



## | REGULAR TOWN COUNCIL MEETING

August 10, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

### Town 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: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone  
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

### COMMENCEMENT

Mayor Gilbert called the meeting to order and presented a wisdom moment as it related to thankfulness. Several Council Members stated what they were thankful for. Mayor Gilbert then led the Pledge of Allegiance.

### PRESENTATIONS

There were no Presentations to be made.

### CONSENT AGENDA

- CN1 Donna B. Hosch, Town Clerk  
Minutes of the July 27, 2021 Regular Council Meeting.
- CN2 Jacques Gilbert, Mayor  
Appointments to the Vision Zero Apex Steering Committee for the purpose of providing oversight to the Task Force in development of the Vision Zero Apex Action Plan.
- CN3 Liz Loftin, Senior Planner  
Set Public Hearing for the August 24, 2021 Town Council meeting regarding Rezoning Application #21CZ13 Evans Road PUD. The applicant Jason Vickers for Beazer Homes, seeks to rezone approximately 34.57 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

- CN4 Liz Loftin, Senior Planner  
Set the Public Hearing for the August 24, 2021 Town Council meeting regarding Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane & Barnside Lane right-of-way.
- CN5 Amanda Bunce, Current Planning Manager  
Set the Public Hearing for the August 24, 2021 Town Council meeting regarding various amendments to the Unified Development Ordinance.
- CN6 Mary Beth Manville, Human Resources Director  
Auto-renewing agreement with HireRight, LLC, for employee background check services.
- CN7 Mary Beth Manville, Human Resources Director  
Three (3) year, auto-renewing agreement with Mitrastech Holding, Inc., for employee I-9 and E-verify services.
- CN8 Vance Holloman, Finance Director  
Budget Ordinance Amendment No. 2 which will adjust the transfer amount from the Transportation Capital Reserve Fund to the Streets Capital Project Fund authorized by Budget Ordinance Amendment No. 1.
- CN9 Vance Holloman, Finance Director  
Resolution calling for a public hearing on August 24, 2021 in connection with a proposed installment financing agreement to finance various capital improvements for the Town.
- CN10 Angela Reincke, Parks Planning Project Manager  
Comprehensive Parks, Recreation Greenway and Open Space Master Plan contract to John R. McAdams Company, Inc., authorization for the Town Manager to execute the same, and corresponding Budget Amendment 3.
- CN11 Mary Beth Manville, Human Resources Director  
New Remote Work Policy and Flexible Work Scheduling and Telework Policy.

Mayor Gilbert stated that staff requested two add-on items: approval of Minutes of the 2021.06.22 Regular Council Meeting and revisions to the wording of CN05, amendments to the UDO.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion with the requested two revisions; Council Member Dozier seconded the motion. The motion carried by a 5-0 vote.

#### REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion; Council Member Killingsworth seconded the motion. The motion carried by a 5-0 vote.

#### PUBLIC FORUM

No one wished to speak during Public Forum.

#### PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development  
Ordinance on the Question of Annexation - Apex Town Council's intent to annex KOBRA, LLC (Reams Grove Master Subdivision) property containing 18.894 acres located at 7500 Green Level Church Road, Annexation #710 into the Town's corporate limits.  
Staff oriented Council to the site. 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 Killingsworth made the motion to adopt the Ordinance; Council Member Stallings seconded the motion. The motion carried by a 5-0 vote.

PH2 Dianne Khin, Director of Planning and Community Development

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Apex Properties & Rentals, LLC and Eura Tunstall properties containing 5.3821 acres located at 1533 and 1537 Old Ivey Road, Annexation #714 into the Town's corporate limits.

Staff oriented Council to the site. Staff recommended approval.

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

Responding to Council, staff clarified property ownership and roads. An explanation was given as to involuntary annexation of donut holes.

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

The motion carried by a 5-0 vote.

PH3 Shannon Cox, Long Range Planning Manager

Amendments to the 2045 Land Use Map in the vicinity of New Hill Holleman Road and Old US 1 Highway.

Staff oriented Council to the amendments. Planning staff recommended approval as did the Planning Board. Responding to Council, staff further explained the various changes and uses.

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 adopt the Amendments; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH4 Michael Deaton, PE, Water Resources Director

Amendments to Chapters 5, 12, and 20 of the Town Code of Ordinances.

Staff oriented Council to the Amendments. Responding to Council, staff clarified the reference to public hearings vs. new business items. Legal clarified that this related to development regulations.

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 Stallings made the motion to adopt the Amendments; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

#### OLD BUSINESS

OB1 Craig Setzer, Parks, Recreation and Cultural Resources Director

Ordinance amendment changing opening and closing times for various parks, greenways and shelters.

Staff oriented Council to the amendment. A needs assessment was conducted, as the last Master Plan update was done in 2013-2014. Neighborhood park meetings were held.

Council thanked staff for work on this initiative. Responding to Council, staff stated that the current staff could handle the changes of the opening and closing times. The lighting has not yet been updated; staff was planning to further view the sites the next week. Council stated he appreciated the work of staff and how he felt at the end of this we were going to have a quality product.

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

The motion carried by a 5-0 vote.

#### UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

#### NEW BUSINESS

There were no New Business items for consideration.

#### UPDATES BY TOWN MANAGER

- TM Crosby welcomed Craig Setzer as the new Director of Parks, Recreations, and Cultural Resources. Police Chief Armstrong started his position in Apex the previous week.
- There may be impact to yard waste services due to people being out with COVID.
- TM Crosby had a fire visit last week which was fun, hard work, and an experience. She thanked the Fire Department for all their efforts.
- TM Crosby added to what she was thankful for -- her daughter who has always pushed her to do better and be a positive role model. She was also thankful for being in Apex.

ATM Stone explained how the public has been informed about the impacts of COVID. So far, we have not experienced any problems.

Mayor Gilbert stated that on Friday there would be a celebration and parade from Apex High School for Olympic Medalist Tim Federowicz. He will be presented with an award from the Mayor and Council.



CLOSED SESSION

CS1 Laurie Hohe, Town Attorney

Pursuant to NCGS 143-318.11(a)(6) to discuss a personnel matter.

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

The motion carried by a 5-0 vote.

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

#### WORK SESSION

There were no Work Session items for consideration.

#### ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor