



REGULAR TOWN COUNCIL MEETING

Tuesday, January 12, 2021 at 6:00 PM

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

THIS WAS A VIRTUAL MEETING

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Council Member Stallings gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

Mayor Jacques K. Gilbert

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

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

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the December 15, 2020 Regular Town Council Meeting

CN2 Donna Hosch, Town Clerk

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

- CN3 Mayor Jacques K. Gilbert
Appointment of Elaine Boyle to the Planning Board
- CN4 Mayor Jacques K. Gilbert
Reappointment of Katie Schaff and Appointment of Suzanne Mason to the Environmental Advisory Board
- CN5 Sarah Van Every, Senior Planner
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN6 Sarah Van Every, Senior Planner
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Yumewarra Farm Assembly located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.
- CN7 Sarah Van Every, Senior Planner
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ13 Yumewarra Farm Assembly. The applicant, Bill Zahn, sought to rezone approximately 18.737 acres located at 0, 0, and 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).
- CN8 Lauren Staudenmaler, Planner I
Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., sought to rezone approximately 3.86 acres for the properties located at 0 & 5920 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679) from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).
- CN9 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing actions on the various Unified Development Ordinance (UDO) Amendments of December 15, 2020.

CN10 Dianne Khin, Director of Planning and Community Development

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

CN11 Joanna Helms, Economic Development Director

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

CN12 Russell Dalton, Sr. Transportation Engineer

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

CN13 Adam Stephenson, Engineering Supervisor

Revision to the Town Standard Specifications and Details

CN14 Michael Deaton, Water Resources Director

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

CN15 Tony Godwin, Chief of Police

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

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

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

Member Mahaffey made the motion with the stated changes;

Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

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

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

Council Member Gantt made the motion with the stated change;

Council Member Mahaffey seconded the motion.

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

Public Forum

There were no public comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

NB1 Jacques Gilbert, Mayor

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

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

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

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

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

Mayor Gilbert called for a motion to appoint a designee.

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

Council Member Dozier seconded the motion.

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

NB2 Drew Havens, Town Manager

Update on various Town projects/operations

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

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

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

CS2 Mayor Jacques Gilbert

To discuss personnel matters

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

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

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

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

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

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

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

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

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

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

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

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

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Jontesca Silver, CMC NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



APEX TOWN COUNCIL STRATEGIC PLANNING RETREAT

Friday, January 15, 2021 at 8:00 AM

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

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Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

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

COMMENCEMENT

Mayor Gilbert welcomed everyone in attendance.

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

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

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

ADJOURNMENT

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

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



REGULAR TOWN COUNCIL MEETING

Tuesday, January 26, 2021 at 6:00 PM

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

THIS WAS A VIRTUAL MEETING

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Mayor Pro Tem Dozier gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

Amanda Bunce, Current Planning Manager with Tim Maloney, Wake County Planning, Development & Inspections Director, and Tim Gardiner, Planner III-Transportation

Presentation on the status of PLANWake, the draft comprehensive plan for Wake County.

Ms. Bunce introduced Mr. Maloney and Mr. Gardiner. Mr. Gardiner gave Council a brief overview of the process Wake County used to create the draft comprehensive plan. Wake County is currently on the outreach phase of the process. The public can review the plan and submit comments by visiting PLANWake.org. The scope and purpose of the draft comprehensive plan, and the methods in which the County will track, monitor, and compete the goals of the plan were identified. The County hopes to continue to grow partnerships with municipalities to collaborate to service the County. Mr. Gardiner anticipates the plan to be adopted in February 2021.

Mayor Jacques Gilbert

Presentation of Proclamation recognizing Health and Humanity Yogathan

Mayor Gilbert read the proclamation recognizing the annual Health and Humanity Yogathan organized by Hindu Swayamsevak Sangh (HSS).

Mayor Jacques Gilbert

Presentation of Black History Month Proclamation

Mayor Gilbert read the proclamation declaring February Black History Month.

Mayor Jacques Gilbert

Recognition of Years of Service

Mayor Gilbert and Council thanked and recognized Town Manager Havens for his accomplishments, achievements, years of service, leadership, and stewardship as a farewell to Town Manager Havens. Mr. Havens was retiring from the Town of Apex to become the Town Manager in Duck, North Carolina.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Apex Tax Report dated 12/07/2020

CN2 Mayor Jacques Gilbert

Reappoint Jeff Ulrick, Bill Carraway, and Betsy Sisley to the Tree CAP Committee

CN3 Allyson Coltrane, Long Range Transit Planner II

Town Manager to sign and execute, the Triangle Transportation Demand Management Agreement to fund a portion of the new Long-Range Transit Planner position and promotion of the GoApex Route 1 in Fiscal Year 2021.

CN4 Marty Stone, P.E.-Assistant Town Manager

Town Manager to execute an Encroachment Agreement between the Town and property owner, Andrew J. Jablonski (Grantee), regarding Wake County, NC PIN#0732-15-3557, 1032 Diamond Dove Lane, recorded in Book of Maps 2018, Page 1365, Wake County Register of Deeds.

CN5 Dennis Brown, Senior Capital Projects Manager

Town Manager to execute Contract Amendment #2 for GMP 2 with Construction Manager at Risk, J M Thompson, in the amount of \$4,537,077.23 for the new Pleasant Park Project. This Guaranteed Maximum Price 2 (GMP 2) includes turf and fencing

packages for the soccer fields, as well as the underground drainages system for the turf.

CN6 Erika Sacco, IT Director

Capital Project Ordinance Amendment 2021-04 to allocate \$210,000 funding for IT related contracts related to the Senior Center and Community Center Expansion.

CN7 Brian Meyer, Deputy Town Attorney and Mitch McKinney, Deputy Police Chief

Resolution adopting an involuntary Commitment Custody and Transportation Agreement.

CN8 Drew Havens, Town Manager

Vacation leave payout to retired Police Chief John Letteney for 96 hours of leave accumulated in excess of what is allowed by policy.

Mayor Gilbert stated Consent Agenda items 7 and 8 were to be removed from the Consent Agenda.

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

Council Member Killingsworth made the motion with the stated changes;

Council Member Gantt seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Gilbert stated Public Hearing 8 would be heard before Public Hearing 1 and a Closed Session needed to be added to the Agenda to discuss personnel matters.

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

Council Member Mahaffey made the motion with the changes; Council

Member Stallings seconded the motion.

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

PUBLIC FORUM

There were no public comments to be heard.

PUBLIC HEARINGS

PH8 Shannon Cox, Long Range Planning Manager and Sarah Kirk, HR& Advisors
Town of Apex Affordable Housing Plan

Staff stated an Affordable Housing Plan has been drafted. The plan identifies affordable housing needs in Apex, and sets vision and goals for developing affordable housing. Staff thanked the steering committee for their contributions with the plan and the process. A public presentation of the draft plan was presented to the Planning Board on December 4, 2020, the Planning Board held a Public Hearing and the comment period was open through January 26, 2021.

Staff received feedback during the public comment period that the purpose and full intent of the plan needed to be clarified. Staff outlined the changes made to the draft. The Steering Committee met January 7, 2021 and voted unanimously to recommend the adoption of the plan. The Planning Board voted on January 13, 2021 and a 4-4 vote was reached on whether to recommend the adoption of the plan. The members that voted against the recommendation voiced concerns on using alternate wording on incentive zoning based on one perspective. Staff recommended adopting the plan with the alternate clarifying wording.

Mayor Gilbert declared the Public Hearing open.

Suzanne Harris-HBA of Raleigh-Wake County, thanked staff for the amended changes to the plan providing clarity to the document and asked Council to vote favorably for the current draft of the plan.

Erica Leatham-M/I Homes of Raleigh, LLC, stated the Town should set clear policies and priorities, and recommended reviewing how to effectively utilize zoning tools for the plan.

Mayor Gilbert declared the Public Hearing closed. Mayor Gilbert explained no decision would be made tonight. The public comment period for all Public Hearings would be held open for an additional 24 hours. Council would vote on the Public Hearing at the meeting scheduled for February 1, 2021.

PH2 Joanna Helms, Economic Development Director

Financial assistance for Small Business Support Initiatives during winter 2021 and beyond to offset hardships created by the COVID-19 pandemic.

Staff recommended that the initiatives presented start during winter but continue throughout the year. Staff recommended the implementation of Parking to Dining Phase 2, starting March 15, 2021 and running through May 31, 2021. Staff presented several

promotional and marketing ideas including Winter on Salem, a social media ad campaign, small business highlight videos, and Count on Me NC. Staff recommended providing training and education webinars and creating a "white paper" for local businesses.

Staff recommended starting a grant or a micro-loan program that could award a business up to \$2,000 for COVID-19 related expenses. Approximately \$325,000 will need to be allocated for the program, the funds will be reallocated from funds that were not used from the small business loans. The Town Attorney confirmed the program would need to be a micro-loan program. Council asked for additional information and clarity on requirements for the micro-loan program.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH1 Joanna Helms, Economic Development Director

Economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant)

The developer for "Project Delta" was proposing to purchase approximately 26 acres at Cash Corporate Center. The office operation would create 220 jobs. The project has a total investment of \$32,000,000 and is eligible for a \$109,440 tax grant over a 3-year period, totaling \$328,320.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH3 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation-Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Staff oriented Council to the site and stated the applicant's reason for the request.

Mayor Gilbert declared the Public Hearing open. With there being no comments, Mayor Gilbert declared the Public Hearing closed.

PH4 Sarah Van Every, Senior Planner

Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINS 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ)

Staff oriented Council to the site and stated the applicant's proposal for rezoning. The Planning Board recommended approval. Staff recommended approval of the rezoning with the proposed conditions with the exception of the pedestrian connection.

Patrick Kiernan, Jones & Clossen Engineering, PLLC, representing the applicant, acknowledged there had been a lot of concerns about the development, and explained the applicant's reasons for the rezoning request. Mr. Kiernan stated compromises had been made to address some of the concerns expressed regarding the potential development. He explained the pedestrian connection to the Robert's Road sidewalk may be redundant, and that was why it was not included in the application.

Council expressed concern over the depictions shown and the ability of the new development to blend in with the existing area. Mr. Kiernan clarified these were only options, and that the Planning staff would review the master subdivision plan.

Mayor Gilbert declared the Public Hearing open.

Ajith Kallambella-expressed concern over construction traffic through the Crestmont subdivision, and stated the developer had not organized a community meeting.

Jawahar Ruddaraju-asked the developer to share the master subdivision plan with the Crestmont neighborhood, and to receive feedback from the neighborhood. J. Ruddaraju asked that construction traffic not be allowed thru the Crestmont neighborhood and that a traffic study be conducted once the new development is complete.

Meenakshi Ramanathan-requested a copy of the minutes of the Planning Board meeting held on January 13, 2021, a copy of the master subdivision plan, the affidavit submitted by the applicant, and that a traffic study be completed once the new development is completed.

Prathiba Charla-requested that if removed, the large trees on her property line be replaced with smaller trees. P. Charla asked Council to consider the increase of traffic in regards to

the safety of children playing in the neighborhood, and inquired into whether the houses would be built with basements or crawl spaces.

Rajesh Nadipalli-expressed concern over the environmental impact the new development would have on the area and Jordan Lake, and over having construction traffic through the Crestmont neighborhood. R. Nadipalli stated that the developer had not contacted the neighborhood for a meeting on the master subdivision plan and requested a traffic study be completed once the development is completed.

Srikanth Cherukuri-expressed concern of the impact of the development to Jordan Lake and of trees being cut down. S. Cherukuri asked that the developer ensure that there would be no construction traffic through the Crestmont neighborhood and that a traffic study be completed once the development is completed.

Umesh Kedla-asked if the new development would have proper drainage and how large trees in the development would be addressed. U. Kedla expressed concern about traffic in the area and inquired how the development would affect home values.

Vidya Ranganathan-requested the developer share the master subdivision plan and that upon completion of the development, a traffic study be conducted. V. Ranganathan asked for clarification on how the entire process works.

Mayor Gilbert declared the Public Hearing closed.

Council asked staff to explain the process, and staff explained all three processes. Staff mentioned the sidewalk project on Roberts Road would be starting soon. Mr. Kiernan stated construction traffic would be on Gratrell Way until there is a road connection. Once the connection was made signage and general zoning compliance would assure no thru construction traffic in the Crestmont Neighborhood.

Mayor Gilbert called a 5-minute break.

PH5 Sarah Van Every, Senior Planner
Ordinance on the Question of Annexation-Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits

And

PH6 Sarah Van Every, Senior Planner

Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Jeff Roach, Peak Engineering & Design, representing the applicant, briefly summarized the request and asked Council for their support as all of the conditions are consistent with the 2045 Land Use Plan.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed.

PH7 Lauren Staudenmaier, Planner I

Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649670), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Spencer Terry, Carolina Land Development Group, explained that benefits of approving the rezoning request. He addressed the traffic plan that has been developed over concerns that were brought forth from the Planning Board.

Mayor Gilbert declared the Public Hearing open. With there being no public comment, Mayor Gilbert declared the Public Hearing closed

PH9 Amanda Bunce, Current Planning Manager

Amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for on-premise consumption.

Staff oriented Council to the amendment, stating the Planning Board recommended approval. Council expressed concern over approving the amendment to later alter the amendment in the opposite direction.

Mayor Gilbert declared the Public hearing open. With there being no public comment, Mayor Gilbert declared the Public hearing closed.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

There were no New Business items to discuss.

PRESENTATION BY TOWN MANAGER

There was no presentation.

CLOSED SESSION

CS1 Mayor Jacques Gilbert

Possible motion to go into Closed Session to discuss personnel matters

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

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

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

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

Jontesca Silver, CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 8:00 AM

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

THIS WAS A VIRTUAL MEETING

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Human Resources Director Mary Beth Manville.

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

COMMENCEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Council stated their key challenges facing the next town manager:

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

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

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

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

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



SPECIAL TOWN COUNCIL MEETING

Monday, February 1, 2021 at 6:00 PM

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

THIS WAS A VIRTUAL MEETING

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

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

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and Deputy Town Clerk Tesa Silver.

COMMENCEMENT

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

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

There were no Consent Agenda items.

REGULAR MEETING AGENDA

There were no Regular Meeting Agenda items.

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PH3 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Peak City Partners, LLC (1200 James Street) property containing 4.777 acres located at 1200 James Street, Annexation #699 into the Town's corporate limits.

Staff provided a brief overview of the annexation. There were no additional comments submitted. Staff recommended approval of the Annexation.

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

PH4 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, seeks to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

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

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

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

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

PH5 Sarah Van Every, Senior Planner

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Yumeewarra Farm Assembly property containing 18.737 acres located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.

AND

PH6 Sarah Van Every, Senior Planner

Public Hearing and possible motion to approve Rezoning Application #20CZ13 Yumeewarra Farm Assembly and Ordinance. The applicant, Bill Zahn, Humie Olive Associates, seeks to rezone approximately 18.737 acres located at 0 & 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

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

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

PH7 Lauren Staudenmaier, Planner I

Public Hearing and possible motion to approve Rezoning Application #20CZ15 Smithfield Road Collision Center. The applicant, Spencer B. Terry III, P.E, Carolina Land Development Group, Inc., seeks to rezone approximately 3.86 acres for the properties located at 5920 & 0 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679), from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

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

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

PH9 Amanda Bunce, Current Planning Manager
Public Hearing and possible motion regarding amendments to the Unified Development Ordinance related to the deadline for the submittal of requested quarterly receipts for businesses that serve alcohol for on-premise consumption.

Staff recommend to pull this item from consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

There were no New Business items to discuss.

PRESENTATION BY TOWN MANAGER

There were no presentations.

CLOSED SESSION

CS1 Mayor Jacques Gilbert
Possible motion to go into Closed Session to discuss personnel matters

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

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

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

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

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

WORK SESSION

There were no work sessions.

ADJOURNMENT

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

Tesa Silver CMC, NCCMC
Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor