



| VIRTUAL REGULAR TOWN COUNCIL MEETING

September 14, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were: Mayor Pro Tem Nicole Dozier and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Catherine Crosby, Assistant Town Manager Marty Stone, Town Clerk Donna B. Hosch, and Deputy Town Attorney Brian Meyer. Absent were: Mayor Jacques K. Gilbert and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order and thanked everyone for joining the livestream. She asked for a short moment of reflection, and then led the Pledge of Allegiance.

Mayor Pro Tem Dozier called for a roll call, all those in attendance responding.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the August 4, 2021 Special Council Meeting.
- CN2 Tesa Silver, Deputy Town Clerk
Minutes of the August 24, 2021 Regular Council Meeting.
- CN3 Donna Hosch, Town Clerk

Amended Minutes for Public Hearing 4 on October 6, 2020 due to a scrivener's error in the first of the motions.

CN4 Donna Hosch, Town Clerk

Apex Tax Report dated 07/04/2021.

CN5 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment related to the use "Personal Service" on August 24, 2021.

CN6 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 24, 2021.

CN7 Liz Loftin, Senior Planner

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

CN8 Liz Loftin, Senior Planner

Set Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni, LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

CN9 Shelly Mayo, Planner II

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

CN10 Shelly Mayo, Planner II

Set the Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI

Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. (R-80W) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

CN11 Liz Loftin, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD. Jason Vickers for Beazer Homes, is the petitioner for the properties located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

CN12 Shannon Cox, Long Range Planning Manager

Approve and authorization for the Town Manager to sign and execute the General Operating Agreement for Bus Operations - Community Funding Area Program for Wake Transit Fiscal Year 2022.

CN13 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon to install a fence of which 135 S.F. will encroach onto portions of the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN14 Russell Dalton, Traffic Engineering Manager

Hold Harmless Agreement with NCDOT for the drainage associated with the Apex Peakway U-5928 project and authorization for the Town Manager to execute same.

CN15 Mary Beth Manville, Human Resources Director

6 additional full-time positions (FTEs) for the Administration (4 FTEs), Human Resources (1 FTE), and Economic Development (1 FTE) departments, and the associated budget amendment.

CN16 Michael Deaton, P.E., Director

Amended Fats, Oils, and Grease Ordinance providing legal authority for enforcement and inspection of Food Service Establishments as required by the Town's Sewer Collection System Permit issued by the North Carolina Department of Environmental Quality.

Deputy Attorney Meyer stated there was a correction to the cover sheet for CN15.

Mayor Pro Tem Dozier called for a motion to adopt the Consent Agenda with the corrected cover sheet for CN15. Council Member Killingsworth made the motion;
Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier called for a motion to adopt the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

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

PUBLIC FORUM

There were no Public Forum comments to present.

PUBLIC HEARINGS

PH1 Christopher "C.J." Valenzuela, Housing Programs Manager and Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Town Manager Crosby introduced new staff member C.J. Valenzuela, stating that he was going to be a great addition to the team. She provided brief background Valenzuela, stating that he is our first Housing Programs Manager.

Staff oriented Council to the amendments regarding the power and duties of the Housing Advisory Board, and its membership, establishment, and terms.

Staff also oriented Council to amendments related to electric vehicle charging spaces, building aesthetics, and architectural character. The Planning Board and staff recommended approval.

Staff answered Council questions related to what initiated the amendments.

Mayor Pro Tem Dozier declared the Public Hearing open. With there being no public comments to be heard, Mayor Pro Tem Dozier declared the Public Hearing closed.

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

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

Crosby congratulated the members of the Fire Department for placing second in the Rescue Skills Competition with the NC Association of Rescue and EMS. This was their first competition. Those who participated were Firefighters Kevin Butts, Ian Bass, John Burnette, Michael Kaplan, Chad Ellis, and Josh Strickland. [APPLAUSE!]

Crosby acknowledged employee kudos which had been received. She spent time with several departments, thanks going to the Police Department for a ride along and to employees in Public Works for hosting her in equipment, grounds, yard waste, fleet, and Town operations.

MPT Dozier thanked Crosby for sharing the activities of staff. Council stated she had a chance to do these types of experiences via Peak Academy and looked forward to doing these types of activities again. She looked forward to when Peak Academy could restart, noting that three of them had been through the program. MPT Dozier thanked Donna Hosch and her team for the Peak Academy program.

Council asked for an update on the Senior Center. Crosby stated the opening date had been pushed back to October and that she would keep everyone informed as to its opening.

Crosby thanked all staff members who came out for Peak Fest and the time they put in. She also mentioned the first neighborhood meeting with Justice Heights on September 27th and its intended purpose. She was excited about this first opportunity. Forthcoming we will have a date to swear in Police Chief Jason Armstrong.

Additional Council comments:

- Kudos to both Police and Fire for two incidents which were handled professionally during Patriots Day. Things went smoothly and no one panicked. Thanks to Fire for rescuing a horse from a muddy pit.
- Kudos echoed to staff during PeakFest for their professionalism and customer service, which was very impressive. The 911 memorial was well done.
- Kudos echoed about staff performance during PeakFest, and it was appreciated that the community could engage with staff.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business, Mayor Pro Tem Dozier declared the meeting adjourned with no objections from staff.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Nicole L. Dozier, Mayor Pro Tem