

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, SEPTEMBER 13, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 13, 2022 at 6:00 p.m. The meeting was held in the Council Chamber on the 2nd Floor of Apex Town Hall located at 73 Hunter Street in Apex, North Carolina.

The 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 meeting recording can be viewed at the following link:

<https://www.youtube.com/watch?v=kzBcrG4EwRo>

[ATTENDANCE]

Elected Body

Mayor Jacques K. Gilbert (*presiding officer*)

Mayor Pro-Tempore Audra Killingsworth

Councilmember Brett Gantt

Councilmember Cheryl Stallings

Councilmember Ed Gray

Councilmember Terry Mahaffey

ABSENT: NONE

Town Staff

Town Manager Catherine Crosby

Assistant Town Manager Shawn Purvis

Assistant Town Manager Marty Stone

Town Attorney Laurie Hohe

Town Clerk Allen Coleman

[COMMENCEMENT]

Mayor Jacques K. Gilbert called the meeting to order at **6:00 p.m.** He welcomed those in attendance and read the Town's diversity commitment statement.

Mayor Gilbert recognized Dr. Kishore Trivedi, Priest, with The Hindu Society of North Carolina to provide the invocation.

Following the invocation, **Mayor Gilbert** led the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Mayor Pro-Tempore Audra Killingsworth** to approve the consent agenda as amended, with removing consent item no. one (1).

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 APPOINTMENTS - PLANNING BOARD

Council voted to remove this item from consideration at this meeting. This item was not discussed or acted on during the meeting.

CN2 APPOINTMENT TO NORTH CAROLINA EASTERN MUNICIPAL POWER AGENCY (NCEMPA) BOARD OF COMMISSIONERS - ERIC NEUMANN

Council appointed Electric Utilities Director Eric Neumann as the second alternate for the Town of Apex on the North Carolina Eastern Municipal Power Agency (NCEMPA) Board of Commissioners.

CN3 BUDGET ORDINANCE AMENDMENT NO. 4 - RETIREE COST OF LIVING (COL) SUPPLEMENT

Council adopted Budget Amendment No. 4 which allocated funds for Cost of Living Supplement for Retirees.

CN4 BUDGET ORDINANCE AMENDMENT NO. 5 - PROPERTY ACQUISITION

Council adopted Budget Amendment No. 5 which allocated \$1,123,652 for acquisition of properties located on Templeton Street and Saunders Street for the purposes of public parking

CN5 COUNCIL MEETING MINUTES - MAY/JUNE 2022

Council approved, as submitted, meeting minutes from the following meetings:

- May 24, 2022 - Regular Town Council Meeting
- June 07, 2022 - Budget Work Session - Town Council Meeting
- June 14, 2022 - Regular Town Council Meeting
- June 28, 2022 - Regular Town Council Meeting

CN6 ENCROACHMENT AGREEMENT - NCDOT - AMERICAN TOBACCO TRAIL

Council approved an agreement with NCDOT and to authorized the Town Manager to execute the agreement on behalf of the Town.

CN7 GRANT CONTRACT - NORTH CAROLINA LAND AND WATER FUND REIMBURSEMENT GRANT

Council approved the North Carolina Land and Water Fund (NCLWF) grant contract and to authorized the Town Manager to execute the contract on behalf of the Town and further authorized the Town Manager to approve and execute additional conservation easement declarations required as part of the stream restoration in a form approved by the Town Attorney.

CN8 JENKS ROAD VETERINARIAN - FEE-IN-LIEU (FIL)

Council approved a Fee-in-Lieu (FIL) in the amount of \$44,947.75 for an 8-inch waterline located along the Sunset Meadows Drive frontage of the Jenks Road Veterinarian project site.

CN9 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN TRIANGLE J COUNCIL OF GOVERNMENTS (TJCOG) AND THE TOWN OF APEX - CLEAN WATER EDUCATION PARTNERSHIP (CWEP)

Council approved a Memorandum of Understanding (MOU) between the Town and the Clean Water Education Partnership (CWEP) and to authorized the Town Manager to execute the MOU on behalf of the Town.

CN10 MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN TRIANGLE J COUNCIL OF GOVERNMENTS (TJ-COG) AND TOWN OF APEX - SOLARIZE THE TRIANGLE PROGRAM

Council approved a Memorandum of Understanding (MOU) between the Town and Triangle J Council of Governments (TJ COG) and to authorized the Town Manager to execute the MOU on behalf of the Town.

CN11 Resolution - Delegation of Authority to Accept Donations

Council adopted a resolution authorizing the Town Manager to accept donations of personal property.

CN12 REZONING CASE NO. 22CZ10 CALYX SENIOR LIVING (KOBRA PUD AMENDMENT) - STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Case #22CZ10 Calyx Senior Living Apex (KOBRA PUD Amendment), TMTLA Associates, petitioner, for the property located at 7501 Jenks Road (PIN 0732196422).

CN13 REZONING CASE NO. 22CZ15 CARSPACE APEX - STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Application No. 22CZ15 CarSpace Apex, Chris Rurkowski, TMTLA Associates, petitioner, for the property located at 1720 & 1740 Pinnacle Center Drive (PINs 0751272154 & 0751270023).

CN14 REZONING CASE NO. 22CZ16 1039 IRONGATE DRIVE- SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding Rezoning Application #22CZ16 1039 Irongate Drive. The applicant, Aaron Robertson, seeks to rezone approximately 0.46 acres from Rural Residential (RR) to Medium Density-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1039 Irongate Drive.

CN15 REZONING CASE NO. 21CZ17 TEN TEN BUSINESS PARK - SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding Rezoning Application #21CZ17 Ten Ten Business Park. The applicant, M. Gray Styers, J National Capital V, LLC., seeks to rezone approximately 4.6 acres from Residential Agricultural (RA) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 2132 Ten Ten Road.

CN16 TAX REPORT - JULY 2022

Council accepted the Apex Tax Report dated July 31, 2022.

CN17 UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS STATEMENT - AUGUST 2022

Council adopted the Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 23, 2022.

CN18 UNIFIED DEVELOPMENT ORDINANCE AMENDMENTS - SEPTEMBER 2022 - SET PUBLIC HEARING

Council set a Public Hearing for the September 27, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

[PRESENTATIONS]

None Scheduled.

[REGULAR MEETING AGENDA]

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Cheryl Stallings** to set the regular meeting agenda as presented.

VOTE: UNANIMOUS (5-0)

[PUBLIC FORM]

Mayor Jacques K. Gilbert opened the public forum comment period and provided instructions related to the process. The following individuals spoke during the public forum and a brief description of their remarks are noted below each name:

1. Russell Carpiceto - 1201 Dunn Ridge Lane - Off of the Peakway
 - a. Traffic issues on the Peakway near the intersection by his residence. He specifically requested a speed limit change and additional signage.
2. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. Budget request for fiscal year 2024 to fund and build turn lanes on Old Highway US 1 and Friendship Road intersection.

[PUBLIC HEARINGS]

PH1 BICYCLE AND PEDESTRIAN SYSTEM PLAN MAP AMENDMENT - PROPOSED BIKE LANES - LAURA DUNCAN ROAD

Senior Planner, Jenna Shouse, presented a PowerPoint presentation which provided an overview of the proposed amends to the Bicycle and Pedestrian System Plan Map to add proposed bicycle lanes along Laura Duncan Road between Old Apex Road and the Town of Apex boundary with the Town of Cary.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1).

With no-one signed up to speak, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion to adopt the proposed amendments.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Cheryl Stallings** to amend the Bicycle and Pedestrian System Map to add the proposed bicycle lanes along Laura Duncan Road between Old Apex Road and the Town of Apex boundary with the Town of Cary.

VOTE: UNANIMOUS (5-0)

PH2 ORDINANCE AMENDMENT FOR ARTICLE I OF CHAPTER 10

Deputy Town Attorney, Brian Meyer provided a PowerPoint presentation for the proposed ordinance amendment to Article I of Chapter 10 with the Town's Code of Ordinances.

Councilmembers commented and asked questions at the conclusion of the presentation.

Mayor Gilbert opened the public hearing for the above-mentioned items (PH2).

The following individual spoke during the public hearing:

1. Elizabeth Ray Stitt – 3113 Friendship Road

With no additional speakers, **Mayor Gilbert** closed the public hearing and asked the Council if there was a motion on this item.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Terry Mahaffey** to adopt an ordinance amending Chapter 10, Article I of the Town Code of Ordinances.

VOTE: UNANIMOUS (5-0)

[OLD BUSINESS]

OB1 TOWN'S STRATEGIC PLAN FRAMEWORK - ADOPTION

Deputy Town Manager, Shawn Purvis, provided a PowerPoint presentation on the Town's proposed Strategic Plan Framework and referenced the strategy as "Game Plan Apex".

Councilmembers commented and asked questions at the conclusion of the presentation with many expressing sincere appreciation for Town's hard work on this proposal.

Town Manager Catherine Crosby said that this was the Town's first official strategic plan and many were excited about next steps in implementing this plan throughout the organization.

A **motion** was made by **Councilmember Cheryl Stallings**, seconded by **Mayor Pro-Tempore Audra Killingsworth**, to adopt the Town's Strategic Plan Framework for the Apex Strategic Plan 2022, and adopted an associated Resolution titled "Resolution of Apex Town Council Adopting the Apex Strategic Plan".

VOTE: UNANIMOUS (5-0)

Mayor Jacques K. Gilbert led the Council and audience in a road of applause for the hard work.

[UNFINISHED BUSINESS]

UB1 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD

Planner II, Lauren Staudenmaier, presented a PowerPoint presentation which provided an overview of the proposed rezoning petition case no. 22CZ06 – Yellow Bridge PUD and highlighted the changes since the prior presentation.

Councilmembers commented on the rezoning proposal and directed questions to staff as well as the applicant.

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt**, to approve the rezoning application no. 22CZ06 Yellowbridge PUD which rezoned approximately 48.24 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning was located at 2813 and 2817 US Highway 64 West.

VOTE: **4-1**, with Councilmember Terry Mahaffey dissenting.

CLERK NOTE: During the July 26, 2022 meeting, the Apex Town Council conducted a public hearing on the following items and continued the vote until September 13, 2022 meeting:

- Transportation Plan Amendments – Chapel Ridge Road
- Rezoning Case No. 22CZ07 Chapel Ridge North PUD

Due to a change in the application, these items were not heard on September 13, 2022. New public hearing notices will be advertised at a later date.

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

Town Manager, Catherine Crosby, provided updates related to various projects and events in the Town.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Jacques K. Gilbert** adjourned the meeting at **7:26 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.