



# REGULAR TOWN COUNCIL MEETING

Tuesday, January 12, 2021 at 6:00 PM

~~Council Chamber at Apex Town Hall, 73 Hunter Street~~

THIS WAS A VIRTUAL MEETING

## 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 Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Drew Havens, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Deputy Town Clerk Tesa Silver and Town Attorney Laurie L. Hohe

### COMMENCEMENT

Mayor Gilbert called the meeting to order and called roll call for attendance. Mayor Gilbert read a statement on diversity and inclusion as it relates to religious beliefs. Council Member Stallings gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

### PRESENTATIONS

Mayor Jacques K. Gilbert

Presentation of Dr. Martin Luther King, Jr. Day Proclamation

Mayor Gilbert read the Proclamation declaring Monday, January 18, 2021 Dr. Martin Luther King, Jr. Day.

### CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the December 15, 2020 Regular Town Council Meeting

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated April 30, 2020, August 16, 2020 and November 1, 2020

CN3 Mayor Jacques K. Gilbert

Appointment of Elaine Boyle to the Planning Board

CN4 Mayor Jacques K. Gilbert

Reappointment of Katie Schaff and Appointment of Suzanne Mason to the Environmental Advisory Board

CN5 Sarah Van Every, Senior Planner

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ11 Roberts Road Properties PUD. The applicant, Justin Michela, sought to rezone approximately 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, and 2000 Cabin Cove Road (PINs 0733059045, 0733049734, 0733049444) from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

CN6 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 Yumewarra Farm Assembly located at 0, 0, and 8633 Humie Olive Road, Annexation #702 into the Town's corporate limits.

CN7 Sarah Van Every, Senior Planner

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ13 Yumewarra Farm Assembly. The applicant, Bill Zahn, sought to rezone approximately 18.737 acres located at 0, 0, and 8633 Humie Olive Road (PINs 0711805090, 0710897972, 0710993712) from Wake County Residential-40W (R-40W) to Low Density Residential-Conditional Zoning (LD-CZ).

CN8 Lauren Staudenmaler, Planner I

Set Public Hearing for the January 26, 2021 Town Council Meeting regarding Rezoning Application #20CZ15 Smith Road Collision Center. The applicant, Spencer B. Terry III, P.E. Carolina Land Development Group, Inc., sought to rezone approximately 3.86 acres for the properties located at 0 & 5920 Old Smithfield Road (portion of PIN 0740649391 and portion of PIN 0740649679) from Rural Residential (RR) and High Density Single-Family Residential (HDSF) to Light Industrial-Conditional Zoning (LI-CZ).

CN9 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing actions on the various Unified Development Ordinance (UDO) Amendments of December 15, 2020.

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 Peak City Partners, LLC located at 1200 James Street, Annexation #699 into the Town's corporate limits.

CN11 Joanna Helms, Economic Development Director

Set Public Hearing for January 26, 2021 Town Council Meeting regarding an economic development incentive for "Project Delta" in accordance with the Town's policy (Development Investment Grant).

CN12 Russell Dalton, Sr. Transportation Engineer

Ordinance amending Section 20-164 with the addition of subsection (39) to enforce a No Parking restriction along both sides of Perry Road from Apex Peakway to American Way.

CN13 Adam Stephenson, Engineering Supervisor

Revision to the Town Standard Specifications and Details

CN14 Michael Deaton, Water Resources Director

Resolution to Abandon Existing Water and Sewer Utility Easements and Temporary Construction Easements as shown on the attached Utility Easement Abandonment Plat for Holleman Hills Subdivision.

CN15 Tony Godwin, Chief of Police

Ordinance amending Section 20-38 to allow the Chief of Police to maintain an eligible list of towing services for use by the Police Department.

Mayor Gilbert relayed to Council that an amendment was made to Consent 15 and that there was the addition of Consent 16 to set a Public Hearing for Economic Development.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council

Member Mahaffey made the motion with the stated changes;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 roll call vote.

#### REGULAR MEETING AGENDA

Mayor Gilbert stated that the second item under New Business 1 should be listed as New Business 2.

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

Council Member Gantt made the motion with the stated change;

Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 roll call vote.

Public Forum

There were no public comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings for consideration.

OLD BUSINESS

There were no Old Business items to discuss.

UNFINISHED BUSINESS

There were no Unfinished Business items to discuss.

NEW BUSINESS

NB1 Jacques Gilbert, Mayor

10 North Carolina League of Municipalities (NCLM) Legislative Goals for the NCLM Goals process and the appointment of the designated delegate.

Mayor Pro Tem Dozier stated the NCLM advocates and lobbies on issues and concerns for all municipalities within the State. She explained that in selecting goals Council will ensure that Apex's voice is heard. Council discussed the seventeen goals presented by the NCLM and selected ten they felt were most important to the Town of Apex and its' constituents. Council selected the following 10 goals:

- Grant local governments the authority to build broadband infrastructure in order to partner with private providers, and provide additional funding to help close the digital divide.
- Secure Federal and State aid directly to municipalities to offset all revenues due to the Covid-19 pandemic.
- Expand incentives and funding for local economic development.
- Increase State and Federal funding for affordable housing.
- Create a permanent and adequate funding stream for local infrastructure needs.
- Improve State-wide funding and support for LEO Training focused on use of force, mental health and de-escalation skills.

- Improve processes and payments for moving utility lines located in the right-of-way during transportation projects.
- Permit all cities to establish a police department citizen review board.
- Increase public safety grant funding and expand allowable uses.
- Reduce pressure on property tax payers by expanding locally-controlled options for revenue generation.

Council agreed that all seventeen goals were of value and importance, however, they selected the ten that best fit the needs of the Town. Town Manager Havens stated Council needed to designate a member of Council to report the selected goals to the NCLM.

Mayor Gilbert called for a motion to appoint a designee.

Council Member Mahaffey made the motion to appoint Council Member Mahaffey;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 roll call vote.

NB2 Drew Havens, Town Manager

Update on various Town projects/operations

Town Manager Havens gave updates on various projects currently underway within the Town. He reported that Mr. Mike Causey presented Fire Chief Keith McGee and the Fire Department a class 1 classification. A class 1 classification is the highest classification a fire department can be granted. Less than 1% of fire departments across the United States have been able to obtain a class 1 classification.

#### CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

To consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3)

CS2 Mayor Jacques Gilbert

To discuss personnel matters

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

The motion carried by a 5-0 roll call vote.

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

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the Beaver Creek Greenway extension project for the improvement of the Apex Greenway.

Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a motion to approve the Resolution authorizing Eminent domain proceedings related to Old US 1 and New Hill Olive Chapel Road traffic signal project.

Council Member Mahaffey made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a motion to approve the Resolution authorizing eminent domain proceedings related to the Tingen Road Sidewalk Project for the improvement of the Apex street and sidewalk system.

Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 roll call vote.

WORK SESSION

There was no Work Session.

ADJOURNMENT

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

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Jontesca Silver, CMC NCCMC  
Deputy Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor