

DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, MARCH 12, 2024
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 12, 2024 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This 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 recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=o8fDMbQrRk&t=2s>

[ATTENDANCE]

Elected Body

- Mayor Jacques K. Gilbert (presiding)
- Mayor Pro Tempore Ed Gray
- Councilmember Audra Killingsworth
- Councilmember Arno Zegerman
- Councilmember Terry Mahaffey
- Councilmember Brett Gantt

Town Staff

- Interim Town Manager Shawn Purvis
 - Assistant Town Manager Demetria John
 - Assistant Town Manager Marty Stone
 - Town Attorney Laurie Hohe
 - Town Clerk Allen Coleman
 - Deputy Town Clerk Ashley Gentry
- All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, welcomed those in attendance, and observed a moment of silence.

Mayor Gilbert then led those in attendance in the recitation of the Pledge of Allegiance. He then recognized members of the Apex Youth Council that were in attendance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Mahaffey**, to approve the Consent Agenda, as presented.

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1
2 **VOTE: UNANIMOUS (5-0)**

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4 **CN1 Agreement - North Carolina Department of Transportation (NCDOT) - S-Line Mobility**
5 **Hub Feasibility Study (REF: CONT-2024-041)**

6 Council voted to approve an agreement with the North Carolina Department of Transportation
7 (NCDOT) for a NCDOT-Administered Transit-Oriented Development Planning related to the S-Line
8 Mobility Hub Feasibility Study, and authorize the Interim Town Manager to execute.

9
10 **CN2 Annexation No. 771 - Castleberry Reserve - 13.52 acres (REF: RES-2024-014, RES-**
11 **2024-015, and OTHER-2024-040)**

12 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
13 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
14 a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to
15 annex 13.52 acres, Castleberry Reserve, Satellite Annexation No. 771 into the Town Corporate limits.

16 **CN3 Annexation No. 778 - Parc at Bradley Farm - 6.69 acres (REF: RES-2024-016, RES-2024-**
17 **017, and OTHER-2024-041)**

18 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
19 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
20 a Public Hearing for April 9, 2024, on the Question of Annexation - Apex Town Council's intent to
21 annex 6.69 acres, Parc at Bradley Farm, Annexation No. 778 into the Town Corporate limits.

22 **CN4 Budget Ordinance Amendment No. 13 - Economic Development Incentive Payments**
23 **and Contracted Town Lobbyist (REF: ORD-2024-020)**

24 Council voted to approve Budget Amendment No. 13 to allocate funds for Economic Development
25 incentive agreement payments and to secure a contracted town lobbyist in the Office of the Town
26 Clerk.

27 **CN5 Contract Amendment No. 3 - CDM Smith Inc. - Sunset Hills Pump Station Project (CONT-**
28 **2024-042)**

29 Council voted to approve Contract Amendment No. 3 between CDM Smith Inc. and the Town of
30 Apex for the Sunset Hills Pump Station Improvements Project, and authorize the Interim Town
31 Manager to execute the agreement.

32 **CN6 Council Meeting Minutes - February 20, 2024**

33 Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
34 February 20, 2024 - Town Council Work Session

35 **CN7 Peak Landing Fee-In-Lieu (FIL)**

36 Council voted to approve a fee-in-lieu of land dedication for the proposed Peak Landing Subdivision
37 project.

38 **CN8 Reimbursement Agreement - Lennar Carolinas, LLC - Depot 499 PUD (REF: CONT-2024-**
39 **043)**

40 Council voted to approve a Utility Infrastructure Development Reimbursement Agreement with
41 Lennar Carolinas, LLC, and to authorize the Interim Town Manager to execute the same for
42 construction of an oversized 20-inch waterline along South Salem Street.

43 **CN9 Resolution - Abandon Existing Drainage Easement - Kiddie Academy 905 Acton Street**
44 **(REF: RES-2024-018)**

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1 Council voted to adopt a resolution titled "Resolution to Abandon Portion of Existing Public
2 Drainage Easement" which will abandon areas shown on the attached exhibit at the Kiddie Academy
3 905 Acton Street property in Apex, North Carolina.

4 **CN10 Resolution - North Carolina Division of Water Infrastructure (NCDWI) American Rescue
5 Plan (ARP) Grant Funds and Capital Project Ordinance Amendment No. 2024-8 (REF:
6 RES-2024-019 and ORD-2024-021)**

7 Council voted to adopt a resolution titled "Resolution Accepting American Rescue Plan Funds"
8 which are grant funds from the NC Division of Water Infrastructure (DWI) to complete an Asset
9 Inventory and Assessment (AIA), approve the corresponding Capital Project Ordinance Amendment
10 2024-8, and authorize the Interim Town Manager to execute the grant agreement and other grant
11 related documents.

12 **CN11 Rezoning Case No. 23CZ17 - 0 Herbert Street - Statement and Ordinance (REF: ORD-
13 2024-022)**

14 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case
15 #23CZ17 0 Herbert Street, Salem Street Realty, LLC, petitioner, for the property located at 0 Herbert
16 Street (PIN 0741397109).

17 **CN12 Rezoning Case No. 23CZ23 - Saunders Street Parking Lot - Statement and Ordinance
18 (ORD-2024-023)**

19 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning Case
20 #23CZ23 Saunders Street Parking Lot, Town of Apex, petitioner, for the property located at 0
21 Saunders Street, 0 & 211 Templeton Street (PINs 0742319843, 0742318765, 0742317640).

22 **CN13 Tax Report - January 2024 (REF: OTHER-2024-042)**

23 Council voted to approve Apex Tax Reports dated February 4, 2024.

24 **CN14 Unified Development Ordinance (UDO) Amendments February 2024 - Signs and Typo
25 Correction - Statement (REF: OTHER-2024-043)**

26 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a)
27 addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024
28 related to signs and correcting a typographical error.

29 **CN15 Unified Development Ordinance (UDO) Amendments February 2024 - Traffic Calming -
30 Statement (REF: OTHER-2024-044)**

31 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a)
32 addressing action on the Unified Development Ordinance (UDO) Amendments of February 27, 2024
33 related to traffic calming.

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35 **[REGULAR MEETING AGENDA]**

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37 A **motion** was made by **Councilmember Gantt**, seconded by **Mayor Pro Tempore Gray**, to
38 approve the Regular Meeting Agenda as presented.

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40 **VOTE: UNANIMOUS (5-0)**

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42
43 **[PUBLIC FORUM]**

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1 First to speak was **Elizabeth Stitt** of 3113 Friendship Road:

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3 "Mayor, Town Council, good evening. I'm going to go off-script, I do that a lot. I got to hear
4 Councilmember Gantt speak to the Youth Council for a few minutes coming in, and he shared that
5 sometime the decisions are hard, and sometimes he loses sleep. We're losing sleep with you. I'm
6 sorry you're losing sleep, I'm sorry we're losing sleep, but I understand sometimes there's hard
7 decisions that need to be made. So obviously there was the open house for the Western Big Branch
8 Area Plan, still struggle to get that name out because we don't identify ourselves with that, I
9 appreciate the couple of you that came. I hope the rest of you can either come to the March 18th or
10 the March 20th, there's a lot of good conversation that has been happening after the first one, we're
11 going to put a request in for some additional information, and a lot of us aren't filling out the
12 feedback form until we get through all 3 sessions, because what we're doing is taking the
13 information, talking between all of us, and trying to come back with something that kind of meets
14 everybody in the middle, so just wanted to give you a heads up on that. I am still continuing to go to
15 Holly Springs Town Council Meetings. They did a preview of their land use map and all of the
16 zonings for the next six months, none of them impact the Friendship area. So I'm glad to see it's
17 going to be a little quiet there, and of course the Mayor knows I've been going to CAMPO meetings,
18 and I will continue to do that. I will be meeting with DOT tomorrow to talk about some additional
19 things in our area, so we're starting to really focus our efforts on certain activities, so just wanted to
20 keep you guys in the loop, don't want you to be blindsided by anything, if you have a question feel
21 free to reach out and I'd be glad to help you. Thank you."

22
23 **Mayor Gilbert** thanked Ms. Stitt for her comments.

24
25 Next to speak was **Nabel Zanta** of 1114 Brynmar Oaks Circle:

26
27 "Good evening officials. Well over 30,000 dead in Gaza. Well over 13,000 of those dead are babies,
28 children. If there's one takeaway from the primaries, it's that there are a huge number of constituents
29 that want a change in policy, and are calling for a permanent ceasefire. Ordinary people don't have
30 much visibility to congress, what we have is our ability to work with you all. The no preference vote
31 better be a wake up call to our elected officials that only listening to their campaign donors is not
32 enough. We, the people, must have a voice, and we, the people, have stood up and demanded
33 peace. North Carolina collectively sends Israel 92 Billion Dollars, that's 92 Billion Dollars. Apex
34 contributes 750,000 towards what the US donates annually to Israel. So, this is definitely a local issue.
35 These are collectively our tax dollars. Yours, mines, and everybody else in this room also. When you
36 refuse to vote on this, you are refusing to acknowledge our hard work, and our hard-earned tax
37 dollars. You are refusing to side with peace, and your refusal to vote sides with genocide and
38 occupation. Your votes reverberate through the halls of Congress, and their complicit stance on
39 genocide. Your vote reverberates through bombings dropped on Palestinians every single day. Your
40 vote reverberates in forced starvation and ethnic cleansing of Palestinians. This is as much of our
41 issue as it is there's, it's our tax dollars that are going to this genocide, I am not okay with my tax
42 dollars going to annihilate a whole group of people. I know deep down each one of you know and
43 believe that this is our issue because this is our issue because this is our money we're sending there,
44 and deep down you do not stand with genocide, because you are human. And that's all it takes. Be

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1 the voice of reason, be the beacon of the Peak of Good Living, be the peak of humanity, prosperity,
2 and freedom for all. Thank you for your time.”

3
4 **Mayor Gilbert** thanked Mr. Zanta for his comments.

5
6 Next to speak was **Carol Hill** of 2661 Bryant Pond Lane:

7
8 “Good evening, I’m here tonight because I have lived in Apex for 12 years. I have called and
9 complained on numerous occasions, but never put forth the effort to keep on going with it,
10 regarding the yard waste in the streets. I think when Apex was smaller and they came up with the
11 collection where they would use the sucker truck and the grinder truck for the big limbs, that was
12 fine. But I think now it has grown, the trees and shrubs and everything are getting larger and larger
13 and the piles in the street are getting larger. I know there is a working session on this next week, but I
14 can’t speak so they asked me to come tonight and give my concerns. I made some pictures Sunday
15 morning, and from what I understand there is an ordinance that says you shouldn’t put it out until 48
16 hours before pick up, and it’s put out on many occasions 5 minutes after pickup, people are just
17 mowing their yard and dump it in the street. So we have constant yard waste in the street. It hurts the
18 aesthetic value of the neighborhood, we have had a number of people come through, family and
19 friends, and say why does everybody dump their crap in the street? That’s a quote. And that’s just
20 the way that it’s done in Apex. I know when I lived in Cary, I know you don’t want to hear about Cary,
21 but we had to use the bags to keep it behind our house until the evening before pickup. I think there
22 are safety concerns, the piles are so large, and this has happened to me, there’s small children
23 playing behind the piles at the end of the driveway, and you can’t see them when you’re driving
24 down the street, when the leaves are on the shrubs when they put them out there. It’s also a safety
25 concern because I don’t think firetrucks and ambulances could get through if they needed to on
26 occasion because one neighbor is going to put it out and the neighbor across the street is going to
27 put it out and leave one lane to get through, so it’s also a driving hazard because you can’t drive
28 through the neighborhood, because you have to constantly pull over, let a car go through, then go
29 through the piles. I’ve talked about the 48-hour ordinances, but I don’t how that gets enforced, I’ve
30 lived here 12 years and I’ve never seen that enforced.”

31
32 **Mayor Gilbert** said he will have someone from staff reach out to her to help answer her
33 questions.

34
35 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road:

36
37 “Good evening Town Council and Mayor Gilbert, I appreciate that Mayor Gilbert reached out to me
38 as well as Councilman Gantt, at my request from the last Town Council, so I really appreciate that the
39 feedback was heard, and it’s an encouraging dialogue between us and our community and your
40 Town Council, so thank you for that. I really do believe we can find common ground, little by little. I’ll
41 give some positive feedback from the open house that was last week. It was very well organized and
42 staffed, it was great to see Councilman Gray as well as Councilman Zegerman, so it was great to see
43 people and staff and those folks addressing questions and concerns and doing follow ups, so it was
44 really positive. And a greater effort was also made to distinguish between the residents in the

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1 community who are impacted and those who are outside in Apex and non-incorporated Wake
2 County. So that was really good news on that behalf, but we still have some more to go. The venue
3 was in the Town of Apex, which isn't in unincorporated Wake County, the Apex residents I don't
4 think were really aware of the decisions or the survey intentions, they weren't very educated on what
5 the impacts were. They were shown three scenarios, as if those were the three scenarios we were all
6 shown here from our community, and that wasn't the case. So perhaps there was more information
7 in videos and pamphlets, but somebody that I talked to at that particular open house, she was under
8 the impression that we are really happy about selling out our properties and wanting them
9 developed, and I think there's a misunderstanding and misinformation about what the intention of
10 these meetings are, and I think that the seriousness too on the story of eminent domain. The impacts
11 of these three decisions were not laid out, like if we do x, y, or z, what happens to the community at
12 large. So that was something that I think we could do better on, and only the people who belong to
13 our community should have a say on our community and our land, so I think I've come before you
14 before saying I don't agree with the process of opening it up, especially when we don't have
15 representation. And most importantly, I'd like to ask the Planning Board to get involved with us and
16 meet with us, to come up with maybe more than scenario 3, a 4, 5, 6. We're willing to work and we
17 want to work with you guys, and we think that can come together. And I really appreciate that, and I
18 look forward to hearing from the Planning Board and yourselves, thank you.

19
20 **Mayor Gilbert** thanked Ms. Cozzalino for her comments.

[NEW BUSINESS]

NB1 **Public Art - Permanent Sculpture Collection Expansion**

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26 **Taylor Wray**, Cultural Arts Center Manager, gave the following presentation regarding
27 Public Art - Permanent Sculpture Collection Expansion.

[PUBLIC ART - SLIDE 1]



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1 [PUBLIC ART - SLIDE 2]



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Mayor Pro Tempore Gray said he has pictures in front of this sculpture with his children, and how this is an example of why the town has this program.

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Councilmember Mahaffey said this is an awesome piece that invites interaction, and is happy to hear it won best in show. He said Mr. Christiansen, the piece's creator, is a teacher at Apex High School and is an awesome guy. He said he fully supports the purchase.

5

Councilmember Killingsworth and Councilmember Zegerman agreed.

6

Councilmember Gantt said he loved the art walk and the opportunity to provide more sculptures and public art, and he likes expanding the program using the best in show each year. He said it's a great way to build it up over time with the best are around.

7

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A **motion** was made by **Mayor Pro Tempore Gray**, seconded by **Councilmember Zegerman**, to purchase *Jager* from TJ Christiansen for \$9,200.00

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VOTE: UNANIMOUS (5-0)

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[UPDATES BY TOWN MANAGER]

15

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Interim Town Manager Purvis said he had a few quick ones. He said they have received federal funding of \$2 million for a project in the Cash Corporate area. He added the town will be starting a survey with GoTriangle for a transfer station at the Mason Street Municipal Building. Finally, he said the town would be meeting with downtown stakeholders next week in regards to downtown parking.

17

Councilmember Gantt asked if the transfer station would have a shelter.

18

Interim Town Manager Purvis said yes it would, and there would be sidewalk connections in the area to get to the shelter. He said it would have a trash can and hopefully bike racks.

19

Councilmember Gantt asked if there would be an opportunity for the station to be more decorative.

20

Interim Town Manager Purvis said he would look into that and see what the funding can be used for. He said they put last year's public art piece across the street from the planned stop intentionally.

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1 **[CLOSED SESSION]**

2 A **motion** was made by **Councilmember Killingsworth**, seconded by **Councilmember**
3 **Mahaffey**, to enter into Closed Session pursuant to NCGS § 143-318.11(a)(5), NCGS § 143-
4 318.11(a)(1), and NCGS § 143-318.11(a)(6).

5 **VOTE: UNANIMOUS (5-0)**

6 Council entered into closed session at **6:22 p.m.**

7

8 Council entered into closed session pursuant to:

9

10 **CS1 Steve Adams, Real Estate and Utilities Acquisition Specialist**

11

NCGS § 143-318.11(a)(5)

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

17

18 **CS2 Allen Coleman, Town Clerk**

19

NCGS §143-318.11 (1):

20 *"To prevent the disclosure of information that is privileged or confidential*
21 *pursuant to the law of this State or of the United States, or not considered a*
22 *public record within the meaning of Chapter 132 of the General Statutes."*

23

24 **CS3 Mayor Jacques K. Gilbert**

25

NCGS § 143-318.11(a)(6):

26 *"To consider the qualifications, competence, performance, character, fitness, conditions of*
27 *appointment, or conditions of initial employment of an individual public officer or employee*
28 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*
29 *grievance by or against an individual public officer or employee."*

30 Council returned to open session at **7:15 p.m.**

31 A **motion** was made by **Councilmember Mahaffey**, seconded by **Councilmember**
32 **Killingsworth**, to appoint Randall Vosburg as Town Manager, effective Monday, April 15, 2024, and
33 authorize the execution of his employment agreement.

34 **VOTE: UNANIMOUS (6-0)**

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Councilmember Zegerman thanked Town Clerk Coleman for coordinating the process with Developmental Associates. He said that the recruitment process was very organized, detailed, and a lot of work was involved to get us to this point.

Councilmember Mahaffey thanked Interim Town Manager Purvis for his efforts in the past 7 months.

Mayor Gilbert thanked Town Attorney Hohe as well.

[ADJOURNMENT]

Mayor Gilbert adjourned the meeting at **7:17 p.m.**

Jacques K. Gilbert
Apex, Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman