

DRAFT MEETING MINUTES

TOWN OF APEX REGULAR TOWN COUNCIL MEETING TUESDAY, OCTOBER 25, 2022 6:00 P.M.

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, October 25, 2022 at 6:00 p.m. The meeting was held 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=ExfAiVlcdB8>

[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.** and said the chambers were full with a lot of faces and it was good to see so many engaged residents. He said that during tonight's meeting the Apex Chapter of Hindu Faith would be presenting the Town Council members with Rakhis which was a symbol of protection and bonds between each other. Mayor Gilbert said the Town had a core value to respect and celebrate many traditions and encouraged those watching online or in the room to observe the ceremony or take a private moment of silence.

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All members of the elected body, Town Manager Catherine Crosby, Town Attorney Laurie Hohe, Town Clerk Allen Coleman, Assistant Town Manager Shawn Purvis, Assistant Town Manager Marty Stone, and Diversity, Equity, and Inclusion Director Linda Graham Jones received a Rahkis.

Mayor Gilbert led the Pledge of Allegiance following the Rahkis ceremony.

[CONSENT AGENDA]

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the consent agenda as presented.

VOTE: UNANIMOUS (5-0).

The following items were included on the consent agenda:

CN1 AGREEMENT VERIZON SERVICES TELEPHONY (OCTOBER 26, 2022 THROUGH OCTOBER 25, 2025)

Council voted to approve and continue to utilize Verizon as a vendor for a three-year term (October 26, 2022 through October 25, 2025) to include telephony services and authorized the Town Manager to execute the contract on behalf of the Town.

CN2 ANNEXATION NO. 734 - UTLEY FARMS PUD - 56.59 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 56.59 acres, Utley Farms PUD, Annexation No. 734 into the Town Corporate limits.

CN3 ANNEXATION 744 - 7805 GREEN LEVEL CHURCH ROAD - 2.24 ACRES

Council adopted a Resolution Directing the Town Clerk to Investigate Petition Received, voted to accept the Certificate of Sufficiency by the Town Clerk, and adopted a Resolution Setting the Date of a Public Hearing for November 8, 2022, on the Question of Annexation - Apex Town Council's intent to annex 2.24 acres, located at 7805 Green Level Church Road, Annexation No. 744 into the Town Corporate limits.

CN4 CONSTRUCTION CONTRACT AWARD/BUDGET ORDINANCE AMENDMENT NO. 9 - HAMLETT ASSOCIATES INC. - PUBLIC WORKS OPERATIONS RENOVATION - PHASE 1

Council voted to award a building construction contract to Hamlett Associates, Inc. and authorized the Town Manager to execute the contract on behalf of the Town and approved corresponding Budget Ordinance Amendment No. 9.

CN5 COUNCIL MEETING MINUTES - AUGUST AND SEPTEMBER 2022

Council approved, as submitted, meeting minutes from the following Town Council Meetings:

- August 23, 2022 - Regular Town Council Meeting
- September 13, 2022 - Regular Town Council Meeting
- September 27, 2022 - Regular Town Council Meeting

CN6 DEVELOPER AGREEMENT - TEN TEN ROAD AT JESSIE DRIVE TURN LANE COST SHARE

Council approved a Development Agreement between the Town of Apex and Horton Park Investments, LLC. in the amount of \$107,242.00 for reimbursement of 200 feet of additional storage length for the westbound left turn lane on Ten Ten Road at Jessie Drive and authorized the Town Manager to execute the contract on behalf of the Town.

CN7 ENCROACHMENT AGREEMENT - 2937 MACINTOSH WOODS DRIVE, LOT 25

Council approved an encroachment agreement between the Town and property owners Ramanpreet Singh and spouse Mandeep Kaur to install a fence that will encroach 104 linear feet onto the 40' Town of Apex Public Sanitary Sewer Easement and authorized the Town Manager to execute the same.

CN8 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - EMERGENCY VEHICLE DRIVE (EVD)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency Medical Care, Safety & Survival, and Traffic Incident Management System.
- Fireground Procedures
- Technical Rescuer and Technical Rescuer - Vehicle
- Rapid Intervention Crew
- Emergency Vehicle Drive

CN9 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - FIREFIGHTER SERIES CLASS

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to

execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Firefighter Series Class, which includes Firefighter 1 & 2, Hazardous Materials Responder Level 1, Emergency
- Medical Care, Safety & Survival, and Traffic Incident Management System.

CN10 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - FIREGROUND PROCEDURES

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Fireground Procedures

CN11 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - NORTH CAROLINA RAPID INTERVENTION CREW (NC RIC)

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- North Carolina Rapid Intervention Crew (NC RIC)

CN12 MEMORANDUM OF UNDERSTANDING BETWEEN TOWN OF APEX AND WAKE TECHNICAL COMMUNITY COLLEGE - APEX FIRE ACADEMY TRAINING - TECHNICAL RESCUER AND TECHNICAL RESCUER - VEHICLE

Council approved a Memorandum of Understanding ("MOU") between Wake Technical Community College and the Town of Apex to provide training for the Town of Apex's fire academy in the listed areas and authorized the Town Manager to execute the agreement on behalf of the Town. The following trainings were included in this MOU:

- Technical Rescuer and Technical Rescuer - Vehicle

[PRESENTATIONS]

None.

[REGULAR MEETING AGENDA]

Mayor Gilbert announced that public hearing item no. 3 - Rezoning Case No. 22CZ09 Utleigh Farms PUD would be continued until November 8, 2022. He called for any other changes for the regular meeting agenda. No changes were presented.

A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry Mahaffey** to set the regular meeting agenda as presented, noting that public hearing no. 3 would be continued until November 8, 2022.

VOTE: UNANIMOUS (5-0).

[PUBLIC FORM]

Mayor 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. Encouraged the Town Council to review the Traffic Studies that were being obtained for the various Town projects. She said additional traffic lights and road widening projects were needed for turn lanes to prevent future accidents in the Friendship/New Hill community.
2. Veronica Pacheco - No address given - Sweetwater Neighborhood.
 - a. Traffic Issue at Sweetwater - Dog was hit and killed. Dog's name was Austin.
3. Randy [Last Name Unknown] - Olive Chapel Road, Apex, NC
 - a. Traffic Issue with Sweetwater at Richardson Road and Olive Chapel Road. The speaker presented a yard sign that encouraged drivers to slow down to prevent future accidents with animals and pets.
4. Ashley Solis - Resident of Sweetwater
 - a. Presented petition 1,064 signatures with over ninety-five percent (95%) of individuals being Apex residents regarding traffic issues at Sweetwater. She spoke about the incident above where the dog named Austin was hit by high speed traffic. She said the petition encouraged the Town Council to consider reducing the speed in this area from 45 miles per hour to 35 miles per hour.

[PUBLIC HEARINGS]

PH1 TRANSPORTATION PLAN AMENDMENTS - CHAPEL RIDGE ROAD AND

PH2 REZONING CASE NO. 22CZ07 CHAPEL RIDGE NORTH PUD

Long Range Planning Manager, Shannon Cox, provided an overview of the transportation plan amendments located on Chapel Ridge Road. She said the amendments were associated with the rezoning case no. 22CZ07 Chapel Ridge North PUD and that the public hearing on both items would be held at the same time. She said that there were three (3) requested amendments that affected three different maps that make up the Transportation Plan for the Town of Apex.

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

Mayor Gilbert opened the public hearing for the above-mentioned item (PH1). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed Transportation Plan Amendments

With no additional speakers, **Mayor Gilbert** closed the public hearing and said the next presentation would be received before a formal vote.

Planner II, Shelly Mayo, provided a PowerPoint presentation which provided an overview of the rezoning case no. 22CZ07 Chapel Ridge North PUD.

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

Jamie Schweder, with Parker Poe on behalf of the applicant, presented a PowerPoint presentation related to this rezoning case.

Mayor Gilbert opened the public hearing for the above-mentioned item (PH2). The following individuals spoke during the public hearing period and a brief description of their remarks are noted below each name:

1. Mike Merker - 1031 Pemberta Hill Road - Jordan Lutheran Church - (Group speaker so nine (9) minutes received).
 - a. Supportive of the project on behalf of the church and it's members.
2. Rita Boykin - 1500 Clark Farm Road, Apex, NC
 - a. Opposition of the proposed rezoning application.
3. Melinda Fushy - 1304 and 1301 Chapel Ridge Road (Group speaker so nine (9) minutes received).
 - a. Opposition of the proposed rezoning application.
4. Mike Mohan - 1204 Chapel Ridge Road (Group speaker so nine (9) minutes received).
 - a. Supportive of the project.
5. Phil Welch - 1471 Bigleaf Loop, Apex, NC
 - a. Chair Western Region Affordable Housing Advocacy Group - encourage the Town Council to have the Housing Advisory Board (HAB) review the rezoning cases presented similar to the Environmental Advisory Board (EAB).

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

Councilmember Gantt asked the minister of Apex Lutheran Church to provide more context to his comments related to support of this project and sought clarification on whether the position was the same from the church since time had passed.

Mister Mike Mercer provided comments and said his church was still supportive of the project.

Councilmember Stallings asked for clarification related to the topography of the land since multi-story homes were being proposed in this area.

Jamie Schweder, with Parker Poe, provided responses and provided clarification on the Affordable Housing comments made previously.

A **motion** was made by **Mayor Pro-Tempore Audra Killingsworth**, seconded by **Councilmember Ed Gray** to approve the transportation plan amendments associated with Chapel Ridge Road and approve rezoning application no. 22CZ07 Chapel Ridge North PUD. The applicant, Matthew Carpenter, sought to rezone approximately 22.71 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1200, 1204, 1205, 1209, 1213, 1220, 1225 Chapel Ridge Road and 1512 Clark Farm Road. .

VOTE: UNANIMOUS (5-0).

PH3 REZONING CASE NO. 22CZ09 UTLEY FARMS PUD

A **motion** was made by **Councilmember Terry Mahaffey**, seconded by **Councilmember Ed Gray**, to continue the public hearing associated with rezoning case no. 22CZ09 Utley Farms PUD until November 08, 2022.

Councilmember Gantt asked for this item to be moved until the next meeting in November as November 8 was an election night.

Councilmembers engaged in discussion with staff about possible alternative options.

Councilmember Gantt withdrew his request for a different date to be considered.

VOTE: UNANIMOUS (5-0)

[NEW BUSINESS]

None Scheduled.

[UPDATES BY THE TOWN MANAGER]

No updates provided.

[CLOSED SESSION]

None Scheduled.

[ADJOURNMENT]

With no additional business being presented by the governing body, **Mayor Gilbert** adjourned the meeting at **8:09 p.m.**

Jacques K. Gilbert
Apex Mayor

Allen Coleman
Apex Town Clerk

Submitted for consideration and approved on _____.