

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 11, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 11, 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=0DIW3DxFKp4&t=889s>

[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 Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

ABSENT: Town Manager Catherine Crosby

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at 6:00 p.m. He gave a special welcome to local Cub Scout Troop 205. He then led all in an invocation with a moment of silence focusing on gratitude. He asked for Cub Scout Troop 205 to lead in the Pledge of Allegiance.

[CONSENT AGENDA]

Councilmember Mahaffey asked for CN8 to be moved to NB1.

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to approve the consent agenda moving CN8 to NB1.

VOTE: UNANIMOUS (5-0)

CN1 Affordable Housing Project - Broadstone Walk - Revise Loan Lien Position

Council adopted previously approved loan term related to the Town's loan lien position for the affordable housing project known as Broadstone Walk.

CN2 Budget Ordinance Amendment No. 7 - Electric Operations Facility Equipment Repairs/Replacement

Council adopted Budget Amendment 7 for repairs and replacement equipment at the Electric Operations Facility.

CN3 Budget Ordinance Amendment No. 8 - Affordable Housing Loans - Broadstone Walk

Council adopted budget amendment to allocate \$1,850,000 from Affordable Housing Fund reserves for Affordable Housing Loans.

CN4 Construction Contract Award/Budget Ordinance Amendment No. 6 - MLB Construction Services LLC - Mason Street Building

Council adopted to award building construction contract to MLB Construction Services, LLC and authorization for the Town Manager to execute the contract on behalf of the Town and approve corresponding Budget Amendment 6 and Capital Project Ordinance Amendment 2023-1.

CN5 Resolution Supporting Abandonment of a Portion of Walden Road

Council adopted Resolution Supporting Abandonment of a Portion of Walden Road (SR 1148, Wake County) by the North Carolina Department of Transportation.

CN6 Rezoning Case No. 22CZ07 Chapel Ridge North PUD - Set Public Hearing

Council adopted Public Hearing for the October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter for High Street District Development, Inc., seeks to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Rd and 1512 Clark Farm Rd.

CN7 Rezoning Case No. 22CZ09 Utley Farms PUD - Set Public Hearing

Council approved Public Hearing for the October 25, 2022 Town Council meeting regarding Rezoning Application #22CZ09 Utley Farms PUD and Ordinance. The applicant, Thurm Bowen, KB Home, Inc. Carolinas Division, seeks to rezone approximately 56.59 acres from Wake County Residential-40 (R-40W) and Wake County Residential-80W (R-80W) to Planned Unit Development -Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3720 Old US 1 Highway and 0 New Hill Olive Chapel Road.

CN8 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing

*Sarah Van Every, Senior Planner, Planning and Community Development
(moved to New Business 1)*

CN9 Rezoning Case No. 22CZ16 - 1039 Irongate Drive - Statement and Ordinance

Council adopted the Statement of the Town Council and Ordinance for Rezoning Application #22CZ16 1039 Irongate Drive, Aaron Robertson, petitioner, for the property located at 1039 Irongate Drive (PIN 0741129183).

CN10 Street Tree Maintenance Agreement - Depot 499 Owners Association

Council adopted a Street Tree Maintenance Agreement between the Town and Depot 499 Owners Association, Inc. (Association) to allow installation of street trees in the public rights of way and perpetual maintenance thereof by the Association and authorize the Town Manager to execute the same.

CN11 Tax Report - August 2022

Council adopted the Apex Tax Report dated September 12, 2022.

CN12 Unified Development Ordinance (UDO) Amendments - September 2022

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of September 27, 2022.

[PRESENTATIONS]

PR1 Proclamation - Fire Prevention Week - October 9 through 15, 2022

Mayor Gilbert proclaimed Fire Prevention Week - October through 15, 2022 and presented Chief Herman, David Dillon, Fire Marshal and Sparky with a signed proclamation.

[REGULAR MEETING AGENDA]

Mayor Gilbert pulled Closed Session Item No. 2 and added NB1 moved from CN8.

A **motion** was made by **Councilmember Gantt** and seconded by **Councilmember Stallings** to approve the regular meeting agenda with changes to pull Closed Session Item No. 2 and adding NB1 from CN8.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORM]

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, Apex, NC
 - a. Turning to be considered being moved the intersection of Friendship Road and Old US-1 into the Capital Improvement Plan.
2. Rich Colby - 1007 Winding Creek Road
 - a. Beezer's Development - sewer line to be ran through his property

[PUBLIC HEARINGS]

PH1 Annexation No. 703 - Haddock Properties - 1.989 acres

Director, Planning and Community Development Dianne Khin, provided a presentation which provided an overview of Annexation No. 703 - Haddock Properties - 1.989 acres.

Mayor Gilbert opened up public hearing for the above-mentioned item (PH1).

With no one signed up to speak he closed the public hearing and brought it back to Council for discussion and a possible motion.

A **motion** was made by **Councilmember Stallings** and seconded by **Councilmember Gray** to approve the Annexation No. 703 - Haddock Properties - 1.989 acres as presented to Town staff.

VOTE: UNANIMOUS (5-0)

PH2 Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road

Senior Long-Range Planner, Jenna Shouse, provided a PowerPoint presentation to provide an overview of the Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road.

Councilmembers commented and asked questions at the conclusion of the presentation.

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 Bicycle and Pedestrian System Plan Map Amendment - Proposed Facility Type Changes - Richardson Road as presented by Town staff.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

NB1 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing

Councilmember Mahaffey pulled this from CN8 to have a public discussion with his colleagues.

A **motion** was made by **Councilmember Mahaffey** and seconded by **Mayor Pro-Tempore Killingsworth** to move Rezoning Case No. 22CZ13 - 2021 N Salem St PUD - Set Public Hearing to November 29th Council meeting.

VOTE: UNANIMOUS (5-0)

[UPDATES BY THE TOWN MANAGER]

Town Manager, Shawn Purvis, provided updates on various Town projects and special events.

[CLOSED SESSION]

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to enter into closed session pursuant to North Carolina General Statutes 143-318.11(a) for the items listed below.

VOTE: UNANIMOUS (5-0)

Council entered into closed session at 6:47 p.m.

CS1 Steve Adams, Utility Acquisition Specialist

NCGS §143-318.11 (5):

"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."

CS2 Brian Meyer, Deputy Town Attorney

Re: ExperienceOne Homes, LLC vs. Town of Apex

~~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."~~

CS3 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."

CS4 Jacques K. Gilbert, Mayor, and Audra Killingsworth, Mayor Pro-Tempore

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."

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded by **Councilmember Stallings** to return from closed session.

VOTE: UNANIMOUS (5-0)

Council returned from closed session at 9:02 p.m.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **9:03 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.