

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, SEPTEMBER 27, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, September 27, 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=5aL2AZUOkek>

[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 announced the following changes to the meeting agenda that was originally published:

- Addition of Presentation No. 3 - Proclamation on Hispanic Heritage Month

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- Public Hearing No. 1 – 21CZ17 Ten Ten Business Park – applicant requested a continuance until the November 8, 2022, Regular Town Council Meeting.

Mayor Gilbert said the Regular Meeting Agenda vote would take place at this time given the number of announced changes.

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

VOTE: UNANIMOUS (5-0).

Mayor Gilbert led the Pledge of Allegiance.

[CONSENT AGENDA]

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 ANNEXATION NO. 703 - HADDOCK PROPERTIES - 1.989 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, accepted the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for October 11, 2022, on the question of Annexation - Apex Town Council's intent to annex 1.989 acres, Haddock Properties, Annexation No. 703 into the Town Corporate limits

CN2 ENCROACHMENT AGREEMENT - NCDOT - APEX WEST GREENWAY TRAIL

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

CN3 ENCROACHMENT AGREEMENT - NCDOT - APEX WEST GREENWAY ON OLIVE CHAPEL ROAD (RATIFICATION)

Council ratified a Right of Way Encroachment Agreement for Non-Utility Encroachments on Primary and Secondary Highways between the Town of Apex and NCDOT for portions of Apex West Greenway within the existing right of way of Olive Chapel Road.

CN4 GRANT RENEWAL - NORTH CAROLINA GOVERNOR'S HIGHWAY SAFETY PROGRAM (GHSP)

Council adopted a Resolution and approved an Agreement of Conditions for a grant from the North Carolina Governor's Highway Safety Program (GHSP) to support costs associated with personnel and equipment and authorized Chief Armstrong to execute associated applicant and agreement on behalf of the Town of Apex.

CN5 ORDINANCE AMENDMENT FOR CHAPTER 20, ARTICLE VIII., SUBSECTION 166(B) N SALEM ST LOADING ZONE REMOVAL

Council approved an Ordinance amending Section 20-166 subsection (b) with the deletion of part (5), removing the loading zone designation from the first three parking spaces on the west side of North Salem Street south of Saunders Street.

CN6 REZONING CASE NO. 22CZ06 YELLOWBRIDGE PUD STATEMENT AND ORDINANCE

Council adopted the Statement of the Town Council and Ordinance for Rezoning Case #22CZ06 Yellowbridge PUD, Matthew Carpenter for Lennar Carolinas, petitioner, for the properties located at 2813 & 2817 US 64 Highway West (PINs 0722743789 & 0722752304).

[PRESENTATIONS]

PR1 PROCLAMATION - INDIGENOUS PEOPLES DAY

Mayor Pro-Tempore Audra Killingsworth read the proclamation.

Mayor Gilbert proclaimed Monday, October 10, 2022, as Indigenous Peoples Day in the Town of Apex and urged all resident to observe this day with appropriate ceremonies and activities.

Special Events Coordinator, Taylor Wray, and **Mr. JD Freeman, Community Member**, received the proclamation on behalf of the Town.

PR2 PROCLAMATION - OCTOBER 2022 HINDU HERITAGE MONTH

Councilmember Terry Mahaffey read the proclamation.

Mayor Gilbert proclaimed the month of October 2022, as Hindu Heritage Month in the Town of Apex and called upon all residents to reflect on the significant contributions Hindu communities have made to shape our national life.

Mr. Rajeev Singh, Community Member, and several others, received the proclamation.

PR3 PROCLAMATION - HISPANIC HERITAGE MONTH - Item Added

Councilmember Brett Gantt read the proclamation.

Mayor Gilbert proclaimed Thursday, September 15, 2022 through Saturday, October 15, 2022 as Hispanic Heritage Month in the Town of Apex and encourage all residents to celebrate this month through activities and programs that enlighten and inspire our understanding of the amazing Hispanic community.

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

[REGULAR MEETING AGENDA]

This vote occurred at the beginning of the meeting. Please reference page 2 of this set of meeting minutes.

[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. Elizabeth Stitt - 3113 Friendship Road, Apex, NC
 - a. 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

NO ACTION. This item was continued to the November 8, 2022 Regular Town Council Meeting, as requested by the applicant. The official vote to continue was taken at the beginning of the meeting - please reference page 2 of this set of the meeting minutes.

PH2 REZONING CASE NO. 22CZ16 -1039 IRONGATE DRIVE

Planner II, Lauren Staudenmaier, provided a PowerPoint presentation for the proposed rezoning petition case no. 22CZ16 - 1039 Irongate Drive.

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

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

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 **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Edward 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

Current Planning Manager, Amanda Bunce, provided a PowerPoint presentation which provided an overview of the proposed Unified Development Ordinance (UDO) amendments. According to the coversheet prepared for this item, the following were the requested amendments:

REQUESTED BY PLANNING STAFF

Amendment to Secs. 4.2.2 Use Table; 4.3.3 Use Classifications, Utilities; 4.4.3 Supplemental Use Standards, Utilities; 8.2.6.B.4 Land Use Classes; and 8.3.2 Off-Street Parking Requirements in order to create the use "Yard waste transfer station" and to establish the definition, supplemental standards, land use class and parking standards for such use.

Amendments to Secs. 7.2.5 Single-family Residential Grading and 8.1.2.B.2.b Site and Tree Survey Required in order to update references to the date of LiDAR data.

Amendments to Sec. 8.7 Signs in order to modify the standards for internally illuminated signs and signs within Planned Development Districts and to create a sign type and standards for interior signs located in parking lots.

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

Mayor Gilbert opened the public hearing for the above-mentioned items (PH3).

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 Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to adopted the various amendments to the Unified Development Ordinance (UDO), as requested by Planning Staff.

VOTE: UNANIMOUS (5-0)

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Edward Gray**, to enter into closed session pursuant to North Carolina General Statutes (NCGS) § 143-318.11(a)(3) to consult with the Town Attorney to protect Attorney client privilege.

VOTE: UNANIMOUS (5-0)

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

Council returned to open session at **7:22 p.m.**

[OLD BUSINESS]

None Scheduled.

[UNFINISHED BUSINESS]

**UB1 ANNEXATION NO. 733 ADAMS PROPERTY PUD - 23.92 ACRES
AND
UB2 REZONING CASE NO. 22CZ08 ADAMS PROPERTY PUD**

Senior Planner, Liz Loftin, presented a PowerPoint presentation which provided an overview of the proposed rezoning petition case no. 22CZ08 Adams Property PUD and associated annexation petition No. 733.

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

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Edward 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]

NB1 APPOINTMENTS - PLANNING BOARD

Mayor Gilbert said that he received and reviewed over twenty (20) applications for the two Apex Planning Board positions. He said that after careful review he was nominating Alyssa Stepusin and Mr. Daniel Khodaparast. In addition, he said that the Vice-Chair position was now vacant and he was recommending the appointment of Tina Sherman to fill this partial term effective August 9, 2022 through December 31, 2022.

Councilmembers engaged in a discussion regarding the appointment process and expressed an interest in formalizing the process.

A motion was made by **Councilmember Edward Gray**, seconded by **Councilmember Brett Gantt** to appoint Alyssa Stepusin to the Apex Planning Board for a two-year term.

VOTE: **3-2**, with *Councilmember Terry Mahaffey and Councilmember 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 for a two-year term.

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

A **motion** was made by **Councilmember Edward Gray**, seconded by **Councilmember Terry Mahaffey** to confirm Tina Sherman as the Vice-Chair of the Apex Planning Board for a partial term effective August 9, 2022 through December 31, 2022.

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

[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 _____.