



| REGULAR TOWN COUNCIL MEETING

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

Town Council and Administration

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

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Interim Town Manager Ralph Clark, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order, offered Invocation, called for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Nicole Dozier, Mayor Pro Tem

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

The nominees were presented and those being honored were named:

Individual/Group Category

Honorable Mention: Conrad Hardy, Rukus

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

Business Category

Honorable Mention: Whole Brain Escape

Top Thinker Award: Carolina Orthodontic and Children's Dentistry

Non-Profit Category

Honorable Mention: Apex Farmers Market

Top Thinker Award: I Shine Foundation

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

PR2 Jacques K. Gilbert, Mayor

Presentation of the Building Safety Proclamation

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

PR3 Jacques K. Gilbert, Mayor

Presentation of National Police Week 2021 Proclamation

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

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

CONSENT AGENDA

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

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

CN16 Shawn Purvis, Assistant Town Manager

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

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

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

Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

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

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

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Shannon Cox, Long Range Planning Manager

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

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

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

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

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

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown & Small Business Development Coordinator

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

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

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

The motion carried by a 5-0 vote.

NB2 Dianne Khin, Director of Planning and Community Development

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

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

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

The motion carried by a 5-0 vote.

NB3 *Added as pulled from the Consent Agenda:*

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

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

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

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

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

The motion carried by a 5-0 vote.

UPDATES BY TOWN MANAGER

TM1 Ralph Clark, Interim Town Manager

Updates on Town operations by Interim Town Manager Ralph Clark

Staff presented the following:

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

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

CLOSED SESSION

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

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

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

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

The motion carried by a 5-0 vote.

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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