



REGULAR TOWN COUNCIL MEETING

Tuesday, June 02, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order, Pastor Jahmar Cobb of Oak Grove Missionary Baptist Church gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Pro Tem Nicole Dozier

Environmental Stewardship Award to the Apex Mosque

Mayor Pro Tem Dozier stated the purpose of the award, encouraging all to be good stewards of our environment. Mayor Pro Tem Dozier, Mayor Gilbert, and Council Member Gantt presented the Award to Mr. Asif Ansari. Mr. Ansari thanked Council on behalf of the Mosque for the award, stating that all in the Mosque were behind this initiative. Concern for saving the environment is all our concern. He encouraged all to consider going this route as well.

PR2 Mayor Jacques Gilbert

Proclamation - Community and Firearms Safety Awareness Day

Council Member Stallings stated the Proclamation was the product of the time and effort of several individuals passionate about the Town and wanting the best for Apex. She thanked all for their participation. All Council Members shared in the reading of the Proclamation.

PR3 Mayor Jacques Gilbert

Proclamation – Love and Unity Month

Mayor Gilbert spoke about the pandemic currently facing us and the situation currently existing due to police action. He spoke about his passion for unifying people and this community. This was about all coming together in unity to promote change.

Council Member Killingsworth gave remarks related to June being LGBTQIA month, calling for all to become more understanding and more accepting of this dynamic group of people. She spoke of the beauty and diversity of LGBTQIA individuals. Council Member Killingsworth led as all Council followed to share in the reading of the Proclamation.

Mayor Gilbert noted that Ms. Joanna Emery helped in construction of the Proclamation.

CONSENT AGENDA

CN1 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 19, 2020

CN2 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the June 16, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance as requested by Planning staff

CN3 Sarah Van Every, Senior Planner

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Tony Karr, Timothy V. Streeter, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Wolfe, Jr., Donna G. Wolfe, William D. Bunce II and Gail E. Bunce and John Terry Paton, (Rezoning Case #19CZ22 Wolfe Properties PUD) property containing 44.357 acres located at 1209, 1401, 1405 and 1409 Wimberly Road and 1000 & 1012 Double Helix Road, Annexation #677 into the Town’s corporate limits

CN4 Sarah Van Every, Senior Planner

Set Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #19CZ22 Wolfe Properties PUD and Ordinance. The applicant, Josh Swindell, Envision Homes, LLC., sought to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road (PINs 0722595328, 0722598851, 0723406397, 0723504154, 0723504154, 0723508938, &

- 0723601654) from Wake County R-80W and Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).
- CN5 Sarah Van Every, Senior Planner
Set Public Hearing for the June 16, 2020 Town Council Meeting regarding Rezoning Application #19CZ23 2524 & 2604 Kelly Road. The applicant, Brian Griffith, sought to rezone approximately 2.1 acres located at 2524 & 2604 Kelly Road (PINs 0731433004 & 0731424892) from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).
- CN6 Shelly Mayo, Planner II
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex ATM Development, LLC (New Hill Holleman Road) property containing 0.981 acres located at 3036 New Hill Holleman Road, Annexation #685 into the Town’s corporate limits
- CN7 Shelly Mayo, Planner II
Set the Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #20CZ02 3036 New Hill Holleman Road and Ordinance. The applicant, Alonzo Wilson for ATM Development, sought to rezone approximately 0.981 acres from Wake Co. GB to Medium Density-Conditional Zoning (MD-CZ). The proposed zoning is located at 3036 New Hill Holleman Road.
- CN8 Lauren Staudenmaier, Planner I
Set Public Hearing for the June 16, 2020 Town Council meeting regarding Rezoning Application #20CZ03 James Street. The applicant, Jones & Cossen Engineering, PLLC., sought to rezone approximately 4.09 acres for the property located at 1200 James Street (PIN 0741789012), from Medium Density Residential (MD) to Tech/Flex-Conditional Zoning (TF-CZ).
- CN9 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Jason Lucia and Trish Klenow (1121 Twin Creek Road) property containing 2.938 acres located at 1121 Twin Creek Road, Annexation #689 into the Town’s corporate limits
- CN10 Dianne Khin, Director of Planning and Community Development
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Jainix, LLC (Jainix Green) property containing 6.5791 acres located west of 540 and south of Spire Bend (Greenmoor subdivision) Annexation #690 into the Town’s corporate limits

- CN11 Vance Holloman, Finance Officer
Budget Ordinance Amendment No. 15 and Capital Project Ordinance Amendment No. 2020-15 to appropriate the proceeds of the Town's recent sale of general obligation bonds
- CN12 Michael Deaton, Water Resources Director
Emergency interconnection between the Town's water system and Aqua North Carolina, Inc. water system that currently serves the Merion public water system in the area near Colby Chase Road
- CN13 Mary Beth Manville, Human Resources Director
Five (5) year contract with Cornerstone OnDemand, and authorization for the Town Manager to execute the same, for Recruiting, Performance and Learning Management Software Services
- CN14 Vance Holloman, Finance Officer
Designation of J. P. Morgan Chase Bank as an official depository for the Town of Apex
- CN15 Mary Beth Manville, Human Resources Director
FY20-21 Position Classification Plan and Salary Ranges
- CN16 Mary Beth Manville, Human Resources Director
Approval and amendment of Personnel Policies
- CN17 Vance Holloman, Finance Director
Resolution authorizing the Wake County Revenue Director to collect taxes on behalf of the Town of Apex
- CN18 Michael Deaton, Water Resources Director
Fee-in-lieu for 169 linear feet of 8" gravity sewer as part of the Smith Farm Phase 2 development. Due to environmental impacts, this section of sewer cannot be permitted and built at this time. Once development proceeds upstream and this section of sewer is required, the fee-in-lieu funds can be utilized.
- CN19 Colleen Merays, Downtown and Small Business Development Coordinator
Apex Chamber of Commerce and Town of Apex special event permit application for a banner and yard sign. Signage to include (25+/-) yard type signs installed at various intersections and locations around Apex, and a banner hung across N. Salem Street.
- CN20 Vance Holloman, Finance Director
Budget Ordinance Amendment No. 16 which appropriates fund balance in the Recreation Capital Reserve Fund for the purpose of transferring those funds to the Recreation Capital Project Fund
- CN21 Mike Deaton, Water Resources Director
Capital Project Ordinance Amendment No. 2020-16 to appropriate funds for the Inflow and Infiltration Reduction Program & Filter Upgrades Project

CN22 Keith McGee, Fire Chief

Authorization for the Town Manager to sign a Right of Entry Permit between Wake County and the Town to allow a training exercise between Apex, Cary and Morrisville Fire Departments to be held on the Wake County owned parcel of land behind Fire Station 3 (736 Hunter Street)

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Bridgett Taylor spoke on the fiscal year 2020/2021 Budget and Fee Schedule, stating there was no reason to raise any rates seeing as reserve monies are set aside every year. Those savings could be used to meet the budget needs. Too many residents are trying to recover from the shutdown and shouldn't be burdened with additional fees.

Phil Welch offered words of thanks and appreciation for keeping greenways open the past few months. Doing so has been a lifesaver for exercise and contemplation. The greenways were maintained, his bumping into staff dumping trashcans, etc. He even bumped into Council Members along Beaver Creed Greenway in particular. Even though there may have been risks, his experience was that residents were sensitive to keeping distances and being friendly and being sensitive to the conditions we are under due to COVID-19.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown and Small Business Development Coordinator
Closure of up to 30 on-street parallel parking spaces along N. Salem Street from Saunders St. to Chatham St. to allow for extended outdoor dining and alcohol consumption as permitted by ABC Law or regulations, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining and alcohol consumption on public streets and sidewalks through September 30, 2020.

Staff stated her department was looking to extend and amend Town Ordinances per Executive Order by Governor Cooper to allow for this request. She asked for one amendment – for this to extend through September 18 to allow for Peak Fest to have the spaces available for them during their event. Responding to Council, staff explained the unassigned spaces process. The spaces would be considered private dining spaces and comply with government guidelines. The spaces would be the personal design of the businesses, plans for which would come back to TRC to ensure adherence to town guidelines.

Staff stated that a letter from the ADBA which included retail businesses and restaurants fully supported the request. All conversations were positive, and all were looking forward to helping their neighbors to head towards 'normal'.

Council stated the change of date was a smart thing to do. Responding to Council, staff stated one day would be enough for clean up after Peak Fest and that staff would work with the restaurants to ensure their items are moved. Staff stated that if July 4th events occur, we would work within whatever parameters to accommodate the event. Staff stated the idea was to get broad authority to close the spaces for this length of time. If another event does occur, we would let the restaurants know that they would need to move their items and we would move the barricades.

Responding to Council, staff stated that after going through TRC approval, it would take about a week for staff to have the spaces become usable by the restaurants. The spaces would be closed down all at the same time.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to approve the request with the September 18th change of date;

Council Member Dozier seconded the motion.

Council stated she was glad that we were able to do this for the businesses and that the ADBA was supportive. She was looking forward to this being a permanent situation where people could safely engage with the community.

Council stated this felt like a dry run for coming years and that this would be great for businesses. This will help restaurants who are only allowed 50% inside capacity; the expansion will allow them to almost meet their previous capacity. Upcoming ABC license changes will also help.

Council stated the parklet was a nice beginning experiment, this now coming full scale. He was looking forward to it becoming permanent.

The motion carried by a 5-0 vote.

NB2 Shawn Purvis, Assistant Town Manager

FY2020-2021 Annual Budget Ordinance and FY2020-2021 Fee Schedule

Staff gave a brief update on changes made between the Workshop and now. He stated we would not depend on grants. We will plan for them, but they would not be set up until funds become available. Responding to Council, staff explained the cuts/changes in capital items.

Mayor Gilbert called for a motion. Council Member Gantt made a motion to adopt the Budget Ordinance and Fee Schedule; Council Member Dozier seconded the motion.

Council thanked staff for the input he felt he was able to make into the budget. The process was smooth, and he appreciated the level of engagement. Staff put together something 'miraculous' while managing to keep the tax rate flat. He spoke about supporting the tax increase, which was partly directed by the voters.

Council stated the budget is an indication of the priorities of Council collectively. He was excited about the projects and spoke about being able to see immediate benefits of spending locally. The budget affects the day to day lives of the community, and Council stated he enjoyed having a strong impact on the local level.

Council agreed with the presented Council comments. The budget process does reflect Council priorities and citizen input. She thanked staff and Council for the collaborative efforts.

Council was also in agreement with presented comments. Everyone shared in things that the people wanted to see. The budget represented everyone paying to help all community members.

Council stated she agreed that the budget reflected the value of the Council and citizens. She was excited about the need to invest in affordable housing and hoped that Apex would be a leader in this and other areas.

The Mayor stated that Apex, speaking of being a leader, was the leader in adopting its budget before anyone else in Wake County.

The motion carried by a 5-0 vote

NB3 Shawn Purvis, Assistant Town Manager

FY2020-2021/24 Capital Improvement Program and associated capital project ordinances

Staff stated these projects were not part of the operating budget, that these were things which would carry over multiple years. He explained some projects would be added to and some would be new. We want to get these set up so that we can get started at the appropriate time. These projects may be the hardest to prioritize and staff thanked everyone for their guidance.

Council asked about the Salem and Saunders Streets projects. Staff stated Fund Balance was appropriated to keep these moving as requested by Council. He explained the timing perspective and logistics issues of the projects.

Council stated he was anxious to get something going on the downtown project; he did not want the projects to languish. He asked about the Tunstall House renovation and the timeline for this. He did not want to see the house decay for another year. Staff explained the steps to the renovation and noted that discussions would need to take place for the use of the property. He stated that the project would move forward over consecutive years. He spoke briefly about the property needing to conform to historic guidelines.

Council asked if there was any idea on grant funding for the Peakway project, staff stating that this was indefinite at this point. However, there was an update forthcoming after which there would be a work session to let Council know where projects would be heading.

Mayor Gilbert called for a motion. Council Member Killingsworth made a motion to adopt the Program and Ordinances; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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This meeting was additionally conducted by use of simultaneous communication



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COMMENCEMENT

Mayor Gilbert called the meeting to order, read a statement of diversity and inclusion related to religion, and gave the Invocation followed by asking for a moment of silent reflection. Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Jacques Gilbert

Presentation of National Parks and Recreation Month Proclamation

Mayor Gilbert read the Proclamation before presenting it to the 'legendary' Parks and Recreation Director John Brown. The Mayor thanked Mr. Brown and complimented his amazing staff. Mr. Brown stated he was blessed to have a supportive community and elected officials and for having a great team with which to work.

CONSENT AGENDA

CN1 Amanda Bunce, Current Planning Manager

Set Public Hearing for the July 21, 2020 Town Council meeting regarding an amendment to the 2045 Land Use Map and Rezoning Application #20CZ01 Depot 499 PUD. The applicant, Stephen Dorn, Lennar, sought to amend the 2045 Land Use Map

classification of approximately 5.41 acres, a portion of 0 Apex Barbecue Road (PIN 0731761944), from Office Employment to High Density Residential and to rezone approximately 200.8 acres located at 0 Kelly Road; 1216, 1300, 1330, 1420, 1525, and 1604 S. Salem Street; 0 and 6401 Apex Barbecue Road from Residential Agriculture (RA) and Neighborhood Business-Conditional Zoning (B1-CZ #09CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ)

CN2 Sarah Van Every, Senior Planner

Set Public Hearing for the July 21, 2020 Town Council meeting regarding Rezoning Application #20CZ05 West Village PUD Amendment in order to revise a zoning condition related to a buffer. The applicant, Josh Decker, McAdams Company, sought to rezone approximately 35.36 acres located at 2412 Kelly Road (PIN 0731331798) from Planned Unit Development-Conditional Zoning (PUD-CZ #15CZ33) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN3 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the July 21, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance

CN4 John M. Brown, Director

Amend section 15-10 of the Town Code of Ordinances to approve the use of roller skates at the Apex Skate Plaza

CN5 Vance Holloman, Finance Director

Resolution to amend the Town of Apex Local Government OPEB Trust Agreement to reflect changes in the personnel policy that were adopted by Council on June 2, 2020

CN6 Adam Stephenson, Engineering Supervisor

Award construction contract for 2020 Road Rehabilitation Project (R-20-4) to FSC II, LLC, dba Fred Smith Company and authorization for the Town Manager to execute the contract on behalf of the Town

CN7 Keith McGee, Fire Chief

Approval for the Town Manager to sign a one-year extension of the Fire Protection Agreement between Wake County and the Town of Apex

CN8 Keith McGee, Fire Chief

Authorization for the Town Manager to sign an agreement with the City of Raleigh to provide technician level hazardous materials response by the Raleigh Fire Department's Hazardous Materials Response Team within the Town of Apex

CN9 Donna Hosch, Town Clerk

Apex Tax Report dated 5/13//2020

CN10 Donna Hosch, Town Clerk

Minutes of the Regular Council Meeting of May 19, 2020 and the Budget Workshop of May 26, 2020

- CN11 Eric Neumann
Capital Project Ordinance Amendment No. 2020-22 to appropriate funds for the Laura Duncan substation
- CN12 Vance Holloman, Finance Officer
Capital Project Ordinance Amendment No. 2020-24 appropriating funds for various capital projects and Budget Amendment No. 17 which provides funding for some of those projects
- CN13 Mike Deaton, Water Resources Director
Capital Project Ordinance Amendment No. 2020-23 to appropriate funds for the Lawrence Crossing Sewer Rehab project and to approve Budget Amendment No. 18 which will appropriate funds for a portion of the cost
- CN14 Drew Havens, Town Manager
Appointment of the following persons to the Parks, Recreation, and Cultural Resources Advisory Commission for three year terms effective July 1, 2020 and ending June 30, 2023:
 Lisa Gerboth - Initial Appointment
 Tom Colwell - Reappointment
 Alan Buck - Reappointment
and, appointment for a one year term July 1, 2020 and ending June 30, 2021 as
 Chair: Renee Pheifer - Reappointment
 Vice-Chair: Alan Buck - Reappointment
and, appointment of the following persons to the Public Art Committee for three year terms effective July 1, 2020 and ending June 30, 2023:
 Sean Durham - Reappointment
 Lafayette Trawick - Initial Appointment
and, appointment for a one year term July 1, 2020 and ending June 30, 2021 as
 Chair: Tom Colwell - Reappointment
 Vice-Chair: Bethany Bryant - Reappointment

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated there was an additional request to the Closed Session items, the item to state: pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is

privileged or confidential pursuant to N.C.G.S. §143-318.10(e) and pursuant to N.C.G.S. §143-318.11(a)(5) to establish and instruct Town staff regarding the Town's negotiating position with respect to real property.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda.

Council Member Killingsworth made the motion with the Closed Session addition;

Council Member Stallings seconded the motion.

Council Member Gantt stated he planned to make a process-based vote against the Regular Agenda. He felt New Business 03 was more appropriate as a Proclamation, and he objected to the timing being near the end of the month when it would be difficult for educational or celebratory events to be planned.

Mayor Gilbert re-called for a motion following Council Member Gantt's comments.

Council Member Mahaffey made the motion to adopt the Regular Meeting Agenda;

Council Member Dozier seconded the motion.

Council Members Mahaffey, Dozier, Killingsworth, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

PUBLIC FORUM

Tahira Hyman spoke about several incidents occurring at Apex Friendship High School involving racial comments made by fellow students. She stated the personal, negative effects of the comments. Ms. Hyman proposed launching a Town of Apex Diverse Committee to focus on outreach projects in the community that target young minority men and women, especially the Black community. It would also provide volunteer opportunities to students as well as allowing more Black owned business to come to Apex. Ms. Hyman planned for the Committee to become a staple in Apex. She asked Council to become a part of the solution.

Allison Best thanked Council and staff for all that they do. She spoke about a safety issue on her street which backs up to an unpaved County road. It is a cut through for the middle and high schools and has seen increased traffic. She has worked with Apex PD and the County to get the road paved and has had no success. Ms. Best exemplified what happens on the street. Her community asked for a temporary fix – a pedestrian barricade until the County could address the road condition.

Anthony Barnes, Jr., representing Black Lives Matter Apex, stated he was one of the organizers of the June 5th protest march in Apex. He outlined the key concepts he believed needed to be achieved in order to make progress towards a better future for all Americans. Mr. Barnes gave a brief outline of his background and his relationship with his White girlfriend and speaking with her parents about what actions he would take if ever pulled over while driving. He talked about African Americans' fear of the police and how he hoped this would not carry over to his family members. Mr. Barnes stated now is the time for change and urged Apex PD to look at use of force polices and the targeting of Black Americans. He wanted Apex PD to be a model for the county. Mr. Barnes then stated his demands for change.

Rev. Tracy Johnson, representing Felton Grove Baptist Church, spoke about racial injustice and her experiences with such. She spoke about how she was seen as a threat, inferior, and less than. She urged Council to make decisions of the Town for all residents. Rev. Johnson talked about being told it was not in Apex's and the County's jurisdiction to speak to the youth at her church.

Brianna Baker spoke about the similarities between her and Ayanna Jones who was shot and killed by the police while sleeping on her grandmother's couch. She was present to speak on behalf of all those who barely got to live. Ms. Baker spoke about Black women being the unsung heroes of her generation. She pleaded for the protection of Black women.

Amber Johnson, who attends Greater Felton Grove Missionary Baptist Church, related her story about how students are being taught in relation to racial injustice and how she offered a solution which was basically ignored. She asked Council if they were a part of the problem or a part of the solution.

Stancey Dunn spoke about profiling and being a Black man in America. Police officers now make him nervous, and he wondered if he would be the next hash tag because of the way he looks. Mr. Dunn questioned how the Black community could regain trust in police officers. He does not trust a single one, even though he knows there are good cops. He wanted to regain trust for police officers in Apex, in particular, because this is where he goes to church and where he is employed.

Melissa Moss Oliver, representing Felton Grove Baptist Church, stated she was an assistant principal in the Wake County school system. She provided her family history living here in Apex and stated that she believes Apex is still a wonderful place to live. Ms. Oliver presented her early experiences of racism in Apex. She sees Apex on social media trying

to move in the right direction. Ms. Oliver asked the Mayor to continue taking the stand he was taking. She loves her home town of Apex and still says it's the peak of good living.

Mallory Harris talked about her family teaching her the value of diversity and celebrating differences. She spoke about racism being present, in many forms. Ms. Harris spoke about her experience with racial injustice in school. Lotorius Adams, representing Felton Grove Baptist Church, quoted James Baldwin and spoke about the difficult time the world is going through. She spoke about what she is trying to instill in her daughter. Ms. Adams stated we should all be playing by the same rules in order to not cause unjust loss of life. She spoke about racism being a social disease and how it can infect people in the community. Ms. Adams stated she spoke for 'e-racism'. She spoke about her daughter's experiences in school.

Raven Baker, member of Greater Felton Grove Missionary Baptist Church, spoke about wanting to be a police officer but now changing her mind because of being in a country where all are not forced to be treated fairly. She would now focus on basketball.

Mayor Gilbert stated all comments were well-received by Council and staff and that we are committed to doing what we need to do to make necessary changes.

Jennifer Job submitted comments questioning why Apex has not signed an ongoing proclamation declaring LGBTQ communities welcome and protected and declaring June as Pride Month. She asked that the LGBTQ communities be acknowledged as well as Pride Month.

Kevyn Creech submitted comments related to June being Pride Month. He agreed with the love and unity proclamation, which did mention the LGBTQ community. However, Pride Month was not centered in the proclamation. He spoke about one of his experiences with an LGBTQ youth and the purpose of Pride Month. He asked Apex to take the next opportunity to proclaim June as Apex Pride Month.

Vivian Magarino, art teacher at Apex Elementary, submitted comments on behalf of her students proposing a sustainability partnership between the school and the Town. They have launched a garden club that teaches a variety of subjects. They are hoping it becomes fiscally sustainable. Ms. Magarino spoke about their farm to table initiative and the research activities they went through. She was happy to hear that the Town has approved a Sustainability Coordinator and hoped they would be able to work in partnership with that person, using the school as a pilot for zero trash sustainability. Ms. Magarino outlined how they hoped the initiative would grow.

Council Member Killingsworth was excused from the dais.

Council Member Killingsworth returned to the dais.

PUBLIC HEARINGS

PH1 Sarah Van Every, Senior Planner

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Tony Karr, Timothy V. Streeter, Billy Ray Wolfe, Sarah W. Ronk, Willie T. Wolfe, Jr., Donna G. Wolfe, William D. Bunce II and Gail E. Bunce and John Terry Paton, (Rezoning Case #19CZ22 Wolfe Properties PUD) property containing 44.357 acres located at 1209, 1401, 1405 and 1409 Wimberly Road and 1000 & 1012 Double Helix Road, Annexation #677 into the Town’s corporate limits.

AND

PH2 Sarah Van Every, Senior Planner

Rezoning Application #19CZ22 Wolfe Properties PUD and Ordinance. The applicant, Josh Swindell, Envision Homes, LLC., sought to rezone approximately 43.52 acres located at 1405, 1409, 1209, & 1401 Wimberly Road and 1012 & 1000 Double Helix Road from Rural Residential (RR) & Wake County R-80W to Planned Unit Development-Conditional Zoning (PUD-CZ).

Staff oriented Council to the sites and details of the requests. A neighborhood meeting was conducted. The PUD will address economy housing. The Parks, Recreation, and Cultural Resources Commission recommended a land dedication contiguous to the future park property and a public greenway easement. Josh Swindell, Envision Homes, spoke to the reason for the odd shape of the entrance. Council asked about solar and the energy efficiency of the project. Council asked about tree replacement, which staff stated the applicant would speak to and how it would impact the ultimate layout. Staff and the Planning Board recommended approval with additional conditions offered by the applicant.

Amanda Bambrick, Attorney with the Morningstar Law Group, gave a brief overview of the process. She spoke about trees and their understanding that this may be the largest tree replacement process so far. She spoke about the economy housing and how these will fit with the other units. Ms. Bambrick explained the needed easements. All homes will be fitted with conduit for future solar panels, and all will have an energy star certification. For those who wish, an electric charging station will be installed in the garage. All conditions related to the fire station were aligned with what the Town envisions. A sidewalk gap would be addressed with a fee in lieu with potential connectivity in the future. Their team could

not address a second greenway in the northeastern corner, and Ms. Bambrick explained why.

Responding to Council about the Wake County median income, Mr. Swindell stated this was a fee simple offering and spoke about what could and could not be controlled. After reviewing how the condition was written, he stated they would allocate about 25% to the Wake County median income. Ms. Bambrick clarified all homes would be within the energy star certification standards, Mr. Swindell clarifying the added options.

Council asked about charging stations at any future amenities, to which Ms. Bambrick stated there would be no amenities.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Council thanked the applicants for their package and for their collaboration with staff. Council concerns were heard. The package took small steps in the direction the Town wants to go, and he didn't think this was the end of the journey for us. Council talked a bit more about the tree canopy and affordable housing. He wanted to see what more could be done to drive down housing price points.

Council stated she was glad the applicants listened to staff, neighbors, and Council.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the Annexation Ordinance, the Rezoning Application, and the Rezoning Ordinance with the amended conditions and conditions offered by the applicant; Council Member Mahaffey seconded the motion.

Council stated she appreciated the applicant being open to her request and demonstrating being a trail blazer.

Council stated she appreciated the applicant's response to the Town's concerns.

The motion carried by a 5-0 vote.

PH3 Sarah Van Every, Senior Planner

Rezoning #19CZ23 2524 & 2604 Kelly Road. The applicant, Brian Griffith, sought to rezone approximately 2.1 acres located at 2524 & 2604 Kelly Road from Rural Residential (RR) to Mixed Office-Residential-Retail-Conditional Zoning (MORR-CZ).

Staff oriented Council to the site. A neighborhood meeting was conducted. Planning staff recommended approval with conditions as offered by the applicant as did the Planning Board.

Responding to Council, staff detailed distance standards for the entrance and stated the entrance would not cause any problems on the roadway. Conversation ensued about property lines and if the entrance would shift at some point in the future.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the rezoning; Council Member Gantt seconded the motion.

Council stated the entrance was not what was originally expected. He was concerned there would not be an entrance with internal connection and that the entrance would be developed independently of the adjacent village. He ideally wanted to see these developed together; he viewed a substandard outcome.

Council Members Killingsworth, Gantt, Dozier, and Stallings voted in the affirmative; Council Member Mahaffey voted in the negative.

The motion carried by a 4-1 vote.

PH4 Shelly Mayo, Planner II

Ordinance on the Question of Annexation – Apex Town Council’s intent to annex ATM Development, LLC (New Hill Holleman Road) property containing 0.981 acres located at 3036 New Hill Holleman Road, Annexation #685 into the Town’s corporate limits
AND

PH5 Shelly Mayo, Planner II

Rezoning Application #20CZ02 3036 New Hill Holleman Road and Ordinance. The applicant, Alonzo Wilson for ATM Development, sought to rezone approximately 0.981 acres from Wake County GB to Medium Density-Conditional Zoning (MD-CZ). The proposed zoning is located at 3036 New Hill Holleman Road.

Staff oriented Council to the sites. A neighborhood meeting was conducted. Planning staff recommended approval of the annexation and rezoning; the Planning Board recommended approval of the rezoning.

Responding to Council as to incorporating the homes into the HOA, staff stated this had not yet been finalized. The subdivision is currently under construction, the first plat being

under review. A cul de sac or stub street to the next property would be reviewed when a subdivision plan was received. Staff outlined what we would be looking for in the area regarding residential and commercial. There would be sidewalks.

Alonzo Wilson, applicant, thanked staff for working with him on this request. He asked Council for its support and approval. Responding to Council, staff stated the intent was to support affordable housing. At the moment, there was no condition to offer tree replacement, Mr. Wilson stating he would look at this when the development plan is complete. However, he would consider this. Mr. Wilson offered he does have other properties in the area targeted for affordable housing.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Annexation Ordinance, the Rezoning Application, and the Rezoning Ordinance with the offered conditions; Council Member Gantt seconded the motion.

Council stated he felt this property would be really nice when developed, and that he was excited to see the progress. Council agreed, stating it was a great property to be developed at this time.

The motion carried by a 5-0 vote.

PH6 Lauren Staudenmaier, Planner I
Rezoning Application #20CZ03 James Street. The applicant, Jones & Clossen Engineering, PLLC, seeks to rezone approximately 4.09 acres for the property located at 1200 James Street (PIN 0741789012), from Medium Density Residential (MD) to Tech/Flex-Conditional Zoning (TF-CZ)

Staff oriented Council to the site. Planning staff and the Planning Board recommended approval with additional conditions offered by the applicant. Responding to Council, staff explained the meaning of a pilot plant.

Patrick Kiernan, Jones & Clossen Engineering, representing the applicant, thanked staff for their cooperation. A neighbor concern about addressing off of Energy Drive had been resolved. A condition had been added related to site lighting. He addressed a flooding issue as it related to the pond, indicating resolution would be to drain the pond. Responding to Council, Mr. Kiernan spoke to the design of the site in relation to the land after the pond was drained. He did not envision a smaller pond going back on the property.

Mayor Gilbert declared the Public Hearing open.

The Town Manager stated a comment from Angie Gardner had been received prior to the applicant addressing concerns stated above. The recorded comment was presented.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the rezoning; Council Member Gantt seconded the motion.

Council expressed appreciation to the applicant for listening to neighbor concerns.

Council asked if vehicles associated with the request would touch the cul se sac on James Street, the applicant stating the road would only be used when draining the pond. He explained the location of the entrances for construction traffic.

Council asked if the property value question by a resident had been mitigated, Mr. Kiernan stating it had been.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a ten-minute recess.

PH7 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Jason Lucia and Trish Klenow (1121 Twin Creek Road) property containing 2.938 acres located at 1121 Twin Creek Road, Annexation #689 into the Town’s corporate limits
Staff oriented Council to the site and stated staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Ordinance; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH8 Dianne Khin, Director of Planning and Community Development
Ordinance on the Question of Annexation – Apex Town Council’s intent to annex Jainix, LLC (Jainix Green) property containing 6.5791 acres located west of 540 and

south of Spire Bend (Greenmoor subdivision) Annexation #690 into the Town's corporate limits

Staff oriented Council to the site and stated staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the Ordinance; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH9 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance as requested by Planning staff

Staff oriented Council to the amendments, stating the Planning Board recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the amendments; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

NB1 John M. Brown, Director

Craig Setzer, Park Operations Manager

Implementation of Adopt-A-Park / Adopt-a-Trail Program

Staff detailed how these programs would allow citizens to be more involved by including them in the cleanup of the parks. Staff stated he works with groups wanting to do things to keep the parks nice. He showed examples of signage that would be placed with the names of those selected to participate. Responding to Council, staff stated that if a business wanted to install public art in the parks or along the greenway, it would follow the Public Art Plan. If the request was from a neighborhood, for example, such a request would be brought before Council for approval.

Responding to Council, staff stated that no groups would be excluded from participating but priority would be given to Apex-based groups and residents. Staff further explained the application process, stating that no one or no groups have been turned down as yet. Council thanked staff for this great idea!

Mayor Gilbert called for a motion. Council Member Stallings made the motion to approve the Program; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

NB2 Drew Havens, Town Manager

\$20,000 contribution to the Apex Chamber of Commerce/Apex Sunrise Rotary Club Angel Fund, a \$20,000 contribution to the Apex Chamber of Commerce for their operational expenses, and Budget Amendment #19 to appropriate Fund Balance to cover these unbudgeted expenditures

Staff outlined the Angel Fund and stated that the Chamber would be looking to make grants fairly soon. The additional operational expenses could be explained by Ms. Flaherty.

Shannon Flaherty, Executive Director of the Apex Chamber of Commerce, spoke more about the Angel Fund for which funding is short. They went through the applications again yesterday; they are wanting to do their part to assist affected businesses. The Mayor pointed out one doesn't need to be a Chamber member to receive funding. It's more about the businesses.

Ms. Flaherty spoke about the community-minded projects in which they're involved. Some Chamber members cannot renew because of the economy situation, but they were not being removed from the process because of this. Therefore, revenues are down. Ms. Flaherty stated they would be grateful for any consideration.

Responding to Council, Ms. Flaherty stated that the requested amount from Council would not meet the Chamber's goals, but it would make such a difference. She stated that there was one municipality that matched Angel Funds and that she would provide numbers for

other municipalities. This request would be a 100% grant, Ms. Flaherty stating the Chamber would want to begin distributing funds by week's end.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the requests; Council Member Killingsworth seconded the motion.

Council stated he was pleased to see this request come through. As time goes by, it will get harder to fundraise. He stated that the ADBA is in a similar situation, unable to hold events and raise funds.

Council stated she hoped that the Town would receive other funding that trickles down and that there would be other things that we could do to support people as other levels of government are getting money down to us.

Council asked if word had come from the County regarding reimbursement of this type of funding from the Town. Staff stated we had received guidance from the County for the application process for certain qualifying expenses related to COVID. We are going through the policy, because we can't overlap what has already been received, i.e., through FEMA. Responding to Council, staff stated this particular action would not be covered; it is not in the policy guidelines. He explained what would be covered.

The motion carried by a 5-0 vote.

NB3 Council Member Audra Killingsworth

Resolution recognizing June as LGBTQIA Month

Council Member Killingsworth stated she was asked by the Mayor to explain the background of the Pride Month Resolution and Love and Unity Day Proclamation. She outlined the process behind a Pride Month proclamation, which the Mayor was not agreeable supporting. He proposed a Love and Unity Proclamation which was not as she originally submitted, but she agreed with the concept of love and unity of all people.

Council Member Killingsworth, however, stated she did not speak up about her additional thoughts, and she expressed those thoughts. In not speaking up, it didn't give the Mayor the time or opportunity to withdraw or adjust the proclamation and she apologized. Council Member Killingsworth stated she had received emails about the subject, and apologized for any problems the process caused.

Council Member Killingsworth named and spoke about many LGBTQIA individuals left out of history, feeling it was important not to forget them. She talked about outcomes of some of their lives. She talked about LGBTQIA youth being homeless and incarcerated and why.

Council Member Killingsworth stated why a Pride Month resolution was asked for. Recognizing such acknowledges not forgetting where they've been, where they are, and where they still need to go. Recognizing such takes pride in their truth of their selves. Council Member Killingsworth read the Resolution.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Resolution; Council Member Mahaffey seconded the motion.

Council thanked Council Member Killingsworth for bringing the Resolution forward and acknowledged the importance of naming those who had been/are marginalized in our community and beyond.

Council appreciated the history and the explanation of the path that got us here on this night. She also appreciated those being named.

The Mayor stated he appreciated the apology, but that it was not necessary. This was just a misunderstanding. We will continue to work together and get it right for the future - we will make it work.

The motion carried by a 5-0 vote.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Closed Session pursuant to N.C.G.S. §143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. §143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to N.C.G.S. §143-318.10(e) and pursuant to N.C.G.S. §143-318.11(a)(5) to establish and instruct Town staff regarding the Town's negotiating position with respect to real property

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

With no objection from Council, Mayor Gilbert called for a return to Open Session.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor