanting to make the Town better and for it to be the example. She did not want to continue hearing the Town being degraded. Ms. DeJesus expressed desire to set up a meeting with the Mayor and/or Council to discuss what can be done in the community in relation to the Police Department.

Nikola Phoenix, Peak of the Vine, spoke about a sound barrier between his property and the neighborhood. He wanted a spot cleared where food trucks may be parked, not taking up parking lot spaces. He asked for an electrical outlet to be installed close to his property.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation - Apex Town Council's intent to annex Jordan Lutheran Church property containing 6.22 acres located at 1201 Chapel Ridge Road, Annexation #708 into the Town's corporate limits
Staff oriented Council to the site and stated that staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

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

The motion carried by a 4-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation - Apex Town Council's intent to annex MFW Investments, LLC (portion of PIN #0751 21 6689 located at 0 East Williams Street), Trinity Apex North 100, LLC (portion of PIN #0751 32 3228 located at 5125 Jessie Drive) and Horton Park MF, LLC (portion of PIN #0751 31 9308 located at 5101 Jessie Drive) properties (Horton Park PUD), as recorded in Book of Maps 2021 Pages 128-134 containing ±1.139 acres, Annexation #709 into the Town's corporate limits
Staff oriented Council to the site, stating that the majority of Horton Park had already been annexed. This was a clean up to get the small parcels annexed which were originally left out. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gant made the motion to adopt the Ordinance; Council Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

PH3 Shelly Mayo, Planner II

Quasi-Judicial regarding a Major Site Plan for Felton Grove High School located at 8550 Stephenson Road

Staff stated the requestor asked for this Hearing to be continued to the April 27, 2021 Regular Council Meeting.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to continue the Public Hearing to the April 27, 2021 Regular Meeting; Council

Member Stallings seconded the motion.

The motion carried by a 4-0 vote.

PH4 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO)

Staff oriented Council to the various amendments. Staff answered Council questions related to uses which may have been/were grandfathered and special use permit allowances. The Planning Board recommended approval.

Staff answered questions related to typographical errors and explained how these are found and when they are brought before Council.

Staff Ben Bronstein read a public comment which was emailed supporting the use.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Amendments; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

PH5 Jenna Shouse, Long Range Planner II

Text amendments to Advance Apex: The 2045 Transportation Plan and Bike Apex: The Comprehensive Bicycle Plan to clarify that street-side greenways are recreational facilities

Staff oriented Council to the amendments. Planning staff, the Parks and Recreation and Cultural Resources staff, and the Planning Board all recommended approval.

Staff answered Council questions related to sidepaths and sidewalks and clarification of language.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Amendments; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

OLD BUSINESS

OB1 Vance Holloman, Finance Director

Bond order authorizing the issuance of up to \$42 million of Street and Sidewalk Improvement Bonds subject to the approval of voters by referendum on November 2, 2021, directing the Finance Officer to file with the Town Clerk a Sworn Statement of Debt and a Statement of Total Estimated Interest, and calling for a public hearing on April 27, 2021 concerning the validity and necessity of the bonds

Staff stated the Resolution would move forward the process of possibly authorizing and issuing up to \$42 million of street and sidewalk bonds. He stated the three processes which would follow adoption of the Resolution. He stated the authorizations and processes which have occurred as a result of Council's previous action.

Staff and our Bond Counsel discussed uncertainty about the referendum date. None of the attorneys were aware of any legislation introduced which would prevent the Town from having this Referendum in November. However, he suggested that at the Council Meeting on April 27th that we might elect to defer establishing the date of the Referendum. The other actions could be addressed and would allow LGC approval of the bonds. Staff clarified for Council the order of the forthcoming processes and actions. Council stated that from what he was hearing, he was confident we would have an election in November.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the request as presented but removing the November 2, 2021 date;

Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

OB2 Vance Holloman, Finance Director

Guidelines for the Town's Customer Assistance Program, an agreement with Western Wake Crisis Ministries to assist the Town in determining eligibility of customers to participate in the program, and authorizing staff to execute the agreement. Also, Budget Ordinance Amendment No. 18 which appropriated funds to provide assistance to eligible customers and pay associated administrative cost.

Staff stated this program would help those having difficulty paying their utility bills because of COVID. Our past due accounts are up a bit since January. He explained the percentages of revenue and how payments are allocated to the various Funds. 1,842 accounts are currently in jeopardy of disconnection, the average balances increasing. Payment plans continue to increase, and staff spoke about the length of the payment plans. The stipulations of how funds would be added to customer accounts was stated as well as how disconnections could be deferred. Western Wake's role was outlined.

Staff answered Council questions from conversation which ensued related to prorating amounts according to incomes.

Council Member Killingsworth stated that because she was on the Board for Western Wake, she would not comment and would recuse herself from the vote. Responding to Council, staff stated we would look into extending allowances to Duke customers. Conversation ensued as to legislative regulations as to how monies could be spent.

Council asked to continue this matter to the next meeting to allow for more discussion on extending a cutoff date and prorating amounts.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to continue the matter to the April 27, 2021 Council Meeting for further discussion on a cutoff date and a proration amount; Council Member Mahaffey seconded the motion.

The motion carried by a 3-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Dianne Khin, Director of Planning and Community Development

Waive two \$500 civil penalties (\$1000 total) assessed to Peak of the Vine at 301 N. Salem Street for holding outdoor events without Temporary Use Permits in December 2020

Staff oriented Council to the penalties. Staff recommended that the penalties be waived since the business had been operating in compliance at the time. There was one complaint this weekend about the food truck noise.

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

Council discussion ensued about this subject matter going before a Planning Committee meeting. Council stated he understood the issues with the neighbors had gotten better and mentioned what needs to be discussed moving forward. Responding to Council, staff explained the types of temporary use permits.

The motion carried by a 4-0 vote.

NB2 Angela Reincke, Parks and Greenways Planner

Fee-in-lieu of dedication for the Yumeewarra Farm Assembly Master Subdivision Plan with credit for construction of street side greenway

Staff oriented Council to the location of the site. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu with credit for the construction of the street side greenway.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the request; Council Member Gantt seconded the motion.

The motion carried by a 4-0 vote.

NB3 Joanna Helms, Director, Economic Development
Development Agreement with BIN - APEX LLC and to authorization for the Town Manager to execute the same

This item was removed from the Agenda as requested by staff.

UPDATES BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager
Updates on Town operations by Interim Town Manager Ralph Clark

Staff stated:

- The Senior Center opening would be delayed to about early August due to the inability to receive the materials to finish the flooring.
- He presented a list of initiatives/programs outside of the normal business operation, primarily hoping this type of list would be of assistance to the new incoming manager and to the Council.
- Garner is the only municipality interested in early voting, with nothing beyond five days. He presented our early voting figures from the last election. After some discussion, Council stated Apex wished early voting for eight days, regardless of what Garner decides to do.
- The American Legion wanted to install emblem poles around the 911 memorial downtown, and renditions had been submitted. Staff clarified the planting plans in the area. Council was in full support of this project with collaboration with the Planning Department.
- Idling of the trains was checked into and would be monitored. Hopefully, this was an isolated incident.
- The advertisement for the Police Chief went out this week. This will coordinate with Council schedules and the new manager being in place so that s/he would be a part of this process. There was discussion about a possible second interim Police Chief, staff explaining that the current interim Police Chief's time would be monitored/adjusted to ensure any extension of his time with us.

WORK SESSION

WS1 Mayor and Town Council
Discussion regarding the impact of new residential development on school capacity

The Mayor stated this was a matter of importance and that everyone involved wanted what was best for the community. The Mayor stated he had questions from Council to the School System.

Marcella Rorie, Long Range Planning, shared information about the sizes of schools they typically build and the number of students they are able to handle. Capp Schools are a short-term solution to overcrowded schools. Conversation ensued about voluntary reassignments. Betty Parker, Real Estate Services, spoke about the current school opening schedule.

Council conversation ensued about the overcrowding of schools seeming to be getting worse. Ms. Parker stated they are looking for more locations in Apex with Planning providing some input. She talked about what they would be looking for in a site. They are being outpaced across the counties with how many projects they can/do start vs. the number of developments coming on line. The market is responding to this with charter schools and home schooling. Ms. Rorie stated they meet with Planning staff annually for whatever is on the books as far as developments. With new schools, they also look at innovative swing spaces. Explained was the process when an existing school is renovated. Ms. Parker talked about their seven-year CIP process and their reassignment options. She explained the intricacies of multi-track, year-round schools.

There was discussion about most parents wanting their children to attend public schools, particularly in Wake County. Explained was how charter schools decrease funding to public schools. Transportation (buses) are run as efficiently as possible. There is a 1 ½ mile walk zone around the schools if this can be safely navigated by students.

Council asked how many students attend Apex schools who don't live in Apex. Ms. Parker will get back to Council with that answer. If Apex stops development and other municipalities don't and empty seats arise in Apex, those seats would be filled by surrounding municipality students. Ms. Parker spoke about enrollment forecasts.

Question arose -- will denying residential in Apex affect school capacity? Ms. Parker responded that there are so many variables that there is no clear answer. Council asked what else can we do? Council talked about more swing schools and modular schools. Council asked about decreasing our

requirements to increase capacity. Council stated we would be glad to get help with certain DOT recommendations.

Questions from the development community were addressed, with there being more conversation about types of schools and capacity. Brendie Vega, WithersRavenel, spoke about Council needing to be clear on what it wants. There was no indication of non-support except from one Council Member when Council was first approached with this. Council talked briefly about moratoriums and project sizes.

Mayor Gilbert thanked all for the discussion. The Interim Town Manager asked Council to allow staff to do further investigation into the situation and get back to them.

CLOSED SESSION

CS1 Steve Adams, Easement Acquisition Specialist; Shawn Purvis, Assistant Town Manager
Pursuant to NCGS 143-318(a)(5) to give staff direction concerning the Town's negotiating position to acquire real property

Mayor Gilbert called for a motion to go into Closed Session. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 4-0 vote.

With no objection from Council, Mayor Gilbert called for a return to Open Session.

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

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| TOWN COUNCIL BUDGET WORKSHOP

April 22, 2021 at 3:00 PM
Training Room - Apex Town Hall, 73 Hunter Street

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; 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 Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Budget and Management Analyst Amanda Grogan, and Human Resources Director Mary Beth Manville. Also in attendance were various support staff.

COMMENCEMENT

Mayor Gilbert called the Workshop to order.

Staff explained the framework for the budget. The strategic focuses were presented along with the related strategy/action items.

The budget highlights were presented: the total budget was \$161,674, 500 for all Funds and Expenditures. General Fund Revenues were \$78,691,900, the tax rate was \$.39/\$100, and this Fund included \$1,149,000 from Fund Balance. Staff expounded on these figures.

General Fund

The General Fund Revenue Summary was presented with explanations. Responding to Council, staff explained the population component. There was the potential for an adjustment when the final population figures come in.

General Fund Rates were broken down for Solid Waste Collections and property tax. Presented was the development fee update. Council complimented staff for putting together the latter in a short period of time.

The General Fund Expenditure Summary was presented with explanations. Responding to Council, staff explained cost sharing for emergency vehicles. General Fund Revenues vs. Expenditures were presented and explained.

General Fund Expenditures for personnel were presented for the requested full-time and LSE positions. Responding to Council, staff explained the reason for the Police Crisis Counselor position and why it would be beneficial. Staff provided a brief description of the duties of the Support Services Manager. More information will be forthcoming. The Community Relations Specialist position was outlined. Staff explained the process for determining funded and non-funded positions this year compared to previous years. The Housing Program Manager position was explained, this position currently being out for hiring.

The significant proposed changes were presented for merit compensation, the living wage, retirement system contribution rate, and healthcare and dental. There was some discussion about merit compensation and its distribution. Staff explained the proposed change in classification grades to a non-grade system for director-level positions which will be off job market.

The OPEB Impact was presented and explained. With the changes made, we may be able to project better in the coming years.

Capital Equipment was presented and explained. There was some discussion about hybrid and electric vehicles, staff stating we are looking at two electric vehicles. Responding to Council, staff spoke about Council Chamber upgrades. This has been looked at, but there are challenges to match up with what is in place. Discussion ensued about streaming, screens, and microphones. Staff stated we seem to have gotten behind on this.

Capital Improvements were presented and explained for the CIP projects. Responding to Council, staff explained how capital improvements are equitably distributed around town. Staff briefly explained how this was determined. We are looking at creating a CIP dashboard. Responding to

Council, there was discussion about how the public can better participate in remote meetings. There was discussion about single-use bathrooms and signage boards, there being a plan in the works for finalization. Discussion ensued on the use of recovery funds when they are received. We will set up a special fund for these, and staff explained how this will work and how the monies could be used.

Capital Reserves and Projects were presented and explained for the transportation capital reserve fund, the recreation capital reserve fund, and the affordable housing fund. There was discussion about Parks & Recreation fees and how monies will be maintained in the affordable housing fund. Noted was that projects for the latter have been started.

Fund Balance figures were presented and explained. By June, there will be a better representation of this Fund.

Fund Expenditures related to Non-profit Support were presented and explained. This year the model has been shifted to a fixed amount which was asked for previously. Council presented his thoughts on variable amounts.

Wrapping up the General Fund, there was question from Council as to our having enough staff to carry out the strategic goals and funding for projects.

Water-Sewer Fund Revenues

Staff presented a summary of these revenues with explanation, noting there was a decrease on the revenue side. Revenue Trends were presented and explained as were Rates.

The Expenditure Summary was presented and explained. The Expenditure Overview for personnel, vehicles and equipment, and capital projects was presented and explained.

The current Fund Balance for Water-Sewer is \$22.2 million and Capital Reserves is \$7,127,300. Both were explained.

Stormwater Utility monthly and annual rates were presented and explained. Non-residential rates were detailed along with the Timeline.

Potential Revenue Projection rates were presented and explained by staff. Staff further clarified Council questions related to these rates. The Timeline for this was presented and explained.

The Expenditure Overview for Stormwater Expenses was presented as \$2.3 million, and this figure was explained.

Electric Fund

Electric Fund Revenues were overviewed, projected revenues being \$45,776,200. The Revenue Trends were presented and explained.

Rates were presented and explained, stating that we have a review underway to restructure some of the rates. Staff explained how we are looking at tiered rates, responding to Council.

Projected Expenditures of \$45,766,200 were presented and overviewed, including explanation for personnel, capital projects, and vehicles and equipment. The water tower and street light replacement were briefly discussed.

Reserves of \$11.7 million were presented and explained.

The Rate Change Cumulative Effect on residents was presented and explained, which included the property tax rate comparison.

The Strategic Goal Alignments were presented and explained.

Staff overviewed the upcoming budget dates which would incorporate small, minor tweaks to the budget. He spoke about the few public comments received, primarily about the greenways. We will see how this plays out at the public hearing.

Responding to Council, staff addressed questions about items which can be distributed to the public on behalf of the various initiatives. He explained how these items for initiatives such as Think Apex can be worked into the budget. Discussed was upcoming communication to the public about the Bond projects. Public Safety Station 6 was discussed regarding its financing and aesthetics.

Council spoke about moving up the Tunstall House in the CIP, especially with the Senior Center coming online this year. Council added pushing it back will most likely increase the costs to bring the house to a suitable state. Staff stated there is a report being done now to determine what it will cost for renovation. There was brief discussion about the transit area study and what uses could be tied to it. Council was comfortable with reaching out to the Tunstall family to propose uses for the property. Consensus was that we would start on the physical aspects of the property and then discuss possible uses. This initiative would be moved up one year in the CIP.

There was some clarifying discussion about a People's Choice award related to the artwork being showcased throughout the Town. Staff stated there would be presentation on this made at a later Council meeting.

Conversation ensued about a mural in the downtown area.

Council commended the hard work by staff on the FY 21-22 budget!

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| REGULAR TOWN COUNCIL MEETING

April 27, 2021 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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; 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, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order. He led everyone in a moment of meditation and the pledge.

PRESENTATIONS

PR1 Allyson Coltrane, Long Range Transit Planner II

Staff presented Council with updates on transit plans and services. The updates included information on GoApex Route 1, Regional Routes, Transportation Demand Management, Wake Transit Work Plan, Metropolitan Transportation Work Plan, and grants that the Town are seeking.

PR2 Christine Hilt, President (CLH design, p.a.) and Alice Reese, Project Manager (CLH design, p.a.)
Presentation by CLH design, p.a. in regards to the proposed columbarium wall at the Apex Town Cemetery.

Staff explained that there are no available plots in the Town cemetery. The Town can either purchase additional land for the cemetery, or consider using columbarium. Staff introduced Christine Hilt, President of CLH Design.

Christine Hilt of CLH presented phase one of a project plan to install a columbarium wall at the Apex Cemetery. The plan includes a universal design that would serve as the gateway entrance to cemetery, upgrades to the parking lot, seating privacy and shade structures.

PR3 Tom Colwell, Chairperson

Presentation by Tom Colwell in regards to the Apex Sculpture Walk.

Mr. Colwell stated that the Apex Sculpture walk was installed two weeks ago. The walk is one mile, includes ten sculptures and will be exhibited through March of 2022. The Public Art Committee would like to receive feedback from Council and the public in order to determine how to proceed with the sculpture walk in the future. Mr. Colwell stated that an award would be given for the sculptures deemed the people's choice and the best in show. He also asked Council to consider allocating funds in next year's budget to purchase one or two of the pieces to begin a collection for the Town.

PR4 Jacques K. Gilbert, Mayor

Presentation of the 52nd Annual Professional Municipal Clerks Week Proclamation

Council read the proclamation for the 52nd Annual Professional Municipal Clerks Week.

PR5 Mayor Jacques K. Gilbert

Presentation of the Proclamation declaring April 30, 2021 as Arbor Day in the Town of Apex

Council read the proclamation for Arbor Day in the Town of Apex.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 03/03/2021

- CN2 Russell Dalton, Senior Transportation Engineer
Motion to approve Supplement to Interlocal Agreement with Town of Cary authorizing an additional \$617,413.50 reimbursement from Town of Cary toward construction of Lake Pine Drive Improvements, U-5537.
- CN3 Amanda Bunce, Current Planning Manager
Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment of April 13, 2021.
- CN4 Shannon Cox, Long Range Planning Manager
Possible motion to approve, and to authorize the Interim Town Manager to sign and execute, the municipal agreement for NCDOT Administered - Transit-Oriented Development Planning.
- CN5 Dianne Khin, Director of Planning and Community Development
Motion to adopt a 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 May 11, 2021 on the Question of Annexation - Apex Town Council's intent to annex HARP-BARR, LLC, Memphis & Maddox, LLC, Sweet Willie, LLC, William Douglas and Jean S. Poe, Daryl and Jeanne Poe properties containing 157.234 acres located at 6401 Apex Barbecue Road and 1216 & 1330 South Salem Street, Annexation #706 into the Town's corporate limits.
- CN6 Dianne Khin, Planning and Community Development Director
Possible motion to approve update to the Historical Marker Program application to allow 1" letters.
- CN7 Brian Meyer, Deputy Town Attorney; Mitchell McKinney, Deputy Police Chief
Motion to approve a Resolution adopting an Involuntary Commitment Custody and Transportation Agreement.
- CN8 Colleen Merays, Downtown & Small Business Development Coordinator
Motion to amend the approved date of (Sunday, July 4, 2021) for the Annual 4th of July Celebration to (Saturday, July 3, 2021).
- CN9 Shawn Purvis, Assistant Town Manager
Motion to approve Pipeline Accommodation Agreement with Colonial Pipeline Company and authorize the Town Manager to execute the same and to approve Budget Amendment #19 for the agreement

CN10 Jose Martinez, Public Works Director; Shawn Purvis, Assistant Town Manager

Motion to approve closing of sidewalks as identified on the pedestrian safety plan for Highline Building and to temporarily mark three spaces on the west side of Salem St. as a loading zone of 8 am - 5 pm, Mon. - Fri. until the loading zone can reopen on Saunders St.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingworth made the motion; Council Member Mahaffey seconded the motion. The motion carried 5-0.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion; Mayor Pro Tem Dozier seconded the motion. The motion carried 5-0.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Allyson Coltrane, Long Range Transit Planner II

Public hearing and possible motion regarding proposed amendments to the Transit Plan map related to GoApex Route 1.

Staff oriented Council to the proposed amendments. The Transit Advisory Committee recommended approval and the Planning Board recommend approval.

Mayor Gilbert declared the Public Hearing opened. There were no comments. Mayor Gilbert declared the Public Hearing closed.

Council Member Gantt made the motion to approve; Council Member Mahaffey seconded the motion. The motion carried 5-0.

An audio recording of the following Quasi-Judicial Public Hearing made by the Town Clerk is incorporated into these Minutes by reference. The audio recording or transcript of the Hearing should be used as the verbatim record of the questions, testimonies, evidentiary rulings, and discussions that occurred at the Quasi-Judicial Hearing.

PH2 Shelly Mayo, Planner II

Quasi-Judicial Public Hearing and possible motion regarding a Major Site Plan for Felton Grove High School located at 8550 Stephenson Road. This item was continued from the April 13, 2021 meeting.

Mayor Gilbert read an opening statement explaining the process by which this Hearing would proceed.

All those wishing to testify were sworn in by the Deputy Town Clerk.

Kenneth Haywood, attorney with Howard Stallings Law Firm, identified himself as being present on behalf of the applicant, the Wake County Board of Education. Those in support of the project identified themselves: Renee Pfeifer, CLH Design, PA, design firm for the project, Hal Bowen, RATIO Architects, Principal & Raleigh Studio Leader, & Douglas Congdon, Wake County Public Schools Program Executive. Emma Haywood, attorney with Nicholls & Crampton, P.A., identified herself as being present on behalf of the adjacent property owner, Mark Cumalander.

Council Member Mahaffey asked to be recused due to a personal relationship to a member of the governing body of the applicant.

Mayor Pro Tem Dozier made the motion to recuse Council Member Mahaffey; Council Member Killingsworth seconded the motion. The motion carried 5-0.

Council Member Mahaffey left the dais.

In response to question from the Mayor, all Council Members stated they had not had any communication with the applicant, there were no rational or financial conflicts, and that all could be impartial in their decision. No Council Member had viewed the site.

Opening Statement by Staff: Shelly Mayo, Planner II stated her credentials. She oriented Council to the site. A neighborhood meeting was held on April 7, 2021. Details of the utility plan, access to the facility, and the construction of roads were outlined.

Russell Dalton, Senior Transportation Engineer stated his credentials. He provided an overview of the traffic impact analysis scope. The presentation included recommendations from both the consultant and Town staff.

Opening Statement by the Applicant: Mr. Haywood provided an overview of the community meeting held on April 7, 2021. He addressed concerns stated at prior meetings and gave an overview of the benefits that the project would provide. He identified the members of his team.

Renee Pfeifer identified herself and stated her credentials. She presented an overview of the school campus and showed pictures of the site plan.

Mrs. Haywood, attorney for the adjacent property owner cross examined Mrs. Pfeifer.

Hal Bowen identified himself and stated his credentials. He briefly reviewed the floor plans and elevations of the site plan.

Mrs. Haywood, attorney for the adjacent property owner cross examined Mr. Bowen.

Opening Statement by the Opponent: Ms. Haywood stated that the site plan should be denied because it does not meet compatibility and that the dedication of a right-of-way will have an adverse effect on the area. She qualified Mark Cumalander as a real estate expert, which was objected to by Mr. Haywood, attorney for the applicant.

Mark Cumalander identified himself and stated his credentials. He stated that the proposed site is not compatible, that it would have an impact on public facilities, that it would destroy a community that provides affordable housing, is an inferior site, and has outlined a traffic plan that presents a danger to children and others.

Mayor Gilbert called for a short break.

Closing Arguments from Staff: None

Closing Arguments from Applicant: Mr. Haywood stated that the consideration of whether or not the roads are considered public or private have no bearing in terms on the site plan. He stated that Council should only consider the requirements for a site plan.

Closing Arguments from Opponent: Mr. Cumalander stated that the lawsuit needs to be resolved before a decision should be made.

Council Member Gantt made the motion to go into Closed Session to confer with the Town Attorney; Mayor Pro Tem Dozier seconded. The motion carried 4-0.

With no objection from Council, the Mayor called for a return to Open Session.

Mayor Gilbert declared the Public Hearing closed.

Council Member Stallings made the motion to approve; Council Member Stallings seconded. The motion was denied 3-2. Mayor Pro Tem Dozier and Council Member Gantt voted against.

Council Members Killingsworth and Stallings voted in the affirmative. Mayor Gilbert voted against.

During Hearing proceedings, Leslie Martinez translated for Spanish speaking audience members. Council Member Mahaffey returned to the dais.

Public Hearing and possible motion to approve Rezoning Application #21CZ08 Cash Corporate Center Amendment. The applicants, Town of Apex and Jack 1, LLC., seek to rezone approximately 121.30 acres located at 0 Pristine Water Drive, 2100 Production Drive, 0 and 1201 Burma Drive (PINs 0751138504, 0751244221, 0751143089, and a portion of former PIN 0751136687) from Light Industrial-Conditional Zoning (LI-CZ #18CZ19) to Light Industrial-Conditional Zoning (PUD-CZ).

Staff oriented council to the site and stated the applicants' purpose for rezoning. Staff recommended approval and the Planning Board recommended approval. Staff clarified that there would be no changes to the existing uses, and that an additional use of a botanical garden would be added.

Mayor Gilbert declared the Public Hearing opened. There were no comments. Mayor Gilbert declared the Public Hearing closed.

Council Member Killingsworth made the motion to approve; Mayor Pro Tem Dozier seconded the motion. The motion carried 5-0.

PH4 Vance Holloman, Finance Director

Public hearing concerning the validity and advisability of issuing up to \$42 million of General Obligation Street and Sidewalk Improvement Bonds and a possible motion to adopt and publish the bond order introduced at the April 13th Council meeting.

Staff stated that Council is considering the issuance of up to \$42 million of General Obligation Street and Sidewalk Improvements Bonds. Staff reviewed the timeline bond project discussion and the identified CIP projects that would be funded by the bonds.

Mayor Gilbert declared the Public Hearing opened. There were no comments. Mayor Gilbert declared the Public Hearing closed.

Council Member Killingsworth made the motion to approve; Mayor Pro Tem Dozier seconded the motion. The motion carried 5-0.

OLD BUSINESS

UNFINISHED BUSINESS

UB1 Liz Loftin, Senior Planner

Public hearing and possible motion to adopt an Ordinance 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.

AND

UB2 Liz Loftin, Senior Planner

Possible motion to approve Rezoning Application #20CZ14 Hackney PUD and Ordinance. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 73.64 acres located at 0, 2500, and 2600 Olive Chapel Road (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ). This item was continued from the March 25, 2021 meeting.

Staff briefly reviewed the site and the applicant's purpose for rezoning. The application has proposed several revisions. The applicant read the revised conditions

Council Member Killingsworth made the motion to approve annexation# 701 and rezoning application #20CZ14; Council Member Gantt seconded the motion.

Council Member Stallings expressed concern about school capacity, especially considering the site plan for Felton Grove High School was denied. Council Member Gantt stated that he was unsure how an approval of this would affect school capacity. Council Member Mahaffey stated that he was unsure of how the Council would move forward with the approval of any residential construction based on the action that was taken tonight, and that he would not be voting in favor of this.

Mayor Pro Tem Dozier stated that she has expressed concerned over the project, and that she would not be able to support this project. Council Member Stallings stated that she will not be able to support this until a solution is made in regards to school capacity.

Council agreed that they needed to determine a plan to resolve the issues surrounding school capacity and how to move forward.

Council Member Killingsworth withdrew her previous motion.

Council Member Killingsworth made the motion to continue annexation #701 and rezoning application #20CZ14 to the Regular Meeting on October 26, 2021; Mayor Pro Tem Dozier seconded the motion. The motion carried 4-1. Mayor Pro Tem Dozier and Council Members Stallings, Killingsworth, and Mahaffey voted in the affirmative; Council Member Gantt voted against.

UB3 Vance Holloman, Finance Director

Motion to approve a Resolution providing for the Sale and Issuance of a \$5,000,000 Town of Apex, North Carolina General Obligation Street and Sidewalk Improvement Bond, Series 2021. The resolution also authorizes the execution and delivery of a Bond Purchase Agreement with Pinnacle Bank.

Staff stated that the resolution before Council is for the issuance of a \$5,000,000 in General Obligation Bonds. These bonds were approved by voters in 2015. The resolution also authorizes the execution and delivery of a bond purchase agreement.

Council Member Killingsworth made the motion to approve; Council Member Gantt seconded the motion. The motion carried 5-0.

Mayor Gilbert stated that staff asked to move New Business 1 and New Business 2 to the next regular meeting.

Council Member Mahaffey made the motion; Council Member Stallings seconded the motion. The motion carried 5-0.

UB4 Vance Holloman, Finance Director

Motion to approve proposed guidelines for the Town's Customer Assistance Program, approve an agreement with Western Wake Crisis Ministries to assist the Town in determining eligibility of customers to participate in the program and authorize staff to execute that agreement. Also to approve Budget Ordinance Amendment No. 18 which appropriates funds to provide aid eligible customers and pay associated administrative cost.

Staff stated that Council is being asked to approve the guidelines for the Town's Customer Assistance Program, to approve an agreement with Western Wake Crisis Ministries to assist the Town in determining the eligibility of customers wanting to participate in the program, for staff to authorize the agreement with Western Wake Crisis Ministries, and to approve Budget Ordinance Amendment Number 19.

Staff provided a breakdown of the requested proration; staff presented three prorated levels to determine eligibility (with proration at 150% not 100% would receive 100% of the benefit, 151% to 175% of the poverty level would receive 75%(\$477), and 176-200% of the poverty level would 50%(\$318).

Council suggested that once the program begins that staff receive feedback from Western Wake Crisis Ministries to make any necessary adjustments needed for the program.

Council Member Killingsworth recused herself from voting; she sits on the Western Wake Crisis Ministries Board.

Mayor Pro Tem Dozier made the motion to approve the originally proposed guidelines, to authorize the agreement with Western Wake Crisis Ministries, to authorize staff to execute the agreement, and to approve Budget Ordinance Amendment Number 19;
Council Member Stallings seconded the motion. The motion carried 4-0.

NEW BUSINESS

NB1 Dianne Khin, Director of Planning and Community Development

Possible motion to approve Tree Planting Grant Program. The Tree Planting Grant Program is designed to provide incentive funds to tenants and property owners to install trees on

residential private properties within Apex's corporate limits. The grant can provide up to 100% of the cost of the tree purchase and installation, up to a maximum of \$750 per property.

This item was continued to the Regular Meeting scheduled for May 11, 2021.

- NB2 Colleen Merays, Downtown & Small Business Development Coordinator
Possible motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2021.

This item was continued to the Regular Meeting scheduled for May 11, 2011.

- NB3 Shawn Purvis, Assistant Town Manager
Possible motion to approve a Road and Utility Infrastructure Reimbursement Agreement with BIN - APEX LLC and to authorize the Town Manager to execute the same

Staff stated that the reimbursement agreement was for phase one of the extension of Burma Drive at Cash Corporate Center. The developers will build the road per the Town's specifications and the Town will reimburse them.

Council Member Killingsworth made the motion to approve; Council Member Stallings seconded the motion. The motion carried 5-0.

UPDATES BY TOWN MANAGER

- TM1 Ralph Clark, Interim Town Manager
Updates on Town operations by Interim Town Manager Ralph Clark

Interim Manager Clark stated that the Rotary Club will hold a Christmas parade on December 4, 2021.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| REGULAR TOWN COUNCIL MEETING

May 11, 2021 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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; 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, offered Invocation, called for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Nicole Dozier, Mayor Pro Tem

Mayor Pro Tem Dozier presented the 6th Annual "Think Apex Awards"
MPT Dozier welcomed everyone to the awards ceremony and stated the purpose of the Think Apex initiative. She spoke about engaging with those in the community. The selection process was explained.

The nominees were presented and those being honored were named:

Individual/Group Category

Honorable Mention: Conrad Hardy, Rukus

Top Thinker Award: Food Pantry, St. Mary's AME Church

Business Category

Honorable Mention: Whole Brain Escape

Top Thinker Award: Carolina Orthodontic and Children's Dentistry

Non-Profit Category

Honorable Mention: Apex Farmers Market

Top Thinker Award: I Shine Foundation

MPT stated she appreciated the support for this initiative which she started and which celebrates the Town. She thanked those who judged the competition, noting it was a hard process.

PR2 Jacques K. Gilbert, Mayor

Presentation of the Building Safety Proclamation

Council shared in the reading of the Proclamation before Mayor Gilbert presented it to Rudy Baker, Director of Building and Inspections.

PR3 Jacques K. Gilbert, Mayor

Presentation of National Police Week 2021 Proclamation

Mayor Gilbert expressed his appreciation for each of the officers and for Tony Godwin's leadership. Tony Godwin, Interim Chief of Police, stated he was honored to be in attendance representing the Town's officers and law enforcement in general. He spoke about Peace Officers Memorial Day and the Law Enforcement Memorial Wall in Washington DC which is engraved with the names of 24,872 police officers. In the past 130 days, 121 officers have lost their lives. ICP Godwin spoke about how the majority of officers serve with dignity and with honor. He asked all not to forget those who put on the uniform and run toward the face of danger to protect the citizens they serve. It is right that we not only honor the dead but the living while they can still hear the words.

Council shared in the reading of the Proclamation before Mayor Gilbert presented it to Interim Chief of Police Godwin. Mayor Gilbert also recognized the spouses of the officers as well as the civilians in our Police Department who contribute to the organization. He complimented the amazing job done by our police officers, to which they received a standing ovation.

CONSENT AGENDA

- CN1 Donna B. Hosch, Town Clerk
Minutes of the April 13, 2021 Regular Council Meeting
- CN2 Sarah Van Every, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ08 Cash Corporate Center Amendment, Town of Apex and Jack 1, LLC, petitioners, for the properties located on 0 and 1201 Burma Drive (PINs 0751138504, 0751244221, 0751143089, and a portion of former PIN 0751136687)
- CN3 Lauren Staudenmaier, Planner I
Set Public Hearing for the May 25, 2021 Town Council meeting regarding Rezoning Application #21CZ05 Friendship Storage. The applicant, Terco Properties, sought to rezone approximately 9.09 acres located at 0 Friendship Road and 2109 Old US 1 Highway (PINs 0730196547 & 0730197850) from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ)
- CN4 Liz Loftin, Senior Planner
Set Public Hearing for the May 25, 2021 Town Council meeting regarding Rezoning Application #21CZ06 Jenks Road Office & Veterinary Hospital. The applicant, Daniel Shultz, Peak 360, LLC, sought to rezone approximately 6.69 acres located at 7825 and 7809 Jenks Road (PINs 0722886419 & 0722888770) from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ).
- CN5 Amanda Bunce, Current Planning Manager
Set Public Hearing for the May 25, 2021 Town Council meeting regarding 2045 Land Use Map amendment and Rezoning Application #21RZ07 Herbert Street (PIN 0741397109). The applicant, Lane Raw Land, LLC, sought to amend the 2045 Land Use Map from Medium Density Residential to Office Employment/Commercial Services and rezone approximately 0.27 acre located at 0 Herbert Street from Medium Density Residential (MD) to Neighborhood Business (B-1).
- CN6 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the May 25, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance

- CN7 Shannon Cox, Long Range Planning Manager
Amendments to the Town of Apex Address Policy, last amended on August 4, 2020, to update the street naming process
- CN8 Dianne Khin, Director of Planning and Community Development
Temporary waiver of Facade Grant Program provision #3 to allow downtown businesses and non-residential property owners to apply for grant funding retroactively during the pandemic, for work done from July 1, 2020 through September 6, 2021
- CN9 Mark Willing, Safety & Risk Manager
IT Data Services agreement between the Town and the North Carolina Division of Motor Vehicles and authorization for the Interim Town Manager to sign the same
- CN10 Russell Dalton, Senior Transportation Engineer
Ordinance amending Section 20-166 subsection (b) with the addition of part (5), designating the first three parking spaces on the west side of North Salem Street south of Saunders Street as loading zone spaces
- CN11 Michael Deaton, Water Resources Director
Salem Street Water Main Rehabilitation contract to Mainlining America, LLC, authorization for the [Interim] Town Manager to execute the contact and approve corresponding Capital Project Ordinance Amendment 2021-08
- CN12 Craig Setzer, Interim Parks, Recreation, and Cultural Resources Director
Ordinance amendment changing park hours at Clairmont Park to close at 8pm year-round
- CN13 Adam Stephenson, Engineering Supervisor
Construction contract upon NCDOT concurrence, authorization for the [Interim] Town Manager to execute same for C-5604AA Kelly & Apex Barbecue Pedestrian Improvements and Budget Ordinance Amendment 20 and Capital Project Ordinance Amendment 2021-06
- CN14 Adam Stephenson, Engineering Supervisor
Construction contract upon NCDOT concurrence, authorization for the [Interim] Town Manager to execute same, for EB-5895 NC 55 Sidewalk Connector and corresponding Capital Project Ordinance Amendment 2021-07
- CN15 Mitch McKinney, Deputy Chief of Police
Funding 2nd-year renewal portion of the Apex Police Department's NC Governor's Highway Traffic Safety Program grant for equipment and staff position.

CN16 Shawn Purvis, Assistant Town Manager

Set the Public Hearing concerning the proposed Fiscal Year 2021-2022 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 25, 2021 at 6:00 p.m. at the Apex Town Hall.

Mayor Gilbert requested pulling CN12 *Ordinance amendment changing park hours at Clairmont Park to close at 8pm year-round* to be discussed as New Business 03.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Gantt made the motion with the requested modification; Council

Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Town Attorney Hohe requested the removal of Closed Session 02 *Closed session pursuant to NCGS 143-318.11(a)(3) to preserve attorney-client privilege* from the Agenda.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Killingsworth made the motion with the requested modification; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

Amendments to the Thoroughfare and Collector Street Plan map in the vicinity of Jessie Drive

Staff oriented Council to the site. She addressed the connectivity questions previously asked by Council, stating the recommendations of Planning. There were no concerns from staff. Staff and the Planning Board recommended approval.

Staff answered Council questions related to connectivity and the homes in the area. Council expressed appreciation to staff for taking another look at this.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown & Small Business Development Coordinator

Special Event Permit requests and Town Co-Sponsorship requests for 2021

Staff detailed the four events. The Mayor thanked staff for taking care of the Apex Friendship High School request on short notice.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the requests; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

NB2 Dianne Khin, Director of Planning and Community Development

Tree Planting Grant Program. The Tree Planting Grant Program is designed to provide incentive funds to tenants and property owners to install trees on residential private properties within Apex's corporate limits. The grant can provide up to 100% of the cost of the tree purchase and installation, up to a maximum of \$750 per property.

Staff detailed the specifics of the Program. Responding to Council, she further detailed who would do the plantings and the reasons for the Program running as suggested. She spoke about some road areas not being able to have trees planted because of utilities. Responding to Council, staff answered questions about how we will handle reimbursements and the Town possibly hiring a contractor to do the plantings.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the Program; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

NB3 *Added as pulled from the Consent Agenda:*

Craig Setzer, Interim Parks, Recreation, and Cultural Resources Director

Ordinance amendment changing park hours at Clairmont Park to close at 8 p.m. year-round

The Mayor stated he requested for this item to be further discussed, because there was concern that others may want to extend activities at the park and that 8:00 p.m. is a little early.

Staff highlighted the activities and decisions leading up to the presented amendment. Questions from Council were responded to related to lighting and noise from the various sports. Council stated possibly more trees could be planted to shield neighbors from the lights from fields and courts.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to adopt the Amendment as presented and to direct staff to further evaluate all park hours; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

UPDATES BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager

Updates on Town operations by Interim Town Manager Ralph Clark

Staff presented the following:

- NCDOT resurfacing work - stated were those roads which would be done.
- Highline building downtown - there will be a sidewalk closure, and a safe way around the project will be made.
- Trains - emails have been received concerning idling, horns, and pollution. The Interim Manager and Interim Police Chief agreed they should have a discussion with CSX for some type of possible resolution.

Imad Faik with Moros FC entered the meeting. Mayor Gilbert recognized him as one of the candidates for a Think Apex award, thanking him for all that he is doing for the community.

CLOSED SESSION

CS1 Steve Adams, Easement Acquisition Specialist; Shawn Purvis, Assistant Town Manager
Pursuant to NCGS 143-318(a)(5) to give staff direction concerning the Town's negotiating position to acquire real property

CS2 Laurie Hohe, Town Attorney
Pursuant to NCGS 143-318.11(a)(3) to preserve attorney-client privilege
This item was pulled from the Agenda at the request of the Legal Department.

CS3 Mary Beth Manville, Human Resources Director
To discuss a personnel matter

Mayor Gilbert called for a motion to go into Closed Session. Council Member Mahaffey made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a motion to return to Open Session with no objection from Council.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| REGULAR TOWN COUNCIL MEETING

May 25, 2021 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: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; 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, read a statement related to diversity and union related to religion. Laura Katherine Stern, Lead Pastor of Apex United Methodist Church gave the Invocation. Mayor Gilbert then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor

Presentation of Asian American and Pacific Islander Heritage Month Proclamation

Council shared in the reading of the Proclamation, with the Mayor asking all to learn about and celebrate about heritage of these peoples who continue to enrich our nation.

PR2 Jacques K. Gilbert, Mayor

Presentation of the National Gun Violence Awareness Wear Orange Day Proclamation

Council shared in the reading of the Proclamation. Tony Cope, Moms Demand Action co-lead, spoke about his love for Apex and his appreciation for all the focus, efforts, energy, and compassion of Council for this initiative. Megan Delaney, volunteer for Moms Demand Action, thanked Council for proclaiming this awareness day. Gun violence is a non-partisan issue. Their organization is diverse

and supports the Second Amendment and the responsible use of firearms. The Wear Orange tradition was born on June 2, 2015 by teenagers who wanted to honor their friend who was shot and killed at the age of 15. Ms. Delaney detailed the wearing of Orange and provided history of the initiative.

The Mayor presented the Proclamation to Mr. Cope and his group of volunteers.

CONSENT AGENDA

- CN1 Donna B. Hosch, Town Clerk
Minutes of the April 22, 2021 Budget Workshop and the May 11, 2021 Regular Meeting
- CN2 Donna Hosch, Town Clerk
Apex Tax Report dated 04/04/2021
- CN3 Dianne Khin, Director of Planning and Community Development
Resolution directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for June 8, 2021 on the Question of Annexation - Apex Town Council's intent to annex HARP-BARR, LLC, Memphis & Maddox, LLC, Sweet Willie, LLC, William Douglas and Jean S. Poe, and Lennar Carolinas, LLC properties containing 157.234 acres located at 6401 Apex Barbecue Road and 1216 and 1330 South Salem Street, Annexation #706, into the Town's corporate limits.
- CN4 Jacques K. Gilbert, Mayor
Reappointment of Michael Wilson as Chair and Lisa Carley as Vice Chair of the Board of Adjustment; appointment of Bryan Johnson as a Regular Member; moving up Tracy Taylor and Umesh Pai as Alternate Members; and appointment of William S. Lusk as Alternate Member
- CN5 Colleen Merays, Downtown & Small Business Development Coordinator
Amend the approved location of Apex Farmers' Market & Apex Night to:
Roads & Parking Closed Date & Time: Portion of Saunders Street Public Parking Lot (Map Designated Area)
Apex Night Market: Portion of Saunders Parking Lot (8 AM - 10 PM)
Apex Farmers' Market (9-12pm): Portion of Saunders Parking Lot (7:30 AM - 1 PM)
- CN6 Vance Holloman, Finance Director

Capital Project Ordinance Amendment No. 2021-9 to appropriate the proceeds from the issuance of the \$5 Million Street and Sidewalk Improvement General Obligation Bonds Series 2021 to fund capital improvements and pay issuance cost

CN7 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Tri Pointe Homes Holdings, Inc. to install 12 SF of private sidewalk and 6 SF of private driveway that will encroach onto portions of the Town's 20' Public Storm Drainage Easement and authorization for the Interim Town Manager to execute the same

CN8 Jenna Shouse, Long Range Planner II

Set the Public Hearing for the June 8, 2021 Town Council meeting regarding amendments to the Unified Development Ordinance to establish electric vehicle parking requirements

CN9 Shelly Mayo, Planner II

Findings of Fact, Conclusions of Law and Decision denying a Major Site Plan for Felton Grove High School located at 8550 Stephenson Road

CN10 Mary Beth Manville, Human Resources Director

Revisions to the Town's Drug & Alcohol Testing Policy

[Moved to New Business for discussion as requested by Council]

CN11 Mary Beth Manville, Human Resources Director

Revisions of the Town's Shared Leave policy

CN12 Mary Beth Manville, Human Resources Director

Adoption of the NC 457 Public Employees Deferred Compensation Plan for Town employees, effective July 1, 2021

CN13 Mary Beth Manville, Human Resources Director

Reclassification of the Police IT & Records Manager position, Grade 26, to Police Records Supervisor, Grade 19

CN14 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Western Wake Development, LLC to install a retaining wall that will encroach 25 LF onto the 20' Town of Apex Drainage Easement and a rip rap pad that will encroach 77 SF onto the 20' Town of Apex Sanitary Sewer Easement and authorization for the Interim Town Manager to execute the same

CN15 Michael Deaton, Water Resources Director

Set the Public Hearing concerning the proposed Stormwater Utility Fee for Tuesday, June 8, 2021 at 6:00 p.m. at the Apex Town Hall

CN16 Shawn Purvis, Assistant Town Manager

Capital Project Ordinance Amendment 2021-10 and Budget Amendment 21 for the construction of a portion of Burma Drive extension

CN17 Craig Setzer, Interim Parks, Recreation, and Cultural Resources Director

Ordinance amendment changing closing hours at Clairmont Park (March - October) to 9 pm

Mayor Gilbert stated Town Clerk Hosch requested an add-on item, Minutes of the April 27, 2021 Regular Council Meeting. Council Member Killingsworth requested pulling CN10, Revisions to the Town's Drug & Alcohol Testing Policy, and moving it to New Business for brief discussion.

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

Member Mahaffey made the motion with the requested changes;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Mahaffey made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Lauren Staudenmaier, Planner I

Rezoning Application #21CZ05 Friendship Storage. The applicant, Terco Properties, sought to rezone approximately 9.09 acres located at 0 Friendship Road and 2109 Old US 1 Highway

(PINs 0730193547 and 0730197850) from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Environmental Advisory board also held a meeting on this request. The Planning Board recommended approval with conditions as offered by the applicant as did the Planning staff. Responding to Council, staff explained the one objection to the request from the Planning Board and addressed water and sewer questions and natural resource preservation.

Bill Daniel, William G. Daniel and Associates, representing the applicant, stated there was only one objection at the neighborhood meeting, which was the perception of self storage. He spoke about the conditions they have proposed and further clarified tree preservation and water and sewer. The latter will not require a pump station. Mr. Daniel spoke about the specifics of the self storage building and what they're doing with buffers to help block the building from view. Responding to Council, Mr. Daniel spoke to self storage bringing less jobs than an office building. He added self storage has low traffic volumes from clients, and it's a convenience factor for the neighborhood. There would be an absence of lighting so as to not disturb neighbors. Council questioned the need for another self storage building, Mr. Daniel stating there is a demand for such.

Mayor Gilbert declared the Public Hearing open.

Elizabeth Stitt went through the packet which was distributed to Council by the Clerk before the meeting. She spoke about why the neighbors are not in favor of a self storage facility. There had been a lack of trust in the entire process and she further elaborated. Ms. Stitt spoke about one of the Planning Board members who abstained from voting as he has an interest in the project, and the neighbors wanting to know his involvement in the project which was not stated in the literature. Ms. Stitt questioned the application not being updated, and she didn't think the matter could be voted on because of this.

Mr. Daniel spoke to ownership of the property and how they would proceed forward. Council called for a point of order and asked the Town Attorney to weigh in on this. Staff explained their practice in cases such as this. The Town Attorney agreed with staff's explanation and stated Council may want to continue this to a future date in order to get the ownership interest paperwork resolved.

Council Member Mahaffey made a motion to continue this matter to the June 8, 2021 meeting, and for a new application and new agent authorization form to be submitted.

Staff stated they will mail out new notifications and suggested to continue the Hearing to the June 8th Regular Meeting.

Council Member Killingsworth seconded the motion.

Council stated this matter seemed messy to her and that she was not in favor of the project at this time. She was not sure about the ownership piece.

Council Member Mahaffey, Killingsworth, Gantt, and Stallings voted in the affirmative; Council Member Dozier voted in the negative.

The motion carried by a 4-1 vote.

PH2 Liz Loftin, Senior Planner

Rezoning Application #21CZ06 Jenks Road Office & Veterinary Hospital. The applicant, Daniel Shultz, Peak 360, LLC, sought to rezone approximately 6.69 acres located at 7825 and 7809 Jenks Road (PINs 0722886419 & 0722888770) from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Planning Board recommended approval. Since that time, the applicant has added conditions. Staff recommended approval.

Jeff Roach, Peak Engineering and Design, representing the applicants, spoke about the changes that they have instituted. He clarified a fencing issue, lighting and parking lot screens for headlights, a sewer issue, and the 24-7 operation. Responding to Council, Mr. Roach spoke about integrating into the neighborhood, the trees on the site, and the height of the fence.

Mayor Gilbert declared the Public Hearing open.

Jennifer Shults, Veterinarian, stated they have been looking for a space to expand with a lot of green space. She explained the types of dogs she attends. Ms. Shults further clarified the fence issues, the fence actually being a barrier. She continued with information about lighting and hours of operation.

Christopher Reder spoke to the trees and retention pond. He and his neighbors have expressed concern to the Planning Board about the 24/7 operation and the fence. Both sides have come to agreement on common issues.

Staff read emails which had been received:

- Vincent Newman - concerned about barking dogs, fencing.
- The Wolfangs - concerned about the 24/7 operation, fencing, and a sidewalk.
- Megan Reder - concerned about the 24 hour operation and fencing.
- Mark Meach - concerned about fencing.
- Ryan Curfly - concerned about lighting, fencing, and security.
- Winston Penley - concerned about the sidewalk and brewery use.

Responding to Council, staff clarified that neighbors would like to see the fence extended further. Mr. Roach stated the applicant was agreeable to an 8-foot fence. Responding to Council, Mr. Roach stated they will try to avoid the large trees when installing the fence. Staff clarified lighting according to the UDO.

Mr. Reder spoke more in depth about parking spaces as related to extending the fence. Responding to Council, Mr. Roach spoke further about the fence, stating what they would be willing to do.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the rezoning; Council Member Dozier seconded the motion.

Council stated he was a bit disappointed with the use as it was not intensive enough. He would have liked to have seen more activity.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

2045 Land Use Map amendment and Rezoning Application #21RZ07 Herbert Street. The applicant, Lane Raw Land, LLC, sought to amend the 2045 Land Use Map from Medium Density Residential to Office Employment/Commercial Services and rezone approximately 0.27 acres located at 0 Herbert Street (PIN 0741397109) from Medium Density Residential (MD) to Neighborhood Business (B1).

Staff stated the requestor asked for a continuance, for which she did not have reasons as to why.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to approve the continuance to the June 8, 2021 Regular Meeting;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH4 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO)

Staff oriented Council to the amendments and answered Council questions related to lighting and what constitutes a substantial change.

Mayor Gilbert declared the Public Hearing open.

Staff read submitted comments:

- Mark Kimilander - opposed the amendment which would allow the school system to submit multiple and successive site plans, allowing them to avoid good and proper planning and which could be overwhelming to the public, opponents, and staff.

Mayor Gilbert declared the Public Hearing closed.

Staff stated that the Planning Board recommended approval.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to

approve the amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

The Mayor stated he thought it strange that there were no developers in attendance in support of this.

PH5 Shawn Purvis, Assistant Town Manager

Citizen input on the Fiscal Year 2021-2022 Annual Budget including proposed economic development expenditures.

Staff stated this public hearing was in compliance with legal actions. He stated the budget process up to this point, and briefly detailed the budget figures. He spoke about probable adjustments related to yard waste, land use map amendment fees, and electrical box fees for new development.

Mayor Gilbert declared the Public Hearing open.

Jeff Hastings spoke about the Tunstall House and how previous Councils and management have stated they would look at this. He applauded this Council for finally making good on the promise to the Tunstall family. He offered, with his connection to the historical societies, to bring people to the table to address what needs to be done on the property and possible moves forward.

Council spoke about the Best in Show for the art committee and wanting to see this in the budget. Staff stated the show would not be until next March so there would be time to make changes to budget (budget amendments). Council was in agreement there was not a need to meet for the scheduled Budget Workshop next week.

Council was pleased that there were no comments from the public about the budget, stating that this indicated staff knew what it was doing and that the public is appreciative of the services it receives.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a ten-minute recess.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

Added NB01 Mary Beth Manville, Human Resources Director

Revisions to the Town's Drug & Alcohol Testing Policy

Council stated she wished to send this back to the Personnel Committee to add things like what possible actions could take place in relation to positive drug testing. She was concerned about marijuana and the zero tolerance language. The Mayor shared this was taken before the Mayor's Substance Abuse Task Force, and they talked about the importance of providing assistance to anyone who came forward with a substance abuse problem. He added that the Task Force spent a lot of time on this.

Staff gave background on the zero tolerance language process. She spoke about comments coming out of the Employee Relations Council, that was in support of this. She spoke about what other surrounding municipalities have in place and the balanced steps the Town is trying to take. The Town is committed to helping employees in this instance. This was not to try to target anyone, but to help employees who may need the help.

Council spoke about how *zero tolerance* means there are no second chances. A *drug free* workplace means we can help. The Mayor talked about high risk jobs and how job performance is affected if an employee fails testing. Conversation ensued as to how can we be fair with this for all employees. Staff explained how this will be addressed, particularly if marijuana becomes legal in NC.

Responding to Council, staff spoke about training and education. Conversation ensued from Council on expectations. There was conversation about possible rehire for those let go, EAP, drug testing, and employees in favor of the stronger language.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the policy; Council Member Dozier seconded the motion. Council Members Gantt, Dozier, and Stallings voted in the affirmative; Council Members Killingsworth and Mahaffey voted in the negative.

The motion carried by a 3-2 vote.

UPDATES BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager

Updates on Town operations by Interim Town Manager Ralph Clark

Staff stated:

- COVID figures of those vaccinated. 52% were teenagers.
- He and the Interim Police Chief met on this day with CSX. They talked about what was learned from the CSX folks regarding their train whistle blows, Amtrak's whistle blowing, trains idling, train switching, graffiti, and teenagers on the train tracks. CSX asked for PD assistance with the latter.
- June 17th was his projected last day in Apex. This would leave at least 10 days prior to a new manager coming in.

Council wanted to ensure residents would be informed about the conversation with CSX, staff stating he would certainly respond to the residents. He would additionally have Communications put out some kind of social media information post. He spoke about how he felt today's meeting would be helpful moving forward with conversations with CSX.

WORK SESSION

WS1 Audra Killingsworth, Council Member

Discussion of the Town's Non-Discriminatory Ordinance

Council stated she had received ordinances from other areas with instructions on how to enforce these ordinances. From previous conversations, Council pretty much agreed on the protected classes. One model ordinance received included housing, which we don't regulate.

Discussion ensued about two presented options - A and B - and the pros and cons of each. Council recommended going with option A and requesting possible public comment for option B. The

Deputy Town Attorney spoke about what legal teeth we would have regarding a public business, expounding on these aspects.

Council stated she felt this was the right thing to do. The Town Attorney restated this is a legal grey area. We don't know what this would look like as far as enforcement. Maybe we could delay this until we get some type of system in place.

Conversation surrounded possibly having the County weigh in on this.

Council Member Killingsworth suggested moving forward with option B and using option 2 for enforcement, and she gave her reasons why. After conversation on how long to delay the enforcement piece, consensus as to delay to January 1, 2022.

Consensus as for this item to be presented at the June 8th Regular Meeting. Council stated a few tweaks may need to be made.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

To consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3) to discuss Town of Apex v. Rubin, 15CVS 5836 and Town of Apex V. Rubin, 19CVS6295.

CS2 Mary Beth Manville, Human Resources Director

To discuss a personnel matter pursuant to NCGS 143-318.11(a)(6).

Mayor Gilbert called for a motion to go into Closed Session for the stated purposes. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a motion to return to Open Session. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Council Member Dozier made the motion to appoint Catherine H. Crosby as Apex's New Town Manager; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote with applause from Council and staff!

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| REGULAR TOWN COUNCIL MEETING

June 08, 2021 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: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; 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 presented a statement of diversity and inclusion related to region. Youth Pastor Asa Clark, Apex First Baptist Church, gave the Invocation. Mayor Gilbert then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor

Presentation of Juneteenth Proclamation

All Council shared in the reading of the Proclamation. Mayor Gilbert called forward Pastor Asa Clark, Kalabria Gilbert Lemire, and Colleen Merays as the sponsors and organizers of the first Apex Juneteenth festival celebration. Mayor Gilbert and Mayor Pro Tem Dozier presented them the Proclamation. Mayor Gilbert detailed the activities, date, and location of the event.

PR2 Jacques K. Gilbert, Mayor

Presentation of Proclamation proclaiming June 2021 as LGBTQIA Month

All Council shared in the reading of the Proclamation. Mayor Gilbert called forward Council Member Killingsworth, Mr. and Mrs. Tony Coke, and Colleen Merays and stated it was his honor to recognize

this month this year and for many years to come. The Proclamation was presented to Council Member Killingsworth. Council Member Killingsworth detailed the activities that were scheduled to take place to honor Pride Month.

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 May 25, 2021.
- CN2 Liz Loftin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ06, Jenks Road Office & Veterinary Hospital, Daniel Shultz, Peak 360, LLC, for the properties located at 7825 & 7809 Jenks Road.
- CN3 Eric Neumann, Electric Director
Professional Service Agreements and authorization for the Interim Town Manager to execute same for on call electrical engineering support with McGill LLC, Utility Electrical Consultants PC, and Utility Engineering, LLC for a period of 5 years.
- CN4 Dianne Khin, Director of Planning and Community Development
Resolution directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, Resolution Setting Date of Public Hearing for June 22, 2021 on the Question of Annexation - Apex Town Council's intent to annex Town of Apex (portion of Kings View Trail R-O-W) property containing 1.12 acres located along Kings View Trail at Recreation Drive and Old US 1 Highway, Annexation #712, into the Town's corporate limits.
- CN5 Shelly Mayo, Planner II
Set the Public Hearing for the June 22, 2021 Town Council meeting regarding Rezoning Application #21CZ03 Willow Hills PUD Amendment. The applicant, Toll Southeast LP Company, Inc., sought to rezone approximately 70.77 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #18CZ28) to Planned Unit Development - Conditional Zoning (PUD-CZ). The rezoning is located at: 3417 Olive Chapel Rd.; 0 Willow Hills Dr.; 1400, 1406, 1411, 1412, 1418, 1419, 1425, 1426 Sierra Glen Cir.; and 0, 3400, 3406, 3407, 3413, 3414, 3420, 3426, 3432, 3438 Snowbed Ridge Dr.
- CN6 Shelly Mayo, Planner II

Set the Public Hearing for the June 22, 2021 Town Council meeting regarding Rezoning Application #21CZ04 Williams Farm PUD. The applicant, Jessie Hardesty from the McAdams Co, sought to rezone approximately 61.919 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

CN7 Lauren Staudenmaier, Planner I

Set Public Hearing for the June 22, 2021 Town Council meeting regarding Rezoning Application #21CZ10 Kelly Woods. The applicant, AMH Development, LLC, sought to rezone approximately 19.424 acres located at 2300 & 2324 Kelly Road (PINs 0731254251 & 0731259148) from Rural Residential (RR) and Rural Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ).

CN8 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the June 22, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance.

CN9 Michael Deaton, P.E., Director

Multi-year Master Service Agreements with multiple vendors.

CN10 Mary Beth Manville, Human Resources Director

Adoption of the FY22 Position Classification Plan and Pay Ranges.

CN11 Mary Beth Manville, Human Resources Director

Extending the Town of Apex (TOA) Emergency Sick Leave and Quarantine Leave to September 30, 2021.

CN12 Craig Setzer, Interim Parks, Recreation and Cultural Resources Director

Reappoint Renee Pfeifer as Chair and Alan Buck as Vice-Chair, and Michael Kanters and Lisa Esterrich as regular members on the Parks, Recreation, and Cultural Resources Commission.

CN13 Vance Holloman, Finance Director

Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex.

CN14 Megan Pendell, Sustainability Coordinator

Appointment of Bill Jensen as a new member on the Environmental Advisory Board.

CN15 Mayor Jacques K. Gilbert

Appointment of Assistant Town Manager Shawn Purvis as Interim Town Manager from June 18 until July 11.

CN16 Mary Beth Manville, Human Resources Director

Personnel Policy Updates to include the new Volunteer/Community Involvement Leave and increase the Tuition Reimbursement Policy amount to \$1,250.00.

CN17 Steve Adams, Real Estate & Public Utilities

Abandonment of electric utility easement.

CN18 Colleen Merays, Downtown and Small Business Development Coordinator

Amend the approved date of (June 5, 2021 & Rain Date of June 12, 2021) for the American Legion Spring Car show to add an additional Rain Date of (Saturday, June 19, 2021).

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

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated there was a request from staff to add a Closed Session to consult with the Town Attorney pursuant to G.S. 143-318.11(a)(3) to preserve the attorney-client privilege.

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

Member Gantt made the motion with the add-on Closed Session;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Elizabeth Stitt from the Friendship community stated there were neighborhood meetings regarding future development expectations of the neighborhood. She was not against the newly proposed project but wanted a collaborative development. She stated their goals and detailed what they have done related to their and the Town's expectations.

Jason Eggers, on behalf of eight of his neighbors, spoke about Peak of the Vine bar. They have become frustrated. He spoke about the loud noise coming from the establishment which started two

years ago. In 2019, he asked the owner to keep the noise down via text message. Other neighbors have called and tried to address the issue with the owner. Complaints were made to the Police Department, and Peak of the Vine was fined. It quieted down a bit, but now it's back at previous noise levels.

He and the neighbors have met with Planning and were told that they could not do any enforcement which was also stated by Police. Mr. Eggers wanted to know how the Town could enforce the requirements of the permit. He did not believe this is a retail establishment but a bar. He asked for Council's help with this. Mr. Eggers understood there would be a certain amount of noise at some point during the year, but it's unacceptable when it affects their quality of life. He reiterated this is a bar and not a retail establishment.

Miles and Owen Sherman spoke about the animal population in Apex. People are not watching where they're going, trees are being cut down, and people are running over animals with their cars. People must be more careful. Mentioned were the dead animals on the road that they have seen. People should consider eating less meat. Killing and hunting animals for money is unfair. We should give animals a good place to live - like the zoo. Fish are not being given a chance to live or lay their eggs. The two young men also talked about animals drying up in the sun.

Gabriel Currillo, Kelly West HOA, talked about public health and wellbeing. He spoke about diet, exercise, and child obesity. Greenways provide significant health advantages. Mr. Currillo was advocating for expedited completion of Phases 1 and 2 of the Beaver Creek greenway. He asked what is the delay and stated inaction should not continue. Mr. Currillo supported actions to fast track completion. The path to the school has become crowded with people, cars, etc.

Miss Unity stated she was not giving up the fight. She was holding the Town accountable for false media reporting. The new Town Manager promised accountability to everyone in the community. Miss Unity talked about the Town giving their power to the media. She talked about the Police survey related to racism and asked for names of who said what.

Tim Brent stated he was an investment company working on two projects in Apex, and he detailed the projects. He spoke about his agreeing to pay for roads in their property negotiations, and he was told what they would be responsible for in relation to this. He really enjoyed working with staff through the process. Mr. Brent talked about the total statement funds being higher than what they were originally told they would be.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation - Apex Town Council's intent to annex HARP-BARR, LLC, Memphis & Maddox, LLC, Sweet Willie, LLC, William Douglas and Jean S. Poe, and Lennar Carolinas, LLC properties containing 157.234 acres located at 6401 Apex Barbecue Road and 1216 & 1330 South Salem Street, Annexation #706, into the Town's corporate limits.
Staff oriented Council to the site, stating staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

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

The motion carried by a 5-0 vote.

PH2 Lauren Staudenmaier, Planner I
Continued from the May 25, 2021 Town Council meeting.
Rezoning Application #21CZ05 Friendship Storage. The applicant, Terco Properties, sought to rezone approximately 9.08 acres located at 0 Friendship Road and 2109 Old US 1 Highway (PINs 0730193547 & 0730197850) from Rural Residential (RR) to Tech/Flex- Conditional Zoning (TF-CZ).

Staff provided a brief summary of the property which was detailed at the previous meeting. The applicant has since added three new conditions. The new property owner has been added along with the other two authorizations asked for by Council at the last meeting.

Jason Barron, Morningstar Law Group, representing the applicant, talked about the situations which were in question stating that they have been corrected. He talked about the disallowance of buildings and an allowance of a driveway. Their intention was to provide a mixed-use environment. Mr. Barron spoke about the advantages of a self storage use. His client felt the use would fit into the community.

Responding to Council, Mr. Barron answered questions about the demand for a self storage facility. He stated he did not have a solid answer to demand but pointed out where other such facilities are located. Council spoke about her experience in talking to her constituents and spoke about reasons why she was not in support of the request.

Mayor Gilbert declared the Public Hearing open.

Elizabeth Stitt stated her two previous concerns had been resolved. The third concern was if a storage facility was appropriate for the area, the neighborhood, and if it would provide the right kind of services and jobs. She did not think this was the right project for this location. Ms. Stitt stated there was a community meeting over the weekend which resulted in 45 signed letters against the project [incorporated by reference]. They wanted development to reflect the vibrant character of the community that doesn't have to be hidden by vegetation. This project doesn't align with the future realignment of the road.

Staff stated received were emails from Paul Miller and Vicious Fishes, which were read for the record. The emails talked about the 22-acre development and the storage facility being detrimental to the environment and the area.

Mr. Barron stated the Town will still be able to execute its plan for Friendship Road.

Mayor Gilbert declared the Public Hearing closed.

Discussion among Council ensued as to viewpoints for uses for the area.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to deny the request; Council Member Dozier seconded the motion.

Council stated this was a unique moment and that he concurred with the other Council Members. There was the potential for uses that could serve the community better. The request may meet the rules but not the spirit of the area. He wondered if Council could approve the request without the use in question. Mr. Barron stated his client believed in the site and was willing to strike the self storage use.

Council conversation ensued about uses. Consensus was to deal only with what needed to be dealt with on this night. Staff clarified what would happen if the request was denied along with uses included in both Tech Flex and B1.

After further Council discussion about uses, Mr. Barron offered to table the request, to have another neighborhood meeting, and then to come back before Council at a later date.

Council Member Gantt amended his motion to state that this request would be continued to the July 27th Regular Meeting; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

This item was withdrawn by the applicant so that it may be resubmitted as a conditional rezoning. Once resubmitted, this item will go through the full rezoning process again.

Public hearing and possible motion to approve a 2045 Land Use Map amendment and Rezoning Application #21RZ07 Herbert Street. The applicant, Lane Raw Land, LLC, seeks to amend the 2045 Land Use Map from Medium Density Residential to Office Employment/Commercial Services and rezone approximately 0.27 acres located at 0 Herbert Street (PIN 0741397109) from Medium Density Residential (MD) to Neighborhood Business (B1).

PH4 Jenna Shouse, Long Range Planner II

Amendments to the Unified Development Ordinance to establish electric vehicle parking requirements.

Staff provided Council background on the requirements and the processes that had taken place related to them. The Planning Board recommended approval that included draft recommendations. The development community reviewed the information. The revised amendments were presented to the Environmental Advisory Board; they recommended approval. Staff outlined why they recommended installing certain numbers of EV charging stations.

Council stated there were questions related to the legality of these stations and requirements vs. incentives.

Council suggested going into Closed Session to discuss issues related to this matter.

Mayor Gilbert declared the Public Hearing open.

Mike Solo encouraged Council to adopt more of these EV-ready spaces and look to the future in the number that would be available. He stated we would need stricter requirements than what were in the Town's proposal.

Mayor Gilbert declared the Public Hearing closed.

Council Member Dozier made a motion to go into Closed Session to consult with the Town Attorney; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

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

Responding to Council, staff answered questions related to categories, uses, and requirements.

Council thanked staff for the work put in on this and stated that this was our being proactive for future needs. Council stated he wished to revisit this in a year or so to discuss how this is working.

Council stated it might be nice to track where all of the spaces might be. There could be a map for those visiting the Town showing where the various spaces would be located.

Council stated it would be useful to have some sort of incentive structure.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the request with the amendment of two EV-rated spaces being required for commercial use if there are between 51-99 motor vehicle spaces required; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH5 Michael Deaton, Water Resources Director

To receive citizen input on the proposed Stormwater Utility Fee set to go in effect on January 1, 2022.

Staff stated this was a required public hearing to implement these fees. Recapped were the steps taken up until now. General Statutes allow these fees by following the stated process. Staff presented what we are proposing and outlined the next steps. Council stated it appreciated the tier structure.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, 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

NB1 Tom Colwell, Chair of Apex Public Art Committee
Unity Mural project and location

Mr. Colwell spoke about a new project they are thinking about doing – a mural – and how this idea began. The project could be done with a student equity group. He explained how the project would proceed working with the students and the Police Department. It would take about six months to move forward after Council approval. Mr. Colwell stated the proposed location for the mural was 103 E. Chatham Street, 205 Sanders Street being the alternate location. Mr. Colwell answered Council questions related to budget.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the mural and its location; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

NB2 Colleen Merays, Downtown & Small Business Development Coordinator
Special Event Permit requests and Town Sponsorship requests for Apex Juneteenth Celebration and Apex Pride Month Celebration.

Staff stated these projects would be fully sponsored by the Town. She spoke a bit about both celebrations, Council Member Killingsworth expounding on the Pride celebration. Staff stated the expectation for staff spending was approximately \$3,600 for the two events. There will be food vendors and colorful, vibrant banners. Staff encouraged all to really go out and celebrate these events.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the sponsorships; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

NB3 Shawn Purvis, Assistant Town Manager
FY2021-2022 Annual Budget Ordinance and FY2021-2022 Fee Schedule.

Staff stated that there was nothing new to report on the Ordinance. There had been only two minor changes to the information.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance and Fee Schedule; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

Staff, responding to Council, explained from where separate budget funding would come for a few, separate projects.

NB4 Shawn Purvis, Assistant Town Manager

FY2021-2022/2024-2025 Capital Improvement Plan and associated capital project ordinances.

Staff explained the process for moving through the Plan.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to adopt the Plan and approve the Ordinances; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

NB5 Audra Killingsworth, Council Member

Non-Discrimination Ordinance

Council went over what was agreed to and discussed in the previous meeting related to this Ordinance and how this was not to punish people but help people to understand non-discrimination.

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

Council stated he was proud and excited this was being adopted and that it would send a message to visitors that Apex is a welcoming place, free of discrimination. This will be a boom for economic development in Apex, because companies are looking for towns that share their values. These companies are looking for areas that are safe and welcoming.

Staff clarified for Council the language related to age, stating that the language relates to Federal law.

The motion carried by a 5-0 vote.

(Applause from audience)

NB6 Mayor Jacques K. Gilbert

Cancellation of the regularly scheduled July 13 Town Council Meeting

Mayor Gilbert stated this would give our staff a break, as was done last year. Staff has worked diligently this year to keep us moving forward.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the cancellation; Council Member Dozier seconded the motion.

In Council discussion, it was stated that the hope would be for future Councils to consider earlier cancelling a meeting in June and July. We will not be on recess and not doing work. If something happens and Council needs to be called into work, that would happen.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a five-minute recess.

UPDATES BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager

Updates on Town operations by Interim Town Manager Ralph Clark

Staff stated there was an effort to build a relationship with CSX. He spoke about CSX's regulations related to train horns and quiet zones. Talked about was the impact the number of crossings in Apex have on the horns seeming to blow more than they should. Quiet zones are cost prohibitive. Staff spoke about why trains are idling as much as they are. The goal was to get CSX to work with us since we are all neighbors. As for the air quality issue, staff spoke about EPA standards. Responding to Council, staff stated CSX had put in a work order to remove the graffiti.

Staff stated his last day would be June 17, and he expressed appreciation to the town and community for this opportunity. It had been a privilege and honor to be here. Staff stated Apex has such a competent work staff, they are as good as they come, and Council should be proud. Staff appreciated being allowed to be here. Mayor Gilbert complimented Mr. Clark for a job well done.

WORK SESSION

WS1 Dianne Khin, Director of Planning and Community Development

Possible changes to Special Use Permit procedures and site plan requirements and procedures to remove the need for quasi-judicial public hearings (QJPH) at Town Council.

Council stated thought has been given to not doing quasi-judicial hearings at all, looking at what other municipalities are doing, and the legal rules. This has been discussed in a Planning Committee meeting, and Council committee members thought it best to take these types of votes away from Council and leave them to the Board of Adjustment, the Planning Committee being in agreement.

Staff stated that Councils used to have more quasi-judicial involvement but have moved away from this. Holly Springs is in the middle of a rewrite of their UDO and thought was that they would be taking away quasi-judicial from council for site plans. Council stated he'd spoken with Garner and believed they, too, would be removing quasi-judicial site plans. They are also doing a big rewrite of their UDO.

Council stated the Planning Committee recommended we follow the model of Raleigh where staff would review major site plans and the Board of Adjustment would do special use variances and appeals.

The Town Attorney stated that keeping or removing quasi-judicial from council would be legal. She spoke about the advantages of quasi-judicial not being at the elected body level. The Board of Adjustment is appointed, and their hearings are already quasi-judicial by nature. Talked about was why it is difficult to make decisions in this platform. The Town Attorney stated Council would still retain legislative process authority.

Conversation ensued about the town possibly being sued if something was voted down, the problem handling site plans in relation to schools, and the desire for a level playing field. It was questioned why Council was involved in the process if they have no say so.

There was concern expressed because of the timing of this and perceptions because of a pending project. Staff stated the named project has been voted on, so it would come back as a new project. The Town Attorney stated this would be a more holistic approach and consistent with what other municipalities are doing.

Council stated we would miss things if done fast and in a hurry. We need to bring in an equity tool; we can make mistakes if we don't. We don't want to give the perception that we are doing something just because of a project.

Staff spoke about major site plans that have come through since she's been employed. She also spoke about special uses.

CLOSED SESSION

Added CS1 To consult with the Town Attorney pursuant to G.S. 143-318.11(a)(3) to preserve the attorney-client privilege.

Mayor Gilbert called to go into Closed Session with no objection from Council.

Mayor Gilbert called for a motion to return to Open Session. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| REGULAR TOWN COUNCIL MEETING

June 22, 2021 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: Nicole L. Dozier

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

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

Also in attendance at the Work Session were Traffic Engineering Manager Russell Dalton, Long Range Planning Manager Shannon Cox, and Stantec (Consultants for the project). There were also many audience attendees.

COMMENCEMENT

Mayor Gilbert called the meeting to order.

WORK SESSION

WS1 Russell Dalton, Traffic Engineering Manager

Schematic designs to carry forward to final design phase for the Saunders St Parking Lot, Commerce St Alley, Seaboard St Alley, The Peak on Salem Alley, Saunders St Gathering Place, and Salem Streetscape, as well as "Smart Parking" solutions.

Staff stated the process that got us to where we are today on this project.

Staff stated the various options and gave the preferences of the public about Saunders Street. While parking is not being considered at this time, there was public preference for such. The cost estimate summary and the options included were given.

The Commerce Street option was detailed. Responding to Council, staff spoke about parking and trash consolidation. The public was 70%+ in favor of the option, and staff spoke about the concerns which were voiced. The cost estimate summary was given.

Seaboard Street was detailed. 81% of public comments were favorable. Concerns were outlined. The cost estimate summary was given, which was higher than that for Commerce Street. Responding to Council, staff spoke about parking and how this would affect deliveries. Staff stated deliveries had not been accounted for as far as a loading zone. Delivery trucks, however, could be accommodated in the space. The cost estimate summary was given.

The Peak on Salem Alley option was explained. Overall, people were receptive to cars not being allowed in the alley. The cost estimate summary was stated.

The Salem Streetscape three options were overviewed. Public preferences for all three were presented. Staff stated people are excited to see this move forward, but others felt it would be hard to get this started at this point. Council asked about the maintenance of curb vs. curbless in this area. The cost estimate summary was given.

Saunders Street Gathering Space was overviewed which would involve turning this area into a hardscape and gathering space. 80% of the public was in favor of this idea.

Smart parking was presented for a possible motion. Council conversation ensued related to the three presented options.

Mayor Gilbert called for a motion related to the options. Council Member Killingsworth made the motion to approve Option 2; Council Member Mahaffey seconded the motion.

Council Members Killingsworth, Mahaffey, Dozier, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

The Saunders Street solar canopy was presented for a possible motion. Council conversation ensued related to conduit and further exploring this.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the solar canopy; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

Commerce Street utilities was presented for a possible motion.

The owner of Fresh Ice Cream stated that utilities are a big problem. We need to make these as functional and attractive as possible. He did not wish to address parking because of limited space in this area. He asked about trash options and possible ways to get rid of the smell.

Luke Dobbins spoke about the sometimes odor from the trash and how his current employee parking would be affected by the Plan. He didn't want to lose staff because of an inconvenience to parking.

Marshall Barnes stated he felt parking would drive the whole project and detailed why he felt that way. He asked for the process to be slowed until determination could be made for parking and then move forward with what would happen with the aspects of the Plan.

An audience participant stated he didn't want the process to slow down; we've been waiting for this for 10 years. It makes sense to think about getting rid of the parking spaces. He talked about needing to buy the land that has been under consideration.

An audience couple talked about access to their store being limited and what it would mean for their staff to have to walk long distances to the store. The reserved parking they have now is essential. They felt merchants would be punished because of the opinion of a miniscule amount of the population. This needs to be slowed down and thought about. It's about more than parking - it's also about merchants surviving.

Fresh Ice Cream stated businesses will thrive if we can bring and keep people downtown.

Anna's Pizza owner stated that without parking, no one will come downtown. Amazon's running them out of business because of convenience. He talked about no mass transit or bicycle lanes to bring in people. We need a parking deck like other municipalities. Council clarified spaces would be added

in either of the options, to which Anna's Pizza disagreed. He talked about having to utilize the space that we do have.

The Mayor thanked staff for the great job they did. The consultants were asked if they've transformed any other area similar to Apex. They stated there was not a lot of data related to removing parking in downtown. Studies have been done related to bike lanes and that type of study was explained. They definitively could not say removing parking would work or not work.

Council stated she felt we should take a pause, take the input and feedback and think on it, and not make any more decisions this evening. We could set a date to revisit this. Staff stated what was presented were their recommendations and they would not make changes to Council input.

Staff briefly detailed the remainder of the options, stating that they were asking for a possible motion to move forward to the next design stage.

Consensus of Council was to discuss this again as a public hearing at the first Council Meeting in September.

COMMENCEMENT (continued)

Mayor Gilbert started the Invocation speaking about how blessed we are in Apex. He spoke about seeing our Ambassador, JC Knowles, as he was walking downtown with our new intern. JC had been in the house the past 14 months because of the COVID pandemic. JC loves this town and connecting with people, and that's what Apex is about - being connected no matter what problems we have. Mayor Gilbert stated, "Let's keep moving in the right direction. There is nothing we can't accomplish when we work together. This is Apex". He then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jacques Gilbert, Mayor
Presentation of National Parks and Recreation Month Proclamation

Council shared in the reading of the Proclamation. The Mayor presented the Proclamation to Interim Parks, Recreation, and Cultural Resources Director Craig Setzer, complementing Setzer for the good job that he has been doing.

PR2 Jacques Gilbert, Mayor

Presentation of Night of Light for Survivors of Trafficking Proclamation

Council shared in the reading of the Proclamation. The Mayor presented the Proclamation to Britney Williams. Ms. Williams explained the upcoming event that they will hold, stating that there are resources for survivors of trafficking. She asked everyone to join them to boost awareness in the community, and she thanked everyone for their support.

CONSENT AGENDA

CN1 Vance Holloman, Finance Director

Amendment of agreement between the Town and Western Wake Crisis Ministry, Inc. for administrative services for the Town's Utility Customer Assistance Program to include in the fees to be paid by the Town compensation for cost incurred that were not included in the original agreement.

CN2 Vance Holloman, Finance Director

Budget Ordinance Amendment No. 23 which reduces the appropriation for a transfer from the Water Sewer HB 463 Capital Reserve Fund to the Water Sewer Operating Fund and appropriates funds for the transfer in the Water Sewer Capital Reserve Fund.

CN3 Russell Dalton, Traffic Engineering Manager

Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances in accordance with the provisions of Sections 20-60.1, 20-68, 20-69, and 20-70.

CN4 Jacques K. Gilbert, Mayor

Appointment of Veronika Maynard-Simon and Mary Miskimon to the Tree CAP Committee.

CN5 Russell Dalton, Traffic Engineering Manager

Substitution of a fee in lieu from the Developer of the Westford project for design and installation of offsite traffic signals at Jenks Road at Green Level Church/Kelly Road, pursuant to UDO Sec. 7.1.7 and the Town Council hereby finds that the substitution is reasonable because an adjacent project currently in construction plan review is required to install turn

lanes and upgrade the traffic signal, and a fee in lieu would permit Apex to coordinate directly with that project developer on signal installation according to proposed roadway improvement plans.

- CN6 Adam Stephenson, Transportation Engineering Manager
Construction contract for 2021 Road Rehabilitation Project (R-21-05), Base Bid and Alternates 1, 2, and 3 to Barnhill Contracting Company, and authorization for the Interim Town Manager to execute the contract on behalf of the Town, and to approve corresponding Capital Project Ordinance Amendment 2021-17.
- CN7 Jenna Shouse, Long Range Planner II
Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of June 8, 2021.
- CN8 Dianne Khin, Director of Planning and Community Development
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding a request to amend Section 4.2.2 *Use Table* of the Unified Development Ordinance.
- CN9 Shelly Mayo, Planner II
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding Rezoning Application #21CZ16 Heelan PUD Amendment. The applicant, Jason Barron, seeks to rezone approximately 142.42 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #19CZ21) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.
- CN10 Shelly Mayo, Planner II
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding 2045 Land Use Map amendment and Rezoning Application #21CZ09 Alderwood PUD. The applicant, Jessie Hardesty for McAdams Co., seeks to amend the 2045 Land Use Map from Mixed Use: Commercial Services, Office Employment, and High Density Residential to Mixed Use: Commercial Services, Office Employment, and Medium/High Density Residential and rezone approximately 15.3 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1533 Wimberly Road and 7912, 8000 and 8016 Jenks Road.

CN11 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Carl Kaloon Eng and wife Alison Meredith Goss Eng to install a driveway of which 172 SF will encroach onto portions of the Town's variable width Public Drainage Easement and authorize the Interim Town Manager to execute the same.

CN12 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Umasankar Natanakumar and wife Leena Pravina Amarnath to install a fence of which 23 LF will encroach onto portions of the Town's 20' Public Storm Drainage Easement and authorization for the Interim Town Manager to execute the same.

CN13 Colleen Merays, Downtown & Small Business Development Coordinator

Amendment of the approved road closed of (N. Salem St. from Chatham St. to Center St.) from 7:30 AM to 1:00 PM for the Annual 4th of July Celebration to (N. Salem St. from Moore St. to Center St.) and add the closing of The Depot Parking Lot from 7:30 AM to 1:00 PM for the Splash Down.

CN14 Colleen Merays, Downtown & Small Business Development Coordinator

Amendment of the approved road and parking areas closed for Bone Suckin' Sauce Peak City Pig Fest to the Saunders/Templeton and Gravel Parking Lots, and Temple St. and Templeton St.

CN15 Michael Deaton, P.E., Director

Multi-year Master Service Agreements with multiple vendors.

CN16 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Shahriar Jalal Nibir and spouse Rumana Ferdous Haque to install a fence of which 135 LF will encroach onto portions of the Town's 40' Public Utility Easement and authorization for the Interim Town Manager to execute the same.

CN17 Keith McGee, Fire Chief

One-year extension of the Fire Protection Agreement between the Town of Apex and Wake County and to authorization for the Interim Town Manager to execute the same.

CN18 Rudy Baker, Director

Ordinance amendment updating statutory references to new Chapter 160D.

CN19 Patrick Lechner, Facilities & Grounds Manager

Landscaping contract between Bland Landscaping Company and the Town of Apex.

CN20 Shawn Purvis, Assistant Town Manager

Ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during Peak City Pig Fest on July 23-24, 2021, and the Night Farmers Market occurring the second Thursday of each month from 6 PM to 9 PM.

CN21 Vance Holloman, Finance Director

Capital Project Ordinance Amendment No. 2021-19 to appropriate funds to cover additional expenditures for the White Oak Pump Station Project for which the Town will be reimbursed by developers.

CN22 Michael Deaton, Water Resources Director

Capital Project Ordinance Amendment 2021-18 utilizing funds in the FY 2020-2021 operating budget for Water & Sewer Capital Projects

Council Member Killingsworth requested to abstain from voting because of her relationship with Western Wake related to CN01.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Mahaffey made the motion with the abstention of Council Member Killingsworth; Council Member Dozier seconded the motion.

The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated staff requested the addition of a New Business item, the item being related to Pig Fest and the use of Town Hall for those activities. He stated this would become New Business 03.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion with the added New Business item; Council

Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

David Blackudder stated he was not an Apex resident but felt the issue of the attacks on police were important to address. He stated he felt the review by the town was bias and did not reflect the facts. He asked why the information collected by the SBI was not distributed related to traffic stops. These facts would indicate no racism. He felt the officers now have targets on their backs. He stated that if the town really cared about people of color, it would make it more affordable for people of color to live here.

Diane Long spoke about her history as a long-time resident of Apex and her vested interest in the town. She spoke about the parking specifically on N. Salem Street and seniors being able to get to downtown. She complimented the work Councils have done to bring downtown back to life. Ms. Long spoke about growth and needing to be thoughtful about development.

Miss Unity spoke about the recent Pride events. We are one Apex, and she talked about righting the wrongs of history. She talked about what it meant for her to come back home.

Jack Otepka, owner of 621 Productions in downtown, talked about the downtown revitalization program. He urged Council to listen to the business and building owners and to consider the handicapped. His customers are mostly elderly and need to get to his store easily and accessibly. Right now, downtown is not very accessible and it won't be if we stick to the current proposed plan. He asked that the Park to Dine program end before Pig Fest so that the full street could be reopened.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Town of Apex (portion of Kings View Trail R-O-W) property containing 1.12 acres located along Kings View Trail at Recreation Drive and Old US 1 Highway, Annexation #712 into the Town's corporate limits.

Staff oriented Council to the site. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

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

The motion carried by a 5-0 vote.

PH2 Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding amendments to the Thoroughfare and Collector Street Plan map in the vicinity of Cash Corporate Center.

Staff oriented Council to the site and stated the recommendations of Planning staff after review with other Town departments. The Planning Board also recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #21CZ03 Willow Hills PUD Amendment. The applicant, Toll Southeast LP Company, Inc., seeks to rezone approximately 70.77 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #18CZ28) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at: 3417 Olive Chapel Rd.; 0 Willow Hills Dr.; 1400, 1406, 1411, 1412, 1418, 1419, 1425, 1426 Sierra Glen Cir.; and 0, 3400, 3406, 3407, 3413, 3414, 3420, 3426, 3432, 3438 Snowbed Ridge Dr.

Staff oriented Council to the site and spoke extensively about the Right of Way and the headstones that were found therein. She stated there was an alternate option to the approved Plan, to which staff was in agreement. Responding to Council, staff answered questions related to the sidewalk. Council

asked what our grave relocation process was, staff stating the Town does not have one. We go by the Wake County policy.

Jason Barron, Morningstar Law Group representing the applicant, spoke about the gravesites discovered on the property and not wishing to mess with them. He spoke about there being graves in the Olive Chapel ROW and how this occurred. In this instance, there is a State process that needs to be followed. If the request was denied, Mr. Barron presented the applicant's solution in cooperation with Capital Area Preservation. He additionally spoke about the preservation of the historic home on the site. Mr. Barron answered Council questions about a cross walk, where the grave sites are located, and if there could be a future conflict.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the application; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH4 Shannon Cox, Long Range Planning Manager

Amendment to the Thoroughfare and Collector Street Plan map in the vicinity of Green Level West Road.

Staff oriented Council to the site, stating that this was discussed with the Town of Cary. Cary had no concerns nor did staff. Staff and the Planning Board recommended approval.

Staff answered Council question related to a collector street.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Staff asked for holding off the vote on this item until consideration of Public Hearing 5.

PH5 Shelly Mayo, Planner II

Rezoning Application #21CZ04 Williams Farm PUD. The applicant, Jessie Hardesty from the McAdams Co, sought to rezone approximately 61.919 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

Staff oriented Council to the site. A neighborhood meeting was held. A traffic analysis has been conducted and staff stated its results. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. The Planning Board and staff recommended approval.

Bob Zumwalt, with Alliance Group, representing the applicant, talked about the various aspects of the request. He gave a history of the farm and what they would preserve. He spoke about the various elements of the site and their strategies and goals. Mr. Zumwalt stated they have identified several school sites, one of the properties being under contract. He spoke about the elements and actions that they've been able to achieve.

Mayor Gilbert declared the Public Hearing open.

Shirley Defenbach provided background on the recent building of their home. She and her husband have been impressed with Alliance and the way they have conducted business and made concessions. She complimented Alliance and was in support of approval.

Responding to Council, staff stated we do not have information from the school board as of yet about what sites they are considering. Council wondered if the vote should be delayed like a previous request with similar circumstances that was delayed. Council stated this was different than the previous request. Council stated he liked this development and was ready to proceed. Council stated she also liked the development, but the school capacity issue is pretty major. She would agree to continuing a short time in order to hear site news from the school board. Council agreed that he would feel more comfortable when voting if we knew definitely a school was going to happen. He was in agreement with a continuance. Council stated she wanted a definite on the school plan before proceeding.

Staff reminded Council the transportation amendment needed to be voted on first.

Jacob Anderson, Alliance Group, stated that they would be in agreement with continuing this matter to July 27th.

Council Member Mahaffey made a motion to continue Public Hearings 4 and 5 to the July 27th Meeting; Council Member Killingsworth seconded the motion.

Council Members Mahaffey, Killingsworth, Dozier, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Mayor Gilbert called for a ten-minute break.

PH6 Lauren Staudenmaier, Planner I

Rezoning Application #21CZ10 Kelly Woods. The applicant, AMH Development, LLC, sought to rezone approximately 19.424 acres located at 2300 & 2324 Kelly Road (PINs 0731254251 & 0731259148) from Rural Residential (RR) and Residential Agricultural (RA) to Medium Density Residential- Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Environmental Advisory Board recommendations were included in the distributed information. Zoning conditions were added and documentation of such were distributed to Council on this evening. The Planning Board recommended approval with conditions offered by the applicant, with a note to Council about concerns about subleasing, additional screening, and addressing neighbor concerns about future water connections. Planning staff recommended approval with conditions offered by the applicant.

Responding to Council, staff clarified questions about entrances related to cul-de-sacs.

Emily Rothrock, ESP Associates, explained and detailed some of the conditions of the site. Several neighborhood meetings were held to address neighbor concerns.

Steven Freeman, AMH Development and applicant, gave a brief background on his company. He detailed the building structure of their homes and what they maintain as rental properties. They felt this was an opportunity to provide a positive contribution that is affordable to the community. They

manage the sublease piece, which they do not allow. Mr. Freeman stated they will provide a \$10,000 connection contribution toward future water connectivity.

Mayor Gilbert declared the Public Hearing open.

Tim Donnelly thanked the developer for offering the fence. Two of his neighbors may be considering the sale of their property which could be residential. He and his wife requested no connections to the stated roads. He provided suggestion as to how the waterline could be connected.

Steve Swamp, representing his wife and West Winds, talked about the history of his neighborhood and the benefits and enjoyments they have there. Only two homeowners were notified of the neighborhood meetings because of requirements. Mr. Swamp asked Council to postpone voting until they discuss their concerns further with the developer and Council - connection to the subdivision, this rental company bringing in homes that don't exist in Apex, and their bad Better Business Bureau rating. People want to own homes in Apex.

The Town Attorney made point that rentals were not relevant to the land use issue before Council.

Wayne Weaver stated people have a right to sell their land for development. They want the best product possible for their area. The biggest issue would be to lose his current views and the peacefulness of the area. He didn't think a 40-foot buffer and fence were unreasonable. If school capacity was an issue previously, it would likely be an issue here as well.

Denise Schardt, selling property owner, stated she has a need to move on and sell her property. She and Ms. Timberlake have looked at what would be good for the area. She thought this was a good plan and would be of great benefit to her.

Brenda Dubbelman, AMN Development, broker representing the property, stated there is no available property in the Apex or the surrounding areas. They wished to place people in decent rentals. She presented figures about rentals in Apex last year vs. now. She spoke about rental prices. People may not like what we see coming, but we need it.

Mayor Gilbert declared the Public Hearing closed.

Council stated there may be a mismatch between the rental property and the amount of the rent, noting concerns she'd received. There was concern about the location of the property and those who are impacted who still live there. She was not sure she was comfortable with the product and its location at this time.

Council did not have a problem with a rental community, but was concerned about the school capacity piece to handle the possible number of children moving in. She could not support the request at this time.

Council spoke about the irregular shape of the parcel which may be difficult to develop, and he was concerned about the creek and non-pedestrian connectivity.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to deny the request; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

PH7 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented Council to the amendments. She stated almost all sections of the UDO had to be translated from the current to the proposed language. She spoke about some of the proposed changes. Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

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

The motion carried by a 5-0 vote.

NEW BUSINESS

NB1 Russell Dalton, Traffic Engineering Manager

Capital Project Ordinance Amendment 2021-16 and Budget Ordinance Amendment 22 for the construction of Salem & Tingen Intersection Improvements.

Staff stated this was related to a project at Tingen and Salem, and he reacquainted Council with the project's history of the signal plan. He provided crash statistics. He explained the benefits of the project.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the request; Council Member Killingsworth seconded the motion.

Council conversation ensued about the possible resale of the equipment after its use expires. We do not very often install temporary traffic signals.

The motion carried by a 5-0 vote.

NB2 Councilmember Brett Gantt

Resolution requesting the Town of Apex's reclassification as a non-entitlement unit of local government in the distribution of the Coronavirus Local Fiscal Recovery Fund in the American Rescue Plan Act of 2021.

Council provided a brief history of this Plan and the differences between the new and the older version. The Town estimated to receive \$17 million from the Plan which was decreased to \$5 million because of how our municipality was classified. The resolution was requested because Council felt there was a wrong interpretation of the law. We could then enter the resolution into the docket in hopes someone would read it and try to help us out. Council read the resolution.

Council thanked Council for his leadership on this issue. We are getting the short end of the stick here.

Council stated she felt we should ask for a meeting with our legislators and commended Senator Burr's office for responding to us previously.

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

The motion carried by a 5-0 vote.

Added NB 3 Coleen Merays, Downtown & Small Business Development Coordinator

Closing and use of the Town Hall parking lot for the Bone Suckin' Sauce Peak City Peak Fest from July 23rd to July 25th.

Staff stated this was a slight change because of COVID and other factors. They would use Sanders Street parking lot for the festival portion, so there would be no road closures.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the request; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert thanked Ms. Merays for her efforts in putting together the Juneteenth celebration.

OLD BUSINESS

OB1 Vance Holloman, Finance Director

Resolution calling for a Bond Referendum on November 2, 2021 regarding the approval of not to exceed \$42,000,000 Street and Sidewalk Improvement Bonds, approval of the form of the ballot question, and directing the Town Clerk to publish notice of the referendum and deliver a copy of the approved resolution to the Wake County Board of Elections within three days after adoption.

Staff overviewed the required documents.

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

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

UPDATES BY TOWN MANAGER

There were no updates by the Town Manager.

CLOSED SESSION

CS1 Shawn Purvis, Assistant Town Manager

Pursuant to NCGS 143-318(a)(5) to give staff direction concerning the Town's negotiating position to acquire real property.

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a return to Open Session with no objection from Council.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



| REGULAR TOWN COUNCIL MEETING

July 27, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | 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 Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and presented a statement of diversity and inclusion related to religion. Mayor Gilbert gave the Invocation and then led the Pledge of Allegiance.

Mayor Gilbert thanked and recognized Staff for their work on the Pig Fest. Mayor Gilbert recognized Catherine Crosby, Town Manager, and welcomed her to her first Council meeting.

PRESENTATIONS

PR1 Dennis Jernigan, Deputy Chief Engineer for Highway Operations of the North Carolina Turnpike Authority

Presentation from Dennis Jernigan, Deputy Chief Engineer for Highway Operations of the North Carolina Turnpike Authority, on the Complete 540 project.

Mr. Jernigan provided Council with an update on the status of the 540 project and briefly explained the portions of the project that will affect the Town. He stated that additional information and resources could be found at ncdot.gov/complete540. The project is targeted to be completed in 2023. Council thanked Mr. Jernigan for his presentation.

CONSENT AGENDA

- CN1 Donna B. Hosch, Town Clerk
Minutes of the May 21, 2021 and June 8, 2021 Regular Council Meetings
- CN2 Donna Hosch, Town Clerk
Apex Tax Reports dated 05/09/2021 and 06/04/2021
- CN3 Donna Hosch, Town Clerk
Codification of Supplement 7 of the Town's Code of Ordinances and codification of the July 27, 2021 revision of the Unified Development Ordinance (UDO).
- CN4 Jacques K. Gilbert, Mayor
Reappointment of Kurt Pfeifer and Linda Barrett and to appoint David Yokum to the Transit Advisory Committee
- CN5 Shelly Mayo, Planner II
Statement of the Town Council and Ordinance for Rezoning Case #21CZ03 Willow Hills PUD Amendment. Toll Southeast LP Company, Inc., petitioner, for the properties located at: 3417 Olive Chapel Rd.; 0 Willow Hills Dr.; 1400, 1406, 1411, 1412, 1418, 1419, 1425, 1426 Sierra Glen Cir.; and 0, 3400, 3406, 3407, 3413, 3414, 3420, 3426, 3432, 3438 Snowbed Ridge Dr.
- CN6 Lauren Staudenmaier, Planner II
Statement of the Town Council for Rezoning Case #21CZ10, AMH Development, LLC/Daniel & Denise Schardt and Barbara Jo W Timberlake, Trustee of Barbara Jo W Timberlake Family Trust, petitioner, for the properties located at 2300 and 2324 Kelly Road.
- CN7 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 June 22, 2021.
- CN8 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for August 10, 2021 on the Question of Annexation - Apex Town Council's intent to annex KOBRA, LLC (Reams Grove Master Subdivision) property containing 18.894 acres located at 7500 Green Level Church Road, Annexation #710 into the Town's corporate limits.
- CN9 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, Resolution Setting Date of Public Hearing for August 10, 2021 on the

Question of Annexation - Apex Town Council's intent to annex Apex Properties & Rentals, LLC and Eura Tunstall properties containing 5.3821 acres located at 1533 and 1537 Old Ivey Road, Annexation #714 into the Town's corporate limits.

CN10 Russell Dalton, Traffic Engineering Manager

3rd Supplemental Agreement for \$200,000 in additional funding reimbursement from NCDOT to the Town of Apex for the construction of U-5537 Lake Pine Drive Improvements and authorization for the Town Manager to execute the Agreement.

CN11 Liz Loftin, Senior Planner

Resolution correcting the Ordinances for Rezoning Cases #17CZ04 and #18CZ02, Friendship Station PUD, petitioners for the property located at 0, 3113, 3136, 3136, 3148, and 3232 Olive Farm Rd.; 0, 0, 8004, 8025, 8109, 8105, 8129, 8132, 8021, and 8116 Humie Olive Rd; 0, 0, 2804, 2816, 2908 and 2916 Richardson Rd.; 2705 and 2712 Butterfinger lane, 0 Macintosh Wood Drive; and parts of 2800 Richardson Road.

CN12 Steve Adams, Easement Acquisition Specialist

Abandonment of a portion of a public utility easement on Lot 57 in the development known as Pinnacle Park.

CN13 Russell Dalton, Traffic Engineering Manager

Budget Ordinance Amendment No. 1 and Capital Project Ordinance Amendment 2022-01 to allocate developer fees paid toward the installation of traffic signals at three locations (Green Level Church Road at Jenks Road, US 64 at Jenks Road, and US 64 at the U-turn west of Jenks Road) into a Capital Project to provide for the installations.

CN14 Michael Deaton, PE, Water Resources Director

Multi-year Master Agreements for On-Call Professional Services for multiple firms.

CN15 Michael Deaton, PE, Water Resources Director

Set a Public Hearing concerning proposed amendments to Chapters 5, 12, and 20 of the Town Code of Ordinances. The Public Hearing will be held on Tuesday, August 10, 2021 at 6:00 p.m. at the Apex Town Hall.

CN16 Mitch McKinney, Deputy Chief of Police

2021-2022 School Resource Officer (SRO) contract between Wake County Public Schools and the Town of Apex.

CN17 Steve Adams Real Estate & Public Utilities

Abandonment of a portion of a public utility easement on Lots 265, 266, 267, and 268 on Adams Pond Road in the development known as Westford 3A

CN18 Mary Beth Manville, Human Resources Director

One (1) new full-time position, Executive Assistant to Town Administration, Grade 22, to the Administration Department and corresponding Budget Amendment 2.

CN19 Mary Beth Manville, Human Resources Director

Updates to the Town's Position Classification list.

CN20 Jose F. Martinez, III

Interlocal agreement between the Town of Holly Springs and the Town of Apex for Yard Waste Transfer/Removal.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Mahaffey made the motion; Mayor Pro Tem Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated there was a request from staff to add a Closed Session to consult with the Town Attorney pursuant to G.S. 143-318.11(a)(3) to consult with the Town Attorney to discuss the handling of the matter of Wake County Board of Education v. Town of Apex.

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

Gantt made the motion with the requested change; Council

Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

Amendment to the Bicycle and Pedestrian System Plan map south of Humie Olive Road.

Staff oriented Council to the amendment. Planning staff supported the recommendations which were reviewed and supported by other departments. The Parks and Recreation Advisory Commission unanimously recommended approval as well as the Planning Board.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the amendment; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH2 Shelly Mayo, Planner II

Rezoning Application #21CZ16 Heelan PUD Amendment. The applicant, Jason Barron, seeks to rezone approximately 142.42 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #19CZ21) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

Staff oriented Council to the amendments. A neighborhood meeting was held. The applicant requested four changes which were detailed. The Planning Board and Planning Staff recommended approval.

Staff explained why there was not a need to amend the UDO related to one of the requested conditions. Staff responded to questions about the size of the front porches and questions related to buffers.

Mayor Gilbert declared the Public Hearing open.

Neil Gosh, attorney with the Morningstar Law Group representing the applicant, talked about the requested changes to several conditions which spoke to affordability and attractiveness to the public. He showed depictions of three floor plans to clarify the latter. Council thanked Mr. Gosh for the diversity being offered.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Mayor Pro Tem Dozier made the motion to approve the application; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Shelly Mayo, Planner II

2045 Land Use Map amendment and Rezoning Application #21CZ09 Alderwood PUD. The applicant, Jessie Hardesty for McAdams Co., sought to amend the 2045 Land Use Map from Mixed Use: Commercial Services, Office Employment, and High Density Residential to Mixed Use: Commercial Services, Office Employment, and Medium/High Density Residential and rezone approximately 15.3 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1533 Wimberly Road and 7912, 8000 and 8016 Jenks Road.

Staff oriented Council to the amendment and to the site. A neighborhood meeting was held on March 24, 2021. A letter of impact from Wake County Public School System was received; the letter indicated that there would be sufficient capacity for future students. The Environmental Advisory Board suggested zoning conditions which were added to the PUD. The Parks and Recreation Advisory Commission recommended a fee in lieu for the project.

Staff summarized the roads involved with the project in regards to access. Responding to Council, staff stated that no traffic signals were required. The Planning Board recommended approval with an additional condition. Planning Staff recommend approval with the proposed conditions and the proposed PUD.

Jason Barron, an attorney with Morningstar Law Group representing the applicant, further detailed the project. Mr. Barron spoke about affordability and the changes that have occurred to the plan based on recommendations. Mr. Barron addressed the concerns that had been brought forth by Council in regards to RCA, the tree canopy, sidewalks, and a park space.

Council thanked the applicants for their collaboration and communication with the neighbors, which Mr. Barron stated they will continue to do. Council also stated other measures that the applicant has taken in regard to the project.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Mayor Pro Tem Dozier made the motion to approve the amendment and rezoning application; Council Member Gantt seconded the motion.

Mayor Gilbert called for a five-minute break while staff revised wording for inclusion in the motion.

Mayor Pro Tem Dozier amended her motion in effort to protect the tree canopy accepting \$3,000 to a non-profit organization with a mission towards tree preservation related to that work; Council Member Gantt seconded the amendment.

The motion carried by a 5-0 vote.

PH4 Amanda Bunce, Current Planning Manager

Amendment to the Unified Development Ordinance (UDO) requested by Tutu School Apex related to the Personal Service use in storefront locations downtown.

Staff oriented Council to the amendment. Planning staff recommended approval as did the Planning Board. Staff responded to Council question related to uses.

Laura O'Brien, owner of Tutu School Apex, explained the school's operation and its benefit to the children. She spoke about yearly enrollment and stated that the school operates all year, seven days a week. Ms. O'Brien detailed why she wished to open in Apex, there being a demand from the Apex community. Responding to Council, Ms. O'Brien explained the retail aspect of her business, which is open to the public.

Mayor Gilbert declared the Public Hearing open.

Alexis Jensen, President of the ADBA, stated that this business aligns with the interest of the ADBA. She discussed the types of businesses which are critical to downtown and the ADBA's desire to work with the UDO. She read a letter from the Board of directors of the ADBA.

Tim Brent, representing Opulent Investment Company, owners of the Highland Building, briefly shared the businesses that have leased a space within the Highland Building. He stated that the Tutu School was the first business that sought space within the property and he has hopes that Council will approve the UDO amendment so that the Tutu School will be able to lease the space in the Highland Building.

Staff clarified that the change would apply to all of the downtown business district. Council expressed concern about downtown being opened up to more franchise businesses and that it may take away the feel of small businesses in the downtown area. During discussion Council determined that the UDO ensured a 10% space limit for franchise businesses.

Council questioned who the letter read by Ms. Jensen was from. Ms. Jensen stated the letter she read was from the board of directors.

Council spoke a bit about the decisions made in 2018 and reiterated the 10% limit. If the downtown plan is executed correctly, then the market should take care of itself. He did not think the previous decision was permanent but incremental.

Council discussed that it appeared as if the UDO was being amended for one building, and it could set a precedent on how similar matters are handled in the future.

Responding to Council, Ms. O'Brien, stated that there was not any other space in the building that would be appropriate and that she would be taking the smallest space available.

Mr. Brent stated that they have turned away several tenants in order to be good neighbors. He stated that the UDO doesn't match the spirit of this use in this particular situation. He stated that they do not want special treatment, but the plan of the building aligns with the downtown plan. Mayor Gilbert stated he supported Mr. Brent and that sometimes changes need to be made to be successful, while he also respected the thoughts of his colleagues.

Staff explained that a compromise could be written into the UDO to include the personal service with a retail piece. Staff stated that additional time would be needed to clarify the definition. Council asked that the ADBA be a part of any additional discussion that may take place.

Council asked Ms. O'Brien how this would affect her business plan. She stated that she has been seeking space in Apex for two and a half years. There are some constraints; but as long as a plan is in place, she believed the franchiser will be flexible and will work with her.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to continue to the August 24, 2021 Regular Meeting; Council Member Stallings seconded the motion. Mayor Pro Tem Dozier and Council Members Stallings, Killingsworth, and Mahaffey voted in the affirmative; Council Member Gantt voted against.

The motion carried by a 4-1 vote.

OLD BUSINESS

There were no Old Business items.

UNFINISHED BUSINESS

UB1 Lauren Staudenmaier, Planner II
Rezoning Application #21CZ05 Friendship Storage has been withdrawn by the applicant, Terco Properties; the applicant had originally applied to rezone approximately 9.09 acres located at 0 Friendship Road and 2109 Old US 1 Highway (PINs 0730193547 & 0730197850) from Rural Residential (RR) to Tech/Flex-Conditional Zoning (TF-CZ).

Staff stated that the application was withdrawn by the applicant and no further action was necessary.

UB2 Shannon Cox, Long Range Planning Manager
Amendment to the Thoroughfare and Collector Street Plan map in the vicinity of Green Level West Road.

AND

UB3 Shelly Mayo, Planner II

Rezoning Application #21CZ04 Williams Farm PUD. The Public Hearing was held on June 22, 2021 and the vote continued to July 27, 2021. The applicant, Jessie Hardesty from the McAdams Co, sought to rezone approximately 61.919 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

Staff briefly reviewed and reoriented Council to the amendment and site. The request was related to Unfinished Business item three. The school system has entered into contract with the property owners to hopefully close by the end of the year. The applicant agreed to all the conditions proposed by the Environmental Advisory Board and all the Land Use requirements. The Planning Board and Planning Staff recommended approval. Staff reviewed the school impact letter and how it will impact the Town.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the amendment and rezoning application; Mayor Pro Tem Dozier seconded the motion.

The motion carried by a 5-0 vote.

NEW BUSINESS

NB1 Colleen Merays, Downtown & Small Business Development Coordinator

Special Event Permit requests and Town Sponsorship requests for 100 People Who Give - PhilanthroParty on Saturday, September 25, 2021.

Staff thanked Council Member Gantt and the Apex Sunrise Rotary Club, and Grant Wilson, the head of the Rotary Club for all their help with Peak Fest. Council stated this was a fundraiser for charity; and staff stated that approximately \$30,000 was raised to go back into the community.

Staff explained the request, the purpose of the organization, what the event would entail, and the specifics of the fundraiser. Staff explained that the food trucks tend to enhance and compliment the downtown area and restaurants, and they do not appear to be a deterrent.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the request; Mayor Pro Tem Dozier seconded the motion.

The motion carried by a 5-0 vote.

NB2 Colleen Merays, Downtown & Small Business Development Coordinator
Ordinances modifying Town Code Section 14-14 as to the Parking Lot and Patio at The Depot, 220 N Salem Street closed for a Special Event during 100 People Who Give - PhilanthroParty on September 25, 2021.

Staff stated the amendment would allow the sale of alcohol on Town property. This ordinance would cover the entire space, as opposed to the area currently identified in the ordinance.

Mayor Gilbert called for a motion. Council Member Gantt made the motion;
Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

NB3 Laurie Hohe, Town Attorney
Amendments to the Town Code of Ethics for Town Council, Planning Board, and Board of Adjustment members.

Staff explained the amendments that were made. The updates were needed due to the updates to Chapter 160D, and the language was updated and is now gender neutral.

Council provided comments in reference to Section 5 of the document. There may be perception that there is some unfairness in the process in that the developers can meet with Council and those opposed may not know what to do. Section 5 discusses transparency and that there should be a discussion about adding a clause that requires Council and the Planning Board to disclose these meetings or contact to the public.

Council stated that measures have been taken and are continuing to be made to ensure transparency. All developers do not reach out to all Council Members, but sometimes applicant representatives have reached out to certain members. In those particular situations where limited contact is made, then that contact or meeting should be disclosed as well. She stated that we need to ensure people understand processes and procedures, and how to ensure their voices are heard and are properly imbedded within a process. Council stated he assumed all Council Members had been contacted and that they need to be sure to communicate with each other about these types of conversations.

Staff recommended that a sentence be added to clarify that having a meeting with a Council Member does not provide grounds for recusal. Council asked if Council or Staff could do more to communicate and educate with the community. Staff stated that the UDO requirements for notification currently exceed state requirements for neighboring properties.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the amendments; Mayor Pro Tem Dozier seconded the motion.

The motion carried by a 5-0 vote.

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that she is excited to join the Apex Team. She provided Council with a few updates. The new Housing Program Manager has started working remotely and will join us in person next month. The new Housing Specialist will join us next week. Our new Chief of Police will start on Monday. Town Manager Crosby and the Chief will be out in the community at the end of August and the beginning of September to introduce themselves and visit the neighborhoods. She expressed that we are excited about the Electric Building and the Community Center being finished by the end of August or beginning of September. She acknowledged the Police department win at Peak Fest. Town Manger Crosby thanked Council and stated that she is looking forward to working with everyone.

CLOSED SESSION

- CS1 Steve Adams, Easement Acquisition Specialist
Pursuant to NCGS 143-318(a)(5) to give staff direction concerning the Town's negotiating position to acquire real property.
- CS2 Laurie Hohe, Town Attorney
Pursuant to NCGS 143-318.11(a)(3) to consult with the Town Attorney to discuss the handling of the matter of Wake County Board of Education v. Town of Apex.

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 vote.

Mayor Gilbert called for a motion to return to Open Session with no objection from Council.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk and
Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



| SPECIAL TOWN COUNCIL MEETING

August 4, 2021 at 4:30 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: Nicole L. Dozier

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

Town Manager: Catherine Crosby | 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 Catherine Crosby, 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. He stated this was a big day for Apex as we move forward with our vision of the town. The Mayor spoke about unity and its importance. Division will take us in the wrong direction.

PUBLIC HEARINGS

PH1 Russel Dalton, Traffic Engineering Manager.

Schematic designs to carry forward to final design phase for the Saunders St Parking Lot, Commerce St Alley, Seaboard St Alley, The Peak on Salem Alley, Saunders St Gathering Place, and Salem Streetscape, as well as "Smart Parking" solutions

Staff presented the process overview which consisted of five phases. The proposed schedule based on the CIP was presented. The work session follow up on July 26th was overviewed which was attended by 8 or 9 residents. Projects not funded for this year would be in the CIP process. The parking summary was detailed, showing an increase of parking spaces including handicapped. Staff stated there would be a separate discussion on the solar canopy.

Staff presented the options for possible Council motion including streetscapes, gathering spaces, and smart parking. The schematic designs, the associated options, and the cost estimate summaries for each were presented.

Related to Sanders Lot solar canopy, staff outlined the project and the benefits to the public. The scope of the work was detailed along with the cost estimation. The total annual savings were stated which had a total payback of 19 years. There were pros and cons to the project, the pros outweighing the cons. The 100% clean energy goal was outlined. Staff recommended approval of this project.

Responding to Council, staff answered questions related to trees and shading, a possible future parking deck, and to where power would go. Staff clarified for Council curb vs. curbless, sidewalks, and timed parking. The contract with the church was clarified. There was discussion as to how parking availability could be identified by the public, i.e., technology options. Based on public comments, staff spoke about a crosswalk.

Shannon Flaherty, on behalf of the Apex Chamber Board of Directors, publicly gave support for the project which was thorough with diverse ideas. Business wise, this would be positive for the business community, thereby bringing in more businesses. Ms. Flaherty stated the parking was understandable, and her Board agreed with drop off spots. Change requires us all to pivot and change can be exciting. The Chamber Board applauded the work of Council, staff, the consultant, and volunteers.

Linda Land, Stylish Living, stated she had met with staff. She objected to portions of the plan. She spoke about the surveys which were completed and why she felt they were not complete or representative of the population of the town. Ms. Land spoke about the charette and its disadvantageous. She spoke about parking being removed.

Renee Lloyd was concerned about how much parking would be disrupted while these changes were being made. She talked about the current parking difficulty and asked had a census been done. Ms. Lloyd spoke about construction workers taking up parking spaces.

Nick Bryant, The Apex Gallery, was in agreement with moving forward, staggered parking, and builder owner buy in. He was not for moving forward with parking lot plans as there was no guarantee of securing the gravel lot. Mr. Bryant talked about the parking on various streets.

Marshall Barnes, Antiques on Salem Street, was concerned about moving forward without the parking situation being nailed down. He was opposed to removing parking on Salem Street. Mr. Marshall wanted Council to support the plan that supports at least some parking on Salem Street.

Alison Gantt stated she had strong support for almost all elements of the plan and was excited for the changes. She supported Option C and explained why. Ms. Gantt spoke about the drop zones, bollards, and other benefits.

Jason Millmore, Fresh Local Ice Cream, thanked everyone for getting us to this point. He was in full support of every recommendation. He just wanted something to happen, so he was not in support of any particular option. Mr. Millmore fully supported change and growth. The town is solving problems, and the few with concerns should not overshadow what the whole of the community wants. He spoke about growth in Cary; and thought that as this transpires in Apex, people will wish it had of been done sooner.

Jack Otepka, 621 Productions, urged everyone to consider the needs of the handicapped and elderly throughout the project. He spoke about merchandise being carried from the parking lot to his establishment by the handicapped and elderly, which he caters to. He asked for a spot out front as at least a drop off.

Marsha Lund stated she is the gravel parking lot. She has not talked much about the town owning this property. Therefore, this meeting seemed to be a bit ahead of the ball about the lot. Ms. Lund stated she was big on growth and has watched what has happened with small towns. She wanted the town to back up and get what it needed to make the town grow.

Mack and Pam Thorpe, The Rusty Bucket, were concerned about disruption of parking during construction. They talked about retail stores closing and not being replaced by retail. They

did not think the parking was going to be resolved until the town entertained a deck. The Thorpes liked Plan B, they are all for growth, and we all need to compromise.

Kyle Denis, Apex Outfitter & Mission Market, wanted to see this project move along. We finally have a plan and everyone is not going to be happy. But if we don't go forward, we never will. Mr. Denis talked about other municipalities and how they've moved forward with their downtowns. There needs to be a parking deck. Trees that are stressed should be assessed and possibly cut down. Mr. Denis felt it was too soon to decide on a solar deck. Maybe the town could lease rooftop space of the businesses for solar.

Saunders Lot - staff stated this was voted on previously with a vote of 4-1. Discussion ensued on the issue of parking and preservation of a particular tree.

Solar Canopy

Council Member Mahaffey made a motion to include the solar canopy. Motion failed without a second.

Council Member Gantt made an alternate motion to exclude the solar canopy. Motion failed without a second.

Council spoke about return on this investment and how this may be premature and not a good idea for inclusion.

Council stated return would be quicker than what he expected. He talked about there may be possibilities for reuse of the panels. Opportunities to do this will be few and far between.

Council stated we might be able to work out deals to have solar on rooftops of businesses.

Council spoke about other opportunities in other areas for solar where it may last longer.

Council spoke about where funding would come for this. All except one aspect are coming in over what we originally expected, confirmed by staff.

Council Member Dozier made a motion to explore the solar canopy further to include things like grant funding and other structures at the pleasure of the Council or the Town; Council Member Mahaffey seconded the motion.

Council Members Dozier, Mahaffey, Killingsworth, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Commerce Street - Council talked about what business owners want as far as trash and recycling, parking and not seeing gathering space as being beneficial, and parking spaces. Staff spoke further on these issues. Hohe stated there could be legal issues related to parking if we wanted to assign spaces to certain businesses. Council spoke about parking for employees which she felt was necessary.

Council stated we are just starting this process, and there will be more of these meetings. Decisions tonight will probably not be 100%, and staff will come back if they need to. The purpose tonight was to get something officially on paper.

Council Member Mahaffey made a motion to proceed with the Commerce Street plan and include the option to relocate utilities; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Seaboard Street - staff answered questions about parking, about possibly making Seaboard one way, and adding more parking. Council stated again that this is a starting point; this is not the end of the conversation.

Council Member Mahaffey made a motion to proceed with the Seaboard Street plan, include relocating utilities, and explore lease options with compactors; Council Member Gantt seconded the motion.

Council Members Dozier, Mahaffey, Killingsworth, and Gantt voted in the affirmative; Council Member Stallings voted in the negative.

The motion carried by a 4-1 vote.

Staff further explained parking on Seaboard Street.

Peak on Salem Alley - staff explained the concept and answered Council questions related to noise, i.e., from a stage.

Council Member Gantt made the motion to proceed; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

Salem Streetscape - staff spoke more about parking spaces and smart trashcans.

Council Member Gantt made a motion to proceed with curbless with bollards; Council Member Killingsworth seconded the motion.

Council stated he did not feel curbless was in line with the feel of Apex.

Council stated she was in favor of curb because of accessibility and safety. Conversation ensued about the bollards.

Council stated she was torn on the issue because of mobility issues.

Council stated she was a bit concerned because of mobility and safety.

Council Members Gantt, Killingsworth, and Stallings voted in the affirmative; Council Members Dozier and Mahaffey voted in the negative.

The motion carried by a 3-2 vote.

Council Member Killingsworth made a motion to approve Option B with the 10 spaces;

Council Member Stallings seconded the motion.

Council explained his opposition because of trees.

Council stated she would like a few more spaces.

Council stated we need a plan that's good for the long term. This process has gone on for years and we've gotten plenty of input. Parking spaces have consistently been of concern to citizens.

Council Members Killingsworth, and Stallings voted in the affirmative;

Council Members Dozier, Gantt and Mahaffey voted in the negative.

The motion failed 2-3.

Council Member Gantt made a motion to proceed with Option C;

Council Member Mahaffey seconded the motion.

Council spoke about how businesses would be more successful with this Option.

Two Council Members stated taking away parking from Salem Street would be an issue for them.

Council Members Gantt and Mahaffey voted in the affirmative; Council Members

Dozier, Killingsworth and Stallings voted in the negative.

The motion failed 2-3.

Conversation ensued as to why Council voted as it did.

Mayor Gilbert called for a 15-minute break.

Council wanted to hear staff thoughts, and its concerns were presented along with alternatives.

Council stated he was uncomfortable with redesigning this on the fly and approving an Option that the public hasn't seen and has not been through the process. He wanted to move forward with something tonight that had been presented, discussed, and commented on.

Council stated she was asking her colleagues to consider in the previous vote the removal of the tree for an active use for parking.

Council Member Mahaffey called for reconsideration of the previous vote for Option B with 10 spaces. Council Member Stallings seconded the vote. Council Members Dozier, Killingsworth, Mahaffey, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Reconsideration of Option B with 10 spaces was now on the floor. Council Members Dozier, Killingsworth, Stallings, and Mahaffey voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Council Member Dozier called for reconsideration of the Green Plan, Option B for the Saunders Lot;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Further conversation ensued about the tree. Staff stated we have tried to keep this tree alive. The tree is stressed because of stormwater issues. In a recent meeting, our arborist stated the tree and others in the area are, in fact, very stressed.

Reconsideration of the Green Plan, Option B was now on the floor. Council Members Mahaffey, and Stallings voted in the affirmative; Council Members Dozier, Gantt and Killingsworth voted in the negative.

The motion failed by a 2-3 vote.

Council Member Dozier made a motion to adopt Option A for the Saunders Lot; Council Member Gantt seconded the motion. Council Members Dozier, Killingsworth, and Gantt voted in the affirmative; Council Member Mahaffey and Stallings voted in the negative.

The motion carried by a 3-2 vote.

Salem Streetscape

Council stated he believed an opportunity existed to save funds by excluding the signal upgrade.

Council Member Gantt made a motion to proceed with leasing smart trash cans, to include the signal upgrade, to use pavers, and include lighting control; Council Member Killingsworth seconded the motion. Council Members Gantt, Killingsworth, Dozier, and Stallings voted in the affirmative; Council Member Mahaffey voted in the negative.

The motion carried by a 4-1 vote.

Smart Parking

Council Member Gantt made a motion to proceed to include the Saunders Lot and Seaboard and to exclude on-street and the Apex Baptist Church;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

With no further business and no objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



| REGULAR TOWN COUNCIL MEETING

August 10, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order and presented a wisdom moment as it related to thankfulness. Several Council Members stated what they were thankful for. Mayor Gilbert then led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- CN1 Donna B. Hosch, Town Clerk
Minutes of the July 27, 2021 Regular Council Meeting.
- CN2 Jacques Gilbert, Mayor
Appointments to the Vision Zero Apex Steering Committee for the purpose of providing oversight to the Task Force in development of the Vision Zero Apex Action Plan.
- CN3 Liz Loftin, Senior Planner
Set Public Hearing for the August 24, 2021 Town Council meeting regarding Rezoning Application #21CZ13 Evans Road PUD. The applicant Jason Vickers for Beazer Homes, seeks to rezone approximately 34.57 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

- CN4 Liz Loftin, Senior Planner
Set the Public Hearing for the August 24, 2021 Town Council meeting regarding Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane & Barnside Lane right-of-way.
- CN5 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the August 24, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance.
- CN6 Mary Beth Manville, Human Resources Director
Auto-renewing agreement with HireRight, LLC, for employee background check services.
- CN7 Mary Beth Manville, Human Resources Director
Three (3) year, auto-renewing agreement with Mitrastech Holding, Inc., for employee I-9 and E-verify services.
- CN8 Vance Holloman, Finance Director
Budget Ordinance Amendment No. 2 which will adjust the transfer amount from the Transportation Capital Reserve Fund to the Streets Capital Project Fund authorized by Budget Ordinance Amendment No. 1.
- CN9 Vance Holloman, Finance Director
Resolution calling for a public hearing on August 24, 2021 in connection with a proposed installment financing agreement to finance various capital improvements for the Town.
- CN10 Angela Reincke, Parks Planning Project Manager
Comprehensive Parks, Recreation Greenway and Open Space Master Plan contract to John R. McAdams Company, Inc., authorization for the Town Manager to execute the same, and corresponding Budget Amendment 3.
- CN11 Mary Beth Manville, Human Resources Director
New Remote Work Policy and Flexible Work Scheduling and Telework Policy.

Mayor Gilbert stated that staff requested two add-on items: approval of Minutes of the 2021.06.22 Regular Council Meeting and revisions to the wording of CN05, amendments to the UDO.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion with the requested two revisions; Council Member Dozier seconded the motion. The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

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

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation - Apex Town Council's intent to annex KOBRA, LLC (Reams Grove Master Subdivision) property containing 18.894 acres located at 7500 Green Level Church Road, Annexation #710 into the Town's corporate limits.
Staff oriented Council to the site. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Ordinance; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Apex Properties & Rentals, LLC and Eura Tunstall properties containing 5.3821 acres located at 1533 and 1537 Old Ivey Road, Annexation #714 into the Town's corporate limits.

Staff oriented Council to the site. Staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Responding to Council, staff clarified property ownership and roads. An explanation was given as to involuntary annexation of donut holes.

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

The motion carried by a 5-0 vote.

PH3 Shannon Cox, Long Range Planning Manager

Amendments to the 2045 Land Use Map in the vicinity of New Hill Holleman Road and Old US 1 Highway.

Staff oriented Council to the amendments. Planning staff recommended approval as did the Planning Board. Responding to Council, staff further explained the various changes and uses.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

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

The motion carried by a 5-0 vote.

PH4 Michael Deaton, PE, Water Resources Director

Amendments to Chapters 5, 12, and 20 of the Town Code of Ordinances.

Staff oriented Council to the Amendments. Responding to Council, staff clarified the reference to public hearings vs. new business items. Legal clarified that this related to development regulations.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to adopt the Amendments; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

OB1 Craig Setzer, Parks, Recreation and Cultural Resources Director

Ordinance amendment changing opening and closing times for various parks, greenways and shelters.

Staff oriented Council to the amendment. A needs assessment was conducted, as the last Master Plan update was done in 2013-2014. Neighborhood park meetings were held.

Council thanked staff for work on this initiative. Responding to Council, staff stated that the current staff could handle the changes of the opening and closing times. The lighting has not yet been updated; staff was planning to further view the sites the next week. Council stated he appreciated the work of staff and how he felt at the end of this we were going to have a quality product.

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

The motion carried by a 5-0 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

- TM Crosby welcomed Craig Setzer as the new Director of Parks, Recreations, and Cultural Resources. Police Chief Armstrong started his position in Apex the previous week.
- There may be impact to yard waste services due to people being out with COVID.
- TM Crosby had a fire visit last week which was fun, hard work, and an experience. She thanked the Fire Department for all their efforts.
- TM Crosby added to what she was thankful for -- her daughter who has always pushed her to do better and be a positive role model. She was also thankful for being in Apex.

ATM Stone explained how the public has been informed about the impacts of COVID. So far, we have not experienced any problems.

Mayor Gilbert stated that on Friday there would be a celebration and parade from Apex High School for Olympic Medalist Tim Federowicz. He will be presented with an award from the Mayor and Council.



CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter.

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for return to Open Session with no objection from Council.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



| REGULAR TOWN COUNCIL MEETING

August 24, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were, 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 Catherine Crosby, Assistant Town Manager Shawn Purvis, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe. Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order, asked Council to express thoughts of gratitude, called for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Keith McGee, Fire Chief

Presentation of Medal of Honor to Captain Christopher Scott Pearson

Chief McGee relayed the events that occurred on Thursday, May 20, 2021 at 1118 Blackburn Road. While off duty Captain Christopher Scott Pearson, observed smoke from a fire and decided to investigate. Captain Pearson arrived on scene to find that the Whittens were still trapped in their home, despite efforts from neighbors trying to evacuate them from their home. Captain Pearson entered the home, without equipment, to attempt to safely rescue the Whittens. He was able to rescue Mrs. Whitten safely. Despite being injured, he attempted to rescue Mr. Whitten.

Chief McGee presented Captain Pearson with the Chief's Challenge Coin for excellence and with the Medal of Honor. Captain Pearson thanked Chief McGee, Chief Maynard, Chief Harrison, and the C-

Shift, his family, and he thanked Council for providing the equipment needed for Fire staff to be able to perform their jobs.

PR2 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program.

Staff provided an update on the Town of Apex Customer Assistance Program (CAP). The town received 48 applications, and 43 of those applications have been approved. Staff will continue to work with residents to ensure that as few residents as possible are cut off.

CONSENT AGENDA

CN1 Donna B. Hosch, Town Clerk

Minutes of the August 10, 2021 Regular Council Meeting

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated July 4, 2021.

CN3 Colleen Merays, Downtown & Small Business Development Coordinator

Special Event Permit request and Town Sponsorship request for Apex Chanukah Festival on Sunday, November 28, 2021 in the Apex Depot Parking Lot and Plaza.

CN4 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ04 Williams Farm PUD. Jessie Hardesty from the McAdams Co., is the petitioner for the property located at 4525 Green Level West Road.

CN5 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ09 Alderwood PUD. Jessie Hardesty from the McAdams Co., is the petitioner for the properties located at 1533 Wimberly Road and 7912, 8000 and 8016 Jenks Road.

CN6 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ16 Heelan PUD Amendment. Jason Barron, for M/I Homes, is the petitioner for the properties located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

CN7 Amanda Bunce, Current Planning Manager

Set Public Hearing for the September 14, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

- CN8 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and property owners Joseph David Cusumano and wife Reagan Layne Cusumano to install two private driveways that will encroach a total of 765 S.F. onto the Town's 20' Public Waterline and Electric Easements and authorize the Town Manager to execute the same.
- CN9 Craig Setzer, Director, Parks, Recreation & Cultural Resources
Changes to the FY 2021-2022 Fee Schedule to include rental fees for Apex Senior Center.
- CN10 Colleen Merays, Downtown & Small Business Development Coordinator
Ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during American Legion Oktoberfest & Car Show on October 30, 2021.
- CN11 Michael Deaton, P.E., Director
Amendment to Town of Apex Ordinance 12-78 *Limitations on Discharge* to allow the Water Resources Director to authorize exemptions for warranted cases to discharge to the sanitary sewer.
- CN13 Keith McGee, Fire Chief
An additional full-time firefighter position in the fire department and corresponding Budget Ordinance Amendment 4.
- CN14 Dennis Brown, Senior Capital Projects Manager
Contract Amendment #3 for GMP 3 with Construction Manager at Risk, J M Thompson, in the amount of \$13,226,438.60 for the new Pleasant Park Project, and authorization for the Town Manager to execute.
- CN15 Mary Beth Manville, Human Resources Director
COVID-19 Vaccine Incentive Policy for Town employees.
- CN16 Mary Beth Manville, Human Resources Director
Personal Use of Social Media Policy for Town employees.
- CN17 Council Member Audra Killingsworth
Ordinance prohibiting possession of venomous and exotic dangerous animals within town limits.

Mayor Pro Tem Dozier stated that Consent Agenda Item 12 needed to be removed from the Consent Agenda.

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

Council Member Killingsworth made the motion with the requested change;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier stated that Public Hearing 2 needed to be heard before Public Hearing 1.

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

Council Member Gantt made the motion with the requested change;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Jamie Hackney, asked Council to support the Hackney PUD project, and briefly spoke about growth and development in Apex.

Chris Raleigh, stated that a modified condition needed to be added to the rezoning application in Unfinished Business item 2. The modification changed the 5 affordable town home units to 10 affordable town home units, and he asked for Council's support on the item.

Elizabeth Perkins, questioned the rate of growth and development in Apex, her concerns were in reference to Unfinished Business items 1 and 2. She stated that there are not enough schools, and that the proposed development will increase traffic in already congested area. She mentioned the affect that growth and development are causing to the environment, and asked the Town to slow down growth and build infrastructure to support the rate of growth.

Tim Baldwin, stated that the development proposed in Unfinished Business items 1 and 2 will cause water flow issues, and that it will cause water to run onto his property. He stated that the development will cause an increase in traffic and that it also poses other environmental concerns. He stated that the developers would take land away from residents.

PUBLIC HEARINGS

PH2 Liz Loftin, Senior Planner

Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way.

Staff stated that the applicant requested a continuance until the September 28, 2021 Regular Town Council Meeting.

Mayor Pro Tem Dozier called for a motion. Council Member Gantt made the motion;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH1 Liz Loftin, Senior Planner

Rezoning Application #21CZ13 Evans Road PUD. The applicant Jason Vickers for Beazer Homes, seeks to rezone approximately 34.57 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

Staff oriented Council to the site and a neighborhood meeting was conducted. The development will include 115 residential units with no more than 50 townhomes. A letter of impact was received from Wake County Public Schools and there will be insufficient school capacity. A preapplication meeting was held with the Environmental Advisory Board, and The Parks and Recreation Advisory Commission unanimously approved fee in lieu for the construction of a greenway trail. A public hearing was held before the Planning Board and the Planning Board recommended approval. Planning staff recommended approval.

Mayor Pro Tem Dozier declared the Public Hearing opened.

Neil Gosh, attorney for the applicant, stated the development will include both townhomes and single-family homes, and is consistent with the Town's plans and requirements. He stated that the developer is seeking to have NCDOT abandon its portion of Walden Road, allowing the developer to implement

road improvements and upon completion the road would become a Town road. He addressed concerns about the increase of traffic and stated that traffic calming devices could be included. The developer negotiated to obtain a private agreement that will help the Town increase infrastructure. The developer worked with staff to ensure that the development included greenways and crosswalks, and addressed concerns with school capacity by having a minimum of 10% of the homes have a primary bedroom located on the first floor. The developer committed to a donation to the Affordable Housing Fund of \$215 per plot at the time of the final plat.

Larry Harris Sr, stated that he supports the development of the Evans Road Project. He explained the history of the area and how the development would be beneficial.

Brian Feekers, voiced concerns about children not being able to go to school in the Town that they live in and the issues the Town is facing with school capacity. He asked Council to build responsibly.

Katie Nash, reiterated what Mr. Feekers said. She talked about the rapid rate of growth in the Town, voiced concern on school capacity, and asked if growth in Town could be slowed down

Kevin Thorpe, Minister of Mt. Zion Baptist Church, thanked Council. He discussed his ancestors, the land that was left to him, and how the development would affect him. He stated that he supports the project, and expressed appreciation for the collaboration between the land owners and the developer.

Mark Steele, stated that he was in support of the project. He stated that the project meets all the Town's guidelines and will provide a wider range for housing diversity at various economic levels.

Mayor Pro Tem Dozier declared the Public Hearing Closed.

Council questioned if there were any affordable homes in the project and asked if they could increase the amount of homes with a primary bedroom located on the first floor. The applicant stated that this development was not a great site for affordable housing, and that they could increase the amount of homes with a primary bedroom located on the first floor from 10% to 25%. Council felt this change would help facilitate the concerns with school capacity.

Council questioned if the homes were energy efficient and how the developer planned to honor the Friendship legacy. The applicant stated that the homes will be energy efficient and that they are providing additional cemetery access, intend to keep Walden Road named as it is honoring one of the founding family's namesakes, and plan to use other family namesakes to name streets throughout the subdivision.

Council asked if the developer planned a tree canopy or for tree preservation. Jeff Roach with Peak Engineering and Design, stated that the developer will donate \$7,300 to a tree fund. Council asked the affordability of the townhomes, and the applicant stated that the townhomes would be priced in the \$400,000 range.

Council expressed appreciation for the efforts made to honor the people and history of Friendship, but asked for something additional to honor the people and community. Council stated that affordable housing should be considered in the development.

Mayor Pro Tem Dozier called a ten-minute break.

The applicant stated that they will continue to work with community on naming rights and will include historical markers within the development. The applicant stated that 10% of the townhomes could have a reduced lot size, which would reduce the cost of the townhomes.

Council asked if a public art easement would be included in the cemetery driveway entrance, and the applicant explained that the access would be on the backside. Council asked how the cemetery would be maintained in the future and the applicant stated that the family will be responsible for maintenance; they are not acquiring the property within the cemetery, they are only beautifying the area.

Council asked if the developer had addressed the concerns of the people most impacted, and what had been done to accommodate the concerns of the neighbors. The applicant stated that they had accomplished both of these tasks.

Mayor Pro Tem Dozier called for a motion. Council Member Gantt

made the motion to approve; Council Member Mahaffey seconded the motion.

Council suggested that staff and future applicants take steps to address school capacity in future applications. Council also asked for additional or amended conditions to be brought to their attention prior to meetings.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented Council to the amendments. The first set of amendments were previously discussed by Council in a work session, and are regarding the processes for Quasi-Judicial proceedings, Major Site Plans, and Minor Site Plans. The final amendments were to special uses and special use permits.

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

Mayor Pro Tem Dozier called for a motion.

Council Member Killingsworth made the motion to approve;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH4 Vance Holloman, Finance Director

Findings and determinations regarding the need to finance the cost of acquiring, constructing and equipping a new Public Safety Facility and acquiring, constructing and equipping a new office building for use by the Town's Inspection Department, selecting a financial institution to provide financing and authorizing staff to file an application with the Local Government Commission to approve an installment financing agreement for the projects of up to \$8.7 million.

Staff stated that Council was considering borrowing up to \$8,700,000 for Public Safety Station 36 and Mason Street renovations. Staff stated that Council would also be considering a resolution regarding the terms and interest rate for the installment financing.

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

Mayor Pro Tem Dozier called for a motion.
Council Member Stallings made the motion to approve;
Council Member Gantt seconded the motion.
The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Liz Loftin, Senior Planner

Ordinance 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

AND

UB2 Liz Loftin, Senior Planner

Rezoning Application #20CZ14 Hackney PUD, Statement of Town Council, and Ordinance. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 73.64 acres located at 0, 2500, and 2600 Olive Chapel Road (PINs 0721492629, 0722406699, & 0722411102) from Rural Residential (RR) and Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ). This item was continued from the April 27, 2021 meeting.

Staff stated that a Public Hearing was held in March and continued to the regular April Town Council meeting. At the April meeting the item was continued to October, due to new circumstances the applicant requested that Council reconsider earlier. The Planning Board recommended approval. Staff briefly reviewed the site with Council and stated that the development would-be built-in phases.

Council asked that the applicant address the concerns that were brought forth during Public Forum. Brendie Vega, Chris Raleigh, and Ed Tang addressed the concerns that were brought forth during Public Forum. The collector road was taken into consideration and was the final recommendation from

staff because it would impact fewer homes. A temporary construction easement would be needed for construction, but the developer would not take any land from any of the property owners, and they would be responsible for any cost incurred. The developer stated that they will comply with all stormwater requirements. Council thanked the developer for all their work and efforts on the project.

Mayor Pro Tem Dozier called for a motion.

Council Member Mahaffey made the motion to approve the annexation and rezoning with the added condition. Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

UB3 Amanda Bunce, Current Planning Manager

Amendment to the Unified Development Ordinance (UDO) requested by Tutu School Apex related to the Personal Service use in storefront locations downtown. The Public Hearing was held on July 27, 2021 and the vote continued to August 24, 2021.

Staff reviewed the amendment and stated that revisions have been made by the applicant. Ms. O'Brien, thanked Council for the opportunity to speak, explained the benefits of having a Tutu School in Apex. She asked Council to support the amendment.

Council stated that the ADBA requested to keep UDO as is and offered suggestions as to other places the school could be placed. Council expressed concern that by supporting the amendment Council is amending the UDO to fit a specific business' needs.

Mayor Pro Tem Dozier called for a motion.

Council Member Killingsworth made the motion to deny;

Council Member Stallings seconded the motion.

The motion carried by a 4-1 vote; Mayor Pro Tem Dozier and Council Members Killingsworth, Stallings, and Mahaffey voted in the affirmative;

Council Member Gantt voted against.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Updates on Town Operations by Town Manager Crosby.

Town Manager Crosby congratulated Chief McGee on 30 years of service and Captain Pearson on receiving the Medal of Honor. She congratulated Tesa Silver for her work with the North Carolina Association of Municipal Clerks. She stated that the Finance department received the GFOA Award this year and has received each year since 1994. She stated that youth sports started this week. She encouraged everyone to wear mask and to get vaccinated.

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, Mayor Pro Tem Dozier adjourned the meeting.

Tesa Silver, CMC, Town Clerk

ATTEST:

Nicole L. Dozier, Mayor

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| VIRTUAL REGULAR TOWN COUNCIL MEETING

September 14, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were: Mayor Pro Tem Nicole Dozier and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Catherine Crosby, Assistant Town Manager Marty Stone, Town Clerk Donna B. Hosch, and Deputy Town Attorney Brian Meyer. Absent were: Mayor Jacques K. Gilbert and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order and thanked everyone for joining the livestream. She asked for a short moment of reflection, and then led the Pledge of Allegiance.

Mayor Pro Tem Dozier called for a roll call, all those in attendance responding.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the August 4, 2021 Special Council Meeting.
- CN2 Tesa Silver, Deputy Town Clerk
Minutes of the August 24, 2021 Regular Council Meeting.
- CN3 Donna Hosch, Town Clerk

Amended Minutes for Public Hearing 4 on October 6, 2020 due to a scrivener's error in the first of the motions.

CN4 Donna Hosch, Town Clerk

Apex Tax Report dated 07/04/2021.

CN5 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) Amendment related to the use "Personal Service" on August 24, 2021.

CN6 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 August 24, 2021.

CN7 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 September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

CN8 Liz Loftin, Senior Planner

Set Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni, LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

CN9 Shelly Mayo, Planner II

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

CN10 Shelly Mayo, Planner II

Set the Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI

Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. (R-80W) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

CN11 Liz Loftin, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD. Jason Vickers for Beazer Homes, is the petitioner for the properties located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

CN12 Shannon Cox, Long Range Planning Manager

Approve and authorization for the Town Manager to sign and execute the General Operating Agreement for Bus Operations - Community Funding Area Program for Wake Transit Fiscal Year 2022.

CN13 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon to install a fence of which 135 S.F. will encroach onto portions of the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN14 Russell Dalton, Traffic Engineering Manager

Hold Harmless Agreement with NCDOT for the drainage associated with the Apex Peakway U-5928 project and authorization for the Town Manager to execute same.

CN15 Mary Beth Manville, Human Resources Director

6 additional full-time positions (FTEs) for the Administration (4 FTEs), Human Resources (1 FTE), and Economic Development (1 FTE) departments, and the associated budget amendment.

CN16 Michael Deaton, P.E., Director

Amended Fats, Oils, and Grease Ordinance providing legal authority for enforcement and inspection of Food Service Establishments as required by the Town's Sewer Collection System Permit issued by the North Carolina Department of Environmental Quality.

Deputy Attorney Meyer stated there was a correction to the cover sheet for CN15.

Mayor Pro Tem Dozier called for a motion to adopt the Consent Agenda with the corrected cover sheet for CN15. Council Member Killingsworth made the motion;
Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier called for a motion to adopt the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

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

PUBLIC FORUM

There were no Public Forum comments to present.

PUBLIC HEARINGS

PH1 Christopher "C.J." Valenzuela, Housing Programs Manager and Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Town Manager Crosby introduced new staff member C.J. Valenzuela, stating that he was going to be a great addition to the team. She provided brief background Valenzuela, stating that he is our first Housing Programs Manager.

Staff oriented Council to the amendments regarding the power and duties of the Housing Advisory Board, and its membership, establishment, and terms.

Staff also oriented Council to amendments related to electric vehicle charging spaces, building aesthetics, and architectural character. The Planning Board and staff recommended approval.

Staff answered Council questions related to what initiated the amendments.

Mayor Pro Tem Dozier declared the Public Hearing open. With there being no public comments to be heard, Mayor Pro Tem Dozier declared the Public Hearing closed.

Mayor Pro Tem Dozier called for a motion to approve the Amendments. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

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

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

Crosby congratulated the members of the Fire Department for placing second in the Rescue Skills Competition with the NC Association of Rescue and EMS. This was their first competition. Those who participated were Firefighters Kevin Butts, Ian Bass, John Burnette, Michael Kaplan, Chad Ellis, and Josh Strickland. [APPLAUSE!]

Crosby acknowledged employee kudos which had been received. She spent time with several departments, thanks going to the Police Department for a ride along and to employees in Public Works for hosting her in equipment, grounds, yard waste, fleet, and Town operations.

MPT Dozier thanked Crosby for sharing the activities of staff. Council stated she had a chance to do these types of experiences via Peak Academy and looked forward to doing these types of activities again. She looked forward to when Peak Academy could restart, noting that three of them had been through the program. MPT Dozier thanked Donna Hosch and her team for the Peak Academy program.

Council asked for an update on the Senior Center. Crosby stated the opening date had been pushed back to October and that she would keep everyone informed as to its opening.

Crosby thanked all staff members who came out for Peak Fest and the time they put in. She also mentioned the first neighborhood meeting with Justice Heights on September 27th and its intended purpose. She was excited about this first opportunity. Forthcoming we will have a date to swear in Police Chief Jason Armstrong.

Additional Council comments:

- Kudos to both Police and Fire for two incidents which were handled professionally during Patriots Day. Things went smoothly and no one panicked. Thanks to Fire for rescuing a horse from a muddy pit.
- Kudos echoed to staff during PeakFest for their professionalism and customer service, which was very impressive. The 911 memorial was well done.
- Kudos echoed about staff performance during PeakFest, and it was appreciated that the community could engage with staff.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business, Mayor Pro Tem Dozier declared the meeting adjourned with no objections from staff.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Nicole L. Dozier, Mayor Pro Tem



| VIRTUAL REGULAR TOWN COUNCIL MEETING

September 28, 2021 at 6:00 PM

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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | 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 Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Assistant Town Attorney Brian Meyer.

COMMENCEMENT

Mayor Gilbert called the meeting to order and roll called attendance. Mayor Gilbert reflected upon a recent tree planting experience, and how it is important it is to leave a legacy for the next generation. Mayor Gilbert led the pledge.

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor
Presentation of Indigenous Peoples Day Proclamation

Mayor Gilbert read the proclamation for Indigenous Peoples Day.

PR2 Jacques K. Gilbert, Mayor
Presentation of the Government Finance Officers Association's (GFOA's) Award of Achievement for Excellence in Financial Reporting to Vance Holloman, Finance Officer and Suzanne Parmentier, Accounting Manager.

Mayor Gilbert presented the award and acknowledged the achievements made by the finance department over the last 27 years. He congratulated Mr. Holloman and Ms. Parmentier. Council congratulated both Mr. Holloman and Ms. Parmentier, they recognized the department's level of excellence and the quality of work that has been contributed over the years. Mr. Holloman thanked Council, the finance staff, the departments, and Ms. Parmentier for their contributions.

CONSENT AGENDA

- CN1 Shannon Cox, Long Range Planning Manager
Authorize the Town Manager to sign and execute, a Municipal Agreement with Wake County, North Carolina to use Community Development Block Grant (CDBG) funding to complete a sidewalk connection and enhancements to transit stops that would benefit low- and moderate-income persons.
- CN2 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 September 14, 2021.
- CN3 Michael Deaton, PE, Director
Multi-year Master Agreements for On-Call Professional Services for multiple firms.
- CN4 Megan Pendell, Sustainability Coordinator
Appoint Greg Reger as a new member on the Environmental Advisory Board (EAB).
- CN5 Michael Deaton, PE, Director
An ILA with Holly Springs for water supply mutual aid.
- CN7 Colleen Merays, Downtown & Small Business Development Coordinator
Co-Sponsored Special Event Permit request for Apex Rotary Christmas Parade with the approved date of Saturday, December 4, 2021.
- CN8 Colleen Merays, Downtown & Small Business Development Coordinator
Amend the approved Co-Sponsored Event to end December 9, 2021.
- CN9 Angela Reincke, Parks Planning Project Manager
Authorize the Town Manager to execute Final Conditional Letter of No Objection from Cardinal Operating Company, LLC in conjunction with Kelly West Homeowners Association for construction of the Beaver Creek Greenway PHI, PHIA and PHII.
- CN10 Mary Beth, Manville
Additional 1% for Merit Budget and corresponding Budget Ordinance Amendment No. 6

CN11 Shawn Purvis, Assistant Town Manager

Resolution approving the Memorandum of Agreement (MOA) Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation

Council Member Mahaffey requested that CN 6 be removed from the Consent Agenda for further discussion.

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

Council Member Gantt made the motion;

Council Member Killingsworth seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Gilbert stated that there was a request to hear Unfinished Business 1 before the Public Hearings, and that Consent Number 6 was moved to New Business 1.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda with the requested changes. Council Member Killingsworth made the motion;

Council Member Stallings seconded.

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

PUBLIC FORUM

Brad Springer, shared thoughts on the removal of the downtown dining program, his hope is that Council would bring the program back, and he shared how the downtown area benefited from the program.

UNFINISHED BUSINESS

UB1 Vance Holloman, Finance Director

Resolution authorizing the execution and delivery of an Installment Financing Agreement, a Deed of Trust and related documents in connection with the financing of various capital improvements for the Town of Apex, North Carolina.

Staff stated that the resolution before Council authorizes the Town to execute an Installment Financing Agreement for \$8.7,000,000 for the construction of Public Safety Station #6 and a portion of an office building for Town Staff. The financing is at a 1.5% interest rate with Pinnacle Bank with the final payment set for September of 2036. Staff provided Council with a draft of the resolution and the Deed of Trust.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve;

Council Member Gantt seconded.

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

PUBLIC HEARINGS

PH1 Liz Loftin, Senior Planner

Continued from the August 24, 2021 Town Council meeting. Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way.

Staff reviewed the site with Council. The proposed rezoning is consistent with the 2045 Land Use Map. A letter of impact was received from Wake County Schools, and elementary and high schools are anticipated to have insufficient capacity for future students. The applicant has accepted the recommended zoning conditions provided by the Environmental Advisory Board, and the Parks and Recreation Advisory Commission unanimously recommended fee in lieu for the project. The Planning Board and planning staff also recommended approval.

Jason Baron with Morning Star Law Group, representing the applicant, briefly reviewed the history of what had occurred in the process for the project and he stated that the applicant has met Council's and the community's expectations. He stated that the plan is consistent with the town's long-range plan, that the applicant has accepted all the zoning recommendations from the Environmental Advisory Board, and that the Planning Board unanimously recommended approval.

Mr. Baron stated that the applicant will offer an option that includes a master bedroom on the first floor with a full bathroom and a separate entrance. He also stated that the applicant will contribute \$215 per unit to the Affordable Housing Fund and that a minimum of 8 units would be built 15% smaller than the standard unit to offer lower pricing.

Council requested more information about the site distance, improvements on Olive Chapel Road and the pond located adjacent to the area. Mr. Baron stated that there would be a dedication of additional right of way and construction of road widening along the Olive Chapel Frontage and that a retaining wall with a fence would be placed around the pond. Council expressed concerns regarding affordable housing as it relates to the project, and Mr. Baron explained that the contribution to the town's fund would make the town's affordable housing goal more obtainable. The applicant stated that they could also provide either \$3,500 towards closing cost or a \$3,500 discount, along with the units to be reduced in size going to a minimum of 12 units.

Mayor Gilbert declared the Public Hearing opened. Staff stated that three comments were received from Michael and Catherine Mohan, Anne Cain, and Rita Boykin. Mayor Gilbert declared the Public Hearing closed.

Council stated that they had reservations about the plan based on location, and the impact the project would have on the community.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve; Council Member Stallings seconded.

The motion was denied by a 3-2 roll call vote.

Mayor Pro Tem Dozier and Council Members Gantt and Mahaffey voted against;
Council Members Killingsworth and Stallings voted in the affirmative.

PH2 Liz Loftin, Senior Planner

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

AND

PH3 Liz Loftin, Senior Planner

Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business- Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

Staff oriented Council to the site. The rezoning is consistent with the 2045 Land Use Map. The applicant accepted all the suggested zoning conditions provided by the Environmental Advisory Board. The Planning Board and planning staff recommended approval.

Mr. William Pugh, representing the applicant, briefly discussed the benefits of having a convenience store in the area and discussed the possibility of a restaurant being added to the store or the parcel at a later date.

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 a motion to approve the annexation and rezoning; Council Member Mahaffey seconded.

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

PH4 Shannon Cox, Long Range Planning Manager

Amendments to the Transportation Plan in the vicinity of US 64 Highway associated with Rezoning Case #21CZ12.

Staff oriented Council to the amendments to the Bicycle and Pedestrian Plan, and the Thoroughfare and Collector Street Map. There were no concerns from staff in regards to the amendments. The Park and Recreation Advisory Commission and the Planning Board unanimously recommended approval.

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

Staff requested that Council wait to decide on the amendments until Public Hearings 5 and 6 were heard, as it related directly to the Annexation and Rezoning.

PH5 Shelly Mayo, Planner II

Ordinance on the Question of Annexation - Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

AND

PH6 Shelly Mayo, Planner II

Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. R-80W to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

Staff oriented Council to the site. The plan is consistent with 2045 land use map, and a neighborhood meeting was conducted. A letter of impact was received from Wake County Public Schools and there is insufficient capacity for elementary and high school. However, within 5 years the high school issue will be addressed. The applicant is working with the school system to try to work out the capacity issues for elementary aged students. No plans will be submitted for areas where single family homes will be developed until 2 years after a rezoning approval. The applicant has accepted all the recommended zoning conditions provided by the Environmental Advisory Board, except condition 13 as they are not sure if this will be needed or not at this time. The Parks & Recreation Advisory Commission recommended fee in lieu of for the construction of a greenway.

Glenda Toppe, representing the applicant GCI development, stated that the project follows the 2045 Land Use Plan. Mrs. Toppe explained that there are several types of zonings throughout the parcel. The applicant is committing \$10,000 to an organization for the planting

of trees, is designating a portion of the parcel as a potential site for an elementary school in conjunction with working with Wake County Schools to achieve this, and is offering \$500 per unit into the Affordable Housing Fund.

Council questioned why the applicant contributed a larger amount to the fund opposed to providing more affordable units, and the applicant stated the decision was made based on their research. Council questioned the frequency of increase for potential tenants and the applicant stated that the complex would be driven by the market rate.

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 Killingsworth made the motion to approve the transportation amendments, the annexation and the rezoning;
Council Member Gantt seconded. The motion carried by a 4-1 roll call vote.
Council Members Gantt, Killingsworth, Stallings, and Mahaffey voted in the affirmative;
Mayor Pro Tem Dozier voted against.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown & Small Business Development Coordinator

Close to up to 2 on-street parallel parking spaces along N. Salem Street from Center St. to Chatham St. to allow for extended outdoor seating, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining on public streets and sidewalks beginning September 30, 2021 through November 12, 2021(This item was previously Consent Agenda Item 6).

Staff recommended a proposal to bring back two smaller parklets as they relate to the parking to dining program. A survey was sent out to merchants and businesses, and the responses were split, and the survey determined how staff developed the current proposal.

Council stated that a major concern in regards to the program was the ability to serve alcohol. Council stated that current legislation was passed that allows Council to establish an ordinance to allow the sale of alcohol. Staff stated that the program would go through November 12, 2021 to allow for holiday decoration and holiday shopping.

Mayor Gilbert called for a motion. Council Member Mahaffey made a motion to return to parking to dining as configured over the summer, to have the Town Attorney prepare an ordinance regarding the ABC Bill, and for Council to approve call a Special Meeting once the ordinance is ready, and to direct the Town Manager to provide written permission to every ABC permit holder on Salem Street the authority to extend onto Town property;

Council Member Killingsworth seconded.

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

Mayor Pro Tem Dozier and Council Members Killingsworth, Stallings, and Mahaffey voted in the affirmative;

Council Member Gantt voted against.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager
There were no updates.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney
Possible motion to go into closed session to consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3) to discuss the handling of the matter of Caloggero v. Town of Apex.

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Stallings seconded.

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

Mayor Gilbert called for a return to Open Session with no objection from Council.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



VIRTUAL SPECIAL TOWN COUNCIL MEETING

October 06, 2021 at 5:30 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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; Terry Mahaffey
Town Manager: Catherine Crosby | 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, Council Members Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Assistant Town Attorney Brian Meyer. Absent were: Mayor Pro Tem Nicole L. Dozier and Council Member Killingsworth.

COMMENCEMENT

Mayor Gilbert called the meeting to order and roll called attendance.

NEW BUSINESS

NB1 Colleen Merays, Downtown and Small Business Coordinator

Ordinance amendments regarding alcohol consumption in the Downtown Parklet

Staff stated that based on direction from Council and new legislation from the State, they redesigned the proposal for the Parking to Dining program in downtown Apex. The new design adds four parklets on Salem Street and the parklets would be used by Fresh Local Ice Cream, Provincial, Anna's Pizzeria, La Rancherita, and Mission Market.

Staff stated that the three businesses that have ABC licensing intend to apply for the extension with the ALE to receive permission to serve alcohol in the parklet. Staff explained that before a business can make this type of request to the ALE, the town must adopt an ordinance to grant permission.

Council stated that they were in support of moving forward with the program and the ordinance, and asked staff to verify that no additional burden would be placed on the police department for enforcement.

Council Member Mahaffey made the motion to approve
the parklet designed as presented and the ordinance as presented;

Council Member Stallings seconded.

The motion carried by a 3-0 roll call vote.

ADJOURNMENT

With no further business and with no objection from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



VIRTUAL REGULAR TOWN COUNCIL MEETING

October 12, 2021 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: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | 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 Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, and Deputy Town Attorney Brian Meyer. Absent was Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order, roll called attendance, and led the pledge of allegiance.

PRESENTATIONS

PR1 Mayor Jacques K. Gilbert

Presentation of Breast Cancer Awareness Month Proclamation

Council read the proclamation for Breast Cancer Awareness Month.

PR2 Craig Setzer, Director Parks, Recreation, and Cultural Resources and Angela Reincke, Parks Planning Project Manager

Presentation on the status of the Pleasant Park project including images and overview of the current project scope.

Staff provided Council with an update on the Pleasant Park project. Council shared their excitement about the project and thanked staff for all their work on the project.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the September 14, 2021 Regular Council Meeting
- CN2 Tesa Silver, Deputy Town Clerk
Minutes of the September 28, 2021 Regular Council Meeting
- CN3 Donna Hosch, Town Clerk
Apex Tax Report dated 09/04/2021
- CN4 Amanda Bunce, Current Planning Manager
Statement of the Town Council for Rezoning Case #21CZ15 Chapel Ridge Towns PUD, Toll Bros., Inc., petitioner, for the properties located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way.
- CN5 Colleen Merays, Downtown & Small Business Development Coordinator
Town Sponsored Event request for the Town of Apex to host a Hispanic Heritage Month Celebration on Saturday, October 16, 2021 at The Depot Parking Lot & Plaza.
- CN6 Vance Holloman, Finance Director
Capital Project Ordinance Amendment No. 2022-2 and Budget Ordinance Amendment No. 7 which will appropriate the proceeds of an installment financing agreement for projects in the General Capital Project Fund and authorize the transfer of public safety reserves funds to the Project Fund for the Public Safety Station No. 36 Project.
- CN7 Colleen Merays, Downtown & Small Business Development Coordinator
Co-Sponsored Event request for Peaktique on Friday, October 22 to Sunday, October 24, 2021.

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

Council Member Mahaffey made the motion to approve;

Council Member Killingsworth seconded.

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;

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

PUBLIC FORUM

There were no Public Forum comments to be heard.

PUBLIC HEARINGS

PH1 Jenna Shouse, Senior Long Range Planner

Bicycle and Pedestrian System Plan map to change the bicycle and pedestrian facility type along the east side of Laura Duncan Road, north of Old Apex Road, and to add the Swift Creek Greenway.

Staff oriented Council to the amendments regarding the Bicycle and Pedestrian System Plan. The Parks and Recreation Advisory Commission, the Planning Board, and Planning staff recommended approval.

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 Stallings made the motion to approve the amendments;

Council Member Killingsworth seconded.

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

PH2 Jenna Shouse, Senior Long Range Planner

Amend the Bicycle and Pedestrian System Plan map to realign a proposed greenway in Apex Jaycee Park, add a proposed grade-separated bicycle/pedestrian crossing of NC 55, and add a proposed side path along the east side of W Williams Street from the proposed greenway to S Salem Street.

Staff oriented Council to the amendments regarding the Bicycle and Pedestrian System Plan. The Parks and Recreation Advisory Commission, the Planning Board and Planning staff recommended approval.

Mayor Gilbert declared the Public Hearing opened. Staff reported that one comment was received from Karen Manganillo. Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Stallings made the motion to approve the amendments;

Council Member Killingsworth seconded.

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

OLD BUSINESS

OB1 Tom Colwell, Public Art Committee Chair

Purchase of the People's Choice Award winner (Uphill Battle by Ethan Morrow) from the Apex Sculpture Walk.

Mr. Colwell requested that Council approve the purchase of the Uphill Battle by Ethan Morrow. The sculpture was selected as the People's Choice Award winner and the estimated cost is \$12,000. Council thanked Mr. Colwell and the Public Art Committee for all their work.

Mayor Gilbert called for a motion.

Mayor Pro Tem Dozier made the motion to purchase Uphill Battle;

Council Member Killingsworth seconded.

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

OB2 Tom Colwell, Public Art Committee Chair

Location (brick retaining wall near Apex Police Station) for the previously approved Unity Mural project.

Mr. Colwell stated that the Public Art Committee partnered with a social justice group from Apex High School and the Apex Police Department on the unity mural wall. The committee recommended that the mural be located on a public access wall at the police station, 205 Saunders Street. Mr. Colwell explained the process for creating the wall and provided a timeline for the process.

Mayor Gilbert called for a motion.

Council Member Killingsworth made the motion to approve the location;

Council Member Stallings seconded.

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

UNFINISHED BUSINESS

There were no Unfinished Business items to be heard.

NEW BUSINESS

There were no New Business items to be heard.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Town Manager Crosby stated that she had no updates, but that things were going well. She stated that the event for Indigenous Peoples' Day went well and she encouraged citizens to check the town calendar for future events.

CLOSED SESSION

There were no Closed Session items to be heard.

WORK SESSION

WS1 Craig Setzer, Director Parks, Recreation and Cultural Resources; Angela Reincke, Parks Planning Project Manager; from McAdams Company - Shweta Nanekar, Civic Spaces Project Manager; Jenn Beedle, Park Planner; Sonya Shaw, Community Engagement Specialist; Rachel Cotter, Principal in Charge

Presentation from McAdams Company, selected to lead the comprehensive Parks, Recreation, Greenways, and Open Space Master Plan

Shweta Nanekar, Civic Spaces Project Manager, introduced herself, Park Planner Jenn Beedle, Community Engagement Specialist Sonya Shaw, and Principal in Charge Rachel Cotter with the McAdams Company. Ms. Nanekar provided details about the project and the process for the project.

Council engaged in an exercise where they provided input as to their thoughts about parks, recreation, cultural resources, and greenways and how they make the community better, what they

are known for; what would strengthen Parks and Receptions' positive impact on the town; some of the biggest threats or challenges to the identified assets; and what Council responses tell about Parks and Recreation.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



VIRTUAL REGULAR TOWN COUNCIL MEETING

October 26, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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; Terry Mahaffey

Town Manager: Catherine Crosby | 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 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, and led the pledge of allegiance.

PRESENTATIONS

PR1 Apex Town Council and Apex Public School Foundation

Presentation by the Apex Public School Foundation

Council Member Mahaffey stated that the Town has partnered with the Apex Public School Foundation to present the Peak STAR (Staff Teacher Administration Recognition) Award. The award honors staff members for their contributions and impact on students and the education system.

Stephanie Mitchell, President of The Apex Public School Foundation, recognized the 1st honoree of the Peak STAR Award, Mr. Terrell Olive, Custodian at Apex Elementary School. Katie Caggia, Principal of Apex Elementary School shared comments received about Mr. Olive and praised Mr. Olive for always making everyone feel good, for his work ethic, and maintaining a safe and clean environment for the best student experience. Mr. Olive thanked the Apex Elementary School staff. Council

congratulated Mr. Olive and thanked him for his hard work in assisting with the process to keep children in school during these times.

PR2 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program.

Staff provided Council with an update on the Town's Customer Assistance Program as of September 30, 2021. Staff stated that the program has a 90% approval rate, and that average amount received is approximately \$600 per applicant.

CONSENT AGENDA

CN2 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Edwards Pond, LLC to install a concrete driveway that will encroach 157 S.F. onto the Town's 20' Public Drainage 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 concrete driveway that will encroach 7 S.F. onto the Town's 39 S.F. Public Drainage Easement and authorize the Town Manager to execute the same.

CN4 Jacques K. Gilbert, Mayor

Appoint Audra Killingsworth, Town Council Member, Tina Sherman, Town Planning Board Member, Philip J. Welch, Jr., Rhett Fussell, Valeria Cesanelli, Paul Kane, Seth Friedman, Jacob Rogers and Martha L. Rodgers to the Housing Advisory Board.

CN5 Michael Deaton, Water Resources Director

Set a Public Hearing concerning the proposed amendments to Article III of Chapter 12 to add a Stormwater Utility Ordinance for Tuesday, November 9, 2021 at 6:00 p.m.

CN6 Colleen Merays, Downtown & Small Business Development Coordinator & Captain Ann Stephens

Town Sponsored Event request for the Town of Apex to host Apex Night Out on Saturday, November 6, 2021 at The Depot Parking Lot, Plaza and Seaboard St.

CN7 Donna B. Hosch, Town Clerk & Tesa Silver, Deputy Town Clerk

Minutes of the October 6, 2021 Special Council Meeting and the October 12, 2021 Regular Council Meeting

- CN8 Michael Deaton, PE, Director
Interlocal Agreement (ILA) with the Town of Cary to provide water service to a single family residence located at 5921 Farmpond Road.
- CN9 Taylor Wray, Cultural Arts Marketing and Events Specialist
Reappoint Tom Colwell as Chair and Bethany Bryant as Vice-Chair on the Apex Public Art Committee.
- CN10 Mary Beth Manville, Human Resources Director
Organization and Workforce Study contract between the Town and Baker Tilly-US, LLC, authorizing the Town Manager to execute the same, and approve corresponding Budget Ordinance Amendment No. 8.

Council Member Stallings requested that Consent Agenda Item 1 be pulled for discussion to New Business 1.

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

Council Member Killingsworth made the motion
to approve with the requested change;
Council Member Mahaffey seconded.
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;
Mayor Pro Tem Dozier seconded.
The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

There were no Public Forum comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business Items for consideration.

NEW BUSINESS

CN1 Marty Stone, Assistant Town Manager

Master Encroachment Agreement with Google Fiber North Carolina, LLC and authorize the Town Manager to execute the same.

Assistant Town Manager Stone explained that the questions posed by Council are standard business practices for Google. Assistant Town Manger Stone stated that Google will send a notification through IDT and the TRC reviews everything to ensure that the town's infrastructure is protected and safe. Staff is being proactive by being involved in the process ensuring utilities are protected. Council asked if Google would use AT&T's existing infrastructure and staff stated that if that occurred a discussion between the two private companies would occur with no town involvement. Council asked if this was the only area Google would be entering and staff stated that the Town is not currently aware of additional plans. Staff stated that the process and encroachment agreement are being utilized as a mechanism to be notified of upcoming projects.

Mayor Gilbert called for a motion.

Council Member Gantt made the motion

to approve the encroachment agreement and authorize the Town Manager to execute the same;

Council member Killingsworth seconded.

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

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Updates on Town operations by Town Manager Catherine Crosby

Town Manager Crosby shared her experiences observing staff at various department throughout the town, thanked staff for their involvement with her visits, and acknowledged the recent Peak Performers. She stated that the grand opening for the Senior Center would occur on Monday, the Depot reopening would occur tomorrow, and that a swearing in ceremony was held for Police Chief Armstrong.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Utilities

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

Mayor Gilbert called for a motion to go into Closed Session.

Council Member Stallings made the motion;

Council Member Gantt seconded.

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

Mayor Gilbert called for a motion to return to Open Session.

Council Member Killingsworth made the motion;

Council Member Stallings seconded.

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

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



| VIRTUAL REGULAR TOWN COUNCIL MEETING

November 09, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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; Terry Mahaffey
Town Manager: Catherine Crosby | 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 Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called for a roll call of Council Members present. In Mayor Gilbert's Invocation, he spoke about "By All Means (BAM) Apex". In this initiative, his wish was to encourage all to do justly, to love mercy, and to walk humbly. Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

CN1 Lauren Staudenmaier, Planner II

Set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ21 Beauregard Place at Weddington. The applicant, AG Wimberly LLC, seeks to rezone approximately 3.30 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 0 Wimberly Road.

CN2 Lauren Staudenmaier, Planner II

Motion to set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ22 Old Ivey Road. The applicant, Ranjeet Agarwala, Estates at White Oak LLC, seeks to rezone approximately 8.82 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 1516 Old Ivey Road and 7620 McQueens Road.

CN3 Sarah Van Every, Senior Planner

Motion to set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ23 Scotts Ridge Office and Veterinary Hospital. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 1.45 acres from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 6633 Apex Barbecue Road.

CN4 Shelly Mayo, Planner II

Motion to set the Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ25 Villages of Apex PUD Amendment. The applicant, Curteis Calhoun with Enclave Holdings, LLC, seeks to rezone approximately 3.62 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Laura Duncan Road.

CN5 Dianne Khin, Director of Planning and Community Development

Motion to adopt a 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 November 23, 2021 on the Question of Annexation - Apex Town Council's intent to annex Mian Lin property containing 1.14 acres located at 5921 Farmpond Road, Annexation #719 into the Town's corporate limits.

CN6 Dianne Khin, Director of Planning and Community Development

Motion to adopt a 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 November 23, 2021 on the Question of Annexation - Apex Town Council's intent to annex Linderman Properties, LLC (Triangle Math & Science) property containing 20.083 acres located at 351 New Hill Olive Chapel Road, Annexation #720 into the Town's corporate limits.

CN7 Jacques K. Gilbert, Mayor

Motion to appoint Reginald Skinner as the new Planning Board Chair, Mark Steele as the new Planning Board Vice Chair, and Steven A. Rhodes as a new Planning Board member, and to reappoint Mark Steele and Tina Sherman to their second terms as Planning Board members.

CN8 Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the Town's Special Event Permit for Apex's Annual Tree Lighting.

CN9 Dennis Brown, Senior Capital Projects Manager

Motion to approve contract with Engineered Construction Company, Raleigh, NC in the amount of \$6,342,500.00 for construction of Public Safety Station #36 on Wimberly Road in Apex and authorize Town Manager to sign same to release start of construction.

CN10 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Sean M. Gutowski and wife Erika K. Gutowski, to install a screen porch that will encroach 55 SF, steps that will encroach 12 SF, and a paver patio that will encroach 8 SF onto the Town's 20' Public Utility Sewer Easement and authorize the Town Manager to execute the same.

CN11 Marty Stone, Assistant Town Manager

Motion to approve an 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' Public Utility Easement and authorize the Town Manager to execute the same.

CN12 Marty Stone, Assistant Town Manager

Motion to approve an 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' Public Utility Easement and authorize the Town Manager to execute the same.

CN13 Marty Stone, Assistant Town Manager

Motion to approve an 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' Public Utility Easement and authorize the Town Manager to execute the same.

CN14 Mayor Jacques K. Gilbert

Motion to adopt a resolution requesting that the Wake County Board of Commissioners appoint Robert Carmac to the Board of Adjustment as an ETJ Representative.

CN15 Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the amended Co-Sponsored Special Event Permit request for Apex Rotary Christmas Parade, Winter Wonderland and mobile vendor with the approved date of Saturday, December 4, 2021.

CN16 Mitch McKinney, Deputy Chief of Police

Motion to formally retire Apex Police Department Canine Rocky from police service and allow him to remain in Ofc. Scott James's stewardship for the remainder of Rocky's life.

CN17 Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 10/03/2021

CN18 Donna Hosch, Town Clerk

Motion to ratify Resolution No. 21-1101-21 of the Apex Town Council to Name a Portion of the Senior Center in honor of Mayor Pro Tem Nicole L. Dozier

CN19 Keith McGee, Fire Chief

Motion to approve a three-year extension with the Fire Department's records management system vendor, EPR Systems USA, Inc. and authorize the Town Manager to sign.

CN20 Laurie Hohe, Town Attorney

Introduction to ordinance amendment to comply with Senate Bill 300.

CN21 Steve Adams, Easement Acquisition Specialist

Motion to approve abandonment of a portion of a public utility easement on PIN 0742-46-6928 Bovestments LLC

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Mahaffey made the motion; Council Member Killingsworth 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 Meeting 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

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Jenna Shouse, Senior Long Range Planner

Amend the Bicycle and Pedestrian System Plan map to remove Proposed Paved Shoulder along Holt Road, add Proposed Side Path along a section of Holt Road, and change the on-road bicycle facility type to Proposed Bike Lanes along Holland Road and Friendship Road.

Staff oriented Council to the amendments, for which it recommended approval.

Responding to Council question about Holt Road, staff spoke about existing conditions on the road. This change will not add a bicycle facility. Staff stated that cyclists were involved in the Plan, and their input was used in its development. Staff talked about the side path option.

Mayor Gilbert declared the Public Hearing open and stated one comment had come in.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the amendments; Council Member Mahaffey seconded the motion.

Council asked staff to clarify his thoughts on the Plan, to which staff stated his thoughts were correct.

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

PH2 Shannon Cox, Long Range Planning Manager

Amendments to the Transportation Plan in the vicinity of New Hill Holleman Road and future Richardson Road.

Staff oriented Council to the amendments, responding to Council about other possible changes. This is not a funding project. Planning staff recommended approval of the amendment as did the Planning Board.

Responding to Council, staff clarified the right of way for both the roadways.

Council spoke about the roadways, a bus stop, and possible issues that may arise in the future.

Mayor Gilbert declared the Public Hearing open, stating that one comment had been received.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the amendments; Council Member Stallings seconded the motion.

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

PH3 Shannon Cox, Long Range Planning Manager

Resolution regarding the Town-initiated proposed renaming of "Lynch Street" within the Town of Apex.

Staff provided the background and process of this matter. A neighborhood meeting was held regarding eight suggested alternate names, and staff explained why those eight names were suggested. The names and votes for each were shown.

Staff recommended adoption of the Resolution for the re-naming - Justice Heights Street. If adopted, a letter would be sent to property owners and tenants informing them of what the next steps would be. We have a person in our housing program who will provide assistance to the residents. The Town will take care of the street signs.

Responding to Council, staff spoke about our helping with the post office piece. We will work with our GIS team to make this process as smooth as possible.

Council expressed concern about tax documents possibly being affected because of the suggested effective date of February 1, 2022.

Council expressed appreciation for staff and its effort on this matter and how well it has all worked out. The Mayor reiterated a story as to how the name Lynch Street affected him growing up in the area. He

expressed appreciation for the effort of staff and thanked everyone on behalf of all the residents living on that street.

Council thanked staff for this community-building effort and expressed her happiness for having a staff person who can help the residents. Council thanked the Mayor specifically on this topic and driving it forward. He spoke about how the post office will work to ensure mail is delivered. He was appreciative of how the process has worked and how this is a model for how it should work.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Resolution to rename the street Justice Heights Street effective February 1, 2022;

Council Member Killingsworth seconded the motion.

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

PH4 Michael Deaton, PE, Director

Amendments to Article III of Chapter 12 of the Town Code of Ordinances creating a Stormwater Utility.

Staff oriented Council to the Amendments, providing several updates. He stated the next steps.

Council expressed concern about the application being as accessible as possible and if this would be a utility for consideration in an emergency situation. Staff stated accessibility would be as easy as possible for all individuals. Legal staff stated we could look into this for an emergency situation.

Council talked about funding and how assistance could be addressed legally. He complimented GIS staff for saving the Town a tremendous amount of money by working on this effort. He asked staff for an overview of the whats and whys of a stormwater program. Staff provided this overview, Council complimenting staff on the exceptional work they do.

Staff provided an explanation of the utility fee assistance.

Mayor Gilbert declared the Public Hearing open.

Staff stated two written comments had been received as well as one voice mail comment, which was played.

Council expressed appreciation to staff for the great work on this matter. Staff responded to why the fee was structured as it was in relation to developers. Staff spoke about the local municipal tax rates, noting that we are below average.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the amendments; Council Member Mahaffey seconded the motion.

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

Council spoke about this was a wonderful project and expressed appreciation to staff for how much work was done on this and how much we saved. She asked if we will be doing offsets in the future, staff stating this was the intention.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no New Business items for consideration.

NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager
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, authorization for the Town Manager to execute loan and compliance project documentation, and approval of corresponding Budget Ordinance Amendment No. 9.

Staff explained what the project involved and the cost, stating that this was a high priority of Council. Staff provided maps and elevations of the proposed property, Broadstone Walk, along with a budget summary and its justification. Qualifying income limits were shown.

The Mayor stated that Council was all in with this project. He asked about the Apex Cares program and how many applicants were in queue who were needing assistance. Staff stated the steps that had been and are being taken and showed how many applicants were in queue. Staff explained the funding for the remainder of the fiscal year, of which there is an excess.

Council stated he is a supporter of DHIS and wanting to see the program successful. He asked if it could be explained why we have this and how our funds will be used. It looks like we might be pushing out County dollars. Council also asked about the impact on our financial situation which he finds disturbing. Council spoke about what he would like to see happen with the County.

Council stated in her working with DHIC, she was glad they are coming back to do more properties in Apex. She spoke about the Town's role in being successful in getting as much money as possible for our residents.

Council stated there needs to be more fairness in matching funds for the counties. His concern was about mobile parks owned by one land owner and his fear of these people being displaced. We should not exhaust funds every year, and he expressed his concern about people being displaced.

Council asked about the timing of the funding request.

Council recommended an alternate proposal to the County for \$500,000 for proportional funding. We need to be careful and consistent so as not to discourage other municipalities away from affordable housing.

Council stated she will make a call to advocate for our community.

Council stated she agreed with Council's alternate \$500,000 proposal and pushing the County for \$1 million, stating that we need for people not to lose their homes. We need to be advocates for our Town; we need to utilize our connections for Apex residents. We support this effort and want to be sure we do it in a fiscally responsible way that will benefit our residents the most.

Council further clarified his proposal to appropriate \$500,000 from the Affordable Housing Fund, leaving a balance of approximately \$350,000. He spoke about the benefits of this and added that the County may not be aware of the debts we needed to go to in order to fund this request.

The Mayor agreed with Council's advocacy for this project and stated he would be making calls as well.

Council thanked staff for this thorough presentation and it being very informative for staff as well as the community.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to amend and approve the amount of Budget Ordinance No. 9 to \$500,000 and to authorize the Town Manager to execute loan documents and compliance project documentation should the County decide to fund the gap; Council Member Dozier seconded the motion.

Council expressed his reasons for not supporting this item because of the route that we're taking.

Council clarified that all Council Members were in support of the project. The concern was about the appropriate match and funding levels. Council was in agreement with this statement.

Council asked about the timeframe on moving on this effort, which was explained. She stated we need to monitor this and be sensitive about how we move forward.

Council Members Mahaffey, Dozier, Killingsworth, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by 4-0 roll call vote.

UPDATES BY TOWN MANAGER

Staff spoke about the following:

- She spoke to the Apex Rotary about updates in the Town and things going forward.
- Congratulations were given to Council Member Dozier for the naming of the Lounge after her at the Senior Center.
- Electric Operations would have a "wire cutting" the following day for their new facility.
- She celebrated Apex Night Out with the police officers.
- The Turkey Trot would be upcoming at the Community Park.
- Town facilities would be closed Thursday for Veterans Day. She asked for everyone to join in the downtown celebration.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public Utilities

Pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

Mayor Gilbert called for a motion to go into Closed Session. Council Member Killingsworth made the motion; Council Member Dozier seconded the motion.

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

Mayor Gilbert called for a motion to go into Closed Session. Council Member Dozier made the motion; Council Member Gantt seconded the motion.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the middle creek greenway for the improvement of the Apex greenway system. Council Member Mahaffey made the motion;

Council Member Killingsworth seconded the motion.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the southwest Peakway segment for the improvement of the Apex street system. Council Member Mahaffey made the motion;
Council Member Stallings seconded the motion.
Council Members Mahaffey, Stallings, Dozier, and Killingsworth voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 roll call vote.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



VIRTUAL REGULAR TOWN COUNCIL MEETING

November 23, 2021 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: Nicole L. Dozier

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

Town Manager: Catherine Crosby | 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 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, and led the pledge of the allegiance.

PRESENTATIONS

PR1 Apex Consolidated Alumni and North Forgotten History Committee

These two groups wish to present their thanks to the Town Council for approval of the Apex Consolidated Schools Historical Marker which will be located at Apex Elementary School

The NC Forgotten History Committee expressed thanks to Council for the approval of the Apex Consolidated Schools Historical Marker. The President of the Apex Consolidated School thanked Council as well for the approval of the marker, and the assistance to help share and maintain the history of the school. The NC Forgotten History Committee expressed a special thanks to Liz Loftin for her assistance through this process. Council expressed appreciation for all the work the committee has accomplished.

PR2 Jacques K. Gilbert, Mayor

Mayor Gilbert to present proclamation for Small Business Saturday 2021.

Mayor Gilbert read the proclamation for Small Business Saturday 2021. Staff stated there are 47 business participating in Small Business Saturday and that residents can find additional information

about Small Business Saturday at apex [Economic Development | Apex, NC - Official Website \(apexnc.org\)](https://www.apexnc.org).

CONSENT AGENDA

- CN1 Jacques K. Gilbert, Mayor
Re-appoint Michael J. Wilson as Board of Adjustment Chair, Lisa Carley as Board of Adjustment Vice-Chair, and Tracy Taylor as Board of Adjustment Alternate 1.
- CN2 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 December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.
- CN3 Russell Dalton, Traffic Engineering Manager
Temporary closure of the on-street angled parking spaces and sidewalk along the parcel frontage of 76 Hunter Street and establishing a signed sidewalk detour route along Grand Central Station, Chessie Station, and Metro Station in effect Monday through Friday between the hours of 7:00 a.m. to 5:30 p.m. for the purpose of staging a crane and vertical building construction activity starting the week of November 22, 2021 and terminating August 1, 2022.
- CN4 Russell Dalton, Traffic Engineering Manager
Ordinance amending Section 20-163 subsection (b), reserving the first eight (8) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:00 p.m when designated by signs indicating said reservation.
- CN5 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 December 14, 2021 on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.
- CN6 Liz Loftin, Senior Planner
Revised Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD in order to provide a revised Attachment A - Legal Description.

- CN7 Marty Stone, PE, Assistant Town Manager
Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc.
- CN8 Tesa Silver, Deputy Town Clerk
Minutes of the October 26, 2021 Regular Council Meeting
- CN9 Russell Dalton, Traffic Engineering Manager
Infrastructure Reimbursement Agreement with the Triad Math and Science Academy Company for installation of sidewalk and curb and gutter along Dropseed Drive for actual costs incurred not to exceed \$50,000.00, authorize Town manager to execute same and approve corresponding Budget Ordinance Amendment 11 and Capital Project Ordinance Amendment 2022-03.
- CN10 Catherine Crosby, Jason Armstrong, Laurie Hohe
Ordinance amendment to multiple town code sections providing that certain violations of the Town Code are punishable as misdemeanors.
- CN11 Colleen Merays, Downtown & Small Business Development Coordinator
Co-sponsored Apex Farmers' Market request to amend their approved schedule and add an additional market day on Saturday, December 18, 2021 in the Depot Parking Lot.
- CN12 Vance Holloman, Finance Director
Resolution accepting American Rescue Plan Act Funds.
- CN13 Vance Holloman, Finance Director
A vendor agreement between the Town and Wake County which will enable eligible Apex utility customers to receive assistance under the Low-Income Water Assistance Program (LIHWAP) and authorize the Finance Director to execute the agreement.
- CN14 Mary Beth Manville, Human Resources Director
Additional Sick Leave Policy for Town employees, effective January 10, 2021.
- CN15 Laurie Hohe, Town Attorney
Ordinance amendment to Sections 6-13 and 13-85 of the Town of Apex Code of Ordinances.
- CN16 Steve Maynard, Purchasing & Contracts Manager
Member Cooperative Bid Agreement for Joint Purchasing of Utility Materials, Supplies, and equipment.
- CN17 Steve Maynard Purchasing & Contracts Manager
Report of award of contract to Wesco Distribution for purchase of single phase pad mount transformers.

CN18 Steve Adams, Real Estate & Public Utilities

Deed of 23% interest in property recently purchased by Town of Cary as part of the Cary Apex Water Treatment Facility and authorize Town Manager to execute any documents related to the transfer.

CN19 Steve Adams, Real Estate & Public Utilities

Town of Cary moving forward with the recombination of the parcel Wake County PIN 0722-58-5884, into the larger parcel Wake County PIN 0722-48-4517 to become part of the Cary Apex Water Treatment Facility and authorize Town Manager to execute all related documents for the recombination plat.

CN20 Keith McGee, Fire Chief

Five-year agreement between the Town of Apex and HAAS Alert to provide automated vehicle safety alerts on fire apparatus that are motionless with warning lights in operation.

CN21 Jacques K. Gilbert, Mayor

Re-appoint Veronika Maynard-Simon and Mary Miskimon and to appoint Steven Mikes and Elizabeth O'Brien to the Tree Citizens Advisory Panel (TreeCAP).

Assistant Manager Purvis stated that the date in Consent Item 14 should read 2022 and not 2021.

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

Mayor Pro Tem Dozier made the motion to approve the consent agenda with the stated change;

Council Member Gantt seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier requested that an item be added to New Business to discuss concerns related to Wake County Main EMS Station.

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

Council Member Killingsworth made the motion to approve the agenda with the requested change to add on as New Business 1;

Council Member Stallings seconded the motion.

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

PUBLIC FORUM

Caroline Pugh expressed concerns about the recent bond passage, and the development and expansion of the Apex Peakway now and in the future.

Jacob Perry asked Council to consider increasing the number of EV Charge Stations in Apex.

Tina Sherman expressed concerns regarding the Wake County Apex Main EMS Station. She stated that the minor site plan had deficiencies regarding buffers, stormwater drainage, lighting, and grading. She also expressed traffic and safety concerns regarding the stub street at Ellerview Drive. Ed and Cindy Sienkiewicz, Elliot Tyson, Herb Curkin, Imran and Mariya Aukhli, Jennifer Tyson, Jim and Margaret Kuhn, Jodi Kleiber, John Sherman, Lovely Jose, Marty Pease, Niyati Doshi, Robyn Pecora, Sebastian Dennison, Thomas Pecora, and Viswanada Bommepalle also expressed these same concerns.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Mian Lin property containing 1.14 acres located at 5921 Farmpond Road, Annexation #719 into the Town's corporate limits.

Staff oriented Council to the site, stated that the request is due to the need for water services, and 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 Dozier made the motion to
approve the annexation;

Council Member Killingsworth seconded the motion.

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

PH2 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Linderman Properties, LLC (Triangle Math & Science Academy) property containing 20.083 acres located at 351 New Hill Olive Chapel Road, Annexation #720 into the Town's corporate limits.

Staff oriented Council to the site and staff is recommending approval. Council questioned if notifications were sent to surrounding residential property owners, and staff explained the current process.

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 Killingworth made the motion to
approve the annexation;

Council Member Gantt seconded the motion.

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

PH3 Lauren Staudenmaier, Planner II

Rezoning Application #21CZ21 Beauregard Place at Weddington. The applicant, AG Wimberly LLC., seeks to rezone approximately 3.30 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 0 Wimberly Road.

Staff oriented Council to the site. The Environmental Advisory Board held a preapplication meeting on July 15, 2021 and provided suggested zoning conditions. The Town received a letter of impact from Wake County Public School System and have anticipated insufficient capacity. The application is consistent with the 2045 Land Use Plan, the Planning Board recommended approval and Planning Staff recommend approval.

John Woodlief with Bass, Nixon, & Kennedy, Inc., representing the applicant, stated that this is a low-density, low impact development and that they are anticipating a total of 5 lots. The development is extending the existing Beauregard Place and will use existing infrastructure. Mr. Woodlief stated that the applicant is proposing to reserve 1.68 acres as RCA, which is roughly 50 % of the overall site. The applicant agreed to conditions proposed by the Environmental Advisory Board related to tree preservation, stormwater mitigation, and pet waste disposal.

Council stated that the Environmental Advisory Board expressed a lot of concern regarding the environmental sensitivity of this site. Council questioned how this development would make the community stronger, and why the area wasn't developed with Weddington. Mr. Woodfield reiterated

that it is a low impact development and stated that the subdivision is a separate subdivision from Weddington.

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

Council Member Mahaffey made the motion to go into Closed Session to consult with the Town Attorney;

Council Member Gantt seconded the motion.

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

Council Member Stallings made the motion to return to Open Session;

Council Member Killingsworth seconded the motion.

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

Mayor Gilbert called for a motion.

Council Member Gantt made the motion to deny the rezoning;

Council Member Mahaffey seconded the motion.

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

PH4 Lauren Staudenmaier, Planner II

Rezoning Application #21CZ22 Old Ivey Road. The applicant, Ranjeet Agarwala, Estates at White Oak LLC., seeks to rezone approximately 8.82 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 1516 Old Ivey Road and 7620 McQueens Road.

Staff oriented Council to the site. The site is consistent with the 2045 Land Use Map, and a neighborhood meeting was held on August 26, 2021. The Environmental Advisory Board held a preapplication meeting on August 18, 2021 and provided suggested zoning condition to the applicant. A letter of impact was received from Wake County Public School System and schools at all grade levels are anticipated to have sufficient capacity for future students.

Jeff Roach with Peak Engineering, representing the applicant, stated that the development will have a maximum of 26 lots. He stated that the applicant agreed to all the proposed zoning conditions.

Council expressed the need to provide solar homes within the development. Staff proposed a zoning condition that at least 2 solar PVC systems be installed within the development, that all solar installation shall be completed or under construction prior to 90% of the building permits being issued and that the lots on which these homes are located on be identified on the master subdivision plat. Mr. Roach stated that the applicant would accept the condition.

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 Mahaffey made the motion to
approve the rezoning with the additional proposed condition;

Council Member Killingsworth seconded the motion.

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

PH5 Sarah Van Every, Senior Planner

Rezoning Application #21CZ23 Scotts Ridge Office and Veterinary Hospital. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 1.45 acres from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 6633 Apex Barbecue Road.

Staff oriented Council to the site. The rezoning request is not consistent with the land use classification, however the uses proposed are compatible with the area and the current uses. The Environmental Advisory Board provided 7 suggested zoning conditions and those conditions have been incorporated by the applicant with the exception of the installation of the solar panels. Installing solar panels may cause problems with the existing tree canopy, and that any possible installation will be evaluated during building and design to preserve as much tree panel as possible. The Planning Board and Planning Staff recommend approval.

Jeff Roach, Peak Engineering, representing the applicant, stated the development would yield a low volume of traffic during peak times for the schools. He stated that the site would most likely be a

veterinary hospital. He also stated that the applicant did not look at solar as an option for the site, the applicant wanted to save as many of the large oak trees located on the property as possible.

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 Mahaffey made the motion to approve the rezoning;

Council Member Stallings seconded the motion.

The motion carried by a 3-2 roll call vote.

Council Members Stallings, Killingsworth, and Mahaffey voted in the affirmative;

Mayor Pro Tem Dozier and Council Member Gantt voted against.

PH6 Shelly Mayo, Planner II

Rezoning Application #21CZ25 Villages of Apex PUD Amendment. The applicant, Curteis Calhoun with Enclave Holdings, LLC, seeks to rezone approximately 3.62 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Laura Duncan Road.

Staff Oriented Council to the site. The amendment to the PUD development is consistent with the 2045 land use map. A neighborhood meeting was held on August 25, 2021. A letter of impact was received from Wake County Public School System anticipating insufficient capacity, however the capacity may be addressed within the next 5 years. The rezoning was previously approved and this is to ensure the rezoning complies with the Downtown Master Plan. The Planning Board recommended approval, however, they recommended that the building be regulated to 4 stories, and that the first floor be regulated to non-residential use only. Planning staff recommended approval.

Council expressed concern about only having 2 years of subsidized housing available, questioned how the 2 years of subsidized housing was established, and staff explained how the number of years was determined.

Curteis Calhoun with Enclave Holdings, provided a brief presentation of the project. Mr. Calhoun addressed concerns on traffic congestion, parking availability and use, lighting, building height, affordability, and school capacity.

After continued discussion about affordable housing the applicant agreed to the recommended zoning conditions: At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Raleigh NC Metropolitan Statistical Area (MSA) Area Median Income as published by the U.S. Department of Housing and Urban Development for at least 4 years. First floor residential will be prohibited along Hunter Street and Laura Duncan Road. The maximum height for mixed use buildings with a combination of residential and non-residential uses shall be 5 stories (65').

Mayor Gilbert declared the Public Hearing opened.

Staff stated that one comment was received from Mark and Sylvia Burleigh and Council received the comment.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion.

Council Member Killingsworth made the motion to approve the rezoning with the recommended changes;

Council Member Gantt seconded the motion.

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

Mayor Pro Tem Dozier and Council Members Gantt, Killingsworth, & Stallings voted in the affirmative; Council Member Mahaffey voted against.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Mayor Pro Tem Nicole Dozier, Stub Extension (Add on)

Wake County Main EMS Station

Mayor Pro Tem Dozier stated a community meeting needed to be held where all the stake holders were present to have a facilitated discussion about the details of the project. She felt that the project should be held until the stakeholders had the opportunity to meet, and then decisions could be

based on that discussion. Mayor Pro Tem Dozier stated that she would like to direct staff to hold a community meeting and for no decisions to be made until after that meeting had taken place. Council agreed with holding the meeting. Town Attorney Hohe requested to go into Closed Session for Council to consult with the Town Attorney.

Council Member Stallings made the motion to
go into Closed Session;

Mayor Pro Tem Dozier seconded the motion.

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

Council Member Killingsworth made the motion to
return to Open Session;

Council Member Stallings seconded the motion.

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

Mayor Pro Tem Dozier made the motion to
direct staff to lead and organize a community meeting
with stakeholders that includes the County, the Town, the most impacted neighbors and
elected officials, and to work with the applicant
so that the meeting is held before minor site approval;

Council Member Killingsworth seconded the motion.

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

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that the Annual Holiday Lights information was posted on the Town's website and social media platforms. The holiday parade will be held on December 4, 2021 starting at 5:00 p.m. in downtown Apex. She wished everyone a Happy Thanksgiving.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public Utilities

Closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

Council Member Stallings made the motion to
go into Closed Session;

Council Member Killingsworth seconded the motion.

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

Council Member Killingsworth made the motion to
return to Open Session;

Council Member Gantt seconded the motion.

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

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



| REGULAR TOWN COUNCIL MEETING

December 14, 2021 at 6:00 PM
Council Chambers - Apex Town Hall, 73 Hunter Street

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; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order and recognized the elected officials in attendance, the Honorable Judge Ashley Dunston and the Honorable Judge James Gates. Mayor Gilbert recognized the tragedy in Kentucky and asked for a moment of silence. Supervisor in the Town's Water Department Pastor Thomas Johnson gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Vance Holloman

Presentation of the Results of the Audit of the Town's Financial Statements for the 2021 Fiscal Year by Ms. April Adams, CPA Partner, Audit Services of Cherry Bekaert LLP.

Staff stated this was the new firm selected to perform the Town's audit. Ms. Adams presented the actions, results, and required communications of the audit. She explained the internal controls, significant audit areas, key highlights, financial results, and summary. Ms. Adams stated this was a clean audit and that staff had done a good job. Responding to Council, she talked about benchmark metrics.

CONSENT AGENDA

CN1 Lauren Staudenmaier, Planner II

Statement of the Town Council for Rezoning Case #21CZ21 Beaugard Place at Weddington, AG Wimberly LLC., petitioner, for the property located at 0 Wimberly Road (PIN 0723249888).

CN2 Lauren Staudenmaier, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ22 Old Ivey Road Residential, Rangeet Agarwala, Estates at White Oak LLC., petitioner, for the properties located at 1516 Old Ivey Road and 7620 McQueens Road (PINs 0722890666 & 0722893526).

CN3 Sarah Van Every, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #21CZ23 Scotts Ridge Office and Veterinary Hospital, Kethamakka & Emmadi Properties, LLC., petitioners, for the properties located at 0 & 6633 Apex Barbecue Road (PINs 0731487012 & 0731475977).

CN4 Shelly Mayo, Planner II

Statement of the Town Council and Ordinance for Rezoning Case #21CZ25 Villages of Apex PUD Amendment. The petitioner is Curteis Calhoun with Enclave Holdings, LLC for the property located at 0 Laura Duncan Road.

CN5 Liz Loftin, Senior Planner

Set Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately .426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

CN6 Shelly Mayo, Planner II

Set the Public Hearing for the January 11, 2022 Town Council meeting regarding 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.

CN7 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the January 11, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN8 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Abhishek Monhanty and spouse Lipsa Sarangi to install a fence that will encroach 35 S.F. onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

CN9 Dennis Brown, Construction Project Manager

Lease with NC SECU for an ATM located in the new Mason Street parking lot adjacent to the Community Center and authorization for the Town Manager to sign the lease.

CN10 Russell Dalton, Traffic Engineering Manager

Temporary closure of Dropsied Drive to through traffic between Amberlight Road and Doe Blossom Lane and establish a signed detour route along Antler View Drive beginning December 28, 2021 and ending October 1, 2022 for the purpose of constructing curb and sidewalk and for activities related to the Triangle Math and Science Academy site construction.

CN11 Donna Hosch, Town Clerk

Apex Tax Report dated November 5, 2021.

CN12 Donna Hosch, Town Clerk

Minutes of November 11, 2021 Regular Council Meeting

CN13 Shawn Purvis, Assistant Town Manager

Set a Public Hearing for Tuesday, January 11, 2022 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget

CN14 Steve Maynard Purchasing & Contracts Manager

Report of award of contract to Wesco Distribution for purchase of lantern light fixture and photocells.

CN15 Joanna Helms, Director

Amendment to the Lease Agreement between Town of Apex and the Apex Chamber of Commerce.

CN16 Mary Beth Manville, Human Resources Director

Revisions to the Town's Position Authorization List, reflecting 3 additional FTEs for the Fire Department.

CN17 Mary Beth Manville, Human Resources Director

Revisions to the Town's Personnel Policies to reflect the same protected classes as covered under the Town's adopted Non-Discrimination Ordinance.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.

Staff oriented Council to the site.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Ordinance; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.

Staff oriented Council to the site.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the Ordinance; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Donna Hosch, Town Clerk

Recognition of retiring Mayor Pro Tem Nicole L. Dozier

Mayor Gilbert called upon those who would like to speak and honor Mayor Pro Tem Nicole Dozier. Fire Chief Keith McGee presented words of thanks, especially as Mayor Pro Tem (MPT) Dozier helped him navigate the legislative process. He spoke about her friendship, dedication to staff, and her many years of service. He presented her with a Chief's coin.

Human Resources Director Mary Beth Manville presented a lovely bouquet of flowers and talked about how it has been a pleasure to work with MPT Dozier. She talked about those initiatives and policies that were led by MPT Dozier in support of staff. She thanked MPT for all she has done to enhance the life and work of staff.

Larry Harris stated his sadness at MPT Dozier's departure, stating those things she has done for the Friendship Community in particular. Her efforts would not go unnoticed. Mr. Harris stated that MPT Dozier could retire from her Council seat but that she could not retire from being so nice.

Tina Sherman expressed her gratefulness for MPT Dozier's service to the Town, to all she has done for Apex citizens and the State, noting that MPT Dozier has been a gift to the community.

Pastor Thomas Johnson prayed a special and moving prayer for MPT Dozier and her family. The Praise Team celebrated MPT Dozier with two selections of song and glory.

Council Members Cheryl Stallings, Brett Gantt, Audra Killingsworth, and Terry Mahaffey presented words of honor and appreciation to MPT Dozier. They expressed their appreciation for her leadership, mentorship, and wanting to do things in the right way. She has been the voice on Council for the community for many years. We are in a better place because of her leadership.

Mayor Gilbert praised MPT Dozier for being an encourager, a leader, a negotiator, a mentor. He spoke about the amazing things which MPT Dozier has done for the employees and the impact she's made on the community. He talked about MPT Dozier's initiatives: Think Apex which will carry on and how

we made history in Apex for MPT Dozier's push for recognition of the Juneteenth holiday. Her most notable initiative was the Senior Center which will provide our seniors with a facility to maintain and improve their health.

Mayor Gilbert then read and presented MPT Dozier with the Order of the Long Leaf Pine from Governor Roy Cooper for the State of North Carolina.

Mayor Gilbert called for MPT Dozier's husband, James Dozier, to come forward. He presented him with an award for being "The Real Mayor Pro Tem" who has stood with his wife through her eight years of service. He also presented him with a gift card to enjoy a night on the town with his family.

Town Clerk Donna Hosch presented MPT Dozier with an engraved crystal vase with yellow roses to express the Town's appreciation for her service. She read the engraving.

MPT Dozier spoke about her beginning this venture, speaking about her learning and growing from each Council Member and staff, what it has meant to be a council member, and what she felt was the right way in which to serve. She spoke about diversity, equity, and inclusion being a part of what we do and how these needs to blended these into policy making. MPT Dozier presented Mayor Gilbert with the remaining funds from her campaign to start a fund for older adults - tagged as SeniorITY (I Thank You) - to help those with transportation issues or programs which need to be paid and which may cause a barrier for some seniors.

MPT Dozier talked about her efforts to help the youth of the community and how Think Apex will be expanded to honor these young people. She spoke about affordable housing and how she wanted to have a Think Apex house working with Habitat. More details on this house would follow. MPT Dozier appreciated the way council cared and honored each other's voices and how much she appreciated each and every council member. She spoke about staff and the efforts done to ensure Apex is a recognized great community. MPT Dozier read a quote from Poet Laureate Gorman. She thanked everyone for the last eight years and expressed how much she thanked God for everyone.

Before being escorted to her seat in the audience by Fire Marshall David Dillon, Mayor Gilbert left the audience with two of MPT Dozier's quotes: "Wait, I'm speaking" and "What are the main takeaways". Mayor Gilbert then had MPT Dozier DROP THE MIC!

UPDATES BY TOWN MANAGER

There were no updates by the Town Manager.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

Mayor Gilbert recessed the Regular Meeting Sine Die.

ORGANIZAITONAL PROCEEDINGS

After a brief recess, Mayor Gilbert reconvened the meeting to begin the organizational proceedings.

Administering of Oaths

Audra Killingsworth, surrounded by her immediate family, was sworn in as a Council Member by the Honorable Judge Ashleigh Parker Dunston. Council Member Killingsworth thanked her family and her supporters, and stated that she was grateful for her family and supporters.

Brett Gantt, surrounded by his immediate family, was sworn in as a Council Member by Mayor Jacques K. Gilbert. Council Member Gantt thanked the voters and stated that it is an honor to be serving on the Town Council. He thanked the staff for all the work they do and stated that he is excited and looking forward to serving four more years to impact Apex in a positive way.

Edward Gray, surrounded by his immediate family, was sworn in as a Council Member by the Honorable James E. Gates. Council Member Gray thanked Kevin Creech, Jackie Jones, those who helped with his campaign, his friend, his parents, and his wife and daughter. He spoke about the importance of giving everyone a voice.

Selection of Mayor Pro Tempore

Mayor Gilbert stated the duties of Mayor Pro Tempore according to Town Ordinances. Mayor Gilbert called for a nomination.

Council Member Stallings nominated and made the motion to appoint Council Member Killingsworth as Mayor Pro Tempore;

Council Member Gray seconded the motion.

The motion carried by a 5-0 vote.

Council Member Killingsworth was sworn in a Mayor Pro Tempore by the Honorable Judge Ashleigh Parker Dunston.

Mayor Pro Tem Killingsworth stated that she is looking forward to experience, is excited to serve in the role, and thanked Council for their support.

Appointment of Standing Committees and Liaisons

Mayor Gilbert made the following appointments:

Committees:

Economic Development-Mayor Gilbert, Chair; Council Member Stallings

Finance-Council Member Mahaffey, Chair; Council Member Gray

Housing Advisory-Mayor Pro Tem Killingsworth

Personnel-Mayor Gilbert, Chair; Mayor Pro Tem Killingsworth

Planning-Council Member Gantt, Chair; Council Member Mahaffey

Liaisons:

Apex Chamber of Commerce-Council Member Mahaffey, Primary; Mayor Gilbert, Alternate

Triangle J Council of Governments-Council Member Gantt, Primary; Council Member Gray, Alternate

Parks and Recreation Advisory Commission-Mayor Gilbert, Primary Council Member Stallings, Alternate

Environmental Advisory Board-Council Member Stallings, Primary Council Member Gantt, Alternate

Executive Board of CAMPO-Mayor Gilbert, Primary; Council Member Mahaffey, Alternate

Apex Downtown Business Association-Mayor Pro Tem Killingsworth, Primary; Council Member Stallings Alternate

A recommendation was provided to disband the Environmental Committee.

Council Member Gantt made the motion to dissolve the Environmental Committee;

Mayor Pro Tem Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Calendar of Town Council Meetings for 2022 and 2023

Mayor Gilbert presented the recommended calendar of meetings for 2022 and 2023.

Mayor Pro Tem Killingsworth made the motion
to adopt the recommend calendars;
Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

ADJOURNMENT

With no further business and no objection from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor