



VIRTUAL REGULAR TOWN COUNCIL MEETING

January 11, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

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

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

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

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

COMMENCEMENT

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

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor

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

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

PR2 Jacques K. Gilbert, Mayor

Recognition of Accomplishment for Apex Cougars Pop Warner Cheer Team.

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

CONSENT AGENDA

CN1 Adam Stephenson, Transportation Engineering Manager

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

CN2 Shelly Mayo, Planner II

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

CN3 Dianne Khin, Director of Planning and Community Development

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

CN4 Marty Stone, Assistant Town Manager

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

CN5 Marty Stone, Assistant Town Manager

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

CN6 Tesa Silver, Deputy Town Clerk

Minutes of the November 23, 2021 Regular Council Meeting.

CN7 Tesa Silver, Deputy Town Clerk

Apex Tax Report dated December 1, 2021.

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

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

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

REGULAR MEETING AGENDA

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

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

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

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

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

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

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

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

Mayor Pro Tem Killingsworth called for a motion.

Council Member Mahaffey made a motion to approve the rezoning;

Council Member Gantt seconded.

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

PH2 Shelly Mayo, Planner II

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

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

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

Mayor Pro Tem Killingsworth seconded.

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

PH3 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

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

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

Mayor Pro Tem Killingsworth called for a motion.

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

Council Member Stallings seconded.

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

Mayor Pro Tem Killingsworth made a motion

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

Council Member Stallings seconded.

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

Council Member Gantt voted against.

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

PH4 Amanda Grogan, Budget & Performance Manager

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

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

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

OLD BUSINESS

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

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

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

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

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

Mayor Pro Tem Killingsworth called for a motion.

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

Council Member Gray seconded.

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

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

Council Member Mahaffey voted against.

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

OB2 Vance Holloman, Finance Director

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

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

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

Mayor Pro Tem Killingsworth called for a motion.

Council Member Gantt made the motion to approve the resolution;

Council Member Stallings seconded.

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

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

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

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Tesa Silver, Deputy Town Clerk

ATTEST:

Audra M. Killingsworth, Mayor Pro Tem



AGENDA | VIRTUAL SPECIAL TOWN COUNCIL MEETING

January 12, 2022 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 Pro Tem Audra M. Killingsworth, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also in attendance were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe. Absent was Mayor Jacques K. Gilbert.

COMMENCEMENT

Mayor Pro Tem Killingsworth called the meeting to order and stated that the purpose of the meeting was to discuss the Wake County EMS Community Meeting and the Ellerview Stub Street Analysis.

WORK SESSION

WS1 Catherine Crosby, Town Manager

Discussion on Wake County EMS Community Meeting and the Ellerview Stub Street Analysis
Staff stated that Council received the presentation provided during the Wake County EMS Community Meeting, a summary from the meeting and the Ellerview Stub Street Analysis, and that staff was present to answer any questions Council may have.

Council asked if stub streets have been problematic in the past. Staff stated that stub streets often cause concerns, but rarely have had to come before Council. Historically when Council has become involved they typically decided to uphold the Unified Development Ordinance (UDO). Council asked how the opening of the stub street would impact traffic in the neighborhood. Staff reviewed the improvements planned for the area and stated the improvements are not anticipated to heavily impact the area.

Council asked who has the authority to interpret the UDO. Staff stated that the Planning and Community Development Director has the authority to interpret the UDO. If the applicant disagrees with the interpretation there is a right to an appeal which is heard by the Board of Adjustment. Staff stated that a written determination was provided in reference to this site and an appeal was not requested.

Staff confirmed that a neighborhood meeting was held, a presentation was given during the neighborhood meeting, and that all questions were answered. Council asked if alternatives were presented to the public. Staff stated alternatives were given (alternatives: build two stub streets with a gap in the middle or have Wake County EMS function without the building of the stub street).

Staff expressed the need to have infrastructure built when a development occurs. When infrastructure is not put into place during development, it rarely occurs, and when it does it happens at a much higher cost. The current plan has funding allocated by Wake County, delaying the infrastructure now, would reallocate funding from other future projects. Staff informed Council that failure to build the stub street could cause utility and construction conflicts,

Council expressed that they understood the comments and concerns of the residents in the community, however in this particular situation, they understand the need to follow the guidelines, standards, and requirements that have been established by the UDO, and expressed the need to ensure connectivity throughout the Town.

ADJOURNMENT

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

Tesa Silver, Deputy Town Clerk

ATTEST:

Audra M. Killingsworth, Mayor Pro Tem



SPECIAL TOWN COUNCIL MEETING

January 24, 2022 at 9:00 AM
Seaboard Board Room - Apex Senior Center, 63 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 Audra M. Killingsworth, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also in attendance were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver (Virtually), and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert welcomed everyone in attendance.

The facilitators for the morning session were Lou O'Boyle, Director of Engagement and Emily Groo, Organizational Development & Learning Consultant from Zelos. Ms. O'Boyle welcomed everyone in attendance and gave an overview of how the morning session would proceed.

For the majority of the morning session, Council and staff collaborated to review the Town's strategic goals and plans, formulated ideas on implementation using an integrated approach, and discussed how implementation and completion may change the way the organization functions.

The facilitator for the afternoon session was Peg Carlson, Director of the School of Government's Center for Public Leadership and Governance. Ms. Carlson welcomed everyone in attendance and gave an overview of how the afternoon session would proceed.

For the majority of the afternoon session, Council and staff participated in a variety of exercises to clarify the roles and relationships of Council and methods on how to strengthen effectiveness within the governing team.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



VIRTUAL REGULAR TOWN COUNCIL MEETING

January 25, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

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

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

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

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

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

COMMENCEMENT

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

PRESENTATIONS

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

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

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

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

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

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

CONSENT AGENDA

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

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

CN9 Mary Beth Manville, Human Resources Director

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

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

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

Council Member Gray seconded the motion.

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

REGULAR MEETING AGENDA

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

Council Member Gantt made the motion to
approve the agenda;

Council Member Stallings seconded the motion.

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

PUBLIC FORUM

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

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Teresa L. Kirkpatrick, Charles K. Lewis & Francis J. Lewis, & Michael D. Clearly & Alison N. Clearly (Alderwood PUD) property containing 9.96 acres located at 8016 Jenks Road, 8000 Jenks Road, & 7912 Jenks Road Annexation #722 into the Town's corporate limits.

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

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

Mayor Gilbert called for a motion.

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

Council Member Gray seconded the motion.

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

PH2 Shelly Mayo, Planner II

Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon

Capital, LLC., seeks to rezone approximately 3.08 acres from Planned Commercial-

Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light

Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

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

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

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

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

Mayor Gilbert called for a motion.

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

Council Member Gray seconded the motion.

The motion carried by a 5-0 roll call vote

PH3 Shelly Mayo, Planner II

Rezoning Application #21CZ28 Retreat at Cedar Crossing PUD Amendment. The applicant,

Toll Southeast LP Company, Inc., seeks to rezone approximately 36.54 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ12) to Planned Unit Development-

Conditional Zoning (PUD-CZ). The proposed rezoning is located at 433 New Hill Olive Chapel

Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350,

1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive;

1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520,

3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.

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

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

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

Mayor Gilbert called for a motion.

Council Member Gantt made the motion to approve the rezoning;

Council Member Gray seconded the motion.

The motion carried by a 5-0 roll call vote

PH4 Shawn Purvis, Assistant Town Manager

The Town of Apex ADA Assessment and Transition Plan.

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

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

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

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

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

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

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

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

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

February 08, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth
Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Deputy Town Clerk: Tesa Silver | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order and welcomed those in attendance. Council Member Stallings led the invocation, and Mayor Gilbert led the pledge.

PRESENTATIONS

PR1 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program as of December 31, 2021.

Staff provided the quarterly updated on the Town's Customer Assistance Program as of December 31, 2021.

PR2 Jacques K. Gilbert, Mayor

Presentation of the Mayor's Substance Misuse Task Force

Mayor Gilbert stated that an update would be given on the Mayor's Substance Misuse Task Force. He introduced Brenda Steen, member of the Mayor's Substance Misuse Task Force. Mrs. Steen explained how she became a part of the Task force, and provided the mission and goals for the task force. Mrs. Steen explained how the task force has implemented, and will continue to maintain their mission, goals, and objectives. Council thanked Mrs. Steen for her presentation, her hard work and efforts, and for sharing her personal story. William Stevenson Jr. and Diane Stevenson, shared how opioids have affected their personal lives. The Stevenson's stated that they are willing to help in anyway that they can to help save lives.

CONSENT AGENDA

- CN1 Amanda Bunce, Current Planning Manager
Set the Public Hearing for the February 22, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- 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 February 22, 2022 on the Question of Annexation - Apex Town Council's intent to annex The William T. Mills Testamentary Trust-David G. Mills, Trustee (Wake County EMS Main) property containing 5.40 acres located at 0 Apex Barbecue Road, Annexation #721 into the Town's corporate limits.
- CN3 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for February 22, 2022 on the Question of Annexation - Apex Town Council's intent to annex Bruce L. Thomas property containing 1.13± acres located at 7700 Humie Olive Road Annexation #725 into the Town's corporate limits.
- CN4 Shelly Mayo, Planner II
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 February 22, 2022 on the Question of Annexation - Apex Town Council's intent to annex Stanley Martin Homes, LLC (Williams Grove) property containing 63.224 acres located at 4525 Green Level West Road, Annexation #724 into the Town's corporate limits.
- CN5 Liz Loftin, Senior Planner
Statement of the Town Council and Ordinance for Rezoning Case #21CZ19, 1016 N. Salem, Courtney Landoll, WithersRavenel, petitioner, for the property located at 1016 N. Salem Street (portion of PIN 0742457443).
- CN6 Shelly Mayo, Planner II
Statement of the Town Council and Ordinance for Rezoning Case #21CZ20 3075 Lufkin Road Self-Storage. Al Goodrich of Wigeon Capital, LLC, petitioner, for the property located at 3075 Lufkin Road.

- CN7 Shelly Mayo, Planner II
Statement of the Town Council and Ordinance for Rezoning Case #21CZ28 Retreat at Cedar Crossing PUD Amendment. Toll Southeast LP Company, Inc., petitioner, for the properties located at: 433 New Hill Olive Chapel Road; 0, 1310, 1311, 1314, 1315, 1318, 1319, 1322, 1323, 1328, 1332, 1336, 1340, 1346, 1350, 1354, 1358, 1362, 1366, 1361, 1357, 1353, 1349, 1345, 1341, 1335, & 1329 Mascoma Drive; 1212, 1220, 1216, 1208, 1204, 1201, 1205, & 1209 Blue Mist Court; 0, 0, 0, 3528, 3524, 3520, 3516, 3512, 3508, 3504, 3525, 3521, 3517, & 3500 Olive Glen Drive; & 0, 0, & 3510 Tuftonboro Lane.
- CN8 Adam Stephenson, Transportation Engineering Manager
Awarded a construction contract upon NCDOT concurrence and authorize the Town Manager to execute same for TM-0026 GoApex Route 1 Bus Stop Improvements
- CN9 Shelly Mayo, Planner II
Set the Public Hearing for the February 22, 2022 Town Council meeting regarding Rezoning Application #21CZ30 Williams Farm PUD Amendment. The applicant, Jessie Hardesty for McAdams Co., seeks to rezone approximately 1.304 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.
- CN10 Samantha Ewens, Building Plans Supervisor and Jenna Shouse, Senior Long Range Planner
Fee schedule for the Electric Vehicle Parking Permit.
- CN11 Marty Stone, PE, Assistant Town Manager
Contract with Power System Engineering, Inc. and authorize town manager to execute the same.
- CN12 Steve Adams, Real Estate & Public Utilities
Resolution authorizing the sale (donation) of 0.031 acres of land as Right-of-Way and 0.075 acres of Temporary Construction Easement to NCDOT to facilitate the construction of a turn lane extension on the east side of Apex Peakway at intersection of Old Raleigh Road, authorize the donation of the land and easements.
- CN13 Tesa Silver, Deputy Town Clerk
Minutes of the January 24, 2022 Special Town Council Meeting and the January 25, 2022 Regular Town Council Meeting.
- CN14 Shawn Purvis, Assistant Town Manager

Town of Apex ADA Transition Plan

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

Council Member Gray made the motion to approve the agenda;

Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

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

Council Member Gantt made the motion to

approve the agenda;

Mayor Pro Tem Killingsworth seconded the motion.

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

PUBLIC FORUM

Kassie Langdon expressed why she felt the site plan for Felton Grove High School should be denied and asked for Council support in denying the plan.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items.

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

There were no New Business items.

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that on February 17, 2022 Mike Wiley would be performing Tired Souls at the Halle Cultural Arts Center. The Town is asking for submissions from women led businesses and women owned businesses to be showcased for Women History Month. The survey for ThinkApex is available to submit nominations for non-profits organizations and youths. Town Manager Crosby stated that residents should be on the lookout for information on their utility bills for an electric survey. The annual flushing of the water system will occur from February 25th through April 13th, during this time the Town will also flush hydrants. The Vision Zero survey is currently open and will remain open until the end of February. Town Manager Crosby recognized Assistant Town Manager Purvis for being named the Assistant Town Managers of the year by the NCCCMA.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public 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.

Mayor Pro Tem Killingsworth 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 return to open session.

Mayor Pro Tem Killingsworth made the motion;

Council Member Stallings 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



TOWN COUNCIL BUDGET RETREAT

February 18, 2022 at 8:30 AM
Electric Facility – 2850 Milano Avenue

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth
Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Deputy Town Clerk: Tesa Silver | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order, and provided opening remarks. Mayor Gilbert turned the meeting over to Peg Carlson, Director for the UNC School of Government's Center for Public Leadership and Governance.

SCHOOL OF GOVERNMENT FACILITATION

During the morning session, Mrs. Carlson facilitated a discussion to clarify roles and relationships between Council, Management, and the Town Attorney, establishing communication channels and decision-making processes, and strengthen the effectiveness as a governing team.

FINANCIAL CONDITION REVIEW

Staff provided Council with a financial condition review that included the results of the General Fund, property taxes, sales tax, the results of the Electric Operating Fund, the results of the Water Sewer Operating Fund, the total debt outstanding, the General Fund Reserves, the Utility Operating Fund Reserve levels, and Other Fund Reserves.

BUDGET PRIORITIZATION SUVERY RESULTS

Staff stated that 411 citizens participated in this year's Budget Prioritization Survey, this was an increase from the previous year's participation level. Staff shared the results from this year's survey.

CAPITAL PROJECT PRIORITIZATIONS RESULTS

Staff provided an overview of the Capital Improvement Plan (CIP). Staff reviewed the purpose of the CIP and its major objectives. Staff provided the General Fund CIP Project Summary and the Utility Fund CIP Project Summary. Council discussed their priorities for projects based on the Capital Project Prioritization Results.

ARPA UPDATES

Staff provided a brief overview of the American Rescue Plan Act (ARPA) that established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Funds. The Town is receiving \$5.2 million from the US Treasury which can be used for any government service, and the Town is receiving \$11.5 million dollars that have to be utilized through contracts within the ARP guidelines. Staff explained how the Town has engaged the community to obtain information on how to use the funds the Town will receive. Staff provided a list of suggested projects and the estimated associated cost for each project.

TOWN MANAGER UPDATES

Town Manager Crosby provided an update on the organizational assessment from Baker Tilly.

CLOSED SESSION

Mayor Gilbert called for a motion to go into closed session for personnel pursuant to NCGS 143.318.11 (a)(6).

Mayor Pro Tem Killingsworth made the motion;

Council Member Gantt seconded.

The motion carried 5-0.

Mayor Gilbert called for a motion to return to Open Session.

Council Member Gray made the motion;

Mayor Pro Tem Killingsworth seconded.

The motion carried 5-0.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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REGULAR TOWN COUNCIL MEETING

February 22, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

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

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

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order, welcomed everyone in attendance, gave an invocation, and led the pledge.

CONSENT AGENDA

- CN1 Tesa Silver, Deputy Town Clerk
Minutes of the February 08, 2022 Regular Town Council Meeting.
- CN2 Tesa Silver, Deputy Town Clerk
Apex Tax Report dated January 1, 2022
- CN3 Sarah Van Every, Senior Planner
Set Public Hearing for the March 8, 2022 Town Council meeting regarding Rezoning Application #21CZ14 Holland Road Mixed Use Assembly PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 28.68 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2236 Old US 1 Hwy; 1001 & 1004, & 1005 Red Cardinal Lane; 3104 & 3116 Holland Road; 7528 Humie Olive Road.

- CN4 Resolution authorizing financing by the Housing Authority of the County of Wake in the form of a multifamily housing revenue bond to the affordable housing project located within the corporate limits of the Town of Apex known as Broadstone Walk.
- CN5 Adam Stephenson, Transportation Engineering Manager
Budget Ordinance Amendment no. 14 related to rehabilitating pavements at Town facilities (Wastewater Treatment Plant, Fire Station 2, and the Depot).
- CN6 Megan Pendell, Sustainability Coordinator
Apex EarthFest site use and parking lot closure.
- CN7 Marty Stone, Assistant Town Manager
Encroachment agreement between the Town and property owner Taylor Morrison of Carolinas, Inc. to install a driveway that will encroach 56 square feet (SF) onto the Town’s Public Drainage Easement and authorize the Town Manager to execute the same.
- CN8 Mary Beth Manville, Human Resources Director
Four part-time benefited positions (3 FTEs) for Parks, Recreation and Cultural Resources, two full-time positions (2 FTEs) for Human Resources, fourteen positions (14 FTEs) for the Fire Department, and associated Budget Ordinance Amendment no. 16.
- CN9 Laurie Hohe, Town Attorney
Ordinance amendment to Section 2-61 of the Code of Ordinances, removing reference to the environmental committee.
- CN10 Shawn Purvis, Assistant Town Manager / Erika Sacco, IT Director
Authorize the Town Manager to execute the Service of Work Agreement with our current consulting partner Panorama for the 311 Citizen Engagement project evaluation and approve corresponding Budget Ordinance Amendment No. 15
- CN11 Shawn Purvis, Assistant Town Manager and Dianne Khin, Planning and Community Development Director
Ordinance Amending Section 13-62 of Chapter 13, Article IV “Transient and Mobile Food Vendors”, of the Town of Apex Code of Ordinances

Mayor Gilbert stated that there was an item that needed to be added to the Consent Agenda, a Resolution authorizing the purchase of certain property investments.

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

Mayor Pro Tem Killingsworth made the motion;

Council Member Mahaffey seconded.

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

PRESENTATIONS

There were no Presentations.

REGULAR MEETING AGENDA

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

Council Member Stallings made the motion;

Council Member Gray seconded.

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

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex The William T. Mills Testamentary Trust-David G. Mills, Trustee [Wake County EMS Main] property containing 5.40 acres located at 0 Apex Barbecue Road, Annexation #721 into the Town's corporate limits.

Staff oriented Council to the site. The minor site plan has been approved and the applicant is seeking annexation to being construction and to gain access to Town water and sewer.

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 annexation;

Council Member Gantt seconded.

The motion carried 5-0.

PH2 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Bruce L. Thomas property containing 1.13± acres located at 7700 Humie Olive Road, Annexation #725 into the Town's corporate limits.

Staff oriented Council to the site. The property single family home and they are seeking annexation to access Town utilities. 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.

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

Council Member Gray seconded.

The motion carried 5-0.

PH3 Shelly Mayo, Planner II

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Stanley Martin Homes (Williams Grove) property containing 63.224 acres located at 4525 Green Level West Road, Annexation #724 into the Town's corporate limits.

AND

PH4 Shelly Mayo, Planner II

Rezoning Application #21CZ30 Williams Farm PUD Amendment and Ordinance. The applicant, Jessie Hardesty for McAdams Co., seeks to rezone approximately 1.304 acres from Wake Co. R-40W 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. The applicant is seeking to add an additional 1.304 acres to the site. By adding the additional acres the applicant will be able to meet a previously set condition to fix a less than favorable road. A neighborhood meeting was held, and Planning Staff and the Planning Board 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 Mahaffey made the motion to approve the rezoning and annexation;

Council Member Gantt seconded;

The motion carried 5-0.

PH5 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented council to the amendments. Planning Staff and the Planning Board recommend approval of the amendments.

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 various amendments;

Council Member Mahaffey seconded.

The motion carried 5-0.

OLD BUSINESS

There were no Old Business Items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business Items for consideration.

NEW BUSINESS

UPDATES BY TOWN MANAGER

Town Manager Crosby stated that Friday at the Halle Cultural Arts Center, a reception would be held to celebrate the Closing of the Black History Month Exhibit by Charlton Cole. On Saturday, February 26, 2022 the Apex Consolidated School Marker will be unveiled. Town Manager Crosby encourage all residents to participate. The Town is still seeking women owned and women led businesses in the Town to showcase for Women's History Month. Nominations are still being accepted for ThinkApex. The Town resident newsletter will kick off in April and when issued monthly. Town Manager Crosby stated that the Town has hired Linda Jones as the Diversity Equity and Inclusion Director, Linda Jones.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



MINUTES - REGULAR TOWN COUNCIL MEETING

MARCH 8, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence. I would like to reflect on something that affects our entire community, nation and world. As we reflect on recent events and the crisis in the Ukraine, let us amplify our message of unity showing respect, love and prayers for Ukrainians impacted, even here in our community, and showing we stand in solidarity with them. At this time to show our support, please join in a moment of silence.”

The mayor asked that all attending join him in the Pledge of Allegiance. He also asked that members of the audience wishing to speak to please use the signup sheet in the front of the room.

Town Council and Administration:

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

CONSENT AGENDA

Items CN5 and CN9 were removed from the consent agenda. A motion was made to approve the revised consent agenda. (Motion: Mayor Pro Tem Killingsworth, second: Council Member Gant) Approved 5-0).

Item CN1 Approval for one “Police Officer” badge, one handgun, and one motorcycle helmet be declared “surplus,” that the price for such handgun and helmet be set at \$1.00 (One Dollar), and the badge, handgun, and helmet be awarded to Retiring Police Officer Darrell L. Roberson

Item CN2 Approval of the Minutes of the February 18, 2022 Budget Retreat Meeting and the February 22, 2022 Regular Town Council Meeting as presented.

Item CN3 Approval of the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of February 22, 2022.

Amendments approved on February 22, 2022, were:

1. The amendment to UDO Secs. 4.2.2 Use Table and 4.4.2 Supplemental Standards, Public and Civic Uses require a neighborhood meeting to be held prior to the submittal of any Minor or Major Site Plan for the use “School, public or private” to allow nearby owners and residents a chance to review the proposed plan and offer comments to the applicant prior to submittal.

2. The amendment to UDO Sec. 2.1.9 Apex Environmental Advisory Board removes a reference to the Environmental Committee of Town Council which was dissolved in December 2021.

3. The amendment to UDO Sec. 4.3.5 Use Classifications, Commercial Uses expands the definition of glass sales to allow for a wholesale business option in addition to retail sales.

4. The amendment to UDO Sec. 8.2.8.B.1 Screening Methods, Dumpsters allows wood as a material for the gates of dumpster enclosures associated with Wake County Landmark or other historic structures so that the material may be consistent with the historic nature of the property.

5. The amendments to UDO Sec. 8.2.6.C.4 General Buffering Requirements, No Development Within the Required Buffer corrects a typographical error to a section reference and require buffers along Fully- and Limited-Controlled Access Highways that contain a public utility easement to have a minimum 20-foot-wide planting area consistent with the requirement for Thoroughfare and Street front buffers.

Item CN4 Approval to Set a Public Hearing for March 22, 2022 Town Council meeting.

Rezoning Application #21CZ32

From Rural Residential (RR) to Planned Unit Development- Conditional Zoning (PUD-CZ)

Name of Development: Chapel Ridge Towns PUD.

Applicant: Toll Brothers, Inc

Location: 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way (approximately 21.60 acres) PINs 0732333570, 0732337537, 07323470080, 0732345135, 0732430661 and Barnside Lane right-of-way

Item CN5 Removed from the Consent Agenda

Item CN6 Approval of Resolution Number 2022-0308-3 to Abandon certain portions of existing greenway easements, located in Sweetwater Subdivision upon dedication of new greenway easements also located in Sweetwater Subdivision.

- Item CN7** Approval of an encroachment agreement between the Town and property owners Christopher Adkins and spouse Christina Adkins to install a private driveway that will encroach 575 square (SF) onto the Town's Public Utility Easement and authorize the Town Manager to execute the same. The location of the Public Utility Easement is on a residential lot know as 1861 Blue Jay Point (also known as Wake County Pin # 0721-34-8491, Book of Maps 2016, Page 00542).
- Item CN8** Approval and authorization for the Town Manager to execute Contract Amendment #3 for GMP 4 with Construction Manager at Risk, J M Thompson, in the amount of \$4,234,090.53 for the new Pleasant Park Project and approve corresponding Capital Project Ordinance Amendment No. 2022-03.
- Item CN9** Removed from the Consent Agenda

PRESENTATIONS

- PR1** Mayor Gilbert and members of the Council read a Proclamation declaring March 18, 2022 Arbor Day in the Town of Apex. The Town Council and members of the Tree Citizen Advisory Panel will commemorate Arbor Day by planting seven trees at Hunter Street Park on March 18, 2022. The seven trees represent the seven years Apex has been designated as a Tree City USA.
- PR2** Mayor Gilbert and members of the Council read a Proclamation declaring March 2022 as Women's History Month. The Mayor called upon all citizens to celebrate the numerous contributions women have made to our community, state, nation and the world.

REGULAR MEETING AGENDA

PUBLIC FORUM

There were no requests to speak on this item.

PUBLIC HEARINGS

- Item PH1** Rezoning Request #21CZ14 Public Hearing and Possible Action
From Rural Residential (RR) to Planned Unit Development- Conditional Zoning (PUD-CZ)
Name of Development: Holland Road Mixed Use Assembly PUD
Applicant: Gebo Ray, LG Investments Inc.
Location: 7528 Humie Olive Road, 2236 Old US 1 Highway, 1001, 1004, 1005 Red Cardinal Lane, 3104, 3116 Holland Road (approximately 28.68 acres) PINs 0720992587, 0720998487, 070095707, 0731001087, 0791003359, 0731004075, 0730091779)

Staff member, Amanda Bunce, gave a briefing to the Council. Information regarding surrounding land uses (largely residential) and existing use of the site (two residential structures, out buildings and the remainder wooded). The staff reviewed the existing 2045 land use designations for the site. Permitted uses within the proposed development were reviewed. The proposed design controls were also reviewed, including maximum density, height, setbacks, buffers built upon area and Resource Conservation Area (RCA). She noted that the developer has requested a reduction in the RCA to 25% for the entire site.

2045 LAND USE MAP:

The 2045 Land Use Map designates the subject properties as Medium Density Residential, Medium/High Density Residential, and Commercial Services. The proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) is generally consistent with those Land Use Map designations. The proposed rezoning includes a mix of residential uses and commercial uses. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to remove the Medium/High Density Residential area, expand the Medium Density Residential area and reduce the Commercial Services area per NCGS 160D-605(a).

Reviews and coordination

Wake County Public School (WCPSS) coordination: WCPSS indicates there is insufficient capacity for elementary, middle school and high school students within the current assignment area. Further, they indicated that transportation would be required. They did indicate that School expansion or construction within the next five years would address concerns at the elementary and high school levels.

Public Facilities: The project's construction will consist of the extension of public facilities to serve the site. All public facilities and infrastructure shall comply with the Town of Apex Sewer and Water Master Plans and the Town of Apex Standards and Specifications.

Stormwater Management: The development shall meet all stormwater management requirements for quality and quantity treatment per Section 6.1.7 of the Uniform Development Ordinance.

Affordable Housing: The applicant met with Senior Planner Sarah Van Every and Housing Program Manager Christopher "C.J." Valenzuela to discuss possible options to contribute to affordable housing and has proposed the following:

At least two (2) residential restricted median-income affordable housing townhome ownership units (Affordable Housing Units) shall be constructed on-site and sold at a mutually agreeable maximum affordable housing median-income ownership initial sales price (includes unit price and lot price) that is calculated based upon the one-hundred percent (100%) of the Raleigh, NC Metropolitan Statistical Area (MSA) Area Median Income (AMI) as published by the U.S. Department of Housing and Urban Development (HUD).

Apex Transportation Plan/Access and Circulation: Based on the recommendation of the Transportation (TIA and approval by Town Staff and the NCDOT, the final transportation improvement zoning conditions shall be provided:

1. Developer shall widen Holland Road along the project frontage as development occurs based on a minimum 41-foot curb and gutter roadway section with 5-foot sidewalk and

- dedication based on a minimum 80-foot right-of-way.
2. Developer shall propose a maximum of two (2) access points to Holland Road. A full-movement access shall be located approximately 950 feet north of Old US 1. A right-in/right-out access shall be located approximately 350 feet north of Old US 1 with right-turn channelization designed according to Apex and NCDOT standards.
 3. Developer shall provide additional frontage widening along Holland Road to extend the exclusive southbound right turn lane at Old US 1 to the right-in/right-out access when that right-in/right-out access is constructed for an approximate total length of 350 feet.
 4. Developer shall propose a maximum of one (1) access point to Old US 1. The right-in/right-out access point shall be proposed approximately 275 feet west of Holland Road and restricted by installation of a concrete median along the center of Old US 1, based on NCDOT standards.
 5. Developer shall widen Old US 1 at the time the access point is constructed by adding a second westbound through-lane starting at Holland Road and terminating at the westbound right-turn lane at Humie Olive Road, and a 6-foot paved shoulder for a future bike lane, with a 5-foot sidewalk, and dedication based on a minimum 110-foot right-of-way.
 6. Developer shall widen Humie Olive Road along the project frontage as development occurs based on a minimum 41-foot curb and gutter roadway section with 10-foot side path and dedication based on a minimum 80-foot right-of-way.
 7. Developer shall propose a maximum of one (1) access point to Humie Olive Road. The full-movement access point shall be proposed approximately 600 feet west of Old US 1 Highway and Developer shall provide additional widening to construct a westbound right turn lane with 75 feet of storage and an eastbound left-turn lane with 175 feet of storage, plus applicable full-width deceleration and taper length.
 8. Developer shall provide separate left- and right-turn lanes exiting the access point with 150 feet of internal protected storage, measured from the edge of Humie Olive Road to the first crossing internal access.
 9. Developer shall extend the eastbound left-turn lane on Old US 1 at Humie Olive Road to provide a minimum of 225 feet of storage plus applicable full-width deceleration and taper length prior to the first certificate of occupancy in the commercial phase.
 10. Developer shall extend the northbound left-turn lane on Friendship Road at Old US 1 to provide a minimum of 150 feet of storage plus applicable full-width deceleration and taper length prior to the first certificate of occupancy in the commercial phase.

Environmental Advisory Board: Met on April 15, 2021 and the following conditions were discussed:

The Apex Environmental Advisory Board (EAB) held a pre-application meeting for this rezoning on April 15, 2021. The zoning conditions suggested by the EAB are listed below along with the applicant's response to each condition.

EAB Suggested Condition	Applicant's Response
Increase design storm for retention basins in flood-prone areas. Option 2: Increase design storm pre- and post-attenuation requirement to the 25-year storm.	Added

Install signage near environmental sensitive areas in order to: Reduce pet waste near SCM drainage areas; and Eliminate fertilizer near SCM drainage areas.	Added
Increase biodiversity: Plant pollinator-friendly flora Plant native flora (Refer to the Apex Design & Development Manual for approved native species).	Added
Improve soil quality to be amenable for a variety of native and non-invasive plantings	Added condition for native plantings
Install pet waste stations in neighborhoods	Added
Include solar conduit in building design	Added
Install timers or light sensors or smart lighting technology for exterior lighting.	Added
Include International Dark Sky Association compliance standards. Outdoor lighting shall be shielded in a way that focuses lighting to the ground. Lighting that minimizes the emission of blue light to reduce glare shall be used.	Added
Incorporate natural lighting techniques into building design whether residential or non-residential.	Added
Maintain connections between RCAs to preserve habitat if possible.	Added
Move play area to residential side (north side) for better accessibility of open green space.	Added

Parks, Recreation, and Cultural Resources Advisory Commission: The Commission made a unanimous recommendation for a fee-in-lieu of dedication with a credit for construction of a greenway trail if an opportunity is identified at the time of the Master Subdivision Plan review and approval. The recommendation is based on the 2022 rates and proposed maximum lot county provided:

Single-family detached Units:	$\$3,753.89 \times 10 = \$37,538.90$
Single-family attached Units:	$\$2,528.25 \times 100 = \$252,825.00$
Total residential fee in lieu per current unit count:	$\$290,363.90$

Staff note: The fee-in-lieu rate is based on the date of the PUD approval, not on the date of the Commission's recommendation.

MEETINGS

A neighborhood meeting was held on April 27, 2021. After meeting with the neighborhood, the developer agreed to install 30-foot type E buffers along the roadways and along Holland Road in the residential areas and would increase to a type B buffer. Along the western boundary a 10-foot type B buffer is proposed and continues as the property line turns west to Humie Olive Road. The applicant agreed to place a 20-foot type A or type B buffer or a 30-foot type A buffer at different

locations along the northern boundary. All buffers the applicant agreed to exceed the requirements of the USO.

RECOMMENDATIONS:

Planning and Community Development Department: Recommends approval with the additional conditions offered by the applicant. The additional conditions include:

1. To increase the width of the Thoroughfare Buffers the two roads
2. To conduct a signal warrant analysis, and install a traffic signal if warranted
3. To provide two homes at 100% of the Wake County AMI.

Planning Board Recommendation: Recommends approval with the additional conditions offered by the applicant. A public hearing was held by the Planning Board on February 14, 2022.

The additional conditions include:

1. To increase the width of the Thoroughfare Buffers along two roads.
2. To conduct a signal warrant analysis, and install a traffic signal if warranted
3. To provide two homes at 100% of the Wake County AMI.

ANALYSIS STATEMENT OF THE REASONABLENESS OF THE PROPOSED REZONING:

This Statement will address consistency with the Town’s comprehensive and other applicable plans, reasonableness, and effect on public interest:

The 2045 Land Use Map designates the site as Medium Density Residential, Medium/High Density Residential, and Commercial Services. The proposed PUD is generally consistent with that land use classification. The proposed rezoning includes a mix of residential uses and commercial uses. If the properties are rezoned as proposed, the 2045 LUM will automatically be amended to remove the Medium/High Density Residential area, expand the Medium Density Residential area, and reduce the Commercial Services area per NCGS 160D-605(a).

Approval of the rezoning is reasonable and in the public interest because the petition provides a transition between housing types and lower and higher residential densities, provides for a mix of neighborhood-level non-residential uses to develop along the three thoroughfares that will serve existing development, provides two units of median-income affordable housing, and provides pedestrian accommodations.

PUBLIC HEARING

The Mayor declared the Public Hearing opened and asked for comments. Public comment received via email had been distributed to Council members. Several speakers had prepared handouts illustrating their issues. The following individuals asked to address the Council:

Jeff Roach 1125 Peakway

Jodi Clarke	2219 Vasari Drive
Nidaa Hossenlopp	2212 Vasari Drive
Melissa McGurk	2216 Vasari Drive
Kerry Joyce	2140 Vecchio Lane
Kenton Kaplan	2208 Vasari Drive
Rynal Stephenson	Farrington Place, Raleigh

There were questions about the housing set aside. Mr. Valenzuela reviewed the agreement and explained how the formula for establishing the cost of units was calculated. In response to a question whether 2 units was a “big deal”, he compared the cost benefits of the requirements versus the two units. He also referred to NCGS 157-3 relating to requirements where actual funds are contributed by the Town, which is not the case with this development. He also explained how the Town would assist in the provision of a list of qualified buyers.

There were questions about the offset intersection at the corner of this development, the configuration of streets within the development, and the improvements that will be made to adjacent roads. There was concern expressed that there was no plan for the land created between this development and the new Holland Road alignment. There were also concerns expressed about the proximity of the school and the traffic generated at certain times of the day. Mr. Dalton addressed many of these questions. The developer indicated he has asked for a mini round about at the south end of Vasari Drive to be included in the design.

Concerns were expressed about commercial traffic and new residents using Vasari Drive. A citizen reminded the developer that he had committed to a two-car garage and additional two car parking for each housing unit.

Concern was expressed that a homeowner’s association, in charge of storm water improvement maintenance, might hire an unqualified company. Further, that as residents of Vasari Drive, they have no influence on the Home Owner’s association maintenance. There was discussion about the possible use of Bioretention cells, wet pond with fencing or wetlands with mosquito control. Ms. Bolin explained the requirements for storm water structures, the required quarterly inspections and maintenance of them. She also explained the enforcement tools available to the Town.

There was discussion of increasing the height of the berms adjacent to Bella Casa to 5 feet. The developer explained that for each foot in rise there must be an increase in the width of the base. There is not enough room for an increase in the base. He expressed his belief that the density of plantings would resolve the issue.

A comparison was made between the Humie Olive Development Concept based on the Apex 2045 plan and the proposed development. The older plan incorporated the realignment of Holland Road, lower density residential development and smaller commercial area. The Council was asked to reduce the density of the development by incorporating more single-family homes and decreasing the number of town homes.

The developer discussed the request for reduction in the RCA. He explained there were no streams, no valuable vegetation and the northern part of the site had been previously cleared. He said they have purchased a second piece of land and will use it as offsite RCA. He said the conservation quality would be much better on the offsite parcel.

The developer was asked to delete daycare and nursing homes from his permitted uses. He agreed that a full-time daily daycare not be allowed, but a drop in (short term) day care be allowed. He agreed to drop the nursing care.

The developer was commended for continuing to work with the neighborhood and staff throughout the process.

There being no further comment, the public hearing was closed.

A motion was made to approve Rezoning Application # 21CZ14 Holland Road Mixed Use Assembly PUD as amended and agreed to by the applicant:

1. A signal warrant analysis for the intersection of Holland Road and Old US 1HWY shall be performed by the developer prior to the platting of the 100th lot within the development and developer shall install a traffic signal if permitted by NCDOT at that time. If a traffic signal is not permitted by NCDOT at that time then the developer shall pay a fee in lieu for the anticipated signal design and construction costs based upon an engineer's estimate for the same, excluding any potential right-of-way acquisition costs.
2. the developer shall construct and install a sidewalk from the westernmost edge of the property's Humie Olive Road frontage to Friendship Village. In the event there is not sufficient right-of-way for the sidewalk, then the developer shall pay a fee-in-lieu for such construction
3. To demonstrate the project's commitment to preserving and re-establishing tree canopy in our region, the developer seeks to replant and restore existing tree canopy that is removed from those portions of the property that are anticipated to contain single family and townhome lots. Prior to recording the first subdivision plat for the property, the developer will provide a donation of \$5,500 to a local non-profit organization with a mission towards tree preservation and replacement.
4. Every residential dwelling shall have a minimum two car garage.
5. Remove nursing home/convalescent use

and finds the PUD-CZ designation demonstrates compliance with the standards Section 2.3.3.F. (Motion: Mayor Pro Tem Killingsworth / Second: Councilmember Gray/ Vote: 5-0)

REGULAR MEETING AGENDA – TO BE CONTINUED AFTER CLOSED SESSION.

OLD BUSINESS

No old business was brought before the Council.

UNFINISHED BUSINESS

No unfinished business was brought before the Council.

NEW BUSINESS

No new business was brought before the Town Council.

UPDATES BY TOWN MANAGER

The Town Manager introduced the new Diversity, Equity and Inclusion Director, Linda Jones. She was welcomed by Council.

Ms. Crosby stated that Apex Day is April 30, 2022. She said there was lots of opportunities to volunteer in the community on that day. Anyone wishing to volunteer can sign up on the Town website.

She also said the video of the State of the Town presentation by the Mayor will be available March 10, 2022 after he presents the address to the Chamber of Commerce. It will be on the Town's website.

She also said we have received information about the Wake County Property Tax Relief for 65+ and veterans. In order to spread the word, residents will be able to see the information on our website and information will be included with the April utility bills.

She said a virtual question and answer session regarding the Downtown Festival District will be held on March 22, 2022. Amanda Bunce will be primary contact on that. More information will be forthcoming.

She asked Mr. Purvis to brief the Council on a grant opportunity to participate with the NCDOT and the Virginia DOT to purchase railroad right-of-way to develop potential inner city and commuter rail including Apex. This is a very large transportation grant. They will be looking for a commitment from Apex for \$30,000. The project has been worked on for several years.

The Town Manager introduced the Interim Town Clerk, Julie Reid.

Ms. Crosby then discussed the first Art Reception held in the lobby of Town Hall just this evening. She said that Lisa Raschke has been working with area schools to highlight art exhibits.

Friday, we held one of the final steps for the Strategic Planning process which will be included in the budget. Sixteen staff members from across the organization met with Zealous to operationalize the priorities set by Council. We are really eager to share that with you.

CLOSED SESSION

A motion was made to enter a closed session. (Motion: Council member Gant /Second: Councilmember Stalling/ Vote: 5-0)

CS1 Steve Adams, Real Estate & Public 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.

CS2 Joanna Helms, Economic Development Director

Possible motion to go into Closed Session pursuant to NCGS 143-318.11(a)(4) to discuss matters related to the location or expansion of business in the area.

REGULAR MEETING AGENDA –CONTINUED AFTER CLOSED SESSION.

Items 5 and 9 had been removed from the Consent Agenda.

Item CN5 Submitted by Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the March 22, 2022 Town Council meeting regarding Rezoning Application #22CZ02 Project Real and Ordinance. The applicant, Maggie Houston, Beacon Development, seeks to rezone approximately 132.11 acres from R1 (Chatham County) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751.

AND

Item CN9 Amanda Bunce, Current Planning Manager

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 22, 2022, on the Question of Annexation – Apex Town Council’s intent to annex Peggy G. Gray property containing 35.22 acres and Reginald and William Mills property containing 96.88 acres located off NC Hwy 751, Annexation #726 into the Town’s corporate limits

There being no public comment, a motion was made to set a public hearing for March 22, 2022 regarding Rezoning Application #22CZ02 Project Real and 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 22, 2022, on the Question of Annexation – Apex Town Council’s intent to annex Peggy G. Gray property containing 35.22 acres and Reginald and William Mills property containing 96.88 acres located off NC Hwy 751, Annexation #726 into the Town’s corporate limits. (Motion: Mayor Pro Tem Killingsworth / Second: Councilmember Gant/ Vote: 5-0)

Item CS1 A motion was made to approve a resolution authorizing eminent domain proceedings related to Beaver Creek Commons Drive and Zeno Road Traffic Signal Project for the improvement of the Apex street system. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Gray /Vote: 5-0)

WORK SESSION

There was no work session.

ADJOURNMENT

With no further business and no objections for the Council, Mayor Gilbert adjourned the meeting.

Julie A. Reid, Interim Town Clerk

ATTEST:
Jacques K. Gilbert, Mayor



MINUTES - REGULAR TOWN COUNCIL MEETING

MARCH 22, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence.” He expressed a desire for peace at this chaotic time.

The mayor asked Councilman Gray to lead those attending in the Pledge of Allegiance. Council member Gray asked the audience to join in reaffirming our commitment to freedom in America. Mayor Gilbert also asked that members of the audience wishing to speak to please use the signup sheets in the front of the room.

Town Council and Administration:

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

CONSENT AGENDA

A motion was made to remove Item CN1 from the consent agenda. A motion was made to approve the amended consent agenda. (Motion: Mayor Pro Tem Killingsworth\Second: Council Member Stallings, Vote: Approved 5-0).

- CN1 Removed**
- CN2 Approval of the Apex Tax Report dated February 5, 2022**
- CN3 Approval of a donation of public art from CAPS-Citizen for Apex Parks and approval of placement at its current location.**
- CN4 Approval to appoint Jennifer Arey and Kimberly Brugh to the Bee City Committee**
- CN5 Approved and authorized the Town Manager to execute a Funding Agreement between the Town of Apex and Wake County for the Apex West Greenway, subject to terms and conditions**

acceptable to the Town Attorney; and approve and authorize the Town Manager to execute a Maintenance Agreement between the Town of Apex and Wake County for the Apex West Greenway, subject to terms and conditions acceptable to the Town Attorney.

- CN6** Approved and authorized the Town Manager to execute a Funding Agreement between the Town of Apex and Wake County for the Middle Creek Greenway (PHI and PHII), subject to terms and conditions acceptable to the Town Attorney.
- CN7** Approved the Statement of the Town Council and Ordinance for Rezoning Case #21CZ14 Holland Road Mixed Use Assembly PUD, Geno Ray, LG Investments Inc., petitioner, for the properties located at 7528 Humie Olive Rd; 2236 Old US 1 Hwy, 1001, 1004, 1005 Red Cardinal Lane 3104; & 3116 Holland Rd (PINs 0720992587, 0720998487, 0730095707, 0731001087, 0731003359, 0731004075, 0730091779).
- CN8** Awarded a sewer rehabilitation contract to Tri-State Utilities, LLC, and authorized the Town Manager to execute the contract on behalf of the Town.
- CN9** Approves amendments to the Apex/Western Wake Crisis Ministry, Inc. Agreement for Utility Customer Assistance Program Administration Services, Exhibit A – Apex Customer Assistance Program Guidelines and delegated authority to the Town Manager to sign this amendment. (Two additional handouts explaining AMI for qualifying potential buyers)
- CN10** Approved the extension of the Emergency Sick Leave and Quarantine Leave provisions of the COVID-19 Vaccine Incentive Policy for Town employees, until such time as deemed appropriate by the Town Manager.

PRESENTATIONS

- PR1** Julie Coco, PE, North Carolina Department of Environment Quality, gave a brief overview of the Sedimentation and Erosion Control Program. She explained that erosion and the resulting sedimentation is the largest threat to the quality of water supplies in the State. She explained that the State established the program, determined the goals and objectives of the program and established the rules and regulations to meet those goals and objectives. The local governments have implemented the program. The local governments are audited for compliance with the regulations. The State seeks to recognize outstanding local programs. The Apex Erosion and Sedimentation is being recognized for its excellence for Small Programs for 2021. They are recognized for their excellence in education and training, meticulous site inspections, effective pre-construction conferences with developers, enforcement and outstanding outreach program with a website featuring checklists, flowcharts and easily understood requirements for compliance. The group has also given presentations to public groups and to the schools. The group meets and coordinates with other municipalities in the area to improve their response to issues. This joint effort is recognized as setting the standard for the rest of the State. The State has been impressed that with a staff of only three and recently with the addition of a fourth, monitors 90 active sites and just under 2000 acres. She recognized James Misciagno, Anthony Scott, Jimmy McClure and Rachel Gamble as responsible for the excellence of the program in Apex and awarded the Town of Apex Erosion and Sedimentation program the Award of Excellence for Small Programs for 2021. The staff was recognized by the Town Council for their work in the community.

REGULAR MEETING AGENDA

PUBLIC FORUM

Mayor Gilbert called for members of the public that wished to address the Town Council. Mr. Jeff Hastings wished to thank the Town and specifically the fire fighters that saved his livestock and limited the spread of a fire that destroyed his home. He said he appreciates the money spent on Public Safety in the Town of Apex. He also asked for an update on the Tunstall house on behalf of the Historical Society.

PUBLIC HEARINGS

PH1 Rezoning Request #21CZ32 Public Hearing and Possible Action

From Rural Residential (RR) to Planned Unit Development- Conditional Zoning (PUD-CZ)

Name of Development: Chapel Ridge Townhome PUD

Applicant: Toll Brothers, Inc.

Location: 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way (21.5 acres).

PINs

Staff member, Amanda Bunce, gave a briefing to the Council. Information regarding surrounding land uses (large lot residential) and existing use of the site (large lot residential) with office type development across the street. The staff reviewed the existing 2045 land use designations for the site. Permitted uses within the proposed development were reviewed. The proposed design controls were also reviewed, including maximum density, height, setbacks, buffers built upon area and Resource Conservation Area (RCA). Additional 20-foot type B buffer and fencing is proposed along Chapel Ridge Road. Parks and Recreation unanimous recommends a fee in-lieu of land dedication. Staff indicated that it did not recommend the earlier proposal due to the impact on the neighborhood and the likelihood that additional development would closely follow.

The developer noted the project had been substantially revised. The proposed use will be age restricted housing, reducing the impact of the school system. The units will be single family detached houses and two-story town homes that will blend better with the existing neighborhood. He also indicated that two housing unit will be dedicated to affordable housing using the AMI formula. It also will reduce traffic in peak times. He discussed the possible use of the play area teamed with adult programming combining these efforts for both of their senior developments.

Mayor Gilbert invited the public to address the Town Council. They expressed their disappointment that several of their neighbors had consolidated their land and offered it for sale. They expressed that this has been a very stable neighborhood with a country like setting employing large lots.

There was discussion of a cross walk across Chapel Ridge Road to connect the neighborhood with the commercial area. The Town's traffic engineer said that the grades in the areas make it difficult to provide a crossing for walking traffic. The developer agreed to explore the possibility of the

crosswalk, but was unable to agree to construction as a condition because it may not be feasible to build. He understands that a crosswalk would still need both Town and NCDOT approval.

There was discussion of ramps or other accessibility issues. The developer stated grading around the project and movement both in and outside the units take into consideration the mobility of the residents. There was a question relating to the timing of the development and whether the entire neighborhood should be re-developed at one time. The representative said that the land owners should be able to develop consistent with the Town's adopted plans.

The general consensus was that senior housing is needed.

A motion was made to approve the rezoning with the agreed upon conditions. (Motion: Mayor Pro Tem Killingsworth, Second: Council Member Stallings, Vote: 4-1 with Council Member Gant casting the dissenting vote, citing the continuity of the neighborhood.

- PH2** Mr. Shawn Purvis, Assistant City Manager presented the request for providing an economic development incentive for "Project Real" in accordance with the Town's policy (Development Investment Grant). This is a request for the standard incentive policy of nine percent grant back for three years for a distribution center. There will be job creation of approximately 200 positions with slightly higher than average salary threshold. This took into consideration that the project is located in Chatham County and averaged the salaries with Wake County. There will be an investment of 25.5 million dollars. The project meets the criteria for the award of the incentive. The award is dependent on the actual construction and implementation of the project. The mayor asked for any public comment. Hearing none he closed the public hearing.

A motion was made to approve the incentive for the Real Project. (Motion: Mayor Pro Tem Killingsworth, Second: Council Member Stallings, Vote: 5-0)

- PH3** The next three items related to the same development. Amanda Bunce, Current Planning Manager presented the first of the three items, regarding an amendment to the 2045 Land Use Map in the vicinity of NC 751 and US 64. She noted this was the first development in Chatham County for the Town of Apex. The Chatham County Land Use Plan had been designated for a job creation center. The amendment would allow for a similar designation as there had been no joint Land Use Plan for the area. No formal plan for a joint land use plan or transportation plan at this time.

AND

- PH4** Amanda Bunce, Current Planning Manager, presented the annexation request for the proposed project containing 132.11 acres located at 104, 106 and Unassigned Off NC Hwy 751, Chatham County, Annexation 726 into the Town's corporate limits. This would be the first annexation into Chatham County.

AND

- PH5** **Rezoning Request #22CZ02 Public Hearing and Possible Action From R-1 to Light Industrial-Conditional Zoning (LI-CZ)**
Name of Development: Beacon Development
Applicant: Maggie Houston

Location: 104 NC Hwy 751, NC Hwy 751, 106 Off NC Hwy 751, Off NC Hwy 751. (approximately 132.11 acres)

Amanda Bunce briefed the council of the rezoning request including potential uses of the property. The thirty-three uses proposed include outdoor storage of materials. All storage uses will be screened from the road. She reviewed the surrounding existing uses. Three uses are proposed as conditional uses. They are machine shop or welding shop allowed except welding associated with automotive, building supply wholesale storage not exceeding 200,000 square feet and not more than 15% of the square footage of the building in outside storage, and glass sales shall be all inside except what is on a truck in the truck storage.

The Environmental Board recommendations include tree replanting and management of a 25-year stormwater. Additional conditions include architectural design conditions, dedication of right-of-way at the intersection of US Highway 64 and NC 751 per NCDOT plan. Dedicate a sixty-foot right-of-way with a 30-foot easement on either side for a public roadway extending from NC 751 to the eastern boundary of the site. The final transportation condition is that all parcels have frontage on a public street. The development will construct a minimum of two stub street connections to adjacent parcels that have no frontage along public roads. An increased fee-in-lieu as agreed.

The developer said there have been issues of timing and the complexity of the process. The project is to be a master planned business park. Their emphasis has been on life sciences and research. The first anchor would be Coca Cola of Durham. The first building is \$25 million and \$75 million for the second building. There are a projected 500 plus jobs. There are \$9.8 million in infrastructure costs including additional capacity. There will be 15 acres dedicated to public use and an additional three acres for a collector road. He proposed the payment of \$1,000,000 in-lieu of constructing the public road across the property because the NCDOT does not have finalized plans yet and it does not make sense to construct a road only to have it removed, relocated or destroyed in the near future.

The CEO of Coke Cola of Durham stated they have four coke territories in their organization and have been in business for 116 years. This site is good for them because of its access to US Highway 64 and NC 751. They are a zero-waste facility permanently. They have agreed to move their building approximately 600 feet to accommodate buffers for the existing residents and to provide adequate buffering for streams.

Discussion followed regarding the ability to extend a road across the property. This is complicated due to the stream crossings and wetland designations.

The mayor asked for public comment. There was concern expressed about the proximity to the lake and streams, the large amount of wildlife in the area and the impacts of noise and traffic on these features. There was concern expressed about the proximity of large truck traffic to the school across the road. There was also concern expressed about a historic property in the area. The neighbors would like a traffic study to be done before the zoning is approved. Being no further public comment, the mayor closed the public hearing. There was discussion of the water and sewer lines are being extended and oversized to the site. It was said that no residential connections to these lines would be allowed. Water extensions are predicated on annexation.

The Town of Apex has not had interest in annexing residential properties in Chatham County. Future land use plans for Chatham County may include such provisions.

A motion was made to approve the amendment to the 2045 Land Use Plan, to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the William Stephen Mills, Ronald Horton Mills, Jr and Peggy Gray, Trustee property, to rezone the subject property to LI-CZ. (Motion: Mayor Pro Tem Killingsworth, Second: Council Member Mahaffey, Vote: 5-0)

PH6 Shannon Cox, Long Range Planning Manager presented amendments to the Transportation Plan for North Salem Street between Davis Drive and Laura Duncan Road. The proposed amendment would show proposed widening from a existing two lane road to a three lane throughfare for North Salem Street between Davis Drive and Laura Duncan Road.

They mayor asked for public comment. There being none, he closed the public hearing.

A motion was made to approve the proposed amendments to the Transportation Plan. (Motion: Council Member Gant, Second: Council Member Mahaffey, Vote: 5-0)

OLD BUSINESS

There was no Old Business.

UNFINISHED BUSINESS

There was not Unfinished Business.

NEW BUSINESS

There was no New Business.

UPDATES BY TOWN MANAGER

Town Manager Catherine Crosby remarked on the seven trees planted, one for each year Apex has been a Tree City, on Arbor Day by the Town Council and the public.

She briefed the Council on the installation of bee hives in the electrical easements and noted there are four certified bee keepers amongst the Town staff. An addition two employees are also bee keepers, but are not certified.

She talked about the coming Earth Fest Event, April 23, 2022, the first time it will be held on the Town campus.

Town Manager Catherine Crosby commended employees for the recent 2021 Excellence Award for the Erosion and Sedimentation program.

She briefed the Council on the progress of the Tunstall house. She said they had received estimates for the work on the exterior of the house. She said there has been the issuance of the RFQ for work on the exterior and repair any structural issues of the house.

CLOSED SESSION

There was no Closed Session.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and no objections for the Council, Mayor Gilbert adjourned the meeting.

Julie A. Reid, Interim Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



MINUTES - REGULAR TOWN COUNCIL MEETING

APRIL 12, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence.” He spoke on the unity of the community and on the people within the community. He recognized the members of the community.

The mayor asked those attending to join in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Marty Stone, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that all Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor presented the Consent Agenda to be set prior to taking any action on the following items:

He said item CN17 has been requested to be removed from the consent agenda and moved to new business. A motion was made to approve the amended consent agenda. (Motion: Council Member Gray\Second: Council Member Gantt, Vote: Approved 4-0).

CN1 Approval of the minutes of the March 8, 2022 and March 22, 2022 meetings of the Regular Town Council Meeting.

CN2 Approval of Town Co-Sponsored Special Event Requests for 2022.

CN3 Approval of revisions to the Town Standard Specifications and Details.

- CN4** Approval to set a Public Hearing for the April 26, 2022 Town Council meeting regarding Rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road.
- CN5** Approval to set a Public Hearing for the April 26, 2022 Town Council meeting regarding Rezoning Application #22CZ03 Sweetwater PUD Amendment. The applicant, David Schmidt, ExperienceOne Homes, LLC, seeks to rezone approximately 44.76 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 3233 US 64 Hwy W, 0 Core Banks St, and 1051 & 1075 Newland Ave.
- CN6** Approval 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 26, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Annexation #723 into the Town’s corporate limits.
- CN7** Approval to set a Public Hearing for the April 26, 2022 Town Council meeting regarding Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, of Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road.
- CN8** Approval of a Statement of the Town Council and Ordinance for Rezoning Case #21CZ32 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.
- CN9** Approval 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 26, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town’s corporate limits.
- CN10** Approval 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 26, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Annexation #730 into the Town’s corporate limits.
- CN11** Approval of a 3-year agreement with Buckhorn Vegetation Control, LLC., and to authorize the Town Manager to execute the agreement on behalf of the Town.
- CN12** Approval of an amendment to Ordinance 20-61, with the addition of part (2) under subsection (a) prohibiting the left turn movement on Knollwood Drive approaching Laura Duncan Road on days that school is in session for Apex High School between the hours of 6:45 a.m. and 7:30 a.m.
- CN13** Approval of the installation of a traffic calming speed hump device on Blackburn Road.

- CN14 Approval of an encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a driveway that will encroach 334 square feet (SF) onto the Public Utility Easement and a sidewalk that will encroach 14 square feet (SF) onto the Public Drainage Easement and authorize the Town Manager to execute the same.**
- CN15 Approval of an encroachment agreement between the Town and property owners Colin John McGinley and spouse Melissa Beth McGinley to install a fence that will encroach 370 square (SF) onto the Town's Public Utility Easement and authorize the Town Manager to execute the same.**
- CN16 Approval of the enclosed resolution to apply for an Asset Inventory and Assessment (AIA) grant from the NC Division of Water Infrastructure (DWI).**
- CN17 Removed from the Consent Agenda.**
- CN18 Approval of a Budget Ordinance Amendment No. 18 which appropriates insurance proceeds to be used for the purchase of a replacement Police vehicle.**
- CN19 Approval of a Duke Energy Progress (DEP) easement and authorization for Town Manager to sign easement.**
- CN20 Approval to award a sewer rehabilitation contract to Pipeline Utilities, Inc and to authorize the Town Manager to execute the contract on behalf of the Town and approve Budget Ordinance Amendment 17 and Capital Project Ordinance Amendment 2022-03.**
- CN21 Approval of an amendment to Section 12-21 of the Apex Town Code.**
- CN22 Approval of an Apex Yard Waste Agreement with Greenway Waste Solution of Apex LLC.**
- CN23 Approval of the American Rescue Plan Act policies (Nondiscrimination, Cost Principles, Eligible Use, Project Review, ARPA Real Property, Record Retention, Providing Pandemic Recovery Grants to Nonprofit Agencies) Uniform Guidance Procurement and Conflict of Interest Policy.**
- CN24 Approval and the authorization of seven (7) full-time positions, increasing the FTE of the Lab Supervisor position from .875 FTE to 1.0 FTE, and corresponding Budget Ordinance Amendment 19.**

PRESENTATIONS

- PR1 The Mayor and Council read a proclamation declaring April 10th through April 16,2022 National Telecommunicator Week. Deputy Chief McKinney expressed the gratitude of the police department and said the Town recognized the large contributions they make every day.**
- PR2 The Mayor gave a brief history of the "Think Apex" awards. "The 2022 Think Apex Awards nominees and winners gave back to Apex in multiple ways in 2021, uniquely impacting those around them. On April 12, 2022, town officials recognized them for their dedicated and outstanding service to others and the Apex community." (Town of Apex website) The Mayor and Council along with former Mayor Pro Tem Nicole Dozier presented the "think Apex" awards. The awards were as follows:**

Top Thinkers:

Individual or Group:

Tayon Nicole Dancy

Individual or Group - Youth:

Indya Nivar

Non-Profit:

Western Wake Alumnae Chapter of Delta
Sigma Theta Sorority, Inc.

Business:

NC Tutors & Educational Services

Honorable Mentions:

Individual or Group:

Dr. Jodi Reed and Jason Lendhart

Individual or Group - Youth:

Miguel Guerra

Non-Profit:

Endless Sports

Business:

Melissa Ragan, Owner of The Ragan
Realty Team

- PR3** The Mayor introduced Donald Gintzig, President and CEO of WakeMed Health and Hospitals and Rick Shrum, Vice President and Chief Strategy Officer of WakeMed Health and Hospitals. The gentlemen gave the Town of Apex an update on Behavioral Health in Wake County. They explained the eight mental health truths in Wake County. They reviewed the numbers of patients from Apex, the number of those with behavioral health issues, the number of suicides and homicides and the number of drug overdoses. They described the impacts of COVID on patients, particularly the rise in pediatric cases. They discussed how people are transported into the hospitals and what steps are taken to evaluate and refer patients for care. They outlined the next steps needed to address the rising problem and the associated costs. They are looking to the Cities and Towns to partner with them to address these issues, using ARPA funding available to the communities. Finally, they described how the funds would be used.
- PR4** The Mayor and Council read a National Science Appreciation Day Proclamation and expressed their gratitude for advances in all fields of research and development.
- PR5** The Mayor and Town Council read an Autism Awareness & Acceptance Month Proclamation and encourages the community to join advocacy efforts. They expressed their desire that these citizens receive all the opportunities afforded to other members of the community.

REGULAR MEETING AGENDA

The Mayor asked if there were any changes to the regular agenda. Hearing none, he asked for a motion to approve the agenda as presented. (Motion: Council Member Stallings\Second: Council Member Gray\Vote 4-0.)

PUBLIC FORUM

Mayor Gilbert called for members of the public that wished to address the Town Council. Hearing none, he closed the Public Forum.

PUBLIC HEARINGS

- PH1** Ms. Jenna Shouse, Senior Long Range Planner presented the amendment. Public hearing and possible motion regarding an amendment to the thoroughfare and Collector Street Plan for Pristine Water Drive. It is shown on the map as a minor collector. It is proposed shift to an

alignment to the south. There is an existing pipeline easement in the current alignment and it is not possible to construct the road in the easement. Argos has agreed to the construction of an intersection with Highway 55, Williams Street on the east side of the road along the new alignment. Additionally, future proposed construction across the road would be provided access via this new alignment, which would be constructed by Aqua Line Development. Planning and Community Development, the Planning Board, Public Works and Transportation, Fire and Police all support the proposal. Mr. Dalton indicated this issue has been ongoing with the NCDOT and property owners along this stretch of road. They have encouraged the property owners to work together to develop cross access amongst the adjoining properties. A motion was made to approve the amendment. There was no public comment. **(Motion: Council Member Stallings\Second: Council Member Gantt\Vote 4-0.)**

PH2 Ms. Jenna Shouse, Senior Long Range Planner presented the amendment. Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to add a proposed greenway connection from the proposed Huxley subdivision to the proposed Reedy Branch Greenway. This was discussed at the time of the Huxley subdivision development, but a final alignment had not been determined. They will construct the greenway and the cost will be removed from their park contribution. There was no public comment. **(Motion: Council Member Gantt\Second: Council Member Gray\Vote 4-0.)**

PH3 Ms. Jenna Shouse, Senior Long Range Planner presented the amendment to the Bicycle and Pedestrian System Plan map to remove a segment of proposed greenway from the future Felton Grove High School site, realign and extend a proposed greenway through the future Felton Grove High School site, and add proposed side path along the south side of a proposed extension of Thriftwood Drive. The school will construct the greenway. There was no public comment. **(Motion: Council Member Stallings\Second: Council Member Gray\Vote 4-0.)**

PH4 Ms. Jenna Shouse, Senior Long Range Planner presented the amendment to Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to add a proposed greenway between Termini Drive and Humie Olive Road. Friendship Village will provide an easement for the greenway and will pay for a portion of the alignment. There was discussion about a different alignment to create a safe bicycle crossing. The development is occurring ahead of the master plan, so staff does not want to miss an opportunity to get an alignment. Staff was focused on connecting the north and south greenway. There was no public comment. **(Motion: Council Member Gray\Second: Council Member Mahaffey\Vote 4-0.)**

OLD BUSINESS

There was no Old Business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

CN17 Marty Stone, PE, Assistant Town Manager addressed the Council on a proposal to amend the electric / finance policies to remove the solar capacity limit. There is concern that those unable to afford their existing electrical bill would bear part of the cost of those developing solar in their homes. The Council also discussed their desire to continue to encourage development to employ

solar. The cost of purchasing excess power has to be balanced with the cost of maintaining the overall system. Programs are available to assist those having difficulty paying their bill such as utility assistance program and housing rehabilitation assistance. A comparison of initiating home programs improving weatherization and insulation would cost less than the cost to support solar development. The members agreed to monitor the solar program and its cost to determine when it becomes too costly. They also discussed the unintended issue of excessive power reimbursements being used for garbage collection, water and sewer bills. Council Member Stallings said at a recent Sierra club meeting that they would like to work with Apex and its Sustainability Plan and supporting the Apex Solar program. **(Motion: Council Member Mahaffey\Second: Council Member Stallings\Vote 4-0.)**

UPDATES BY TOWN MANAGER

The Town Manager wanted to congratulate the participants in the Think Apex program. She expressed her appreciation of those members giving back to the community, it strengthens the fabric of the community.

She also wanted to recognize and thank the telecommunications personnel. She noted that is how are our emergency responders know where to go to help those in need in the community.

She reminded the group of the upcoming EarthFest to be held on the Town Hall Campus on April 23, 2022.

Ms. Crosby also wanted to remind the group that Town office will be closed on Good Friday and will reopen the following Monday.

CLOSED SESSION

A motion was made to move into closed session pursuant to NC General Statutes NCGS 143-318.11(a)(4) and 143-318.11(a)(3). (Motion: Council Member Mahaffey\Second: Council Member Gantt\Vote: 4-0.)

The council reconvened. No action was taken.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and no objections for the Council, Mayor Gilbert adjourned the meeting.

Julie A. Reid, Interim Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



MINUTES - REGULAR TOWN COUNCIL MEETING

APRIL 26, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence.”

The mayor asked those attending to join in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Mayor Pro Tem Killingsworth attended virtually. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that all Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor presented the Consent Agenda to be set prior to taking any action on the following items:

He said item CN7 has been requested to be removed from the consent agenda. A motion was made to approve the amended consent agenda. (Motion: Council Member Gray\Second: Council Member Gantt, Vote: Approved 5-0, with Killingsworth voting virtually).

CN1 Approval of the minutes of the April 12, 2022 meetings of the Regular Town Council Meeting.

CN2 Approval of Wake County Tax Report for the Town of Apex, dated March 1, 2022.

CN3 Approval of amendment to Article VIII “Parking” of Chapter 20 of the Town of Apex Code of Ordinances.

- CN4** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.
- CN5** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN6** Approval of and authorizing the Town Manager to sign and execute, the GoApex Agreement with Town of Cary and MV Transportation.
- CN7** Removed from the agenda.
- CN8** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.
- CN9** Approval of a Supplemental Agreement with NCDOT for \$10,000,000 in supplemental construction funds toward U-5928, Apex Peakway at South Salem Street and the CSX railroad tracks, and authorizing the Town Manager to execute the agreement on behalf of the Town.
- CN10** Approval of an encroachment agreement between the Town and property owner Dhiraj Adhikari to install a concrete patio that will encroach 61 square feet and a fence that will encroach 34 linear feet onto the Public Drainage Easement and authorizing the Town Manager to execute the same.
- CN11** Adopting 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 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Annexation #723 into the Town’s corporate limits. This annexation had been re-scheduled previously.
- CN12** Adopting 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 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Annexation #730 into the Town’s corporate limits. This annexation had been re-scheduled previously.
- CN13** Adopting 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 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town’s corporate limits. This annexation has been re-scheduled previously.

PRESENTATIONS

- PR1** Apex Town Council and Stephanie Mitchell, President of the Apex Public School Foundation awarded the Peak S.T.A.R. Award to Ashley Miller of Oakley Elementary School.

- PR2** Mayor Jacques Gilbert and the Town Council members read a proclamation regarding the "Think Apex Day" and encouraged the community to participate in volunteer activities on that day.
- PR3** Mayor Gilbert and the Town Council read a Foster Care Awareness Month proclamation recognizing those that provide foster care for children in the Town of Apex and recognizing the need for more homes to care for children.
- PR4** Mayor Gilbert and the Town Council read a Public Service Recognition Week Proclamation. He thanked the federal, State, county and Town of Apex employees for providing service to the public.
- PR5** Mayor Gilbert and the Town Council read a Civilian Law Enforcement Professionals Week Proclamation recognizing the necessary and valuable services provided.

REGULAR MEETING AGENDA

Mayor Gilbert called for additional Agenda items from Council or Staff and to set the Regular Meeting Agenda prior to Council actions. Mayor Gilbert noted removal of the second closed session from the agenda. (Motion: Council Member Stallings /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PUBLIC FORUM

The Mayor recognized Phil Welch who wished to express support for the Town's contributions for affordable housing efforts and encouraged the Town Council to continue increase funding for this effort. He expressed the need for additional senior housing.

PUBLIC HEARINGS

- PH1** Planner Lauren Staudenmaier presented rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road. She noted the land was vacant and wooded.

Ms. Staudenmaier asked the Council to note zoning condition ten, the requirement for a 20-foot Greenway easement along the western property line and zoning condition twelve requiring the recordation of a cross-access agreement between the two parcels in the request prior to Site Plan Final Plat. Concern was expressed by the Transportation Planning due to the road configuration creating a poorly aligned "Y" intersection, high volume traffic further aggravated by the proximity of two existing schools and the construction of a third school underway, and the proximity of the development to the intersection of Humie Olive Road and Old US 1 Highway. Cross-access and connectivity would provide safe movement by limiting access onto these two busy roads. The staff requested that the applicant agree to a maximum of one point of full movement access for each road. The applicant has stated they are not willing to agree to this condition.

The Planning Board and Staff support the rezoning, but *only* if they meet the single access condition. Traffic Engineer Russell Dalton noted that all construction and development in this area must be evaluated in addition to this development and anticipating further traffic congestion. He noted additional driveways would require expensive traffic control measures such as medians. He noted existing traffic at this intersection actually exceeds the length of the project frontage. If this agreement is not imposed at this time, each parcel in the rezoning could develop independently and apply for driveway permits, avoiding the need for consideration of the impacts of multiple driveways at this intersection and possible mitigation required.

There was interest in the possible realignment of Humie Olive Road at the time of development. Improvements to this intersection are not scheduled by the Town and NCDOT at this time.

Mayor Gilbert asked the applicant to address the Council. He indicated that they were not necessarily opposed to limiting access, but they did not want to commit to it at this point. They do not know how the property will be developed.

Mayor Gilbert opened the public hearing, there being no requests to speak closed the hearing.

Council Member Gantt made a motion to deny the request. The applicant then asked that the Council to continue the case. Council Member Gantt withdrew the motion. He noted in addition to the traffic issue, he also was concerned about a daycare facility at this location and was concerned about the number of environmental concerns that were not addressed and not agreed to by the applicant. A motion was made to continue the case until May 24, 2022. (Motion: Council Member Mahaffey /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PH2 Current Planning Manager Amanda Bunce briefed the Council on Rezoning Application #22CZ03 Sweetwater PUD Amendment. The applicant, David Schmidt, ExperienceOne Homes, LLC, seeks to rezone approximately 44.76 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 3233 US 64 Hwy W, 0 Core Banks St, and 1051 & 1075 Newland Ave.

This previously approved development has staged development and construction and had been revised since its original approval. They have asked to have the minimum office space reduced to 55,000 square feet. None of the Environmental Advisory Board's suggested conditions were agreed to or met.

A major revision to the project requested is the requirement for land to be set aside for the improvements to the US 64 interchange. This interchange is shown on both NCDOT and Town of Apex transportation documents and remains an important improvement to the transportation thoroughfare system. A revision allowed temporary use of the land set aside as parking and related facilities like lighting and storm drainage until the right-of-way is purchased. Staff expressed concern that any permanent construction within the set aside area would have to be purchased or redeveloped at the time of road construction and could have a detrimental effect on the ability to get the best design for the interchange. Further, any businesses and citizens in the newly developed area would be adversely impacted.

This condition was agreed to with the original approval of the development and played an important role in the development and approval of the project. The project approval was also the basis for public expenditure to provide services to the development. The developer stated that they only agreed to the condition to move the project forward.

The developer has suggested uses for adjacent property to the reserved property, but the reserved area is also necessary for their new plan to move forward.

Paul Stam, State Conditional Law attorney, for the developer gave the Town Council an overview of their legal position.

A motion was made to go into closed session. (Motion: Council Member Gantt /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem Killingsworth voting virtually)

A motion was made to go back into regular session. (Motion: Stallings /Second: Gantt /Vote:5-0 with Mayor Pro Tem voting virtually)

The Mayor asked for additional public comment. Hearing none, he closed the public hearing.

There was discussion on whether the NCDOT has a time line for the construction of US 64. Staff indicated it was not on the 10-year plan. A motion was made to continue the case until the June 14, 2022 Regular Council meeting. (Motion: Council Member Gray /Second: Council Member Gantt /Vote:4-1 with Mayor Pro Tem affirmatively voting virtually, Council Member Gantt voting against)

PH3 The staff requested this case, #22CZ04, be continued to the May 24, 2022. A motion was made to continue this case to the May 24, 2022 Regular Council meeting. (Motion: Council Member Mahaffey /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager, briefed the Town Council to possibly provide financial support to Evergreen Construction Company for the residential affordable housing senior (55 yrs. +) rental project known as Abbey Spring in the form of a loan from the Affordable Housing Fund for permanent financing contingent upon final project

approval, and authorize the Town Manager to execute loan and compliance project documentation. There was discussion of ways to leverage additional funds from all Wake County Communities.

A ten minutes break was held.

A motion was made to approve a loan in the amount of \$500,000 (Motion: Council Member Stallings /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually.)

UPDATES BY TOWN MANAGER

Manager Catherine Crosby talked about the Success of the Earthfest held on the Town Campus. She said it was run well by staff and the community really enjoyed it. She said she was looking forward to more activities being held on the Town Campus.

She wanted to congratulate Belinda in Finance Department for receiving the Peak performer award. She went above and beyond to help a fellow employee and their family. She said this was the example we want to set for our employees for helping fellow workers and for the community.

She reminded the group that Think Apex day is April 30th. She said she would be volunteering at the Habitat for Humanity housing and encouraged everyone to also volunteer in the community.

She also wanted to thank the Town's employees for their service. She said when she started her career she had not been aware of how much was done by public service employees. She said she had discovered it was a meaningful career opportunity. She said how much the employees enjoy providing service to the community.

Happy Birthday to Shawn today and Marty next Friday.

CLOSED SESSION

CS1 A motion was made to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting.



MINUTES - REGULAR TOWN COUNCIL MEETING

May 10, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

Mayor Jacques Gilbert called the meeting to order and welcomed the community to the meeting of the Town Council. Nathan Mariner provided the Invocation. The Mayor then asked all attending to join him in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Mayor Pro Tem Killingsworth, Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that all Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately.

CONSENT AGENDA

A motion was made to approve the consent agenda items as submitted. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Gray/Vote: 5-0)

- CN1 Approved the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.
- CN2 Approved the Apex Tax Report dated April 3, 2022.
- CN3 Approved a 3-year contract renewal with LexisNexis.
- CN4 Set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.
- CN5 Approved the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.
- CN6 Approved award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.
- CN7 Approve award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.

- CN8 Appointed Sarah Soh as a new Planning Board member to serve the remaining term of Tommy Pate, December 31, 2022.
- CN9 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.
- CN10 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.
- CN11 Adopted 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 24, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town’s corporate limits.
- CN12 Adopted 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 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town’s corporate limits.
- CN13 Set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN14 Approved an Agreement with NCDOT for up to \$1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and authorized the Town Manager to execute the agreement on behalf of the Town.
- CN15 Approved a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a \$10,000.00 deposit, and authorized the Town Manager to execute the agreement on behalf of the Town.
- CN16 Approved the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and authorized the Town Manager to execute it on behalf of the Town.
- CN17 Approved an agreement with Itron and authorized the Town Manager to execute the agreement on behalf of the Town.

PRESENTATIONS

The Mayor and Town Council Members read the following proclamations in turn.

- PR1 Presentation of LGBTQIA Pride Month 2022 Proclamation
- PR2 Presentation of Azerbaijan Independence Day Proclamation

- PR3 Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation
- PR4 This item was postponed.
- PR5 Presentation of National Public Works Week Proclamation. The Mayor recognized the Public Works employees for the work that they do. Mike Deaton accepted the proclamation on behalf of the Public Works employees.
- PR6 Presentation of National Police Week Proclamation. The Mayor recognized Police Chief Jason Armstrong for his leadership and presented the proclamation to him in recognition of the Police Department.
- PR7 Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds was given by Finance Director Vance Holloman.

REGULAR MEETING AGENDA

PUBLIC FORUM

Ms. Elizabeth Stitt, 3133 Friendship Road asked to address the Town Council. She stated she lives in the ETJ area of the Town. She explained that she had received a letter from the Town. This letter said the Town would be entering her property and had some reference to Eminent Domain.

Mr. Jeff Hastings wished to thank the Town for its contribution to Peak Fest. He said every department was stellar.

PUBLIC HEARINGS

PH1 Held a public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

AND

PH2 (Continued from the April 26, 2022 Town Council meeting.) Held a public hearing and approved a motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road. There was discussion about the need for a modified low-+

density classification for the land use map. It is currently being worked on by the Planning Department.

A motion was made to approve the agenda item PH1 Annexation 723 and the associated rezoning PH2. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)

PH3 Held a Public hearing and approved a motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits. Discussion related to the sale and recombination of a portion of this lot to Thales Academy. A motion was made to approve Annexation 730. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

- PH4 Held a Public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.
- A motion was made to approve Annexation 731. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)
- PH5 Held a public hearing and approved a motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St. A motion was made to approve the rezoning. (Motion: Council Member Gantt/Second: Mayor Pro Tem Killingsworth/Vote:5-0)
- PH6 Held a Public Hearing, there were no requests to speak and approved a motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments. A motion was made to approve the amendments as presented. (Mayor Pro Tem Killingsworth/Second: Council Member Stallings/Vote: 5-0)
- PH7 Held a Public Hearing, there were no requests to speak, and approved a motion regarding amendments 1,3 and 4 to the Unified Development Ordinance (UDO). Item 2 regarding fencing in the RCA was specifically not included in the motion to approve. A motion was made to approve the amendments numbered 1, 3 and 4. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

UPDATES BY TOWN MANAGER

CLOSED SESSION

- CS1 A motion was made to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

There was no work session.

ADJOURNMENT

With no further business and no objections for the Council, Mayor Gilbert adjourned the meeting.

Julie A. Reid, Interim Town Clerk

ATTEST: Jacques K. Gilbert, Mayor

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, MAY 24, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, May 24, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=BkVXpRcJEmk&t=981s>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and provided remarks related to a school shooting in Texas. He asked for community members to not lose their sense of hope in the dark world and asked all be a light for those around them.

Mayor Gilbert led the Pledge of Allegiance.

[INSTALLATION OF NEW TOWN CLERK]

Mayor Gilbert announced the appointment of the Town's new Town Clerk, Mr. Allen Coleman, effective May 16, 2022. He provided an overview of Mr. Coleman's experience and said the Town was fortunate to have him in this critical executive leadership role.

Mayor Gilbert administered the Oath of Office for Town Clerk Allen Coleman.

Town Clerk Coleman expressed his sincerest gratitude for this appointment.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 ALLEN COLEMAN, TOWN CLERK

Council approved the meeting minutes of the May 10, 2022 meeting of the Regular Town Council Meeting as submitted by Interim Town Clerk Julie A. Reid.

CN2 LINDA GRAHAM JONES, DIRECTOR OF DIVERSITY, EQUITY, AND INCLUSION

Council adopted an ordinance amendment to Chapter 3 of the Town Code, adopted a resolution permitting the application of the Wake County Nondiscrimination Ordinance within the Town corporate limits, approved an Interlocal Agreement with Wake County outlining party responsibilities in enforcing the County's Nondiscrimination Ordinance, approved an addendum to the Interlocal Agreement specific to the Town of Apex, and authorized the Town Manager to execute the Interlocal Agreement and Addendum.

CN3 SHAWN PURVIS, ASSISTANT TOWN MANAGER

Council adopted Budget Ordinance Amendment No. 20 which allocated funds to complete renovations of Town facilities.

CN4 AMANDA BUNCE, CURRENT PLANNING MANAGER

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of May 10, 2022, related to the Downtown Festival District and associated amendments.

CN5 AMANDA BUNCE, CURRENT PLANNING MANAGER

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the various Unified Development Ordinance (UDO) Amendments of May 10, 2022.

CN6 SHELLY MAYOR, PLANNER II

Council adopted a Statement of the Town Council and Ordinance for rezoning case #21CZ29 North Salem Station PUD. Ana Wadsworth with The Wooten Company was the petitioner for the properties located at 0 Candun Drive, 0 Laura Duncan Road, and 0 North Salem Street.

CN7 COLLEEN MERAYS, DOWNTOWN AND SMALL BUSINESS DEVELOPMENT COORDINATOR

Council adopted ordinances modifying the Apex 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 22-23, 2023.

CN8 MICHAEL DEATON, P.E., DIRECTOR

Council approved a 3-year Master Services Agreement with Ellington Contractors, Inc., dba Intragrade and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN9 MICHAEL DEATON, P.E., DIRECTOR

Council approved a 3-year Master Services Agreement with Griffin Sales, Inc., dba Rodders and Jets Supply Co., and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN10 MICHAEL DEATON, P.E., DIRECTOR

Council approved a 3-year Master Services Agreement with Sanford Electrical Contractors, Inc. and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN11 MARTY STONE, ASSISTANT TOWN MANAGER

Council approved an encroachment agreement between the Town and property owner Peak Hotels, LLC to install a private domestic backflow preventer and vault that will encroach 34 square feet, a private fire protection backflow preventer and vault that will encroach 51 square feet, and a private fire department connection that will encroach 1 square foot into the Public Utility Easement and authorized the Town Manager to execute the same.

CN12 MARTY STONE, ASSISTANT TOWN MANAGER

Council approved an encroachment agreement between the Town and property owner Raghavender Rao Palle and spouse Vanditha Goudi to install a fence that will encroach 407 square feet onto the Public Drainage Easement and authorized the Town Manager to execute the same.

CN13 RUSSELL H. DALTON, P.E., TRAFFIC ENGINEERING MANAGER

Council adopted an Ordinance amending Section 20-163 subsection (b)(2), reserving the first ten (10) parking spaces on the south side of Hunter Street east of Grand Central Station for a GoApex bus stop and layover area on Monday through Saturday between the hours of 5:30 a.m. and 10:15 p.m. when designated by signs indicating said reservation.

[PRESENTATIONS]

PR1 APEX MS STUDENT EQUITY TEAM

Chauncey Hatcher, II, Apex Middle School Equity Team Chair, and Apex Middle School Student Equity Team members provided a presentation to the Mayor and Town Council on their ideas on school discipline reform.

PR2 MAYOR AND TOWN COUNCIL

Mayor Gilbert proclaimed June 4, 2022 as the date of the Apex Latino Arts Festival and encouraged all Apex citizens, friends, and visitors to enjoy the celebration and activities.

Juan Ortega, Natalie, and Ivania Guiterrez, with Connecting the Community and other nonprofit organizations received the proclamation.

PR3 MAYOR AND TOWN COUNCIL

Mayor Gilbert proclaimed the month of May 2022 as Asian American and Pacific Islander Heritage Month in the Town of Apex and called upon all citizens to reflect on the significant contributions Asian American and Pacific Islander communities have helped in shaping our national life.

Director of Diversity, Equity, and Inclusion, Linda Graham Jones, received the proclamation on behalf of the community and expressed appreciation to the Mayor and members of the Apex Town Council for their support.

PR4 MAYOR AND TOWN COUNCIL

Mayor Gilbert proclaimed Saturday, June 18, 2022 as Juneteenth Day in the Town of Apex. He said the Town will observe and mark this important historical event and encourage all of Apex to celebrate this important event that promotes equity, respect, and understanding between people of all backgrounds and cultures.

The following community members and Town staff members came forward to receive the Town’s Juneteenth Proclamation for 2022:

- TJ Evans, Juneteenth Committee Co-Chair

- Kalabria Gilbert, Juneteenth Committee Co-Chair
- Anthony Barnes Jr.
- Reggie Jones
- Colleen Merays, Downtown and Small Business Development Coordinator
- Taylor Wray, Special Events Coordinator
- Linda Graham Jones, Director, Diversity, Equity, and Inclusion Department

PR5 MAYOR AND TOWN COUNCIL

Mayor Gilbert proclaimed the first Friday in June, Friday, June 3, 2022, to be National Gun Violence Awareness Day in the Town of Apex and encouraged all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

The following community members and Town staff members came forward to receive the National Gun Violence Awareness Day proclamation:

- Members of Mom's Demand Action
- Tony Cope
- Leah Cravette
- Gerald Gibbons Jr.
- Mohava Cravette

PR6 RUSSELL H. DALTON, P.E., TRAFFIC ENGINEERING MANAGER

Traffic Engineering Manager, Russell Dalton, provided a PowerPoint presentation related to Vision Zero.

Council received an update on the Vision Zero traffic safety program from staff summarizing public outreach, advertised an upcoming public event which was scheduled for June 25 and prepared the community and governing body for the release of the DRAFT action plan.

Councilmembers commented and asked questions at the conclusion of the presentation.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda with the addition of New Business item no. 2, requested by Councilmember Mahaffey.

Councilmember Mahaffey said the additional new business item was to discuss the Rules of Procedures for the Apex Town Council.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Kendall Pratt - 3109 Friendship Road, Apex, NC
 - a. Big Branch Force Main Station - requested the item to be added to the meeting agenda for discussion.
2. Elizabeth Stitt - 3113 and 3115 Friendship Road, Apex, NC
 - a. Big Branch Force Main Station - expressed concerns about the project timeline and key stakeholder involvement.
3. Catherine Kaylor - 100 Reunion Park Drive, Apex, NC
 - a. Dogma Education and Science (DES) outreach and concern related to the logistics related to the Apex Pride Festival.

[PUBLIC HEARINGS]

PH1 FY 2022-2023 ANNUAL OPERATING BUDGET AND FEE SCHEDULE

Assistant Town Manager, Shawn Purvis, provided a PowerPoint presentation which provided an overview of the Annual Operating Budget and Capital Improvement Plan (CIP) proposal for Fiscal Year 2022-2023.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item PH1. He called on the one speaker that was signed up and provided instructions related to the process. The following individuals spoke during the public hearing and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Pleasant Plains Phase 3 - Funding included in the budget.

With no one else signed up to speak, **Mayor Gilbert** closed the public hearing and reminded Council that this item would be discussed more at the upcoming Budget Work Session which is scheduled for June 07, 2022.

PH2 ANNEXATION NO. 732 PEAK 360 LLC - JENKS ROAD

Planning and Community Development Director, Dianne Khin, provided a PowerPoint presentation on the question of annexation related to petition no. 732.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Councilmember Cheryl Stallings**, seconded by **Mayor Pro-Tempore Audra Killingsworth**, to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, into the Town's corporate limits, also known as annexation petition no. 732.

VOTE: UNANIMOUS (5-0)

PH3 REZONING CASE NO. 21CZ31 SEARS PROPERTY PUD

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation related to rezoning case no. 21CZ31 Sears Property PUD. She said the applicant, Jeff Roach, with Peak Engineering and Design LLC, seek to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ) and the proposed rezoning was located at 0 and 2108 Old US 1 Highway.

Jason Barron with Morningstar Law Group presented on behalf of the applicant for rezoning case no. 21CZ31 Sears Property PUD.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH3). He called on the speakers that were signed up and provided instructions related to the process. The following individuals spoke during the public hearing and a brief description of their remarks are noted below each name:

1. Richard Colby - 1007 Winding Creek - Apex, NC
 - a. Opposed to the Rezoning Case being presented.

Mayor Gilbert closed the public hearing and asked the Council if there was a motion to approve as presented.

Councilmembers continued discussion and multiple Town staff members and members of the rezoning case responding to questions.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray**, to approve rezoning case no. 21CZ31 Sears Property PUD.

VOTE: 3-2, with *Councilmember Brett Gantt and Councilmember Terry Mahaffey dissenting.*

Mayor Gilbert announced a ten-minute (10) recess at **7:47 p.m.** and declared the meeting was in recess.

Mayor Gilbert announced the meeting was reconvened at **7:57 p.m.**

PH4 ANNEXATION NO. 727 - 8200 JENKS ROAD - 13.541 ACRES

and

PH5 REZONING CASE NO. 22CZ01 ARDEN AT SUMMIT PINES PUD

Senior Planner, Sarah Van Every, presented a PowerPoint presentation related to rezoning case no. 22CZ01 Arden at Summit Pines PUD and Annexation No. 727. She said the applicant, Collier Marsh, FC Apex, LLC seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Collier Marsh with Parker and Poe Law Firm presented on behalf of the applicant for rezoning case no. 22CZ01 Arden at Summit Pines PUD.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH4 and PH5).

With no one signed up to speak on either item, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings**, to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex 8200 Jenks Road, R. Michael Strickland Trustee of Family Trust property containing 13.541 acres, into the Town's corporate limits, also known as annexation petition no. 727, AND, approving rezoning case no. 22CZ01 Arden at Summit Pines PUD.

VOTE: 4-1, with *Councilmember Brett Gantt dissenting.*

PH6 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS - MAY 2022

Planning and Community Development Director, Dianne Khin, provided a PowerPoint presentation which provided an overview of the proposed Unified Development Ordinance (UDO) amendments for May 2022.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH6).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray**, to approve the Unified Development Ordinance (UDO) amendments as presented and recommended by Planning staff.

VOTE: UNANIMOUS (5-0)

[UNFINISHED BUSINESS]

UB1 REZONING CASE NO. 21CZ26 HUMIE OLIVE COMMERCIAL - CONTINUED FROM APRIL 26, 2022 TOWN COUNCIL MEETING

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation related to rezoning case no. 21CZ26 Humie Olive Commercial. She said the applicant, Jeff Roach, with Peak Engineering and Design PLLC, seeks to rezone approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). She said the proposed rezoning was located at 0 and 7525 Humie Olive Road.

Planner II, Lauren Staudenmaier, said the above item was continued from the April 26, 2022 Regular Town Council meeting and advised that four main changes were recommended to the rezoning case and provided an overview of those changes.

Councilmembers commented and asked additional questions.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, and seconded by **Councilmember Terry Mahaffey** to approve rezoning case no. 21CZ26 - Humie Olive Commercial with the additional modifications as offered by staff and the applicant.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 RESOLUTION AUTHORIZING THE APPLICATION WITH THE LOCAL GOVERNMENT COMMISSION (LGC) TO APPROVE THE EXTENSION OF A BOND ORDER.

Finance Director Vance Holloman, said the voters of the Town of Apex approved a General Obligation Bond referendum in the amount of \$15 million dollars for street and sidewalk improvements on November 3, 2015. He said that under general statues the authorization for this bond is good for a period of seven years and will expire on November 3, 2022.

Director Holloman said the statute permits the local government commission to grant an extension of an additional three years which would take the date out to 2025. He said to date the Town had only issued eight (8) million of the entire fifteen million (15) bond funds and that Town staff was concerned that the additional funds may not be issued before the set expiration date.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to adopt a resolution authorizing the Town of Apex to file for an application with the Local Government Commission (LGC) to approve the extension of a bond order related to the General Obligation Bond approved in November 2015.

VOTE: UNANIMOUS (5-0)

NB2 ADDED - COUNCILMEMBER TERRY MAHAFFEY

Councilmember Mahaffey said he wanted to see a set Rules of Procedure for the Apex Town Council. He said a set of rules governing the general operations of the Town Council meetings could be helpful for new members and also give clear direction to existing members on how items are to be added to an agenda and certain processes for Council committees. He said his vision was to create a Ad-Hoc Council Committee, similar to other Council Committees, for the purposes of reviewing the Rules of Procedure document and other administrative process matters.

Councilmember Gantt asked which Councilmembers would be part of this new Committee.

Councilmember Mahaffey said that he proposed Councilmember Gray and himself given their background related to Robert's Rules.

Mayor Gilbert said it would be critical to include the Town Clerk in this development and possibly others.

Councilmember Mahaffey said he envisioned the Town Clerk, Town Manager, and Town Attorney to all be involved in the development of these procedures.

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Mayor Pro-Tempore Audra Killingsworth**, to establish an Ad-Hoc Council Committee called "Rules Committee" comprised of two members of the Town Council - Councilmember Mahaffey and Councilmember Gray and for a draft Rules of Procedure document to be presented at a future Town Council meeting.

VOTE: UNANIMOUS (5-0)

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates on various Town projects and special event.

[CLOSED SESSION]

CS1 LAURIE HOHE, TOWN ATTORNEY

NCGS § 143-318.11(a)(3)

CS2 STEVE ADAMS, REAL ESTATE AND PUBLIC UTILITIES

NCGS § 143-318.11(a)(5)

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Cheryl Stallings**, to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the items listed above.

Council entered into closed session at **8:55 p.m.**

Council returned from closed session at **10:28 p.m.**

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Brett Gantt**, adopting a resolution authorizing condemnation to acquire sewer easement.

VOTE: UNANIMOUS (5-0)

A motion was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey**, adopting a resolution authorizing simple condemnation proceedings related to the improvement of the Apex-off street public parking facilities and systems.

Mayor Gilbert said he was completely discouraged by this action.

VOTE: 4-1, with *Mayor Pro-Tempore Audra Killingsworth* dissenting.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **10:32 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on September 13, 2022 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, JUNE 14, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 14, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=w6XwTmDm6YE>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.**

Pastor John Marron with Reedy Creek Baptist Church provided the invocation.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0)

CN1 ANNEXATION NO. 728 - WESTCHESTER COMMERCIAL LLC - APEX PROFESSIONAL SQUARE

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting Date of Public Hearing for June 28, 2022, on the Question of Annexation - Apex Town Council's intent to annex the Westchester Commercial, LLC containing 3.641 acres located at 1408 and 1410 Zeno Road, Annexation #728 into the Town's corporate limits.

CN2 APPOINTMENT - PARKS, RECREATION, AND CULTURAL RESOURCES ADVISORY COMMISSION

Council reappointed Darryl Lanier, Matthew Carusona and Jeff Roach as regular members, and appointed Alan Buck as Chair and Darryl Lanier as Vice-Chair.

CN3 BAUCOM ELEMENTARY JOINT USE AGREEMENT - FIRE AMENDMENT

Council approved the First Amendment to the Baucom Elementary School Level 4 Use Agreement between the Town and Wake County Board of Education and authorized the Town Manager to execute the same.

CN4 CAPITAL PROJECT ORDINANCE - SAFE ROUTES TO SCHOOLS PROJECT

Council approved Capital Project Ordinance Amendment 2022-4 which established a capital project for Information Technology (IT) projects and Capital Project Ordinance Amendment 2022-6 which provides additional funds for the Safe Routes to Schools project.

CN5 CONSTRUCTION CONTRACT AWARD FOR BEAVER CREEK COMMONS DRIVE AND ZENO ROAD INTERSECTION IMPROVEMENTS

Council awarded a construction contract to Hollins Construction Services, Inc. and authorized the Town Manager to execute same, and approved Budget Ordinance Amendment 21 and Capital Project Ordinance Amendment 2022-5 all for Beaver Creek Commons Drive & Zeno Road Intersection Improvements.

CN6 DESIGN AND DEVELOPMENT MANUAL

Council approved the removal of details from the Design and Development Manual that are out of date and/or duplicated in the Standard Specifications and Standard Details.

CN7 MAY 2022 UDO AMENDMENTS - STATEMENT

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of May 24, 2022.

CN8 JUNE 2022 UDO AMENDMENTS - CN SPH

Council set a Public Hearing for the June 28, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN9 REPORT OF CONTRACT AWARDS

Council accepted the report of contracts awards to National Transformer Sales and Wesco for the purchase of material for inventory stock and Pleasant Park project, pursuant to NC General Statutes 143-129 and Town Resolution dated February 1, 2004.

CN10 RESOLUTION TO COLLECT TAXES - CHATHAM COUNTY

Council adopted a Resolution authorizing the Chatham County Tax Administrator to collect taxes on behalf of the Town of Apex.

CN11 RESOLUTION TO COLLECT TAXES - WAKE COUNTY

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

CN12 REZONING CASE 21CZ26 HUMMIE OLIVE COMMERCIAL S&O

Council adopted a Statement of the Town Council and Ordinance for Rezoning Case #21CZ26 Humie Olive Commercial, Jeff Roach, Peak Engineering & Design PLLC., petitioner, for the properties located at 0 & 7525 Humie Olive Road.

CN13 REZONING CASE NO. 21CZ31 SEARS PROPERTY PUD S&O

Council adopted a Statement of the Town Council and Ordinance for Rezoning Case #21CZ31 Sears Property PUD, Jeff Roach, Peak Engineering & Design PLLC., petitioner, for the properties located at 0 & 2108 Old US 1 Highway.

CN14 REZONING CASE NO. 22CZ01 ARDEN AT SUMMIT PINES PUD S&O

Council adopted a Statement of the Town Council and Ordinance for Rezoning Case #22CZ01 Arden at Summit Pines PUD, Collier Marsh, FC Apex LLC., petitioner, for the property located at 8200 Jenks Road (PIN 0722577336).

CN15 SURPLUS BADGE AND PERSONAL PROTECTIVE EQUIPMENT - FIRE CHIEF

Council awarded a badge and personal protective equipment to Chief Keith McGee who will retire from Apex Fire Department as of June 30, 2022.

CN16 TAX REPORT

Council accepted the Apex Tax Report dated May 1, 2022.

CN17 TRANSIT - ADA AGREEMENT - FY23

Council approved, and authorized the Town Manager to sign and execute, the ADA Paratransit Services Agreement with Wake County.

CN18 TRANSIT - FIXED ROUTE AGREEMENT - FY23

Council approved, and authorized the Town Manager to sign and execute, the GoApex Agreement with Town of Cary and MV Transportation as amended.

[PRESENTATIONS]

None scheduled.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Community involvement/engagement in the various Town processes and the budget process.

2. Ruben Parlier - 1634 Cone Avenue, Apex, NC
 - a. Apex Pride Event - Not in Favor

[PUBLIC HEARINGS]

PH1 FY 2022-2023 ANNUAL OPERATING BUDGET AND FEE SCHEDULE ADOPTION

and

PH2 FY 2022-2023/2025-2026 CAPITAL IMPROVEMENT PLAN (CIP) ADOPTION

Budget Manager, Amanda Grogan, provided a PowerPoint presentation which provided an overview of the Annual Operating Budget and Capital Improvement Plan (CIP) proposal for Fiscal Year 2022-2023.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items PH1 and PH2. He called on the one speaker that was signed up and provided instructions related to the process. The following individuals spoke during the public hearing and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Pleasant Plains Phase 3 - Funding included in the budget.

With no one else signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray** to adopt the Fiscal Year 2022-2023 Annual Operating Budget, Fee Schedule and the Fiscal Year 2022-2023/2025-2026 Capital Improvement Plan (CIP).

VOTE: UNANIMOUS (5-0)

PH3 STREET ADDRESS - SQUAW WALDEN RENAMING

Long Range Planning Manager, Shannon Cox, provided a PowerPoint presentation which highlighted the proposed street renaming request for Squaw Walden Lane within the Walden Creek Neighborhood.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH3) and provided instructions. Several community members spoke about their position of the street renaming proposal.

Mayor Gilbert closed the public hearing and asked the Council if there was a motion to approve as presented.

Councilmembers commented and asked questions.

A motion was made by **Councilmember Ed Gray**, seconded by **Councilmember Cheryl Stallings** to approve the street renaming request from Squaw Walden lane to Squall Walden Lane.

VOTE: UNANIMOUS (5-0)

[OLD BUSINESS]

None Scheduled.

[UNFINISHED BUSINESS]

UB1 REZONING CASE NO. 22CZ03 SWEETWATER PUD AMENDMENT - CONTINUED FROM APRIL 26, 2022 TOWN COUNCIL MEETING

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which highlighted the rezoning case mentioned above (UB1).

The applicant and several others on behalf of the applicant provided comments and additional information.

Councilmembers commented, asked questions, and decided that additional information was warranted.

A motion was made by **Councilmember Terry Mahaffey**, and seconded by **Mayor Pro-Tempore Audra Killingsworth** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(3) to consult with the Town Attorney.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 7:17 p.m.

Council returned to open session at 7:33 p.m.

A motion was made by **Councilmember Ed Gray**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve Rezoning Case No. No. 22CZ03 Sweetwater PUD Amendment with conditions as presented.

VOTE: 3-2 with *Councilmember Brett Gantt and Councilmember Terry Mahaffey dissenting.*

[NEW BUSINESS]

Mayor Pro-Tempore Audra Killingsworth said that the Town Council may have a potential vacancy in the fall given Commissioner Stallings campaign for Wake County Commissioner. She said it would be helpful to have a process outlined before the fall election.

Councilmembers commented and asked questions.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to direct the Town Clerk to investigate and develop a process for filling a vacancy on the Town Council.

VOTE: UNANIMOUS (5-0)

[UPDATES BY THE TOWN MANAGER]

APPROVED | JUNE 14, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

Assistant Town Manager, Shawn Purvis, provided updates on various Town projects and special events on behalf of Town Manager Catherine Crosby who was absent.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:09 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on September 13, 2022 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, JUNE 28, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 28, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:
<https://www.youtube.com/watch?v=28F58cpQxPE>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey (participated remotely)

Town Staff

Town Manager Catherine Crosby
Assistant Town Manager Shawn Purvis
Assistant Town Manager Marty Stone
Town Attorney Laurie Hohe
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and announced that Councilmember Terry Mahaffey would be participating in the meeting remotely. He said all votes during the meeting will be conducted via a "roll call" method in compliance with the remote meeting statutes.

CLERK NOTE: North Carolina General Statutes 166A-19.24 provides authority for remote meetings during a Governor Issued State of Emergency. North Carolina is under a State of Emergency in response to the COVID-19 Pandemic.

Mayor Gilbert provided the invocation.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember Brett Gantt** to approve the consent agenda as presented.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

CN1 APPOINTMENT - APEX PUBLIC ART COMMITTEE

Council reappointed Ewan Pritchard as a voting member in the Apex Public Art Committee.

CN2 BUDGET ORDINANCE AMENDMENT NO. 22 - ELECTRIC

Council adopted Budget Ordinance Amendment No. 22 which appropriated additional funds for electric power purchases.

CN3 CAPITAL PROJECT ORDINANCE AMENDMENT - TEN TEN AT JESSIE DRIVE TURN LANE PROJECT

Council adopted Capital Project Ordinance Amendment 2022-12 transferring \$350,000 from the General Fund to the Ten Ten at Jessie Drive Turn Lane project.

CN4 CONTRACT MULTI-YEAR - GREENSCAPE INC. - LANDSCAPING - JULY 1, 2022 THROUGH JUNE 30, 2024

Council approved a standard services agreement with Greenscape Inc, to provide landscaping services and authorized the Town Manager to execute the agreement.

CN5 CONTRACT MULTI-YEAR - SIEMENS INDUSTRY INC. - HVAC SERVICES - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a standard services agreement with Siemens Industry, Inc. to provide technical support services for facilities and authorized the Town Manager to execute the agreement.

CN6 CONTRACT MULTI-YEAR - WORRIE FREE CLEANING SERVICES LLC - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a standard services agreement with Worrie Free Cleaning Services, LLC to provide janitorial services for town owned facilities and authorized the Town Manager to execute the agreement.

CN7 CONTRACT MULTI-YEAR - ZENCITY - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a 3-year contract with Zencity and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN8 CONSTRUCTION CONTRACT AWARD - 2022 ROAD REHAB

Council awarded a construction contract for the 2022 Road Rehabilitation (R-22-06) project to Turner Asphalt GC, LLC, and authorized the Town Manager to execute the contract on behalf of the Town.

CN9 ENCROACHMENT AGREEMENT - 3589 LOVAGE DRIVE LOT 3

Council approved an encroachment agreement between the Town and property owner Puneet Soni and spouse Tarandeep Kaur to install a fence that will encroach 412 square feet onto the Public Drainage Easement and authorized the Town Manager to execute the same.

CN10 ENCROACHMENT AGREEMENT - 3501 JOHNSON GRANT DRIVE LOT 145

Council approved an encroachment agreement between the Town and property owner Daniel Strandh and spouse Marla Strandh to install a fence that will encroach 587 square feet onto the Public Drainage Easement and authorized the Town Manager to execute the same.

CN11 NORTH CHATHAM VFD - PRO RATA DEBT PAYMENT AGREEMENT

Council approved an agreement with the North Chatham Volunteer Fire Department related to the Town's annexation of an area formerly served by the Department and to authorized the Town Manager to execute the agreement.

CN12 ORDINANCE AMEND SECTION 20-171(A) REMOVAL OF ILLEGALLY PARKED VEHICLES

Council adopted an Ordinance amending Section 20-171 subsection (a) authorizing a police officer to order immediate removal of an illegally parked vehicle from a reserved parking zone established by Section 20-163.

CN13 REZONING CASE NO. 22CZ05 MORRIS TRACT PUD - SET PUBLIC HEARING

Council set a Public Hearing for the July 26, 2022 Town Council meeting regarding Rezoning Application #22CZ05 Morris Tract PUD. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 17.09 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 7208, 7208-B, & 7304 Morris Acres Road.

CN14 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD - SET PUBLIC HEARING

Council set a Public Hearing for the July 26, 2022 Town Council meeting regarding Rezoning Application #22CZ06 Yellowbridge PUD. The applicant, Lennar Carolinas, LLC/ Matthew Carpenter, Parker Poe, seeks to rezone approximately 48.24 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 2813 & 2817 US 64 Highway.

CN15 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD - SET PUBLIC HEARING

Council set a Public Hearing for the July 26, 2022 Town Council meeting regarding Rezoning Application #22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter for High Street District Development, Inc., seeks to rezone approximately 20.62 acres from Rural Residential to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Road.

CN16 REZONING CASE NO. 22CZ11 1522 SALEM CHURCH ROAD - SET PUBLIC HEARING

Council set a Public Hearing for the July 26, 2022 Town Council meeting regarding Rezoning Application #22CZ11 1522 Salem Church Rd. The applicant, Joshua Blackley seeks to rezone approximately 1.22 acres from Residential Agricultural (RA) to High Density Single-Family-Conditional Zoning (HDSF-CZ). The proposed rezoning is located at 1522 Salem Church Road.

[PRESENTATIONS]

PR1 PROCLAMATION - NATIONAL PARKS AND RECREATION MONTH 2022

Mayor Gilbert proclaimed the month of July 2022 as Parks and Recreation Month and presented Town staff with a signed proclamation.

Parks, Recreation, and Cultural Resources Director, Craig Setzer, and **Special Events Coordinator, Taylor Wray**, received the proclamation on behalf of the department.

Councilmembers expressed comments of gratitude and congratulated the Parks, Recreation, and Cultural Resources department on their exceptional efforts throughout the year.

[REGULAR MEETING AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda as presented.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Town Budget Process.

2. Ruben Parlier - 1634 Cone Avenue, Apex, NC
 - a. Child Abuse in the Town and the Town's position on LGBTQIA individuals.

[PUBLIC HEARINGS]

PH1 2022 ANNUAL HAZARD MITIGATION PLAN UPDATE

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the 2022 Annual Hazard Mitigation Plan.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to approve the 2022 Annual Hazard Mitigation Plan as presented by Town staff.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

PH2 2045 LAND USE MAP AMENDMENT - NEW CLASSIFICATION

Long Range Planning Manager, Shannon Cox, provided a PowerPoint presentation which provided an overview of the 2045 Land Use Map and the proposed amendment.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Councilmember Brett Gantt**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to add the new classification for Rural Transition Residential to the classifications on the 2045 Land Use Map, as recommended by Town staff.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

PH3 ANNEXATION NO. 728 - WESTCHESTER COMMERCIAL LLC - APEX PROFESSIONAL SQUARE

Planning and Community Development Director, Dianne Khin, provided a PowerPoint presentation on the question of annexation related to petition no. 728.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH3).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Councilmember Ed Gray**, seconded by **Councilmember Cheryl Stallings** to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Westchester Commercial, LLC, containing 3.641 acres located at 1408 and 1410 Zeno Road into the Town's Corporate Limits, also known as Annexation Petition No. 728.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

PH4 JUNE 2022 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which provided an overview of the proposed Unified Development Ordinance (UDO) amendments for June 2022.

Councilmembers commented and asked questions at the conclusion of the presentation.

APPROVED | JUNE 28, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

Mayor Gilbert opened the public hearing for the above-mentioned item (PH4).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A motion was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the Unified Development Ordinance (UDO) amendments as presented and recommended by Planning staff.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates on various Town projects and special events. She also congratulated the Fire Chief, McKee on his upcoming retirement.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **7:03 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on September 13, 2022 (CN5).

DRAFT MEETING MINUTES

TOWN OF APEX SPECIAL TOWN COUNCIL MEETING MONDAY, JULY 11, 2022 6:00 P.M.

The Apex Town Council met for a Special Town Council Meeting on Monday, July 11, 2022 at 6:00 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:
<https://www.youtube.com/watch?v=8mf7C8VPn1A>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Cheryl Stallings
Councilmember Ed Gray
Councilmember Terry Mahaffey (participated remotely)

Town Staff

Town Manager Catherine Crosby
Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:05 p.m.** and announced that Councilmember Terry Mahaffey would be participating in the meeting remotely. He said all votes during the meeting would be conducted via a "roll call" method in compliance with the remote meeting statutes.

CLERK NOTE: North Carolina General Statutes 166A-19.24 provides authority for remote meetings during a Governor Issued State of Emergency. North Carolina is under a State of Emergency in response to the COVID-19 Pandemic.

Mayor Gilbert stated that this was a special meeting for the purposes of entering into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Mahaffey participated remotely.*

Council entered closed session at **6:06 p.m.**

Council returned to open session at **8:14 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:14 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.

APPROVED MEETING MINUTES

TOWN OF APEX SPECIAL TOWN COUNCIL MEETING TUESDAY, JULY 19, 2022 3:00 P.M.

The Apex Town Council met for a Special Town Council Meeting on Tuesday, July 19, 2022 at 6:00 p.m. The meeting was held on the 3rd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:
<https://www.youtube.com/watch?v=kvZ3Qw9PFdY>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Terry Mahaffey

ABSENT: Councilmember Ed Gray

Town Staff

Town Manager Catherine Crosby

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

Assistant Town Manager Marty Stone

Assistant Town Manager Shawn Purvis

Water Resources Director Michael Deaton

Planning and Community Development Director Dianne Khin

Assistant Fire Chief Jeff Maynard

Electrical Systems Manager Rodney Smith

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **3:00 p.m.** and announced that Councilmember Ed Gray may be participating in the meeting remotely. He said all votes during the meeting would be conducted via a "roll call" method in compliance with the remote meeting statutes.

CLERK NOTE: North Carolina General Statutes 166A-19.24 provides authority for remote meetings during a Governor Issued State of Emergency. North Carolina is under a State of Emergency in response to the COVID-19 Pandemic.

Mayor Gilbert stated that this was a special meeting for the purposes of discussing the additional elevated water tank, the Town's Big Branch Pump Station and Force Main Design Project, consider possible motions to direct staff accordingly, and then to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

Director Deaton provided a high-level overview of the two capital projects related to the Town's future elevated water tanks and the Big Branch Force Main Pump Station. He said the action being requested was for discussion on the possible site location and aesthetics for the additional elevated water tank, and ultimately providing direction to staff on the tank style and location. He introduced David Bennett with The Wooten Company on the elevated water tank options.

Mr. Bennett provided a PowerPoint presentation and lead the Town Council in a discussion around the possible options. The slideshow was published as part of the agenda materials made publicly available to elected members, town staff, and members of the public in advance of the meeting.

Following lengthy discussion from elected members, town staff, and members of The Wooten Company, the Mayor called for direction.

A motion was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Cheryl Stallings**, to direct staff to proceed with the Pleasant Park site location for the elevated water tank and select the composite tank design, which was the staff's recommendation.

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0)

Senior Utilities Engineer, Matt Echols, provided a presentation on the Big Branch 2 Pump Station and Force Main project.

Following lengthy discussion from elected members, town staff, and members of The Wooten Company, the Mayor called for direction.

A motion was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Cheryl Stallings**, to direct staff to proceed option three (3) for the route for the force main alignment just outside of US-Highway 1 Right-of-Way (ROW).

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0)

Mayor Gilbert declared a fifteen minutes recess until **5:00 p.m.**

The meeting stood in recess beginning at **4:43 p.m.**

Mayor Gilbert reconvened the meeting at **5:00 p.m.**

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a)(6).

Mayor Gilbert called all Apex Town Councilmembers by name to confirm their vote to comply with the remote meeting regulations.

VOTE: UNANIMOUS (5-0) - *Councilmember Gray participated remotely.*

Council entered closed session at **5:01 p.m.**

Council returned to open session at **6:16 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **6:16 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on 14th day of October, 2025 (CN11).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, JULY 26, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, July 26, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=IhYwXWdJRJc&t=16136s>

[ATTENDANCE]

Elected Body

Mayor Pro-Tempore Audra Killingsworth (presiding officer)

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Terry Mahaffey (participated remotely)

ABSENT: Mayor Jacques K. Gilbert and Councilmember Ed Gray

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Pro-Tempore Audra Killingsworth called the meeting to order at **6:00 p.m.** and announced that Mayor Jacques K. Gilbert and Councilmember Ed Gray were absent. She welcomed those in attendance, ready the Town's diversity commitment statement, and paused for a brief moment of silence in lieu of an invocation.

Mayor Pro-Tempore Audra Killingsworth led the Pledge of Allegiance

[CONSENT AGENDA]

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Councilmember Brett Gantt** to approve the consent agenda as presented.

VOTE: UNANIMOUS (4-0) - *with Councilmember Gray absent.*

The following items were included on the consent agenda:

CN1 RESOLUTION - SUPPORTING FEDERAL FUNDING TO REPLACE THE PRIMARY RUNWAY AT RALEIGH DURHAM INTERNATIONAL AIRPORT

Council adopted a resolution titled "Resolution in Support of Federal Funding to Replace the Primary Runway at Raleigh - Durham International Airport (RDU)" which strongly supports the requests from RDU for \$275 million in federal funding to replace its primary commercial service runway.

CN2 ANNEXATION NO. 729 - 1302 NORTH SALEM STREET - 0.4937 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for August 09, 2022, on the Question of Annexation - Apex Town Council's intent to annex 1302 North Salem Street, containing 0.4937 acres, Annexation No. 729 into the Town Corporate limits.

CN3 ANNEXATION NO. 736 - HUXLEY MSP - 71.543 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, to accepted the Certificate of Sufficiency by the Town Clerk, adopted a Resolution Setting the Date of a Public Hearing for August 09, 2022, on the Question of Annexation - Apex Town Council's intent to annex 71.543 acres, Huxley MSP, Annexation No. 736 into the Town Corporate limits.

CN4 APPOINTMENTS - TRANSIT ADVISORY COMMITTEE

Council reappointed Nick Bryant, Stuart Wagner, and Andrew Werking to the Town's Transit Advisory Committee for two (2) year terms each expiring July 27, 2024; and confirmed Stuart Wagner as the Chair and Andrew Werking as the Vice-Chair of the Transit Advisory Committee for fiscal year 2022-23.

CN5 BUDGET ORDINANCE AMENDMENT NO. 1 - HR - COST OF LIVING SUPPLEMENT

Council adopted Budget Amendment No. 1 which allocated funds for Cost of Living Supplement to Full Time and Part Time Town of Apex Employees.

CN6 CONTRACT MULTI-YEAR - CHARLES UNDERWOOD - SEWER SERVICES - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a 3-year Master Services Agreement with Charles R. Underwood, Inc. and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN7 CONTRACT MULTI-YEAR - MASTEC NORTH AMERICA INC. - GENERAL ELECTRIC SERVICES - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a 3-year contract with MasTec North America Inc. for the purposes of providing general electric services when requested by the Town including; installation, maintenance, repair, servicing, removal, testing, and inspection of underground electrical lines and poles, as well as other projects related to electric utilities; and authorized the Town Manager to execute the agreement.

CN8 CONTRACT MULTI-YEAR - SITEIMPROVE - JULY 2022 THROUGH JUNE 30, 2025

Council approved a 3-year contract with SiteImprove and authorized the Town Manager to execute the agreement on behalf of the Town

CN9 CONTRACT MULTI-YEAR - WAKE COUNTY - MUNICIPAL FIRE PROTECTION AGREEMENT - JULY 1, 2022 THROUGH JUNE 30, 2025

Council approved a 3-year agreement with Wake County to provide Fire Protection Services in the unincorporated areas of the district (Hipex District) and authorized the Town Manager to execute the agreement on behalf of the Town.

CN10 ENCROACHMENT AGREEMENT - 2210 WINSTON CIRCLE LOT 2

Council approved an encroachment agreement between the Town and property owners Timothy M. Murphy and wife, Vanessa L. Murphy to install pool equipment that will encroach 9 square feet, AC condenser that will encroach 9 square feet and another AC condenser that will encroach 13 square feet onto the Public Utility Easement (Sewer) and authorized the Town Manager to execute the same.

CN11 ORDINANCE AMENDMENT SECTION 20-164(40) PRODUCTION DRIVE NO PARKING ZONE

Council adopted an Ordinance amending Section 20-164 to add subsection (40) establishing a No Parking Zone on the east side of Production Drive, from a point 500 feet south of Reliance Avenue to a point 750 feet south of Reliance Avenue.

CN12 RESOLUTION - PUBLIC SEWER EASEMENT ABANDONMENT

Council adopted a resolution titled "Resolution to Abandon a Portion of Sanitary Sewer Easement" which will abandon lots identified as Lots 357-368, Parkside at Bella Casa, Phase 11.

CN13 RESOLUTION - ABANDON MULTIPLE 5' PUBLIC UTILITY EASEMENTS

Council adopted a resolution titled "Resolution to Abandon Multiple 5' Public Utility Easements" which will abandon eleven (11) existing 5' public utility easements as identified in the resolution and referenced Exhibit A.

CN14 REZONING CASE NO. 22CZ03 SWEETWATER PUD AMENDMENT S & O

Council adopted the Statement of the Town Council and Ordinance for Rezoning Case #22CZ03 Sweetwater PUD Amendment, David Schmidt, ExperienceOne Homes, LLC, petitioner, for the properties located at 0 & 3233 US 64 Hwy W, 0 Core Banks St, and 1051 & 1075 Newland Ave (PINs 0722453275, 0722456374, 0722458740, 0722550034, 0722544876, & 0722544404).

CN15 TAX REPORT - JUNE 2022

Council accepted the Apex Tax report dated June 08, 2022.

CN16 TRIANGLE HOME SERVICES WATERLINE - FEE-IN-LIEU (FIL)

Council approved a Fee-in-Lieu (FIL) in the amount of \$64,777.75 for a 12-inch waterline located along the US64 frontage of the proposed Triangle Home Services site.

CN17 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS STATEMENT - JUNE 2022

Council approved the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of June 28, 2022

CN18 UNITY MURAL DESIGN - PROPOSAL - SET PUBLIC HEARING

Council scheduled a public hearing, per the Town's Public Art Policy, for Tuesday, August 9, 2022, and elected to consider the unity mural design created by artist, Loren Pease, at that time.

[PRESENTATIONS]

PR1 PRESENTATION BY THE APEX PUBLIC SCHOOL FOUNDATION - QUARTERLY PEAK S.T.A.R. AWARDS

Councilmember Terry Mahaffey provided a few opening remarks and an overview of the purpose of the Peak S.T.A.R. awards. He recognized Stephanie Mitchell, President of the Apex Public School Foundation to announce the honorees

The following individuals were recognized for their contributions to Wake County Public Schools, specifically in Apex, North Carolina:

- Morgan McNally - Salem Elementary School
- Jasmine Edwards - Salem Elementary School

**PR2 PROCLAMATION - RETIRING APEX AMERICAN LEGION POST 124
COMMANDER MIKE SAYERS**

Mayor Pro-Tempore Audra Killingsworth announced that this item would be delayed per a request received from the Mayor.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Brett Gantt** to set the regular meeting agenda as presented.

VOTE: UNANIMOUS (4-0) - *with Councilmember Gray absent*

[PUBLIC FORM]

Mayor Pro-Tempore Audra Killingsworth opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Proposed Elevated Water Tower Location and Town Communications with residents who live in the Apex Extraterritorial Jurisdiction (ETJ).

[PUBLIC HEARINGS]

**PH1 ECONOMIC DEVELOPMENT AGREEMENT - MILLS CHATHAM
DEVELOPMENT GROUP, LLC**

Economic Development Director, Joanna Helms, provided an overview of the item and included the following background information:

MCDG and its affiliates propose to commercially develop a portion of a site near the intersection of US Highway 64 and NC Highway 751 in Chatham County. The site has previously been annexed by the Town of Apex. MCDG intends to make a capital investment of \$25 million for real property, infrastructure improvements and a facility. This investment represents a project referred to as "Project Real" that intends to create a minimum of 180 full time jobs for a warehouse, distribution and company headquarters operation. In addition, MCDG affiliates intend to invest another \$68 million for future infrastructure and facilities at the site. Therefore, the Town, upon completion of construction and the improvements, shall reimburse costs associated

with extension and installation of public utilities, specifically water and sewer, in an amount not to exceed \$2.2 million.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Pro-Tempore Audra Killingsworth** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Brett Gantt** to approve the Economic Development Agreement with Mills Chatham Development Group, LLC, and authorized the Town Manager to execute the same.

VOTE: UNANIMOUS (4-0) - *with Councilmember Gray absent.*

PH2 REZONING CASE NO. 22CZ11 - 1522 SALEM CHURCH ROAD

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation for the proposed rezoning case no. 22CZ11 - 1522 Salem Church Road.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH2). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Phillip Blackley - 401 Spencer Farm Road, Carolina Beach, NC
 - a. Requesting approval of the project - served as the official applicant.

With no additional speakers, **Mayor Pro-Tempore Killingsworth** closed the public hearing and asked the Council if there was a motion to approve as presented.

Councilmember Brett Gantt made a **motion** to deny the rezoning petition.

Without receiving a second, the **motion failed**.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by Councilmember Terry Mahaffey to approve Rezoning Application #22CZ11- 1522

Salem Church Road. The applicant, Joshua Blackley, seeks to rezone approximately 1.22 acres from Residential Agricultural (RA) to High Density Single Family-Conditional Zoning (HDSF-CZ). The proposed rezoning is located at 1522 Salem Church Road.

VOTE: UNANIMOUS (3-1) - with Councilmember Brett Gantt dissenting and Councilmember Ed Gray absent.

PH3 REZONING CASE NO. 22CZ05 - MORRIS TRACT PUD

Senior Planner, Sarah Van Every, provided a PowerPoint presentation on the proposed rezoning case no. 22CZ05 - Morris Tract PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH3). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Brendie Vega - Withers Ravenal
 - a. Requesting approval of the project - served as the official applicant.

With no additional speakers, **Mayor Pro-Tempore Killingsworth** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Councilmember Brett Gantt** to approve Rezoning Application #22CZ05 Morris Tract PUD. The applicant, Brendie Vega, WithersRavenel, seeks to rezone approximately 17.09 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

VOTE: UNANIMOUS (4-0) - with Councilmember Ed Gray absent.

PH4 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation which provided an overview of the proposed rezoning case no. 22CZ06 Yellowbridge PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Matthew Carpenter, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH4). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Brian Curlson - 515 Kellyridge Drive - Abbington Neighborhood
 - a. In opposition of the proposed rezoning petition.
2. Tom Colhoun - 501 North Salem Street - Representing the Land Owner
 - a. Referenced a letter that was written by Mr. Jerry Hornick.
3. Brett Fleshman - 2575 Bryant Pond Lane - Abbington Neighborhood
 - a. Yield to echo Brian Curleson
4. Kate Macdonell - 2671 Timken Forest Drive - Abbington Neighborhood
 - a. Concerned with the proposed rezoning petition.

With no additional speakers, **Mayor Pro-Tempore Audra Killingsworth** closed the public hearing and asked the Council if there was a motion to proceed.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to continue the item until Tuesday, September 13, 2022 to allow the applicant and staff additional time to work through the concerns of neighboring residents and members of the elected body.

VOTE: UNANIMOUS (4-0) - *with Councilmember Ed Gray absent.*

Mayor Pro-Tempore Audra Killingsworth announced a recess at 8:11 p.m. and said the meeting would reconvene in 15 minutes, approximately 8:25 p.m.

Mayor Pro-Tempore Audra Killingsworth reconvened the meeting at 8:27 p.m.

**PH5 TRANSPORTATION PLAN AMENDMENTS - CHAPEL RIDGE ROAD
AND
PH6 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD**

Long Range Planning Manager, Shannon Cox, provided an overview of the transportation plan amendments located on Chapel Ridge Road. She said the amendments were associated the rezoning case no. 22CZ07 Chapel Ridge North PUD and that the public hearing on both items would be held at the same time. She said that their were three (3) requested amendments that affected three different maps that make up the Transportation Plan for the Town of Apex.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH5). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed Transportation Plan Amendments

With no additional speakers, **Mayor Pro-Tempore Audra Killingsworth** closed the public hearing and said the next presentation would be received before a formal vote.

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the rezoning case no. 22CZ07 Chapel Ridge North PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Jamie Schweder, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Pro-Tempore Audra Killingsworth opened the public hearing for the above-mentioned item (PH6). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. B.P. Yanrath - 4 Caldwell Drive, Pittsboro, NC
 - a. Yielded time - DID NOT SPEAK
2. Mike Merker - 1031 Pemberta Hill Road - Jordan Lutheran Church
 - a. Supportive of the project on behalf of the church and it's members.
3. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed rezoning application.
4. Mike Mohan - 1204 Chapel Ridge Road, Apex, NC
 - a. Supportive of the proposal.
5. Frank Brin - 1516 Clarke Farm Road, Apex, NC
 - a. Yielded time - DID NOT SPEAK
6. Brian Groversten - 2135 Vecchis Lane, Apex, NC
 - a. Yielded time - DID NOT SPEAK
7. Nancy Corey - 1301 Chapel Ridge Road, Apex, NC
 - a. Opposition of the project.
8. Melinda Busi - 1304 Chapel Ridge Road
 - a. Opposition of the project.
9. David Prestrud - 1313 Chapel Ridge Road
 - a. Opposition of the project.

APPROVED | JULY 26, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

With no additional speakers, **Mayor Pro-Tempore Audra Killingsworth** closed the public hearing and asked the Council if there was a motion to proceed.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to continue items PH5 and PH6 until Tuesday, September 13, 2022 to allow the applicant and staff additional time to work through the concerns of neighboring residents and members of the elected body.

VOTE: UNANIMOUS (4-0) - *with Councilmember Ed Gray absent.*

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to the summer music festival and said the new Go Apex bus route starts the upcoming weekend.

[CLOSED SESSION]

CS1 LAURIE HOHE, TOWN ATTORNEY

NCGS § 143-318.11(a)(3)

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey**, to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the item listed above.

VOTE: UNANIMOUS (4-0) - *with Councilmember Ed Gray absent.*

Council entered into closed session at **10:33 p.m.**

Council returned to open session at **10:52 p.m.**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Pro-Tempore Killingsworth** adjourned the meeting at **10:53 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on September 13, 2022 (CN5).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, AUGUST 23, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, August 23, 2022 at 6:00 p.m. The meeting was held in the Council Chamber on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=IPffaB9psFA>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

ABSENT: Councilmember Brett Gantt

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and announced that Councilmember Brett Gantt was absent. He welcomed those in attendance and read the Town's diversity commitment statement.

Mayor Gilbert recognized Wake County Sheriff's Deputy Ned Byrd whose life was honored yesterday and offered a moment of silence for his family, his life of service, and a private moment of silence as the invocation.

Mayor Gilbert led the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Terry Mahaffey** to approve the consent agenda as amended, with removing consent item no. eight (8) and moving it to New Business for additional discussion.

VOTE: UNANIMOUS (4-0) - *with Councilmember Gantt absent.*

The following items were included on the consent agenda:

CN1 BUDGET ORDINANCE AMENDMENT NO. 2 - DEER CREEK 2022 CAPITAL REIMBURSEMENT FEES

Council adopted Budget Ordinance Amendment No. 2 which appropriated funds to pay amounts due under the second amendment to the Utility Infrastructure Reimbursement Agreement with Meritage Homes of Carolinas, Inc. and authorized a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

CN2 BUDGET ORDINANCE AMENDMENT NO. 3 - JORDAN POINTE 2022 CAPITAL REIMBURSEMENT FEES

Council adopted Budget Ordinance Amendment No. 3 which appropriated funds to pay amounts due under the first amendment to the Utility Infrastructure Reimbursement Agreement with WS-JPA, LLC and authorized a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

CN3 CONSTRUCTION AGREEMENT - CSX TRANSPORTATION INC. - WIDENING PLEASANT PLAINS ROAD - PLEASANT PARK PROJECT

Council approved a construction agreement between the Town and CSX Transportation for road and signal improvements related to the Pleasant Park project; authorized the Town Manager to execute the same; and authorized the Town Manager to make changes to the agreement if the changes do not substantially alter the agreement and do not make the agreement, as a whole, less favorable to the Town.

CN4 CONTRACT MULTI-YEAR - CINTAS - UNIFORMS - AUGUST 22, 2022 THROUGH AUGUST 21, 2027

Council approved a five (5) year Agreement, beginning August 22 2022 through August 21, 2027, with Cintas and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN5 ENCROACHMENT AGREEMENT - 1835 FIRENZA DR LOT 39

Council approved an encroachment agreement between the Town and property owners Douglas Ahrens and spouse Tracy Ahrens to install a fence that will encroach 253 square feet onto the Public Utility Easement (Sewer) and authorized the Town Manager to execute the same.

CN6 FEE-IN-LIEU (FIL) OF LAND DEDICATION - ESTATES AT WHITE OAK

Council voted to accept a Fee-in-Lieu of Land Dedication for the Estates at White Oak Subdivision.

CN7 LEASE AGREEMENT RENEWAL - NEW CINGULAR WIRELESS PCS, LLC. TINGEN - JULY 1, 2023 THROUGH JUNE 30, 2038

Council approved a lease renewal agreement with New Cingular Wireless PCS, LLC, beginning July 1, 2023 through June 30, 2038, and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN8 ORDINANCE AMENDMENT FOR ARTICLE I OF CHAPTER 10

Council voted to remove this item from the consent agenda and discuss separately under New Business.

CN9 RESOLUTION - PUBLIC UTILITY EASEMENT ABANDONMENT

Council approved a Resolution to Abandon a Portion of an Existing 5' Public Utility Easement.

CN10 Tax Report - July 2022

Council accepted the Apex Tax Report dated July 05, 2022.

[PRESENTATIONS]

PR1 FINANCIAL UPDATE - CUSTOMER ASSISTANCE PROGRAM (CAP) AND FISCAL YEAR END OPERATING RESULTS

Finance Director Vance Holleman said that on April 27, 2021, the Council established a Customer Assistance Program (CAP) to assist utility customers behind on their bills due to the economic hardships caused by COVID-19. He said that the Town initially appropriated \$503,000 for assistance and allowed qualified applicants to receive up to \$636 in assistance if they met all of the program's eligibility requirements. He said that Western Wake Crisis Ministry Inc. was contracted to administer the program on behalf of the Town.

In addition, **Director Holleman**, provided Council with an update on the financial condition and operating results of the Town's major funds including the

General Fund, Electric Fund, Water and Sewer Fund, through the fiscal year end June 30, 2022.

Mayor Gilbert and Councilmembers discussed the financial update and recognized Director Holleman for his exceptional service and financial leadership for the Town of Apex and wished him well in his retirement.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda as presented, with the addition of New Business Item No. 1 (previously CN8, under the consent agenda).

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

[PUBLIC FORM]

Mayor Jacques K. Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Referenced the public participation policy and a potential revision to include decorum language.

[PUBLIC HEARINGS]

PH1 2022 GENERAL OBLIGATION BOND EXTENSION - \$15 MILLION STREET AND SIDEWALK IMPROVEMENT BONDS

Finance Director, Vance Holleman, provided an overview of the item and included the following background information:

The Council previously approved the submission of an application to extend the Bond Order authorizing the \$15,000,000 Street and Sidewalk Improvement Bonds to the Local Government Commission. That application was approved by the commission on July 12, 2022.

The Bond Order was originally approved by voters on November 3, 2015 and will expire seven (7) years after that date. The Order under consideration would extend the Bond Order for an additional three years.

The Resolution also directs the Town Clerk to publish the Order and a Notice that the order was adopted, will take effect in 30 days, and any action questioning the validity of the order must be originated within 30 days of the publication of the notice.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to adopt the ordinance as presented.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Terry Mahaffey** to adopt an order extending the bond order authorizing \$15 million of street and sidewalk improvement General Obligation Bonds and directed the Town Clerk to publish the order notice.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

**PH2 ANNEXATION NO. 733 - ADAMS PROPERTY PUD - 23.92 ACRES
AND
PH3 REZONING CASE NO. 22CZ08 - ADAMS PROPERTY PUD**

Senior Planner, Liz Loftin, provided a PowerPoint presentation for the proposed annexation petition and rezoning case no. 22CZ08 - Adams Property PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH2 and PH3).

Mayor Gilbert closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Cheryl Stallings** to continue the discussion for both of these items (PH2 and PH3) until the September 27, 2022 Town Council Meeting and consider a final vote at that time.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

**PH4 ANNEXATION NO. 737 - 905 WIMBERLY ROAD - 7.21 ACRES
AND
PH5 REZONING CASE NO. 22CZ14 - 905 WIMBERLY ROAD**

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation on the proposed annexation petition and rezoning case no. 22CZ14 - 905 Wimberly Road.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH4 and PH5).

Mayor Gilbert closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Cheryl Stallings** to adopt an ordinance on the question of annexation - Apex Town Council's Intent to Annex 7.21 acres located at 905 Wimberly Road, Annexation No. 737 into the Town's Corporate Limits, and, approved Rezoning Application Case No. 22CZ14 - 905 Wimberly Road which rezones approximately 7.21 acres from Wake County Residential-80W (R-80W) to Residential Agricultural-Conditional Zoning (RA-CZ). The proposed rezoning is located at 905 Wimberly road.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

PH6 ANNEXATION PETITION NO. 739 - TRIAD EDUCATION SERVICES (TMSA) - 6.524 ACRES

Planning and Community Development Director, Dianne Khin, provided a PowerPoint presentation which provided an overview of the annexation petition no. 739 - Triad Education Services (TMSA).

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH6).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Edward Gray** to adopt an ordinance on the question of annexation - Apex Town Council's intent to annex 6.524 acres as petitioned by Triad Education Services; Triangle Math and Science Academy (TMSA), Annexation No. 739 into the town's corporate limits.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

PH7 REZONING CASE NO. 22CZ10 CALYX SENIOR LIVING (KOBRA PUD AMENDMENT)

Senior Planner, Liz Loftin, provided a PowerPoint presentation which provided an overview of the rezoning case application no. 22CZ10 - Calyx Senior Living (KOBRA PUD Amendment).

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH7).

Mayor Gilbert closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Edward Gray** to approve Rezoning Application #22CZ10 Calyx Senior Living Apex (Kobra PUD Amendment), which rezoned approximately 5.738 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 7501 Jenks Road.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

Mayor Jacques K. Gilbert announced a recess until 8:00 p.m.

Mayor Jacques K. Gilbert reconvened the meeting at 8:02 p.m.

PH8 REZONING CASE NO. 22CZ15 - CARSPACE APEX

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which provided an overview of the rezoning case application no. 22CZ15 - Carspace Apex and said that the proposed rezoning was located at 1720 and 1740 Pinnacle Center Drive.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH8).

Mayor Gilbert closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve Rezoning Application #22CZ15 Carspace Apex which rezoned approximately 6.92 acres from tech/flex-conditional zoning (TF-CZ #14CZ30) to light industrial-conditional zoning (LI-CZ). The proposed rezoning is located at 1720 and 1740 Pinnacle Center Drive.

VOTE: UNANIMOUS (4-0) - with *Councilmember Brett Gantt absent.*

PH9 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS - AUGUST 2022

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which provided an overview of the proposed Unified Development Ordinance Amendments (UDO). According to the coversheet prepared for this item, the following were the requested amendments:

REQUESTED BY PLANNING BOARD

Amendments to Sec. 2.2.6 Pre-Application Meeting and 2.2.7.B Neighborhood Meetings in order to require applicants to provide information in the neighborhood meeting notification letter and during the neighborhood meeting about amendments to any Long Range plans (ex: Transportation Plan, 2045 Land Use Map, etc.) that are directly associated with the proposed rezoning or development, to require that pre-application meetings with the Technical Review Committee be held prior to the mailing of the neighborhood meeting notification letter, and to correct a grammatical error.

REQUESTED BY PLANNING STAFF

Amendment to Sec. 4.4.3.G Supplemental Standards; Utilities; Utility, Minor in order to remove the height limitation for water towers.

Amendments to Sec. 8.2.7.A Fences, Walls, and Berms; Materials in order to allow the unfinished side of a fence to face an alley.

Amendments to Sec. 8.3.2 Off-Street Parking Requirements in order to add standards for the uses "Parking garage, public" and "Parking lot, public" and to

change the wording of the parking requirement for "Recreation facility, private (multi-family or apartment)" from "No requirement" to "None" for consistency.

Amendment to Sec. 8.3.6.E Parking Lot Design Standards, Dimensions in order to clarify that the standards for parking spaces are minimums not maximums

Amendments to Secs. 8.3.9.C Shared Parking in order to increase the percentage of parking for the use "Church or place of worship" that may be shared.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH9).

Mayor Gilbert closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Councilmember Audra Killingsworth** to adopt the various amendments to the Town's Unified Development Ordinance (UDO), as presented by Town staff.

VOTE: UNANIMOUS (4-0) - with Councilmember Brett Gantt absent.

[OLD BUSINESS]

None Scheduled.

[UNFINISHED BUSINESS]

None Scheduled.

[NEW BUSINESS]

NB1 ORDINANCE AMENDMENT FOR ARTICLE I OF CHAPTER 10 - This item was removed from the consent agenda and added to new business.

Deputy Town Attorney, Brian Meyer, along with **Senior Zoning Compliance Officers, Mark Siburt and Trevor Johnson**, provided a PowerPoint presentation which provided an overview of the item.

Councilmembers commented and asked questions at the conclusion of the presentation. Discussion ensued regarding the proposed amendments.

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to schedule a public hearing for September 13, 2022 and directed staff to prepare a revised ordinance amendment based on Council's feedback for consideration at that time.

VOTE: UNANIMOUS (4-0) - *with Councilmember Brett Gantt absent.*

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to various projects and events in the Town.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Jacques K. Gilbert** adjourned the meeting at **8:32 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, SEPTEMBER 13, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 13, 2022 at 6:00 p.m. The meeting was held in the Council Chamber on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=kzBcrG4EwRo>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

ABSENT: NONE

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** He welcomed those in attendance and read the Town's diversity commitment statement.

Mayor Gilbert recognized Dr. Kishore Trivedi, Priest, with The Hindu Society of North Carolina to provide the invocation.

Following the invocation, **Mayor Gilbert** led the Pledge of Allegiance.

APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

[CONSENT AGENDA]

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve the consent agenda as amended, with removing consent item no. one (1).

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 APPOINTMENTS - PLANNING BOARD

Council voted to remove this item from consideration at this meeting. This item was not discussed or acted on during the meeting.

CN2 APPOINTMENT TO NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY (NCEMPA) BOARD OF COMMISSIONERS - ERIC NEUMANN

Council appointed Electric Utilities Director Eric Neumann as the second alternate for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners.

CN3 BUDGET ORDINANCE AMENDMENT NO. 4 - RETIREE COST OF LIVING (COL) SUPPLEMENT

Council adopted Budget Amendment No. 4 which allocated funds for Cost of Living Supplement for Retirees.

CN4 BUDGET ORDINANCE AMENDMENT NO. 5 - PROPERTY ACQUISITION

Council adopted Budget Amendment No. 5 which allocated \$1,123,652 for acquisition of properties located on Templeton Street and Saunders Street for the purposes of public parking

CN5 COUNCIL MEETING MINUTES - MAY/JUNE 2022

Council approved, as submitted, meeting minutes from the following meetings:

- May 24, 2022 - Regular Town Council Meeting
- June 07, 2022 - Budget Work Session - Town Council Meeting
- June 14, 2022 - Regular Town Council Meeting
- June 28, 2022 - Regular Town Council Meeting

CN6 ENCROACHMENT AGREEMENT - NCDOT - AMERICAN TOBACCO TRAIL

Council approved an agreement with NCDOT and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN7 GRANT CONTRACT - NORTH CAROLINA LAND AND WATER FUND REIMBURSEMENT GRANT

APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

Council approved the North Carolina Land and Water Fund (NCLWF) grant contract and to authorized the Town Manager to execute the contract on behalf of the Town and further authorized the Town Manager to approve and execute additional conservation easement declarations required as part of the stream restoration in a form approved by the Town Attorney.

CN8 JENKS ROAD VETERINARIAN - FEE-IN-LIEU (FIL)

Council approved a Fee-in-Lieu (FIL) in the amount of \$44,947.75 for an 8-inch waterline located along the Sunset Meadows Drive frontage of the Jenks Road Veterinarian project site.

CN9 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN TRIANGLE J COUNCIL OF GOVERNMENTS (TJCOG) AND THE TOWN OF APEX - CLEAN WATER EDUCATION PARTNERSHIP (CWEP)

Council approved a Memorandum of Understanding (MOU) between the Town and the Clean Water Education Partnership (CWEP) and to authorized the Town Manager to execute the MOU on behalf of the Town.

CN10 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN TRIANGLE J COUNCIL OF GOVERNMENTS (TJ-COG) AND TOWN OF APEX - SOLARIZE THE TRIANGLE PROGRAM

Council approved a Memorandum of Understanding (MOU) between the Town and Triangle J Council of Governments (TJ COG) and to authorized the Town Manager to execute the MOU on behalf of the Town.

CN11 Resolution - Delegation of Authority to Accept Donations

Council adopted a resolution authorizing the Town Manager to accept donations of personal property.

CN12 REZONING CASE NO. 22CZ10 CALYX SENIOR LIVING (KOBRA PUD AMENDMENT) - STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Case #22CZ10 Calyx Senior Living Apex (KOBRA PUD Amendment), TMTLA Associates, petitioner, for the property located at 7501 Jenks Road (PIN 0732196422).

CN13 REZONING CASE NO. 22CZ15 CARSPACE APEX - STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Application No. 22CZ15 CarSpace Apex, Chris Rurkowski, TMTLA Associates, petitioner, for the property located at 1720 & 1740 Pinnacle Center Drive (PINs 0751272154 & 0751270023).

APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

CN14 REZONING CASE NO. 22CZ16 1039 IRONGATE DRIVE- SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding Rezoning Application #22CZ16 1039 Irongate Drive. The applicant, Aaron Robertson, seeks to rezone approximately 0.46 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1039 Irongate Drive.

CN15 REZONING CASE NO. 21CZ17 TEN TEN BUSINESS PARK - SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding Rezoning Application #21CZ17 Ten Ten Business Park. The applicant, M. Gray Styers, J National Capital V, LLC., seeks to rezone approximately 4.6 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 2132 Ten Ten Road.

CN16 TAX REPORT - JULY 2022

Council accepted the Apex Tax Report dated July 31, 2022.

CN17 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS STATEMENT - AUGUST 2022

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 23, 2022.

CN18 UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS - SEPTEMBER 2022 - SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

[PRESENTATIONS]

None Scheduled.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda as presented.

VOTE: UNANIMOUS (5-0)

**APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING
MINUTES**

[PUBLIC FORM]

Mayor Jacques K. Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Russell Carpiceto - 1201 Dunn Ridge Lane - Off of the Peakway
 - a. Traffic issues on the Peakway near the intersection by his residence. He specifically requested a speed limit change and additional signage.
2. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Budget request for fiscal year 2024 to fund and build turn lanes on Old Highway US 1 and Friendship Road intersection.

[PUBLIC HEARINGS]

**PH1 BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP AMENDMENT -
PROPOSED BIKE LANES - LAURA DUNCAN ROAD**

Senior Planner, Jenna Shouse, presented a PowerPoint presentation which provided an overview of the proposed amends to the Bicycle and Pedestrian System Plan Map to add proposed bicycle lanes along Laura Duncan Road between Old Apex Road and the Town of Apex boundary with the Town of Cary.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1).

With no-one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to adopt the proposed amendments.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to amend the Bicycle and Pedestrian System Map to add the proposed bicycle lanes along Laura Duncan Road between Old Apex Road and the Town of Apex boundary with the Town of Cary.

VOTE: UNANIMOUS (5-0)

PH2 ORDINANCE AMENDMENT FOR ARTICLE I OF CHAPTER 10

Deputy Town Attorney, Brian Meyer provided a PowerPoint presentation for the proposed ordinance amendment to Article I of Chapter 10 with the Town's Code of Ordinances.

**APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING
MINUTES**

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH2).

The following individual spoke during the public hearing:

1. Elizabeth Ray Stitt - 3113 Friendship Road

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Terry Mahaffey** to adopt an ordinance amending Chapter 10, Article I of the Town Code of Ordinances.

VOTE: UNANIMOUS (5-0)

[OLD BUSINESS]

OB1 TOWN'S STRATEGIC PLAN FRAMEWORK - ADOPTION

Deputy Town Manager, Shawn Purvis, provided a PowerPoint presentation on the Town's proposed Strategic Plan Framework and referenced the strategy as "Game Plan Apex".

Councilmembers commented and asked questions at the conclusion of the presentation with many expressing sincere appreciation for Town's hard work on this proposal.

Town Manager Catherine Crosby said that this was the Town's first official strategic plan and many were excited about next steps in implementing this plan throughout the organization.

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Mayor Pro-Tempore Audra Killingsworth**, to adopt the Town's Strategic Plan Framework for the Apex Strategic Plan 2022, and adopted an associated Resolution titled "Resolution of Apex Town Council Adopting the Apex Strategic Plan".

VOTE: UNANIMOUS (5-0)

Mayor Jacques K. Gilbert led the Council and audience in a road of applause for the hard work.

**APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING
MINUTES**

[UNFINISHED BUSINESS]

UB1 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD

Planner II, Lauren Staudenmaier, presented a PowerPoint presentation which provided an overview of the proposed rezoning petition case no. 22CZ06 - Yellow Bridge PUD and highlighted the changes since the prior presentation.

Councilmembers commented on the rezoning proposal and directed questions to staff as well as the applicant.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt**, to approve the rezoning application no. 22CZ06 Yellowbridge PUD which rezoned approximately 48.24 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning was located at 2813 and 2817 US Highway 64 West.

VOTE: **4-1**, with Councilmember Terry Mahaffey dissenting.

CLERK NOTE: During the July 26, 2022 meeting, the Apex Town Council conducted a public hearing on the following items and continued the vote until September 13, 2022 meeting:

- Transportation Plan Amendments - Chapel Ridge Road
- Rezoning Case No. 22CZ07 Chapel Ridge North PUD

Due to a change in the application, these items were not heard on September 13, 2022. New public hearing notices will be advertised at a later date.

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to various projects and events in the Town.

[CLOSED SESSION]

None Scheduled.

**APPROVED | SEPTEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING
MINUTES**

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Jacques K. Gilbert** adjourned the meeting at **7:26 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2022 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, SEPTEMBER 27, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 27, 2022 at 6:00 p.m. The meeting was held in the Council Chamber on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=5aL2AZUOkek>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

ABSENT: NONE

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** He welcomed those in attendance and read the Town's diversity commitment statement.

Mayor Gilbert announced the following changes to the meeting agenda that was originally published:

- Addition of Presentation No. 3 - Proclamation on Hispanic Heritage Month

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- Public Hearing No. 1 - 21CZ17 Ten Ten Business Park - applicant requested a continuance until the November 8, 2022, Regular Town Council Meeting.

Mayor Gilbert said the Regular Meeting Agenda vote would take place at this time given the number of announced changes.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda, as amended.

VOTE: UNANIMOUS (5-0).

Mayor Gilbert led the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 ANNEXATION NO. 703 - HADDOCK PROPERTIES - 1.989 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for October 11, 2022, on the question of Annexation - Apex Town Council's intent to annex 1.989 acres, Haddock Properties, Annexation No. 703 into the Town Corporate limits

CN2 ENCROACHMENT AGREEMENT - NCDOT - APEX WEST GREENWAY TRAIL

Council approved an agreement with NCDOT (NC Rail) and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN3 ENCROACHMENT AGREEMENT - NCDOT - APEX WEST GREENWAY ON OLIVE CHAPEL ROAD (RATIFICATION)

Council ratified a Right of Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways between the Town of Apex and NCDOT for portions of Apex West Greenway within the existing right of way of Olive Chapel Road.

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CN4 GRANT RENEWAL - NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM (GHSP)

Council adopted a Resolution and approved an Agreement of Conditions for a grant from the North Carolina Governor's Highway Safety Program (GHSP) to support costs associated with personnel and equipment and authorized Chief Armstrong to execute associated applicant and agreement on behalf of the Town of Apex.

CN5 ORDINANCE AMENDMENT FOR CHAPTER 20, ARTICLE VIII., SUBSECTION 166(B) N SALEM ST LOADING ZONE REMOVAL

Council approved an Ordinance amending Section 20-166 subsection (b) with the deletion of part (5), removing the loading zone designation from the first three parking spaces on the west side of North Salem Street south of Saunders Street.

CN6 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Case #22CZ06 Yellowbridge PUD, Matthew Carpenter for Lennar Carolinas, petitioner, for the properties located at 2813 & 2817 US 64 Highway West (PINs 0722743789 & 0722752304).

[PRESENTATIONS]

PR1 PROCLAMATION - INDIGENOUS PEOPLES DAY

Mayor Pro-Tempore Audra Killingsworth read the proclamation.

Mayor Gilbert proclaimed Monday, October 10, 2022, as Indigenous Peoples Day in the Town of Apex and urged all resident to observe this day with appropriate ceremonies and activities.

Special Events Coordinator, Taylor Wray, and **Mr. JD Freeman, Community Member**, received the proclamation on behalf of the Town.

PR2 PROCLAMATION - OCTOBER 2022 HINDU HERITAGE MONTH

Councilmember Terry Mahaffey read the proclamation.

Mayor Gilbert proclaimed the month of October 2022, as Hindu Heritage Month in the Town of Apex and called upon all residents to reflect on the significant contributions Hindu communities have made to shape our national life.

Mr. Rajeev Singh, Community Member, and several others, received the proclamation.

APPROVED | SEPTEMBER 27, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

PR3 PROCLAMATION - HISPANIC HERITAGE MONTH - Item Added

Councilmember Brett Gantt read the proclamation.

Mayor Gilbert proclaimed Thursday, September 15, 2022 through Saturday, October 15, 2022 as Hispanic Heritage Month in the Town of Apex and encourage all residents to celebrate this month through activities and programs that enlighten and inspire our understanding of the amazing Hispanic community.

Pastor Luis Jose Villasenor and Mishell Gonzalez with Fiesta Cristiana Organization, and other community members received the proclamation.

[REGULAR MEETING AGENDA]

This vote occurred at the beginning of the meeting. Please reference page 2 of this set of meeting minutes.

[PUBLIC FORM]

Mayor Jacques K. Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Distributed a handout and spoke about the community meeting held by Water Resources staff on the Big Branch Elevated Water Tank.

[PUBLIC HEARINGS]

PH1 REZONING CASE NO. 21CZ17 TEN TEN BUSINESS PARK

NO ACTION. This item was continued to the November 8, 2022 Regular Town Council Meeting, as requested by the applicant. The official vote to continue was taken at the beginning of the meeting - please reference page 2 of this set of the meeting minutes.

PH2 REZONING CASE NO. 22CZ16 -1039 IRONGATE DRIVE

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation for the proposed rezoning petition case no. 22CZ16 - 1039 Irongate Drive.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH2).

**APPROVED | SEPTEMBER 27, 2022 REGULAR TOWN COUNCIL MEETING
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With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Edward Gray** to approve rezoning application #22CZ16 - 1039 Irongate Drive; approximately 0.46 acres from rural residential (RR) to medium density-conditional zoning (MD-CZ).

VOTE: **4-1**, with Councilmember Brett Gantt dissenting.

**PH3 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS -
SEPTEMBER 2022**

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which provided an overview of the proposed Unified Development Ordinance (UDO) amendments. According to the coversheet prepared for this item, the following were the requested amendments:

REQUESTED BY PLANNING STAFF

Amendment to Secs. 4.2.2 Use Table; 4.3.3 Use Classifications, Utilities; 4.4.3 Supplemental Use Standards, Utilities; 8.2.6.B.4 Land Use Classes; and 8.3.2 Off-Street Parking Requirements in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.

Amendments to Secs. 7.2.5 Single-family Residential Grading and 8.1.2.B.2.b Site and Tree Survey Required in order to update references to the date of LiDAR data.

Amendments to Sec. 8.7 Signs in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH3).

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to adopted the various amendments to the Unified Development Ordinance (UDO), as requested by Planning Staff.

APPROVED | SEPTEMBER 27, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Edward Gray**, to enter into closed session pursuant to North Carolina General Statutes (NCGS) § 143-318.11(a)(3) to consult with the Town Attorney to protect Attorney client privilege.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at **6:48 p.m.**

Council returned to open session at **7:22 p.m.**

[OLD BUSINESS]

None Scheduled.

[UNFINISHED BUSINESS]

**UB1 ANNEXATION NO. 733 ADAMS PROPERTY PUD - 23.92 ACRES
AND
UB2 REZONING CASE NO. 22CZ08 ADAMS PROPERTY PUD**

Senior Planner, Liz Loftin, presented a PowerPoint presentation which provided an overview of the proposed rezoning petition case no. 22CZ08 Adams Property PUD and associated annexation petition No. 733.

Councilmembers commented on the rezoning proposal and directed questions to staff as well as the applicant.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Edward Gray**, to adopt an ordinance on the question of annexation Apex Town Council's intent to annex Adams Property Planned Unit Development (PUD) containing 23.92 acres, annexation no. 733 into the Town's Corporate Limits, and, to approve rezoning case no. 22CZ08 - Adams Property PUD, approximately 23.92 acres from wake county residential-40w (R-40W) to planned unit development-conditional zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 APPOINTMENTS - PLANNING BOARD

APPROVED | SEPTEMBER 27, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

Mayor Gilbert said that he received and reviewed over twenty (20) applications for the two Apex Planning Board positions. He said that after careful review he was nominating Alyssa Stepusin and Mr. Daniel Khodaparast. In addition, he said that the Vice-Chair position was now vacant and he was recommending the appointment of Tina Sherman to fill this partial term effective August 9, 2022 through December 31, 2022.

Councilmembers engaged in a discussion regarding the appointment process and expressed an interest in formalizing the process.

A motion was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt** to appoint Alyssa Stepusin to the Apex Planning Board for a two-year term.

VOTE: 3-2, with *Councilmember Terry Mahaffey and Councilmember Cheryl Stallings dissenting.*

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Mayor Pro-Tempore Audra Killingsworth**, to appoint Daniel Khodaparast to the Apex Planning Board for a two-year term.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Terry Mahaffey** to confirm Tina Sherman as the Vice-Chair of the Apex Planning Board for a partial term effective August 9, 2022 through December 31, 2022.

VOTE: UNANIMOUS (5-0)

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to various projects and events in the Town.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Jacques K. Gilbert** adjourned the meeting at **7:26 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2022 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 11, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 11, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=0DIW3DxFKp4&t=889s>

[ATTENDANCE]

Elected Body Mayor

Jacques K. Gilbert (presiding officer)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

ABSENT: Town Manager Catherine Crosby

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at 6:00 p.m. He gave a special welcome to local Cub Scout Troop 205. He then led all in an invocation with a moment of silence focusing on gratitude. He asked for Cub Scout Troop 205 to lead in the Pledge of Allegiance.

[CONSENT AGENDA]

Councilmember Mahaffey asked for CN8 to be moved to NB1.

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to approve the consent agenda moving CN8 to NB1.

VOTE: UNANIMOUS (5-0)

CN1 Affordable Housing Project - Broadstone Walk - Revise Loan Lien Position

Council adopted previously approved loan term related to the Town's loan lien position for the affordable housing project known as Broadstone Walk.

CN2 Budget Ordinance Amendment No. 7 - Electric Operations Facility Equipment Repairs/Replacement

Council adopted Budget Amendment 7 for repairs and replacement equipment at the Electric Operations Facility.

CN3 Budget Ordinance Amendment No. 8 - Affordable Housing Loans - Broadstone Walk

Council adopted budget amendment to allocate \$1,850,000 from Affordable Housing Fund reserves for Affordable Housing Loans.

CN4 Construction Contract Award/Budget Ordinance Amendment No. 6 - MLB Construction Services LLC - Mason Street Building

Council adopted to award building construction contract to MLB Construction Services, LLC and authorization for the Town Manager to execute the contract on behalf of the Town and approve corresponding Budget Amendment 6 and Capital Project Ordinance Amendment 2023-1.

CN5 Resolution Supporting Abandonment of a Portion of Walden Road

Council adopted Resolution Supporting Abandonment of a Portion of Walden Road (SR 1148, Wake County) by the North Carolina Department of Transportation.

CN6 Rezoning Case No. 22CZ07 Chapel Ridge North PUD - Set Public Hearing

Council adopted Public Hearing for the October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter for High Street District Development, Inc., seeks to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Rd.

CN7 Rezoning Case No. 22CZ09 Utley Farms PUD - Set Public Hearing

Council approved Public Hearing for the October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ09 Utley Farms PUD and Ordinance. The applicant, Thurm Bowen, KB Home, Inc. Carolinas Division, seeks to rezone approximately 56.59 acres from Wake County Residential-40 (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development -Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road.

CN8 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing

*Sarah Van Every, Senior Planner, Planning and Community Development
(moved to New Business 1)*

CN9 Rezoning Case No. 22CZ16 - 1039 Irongate Drive - Statement and Ordinance

Council adopted the Statement of the Town Council and Ordinance for Rezoning Application #22CZ16 1039 Irongate Drive, Aaron Robertson, petitioner, for the property located at 1039 Irongate Drive (PIN 0741129183).

CN10 Street Tree Maintenance Agreement - Depot 499 Owners Association

Council adopted a Street Tree Maintenance Agreement between the Town and Depot 499 Owners Association, Inc. (Association) to allow installation of street trees in the public rights of way and perpetual maintenance thereof by the Association and authorize the Town Manager to execute the same.

CN11 Tax Report - August 2022

Council adopted the Apex Tax Report dated September 12, 2022.

CN12 Unified Development Ordinance (UDO) Amendments - September 2022

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of September 27, 2022.

[PRESENTATIONS]

PR1 Proclamation - Fire Prevention Week - October 9 through 15, 2022

Mayor Gilbert proclaimed Fire Prevention Week - October through 15, 2022 and presented Chief Herman, David Dillon, Fire Marshal and Sparky with a signed proclamation.

[REGULAR MEETING AGENDA]

Mayor Gilbert pulled Closed Session Item No. 2 and added NB1 moved from CN8.

A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember Stallings** to approve the regular meeting agenda with changes to pull Closed Session Item No. 2 and adding NB1 from CN8.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Turning to be considered being moved the intersection of Friendship Road and Old US-1 into the Capital Improvement Plan.

2. Rich Colby - 1007 Winding Creek Road
 - a. Beezer's Development - sewer line to be ran through his property

[PUBLIC HEARINGS]

PH1 Annexation No. 703 - Haddock Properties - 1.989 acres

Director, Planning and Community Development Dianne Khin, provided a presentation which provided an overview of Annexation No. 703 - Haddock Properties - 1.989 acres.

Mayor Gilbert opened up public hearing for the above-mentioned item (PH1).

With no one signed up to speak he closed the public hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Stallings** and seconded by **Councilmember Gray** to approve the Annexation No. 703 - Haddock Properties - 1.989 acres as presented to Town staff.

VOTE: UNANIMOUS (5-0)

PH2 Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road

Senior Long-Range Planner, Jenna Shouse, provided a PowerPoint presentation to provide an overview of the Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road.

Councilmembers commented and asked questions at the conclusion of the presentation.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Stallings** seconded by **Councilmember Gantt** to approve Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road as presented by Town staff.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing

Councilmember Mahaffey pulled this from CN8 to have a public discussion with his colleagues.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Mayor Pro-Tempore Killingsworth** to move Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing to November 29th Council meeting.

VOTE: UNANIMOUS (5-0)

[UPDATES BY THE TOWN MANAGER]

Town Manager, Shawn Purvis, provided updates on various Town projects and special events.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the items listed below.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 6:47 p.m.

CS1 Steve Adams, Utility Acquisition Specialist

NCGS §143-318.11 (5):

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

CS2 Brian Meyer, Deputy Town Attorney

Re: ExperienceOne Homes, LLC vs. Town of Apex

~~NCGS §143-318.11(3):~~

~~*"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged."*~~

CS3 Laurie Hohe, Town Attorney

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

CS4 Jacques K. Gilbert, Mayor, and Audra Killingsworth, Mayor Pro-Tempore

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to return from closed session.

VOTE: UNANIMOUS (5-0)

Council returned from closed session at 9:02 p.m.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **9:03 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on November 13, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 25, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 25, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:
<https://www.youtube.com/watch?v=ExfAiVlcdB8>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding officer)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

ABSENT: NONE

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and said the chambers were full with a lot of faces and it was good to see so many engaged residents. He said that during tonight's meeting the Apex Chapter of Hindu Faith would be presenting the Town Council members with Rakhis which was a symbol of protection and bonds between each other. Mayor Gilbert said the Town had a core value to respect and celebrate many traditions and encouraged those watching online or in the room to observe the ceremony or take a private moment of silence.

All members of the elected body, Town Manager Catherine Crosby, Town Attorney Laurie Hohe, Town Clerk Allen Coleman, Assistant Town Manager Shawn Purvis, Assistant Town Manager Marty Stone, and Diversity, Equity, and Inclusion Director Linda Graham Jones received a Rahkis.

Mayor Gilbert led the Pledge of Allegiance following the Rahkis ceremony.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 AGREEMENT VERIZON SERVICES TELEPHONY (OCTOBER 26, 2022 THROUGH OCTOBER 25, 2025)

Council voted to approve and continue to utilize Verizon as a vendor for a three-year term (October 26, 2022 through October 25, 2025) to include telephony services and authorized the Town Manager to execute the contract on behalf of the Town.

CN2 ANNEXATION NO. 734 - UTLEY FARMS PUD - 56.59 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 56.59 acres, Utley Farms PUD, Annexation No. 734 into the Town Corporate limits.

CN3 ANNEXATION 744 - 7805 GREEN LEVEL CHURCH ROAD - 2.24 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 2.24 acres, located at 7805 Green Level Church Road, Annexation No. 744 into the Town Corporate limits.

CN4 CONSTRUCTION CONTRACT AWARD/BUDGET ORDINANCE AMENDMENT NO. 9 - HAMLETT ASSOCIATES INC. - PUBLIC WORKS OPERATIONS RENOVATION - PHASE 1

Council voted to award a building construction contract to Hamlett Associates, Inc. and authorized the Town Manager to execute the contract on behalf of the Town and approved corresponding Budget Ordinance Amendment No. 9.

CN5 COUNCIL MEETING MINUTES - AUGUST AND SEPTEMBER 2022

Council approved, as submitted, meeting minutes from the following Town Council Meetings:

- August 23, 2022 - Regular Town Council Meeting
- September 13, 2022 - Regular Town Council Meeting
- September 27, 2022 - Regular Town Council Meeting

CN6 DEVELOPER AGREEMENT - TEN TEN ROAD AT JESSIE DRIVE TURN LANE COST SHARE

Council approved a Development Agreement between the Town of Apex and Horton Park Investments, LLC. in the amount of \$107,242.00 for reimbursement of 200 feet of additional storage length for the westbound left turn lane on Ten Ten Road at Jessie Drive and authorized the Town Manager to execute the contract on behalf of the Town.

CN7 ENCROACHMENT AGREEMENT - 2937 MACINTOSH WOODS DRIVE, LOT 25

Council approved an encroachment agreement between the Town and property owners Ramanpreet Singh and spouse Mandeep Kaur to install a fence that will encroach 104 linear feet onto the 40' Town of Apex Public Sanitary Sewer Easement and authorized the Town Manager to execute the same.

CN8 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - EMERGENCY VEHICLE DRIVE (EVD)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency Medical Care, Safety & Survival, and Traffic Incident Management System.
- Fireground Procedures
- Technical Rescuer and Technical Rescuer - Vehicle
- Rapid Intervention Crew
- Emergency Vehicle Drive

CN9 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - FIREFIGHTER SERIES CLASS

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to

execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency
- Medical Care, Safety & Survival, and Traffic Incident Management System.

CN10 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - FIREGROUND PROCEDURES

Council approved a Memorandum of Understanding (“MOU”) between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex’s fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Fireground Procedures

CN11 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - NORTH CAROLINA RAPID INTERVENTION CREW (NC RIC)

Council approved a Memorandum of Understanding (“MOU”) between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex’s fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- North Carolina Rapid Intervention Crew (NC RIC)

CN12 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - TECHNICAL RESCUER AND TECHNICAL RESCUER - VEHICLE

Council approved a Memorandum of Understanding (“MOU”) between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex’s fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Technical Rescuer and Technical Rescuer - Vehicle

[PRESENTATIONS]

None.

[REGULAR MEETING AGENDA]

Mayor Gilbert announced that public hearing item no. 3 - Rezoning Case No. 22CZ09 Utlely Farms PUD would be continued until November 8, 2022. He called for any other changes for the regular meeting agenda. No changes were presented.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to set the regular meeting agenda as presented, noting that public hearing no. 3 would be continued until November 8, 2022.

VOTE: UNANIMOUS (5-0).

[PUBLIC FORM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Encouraged the Town Council to review the Traffic Studies that were being obtained for the various Town projects. She said additional traffic lights and road widening projects were needed for turn lanes to prevent future accidents in the Friendship/New Hill community.
2. Veronica Pacheco - No address given - Sweetwater Neighborhood.
 - a. Traffic Issue at Sweetwater - Dog was hit and killed. Dogs name was Austin.
3. Randy [Last Name Unknown] - Olive Chapel Road, Apex, NC
 - a. Traffic Issue with Sweetwater at Richardson Road and Olive Chapel Road. The speaker presented a yard sign that encouraged drivers to slow down to prevent future accidents with animals and pets.
4. Ashley Solis - Resident of Sweetwater
 - a. Presented petition 1,064 signatures with over ninety-five percent (95%) of individuals being Apex residents regarding traffic issues at Sweetwater. She spoke about the incident above where the dog named Austin was hit by high speed traffic. She said the petition encouraged the Town Council to consider to reducing the speed in this area from 45 miles per hour to 35 miles per hour.

[PUBLIC HEARINGS]

PH1 TRANSPORTATION PLAN AMENDMENTS - CHAPEL RIDGE ROAD AND PH2 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD

Long Range Planning Manager, Shannon Cox, provided an overview of the transportation plan amendments located on Chapel Ridge Road. She said the amendments were associated the rezoning case no. 22CZ07 Chapel Ridge North PUD and that the public hearing on both items would be held at the same time. She said that there were three (3) requested amendments that affected three different maps that make up the Transportation Plan for the Town of Apex.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed Transportation Plan Amendments

With no additional speakers, **Mayor Gilbert** closed the public hearing and said the next presentation would be received before a formal vote.

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the rezoning case no. 22CZ07 Chapel Ridge North PUD.

Councilmembers commented and asked questions at the conclusion of the presentation.

Jamie Schweder, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Mike Merker - 1031 Pemberta Hill Road - Jordan Lutheran Church - (Group speaker so nine (9) minutes received).
 - a. Supportive of the project on behalf of the church and it's members.
2. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed rezoning application.
3. Melinda Fushy - 1304 and 1301 Chapel Ridge Road (Group speaker so nine (9) minutes received).
 - a. Opposition of the proposed rezoning application.
4. Mike Mohan - 1204 Chapel Ridge Road (Group speaker so nine (9) minutes received).
 - a. Supportive of the project.
5. Phil Welch - 1471 Bigleaf Loop, Apex, NC
 - a. Chair Western Region Affordable Housing Advocacy Group - encourage the Town Council to have the Housing Advisory Board (HAB) review the rezoning cases presented similar to the Environmental Advisory Board (EAB).

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to proceed.

Councilmember Gantt asked the minister of Apex Lutheran Church to provide more context to his comments related to support of this project and sought clarification on whether the position was the same from the church since time had passed.

Mister Mike Mercer provided comments and said his church was still supportive of the project.

Councilmember Stallings asked for clarification related to the topography of the land since multi-story homes were being proposed in this area.

Jamie Schweder, with Parker Poe, provided responses and provided clarification on the Affordable Housing comments made previously.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the transportation plan amendments associated with Chapel Ridge Road and approve rezoning application no. 22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter, sought to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Road and 1512 Clark Farm Road. .

VOTE: UNANIMOUS (5-0).

PH3 REZONING CASE NO. 22CZ09 UTLEY FARMS PUD

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray**, to continue the public hearing associated with rezoning case no. 22CZ09 Utley Farms PUD until November 08, 2022.

Councilmember Gantt asked for this item to be moved until the next meeting in November as November 8 was an election night.

Councilmembers engaged in discussion with staff about possible alternative options.

Councilmember Gantt withdrew his request for a different date to be considered.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

APPROVED | OCTOBER 25, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

No updates provided.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:09 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on October 28, 2022 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX TOWN COUNCIL PUBLIC SAFETY WORK SESSION TUESDAY, NOVEMBER 1, 2022 4:00 P.M.

The Apex Town Council met for a Public Safety Work Session on Tuesday, November 1, 2022 at 4:00 p.m. The meeting was held at the Apex Police Department, located at 205 Saunders Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=qdGVIErV7Fk&t=1279s>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff

Town Manager Catherine Crosby

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

Police Chief Jason Armstrong

Police Officer Victoria Carter

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **4:00 p.m.** and thanked Town Manager for putting this together.

[DEPARTMENT UPDATES]

Police Chief, Jason Armstrong provided a PowerPoint on a high-level overview of the key issues that the Police Department is currently working on with the topics being Personnel, Policy and Procedures including organization updates, that

took place July 1, 2022 and notable changes and pending changes and Benchmark Analytics.

Councilmembers asked questions and discussions ensued between the elected members and town staff.

[EMERGING TOPICS]

Police Chief, Jason Armstrong continued with the PowerPoint presentation going over topics such as, school traffic safety, including crossing guard positions open; gun violence in the Community, including gun theft trends, reporting and education efforts; and Officers mental health, including addressing staff wellbeing, available resources and team building.

Councilmembers asked questions and discussions ensued between the elected members and town staff.

Mayor Gilbert called for a five-minute break and announced the meeting in recess at **5:46 p.m.**

Mayor Gilbert reconvened the meeting at **5:51 p.m.**

[Mayors Substance Misuse Taskforce]

Mayor Gilbert spoke about the Town's substance misuse task force and said that there was a meeting the upcoming week and this meeting will provide additional information highlighting the human cost of the epidemic and the need for continued community action. He said that the goal for establishing the task force is for people to see there is a problem and how to identify it. He introduced Victoria Carter and recognized her dedication along with Erica Asberry, an Outreach Coordinator.

Police Officer, Victoria Carter presented *Substance Misuse Task Force* giving information on the Apex Task Force, including members, volunteers, accomplishments in 2022, available resources, curriculum for schools and goals for 2023. She gave Stats for 2021 vs. 2022 which included overdoses and Narcan usage. There were questions and discussions from elected members and town staff.

Erica Asberry, Credentialed Drug and Alcohol Counselor spoke on the stigma surrounding substance use and shared experiences with families who hide addiction. She presented several of the task force initiatives.

Mayor Gilbert extended his appreciation to the task force and thanked them.

Councilmember Gray thanked the Town leadership for giving this update.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **6:18 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on November 13, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, NOVEMBER 8, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, November 8, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's Youtube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=tLEhwcAx0Q&t=2680s>

[ATTENDANCE]

Elected Body Mayor

Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff Assistant

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at 6:00 p.m. and welcomed all. He said that it was voting night and encouraged all to vote. He recognized Fernando with Apex IT for all he does behind the scenes to bring this meeting livestream to all. He invited the American Legion Apex Post 124 to post the colors and then led all in the Pledge of Allegiance.

Mayor Gilbert recognized Pastor Merker with Jordan Lutheran Church to provide the innovation.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro-Tempore Killingsworth** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0)

The following items were included on the consent agenda:

CN1 Annexation No. 742 - 3075 Lufkin Road - 4.733 acres

Council adopted 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 the Date of a Public Hearing for November 29, 2022, on the Question of Annexation - Apex Town Council's intent to annex 4.733 acres, located at 3075 Lufkin Road, Annexation No. 742 into the Town Corporate limits.

CN2 Budget Ordinance Amendment No. 10 - White Oak Creek Consortium - Capital Reimbursement Fees

Council adopted Budget Ordinance Amendment No. 10 which appropriates funds to pay amounts due under the first amendment to the Utility Infrastructure Reimbursement Agreement with Pulte Home Company, LLC, Standard Pacific of the Carolinas, LLC, and Taylor Morrison of Carolinas, Inc. and which authorizes a transfer of funds from the Water Sewer HB 463 Capital Fund to fund the payment.

CN3 Encroachment Agreement - 115 Litton Street Lot 64

Council adopted an encroachment agreement between the Town and property owner Empire Contractors, Inc. to install a driveway that will encroach 912 square feet (SF) onto the 30' Town of Apex Sanitary Sewer and Drainage Easement and authorize the Town Manager to execute the same.

CN4 Rezoning Case No. 22CZ07 - Chapel Ridge North PUD - Statement & Ordinance

Council adopted to approve Statement of the Town Council and Ordinance for Rezoning Case #22CZ07 Chapel Ridge North PUD. Matthew Carpenter for High Street District Development, Inc. is the petitioner for the properties located at: 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Rd.

CN5 Rezoning Case No. 21CZ18 - Olive Chapel Professional Park - Set Public Hearing

Council adopted to set Public Hearing for the November 29, 2022 Town Council meeting regarding Rezoning Application #21CZ18 Olive Chapel Professional Park.

APPROVED | NOVEMBER 8, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

The applicant, Patrick Kiernan, Jones & Clossen Engineering, LLC, seeks to rezone approximately 8.7 acres from Office & Institutional-Conditional Zoning (O&I-CZ #16CZ11) to Office & Institutional-Conditional Zoning (O&I-CZ). The proposed rezoning is located at 0, 0, 0, 1480, 1460, & 1400 Chapel Ridge Road.

CN6 Rezoning Case No. 22CZ18 - Humie Olive Place - Set Public Hearing

Council adopted to set Public Hearing for the November 29, 2022 Town Council meeting regarding Rezoning Application #22CZ18 Humie Olive Place. The applicant, Construction Masters, LLC, seeks to rezone approximately 2.0 acres from Medium Density Residential-Conditional Zoning (MD-CZ #16CZ27) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 2157 & 0 Blazing Trail; 7994, 7988, and 7982 Humie Olive Road.

CN7 Unified Development Ordinance (UDO) Amendments - November 2022 - Set Public Hearing

Council adopted to set the Public Hearing for the November 29, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

[PRESENTATIONS]

PR1 Presentation by the Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards

Councilmember Terry Mahaffey provided a few opening remarks and an overview of purpose of the 1st Quarter Peak S.T.A.R. award.

Ms. Mitchell, President of Peak S.T.A.R. provided information about the nominations of the Peak Star and recognized Tara Gillespie to accept the award.

PR2 Proclamation - Small Business Day - Saturday, November 26, 2022

Mayor Gilbert proclaimed Small Business Day - Saturday, November 26, 2022 and presented Colleen Merays, Small Business Manager of Economic Development Department with the signed proclamation.

PR3 Proclamation - Veterans Day - Friday, November 11, 2022

Councilmember Gray provided opening remarks and an overview of Veterans Day.

Mayor Gilbert proclaimed Veterans Day - Friday, November 11, 2022.

Councilmember Gray presented the proclamation to the Commander of American Legion Post 124, Sandra Edens.

PR4 Native American Heritage Month - November 2022

Mayor Gilbert proclaimed Native American Heritage Month - November 2022 and presented it to Rosanna and DEI Director Linda Graham Jones with the signed proclamation.

[REGULAR MEETING AGENDA]

Mayor Gilbert noted that Closed Session would be added.

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Brett Gantt** to set the regular meeting agenda with the addition of a Closed Session item.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Mike Merker - Paster of Jordan Lutheran Church
 - a. Thanked Council from the Chapel Ridge Community related to Chapel Ridge North PUD rezoning.
2. Bal divine Hanrath
 - a. Thanked Council for the change in the PUD
3. Elizabeth Stitt - 3113 Friendship Road
 - a. Thanked Council. She spoke of it being election night and thanked Council for running.

[PUBLIC HEARINGS]

PH1 Annexation No. 744 - 7805 Green Level Church Road - 2.24 acres

Dianne Khin, Director of Planning and Community Development, provided a PowerPoint presentation which provided an overview of the Annexation No. 744 - 7805 Green Level Church Road - 2.24 acres.

Mayor Gilbert opened public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Stallings**, seconded by **Councilmember Gray** to approve the Annexation No. 744 - 7805 Green Level Church Road - 2.24 acres.

VOTE: UNANIMOUS (5-0)

PH2 Annexation No. 734 - Utley Farms PUD - 56.59 acres

Dianne Khin, Director of Planning and Community Development

AND

PH3 Rezoning Case No. 22CZ09 - Utley Farms PUD

Lauren Staudenmaier, Planner II, Planning and Community Development provided a PowerPoint presentation which provided an overview of Annexation No. 734 - Utley Farms PUD - 56.59 acres and Rezoning Case No. 22CZ09 - Utley Farms PUD.

Mayor Gilbert opened public hearing for the above-mentioned item (PH1).

Jason Barron with Morning Historical Law Group gave an overview of the cases and thanked Council and recognized the efforts of those that worked on this case.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing. The following individuals spoke during the public hearing and a brief description of their remarks are noted below each name:

1. Jeff Hasting with Historic Preservation

- a. Spoke about the developer doing their due diligence in taking into consideration the Historic Preservation from a historical perspective and thanked them.

With no one else signed up to speak, **Mayor Gilbert** closed the Public Hearing and asked the Council if there was a motion to approve as presented.

Councilmembers commented and asked questions.

A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember Stallings** to approve the Annexation No. 734 - Utley Farms PUD - 56.59 acres and Rezoning Case No. 22CZ09 - Utley Farms PUD.

VOTE: UNANIMOUS (4-0) with Councilmember Grant dissenting

PH4 Rezoning Case No. 21CZ17 - Ten Ten Business Park

Sarah Van Every, Senior Planner, Planning and Community Development provided a PowerPoint presentation which provided an overview of Rezoning Case No. 21CZ17 - Ten Ten Business Park. She also noted that this was her last Council presentation and that she would be leaving her position with Apex.

Councilmembers commented and asked questions at the conclusion of the presentation.

Gray Styers of 434 Fayetteville Street in Raleigh North Carolina spoke on behalf of Jay National Capital 5 LLC which has an option to purchase and develop this property. He spoke on the split zoning speculating on how this was historically created.

Councilmembers commented and asked questions.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Mayor Pro-Tempore Killingsworth** and seconded by **Councilmember Mahaffey** to approve Rezoning Case No. 21CZ17 - Ten Ten Business Park as presented.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

No new business.

[UPDATES BY TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to the Town-wide Customer survey, Veterans Day closure of Town Hall on November 11th and Veterans Day Ceremony, and the Turkey Trot on November 19th.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro-Tempore Killingsworth**, to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the item listed below.

VOTE: UNANIMOUS (5-0)

CS1 Laurie Hohe, Town Attorney

NCGS §143-318.11 (3):

"To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged."

Council entered into closed session at **7:17p.m.**

Council returned to open session at **7:47 p.m.**

ADJOURNMENT

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **7:47 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on November 13, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, NOVEMBER 29, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, November 29, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=nMmbQb-NKdg>

[ATTENDANCE]

Elected Body Mayor

Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings (*arrived late -see note below*)

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** and welcomed all attending and livestream and moved to invocation for a moment of being grateful and giving thanks to each other and then led all in the Pledge of Allegiance.

[CONSENT]

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Mahaffey** to approve the consent agenda as presented.

VOTE: UNANIMOUS (4-0) with *Councilmember Stallings absent*

CN1 2023 Town Council Meeting Calendar

Council approve Town Council meeting schedule for calendar year 2023.

CN2 Amendment to GoApex Paratransit Services Agreement with Wake County

Council approved and to authorize the Town Manager to sign and execute, an Amendment to the ADA Paratransit Services Agreement with Wake County.

CN3 Development Agreement - DHIC Broadstone Walk LLC

Council approved development agreement with Broadstone Walk, LLC with a loan commitment of \$1,850,000 to partially fund the construction and permanent financing of a residential development which will consist of a 164-unit multifamily affordable housing apartment complex to be located on 950 South Hughes St., Apex, North Carolina to be known as Broadstone Walk Apartments, and authorize the Town Manager to execute the agreement on behalf of the Town.

CN4 GoApex Fiscal Year 23 Wake Transit Funding Agreement

Council approved and to authorize the Town Manager to sign and execute, the General Operating Agreement for Bus Operations - Community Funding Area Program for Wake Transit Fiscal Year 2023.

CN5 Public Art - Blackbird Circle Sculpture Purchase and Relocation - Set Public Hearing

Council approved to conduct a public hearing at the December 13, 2022 Town Council meeting pertaining to purchase and relocation of "Blackbird Circle" as a part of the Town's permanent Public Art collection.

CN6 Rezoning Case No. 21CZ17 Ten Ten Business Park Statement and Ordinance

Council approved the Statement of the Town Council and Ordinance for Rezoning Case #21CZ17 Ten Ten Business Park, J National Capital V, LLC., petitioner, for the property located at 2132 Ten Ten Road (PIN 0751359861).

CN7 Tax Report - September 2022

Council approved the Apex Tax Report dated October 09, 2022.

[PRESENTATIONS]

PR1 Recognition - Apex Friendship High School Students - Women's Tennis Double State Champions

Mayor Gilbert presented the recognition of Apex Friendship High School (AFHS) Juniors, Julianne Izod and Riley Jennings, on their recent achievement of winning the High School 4A Tennis State Championship.

Laurie Wagah, Executive Director of Wake Western Tennis Apex, presented Letter of Honor to Julianne Izod and Riley Jennings.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray** to set the regular meeting agenda with added Closed Session.

VOTE: UNANIMOUS: (4-0) with Councilmember Stallings absent

[PUBLIC FORUM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road
 - a. Big Branch Force main
 - b. Turning Lanes and comments that Council made at last meeting
2. Leslie Abel - Westford Community
 - a. Safety in Apex
3. Ashley Solis of Sweetwater
 - a. Safety concerns for the intersection at Richardson Road and Hassey Road in Sweetwater (provided handout)
4. Veronica Pacheco of 1316 Brown Velvet Lane at Sweetwater
 - a. Safety concern for Richardson Road area

5. Randy Gupka - 1180 Little Gem Lane
 - a. Safety for Sweetwater - need more lights and lower speed limit

[PUBLIC HEARINGS]

PH1 Annexation No. 742 - 3075 Lufkin Road - 4.733 acres

Dianne Khin, Director of Planning and Community Development, provided a PowerPoint presentation which provided an overview of the Annexation No. 742 - 3075 Lufkin Road - 4.733 acres.

Mayor Gilbert opened public hearing for the above-mentioned item (PH1).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Gray** to approve the Annexation No. 742 - 3075 Lufkin Road - 4.733 acres.

VOTE: UNANIMOUS (4-0) with Councilmember Stallings absent

PH2 Rezoning Case No. 21CZ18 - Olive Chapel Professional Park

Amanda Bunce, Current Planning Manager, Planning and Community Development, provided a PowerPoint presentation which provided an overview of Rezoning Case No. 21CZ18 - Olive Chapel Professional Park.

Councilmembers commented and asked questions at the conclusion of the presentation.

Patrick Kierman with Jones and Engineering located at 221 North Salem Street representing owners of Olive Chapel Professional Park gave information on the two added uses.

Mayor Gilbert opened public hearing for the above-mentioned item (PH1).

Mayor Gilbert opened the public hearing and asked the first speaker to come up.

1. Rita Boykin at 1500 Clark Farm Road

- a. Concerns on the rezoning Professional Park objecting to the Pet Crematorium

Mayor Gilbert closed the public hearing with no one else signed up to speak.

Councilmembers commented, asked questions and held discussions.

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro-Tempore Killingsworth** to approve the Rezoning Case No. 21CZ18 - Olive Chapel Professional Park.

VOTE: UNANIMOUS (5-0)

Councilmember Stallings arrived at 6:46 p.m.

Mayor Gilbert congratulated **Councilmember Stallings** on her election win for the Wake County Board of Commissioners. The Mayor, Council members and staff honored her service with Apex and recognized and thanked her family. He then presented her with a plaque of appreciation and they stood in alignment for a group photo.

PH3 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD

Amanda Bunce, Current Planning Manager, Planning and Community Development

A **motion** was made by **Councilmember Mahaffey** and seconded by **Mayor Pro-Tempore Killingsworth** to continue PH3 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD until January 24th, 2023 Council meeting.

VOTE: UNANIMOUS (5-0)

PH4 Rezoning Case No. 22CZ18 - Humie Olive Place

Amanda Bunce, Current Planning Manager, Planning and Community Development, provided a PowerPoint presentation which provided an overview of Rezoning Case No. 22CZ18 - Humie Olive Place.

Councilmembers commented and asked questions at the conclusion of the presentation.

Peter Knausen with Jones Knots Engineering at 221 North Salem Street, the consultant engineering firm for Construction Master, who is the owner and developer for Humie Olive Place Subdivision spoke about the stream buffer and requested to

add to extend the sidewalk 5' along the north side of Blazing Trail Drive for connection to the existing 5' sidewalk at the Park Side at Bella Casa.

Councilmembers commented, discussed and asked questions.

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

Councilmembers commented, discussed and asked questions.

A **motion** was made by **Mayor Pro-Tempore Killingsworth** and seconded by **Councilmember Gray** to approve Rezoning Case No. 22CZ18 - Humie Olive Place with the conditions offered by the developer.

VOTE: UNANIMOUS (5-0)

PH5 Transportation Plan Amendments - Legacy PUD

Shannon Cox, Long Range Planning Manager, Planning and Community Development provided a PowerPoint presentation which provided an overview of Transportation Plan Amendments - Legacy PUD.

Mayor Gilbert opened public hearing for the above-mentioned item (PH5).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

A **motion** was made by **Councilmember Stallings**, seconded by **Councilmember Gantt** to approve the Transportation Plan Amendments - Legacy PUD.

VOTE: UNANIMOUS (5-0)

PH6 Unified Development Ordinance Amendments November 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development, provided a PowerPoint presentation which provided an overview of Unified Development Ordinance Amendments November 2022 to make two amendments, Amendment #1 is to change make a name change to the Planning Department and Director position name and Amendment #2 amending Buffer A.

Mayor Gilbert opened public hearing for the above-mentioned item (PH5).

With no one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to approve as presented.

Councilmembers commented, discussed and asked questions.

A **motion** was made by **Councilmember Gray** and seconded by **Councilmember Stallings** to approve **Unified Development Ordinance Amendments November 2022**.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Resignation of Councilmember Cheryl Stallings

A **motion** was made by **Councilmember Mahaffey** and seconded by **Mayor Pro-Tempore Killingsworth** to accept the Resignation of Councilmember Cheryl Stallings.

VOTE: UNANIMOUS (5-0)

NB2 Filling Vacancies - Governing Body

Councilmember Mahaffey, Rules Committee Chair led with the overview of policies and process of how vacancies are filled.

Clerk Coleman gave an overview of the timeline for filling vacancies and processes for more transparency.

Councilmembers commented, discussed and asked questions. Each member expressed their appreciation to Town Clerk Coleman for his hard work in developing this process.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Gray** to approve the Policy considering the resignation of Mayor or Member of Town Council.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Mahaffey** and seconded by **Councilmember Gray** to approve the process described by Clerk Coleman and the schedule to fill the coming At Large vacancy on apex.com.

VOTE: UNANIMOUS (5-0)

[UPDATES BY TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to the Downtown Design Project at the Senior Center, Farmer's Market winter schedule and the Tree lighting and the Christmas Parade.

[CLOSED SESSION]

A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro-Tempore Killingsworth**, to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the item listed below.

VOTE: UNANIMOUS (5-0)

CS1 Laurie Hohe, Town Attorney

NCGS §143-318.11 (6):

"To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee."

Council entered into closed session at **7:40 p.m.**

Council returned to open session at **9:15 p.m.**

ADJOURNMENT

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **9:15 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on November 13, 2025 (CN7).

APPROVED MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, DECEMBER 13, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, December 13, 2022 at 6:00 p.m. The meeting was held on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town's YouTube Channel.

The meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=1pyZuBCvBn4>

[ATTENDANCE]

Elected Body Mayor

Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff Assistant

Town Manager Catherine Crosby

Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at 6:00 p.m. and welcomed all attending and those on livestream. He invited the Apex Friendship Elementary School stars to present their school song. He then led all in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert noted that CN9 would be removed from the Consent Agenda and considered separately.

A **motion** was made by **Mayor Pro-Tempore Killingsworth** and seconded by **Councilmember Mahaffey** to approve Consent Agenda withdrawing CN9.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Spectrum Enterprise Service - Additional Facilities - Continuous Term

Council adopted the Spectrum Enterprise Service Agreement and continue to use Spectrum Voice Services at new town locations such as PSS36, Mason St. building, and Pleasant Park.

CN2 Annexation No. 735 - Hatcher Property - 28.8420 acres

Council adopted 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 the Date of a Public Hearing for January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 28.8420 acres, Hatcher Property, Annexation No. 735 into the Town Corporate limits.

CN3 Annexation No. 740 - 1933 Olive Chapel Road - 3.40 acres

Council adopted 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 the Date of a Public Hearing for January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 3.40 acres, located at 1933 Olive Chapel Road, Annexation No. 740 into the Town Corporate limits.

CN4 Annexation No. 741 - The Townes at the Station - 16.30 acres

Council adopted 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 the Date of a Public Hearing for January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 16.30 acres, The Townes at the Station Planned Unit Development (PUD), Annexation No. 741 into the Town Corporate limits.

CN5 Appointments - Housing Advisory Board

Council approved to reappoint the following non-voting members to the Apex Housing Advisory Board for a term of one year expiring December 31, 2023:

- Mayor Pro-Tempore Audra Killingsworth, Non-Voting Town Councilmember
- Resident Tina Sherman, Non-Voting Planning Board Member

CN6 Budget Ordinance Amendment No. 11 and Capital Project Ordinance Amendment

No. 2023-2 - Humie Olive Road and Blazing Trail - Traffic Signal Design

Council adopted Budget Amendment 11 & Capital Project Ordinance Amendment 2023-2 to appropriate funds for traffic signal design at Humie Olive Rd & Blazing Trail Dr.

CN7 Budget Ordinance Amendment No. 12 and Capital Project Ordinance Amendment No. 2023-3 - Downtown Safe Routes to School & Transit Connections Project

Council adopted Budget Ordinance Amendment 12 & Capital Project Ordinance Amendment 2023-3 to appropriate funds for construction of project BL-0047 (Downtown Safe Routes to School & Transit Connections).

CN8 Development Agreement - DHIC Broadstone Walk LLC

Council adopted a development agreement with Broadstone Walk, LLC with a loan commitment of \$1,850,000 to partially fund the construction and permanent financing of a residential development which will consist of a 164-unit multifamily affordable housing apartment complex to be located on 950 South Hughes St., Apex, North Carolina to be known as Broadstone Walk Apartments and authorize the Town Manager with recommendation of the Town Attorney to make minor modifications to the Agreement consistent with the intent and spirit of the Agreement and which do not impact the amount of funding.

CN9 Human Resources (HR) Policy Updates and Budget Ordinance Amendment No. 13 - 2022 Pay Study (Pending)

Mary Beth Manville, Human Resources Director

(Removed from Consent Agenda to be considered at a later meeting)

CN10 North Carolina League of Municipalities (NCLM) - Voting Delegate 2023-

2024 Council adopted to appoint Councilmember Terry Mahaffey as the Council's voting member for the North Carolina League of Municipalities and Town Manager Catherine H. Crosby as the alternate voting member.

CN11 Resolution - Delegation of Authority to Execute Right of Way (ROW) Encroachment Agreements - North Carolina Department of Transportation

Council adopted a resolution to authorize town manager or her designee to execute Right of Way Encroachment Agreements with North Carolina Department of Transportation.

CN12 Rezoning Case No. 21CZ27 Tingen Road Residential - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #21CZ27 Tingen Road Residential. The applicant, Jeff Roach for Peak Engineering and Design, PLLC, seeks to rezone approximately 2.27 acres from Residential Agricultural (RA) to High Density Multi-Family - Conditional Zoning (HDMF-CZ). The proposed rezoning is located at 1010 Tingen Road.

CN13 Rezoning Case No. 22CZ12 Hatcher Property Rezoning - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ12 Hatcher Property Rezoning and Ordinance. The applicant, Joseph Iannone, JVI Building & Development, Inc, seeks to rezone approximately 28.84 acres from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 0 & portion of 3100 Olive Chapel Road.

CN14 Rezoning Case No. 22CZ17 The Townes at the Station PUD - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ17 The Townes at the Station PUD and Ordinance. The applicant, Charm City Developers, LLC, seeks to rezone approximately 16.39 acres from Wake County Residential-40 District (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Richardson Road; 0 & 3261 Olive Farm Road.

CN15 Rezoning Case No. 22CZ20 The Preserve at Holt - Set Public Hearing

Council adopted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, Serial Number XTA-818) as surplus property; and, award to Retiring Sgt. Raymond Riveria who retired from the Apex Police Department effective November 30, 2022.

CN16 Surplus Badge and Service Weapon - Retiring Sgt. Raymond Riveria

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ20 The Preserve at Holt. The applicant, EarthCentric Engineering Inc., seeks to rezone approximately 4.9263 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1305 Holt Road.

CN17 Tax Report - October 2022

Council adopted the Apex Tax Report dated November 01, 2022.

CN18 Temporary Suspension of Residential Time of Use (TOU) Rate Council adopted temporary suspension of time of use rate option for residential customers until new AMI (Automated Meter Reading) system is installed.

CN19 Unified Development Ordinance (UDO) Amendments - January 2023

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN20 Unified Development Ordinance (UDO) Amendments - November 2022

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of November 29, 2022.

[PRESENTATIONS]

PR1 Economic Development Strategic Plan Presentation

Joanna Helms, Director, Department of Economic Development, introduced Chrystal Morphis with Creative Economic Development Consulting.

Ms. Morphis provided a PowerPoint presentation to provide an overview of the Economic Development Strategic Plan.

PR2 S-Line Transit Oriented Development (TOD) Study Briefing

Scott Curry, Associate Planner/Urban Designer with Kettleon and Associates provided a PowerPoint presentation of an update on the S-Line Transit Orientation Study.

Councilmembers commented, discussed and asked questions at the conclusion of the presentation.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray** to set the regular meeting agenda, as presented.

VOTE: UNANIMOUS (4-0)

[PUBLIC FORUM]

Mayor Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Economic Development Strategic Plan - Community Values for Apex
 - b. Strengths - Recreational Facilities
 - c. Weaknesses - Tourism and Transportation

[PUBLIC HEARINGS]

PH1 Public Art - "Blackbird Circle" Sculpture Purchase and Relocation

Taylor Wray, Special Events Coordinator, Department of Parks, Recreation, and Cultural Resources, Town liaison for the Public Art Committee provided a PowerPoint presentation providing an overview of Public Art - "Blackbird Circle" Sculpture Purchase and Relocation.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened up public hearing for the above-mentioned item (PH1). With no one signed up to speak he closed the public hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Gant** and seconded by **Mayor Pro-Tempore Killingsworth** to approve the Public Art - "Blackbird Circle" Sculpture Purchase and Relocation.

VOTE: UNANIMOUS (4-0)

[NEW BUSINESS]

NB1 At-Large Council Vacancy - Process Update

Allen Coleman, Town Clerk gave an update on the At-Large Council vacancy from Cheryl Stallings' resignation as a result of her winning the Wake County Board of County Commissioners election and the process and timeline.

Councilmembers commented and asked questions at the conclusion of the presentation.

[UPDATES BY TOWN MANAGER]

Town Manager, Catherine Crosby, provided an update related Employee Recognition representing over 800 hours of service to the Town of Apex and congratulating Mr. Mike Boyd in the IT Department as employee of the year.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Gantt**, to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the item listed above.

VOTE: UNANIMOUS (4-0)

Council entered into closed session at **7:01 p.m.**

CS1 Laurie Hohe, Town Attorney

NCGS §143-318.11 (6):

APPROVED | DECEMBER 13, 2022 REGULAR TOWN COUNCIL MEETING MINUTES

“To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.”

CS2 Jacques K. Gilbert, Mayor

NCGS §143-318.11 (6):

“To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance by or against an individual public officer or employee.”

Council returned to open session at **8:05 p.m.**

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded **Councilmember Mahaffey** to include in the Legislative Agenda for the Apex Town Clerk to report directly to and answer to the Apex Town Council.

VOTE: UNANIMOUS (4-0)

ADJOURNMENT

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:05 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on November 13, 2025 (CN7).