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REGULAR TOWN COUNCIL MEETING

August 23, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Allen Coleman, CMC, NCCCC | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

Mayor Jacques K. Gilbert called the meeting to order at 6:00 PM, welcomed those in attendance, and offered the Town's diversity statement.

NOTE: Councilmember Brett Gantt was absent.

Mayor Gilbert recognized Wake County Sheriff's Deputy Ned Byrd whose life was honored yesterday and offered a moment of silence for his family, his life of service, and a private moment of silence as the invocation.

CONSENT AGENDA

CN1 Budget Ordinance Amendment No. 2 - Deer Creek 2022 Capital Reimbursement Fees

Marty Stone, PE, Assistant Town Manager

CN2 Budget Ordinance Amendment No. 3 - Jordan Pointe 2022 Capital Reimbursement Fees

Marty Stone, PE, Assistant Town Manager

CN3 Construction Agreement - CSX Transportation Inc. - Widening Pleasant Plains Road - Pleasant Park Project

Daniel Edwards, Senior Capital Projects Manager

CN4 Contract Multi-Year - Cintas - Uniforms - August 22, 2022 through August 21, 2027

Michael Deaton, P.E., Director of Water Resources

CN5 Encroachment Agreement - 1835 Firenze Dr Lot 39

Marty Stone, Assistant Town Manager

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CN6 Fee-in-Lieu (FIL) of Land Dedication - Estates at White Oak

Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources

CN7 Lease Agreement Renewal - New Cingular Wireless PCS, LLC. Tingen - July 1, 2023 through June 30, 2038

Michael Deaton, P.E., Director of Water Resources

CN8 Ordinance Amendment for Article I of Chapter 10 - **REMOVED - Move to New Business**

Brian Meyer, Deputy Town Attorney, and Senior Zoning Compliance Officers Mark Siburt and Trevor Johnson

CN9 Resolution - Public Utility Easement Abandonment

Steve Adams, Utilities Acquisition Specialist

CN10 Tax Report - July 2022

Allen Coleman, Town Clerk

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Terry Mahaffey, to approve the Consent agenda as amended.

VOTE: UNANIMOUS (4-0)

PRESENTATIONS

PR1 Financial Update - Customer Assistance Program (CAP) and Fiscal Year-End Operating Results

Vance Holloman, Finance Director

Staff provided a presentation.

Council discussed the financial update and recognized Director Holloman for his exceptional service and financial leadership for the Town of Apex and wished him well in his retirement.

REGULAR MEETING AGENDA

A motion was made by Councilmember Ed Gray, seconded by Councilmember Cheryl Stallings, to set the regular meeting agenda.

VOTE: UNANIMOUS (4-0)

PUBLIC FORUM

The following individual(s) spoke during the public forum portion:

- **Elizabeth Stitt - 3113 Friendship Road, Apex, NC**
 - Public Participation Policy - Revision to include decorum language

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PUBLIC HEARINGS

PH1 2022 General Obligation Bond Extension - \$15M Street and Sidewalk Improvement Bonds

Vance Holloman, Finance Director

Staff provided a presentation and no one signed up to speak.

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Terry Mahaffey, to adopt an order extending the bond order authorizing \$15 million of street and sidewalk improvement general obligation bonds and directed the clerk to publish the order

VOTE: UNANIMOUS (4-0)

PH2 Annexation No. 733 - Adams Property PUD - 23.92 acres

Liz Loftin, Senior Planner, Planning and Community Development

PH3 Rezoning Case No. 22CZ08 Adams Property PUD

Liz Loftin, Senior Planner, Planning and Community Development

Staff provided a presentation.

A motion was made by Councilmember Terry Mahaffey, seconded by Councilmember Cheryl Stallings, to continue the discussion for public hearing items 2 and 3 to the September 27, 2022 Town Council Meeting and consider a final vote at that time. The public hearing was closed.

VOTE: UNANIMOUS (4-0)

PH4 Annexation No. 737 - 905 Wimberly Road - 7.21 acres

Lauren Staudenmaier, Planner II, Planning and Community Development

PH5 Rezoning Case No. 22CZ14 905 Wimberly Road

Lauren Staudenmaier, Planner II, Planning and Community Development

Staff provided a presentation.

A motion was made by Councilmember Ed Gray, seconded by Mayor Pro-Tempore Audra Killingsworth, to adopt an ordinance on the question of annexation - Apex Town Council's Intent to Annex 7.21 acres located at 905 Wimberly Road, Annexation No. 737 into the Town's Corporate Limits, and, to approve Rezoning Application #22CZ14 - 905 Wimberly Road to rezone approximately 7.21 acres from Wake County Residential-80W (R-80W) to

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Residential Agricultural-Conditional Zoning (RA-CZ). The proposed rezoning is located at 905 Wimberly road.

VOTE: UNANIMOUS (4-0)

PH6 Annexation No. 739 - Triad Education Services (TMSA) - 6.524 acres

Dianne Khin, Director of Planning and Community Development

Staff provided a presentation.

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Ed Gray, to adopt an ordinance on the question of annexation - Apex Town Council's intent to annex 6.524 acres as petitioned by Triad Education Services; Triangle Math and Science Academy (TMSA), Annexation no. 739 into the town's corporate limits.

VOTE: UNANIMOUS (4-0)

PH7 Rezoning Case No. 22CZ10 Calyx Senior Living (KOBRA PUD Amendment)

Liz Loftin, Senior Planner, Planning and Community Development

Staff provided a presentation.

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Ed Gray, to approve Rezoning Application #22CZ10 Calyx Senior Living Apex (Kobra PUD Amendment), to rezone approximately 5.738 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #20CZ04) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 7501 Jenks Road.

VOTE: UNANIMOUS (4-0)

Mayor Gilbert announced a recess until 8:00 p.m.

PH8 Rezoning Case No. 22CZ15 CarSpace Apex

Amanda Bunce, Current Planning Manager, Planning and Community Development

Staff provided a presentation.

A motion was made by Councilmember Ed Gray, seconded by Mayor Pro-Tempore Audra Killingsworth, to approve Rezoning Application #22CZ15 Carspace Apex to rezone approximately 6.92 acres from tech/flex-conditional zoning (TF-CZ #14CZ30) to light

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industrial-conditional zoning (LI-CZ). The proposed rezoning is located at 1720 & 1740 Pinnacle Center Drive.

VOTE: UNANIMOUS (4-0)

PH9 Unified Development Ordinance (UDO) Amendments - August 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development

Staff provided a presentation.

A motion was made by Councilmember Cheryl Stallings, seconded by Councilmember Ed Gray, to approve various amendments to the Unified Development Ordinance (UDO).

VOTE: UNANIMOUS (4-0)

OLD BUSINESS - None

UNFINISHED BUSINESS - None

NEW BUSINESS

NB1 Ordinance Amendment for Article I of Chapter 10 - **MOVED FROM CONSENT**

Brian Meyer, Deputy Town Attorney, and Senior Zoning Compliance Officers Mark Siburt and Trevor Johnson

Staff provided a presentation.

A motion was made by Councilmember Terry Mahaffey, seconded by Mayor Pro-Tempore Audra Killingsworth, to schedule a public hearing for September 13, 2022 and directed staff to prepare a revised ordinance amendment based on Council's feedback for consideration at that time.

VOTE: UNANIMOUS (4-0)

UPDATES BY TOWN MANAGER

Town Manager, Catherine Crosby, provided an update on various projects and events in the Town.

ADJOURNMENT

Mayor Gilbert announced the meeting adjourned at 8:32 p.m.