

MINUTES

REGULAR TOWN COUNCIL MEETING



September 27, 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 Killingsworth

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

Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis | Assistant Town Manager: 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.

Mayor Gilbert announced the following changes to the meeting agenda:

- **Addition - Presentation Number 3 - Proclamation - Hispanic Heritage Month**
- **Continuance - Public Hearing Number 1 - 21CZ17 Ten Ten Business Park - applicant requested to continue this item until the November 8, 2022 Regular Council Meeting**

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Cheryl Stallings to set the regular meeting agenda.

VOTE: UNANIMOUS (5-0)

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

CN1 Annexation No. 703 - Haddock Properties - 1.989 acres

Allen Coleman, Town Clerk

CN2 Encroachment Agreement - NCDOT - Apex West Greenway Trail

Angela Reincke, Parks Planning Project Manager

CN3 Encroachment Agreement - NCDOT - Apex West Greenway on Olive Chapel Road (Ratification)

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Adam Stephenson, PE, CFM, Transportation Engineering Manager

CN4 Grant Renewal - North Carolina Governor's Highway Safety Program (GHSP)

Mitchell McKinney, Deputy Chief of Police

CN5 Ordinance Amendment for Chapter 20, Article VIII., Subsection 166(b) N Salem St Loading Zone Removal

Russell Dalton, Traffic Engineering Manager

CN6 Rezoning Case No. 22CZ06 Yellowbridge PUD Statement and Ordinance

Lauren Staudenmaier, Planner II, Planning and Community Development Department

A motion was made by Councilmember Ed Gray, seconded by Councilmember Brett Gantt, to approve the Consent agenda as presented.

VOTE: UNANIMOUS (5-0)

PRESENTATIONS

PR1 Proclamation - Indigenous Peoples Day

Taylor Wray, Special Events Coordinator, Department of Parks, Recreation, and Cultural Res.

Mayor Gilbert presented the Indigenous Peoples Day proclamation.

Ms. Taylor Tray, Special Events Coordinator, and Mr. JD Freeman, Community Member, received the proclamation.

PR2 Proclamation - October 2022 Hindu Heritage Month

Jacques K. Gilbert, Mayor and Audra Killingsworth, Mayor Pro-Tempore (co-sponsor)

Mayor Gilbert presented the Hindu Heritage Month proclamation.

Mr. Rajeev Singh and several other community members received the proclamation.

PR3 Proclamation - Hispanic Heritage Month - ADDITIONAL ITEM

Linda Graham-Jones, Director, Diversity, Equity, and Inclusion

Mayor Gilbert presented the Hispanic Heritage Month proclamation.

Pastor Luis Jose Villasenor and Mishell Gonzalez with the Fiesta Cristiana Organization, and other community members received the proclamation.

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

Voted on earlier in the meeting.

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PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

The following individuals spoke during the public forum portion:

- **Elizabeth Stitt - 3113 Friendship Road, Apex, NC**
 - Distributed a handout and spoke about the Community Meeting held by Water Resources Staff on the Big Branch Elevated Water Tank

PUBLIC HEARINGS

~~PH1—Rezoning Case No. 21CZ17 Ten Ten Business Park~~

Sarah Van Every, Senior Planner, Planning and Community Development Department

NO ACTION - this item was continued to the November 8, 2022 Council Meeting, as requested by the applicant. Vote to continue the item was taken earlier in the meeting under "Commencement".

PH2 Rezoning Case No. 22CZ16 - 1039 Irongate Drive

Lauren Staudenmaier, Planner II, Planning and Community Development Department

A motion was made by Mayor Pro-Tempore Audra Killingsworth, seconded by Councilmember Ed Gray, to approve rezoning application #22CZ16 - 1039 Irongate Drive; approximately 0.46 acres from rural residential (RR) to medium density-conditional zoning (MD-CZ).

VOTE: 4-1 with Councilmember Brett Gantt dissenting.

PH3 Unified Development Ordinance (UDO) Amendments - September 2022

Amanda Bunce, Current Planning Manager, Planning and Community Development Department

A motion was made by Councilmember Brett Gantt, seconded by Terry Mahaffey, to approve various amendments to the unified development ordinance (UDO).

VOTE: UNANIMOUS (5-0)

A motion was made by Councilmember Terry Mahaffey, seconded by Councilmember Ed Gray, to enter into closed session pursuant to NCGS § 143-318.11(3) to consult with the attorney. Council entered into closed session at 6:48p.m.

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A motion was made by Councilmember Brett Gantt, seconded by Cheryl Stallings, to return to open session. Council returned to open session at 7:22pm

OLD BUSINESS - None

UNFINISHED BUSINESS

UB1 Annexation No. 733 - Adams Property PUD - 23.92 acres

Liz Loftin, Senior Planner, Planning and Community Development Department

UB2 Rezoning Case No. 22CZ08 Adams Property PUD

Liz Loftin, Senior Planner, Planning and Community Development Department

UB1 and UB2 were voted on together.

A motion was made by Councilmember Brett Gantt, seconded by Councilmember Ed Gray, to adopt an ordinance on the question of annexation apex town council's intent to annex Adams Property Planned Unit Development (PUD) containing 23.92 acres, annexation no. 733 into the Town's Corporate Limits, and, to approve rezoning case no. 22CZ08 - Adams Property PUD, approximately 23.92 acres from wake county residential-40w (R-40W) to planned unit development-conditional zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 8820 New Hope Farm Road; 8841 & 8833 Twin Ponds Lane.

VOTE: UNANIMOUS (5-0)

NEW BUSINESS

NB3 Appointments - Planning Board

Allen Coleman, Town Clerk

Councilmember Terry Mahaffey provided comments.

A motion was made by Councilmember Ed Gray, seconded by Brett Gantt, to appoint Alyssa Stepusin to the Apex Planning Board.

VOTE: 3-2 with Councilmembers Terry Mahaffey and Cheryl Stallings dissenting

A motion was made by Councilmember Terry Mahaffey, seconded by Mayor Pro-Tempore Audra Killingsworth, to appoint Daniel Khodaparast to the Apex Planning Board.

VOTE: UNANIMOUS (5-0)

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A motion was made by Councilmember Ed Gray, seconded by Councilmember Terry Mahaffey to confirm Tina Sherman as the Apex Planning Board Vice-Chair. This appointment would be for the unexpired Vice-Chair term (August 9, 2022 - December 31, 2022).

VOTE: UNANIMOUS (5-0)

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 7:56p.m.

DRAFT