



| VIRTUAL REGULAR TOWN COUNCIL MEETING

November 09, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

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 Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and called for a roll call of Council Members present. In Mayor Gilbert's Invocation, he spoke about "By All Means (BAM) Apex". In this initiative, his wish was to encourage all to do justly, to love mercy, and to walk humbly. Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

CN1 Lauren Staudenmaier, Planner II

Set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ21 Beauregard Place at Weddington. The applicant, AG Wimberly LLC, seeks to rezone approximately 3.30 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 0 Wimberly Road.

CN2 Lauren Staudenmaier, Planner II

Motion to set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ22 Old Ivey Road. The applicant, Ranjeet Agarwala, Estates at White Oak LLC, seeks to rezone approximately 8.82 acres from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ). The proposed rezoning is located at 1516 Old Ivey Road and 7620 McQueens Road.

CN3 Sarah Van Every, Senior Planner

Motion to set Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ23 Scotts Ridge Office and Veterinary Hospital. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 1.45 acres from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 6633 Apex Barbecue Road.

CN4 Shelly Mayo, Planner II

Motion to set the Public Hearing for the November 23, 2021 Town Council meeting regarding Rezoning Application #21CZ25 Villages of Apex PUD Amendment. The applicant, Curteis Calhoun with Enclave Holdings, LLC, seeks to rezone approximately 3.62 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Laura Duncan Road.

CN5 Dianne Khin, Director of Planning and Community Development

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for November 23, 2021 on the Question of Annexation - Apex Town Council's intent to annex Mian Lin property containing 1.14 acres located at 5921 Farmpond Road, Annexation #719 into the Town's corporate limits.

CN6 Dianne Khin, Director of Planning and Community Development

Motion to adopt a resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk and to adopt a Resolution Setting Date of Public Hearing for November 23, 2021 on the Question of Annexation - Apex Town Council's intent to annex Linderman Properties, LLC (Triangle Math & Science) property containing 20.083 acres located at 351 New Hill Olive Chapel Road, Annexation #720 into the Town's corporate limits.

CN7 Jacques K. Gilbert, Mayor

Motion to appoint Reginald Skinner as the new Planning Board Chair, Mark Steele as the new Planning Board Vice Chair, and Steven A. Rhodes as a new Planning Board member, and to reappoint Mark Steele and Tina Sherman to their second terms as Planning Board members.

CN8 Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the Town's Special Event Permit for Apex's Annual Tree Lighting.

CN9 Dennis Brown, Senior Capital Projects Manager

Motion to approve contract with Engineered Construction Company, Raleigh, NC in the amount of \$6,342,500.00 for construction of Public Safety Station #36 on Wimberly Road in Apex and authorize Town Manager to sign same to release start of construction.

CN10 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Sean M. Gutowski and wife Erika K. Gutowski, to install a screen porch that will encroach 55 SF, steps that will encroach 12 SF, and a paver patio that will encroach 8 SF onto the Town's 20' Public Utility Sewer Easement and authorize the Town Manager to execute the same.

CN11 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Public Utility Easement and authorize the Town Manager to execute the same.

CN12 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Public Utility Easement and authorize the Town Manager to execute the same.

CN13 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Taylor Morrison of Carolinas, Inc. to install a concrete door stoop that will encroach 7 S.F. and an AC unit that will encroach 9 S.F. onto the 10' Public Utility Easement and authorize the Town Manager to execute the same.

CN14 Mayor Jacques K. Gilbert

Motion to adopt a resolution requesting that the Wake County Board of Commissioners appoint Robert Carmac to the Board of Adjustment as an ETJ Representative.

CN15 Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the amended Co-Sponsored Special Event Permit request for Apex Rotary Christmas Parade, Winter Wonderland and mobile vendor with the approved date of Saturday, December 4, 2021.

CN16 Mitch McKinney, Deputy Chief of Police

Motion to formally retire Apex Police Department Canine Rocky from police service and allow him to remain in Ofc. Scott James's stewardship for the remainder of Rocky's life.

CN17 Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 10/03/2021

CN18 Donna Hosch, Town Clerk

Motion to ratify Resolution No. 21-1101-21 of the Apex Town Council to Name a Portion of the Senior Center in honor of Mayor Pro Tem Nicole L. Dozier

CN19 Keith McGee, Fire Chief

Motion to approve a three-year extension with the Fire Department's records management system vendor, EPR Systems USA, Inc. and authorize the Town Manager to sign.

CN20 Laurie Hohe, Town Attorney

Introduction to ordinance amendment to comply with Senate Bill 300.

CN21 Steve Adams, Easement Acquisition Specialist

Motion to approve abandonment of a portion of a public utility easement on PIN 0742-46-6928 Bovestments LLC

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

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

REGULAR MEETING AGENDA

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

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

PUBLIC FORUM

There were no Public Forum comments.

PUBLIC HEARINGS

PH1 Jenna Shouse, Senior Long Range Planner

Amend the Bicycle and Pedestrian System Plan map to remove Proposed Paved Shoulder along Holt Road, add Proposed Side Path along a section of Holt Road, and change the on-road bicycle facility type to Proposed Bike Lanes along Holland Road and Friendship Road.

Staff oriented Council to the amendments, for which it recommended approval.

Responding to Council question about Holt Road, staff spoke about existing conditions on the road. This change will not add a bicycle facility. Staff stated that cyclists were involved in the Plan, and their input was used in its development. Staff talked about the side path option.

Mayor Gilbert declared the Public Hearing open and stated one comment had come in.

Mayor Gilbert declared the Public Hearing closed.

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

Council asked staff to clarify his thoughts on the Plan, to which staff stated his thoughts were correct.

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

PH2 Shannon Cox, Long Range Planning Manager

Amendments to the Transportation Plan in the vicinity of New Hill Holleman Road and future Richardson Road.

Staff oriented Council to the amendments, responding to Council about other possible changes. This is not a funding project. Planning staff recommended approval of the amendment as did the Planning Board.

Responding to Council, staff clarified the right of way for both the roadways.

Council spoke about the roadways, a bus stop, and possible issues that may arise in the future.

Mayor Gilbert declared the Public Hearing open, stating that one comment had been received.

Mayor Gilbert declared the Public Hearing closed.

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

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

PH3 Shannon Cox, Long Range Planning Manager

Resolution regarding the Town-initiated proposed renaming of "Lynch Street" within the Town of Apex.

Staff provided the background and process of this matter. A neighborhood meeting was held regarding eight suggested alternate names, and staff explained why those eight names were suggested. The names and votes for each were shown.

Staff recommended adoption of the Resolution for the re-naming - Justice Heights Street. If adopted, a letter would be sent to property owners and tenants informing them of what the next steps would be. We have a person in our housing program who will provide assistance to the residents. The Town will take care of the street signs.

Responding to Council, staff spoke about our helping with the post office piece. We will work with our GIS team to make this process as smooth as possible.

Council expressed concern about tax documents possibly being affected because of the suggested effective date of February 1, 2022.

Council expressed appreciation for staff and its effort on this matter and how well it has all worked out. The Mayor reiterated a story as to how the name Lynch Street affected him growing up in the area. He

expressed appreciation for the effort of staff and thanked everyone on behalf of all the residents living on that street.

Council thanked staff for this community-building effort and expressed her happiness for having a staff person who can help the residents. Council thanked the Mayor specifically on this topic and driving it forward. He spoke about how the post office will work to ensure mail is delivered. He was appreciative of how the process has worked and how this is a model for how it should work.

Mayor Gilbert declared the Public Hearing open. With no comments submitted, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Resolution to rename the street Justice Heights Street effective February 1, 2022;

Council Member Killingsworth seconded the motion.

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

PH4 Michael Deaton, PE, Director

Amendments to Article III of Chapter 12 of the Town Code of Ordinances creating a Stormwater Utility.

Staff oriented Council to the Amendments, providing several updates. He stated the next steps.

Council expressed concern about the application being as accessible as possible and if this would be a utility for consideration in an emergency situation. Staff stated accessibility would be as easy as possible for all individuals. Legal staff stated we could look into this for an emergency situation.

Council talked about funding and how assistance could be addressed legally. He complimented GIS staff for saving the Town a tremendous amount of money by working on this effort. He asked staff for an overview of the whats and whys of a stormwater program. Staff provided this overview, Council complimenting staff on the exceptional work they do.

Staff provided an explanation of the utility fee assistance.

Mayor Gilbert declared the Public Hearing open.

Staff stated two written comments had been received as well as one voice mail comment, which was played.

Council expressed appreciation to staff for the great work on this matter. Staff responded to why the fee was structured as it was in relation to developers. Staff spoke about the local municipal tax rates, noting that we are below average.

Mayor Gilbert declared the Public Hearing closed.

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

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

Council spoke about this was a wonderful project and expressed appreciation to staff for how much work was done on this and how much we saved. She asked if we will be doing offsets in the future, staff stating this was the intention.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no New Business items for consideration.

NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager
Financial support to DHIC, Inc. for the affordable housing project known as Broadstone Walk in the form of a loan from the Affordable Housing Fund for construction contingent upon final

project approval, authorization for the Town Manager to execute loan and compliance project documentation, and approval of corresponding Budget Ordinance Amendment No. 9.

Staff explained what the project involved and the cost, stating that this was a high priority of Council. Staff provided maps and elevations of the proposed property, Broadstone Walk, along with a budget summary and its justification. Qualifying income limits were shown.

The Mayor stated that Council was all in with this project. He asked about the Apex Cares program and how many applicants were in queue who were needing assistance. Staff stated the steps that had been and are being taken and showed how many applicants were in queue. Staff explained the funding for the remainder of the fiscal year, of which there is an excess.

Council stated he is a supporter of DHIS and wanting to see the program successful. He asked if it could be explained why we have this and how our funds will be used. It looks like we might be pushing out County dollars. Council also asked about the impact on our financial situation which he finds disturbing. Council spoke about what he would like to see happen with the County.

Council stated in her working with DHIC, she was glad they are coming back to do more properties in Apex. She spoke about the Town's role in being successful in getting as much money as possible for our residents.

Council stated there needs to be more fairness in matching funds for the counties. His concern was about mobile parks owned by one land owner and his fear of these people being displaced. We should not exhaust funds every year, and he expressed his concern about people being displaced.

Council asked about the timing of the funding request.

Council recommended an alternate proposal to the County for \$500,000 for proportional funding. We need to be careful and consistent so as not to discourage other municipalities away from affordable housing.

Council stated she will make a call to advocate for our community.

Council stated she agreed with Council's alternate \$500,000 proposal and pushing the County for \$1 million, stating that we need for people not to lose their homes. We need to be advocates for our Town; we need to utilize our connections for Apex residents. We support this effort and want to be sure we do it in a fiscally responsible way that will benefit our residents the most.

Council further clarified his proposal to appropriate \$500,000 from the Affordable Housing Fund, leaving a balance of approximately \$350,000. He spoke about the benefits of this and added that the County may not be aware of the debts we needed to go to in order to fund this request.

The Mayor agreed with Council's advocacy for this project and stated he would be making calls as well.

Council thanked staff for this thorough presentation and it being very informative for staff as well as the community.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to amend and approve the amount of Budget Ordinance No. 9 to \$500,000 and to authorize the Town Manager to execute loan documents and compliance project documentation should the County decide to fund the gap; Council Member Dozier seconded the motion.

Council expressed his reasons for not supporting this item because of the route that we're taking.

Council clarified that all Council Members were in support of the project. The concern was about the appropriate match and funding levels. Council was in agreement with this statement.

Council asked about the timeframe on moving on this effort, which was explained. She stated we need to monitor this and be sensitive about how we move forward.

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

The motion carried by 4-0 roll call vote.

UPDATES BY TOWN MANAGER

Staff spoke about the following:

- She spoke to the Apex Rotary about updates in the Town and things going forward.
- Congratulations were given to Council Member Dozier for the naming of the Lounge after her at the Senior Center.
- Electric Operations would have a "wire cutting" the following day for their new facility.
- She celebrated Apex Night Out with the police officers.
- The Turkey Trot would be upcoming at the Community Park.
- Town facilities would be closed Thursday for Veterans Day. She asked for everyone to join in the downtown celebration.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Public Utilities

Pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

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

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

Mayor Gilbert called for a motion to go into Closed Session. Council Member Dozier 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 middle creek greenway for the improvement of the Apex greenway system. Council Member Mahaffey made the motion;

Council Member Killingsworth 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 southwest Peakway segment for the improvement of the Apex street system. Council Member Mahaffey made the motion;
Council Member Stallings seconded the motion.
Council Members Mahaffey, Stallings, Dozier, and Killingsworth voted in the affirmative; Council Member Gantt voted in the negative.
The motion carried by a 4-1 roll call vote.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor