

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, DECEMBER 13, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, December 13, 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=1pyZuBCvBn4>

[ATTENDANCE]

Elected Body Mayor

Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Ed Gray

Councilmember Terry Mahaffey

Town Staff Assistant

Town Manager Catherine Crosby

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 those on livestream. He invited the Apex Friendship Elementary School stars to present their school song. He then led all in the Pledge of Allegiance.

[CONSENT AGENDA]

Mayor Gilbert noted that CN9 would be removed from the Consent Agenda and considered separately.

A **motion** was made by **Mayor Pro-Tempore Killingsworth** and seconded by **Councilmember Mahaffey** to approve Consent Agenda withdrawing CN9.

VOTE: UNANIMOUS (5-0)

CN1 Agreement - Spectrum Enterprise Service - Additional Facilities - Continuous Term

Council adopted the Spectrum Enterprise Service Agreement and continue to use Spectrum Voice Services at new town locations such as PSS36, Mason St. building, and Pleasant Park.

CN2 Annexation No. 735 - Hatcher Property - 28.8420 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 January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 28.8420 acres, Hatcher Property, Annexation No. 735 into the Town Corporate limits.

CN3 Annexation No. 740 - 1933 Olive Chapel Road - 3.40 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 January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 3.40 acres, located at 1933 Olive Chapel Road, Annexation No. 740 into the Town Corporate limits.

CN4 Annexation No. 741 - The Townes at the Station - 16.30 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 January 10, 2023, on the Question of Annexation - Apex Town Council's intent to annex 16.30 acres, The Townes at the Station Planned Unit Development (PUD), Annexation No. 741 into the Town Corporate limits.

CN5 Appointments - Housing Advisory Board

Council approved to reappoint the following non-voting members to the Apex Housing Advisory Board for a term of one year expiring December 31, 2023:

- Mayor Pro-Tempore Audra Killingsworth, Non-Voting Town Councilmember
- Resident Tina Sherman, Non-Voting Planning Board Member

CN6 Budget Ordinance Amendment No. 11 and Capital Project Ordinance Amendment

No. 2023-2 - Humie Olive Road and Blazing Trail - Traffic Signal Design

Council adopted Budget Amendment 11 & Capital Project Ordinance Amendment 2023-2 to appropriate funds for traffic signal design at Humie Olive Rd & Blazing Trail Dr.

CN7 Budget Ordinance Amendment No. 12 and Capital Project Ordinance Amendment No. 2023-3 - Downtown Safe Routes to School & Transit Connections Project

Council adopted Budget Ordinance Amendment 12 & Capital Project Ordinance Amendment 2023-3 to appropriate funds for construction of project BL-0047 (Downtown Safe Routes to School & Transit Connections).

CN8 Development Agreement - DHIC Broadstone Walk LLC

Council adopted a 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 with recommendation of the Town Attorney to make minor modifications to the Agreement consistent with the intent and spirit of the Agreement and which do not impact the amount of funding.

CN9 Human Resources (HR) Policy Updates and Budget Ordinance Amendment No. 13 - 2022 Pay Study (Pending)

Mary Beth Manville, Human Resources Director

(Removed from Consent Agenda to be considered at a later meeting)

CN10 North Carolina League of Municipalities (NCLM) - Voting Delegate 2023-

2024 Council adopted to appoint Councilmember Terry Mahaffey as the Council's voting member for the North Carolina League of Municipalities and Town Manager Catherine H. Crosby as the alternate voting member.

CN11 Resolution - Delegation of Authority to Execute Right of Way (ROW) Encroachment Agreements - North Carolina Department of Transportation

Council adopted a resolution to authorize town manager or her designee to execute Right of Way Encroachment Agreements with North Carolina Department of Transportation.

CN12 Rezoning Case No. 21CZ27 Tingen Road Residential - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #21CZ27 Tingen Road Residential. The applicant, Jeff Roach for Peak Engineering and Design, PLLC, seeks to rezone approximately 2.27 acres from Residential Agricultural (RA) to High Density Multi-Family - Conditional Zoning (HDMF-CZ). The proposed rezoning is located at 1010 Tingen Road.

CN13 Rezoning Case No. 22CZ12 Hatcher Property Rezoning - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ12 Hatcher Property Rezoning and Ordinance. The applicant, Joseph Iannone, JVI Building & Development, Inc, seeks to rezone approximately 28.84 acres from Wake County Residential-80W District (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 0 & portion of 3100 Olive Chapel Road.

CN14 Rezoning Case No. 22CZ17 The Townes at the Station PUD - Set Public Hearing

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ17 The Townes at the Station PUD and Ordinance. The applicant, Charm City Developers, LLC, seeks to rezone approximately 16.39 acres from Wake County Residential-40 District (R-40W) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Richardson Road; 0 & 3261 Olive Farm Road.

CN15 Rezoning Case No. 22CZ20 The Preserve at Holt - Set Public Hearing

Council adopted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun, Serial Number XTA-818) as surplus property; and, award to Retiring Sgt. Raymond Riveria who retired from the Apex Police Department effective November 30, 2022.

CN16 Surplus Badge and Service Weapon - Retiring Sgt. Raymond Riveria

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding Rezoning Application #22CZ20 The Preserve at Holt. The applicant, EarthCentric Engineering Inc., seeks to rezone approximately 4.9263 acres from Rural Residential (RR) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1305 Holt Road.

CN17 Tax Report - October 2022

Council adopted the Apex Tax Report dated November 01, 2022.

CN18 Temporary Suspension of Residential Time of Use (TOU) Rate Council adopted temporary suspension of time of use rate option for residential customers until new AMI (Automated Meter Reading) system is installed.

CN19 Unified Development Ordinance (UDO) Amendments - January 2023

Council adopted to set the Public Hearing for the January 10, 2023 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN20 Unified Development Ordinance (UDO) Amendments - November 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 November 29, 2022.

[PRESENTATIONS]

PR1 Economic Development Strategic Plan Presentation

Joanna Helms, Director, Department of Economic Development, introduced Chrystal Morphis with Creative Economic Development Consulting.

Ms. Morphis provided a PowerPoint presentation to provide an overview of the Economic Development Strategic Plan.

PR2 S-Line Transit Oriented Development (TOD) Study Briefing

Scott Curry, Associate Planner/Urban Designer with Kettleson and Associates provided a PowerPoint presentation of an update on the S-Line Transit Orientation Study.

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

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Gantt**, seconded by **Councilmember Gray** to set the regular meeting agenda, as presented.

VOTE: UNANIMOUS (4-0)

[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. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Economic Development Strategic Plan - Community Values for Apex
 - b. Strengths - Recreational Facilities
 - c. Weaknesses - Tourism and Transportation

[PUBLIC HEARINGS]

PH1 Public Art - "Blackbird Circle" Sculpture Purchase and Relocation

Taylor Wray, Special Events Coordinator, Department of Parks, Recreation, and Cultural Resources, Town liaison for the Public Art Committee provided a PowerPoint presentation providing an overview of Public Art - "Blackbird Circle" Sculpture Purchase and Relocation.

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

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 Gant** and seconded by **Mayor Pro-Tempore Killingsworth** to approve the Public Art - "Blackbird Circle" Sculpture Purchase and Relocation.

VOTE: UNANIMOUS (4-0)

[NEW BUSINESS]

NB1 At-Large Council Vacancy - Process Update

Allen Coleman, Town Clerk gave an update on the At-Large Council vacancy from Cheryl Stallings' resignation as a result of her winning the Wake County Board of County Commissioners election and the process and timeline.

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

[UPDATES BY TOWN MANAGER]

Town Manager, Catherine Crosby, provided an update related Employee Recognition representing over 800 hours of service to the Town of Apex and congratulating Mr. Mike Boyd in the IT Department as employee of the year.

[CLOSED SESSION]

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

VOTE: UNANIMOUS (4-0)

Council entered into closed session at **7:01 p.m.**

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."

CS2 Jacques K. Gilbert, Mayor

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 returned to open session at **8:05 p.m.**

A **motion** was made by **Mayor Pro-Tempore Killingsworth**, seconded **Councilmember Mahaffey** to include in the Legislative Agenda for the Apex Town Clerk to report directly to and answer to the Apex Town Council.

VOTE: UNANIMOUS (4-0)

ADJOURNMENT

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:05 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on_____.