

DRAFT 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.

The applicant, Patrick Kiernan, Jones & Cnossen 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_____.