



MINUTES - REGULAR TOWN COUNCIL MEETING

May 10, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

Mayor Jacques Gilbert called the meeting to order and welcomed the community to the meeting of the Town Council. Nathan Mariner provided the Invocation. The Mayor then asked all attending to join him in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Mayor Pro Tem Killingsworth, Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that all Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately.

CONSENT AGENDA

A motion was made to approve the consent agenda items as submitted. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Gray/Vote: 5-0)

- CN1 Approved the minutes of the April 26, 2022 meeting of the Regular Town Council Meeting.
- CN2 Approved the Apex Tax Report dated April 3, 2022.
- CN3 Approved a 3-year contract renewal with LexisNexis.
- CN4 Set the Public Hearing concerning the proposed Fiscal Year 2022-2023 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 24, 2022 at 6:00 p.m. at the Apex Town Hall.
- CN5 Approved the contract for audit services for the 2022 fiscal year with Cherry Bekaert LLP of Raleigh, North Carolina.
- CN6 Approved award of contract to National Transformer Sales for 3 Phase Pad Mount and Single Overhead Transformers.
- CN7 Approve award of contract to Crossroads Ford of Apex for the purchase of a 2022 F750 Chipper Truck.

- CN8 Appointed Sarah Soh as a new Planning Board member to serve the remaining term of Tommy Pate, December 31, 2022.
- CN9 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #22CZ01 Arden at Summit Pines PUD. The applicant, Collier Marsh, FC Apex, LLC., seeks to rezone approximately 11.74 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8200 Jenks Road.
- CN10 Set a Public Hearing for the May 24, 2022 Town Council meeting regarding Rezoning Application #21CZ31 Sears Property PUD. The applicant, Jeff Roach, Peak Engineering and Design, LLC., seeks to rezone approximately 26.218 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 2108 Old US 1 Highway.
- CN11 Adopted 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 May 24, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the R. Michael Strickland Trustee of Family Trust property containing 13.541 acres located at 8200 Jenks Road, Annexation #727 into the Town’s corporate limits.
- CN12 Adopted 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 May 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Peak 360, LLC property containing 7.6631 acres located at 7825 and 7809 Jenks Road, Annexation #732 into the Town’s corporate limits.
- CN13 Set the Public Hearing for the May 24, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN14 Approved an Agreement with NCDOT for up to \$1,395,356 in federal funds, up to 80% reimbursement, of the total cost of right of way acquisition, utility relocation, and construction of project BL-0047, Downtown Apex Safe Routes to School, and authorized the Town Manager to execute the agreement on behalf of the Town.
- CN15 Approved a Review and Oversight Agreement with NCDOT for design review and project oversight activities for project BL-0047, Downtown Apex Safe Routes to School, requiring payment of a \$10,000.00 deposit, and authorized the Town Manager to execute the agreement on behalf of the Town.
- CN16 Approved the Triangle Area Water Supply Project Phase IX Five-Year Interlocal Agreement and authorized the Town Manager to execute it on behalf of the Town.
- CN17 Approved an agreement with Itron and authorized the Town Manager to execute the agreement on behalf of the Town.

PRESENTATIONS

The Mayor and Town Council Members read the following proclamations in turn.

- PR1 Presentation of LGBTQIA Pride Month 2022 Proclamation
- PR2 Presentation of Azerbaijan Independence Day Proclamation

- PR3 Presentation of National Safe Boating Week (May 21-27, 2022) Proclamation
- PR4 This item was postponed.
- PR5 Presentation of National Public Works Week Proclamation. The Mayor recognized the Public Works employees for the work that they do. Mike Deaton accepted the proclamation on behalf of the Public Works employees.
- PR6 Presentation of National Police Week Proclamation. The Mayor recognized Police Chief Jason Armstrong for his leadership and presented the proclamation to him in recognition of the Police Department.
- PR7 Presentation of an update on the Town's Customer Assistance Program and the financial condition of the Town's major operating funds was given by Finance Director Vance Holloman.

REGULAR MEETING AGENDA

PUBLIC FORUM

Ms. Elizabeth Stitt, 3133 Friendship Road asked to address the Town Council. She stated she lives in the ETJ area of the Town. She explained that she had received a letter from the Town. This letter said the Town would be entering her property and had some reference to Eminent Domain.

Mr. Jeff Hastings wished to thank the Town for its contribution to Peak Fest. He said every department was stellar.

PUBLIC HEARINGS

PH1 Held a public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Wake County, Annexation 723 into the Town's corporate limits.

AND

PH2 (Continued from the April 26, 2022 Town Council meeting.) Held a public hearing and approved a motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road. There was discussion about the need for a modified low-+

density classification for the land use map. It is currently being worked on by the Planning Department.

A motion was made to approve the agenda item PH1 Annexation 723 and the associated rezoning PH2. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)

PH3 Held a Public hearing and approved a motion to adopt an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Wake County, Annexation 730 into the Town's corporate limits. Discussion related to the sale and recombination of a portion of this lot to Thales Academy. A motion was made to approve Annexation 730. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

- PH4 Held a Public hearing and adopted an Ordinance on the Question of Annexation- Apex Town Council's intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town's corporate limits.
- A motion was made to approve Annexation 731. (Motion: Mayor Pro Tem Killingsworth/Second: Council Member Mahaffey/Vote: 5-0)
- PH5 Held a public hearing and approved a motion to approve Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St. A motion was made to approve the rezoning. (Motion: Council Member Gantt/Second: Mayor Pro Tem Killingsworth/Vote:5-0)
- PH6 Held a Public Hearing, there were no requests to speak and approved a motion regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments. A motion was made to approve the amendments as presented. (Mayor Pro Tem Killingsworth/Second: Council Member Stallings/Vote: 5-0)
- PH7 Held a Public Hearing, there were no requests to speak, and approved a motion regarding amendments 1,3 and 4 to the Unified Development Ordinance (UDO). Item 2 regarding fencing in the RCA was specifically not included in the motion to approve. A motion was made to approve the amendments numbered 1, 3 and 4. (Motion: Council Member Gantt/Second: Council Member Gray/Vote: 5-0)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

UPDATES BY TOWN MANAGER

CLOSED SESSION

- CS1 A motion was made to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

There was no work session.

ADJOURNMENT

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

Julie A. Reid, Interim Town Clerk

ATTEST: Jacques K. Gilbert, Mayor