

MINUTES DRAFT

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, MARCH 14, 2023 6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, March 14, 2023 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 of Apex YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=Yrkmhc9htjk>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (presiding)
Mayor Pro-Tempore Audra Killingsworth
Councilmember Brett Gantt
Councilmember Ed Gray
Councilmember Terry Mahaffey
Councilmember Arno Zegerman
Absent: None

Town Staff

Town Manager Catherine Crosby
Deputy 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, and welcomed those in attendance and those watching live on the Town's YouTube channel. He then invited Councilmember Gray to recognize a group in attendance.

Councilmember Gray said it was always exciting to have a group of young people joining the Council meetings. He welcomed the Apex Youth Council, who he then invited to join him in doing the wave. He said they are bringing energy and enthusiasm, and that they are the future of the Town.

MINUTES DRAFT

1 **Mayor Gilbert** invited everyone to join him in a moment of silence to signify unify. He then
2 led Council and those in attendance in the Pledge of Allegiance.

3 4 **[CONSENT AGENDA]**

5
6 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by
7 **Councilmember Ed Gray**, to approve the consent agenda with Consent Item 10 removed.

8 **VOTE: UNANIMOUS (5-0)**
9

10 11 **CN1 2023 Revised Council Meeting Calendar**

12 Council voted to approve a Revised version of the 2023 Council Meeting Calendar.

13 **CN2 Annexation No. 747 - Apex Light Industrial - 21.246 acres**

14 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
15 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
16 a Public Hearing for March 28, 2023, on the Question of Annexation - Apex Town Council's intent to
17 annex 21.246 acres, Apex Light Industrial, Annexation No. 747 into the Town Corporate limits.

18 **CN3 Annexation No. 748 - The Townes at Chapel Ridge - 18.613 acres**

19 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
20 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
21 a Public Hearing for March 28, 2023, on the Question of Annexation - Apex Town Council's intent to
22 annex 18.613 acres, the Townes at Chapel Ridge, Annexation No. 748 into the Town Corporate
23 limits.

24 **CN4 Appointments - Housing Advisory Board (HAB) - Chair/Vice-Chair**

25 Council voted to confirm the following leadership positions on the Housing Advisory Board (HAB)
26 for calendar year 2023:

27 Phil Welch, Chair of the Apex Housing Advisory Board (HAB)

28 Rhett Fussell, Vice-Chair of the Apex Housing Advisory Board (HAB)

29 **CN5 Contract Multi-Year - OW Investors, LLC dba Mars Co - Water Meter Test Bench - March** 30 **14, 2023 through June 30, 2028**

31 Council voted to approve a 5-Year Standard Services Contract with OW Investors, LLC, dba MARS
32 Company, and to authorize the Town Manager to execute on behalf of the Town.

33 **CN6 Council Meeting Minutes - February Meetings**

34 Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:

35 February 14, 2023 Regular Town Council Meeting

36 February 17, 2023 Annual Council Retreat/Budget Workshop

MINUTES DRAFT

1 February 21, 2023 Work Session Town Council Meeting

2 February 28, 2023 Regular Town Council Meeting

3 **CN7 Rezoning Case No. 22CZ19 - The Heights PUD - Statement & Ordinance**

4 Council voted to approve Statement of the Town Council and Ordinance for Rezoning Case

5 #22CZ19 The Heights PUD. Charm City Developers, LLC is the applicant for the properties located at

6 406 S. Salem Street, 0 Harwood Street, and 0 First Street.

7 **CN8 Rezoning Case No. 22CZ21 Apex Light Industrial - Set Public Hearing**

8 Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding

9 Rezoning Application #22CZ21 Apex Light Industrial and Ordinance. The applicant, Drew Thigpen,

10 Greenberg Gibbons Properties, seeks to rezone approximately 55.68 acres from Rural Residential

11 (RR), Tech/Flex-Conditional Zoning (TF-CZ #14CZ09), and Wake County Residential 80-W (R-80W) to

12 Tech/Flex-Conditional Zoning (TF-CZ). The proposed rezoning is located at 3212, 3208, 3228, and

13 3232 US 64 Highway West, 0 and 7529 Creekbird Road.

14 **CN9 Rezoning Case No. 22CZ22 Elevate 64 West PUD - Set Public Hearing**

15 Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding

16 Rezoning Application #22CZ22 Elevate 64 West PUD. The applicant, FA Develop, LLC, seeks to

17 rezone approximately 35.15 acres from Rural Residential (RR) to Planned Unit Development-

18 Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3805 & 3809 US Hwy 64 W.

19 ~~**CN10 Rezoning Case No. 22CZ27 Center City Townhomes - Set Public Hearing - REMOVED**~~

20 This item was removed from consideration.

21 **CN11 Unified Development Ordinance (UDO) Amendments - February 2023 - Statement**

22 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a)

23 addressing action on the Unified Development Ordinance (UDO) Amendments of February 28,

24 2023.

25 **CN12 Unified Development Ordinance (UDO) Amendments - March 2023 - Set Public Hearing**

26 Council voted to set the Public Hearing for the March 28, 2023 Town Council meeting regarding

27 various amendments to Unified Development Ordinance (UDO).

28 **CN13 Tax Report - January 2023**

29 Council voted to approve the Apex Tax Report dated February 20, 2023.

30

31 **[PRESENTATIONS]**

32 **PR1 Proclamation - Bleeding Disorders Awareness Month**

MINUTES DRAFT

1 **Mayor Gilbert** invited Karyn Davis, Board of Directors Members of the Bleeding Disorders
2 Foundation of North Carolina, to the front to receive the Proclamation and take a picture. Mayor and
3 Council then read the Bleeding Disorders Awareness Month Proclamation in unity.

4 **Ms. Davis** thanked the Mayor and Council for the Proclamation.
5

6 **PR2 Proclamation - Citizens Assisting Police in Apex (CAPA) Day**

7 **Councilmember Mahaffey** acknowledged the leader of Citizens Assisting Police in Apex,
8 Drew Ludlow. He thanked Mr. Ludlow for everything he does for the Town, CAPA, and the Officers.
9 He said the time and effort he put into the program was amazing. Mayor and Council then read the
10 CAPA Day 2023 Proclamation in unity.

11 **Mayor Gilbert** invited Mr. Ludlow and the other CAPA members present up to take a picture
12 and receive the proclamation.

13 **Mr. Ludlow** offered some comments:

14 "I just want to thank all of our members. We've got about half of them here, out of about 50-55
15 members that are all volunteers. They volunteer on Saturdays, they volunteer on weekdays,
16 weekends, and it's all for the Police Department and the Town of Apex. We couldn't have done any
17 of this without them, so they got us here. But above all, I want to thank our officers, because they're
18 the real reason these people do what they do. Thank you."
19

20 **PR3 Proclamation - Developmental Disabilities Awareness Month**

21 **Mayor Gilbert** invited Sherrell Gales, Supported Employee Manager at Abound Health, up to
22 receive the Proclamation and take a picture. Mayor and Council then read the Developmental
23 Disabilities Awareness Month Proclamation in unity.

24 **Ms. Gales** offered a few comments:

25 "Thank you so much again on behalf of Abound Health, we're so thankful to be able to be here today
26 and adopt the proclamation For National Disability Awareness Month. Thank you again, Mayor
27 Gilbert, and Apex, for all the inclusion you're bringing to the community."
28

29 **PR4 Proclamation - Girl Scouts of the USA Appreciation Week - March 14 through March 21,** 30 **2023**

31 Mayor Gilbert and Council read the Girl Scouts of the USA Appreciation Week Proclamation in unity.
32
33
34

MINUTES DRAFT

PR5 Proclamation - Women's History Month

Mayor Gilbert invited Karen Lee, Linda Graham-Jones, Georgia Evangelist, Rosanna Lindhofer, and Pat Smith up to receive the Proclamation and take a picture. Mayor and Council then read the Women's History Month Proclamation in unity.

Former Town Clerk Georgia Evangelist offered a few words:

"I'm Georgia Evangelist, and I worked here from 1980 to 2012, over three decades, and most of that was your City Clerk. And I was young then, and I knew Jacques, and I have supported him 100%, you are blessed to have him as your Mayor, you are blessed to have this future Council that's sitting here and the ones to come in the future that's going to make Apex an even better place to live. And you haven't seen anything, if you think this is the Peak of Good Living you're in for a surprise, because it's just getting better and better. So, I welcome you to Apex, and I'm a homegrown girl, so I may be a little southern, but I still love everyone that's coming here, it's great. And Women's History, we've got so much more to tell you. It's been a wonderful month, I've learned a lot about things that I didn't even know myself that I will share all that time and I even found out more, so continue to support the women of this town. We have been a backbone for a long time, and we're going to continue to do our part, thank you."

Mayor Gilbert thanked Council for joining him in reading the Proclamations, and moved on to setting the regular meeting agenda.

[REGULAR MEETING AGENDA]

Councilmember Gray asked that New Business be moved to after Closed Session.

Mayor Gilbert called for a motion with this change.

A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Councilmember Brett Gantt**, to approve the Regular Agenda, with the change of moving New Business to after Closed Session.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORUM]

First to speak were **Kristin and Sean Uhrig** of 312 N Mason Street:

Kristin: "Thank you for the time. We are here actually at your suggestion. There is a speeding problem on Mason Street, directly right across from the Community Center. Speed Limit is 25 miles per hour, it's a three-lane road, and despite all the best efforts of Police and other Town members,

MINUTES DRAFT

1 it's not 25 miles an hour and we're afraid that something really bad is going to happen. The Town
2 has done a very good job of putting deputies there to try to catch speeders, they put signs up on the
3 speed limit signs to catch and it works for that moment, but over the long term we need something a
4 lot more permanent to prevent that from happening."

5 **Sean:** "Yeah, I would say that believe it or not it is a residential street, there is a few of us that live
6 there, and over the last two years the changes that have happened is that we now have 7 to 8 small
7 children that are on that street and so they often play in their front yards. Our concern is not so much
8 that a kid will run into the street, as much as a car will swerve onto the sidewalk, and I think that's
9 definitely a concern. And we do appreciate the speed limit signs, I think it's helped to some degree,
10 but we live on the opposite side without a sidewalk and believe it or not, you're welcome to come to
11 my house and sit on the front porch any day of the week. You'll get cars that will turn at that light, it's
12 only 350 feet at my driveway, and they're going 45 miles an hour by the time they pass my house."

13 **Kristin:** "The other concern is not just the residents but it's a highly trafficked area. Lots of
14 communities around, to and from the community center, to downtown. I teach at Apex Middle
15 School, and I know our kids use that route quite frequently from school to the community center, to
16 the skate park, so we're just looking for a more permanent solution than just temporary speed traps
17 and signs that try to slow people down. The other issue is it's a no-truck zone, and we've noticed a lot
18 of trucks that really shouldn't be on that road. Car carriers, I can't think of any reason why a 10-car
19 carrier would be going down Mason Street at that point. I could see Food Lion, those kinds of things,
20 but semi-trucks do not need to be going down that road. Now that we have Apex Parkway, it's a
21 great opportunity to divert traffic away from Mason Street. Thank you."

22 **Mayor Gilbert** thanked the Uhriqs for their comments.

23
24 Next to speak was **Elizabeth Ray Stitt** of 3113 Friendship Road:

25 "Elizabeth Ray Stitt, 3113 Friendship Road, and I have brought some of my neighbors with me
26 tonight. I have more than 4 believe it or not, so I get more than 3 minutes for once. So, the last Town
27 Council meeting I did not speak, it was your 150th celebration, my neighbors on Friendship Road, we
28 don't celebrate Apex, because Apex's growth hasn't been very good for us. And so, you know,
29 you've seen me a lot over the last months, so I decided to bring some of my neighbors, so with me is
30 Bones Sears, and he lives on his family property that they've had for 92 years. I have the Reams-Holt
31 Family who's had their property for 104 years. And I've only owned mine for 32, so I'm young in the
32 neighborhood, but what I can tell you is the growth that has occurred hasn't been good. And I keep
33 being told, "oh just wait, it's going to get better, just wait." And the question is, how much longer do
34 we have to wait? So, for example, a few years ago our only community grocery store was pushed out

MINUTES DRAFT

1 due to the all the growth and now we have a brewery. So, every time we drive into town to get a loaf
2 of bread that we used to be able to get at the community store, we know that we're still waiting for
3 something better to come. Our roads are congested, they're not safe, and we're told "just wait for
4 the turn lanes, wait till Amgen comes, wait till all these other things come, but on a regular day
5 during traffic, I mean, during rush hour traffic, it's 35-40 cars deep because we don't have turn lanes.
6 And if you come down our road you'll see that our asphalt is crumbling, literally falling in. And I know
7 that you guys can't do anything about that, we're working with the DOT and so I bring this to you to
8 say what's good for us? Our schools are capped because the Town is growing too quickly out in our
9 areas. Our schools couldn't even be called Friendship Middle, Friendship High School, Friendship
10 Elementary, it had to be Apex. So, if Apex is going to be out there, do something for us., We should
11 not have to fight this day in and day out and be told just keep waiting and waiting and waiting. I try
12 to come and be polite, you guys know that I'm never going to raise my voice at you, I'm not going to
13 yell and scream, I've given you many invitations to come out, I've asked you to come out and look at
14 what's going to happened with the force main. You can literally stand on Friendship Road Bridge, if
15 you don't want to go with me, you can walk to one side of it and see five miles all the way down to
16 the wastewater plant, clear land. You come over to the other side of the bridge, you see all of our
17 houses and trees, and we're told "no, this is good, this is the best it's going to get", but it's not the
18 peak of good living for us, and we're tired of promises so as you kick your 150th year celebration,
19 we're going to kick off a year of petitions. And so, we're going to start doing petition signs along
20 Friendship Road, asking the people who commute through to please support us. We're going to the
21 media on the force main, we're just going to have an entire year of petitions because we want it to
22 be the peak of good living, we want to celebrate with you, but we're not given the opportunity when
23 we constantly are excluded from that. So, you know our concerns, many of times, so I'm going to
24 start bringing petition results, you're going to get copies of it, and it's going to be to Holly Springs as
25 well, DOT, Wake County Public Schools, it's going to be to everybody to say "look, we are in the
26 section of the county where we're stuck. We're stuck because we're in between jurisdictions, and
27 everybody points fingers at each other, and we're tired of people pointing fingers". We want leaders
28 who will come to the table and work with us, and help us figure out how do we get turn lanes so we
29 don't have cars 35 feet deep, how do our kids go to school without getting bussed across to another
30 school district, how do we get a grocery store, I know we have Holland Road mixed-use assembly
31 coming, but that doesn't get us our bread today. Or the last ten years. So, I'm appealing to you, my
32 neighbors are appealing to you. We're going to do petitions. And I really hope we have a few
33 meetings from now where I say hey, we have some success. We actually have people working with
34 us, because right now we don't believe the slogan of "there's nothing we can't accomplish when we

MINUTES DRAFT

1 work together”, because we’re by ourselves. We keep asking, and we’re tired of the pointing. So, I’m
2 not going to take the full 9 minutes, imagine that, I probably could, if I didn’t have a whole group of
3 people waiting for you guys to have the rest of your meeting, so I’m going to be polite on that. But
4 please reach out to my neighbors, reach out to me, let’s start figuring out how we actually make this
5 something that we celebrate too. We’re tired of being excluded. And I’ve been told I can get
6 annexed into town, and then I could be included, but I’m not quite ready to pay to play, so I think my
7 needs and my tax dollars should be able to take care of the concerns of my neighbors and myself.
8 Thank you.”

9 **Mayor Gilbert** thanked Ms. Stitt for her comments.

10
11 Next to speak was **Hadi Rahim:**

12 Good evening members of the Town Council and Citizens of Apex, my name is Hadi Rahim, I’m a
13 high school student at Apex High School. I think you’ve all been aware about some of my emails I’ve
14 sent you all about my petition about ending housing discrimination against LGBTQ people in Apex.
15 So, in 2021 the Apex Town Council passed an Ordinance protecting LGBTQ people from
16 discrimination in employment and public accommodations, but they are still not protected from
17 housing discrimination, which is incredibly important, especially with all the people moving here.
18 There aren’t any state-level protections against housing discrimination, the fair housing act of 1968
19 says that discrimination based off of sex is banned. Sex doesn’t necessarily include sexual orientation
20 or gender identity. The presidential administration has said it does, but that could change with a
21 different president. The supreme court has also said that it’s technically included, however, a
22 supreme court decision doesn’t have any teeth if there’s no enforcement. If there’s no real federal
23 enforcement and no real state enforcement, is it really illegal? I mean, it’s not like all the schools
24 desegregated after Brown v. Board of Education. Apex High was still segregated until like the 70’s.
25 So, it’s important that the Town Council passes a non-discrimination ordinance with some teeth to
26 protect LGBTQ people from discrimination of that sort. I know that the ordinance is technically a
27 County thing that all the Towns have to sign off on, it’s kind of administered partially by the
28 restorative justice clinic at Campbell University. I’ve talked to the Director of that, he said he thinks
29 there’s no reason why a Town couldn’t also include housing discrimination in an NDO. Plenty of
30 other Towns in North Carolina have already done this, Greensboro has done it, the City of Durham
31 has done it, not the county the City, I think Winston-Salem ha done it. I haven’t seen any law that says
32 “oh, these cities can do an NDO, but Apex can’t”, and my main reason for this is that we have so
33 many problems in Apex that we’re trying to address, you know zoning laws, funding new people
34 coming into the Town, car dependency, all those problems, those are really hard problems that we

MINUTES DRAFT

1 need to address right now, but I think we should also address something that we can actually fix and
2 we know that there's a solution right now. I think that's something we deserve a win right now. And
3 you know would we accept such a lack of protections from discrimination based ff of race, ethnicity,
4 or gender, we wouldn't. So, I think it's important that we raise this issue as well. Just bringing it to
5 your attention again. Thank you."

6 **Mayor Gilbert** thanked Mr. Rahim for his comments and thanked all speakers who
7 presented.

9 [UPDATES BY TOWN MANAGER]

10
11 **Town Manager Katy Crosby** spoke about the 150th highlight. She talked about the cultural
12 tourist series, which provides an open-door opportunity for community members to come together
13 and learn. She said the first of these was the Apex Mosque Tour scheduled from 11 AM to 2 PM on
14 Saturday, April 1st. She talked about how the Women of Apex Campaign provides a way from
15 community members to nominate a woman of Apex who has lived a life of legacy. She said
16 nominations could be made on the Town's website, and nominees would be posted on the Women
17 of Apex webpage. She said nominees would be given special recognition at the March 30th
18 Courageous Conversations Event.

20 [CLOSED SESSION]

21 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember**
22 **Ed Gray**, to enter into Closed Session pursuant to the items listed below (CS1 and CS2):

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

24 Council entered into closed session at 6:48 p.m.

26 **CS1 Steve Adams, Utilities Acquisition Specialist**

27 **NCGS §143-318.11 (5):**

28 *"To instruct staff concerning the acquisition of real property."*
29
30

31 **CS2 Jacques K. Gilbert, Mayor**

32 **NCGS §143-318.11 (6):**

33 *"To consider the qualifications, competence, performance, character, fitness, conditions of*
34 *appointment, or conditions of initial employment of an individual public officer or employee or*
35 *prospective public officer or employee; or to hear or investigate a complaint, charge, or grievance*
36 *by or against an individual public officer or employee."*
37

MINUTES DRAFT

1 A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember Brett**
2 **Gantt** to return to open session.

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

4 Council returned from closed session at 8:02 p.m.

5
6 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by
7 **Councilmember Brett Gantt**, to adopt a Resolution authorizing eminent domain proceedings
8 related to the improvement of the Apex Street System - Apex Barbecue Road, South Salem Street,
9 and Kelly Road.

10 **VOTE: 4-1, Councilmember Arno Zegerman dissenting.**

11
12 **[NEW BUSINESS]**

13
14 **NB1**

15 **Councilmember Ed Gray** commented about how he felt it was important for the Council to
16 create Legislative Priorities. He said that since Apex was a growing community, there is a growing
17 connection between Apex and the General Assembly and Federal Government in terms of working
18 together to address Town needs. He said it's important for Council to be responsive to the citizens of
19 Apex and other legislative bodies to help improve quality of life for residents. He said he believes
20 the Town needs a point person to consolidate and work forward on Council's legislative priorities.
21 He said that is not explicitly a position currently, but that is something that should be remedies.

22
23 A **motion** was made by **Councilmember Ed Gray**, seconded by **Mayor Pro Tempore Audra**
24 **Killingsworth**, to direct the Town Council to create a Legislative Procedures and Policy Director
25 under the Office of the Town Clerk, and to direct the Town Manager to take the necessary actions to
26 implement that desire by the Council, and to place the Legislative Procedures and Policy Director's
27 Personnel under the Town Clerk, and for this position to provide reports to the Council so the
28 Council can create a legislative agenda and provide for Apex.

29 **VOTE: 4-1, Councilmember Gantt dissenting.**

30
31 **[ADJOURNEMENT]**

32
33 **Mayor Gilbert** announced the meeting adjourned at 8:05 p.m.

34
35
36 Jacques K. Gilbert
37 Mayor
38

39
40 Allen Coleman, CMC, NCCCC
41 Town Clerk to the Apex Town Council

42
43 Submitted for approval by Town Clerk Allen Coleman and approved on _____