TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, APRIL 25, 2023
6:00 PM

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The Apex Town Council met for a Regular Town Council Meeting on Tuesday, April 25, 2023 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

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This meeting was open to the public. Members of the public were able to attend this meeting inperson 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=fbUCRG149Wo

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## [ATTENDANCE]

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- 15 <u>Elected Body</u>
- 16 Mayor Pro-Tempore Audra Killingsworth (presiding)
- 17 Councilmember Brett Gantt
- 18 Councilmember Ed Gray
- 19 Councilmember Terry Mahaffey

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21 Absent: Mayor Jacques K. Gilbert **and** Councilmember Arno Zegerman

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- 23 Town Staff
- 24 Town Manager Catherine Crosby
- 25 Deputy Town Manager Shawn Purvis
- 26 Assistant Town Manager Marty Stone
- 27 Town Attorney Laurie Hohe
- 28 Town Clerk Allen Coleman
- 29 Deputy Town Clerk Ashley Gentry
- 30 Planning Director Dianne Khin
- 31 All other staff members will be identified appropriately below

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#### [COMMENCEMENT]

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**Mayor Pro Tempore Audra Killingsworth** called the meeting to order and welcomed all those attending and watching on livestream. She wanted to remind people that Apex was currently celebrating its 150<sup>th</sup> year. She discussed the Think Apex initiative, which helps celebrate those who make a difference in Apex, and encourages other to do so as well. She said Apex was made stronger by the variety of individuals that live here. She asked people to think about how they have given, how they do give, and how they will give to the Town of Apex. She said the town sees diversity as a strength, and asked everyone to join her in observing a personal moment of silence.

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**Mayor Pro Tempore Killingsworth** then led Council and those in attendance in a recitation of the Pledge of Allegiance.

## [SLIDE 1]



#### [CONSENT AGENDA]

A motion was made by Councilmember Ed Gray, seconded by Councilmember Terry Mahaffey, to approve the Consent Agenda as presented.

**VOTE: 4-0 (UNANIMOUS)** 

## CN1 Agreement - Converge One - Microsoft Teams Phone Services (REF: CONT-2023-098)

Council voted to approve a three-year Agreement between the Town and Converge One as a vendor to provide telephone services and to authorize the Town Manager to execute the agreement on behalf of the Town.

# **CN2** Agreement - Supplement No. 4 - North Carolina Department of Transportation (NCDOT)

- Lake Pine Drive Improvements - Completion Date 12/31/2024 (REF: CONT-2023-099)

Council voted to approve a 4th Supplemental Agreement with NCDOT to extend the project completion deadline to 12/31/24 for U-5537, Lake Pine Drive Improvements, and to authorize the Town Manager to execute the agreement on behalf of the Town.

# CN3 Agreement - North Carolina Department of Transportation (NCDOT) - Saunders St and Hinton St Sidewalk Project - BL-0095 (REF: CONT-2023-100)

Council voted to approve a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0095, Saunders St and Hinton St Sidewalk, requiring payment of a \$10,000.00 deposit, and to authorize the Town Manager to execute the agreement on behalf of the Town.

# CN4 Contract Technical Amendment - Itron, Inc. - Water and Electric Meter Software (REF: CONT-2023-101)

- 1 Council voted to approve the Amendment to the Itron Field Deployment Manager (FDM) and Field
- 2 Tools Agreement and to authorize the Town Manager to execute the Amendment on behalf of the
- 3 Town.
- 4 CN5 Council Meeting Minutes Various
- 5 Council voted to approve, as submitted or amended, the Regular Town Council Meeting Minutes of
- 6 April 11, 2023.
- 7 CN6 Design and Development Manual Updates (REF: OTHER-2023-038)
- 8 Council voted to approve the removal of details from the Design and Development Manual that were
- 9 added to the Standard Specifications and Standard Details on February 28, 2023.
- 10 CN7 Encroachment Agreement 2553 Silas Peak Lane Lot 30 (REF: CONT-2023-102)
- 11 Council voted to approve an encroachment agreement between the Town and property owner
- 12 Upright Builders, Inc to install a driveway that will encroach 55 square feet (SF) onto the Town of
- 13 Apex 20' Public Drainage Easement and authorize the Town Manager to execute the same.
- 14 CN8 Enterprise Resource Planning (ERP) System Various Agreements, Budget Ordinance
- 15 Amendment No. 16 and Capital Project Ordinance Amendment No. 2023-7
- 16 (REF: ORD-2023-033, ORD-2023-034, VARIOUS CONTRACTS)
- 17 Council voted to approve enterprise resource planning (ERP) system contracts, authorize the Town
- 18 Manager to execute said contracts, and approve corresponding Budget Ordinance Amendment No.
- 19 16 and Capital Project Ordinance Amendment No. 2023-7.
- 20 CN9 Surplus Badge and Service Weapon Retiring Police Officer Joseph S. Gianni
- 21 Council voted to declare one (1) badge and (1) service weapon (Glock Model 17 9mm handgun,
- 22 Serial Number XTA-784) as surplus property; and, award to Retiring Officer Joseph S. Gianni who
- 23 retired from the Apex Police Department.

25 [PRESENTATIONS]

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27 PR1 Proclamation - Apex Small Business Week - April 30 through May 6, 2023

- 28 **(REF: PRO-2023-011)**
- 29 **Mayor Pro Tempore Killingsworth** and the rest of Council read the Apex Small Business
- 30 2023 Proclamation in unity.
- 31 **Colleen Merays, Small Business Manager,** invited up the owner of Apex Gallery in
- 32 Downtown Apex, Nick Bryant, to receive the proclamation.

DRAFI MINUTES
Mr. Bryant then gave a few comments, saying on behalf of the downtown businesses and
other small businesses in Apex, they appreciate the town's support and look forward to its future
support. He encouraged people to continue shopping in Apex.
PR2 Proclamation - Civilian Law Enforcement Professionals Week - April 23 through April
29, 2023 (REF: PRO-2023-012)
Mayor Pro Tempore Killingsworth, along with the rest of Council, then read the Civilian
Law Enforcement Professionals Week 2023 Proclamation in unity.
Police Chief Jason Armstrong then accepted the proclamation, and expressed his gratitude
to Council for accepting their request to acknowledge the Civilian Law Enforcement Professionals.
He said there are a lot of people who contribute to keeping the community safe, and he said he
appreciated Council committing to recognizing them.
PR3 Proclamation - Public Service Recognition Week - May 7 through May 13, 2023
(PRO-2023-013)
Mayor Pro Tempore Killingsworth, along with the rest of Council, read the Public Service
Recognition Week 2023 Proclamation in unity.
Mary Beth Manville, Human Resources Director, wanted specifically recognized Town of
Apex employees present, and asked them to stand and be recognized. She thanked everyone for
their support of town employees.
PR4 Proclamation - Think Apex Day - Saturday, April 29, 2023 (PRO-2023-014)
Mayor Pro Tempore Audra Killingsworth, along with the rest of Council, read the Think
Apex Day 2023 Proclamation in unity.
Barbara Belisic, Small Business Specialist, introduced a representative from Cambridge
Village, and Tim Ahler, President of Western Wake Crisis Ministry, who are recipients of two of the
activities at Think Apex Day. They accepted the proclamation.
Mr. Ahler thanked the Council for their support of Western Wake Crisis Ministry, and
encouraged everyone to come volunteer and help in their work.
<b>Ms. Belicic</b> added that residents can find the Think Apex website by googling "Think Apex"
(NOTE: Think Apex Website Link - <a href="https://www.apexnc.org/946/Think-Apex">https://www.apexnc.org/946/Think-Apex</a> )

[REGULAR MEETING AGENDA]

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A motion was made by Councilmember Ed Gray, seconded by Councilmember Brett Gantt, to approve the Regular Meeting Agenda as presented.

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**VOTE: UNANIMOUS (4-0)** 

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## [PUBLIC FORUM]

(NOTE: To view sign-up sheets, see OTHER-2023-040)

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#### 10 **[SLIDE 2]**

## **Public Participation**

- Please sign in with the Town Clerk prior to the start of the meeting for all Public Hearings and Public Forum
- Public Forum speakers are requested to address only items that do not appear in the 'Public Hearings' section on tonight's 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 and are limited to 9 minutes
- Individual comments must be limited to 3 minutes to allow others the opportunity to speak

♠ APEX

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First to speak was **Ashley Solis** of 1272 Brown Velvet Lane (**NOTE:** Ms. Solis provided

handouts to Council - REF: OTHER-2023-039)

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"Sort of the continuation of the last five time we've been here, I kind of collated everything that we're requesting from the Town. Where we would like some painted crosswalks put in, rectangular rapid flashing beacons, I know that's been something that's been newly installed at different intersections in Apex, it seems to be successful. Still with the reduction of the speed limit between, we're asking specifically that Richardson between US 64 and Olive Chapel, from 45 to 35. And that wouldn't be all of Richardson, just that specific stretch. We're also asking, the more I'm researching and looking into this, bringing in specifically a pedestrian safety consultant of some kind, because I know everyone is doing the best they can, but if they're not trained specifically for pedestrian, I'm not as concerned with city traffic, I'm concerned with children on the street getting hit. And the main presser for this is, I'm really hoping we can get this done before Richardson is turned out to Departments of Transportation, because I think we all know it's dead in the water then, we'll never get anything done. So, there's a lot going on, and I feel it's the town's responsibility because the commercial site

of Sweetwater was approved, and it's awesome and I can't wait, but with that you can't approve outdoor venues, outdoor concert areas, farmer's markets, and all these things and not do anything for safety, and I don't think anyone did this on purpose, but we know it's a problem, so there's a huge amount of liability and pressure that I feel as a concerned citizen, and I'm sure you feel, for the safety of the kids in Apex. The apartments will be done at the end of this year, one of the buildings, and that's 240 additional units. So that's more traffic, more kids, more families crossing the street to get to the food trucks, more families crossing to get to the pool which open in 3 weeks for us, so it may not seem like it, but this is an extremely pressing matter, and I would ask that you consider making at least several of these in the interim. It's not that hard to paint lines for crosswalks, and then maybe we can get somebody out there to look at doing the flashing crosswalks. Because that wouldn't interfere with anything, unless someone is crossing the street. As you know from the speed study, there's over 4,000 cars a day going through, and I don't even want to tell you how much that is going to increase after 64 is open back up, and after the commercial site is in. I've noticed increased police presence in Abbington and Linden around us as Richardson has been closed for construction, and if they're having problems with people speeding through their neighborhoods, we've just shifted our problem to them for a little while. And it'll be our problem again in 6 weeks when Richardson opens back up. So, I'd ask you to seriously consider it, and again if anyone else wants to come out and take a look sometime, I would be happy to show you. Thank you."

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Next to speak was **Marvin Hymanson** of 2907 Sunflower Road:

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"Good Evening, Mayor Pro Tem and Town Councilmembers. Thank you for giving me the opportunity to speak. I would like to make 4 quick points. I am here to promote safety on Richardson Road, in support of my fellow residents of Smith Farm, and nearby Sweetwater development that are sitting in the back. As I stated at the last meeting, the schools in Wake County are at capacity, and it will take years to build them, so why are we allowing such rapid growth in the community? There needs to be an ordinance amendment that if we don't have adequate room in the schools, no new development should be approved. There also needs to be more family-friendly activities in Apex. We, as a town, need to prove family-friendly developments, such as putt-putt golf, bowling, rope courses as examples, and cultural events such as movies, concerts and live theater, similar to what Cary is also developing. Finally, I would like to know why Apex Peakway is not completed after the bonds have been approved. Thank you for your time, I appreciate the opportunity to speak."

With no more sign-ups for public forum, **Mayor Pro Tempore Killingsworth** moved the meeting to Public Hearings.

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## [PUBLIC HEARINGS]

(NOTE: To view sign-up sheets, see OTHER-2023-040)

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# PH1 Annexation No. 754 - Prestwick (Morris Tracts) - 14.129 acres (REF: ORD-2023-035)

**Dianne Khin, Planning Director,** gave the following presentation regarding Annexation No.

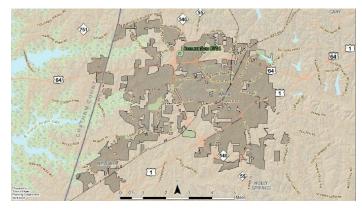
9 754 - Prestwick (Morris Tracts). She said staff recommended approval.

10 **[SLIDE 3]** 



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## [SLIDE 6]



**[SLIDE 7]** 



**Mayor Pro Tempore Killingsworth** opened public hearing for this item. With no sign ups, she closed public hearing and moved discussion back to Council.

A motion was made by **Councilmember Ed Gray**, seconded by **Councilmember Terry Mahaffey**, to adopt Annexation No. 754 - Prestwick (Morris Tracts).

**VOTE: 4-0 (UNANIMOUS)** 

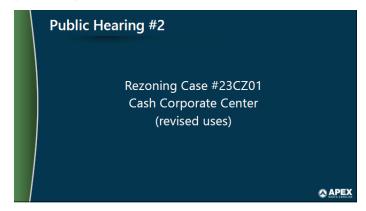
## PH2 Rezoning Case No. 23CZ01 - Cash Corporate Center (revised uses)

3 Amanda Bunce, Current Planning Manager, gave the following presentation on Rezoning

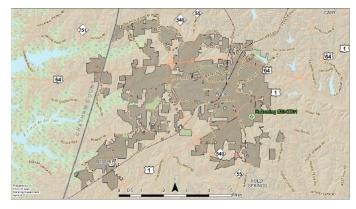
Case No. 23CZ01 - Cash Corporate Center (Revised Uses). She offered to answer any questions

5 Council had.

## [SLIDE 8]



## **[SLIDE 9]**



## **[SLIDE 10]**



## **[SLIDE 11]**



**[SLIDE 12]** 



**[SLIDE 13]** 



**[SLIDE 14]** 



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Councilmember Gantt asked about the thought process behind adding new uses versus the new uses bringing in less "good jobs".

Ms. Bunce said they looked at the proposed uses, and one of the issues they were seeing was having to evaluate uses that were essentially a blend of multiple uses. She said providing additional flexibility makes it easier for certain businesses to locate within Cash Corporate Center. She said the list of proposed uses was reviewed with the Economic Development Director, and staff worked with the applicant to shorten the list to what they felt was appropriate to provide flexibility for the parcels.

**Ashley Honeycutt Terrazas** of Parker Poe, on behalf of the applicant, gave a presentation. Mayor Pro Tempore Killingsworth opened public hearing for this item. With no sign-ups, she closed public hearing and moved discussion back to Council.

**Councilmember Gray** said the initial plan for Cash Corporate Center was to attract more human-capital based businesses, but that it's important to note that the market is shifting the desired uses to something consistent with the zoning plan, but just outside of permitted uses. He said the additional proposed uses are still consistent with the current zoning policy. He said it will attract additional businesses outside of the original vision of what the development would be, but that they are making it an attractive spot for supporting businesses here or other regional businesses. He feels like this is something they should be able to support, and he would be voting in favor.

A motion was made by Councilmember Ed Gray, seconded by Councilmember Terry Mahaffey, to approve Rezoning Case No. 23CZ01 - Cash Corporate Center (Revised Uses).

**VOTE: 4-0 (UNANIMOUS)** 

## PH3 Rezoning Case No. 23CZ02 Triangle Home Services Phase II

- Shelly Mayo, Planner II, gave the following presentation on Rezoning Case No. 23CZ02 -
- 3 Triangle Home Services Phase II. She said staff recommends approval. She offered to answer any
- 4 questions.

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## 5 **[SLIDE 15]**

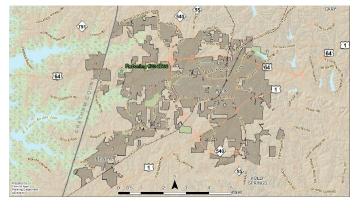


## 7 **[SLIDE 16]**

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## 9 **[SLIDE 17]**



12 **[SLIDE 18]** 



**[SLIDE 19]** 



**[SLIDE 20]** 



**[SLIDE 21]** 



**Mayor Pro Tempore Killingsworth** asked if this property provides connectivity to the parcel where there might be a school, or if there's another parcel that needs to be added in before that happens.

**Ms. Mayo** said this parcel is immediately adjacent to the one that would have the school. She said it was highly unlikely the applicant would be willing to do that, because they have access to the future major collector on the western side of their parcel. She said they are participating in the construction of that road and sharing the right-of-way with Legacy along their shared north-south property line.

**Councilmember Gantt** said it seemed like the uses would bring in a lot of truck traffic. He wondered about what planning thought regarding that kind of use within tech-flex in close proximity to future apartments. He asked if there was potential for heavy trucking across the street from residential areas, and how does planning evaluate that.

**Ms. Mayo** said the parcel to the north was zoned as Tech-Flex without any additional conditions. She said on this site, they were looking to have the applicant remove uses to make certain that if the two properties develop together, that anything that results from the combined development is appropriate for the area. She said by restricting some uses on this site, they de facto restrict those uses on the northern site as well, since any use that isn't appropriate in one zone can't be in the other zone at all through the combined development.

**Councilmember Gantt** asked if both parcels had been included in this rezoning, would the equation have been different for some of the uses suggested in this one.

**Ms. Mayo** said that was difficult to say, since this was Tech-Flex, but that most of the uses they took out were heavier trucking options. She said warehousing generally doesn't bring in much traffic, since it is separate from distribution centers now.

**Councilmember Gantt** asked if there were examples in Apex that could help illustrate that point.

**Ms. Mayo** said there were several near Pristine Water Drive, one off of Lufkin near 55, and that there are multiple sections within the warehouses for different companies, and there is minimal traffic to and from those locations. She said it's normally a handful of trucks on a daily basis.

**Jeff Roach,** of Peak Engineering and Design, gave a presentation. He offered to answer any questions.

**Councilmember Gantt** asked him to remove self-storage, even if it's only for parking and SCM. He asked if that was under consideration.

**Mr. Roach** said they wanted to leave it just in case they use it. He said he and the owners see the property as more of office-type uses, but they want to leave their options open.

**Mayor Pro Tempore Killingsworth** opened public hearing for this item. With no sign-ups, she closed public hearing and moved discussion back to Council.

**Councilmember Mahaffey** said he views this as a simple matter. He said they already own the parcel to the north which has been zoned as Tech-Flex, and what they're proposing is compatible with that. He said this was a small addition to that. He said under different conditions he may give them more of a hard time, but he feels this is different to a case where they are looking at a completely new property and fundamentally changing the uses of the area.

**Councilmember Gray** said he was viewing it the same way. He said it is just a continuance of the use on the north side. He said it's a consistent use, and cleans up a donut hole.

**Councilmember Gantt** said he doesn't like self-storage, and the self-storage unit would be smaller if they didn't allow them at all. He said in his opinion, self-storage is a waste of land. He said he would be voting no.

A motion was made by **Councilmember Gray,** seconded by **Councilmember Mahaffey,** to approve Rezoning Case No. 23CZ02 - Triangle Home Services Phase II.

#### **VOTE: 3-1, Councilmember Gantt dissenting**

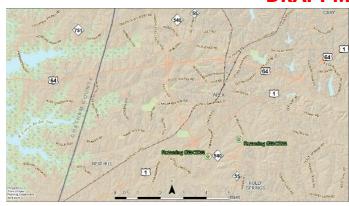
#### PH4 Rezoning Case No. 23CZ03 Veridea Expansion

Amanda Bunce, Current Planning Manager, gave the following presentation regarding
Rezoning Case No. 23CZ03 - Veridea Expansion. She said staff recommended approval, and offered
to answer any questions.

#### [SLIDE 22]



[SLIDE 23]



[SLIDE 24]



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**Councilmember Gantt** asked if staff has been approached by any landowner within 2000 feet from this property, but not connected to the main development, that wanted join on this special zoning, and if so, how would planning would deal with that.

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**Ms. Bunce** said they have not been approached by anyone yet who meets the criteria and would be a satellite property within this zoning. She said staff would have to evaluate things based on where the property was. She said she couldn't see a situation where a property with a request like that would be completely detached from this property.

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**Councilmember Gantt** asked if any property owner would be entitled to ask for those zoning conditions within 2000 feet, even if they were disconnected.

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**Ms. Bunce** said they would be entitled to ask for it, but they would still need to come to Council to receive approval.

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**Jason Barron of Morningstar Law Group,** gave a presentation and offered to answer any questions.

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**Mayor Pro Tempore Killingsworth** opened public hearing for this item. With no sign-ups, she closed public hearing and brought discussion back to Council.

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**Councilmember Mahaffey** said he called this case "viral zoning", because of how it expands to other properties.

**Councilmember Gantt** said he hoped it would be a helpful virus.

A motion was made by Councilmember Brett Gantt, seconded by Councilmember Terry Mahaffey, to approve Rezoning Case No. 23CZ03 - Veridea Expansion.

**VOTE: 4-0 (UNANIMOUS)** 

## [UPDATES FROM TOWN MANAGER]

**Town Manager Catherine Crosby** wanted to reiterate what Director Manville communicated about public service. She said she is grateful to work on a stellar team that contributes so much to the town. She said the town will be celebrating employees in a couple of weeks. She said there would be some cool t-shirts and other things that employees will receive. She wanted to congratulate Fire Chief Tim Herman and the new cadets, who were sworn in on Friday. She said hopefully soon they will be in their new fire station. She encouraged everyone to come out Saturday for Think Apex Day, and that it would be a great opportunity to give back to the community. She said the public could go to the town's website to find a link for "Peak Connections", which is an opportunity for residents and stakeholders to schedule time with her. She said the list of times will be updated every month, and that anyone who wishes to speak with her or get to know her was welcome.

**Mayor Pro Tempore Killingsworth** said she wanted to go down the line of Council, and ask what groups they have been meeting with or what other things they have been doing in the community over the past few weeks.

**Councilmember Gray** thanked the Apex Youth Council for being present for another meeting, and that is inspiring to see them involved in government. He led a round of applause for them.

**Councilmember Mahaffey** said the firefighter swearing-in ceremony was great. He said he had the opportunity to meet with artists at the Apex Art Walk at the Halle Cultural Arts Center. He said there were some local people participating this year. He said an app should be coming out soon that will provide a tour of the Halle. He said EarthFest was some fantastic last-minute changing of plans by staff to accommodate for weather, and that the event turned out great. He said there was cool vendors and a lot of attendance. He said he spoke with a lot of constituents at Council's booth, and was looking forward to the event next year.

DRAFT MINUTES		
Councilmember Gantt said he helped organize Pig Fest through his work with Apex Sunrise		
Rotary Club, and noted how great the town was to work with for festivals. He said he heard good		
things about staff interactions and their quality. He said he was looking forward to PeakFest, and		
encouraged everyone to appreciate town staff for the work they put into festivals.		
Mayor Pro Tempore Killingsworth mentioned PeakFest and the upcoming Home Repair		
Fair. She said it is being hosted May 4 <sup>th</sup> at the Apex Senior Center, and would help inform and help		
people regarding making repairs to their home through affordable means. She encouraged		
everyone to take a look at the Apex website to see all of the upcoming events, and mentioned the		
150 <sup>th</sup> year Passports, which provide a way to participate in these events and earn passport stickers to		
earn memorabilia.		
[ADJOURNEMENT]		
Mayor Pro Tempore Killingsworth declared the meeting adjourned at 7:09 PM		
Jacques K. Gilbert		
Apex, Mayor		
Allen Coleman, CMC, NCCCC		
Apex, Town Clerk		
Submitted for approval by Apex Town Clerk, Allen Coleman.		
Minutes approved on of, 2023.		
winutes approved on of, 2023.		