

DRAFT 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_____.