



## AGENDA | REGULAR TOWN COUNCIL MEETING

December 14, 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

Call to Order | Invocation | Pledge of Allegiance

### PRESENTATIONS

[PR1](#) Vance Holloman

Presentation of the Results of the Audit of the Town's Financial Statements for the 2021 Fiscal Year by Ms. April Adams, CPA Partner, Audit Services of Cherry Bekaert LLP.

### CONSENT AGENDA

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. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

[CN1](#) Lauren Staudenmaier, Planner II

Motion to approve the Statement of the Town Council for Rezoning Case #21CZ21 Beauregard Place at Weddington, AG Wimberly LLC., petitioner, for the property located at 0 Wimberly Road (PIN 0723249888).

[CN2](#) Lauren Staudenmaier, Planner II

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #21CZ22 Old Ivey Road Residential, Rangeet Agarwala, Estates at White Oak LLC., petitioner, for the properties located at 1516 Old Ivey Road and 7620 McQueens Road (PINs 0722890666 & 0722893526).

[CN3](#) Sarah Van Every, Senior Planner

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #21CZ23 Scotts Ridge Office and Veterinary Hospital, Kethamakka & Emmadi Properties, LLC.,

petitioners, for the properties located at 0 & 6633 Apex Barbecue Road (PINs 0731487012 & 0731475977).

[CN4](#) Shelly Mayo, Planner II

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ25 Villages of Apex PUD Amendment. The petitioner is Curteis Calhoun with Enclave Holdings, LLC for the property located at 0 Laura Duncan Road.

[CN5](#) Liz Loftin, Senior Planner

Motion to set Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately .426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

[CN6](#) Shelly Mayo, Planner II

Motion to set the Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon Capital, LLC, seeks to rezone approximately 3.08 acres from Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

[CN7](#) Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the January 11, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

[CN8](#) Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Abhishek Monhanty and spouse Lipsa Sarangi to install a fence that will encroach 35 S.F. onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

[CN9](#) Dennis Brown, Construction Project Manager

Motion to approve a lease with NC SECU for an ATM located in the new Mason Street parking lot adjacent to the Community Center and authorization for the Town Manager to sign the lease.

[CN10](#) Russell Dalton, Traffic Engineering Manager

Motion to approve temporary closure of Dropseed Drive to through traffic between Amberlight Road and Doe Blossom Lane and establish a signed detour route along Antler View Drive beginning December 28, 2021 and ending October 1, 2022 for the purpose of



constructing curb and sidewalk and for activities related to the Triangle Math and Science Academy site construction.

[CN11](#) Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated November 5, 2021.

[CN12](#) Donna Hosch, Town Clerk

Motion to approve Minutes of November 11, 2021 Regular Council Meeting

[CN13](#) Shawn Purvis, Assistant Town Manager

Motion to set a Public Hearing for Tuesday, January 11, 2022 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget

[CN14](#) Steve Maynard Purchasing & Contracts Manager

Motion to approve report of award of contract to Wesco Distribution for purchase of lantern light fixture and photocells.

[CN15](#) Joanna Helms, Director

Motion to approve an amendment to the Lease Agreement between Town of Apex and the Apex Chamber of Commerce.

[CN16](#) Mary Beth Manville, Human Resources Director

Motion to approve the revisions to the Town's Position Authorization List, reflecting 3 additional FTEs for the Fire Department.

[CN17](#) Mary Beth Manville, Human Resources Director

Motion to approve the revisions to the Town's Personnel Policies to reflect the same protected classes as covered under the Town's adopted Non-Discrimination Ordinance.

## REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Regular Meeting Agenda prior to Council actions.

## PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address items that appear as Public Hearings scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

## PUBLIC HEARINGS

[PH1](#) Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.

[PH2](#) Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.

#### OLD BUSINESS

#### UNFINISHED BUSINESS

#### NEW BUSINESS

[NB1](#) Donna Hosch, Town Clerk

Recognition of retiring Mayor Pro Tem Nicole L. Dozier

#### UPDATES BY TOWN MANAGER

#### CLOSED SESSION

#### WORK SESSION

#### ADJOURNMENT

1. (1) Mayor Gilbert will recess the Regular Meeting Sine Die.  
(2) Mayor Gilbert will reconvene with the Organizational Meeting.  
(3) Adjournment will take place after the Organizational Meeting is concluded.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Vance Holloman

Department(s): Finance Department

### Requested Motion

Presentation of the Results of the Audit of the Town's Financial Statements for the 2021 Fiscal Year by Ms. April Adams, CPA Partner, Audit Services of Cherry Bekaert LLP.

### Approval Recommended?

N/A

### Item Details

Following a brief introduction by Vance Holloman, April Adams, CPA will share the results of the Town's Fiscal Year 2021 audit with the Council. She will address the Town's financial condition, system of internal controls and compliance with laws and regulations.

Please note that the financial statements are referred to as the Annual Comprehensive Financial Report rather than the Comprehensive Annual Financial Report. The acronym for Comprehensive Annual Financial Report is a term that is offensive in some cultures. The Government Finance Officers Association has requested that all governmental units refrain from use of that term.

### Attachments

- Town Council Presentation
- 2021 Annual Financial Statements
- Biography April Adams, CPA





# Audit Results Town of Apex

April Adams, CPA  
*Partner*

December 14, 2021



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# Agenda

- ▶ Role of the External Auditor
- ▶ Internal Controls
- ▶ Significant Audit Areas
- ▶ Key Highlights
- ▶ Financial Results
- ▶ Summary
- ▶ Questions and Comments



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# Role of the External Auditor

## Actions

- Plan and Perform Procedures
- Obtain Reasonable Assurance
- Free from material misstatement

## Results

- Express Opinion on Financial Statements
- Express Opinion on Internal Control over Financial Reporting and Compliance

## Required Communications

- Policy Changes
- Estimates
- Journal Entries



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# Internal Controls

## Significant Cycles

- Financial Close and Reporting
- Cash Receipts
- Cash Disbursements
- Payroll
- Grants

## Test of Controls

- OPEB actuarial information
- Cash disbursements and payroll

## Journal Entries

- Review for unusual transactions

## Information Technology Controls

- IT Entity Level Controls
- Back-up and Recovery
- Access and Security
- Network Security
- Cyber Security



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# Significant Audit Areas

## Financial Statements

### Assets and Revenue

- Cash and Investments
- Grant Revenue and Receivables
- Governmental and Proprietary Revenue and Receivables

### Liabilities and Expenditures

- Accounts Payable and Expenditures
- Payroll & Related Liabilities
- OPEB, LEOSA and Pension and related deferrals

### Other Items

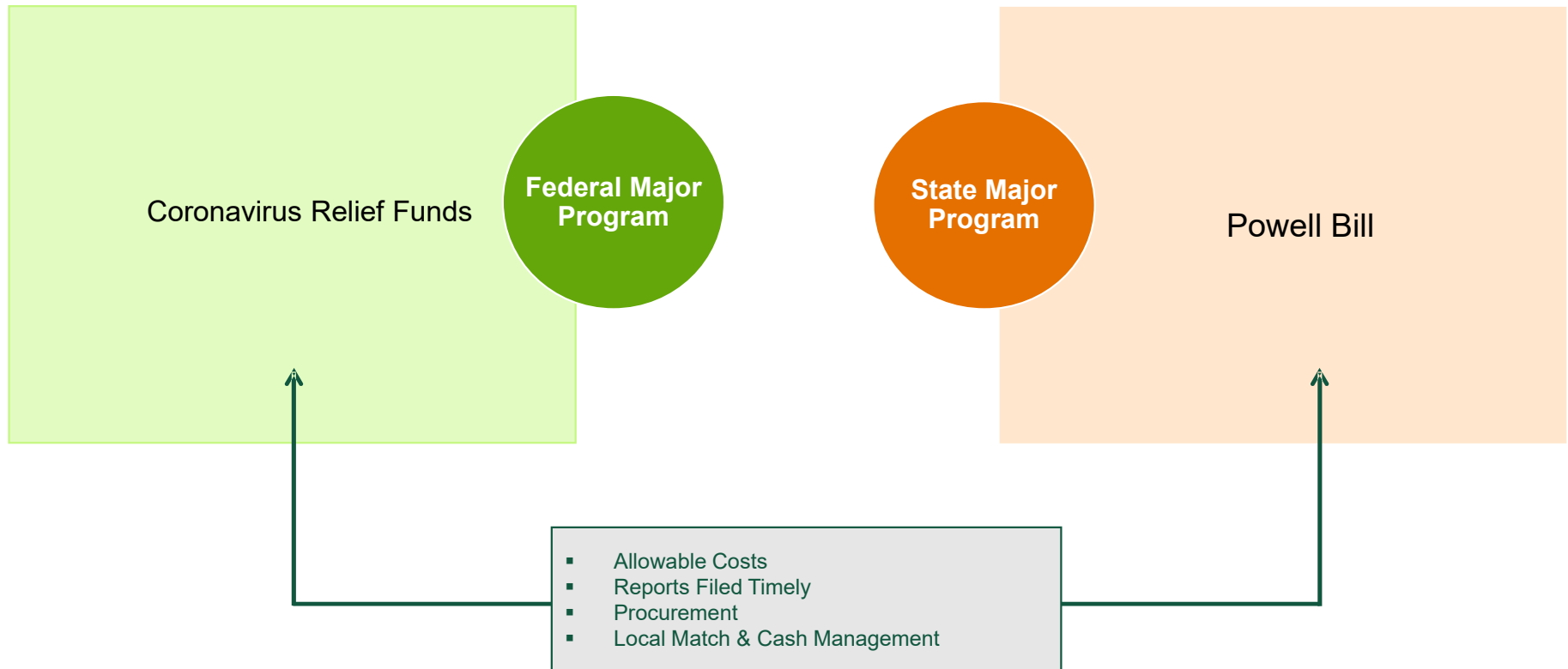
- Inventory and Prepays
- Long Term Debt
- Capital Assets
- Net Position
- Related Parties
- Estimates
- Legal





# Significant Audit Areas

## Single Audit



# Key Highlights

Opinion	Internal Controls	Single Audit	Required Communications
<ul style="list-style-type: none"><li>▶ Unmodified Opinion – Financial Statements</li><li>▶ Unmodified Opinion – Yellow Book</li><li>▶ Unmodified Opinion – Federal and State Single Audit</li></ul>	<ul style="list-style-type: none"><li>▶ PY deficiencies corrected</li><li>▶ No deficiencies noted in the CY</li></ul>	<ul style="list-style-type: none"><li>▶ No findings</li></ul>	<ul style="list-style-type: none"><li>▶ No significant accounting policy changes</li><li>▶ Estimates</li><li>▶ No adjusting journal entries</li><li>▶ No issues with management</li></ul>



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# Financial Results

General Fund – Budget to Actual

Revenues beat budget by \$4.3 million

Expenditures under budget by \$10.7 million

**In FY2021, the Town appropriated the use of \$9.9 million of fund balance in its final budget.**

**Actual results added \$6.4 million to fund balance.**



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# Financial Results

General Fund – Fund Balance

**Unassigned Fund Balance as a %  
of General Fund Expenditures as  
of June 30:**

2021: 50.6%

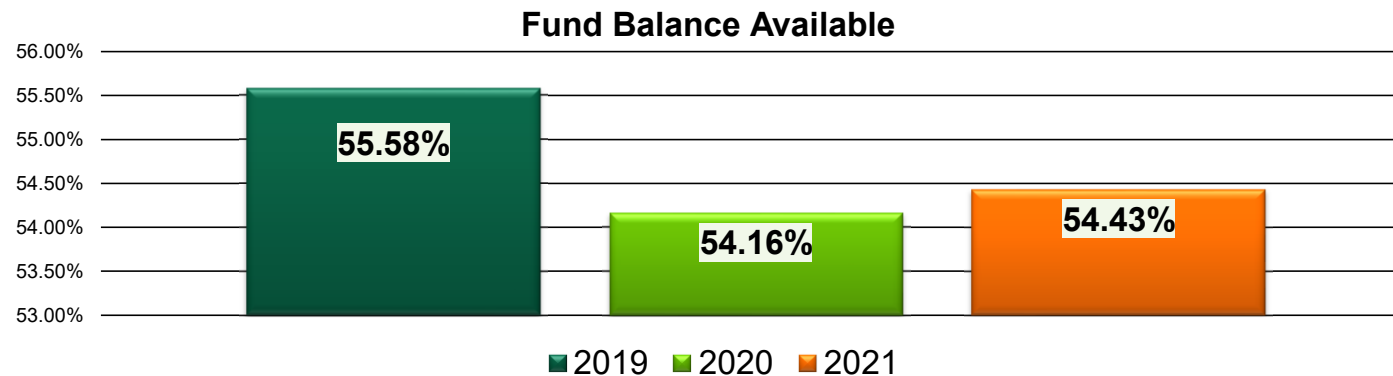
2020: 47.4%

The Town Policy is to maintain a minimum fund balance such that it is at least 25% of expenditures in the General Fund.



# Financial Results

General Fund – Fund Available for appropriation



**Note:** Fund balance available for appropriation is an important reserve for local governments to provide cash flow during periods of declining revenues and to be used for emergencies and unforeseen expenditures. The information above indicates the amount of available cash on hand. The average for units of your size is **46%**. Note that 8.33% represents enough fund balance to cover one month of expenditures. Normally, a unit has to either increase revenues or decrease expenditures to increase fund balance available.



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# Financial Results

Electric Operating Fund – Budget to Actual

Operating Revenues exceeded budget by \$1.1 million

Expenditures under budget by \$2.1 million

**In FY2021, the Town appropriated the use of approximately \$395,000 of fund balance in its final budget, and instead ended up adding back \$2.9 million to fund balance.**



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# Financial Results

Water and Sewer Operating Fund – Budget to Actual

Operating Revenues exceeded budget by \$743,000

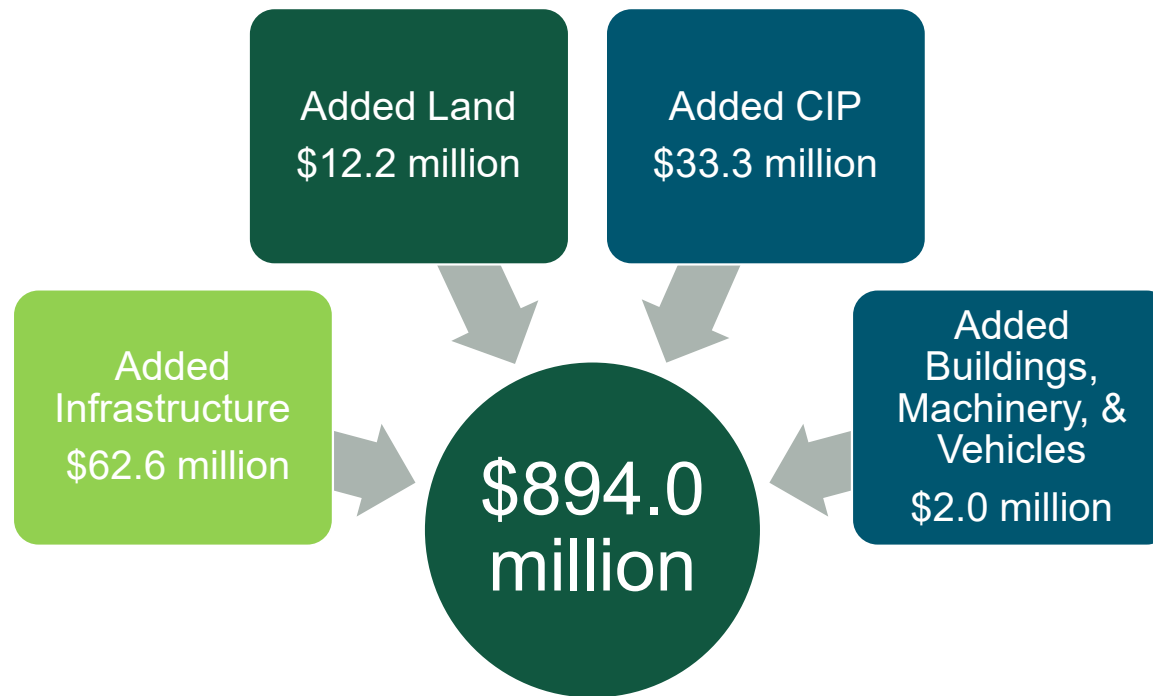
Expenditures under budget by \$3.6 million

**In FY2021, the Town appropriated the use of approximately \$243,000 of fund balance in its final budget, and instead ended up adding back \$3.6 million to fund balance.**



# Financial Results

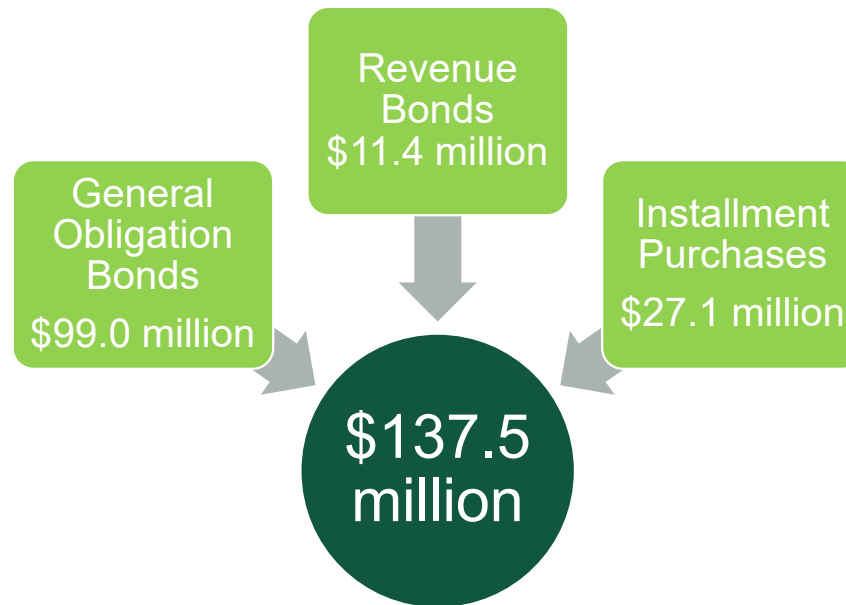
## Capital Assets



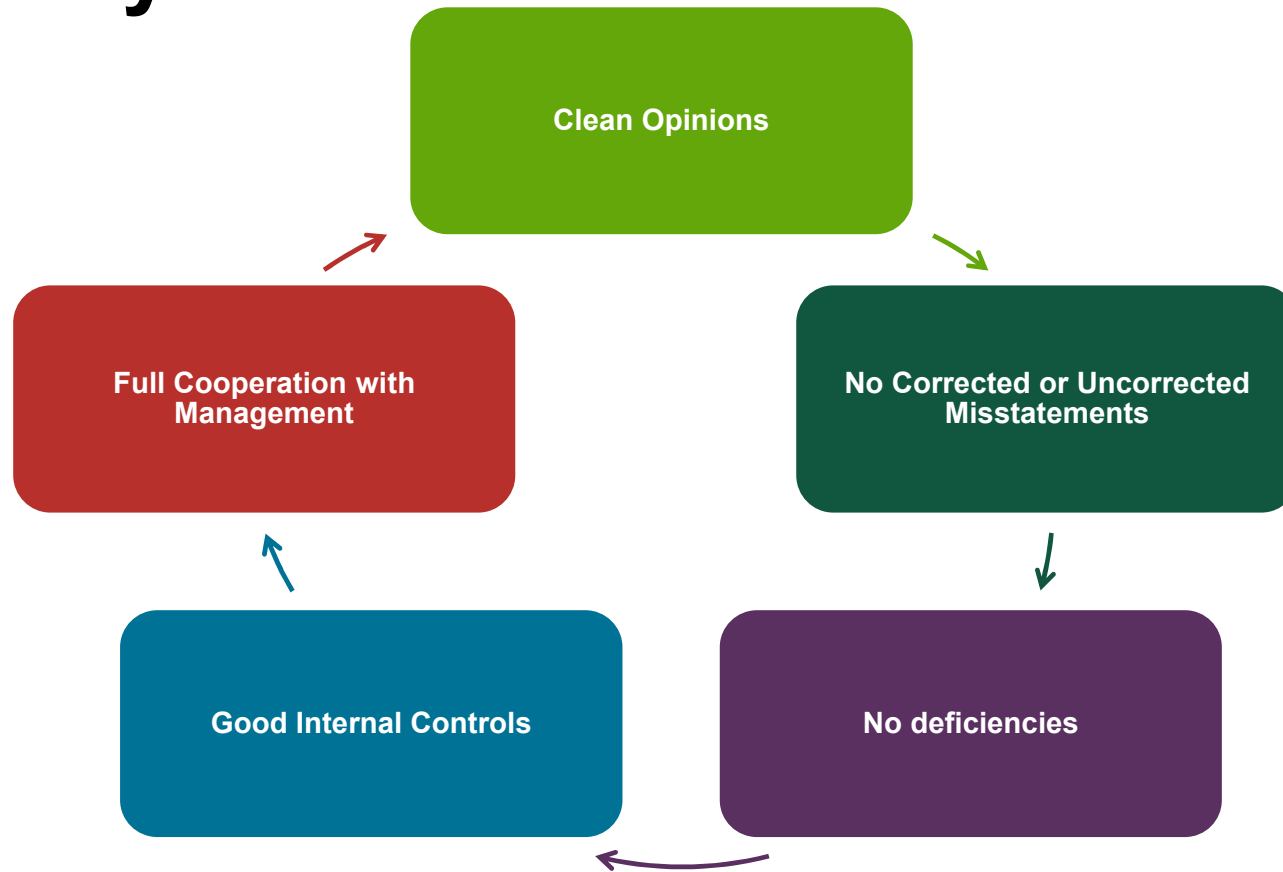


# Financial Results

Long Term Debt



# Summary



# Questions

April Adams, CPA

*Audit Partner*

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919.782.1040

Olivia Moody, CPA

*Audit Senior*

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919.782.1040

#### About Cherry Bekaert

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2021



**APEX**  
NORTH CAROLINA

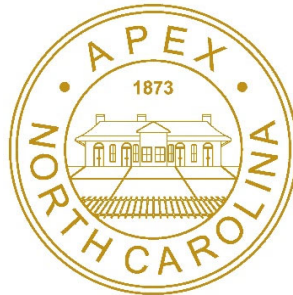
# ANNUAL COMPREHENSIVE FINANCIAL REPORT

*Fiscal Year ended  
June 30, 2021*



***TOWN OF APEX***  
***NORTH CAROLINA***

***ANNUAL COMPREHENSIVE***  
***FINANCIAL REPORT***



***FOR THE FISCAL YEAR***  
***ENDED JUNE 30, 2021***



**Town of Apex, North Carolina  
Annual Comprehensive Financial Report  
For the Year Ended June 30, 2021**

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November 30, 2021

TO THE CITIZENS OF THE TOWN OF APEX:

We are pleased to present the Annual Comprehensive Financial Report of the Town of Apex for the fiscal year ended June 30, 2021. This report is issued to inform the citizens of Apex of the Town's financial condition at June 30th and how the financial resources of the Town were used during the fiscal year then ended. The report also fulfills the requirement of North Carolina state law that every local government has an annual audit of its financial statements performed by a certified public accountant.

The Town of Apex management assumes full responsibility for the completeness and reliability of the information contained in this report, based upon a comprehensive framework of internal control it has established for this purpose. The concept of internal controls assumes their costs should not exceed their anticipated benefits, and their objective is to provide reasonable, rather than absolute, assurance that the financial statements are free of material misstatements.

Cherry Bekaert LLP, has issued an unmodified ("clean") opinion on the Town of Apex's financial statements for the year ended June 30, 2021. The report of the independent auditor is located at the front of the financial section of this report.

This letter of transmittal should be read in conjunction with Management's Discussion and Analysis (MD&A), which immediately follows the independent auditor's report in the Financial Section. MD&A provides a narrative overview and analysis of the basic financial statements.

### PROFILE OF THE GOVERNMENT

The Town of Apex, incorporated in 1873, is located in central North Carolina, less than 10 miles from Raleigh, the state capital. From its humble beginnings as a small railroad stop (the name "Apex" comes from being the highest point on the rail line), the Town has grown to a population of 70,272 and a land area of 24.87 square miles.

The Town operates under a Council-Manager form of government. Policy-making and legislative authority rest with the Town Council, consisting of the mayor and five other members. All are elected on a town-wide basis to a four year term, with three members elected every two years. The Council appoints the Town Manager, who is responsible for hiring department heads and managing day to day operations.

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**TOWN OF APEX**

*The Peak of Good Living*

PO Box 250 Apex, NC 27501 | (919) 340-3400 | [www.apexnc.org](http://www.apexnc.org)

The Town provided a full range of services during the 2021 fiscal year including police, fire protection, sanitation, water, sewer, and electric services, construction and maintenance of streets and infrastructure, and recreational activities and events. Various other local entities such as the Wake County Public School System, WakeMed Apex Healthplex, and the Wake County Public Libraries do not meet established criteria for inclusion as part of the Town as a reporting entity and are therefore excluded from this report.

State law requires that the Town Council approve an annual budget prior to July 1. The budget ordinance authorizes all financial transactions of the Town except those authorized by a project ordinance or conducted through a trust und. The budget is prepared by fund and department. Department heads may transfer resources within a department and the Town Manager may transfer between departments, but any change which increases or decreases a fund's overall budget requires approval of the Council.

### LOCAL ECONOMY

Economic activity and the construction industry remain very strong although construction has dropped a bit from prior years. Revenues for building permits and inspection fees were \$3.6 million, down 5% from the prior year. The Town issued 1441 permits for new residential construction this year, a decrease of 178 permits or 11% from the previous year. Total construction value for those permits was down \$21.4 million or 6.4%. Commercial construction fell also. The Town issued 15 commercial building permits, 17 fewer than the previous year. The total value of those permits decreased by \$38.5 million or 69%. Overall, new construction (residential and commercial) totaled 1,456 permits with a value of \$330.8 million, compared with 1,651 permits and \$390.7 million in the preceding year.

Due to the residential growth in Apex, property taxes have come to provide a greater share of the Town's revenues. In 2011, total ad valorem tax revenue was \$14.7 million as compared to \$39.4 million in 2021. The 2021 fiscal year tax rate was 38 cents per \$100, as compared to 34 cents this time 10 years ago but our tax revenue has more than doubled. Construction and development within the Town is continuing to support the growth in the tax base and tax revenue. The appraised value of the Town's tax base as of January 1, 2020 was \$10.4 billion compared to \$4.3 billion ten years earlier.

During the 2020 fiscal year other economically sensitive revenues were also strong. Sales tax collections increased by 28.7% compared to the prior year in spite of the negative impacts of COVID 19 on the economy. Within all major revenue categories, compared to 2011 results, there has been a significant increase.

Apex continues to benefit from its location, which makes it a residential and retail center for employees of Research Triangle Park (RTP). RTP is primarily dependent on firms in relatively stable, growing industries such as technology, healthcare, and financial services. In addition, the Town's proximity to Raleigh, with several universities and the state government complex, also serves to provide a stable employment base. Because of the presence of these major employers, the local unemployment rate has stayed below the state and national figures.

Looking back over the past 10 years, the Town's total General Fund revenues and expenditures have more than doubled. Much of this increase is understandable, as the Town's population has grown 84% in the same period. The most obvious trend during this timeframe has been the continued emphasis on public safety. The costs to provide these services have climbed from \$11.2 million in 2011 to \$23.2 million in 2021.

Since moving from largely volunteer departments to Town provided services, the Town has assumed a greater responsibility for Fire Protection using more full-time employees. This increase is supported by the Town's steady population growth and commitment for citizen's safety and well-being. In September 2015 Money Magazine named Apex the best place to live in America.

### LONG-TERM FINANCIAL PLANNING

The Town, for many years now, has maintained solid cash reserves and fairly modest debt levels. This has enabled the Town to proceed with some major projects financed by various types of long-term debt. During the past year the Town has undertaken a number of street and parks projects. The Town has an agreement with Cary to undertake a number of water and sewer projects. The Town issued new debt for paving and street projects during the 2021 fiscal year. Voters have authorized the Town to issue general obligation bonds for street and sidewalk improvements that have not yet been issued. The authorized but unissued amount is \$7 million.

The Town continues to have capital and operational needs in a number of areas due to growth. The Town's goal is to maintain a minimum of 25% of expenditures in unassigned fund balance in the General Fund. Funds in excess of that amount are available to be used for one-time expenditures, such as smaller improvements or construction projects. At June 30, 2021, the Town's unassigned fund balance was \$36 million, or roughly 50.5% of the year's General Fund expenditures and other financing uses.

### MAJOR INITIATIVES

In addition to addressing major needs in the Water and Sewer Fund, the Town is also evaluating its options to finance park and recreation projects, public safety projects, street and sidewalk improvements and electric utility projects.


### AWARDS AND ACKNOWLEDGEMENTS

The Government Finance Officers Association of the United States and Canada (GFOA) awarded a Certificate of Achievement for Excellence in Financial Reporting to the Town of Apex for its annual comprehensive financial report for the fiscal year ended June 30, 2020. This was the twenty seventh consecutive year that the Town has achieved this prestigious award. In order to be awarded a Certificate of Achievement, a government must publish an easily readable and efficiently organized comprehensive annual financial report. This report must satisfy both generally accepted




accounting principles and applicable legal requirements. A Certificate of Achievement is valid for a period of one year only. We believe that our current comprehensive annual financial report continues to meet the Certificate of Achievement Program's requirements and we are submitting it to the GFOA to determine its eligibility for another certificate.

The preparation of this report on a timely basis was made possible by the dedicated service and cooperation of Cherry Bekaert LLP, and the Town's Finance, Planning, and Construction Management departments. We would like to extend special thanks to Preeta Nayak and Suzanne Parmentier for their work and to the Mayor and Town Council for their support for maintaining the highest standards of professionalism in the management of the Town's finances.



Catherine H. Crosby  
Town Manager



Vance Holloman  
Finance Officer



Government Finance Officers Association

Certificate of  
Achievement  
for Excellence  
in Financial  
Reporting

Presented to

**Town of Apex  
North Carolina**

For its Comprehensive Annual  
Financial Report  
For the Fiscal Year Ended

June 30, 2020

*Christopher P. Morill*

Executive Director/CEO

ELECTED OFFICIALS

MAYOR:	JACQUES L. GILBERT
MAYOR PRO TEM:	NICOLE L. DOZIER
COUNCIL MEMBERS:	BRETT D. GANTT
	AUDRA M. KILLINGSWORTH
	TERRY MAHAFFEY
	CHERYL F. STALLINGS



APPOINTED OFFICIALS

Catherine H. Crosby  
Town Manager

Laurie Hohe  
Town Attorney

Donna Hosch  
Town Clerk

ADMINISTRATIVE STAFF

Shawn Purvis  
Assistant Town Manager

Marty Stone  
Assistant Town Manager

Dianne Khin  
Director of Planning

Mary Beth Manville  
Director Human Resources

Craig Setzer  
Director of Parks, Recreation  
and Cultural Resources

Erika Sacco  
Director of Information  
Services

Rudy Baker  
Director of Inspections  
and Permits

Michael Deaton  
Director of Utility Engineering  
and Water Resources

Jason Armstrong  
Chief of Police

Keith McGee  
Fire Chief

Eric Neumann  
Director of Electric Utilities

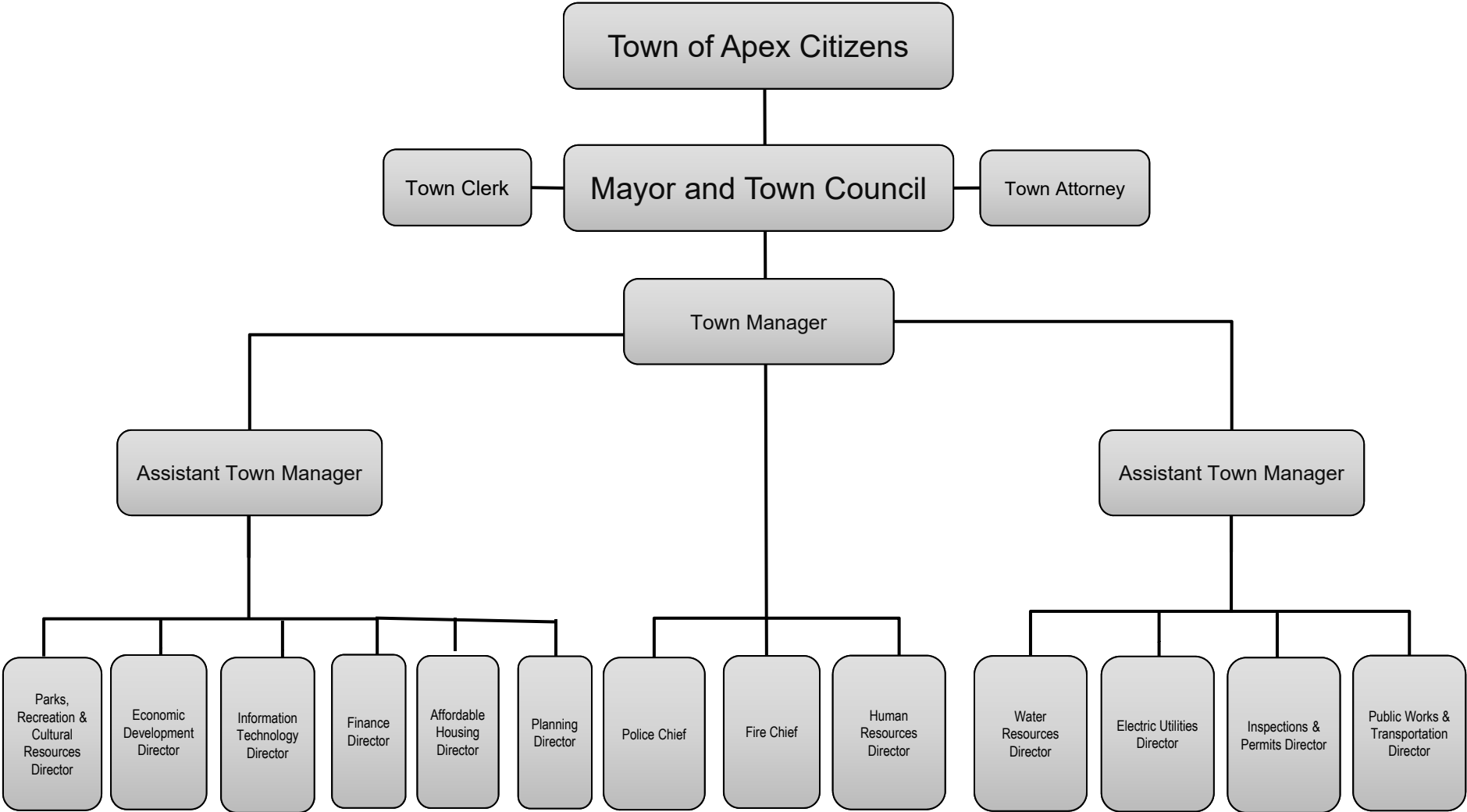
Vance Holloman  
Director of Finance

Jose Martinez  
Director of Public Works  
and Transportation

Joanna Helms  
Director of Economic  
Development

Christopher Valenzuela  
Director of Affordable  
Housing

# Town of Apex Organizational Chart



## Report of Independent Auditor

To the Honorable Mayor  
Members of the Town Council  
Town of Apex, North Carolina

### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Apex, North Carolina (the "Town") as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements as listed in the table of contents.

### ***Management's Responsibility for the Financial Statements***

Management is responsible for the preparation and fair presentation of these basic financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### ***Auditor's Responsibility***

Our responsibility is to express opinions on these basic financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Town's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

### ***Opinions***

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town, as of June 30, 2021, and the respective changes in financial position, and where applicable, cash flows thereof, and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### ***Required Supplementary Information***

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and required supplementary information, as listed in the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consist of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### ***Supplementary and Other Information***

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the Town's basic financial statements. The introductory section, individual fund statements and schedules, other schedules, and statistical section, as listed in the table of contents, as well as the schedule of expenditures of federal and state awards as required by Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance), and the State Single Audit Implementation Act are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The individual fund statements and schedules and other schedules and the schedule of expenditures of federal and state awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the information is fairly stated, in all material respects, in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

### **Other Reporting Required by *Government Auditing Standards***

In accordance with *Government Auditing Standards*, we have also issued our report dated November 30, 2021 on our consideration of the Town's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control over financial reporting or on compliance.

**Prior Period Financial Statements**

The Town's basic financial statements for the year ended June 30, 2020 (not presented herein), were audited by other auditors whose report thereon dated December 3, 2020, expressed unmodified opinions on the respective financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information. The report of the other auditors dated December 3, 2020, stated that the supplementary information for the year ended June 30, 2020 was subjected to the auditing procedures applied in the audit of the 2020 basic financial statements and certain additional auditing procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare those basic financial statements, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and, in their opinion, was fairly stated, in all material respects, in relation to the basic financial statements as a whole for the year ended June 30, 2020.

*Chemy Bekaert LLP*

Raleigh, North Carolina  
November 30, 2021



## MANAGEMENT'S DISCUSSION AND ANALYSIS

As management of the Town of Apex, we offer readers of the Town's financial statements this narrative overview and analysis of the financial activities of the Town for the fiscal year ended June 30, 2021. We encourage readers to read the information presented here in conjunction with the transmittal letter in the front of this report and the basic financial statements and accompanying notes to the financial statements, which follow this narrative.

### Financial Highlights

- The Town's assets and deferred outflows exceeded its liabilities and deferred inflows at the close of the fiscal year by approximately \$898.5 million (*net position*). Of this amount, \$90.5 million (unrestricted net position) may be used to meet the Town's ongoing obligations to citizens and creditors.
- The Town's total net position increased by \$67.6 million from the prior year. The net position of the governmental activities increased \$54 million and the net position of the business-type activities increased \$13.6 million. Approximately \$66.8 million of street related and utility infrastructure was donated by developers with a value of \$54.8 million for street and sidewalk related infrastructure and land for public safety and \$12 million for utility infrastructure.
- As of the close of the current fiscal year, the Town's governmental funds reported combined ending fund balances of approximately \$111.5 million, a decrease of \$1.5 million compared to the prior year. The total fund balance in the General Fund increased \$6.4 million while the total fund balance in other governmental funds decreased \$7.9 million primarily due to expenditures for various capital projects.
- At the end of the fiscal year, unassigned fund balance for the General Fund increased to \$36 million, or 50.6% of total General Fund expenditures for the fiscal year.
- The Town of Apex's total debt decreased by \$2.8 million during the current fiscal year as a result of debt payments and issuing debt for a new project.

### Overview of the Financial Statements

This discussion and analysis is intended to serve as an introduction to the Town of Apex's basic financial statements. The Town's basic financial statements consist of three components: 1) entity-wide financial statements, 2) fund financial statements, and 3) notes to the financial statements. The basic financial statements present two different views of the Town through the use of entity-wide statements and fund financial statements. In addition to the basic financial statements, this report contains other supplemental information that will enhance the reader's understanding of the financial condition of the Town of Apex.

### Basic Financial Statements

The first two statements (Exhibits 1 and 2) in the basic financial statements are the **Entity-wide Financial Statements**. The next statements (Exhibits 3 through 8) are **Fund Financial Statements**. The next section of the basic financial statements is the **Notes to the Financial Statements**. The notes explain in detail some of the data contained in those statements. The **Required Supplemental Information** contains additional information required by generally accepted accounting principles. After the notes and the required supplemental information, additional **Supplemental Information** is provided. The other supplemental information shows details about the Town's individual funds, including budgetary information required by North Carolina General Statutes.

## Entity-wide Financial Statements

The entity-wide financial statements are designed to provide the reader with a broad overview of the Town's finances, similar in format to a financial statement of a private-sector business. The entity-wide statements provide short and long-term information about the Town's financial status as a whole.

The statement of net position presents information on all of the Town's assets and liabilities, with the difference between the two reported as net position. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the Town is improving or deteriorating.

The statement of activities presents information showing how the Town's net position changed during the most recent fiscal year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows. Thus, revenues and expenses are reported in this statement for some items that will only result in cash flows in future fiscal periods (e.g., uncollected taxes and earned but unused vacation leave.)

Both of the entity-wide financial statements distinguish functions of the Town that are principally supported by taxes and intergovernmental revenues (governmental activities) from other functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities). The governmental activities of the Town include general government, public safety, public works, environmental protection, and cultural and recreational. The business-type activities of the Town are utility system services, specifically electricity and water and sewer.

In accordance with the Governmental Accounting Standards Board criteria for inclusion in the reporting entity, the Town of Apex has no component units that must be included in this report.

The entity-wide financial statements are on Exhibits 1 and 2 of this report.

## Fund Financial Statements

The fund financial statements provide a more detailed look at the Town's most significant activities. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The Town, like all other governmental entities in North Carolina, uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements, such as the General Statutes or the Town's budget ordinance. All of the funds of the Town can be divided into three categories: governmental funds, proprietary funds, and fiduciary funds.

**Governmental Funds:** Governmental funds are used to account for essentially the same functions reported as governmental activities in the entity-wide financial statements. However, unlike the entity-wide financial statements, governmental fund financial statements focus on near-term inflows and outflows of spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the Town's near-term financial requirements.

Because the focus of governmental funds is narrower than that of the entity-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the entity-wide financial statements. By doing so, readers may better understand the long-term impact of the Town's near-term financing decisions. Both the governmental fund balance sheet (Exhibit 3) and the governmental fund statement of revenues, expenditures, and changes in fund balances (Exhibit 4) provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

During the past fiscal year, the Town of Apex maintained eight individual governmental funds: the General Fund, one special revenue fund (to account for revenues which are restricted to a specific purpose), five

capital projects funds (to account for construction projects spanning more than one annual budget year or funds set aside for future projects), and one permanent fund (to account for funds reserved for perpetual care of a cemetery). The General Fund and the Recreation Capital Projects Fund are the only governmental funds considered to be major funds. The other governmental funds are considered to be nonmajor and their information is presented in the aggregate.

The Town of Apex adopts an annual appropriated budget for its General Fund. A budgetary comparison statement has been provided for the General Fund to demonstrate compliance with this budget. This budgetary statement includes both original and final amended budgets.

The basic governmental fund financial statements can be found on Exhibits 3 through 5. Governmental funds considered to be nonmajor are presented as a single column in these statements.

**Proprietary Funds:** The Town maintains two different types of proprietary funds. Enterprise funds are used to report the same functions presented as business-type activities in the entity-wide financial statements, only in more detail. The Town uses enterprise funds to account for its electric and water and sewer related activities. Both the Electric Fund and the Water and Sewer Fund are classified as major funds. Internal service funds are an accounting device used to accumulate and allocate costs internally among the Town's various functions. Apex uses an internal service fund to account for its self-insurance for health and dental claims. Because this fund predominately benefits the governmental rather than business-type functions, it has been included within governmental activities in the entity-wide statements.

The basic proprietary fund financial statements can be found on Exhibits 6 through 8 of this report.

**Notes to the Financial Statements:** The notes provide additional information that is essential to a full understanding of the data provided in the entity-wide and fund financial statements. The notes to the financial statements are on pages 34-69 of this report.

**Other Information:** In addition to the basic financial statements and accompanying notes, this report includes certain required supplementary information concerning the Town's progress in funding its obligations to provide pension benefits to police officers under the Law Enforcement Officers Special Separation Allowance under GASB Statement 73, retiree health insurance under GASB Statement 75 and pension benefits to its employees through the Local Government Employees' Retirement System. Required supplementary information can be found on pages 70-76 of this report.

### **Entity-Wide Financial Analysis**

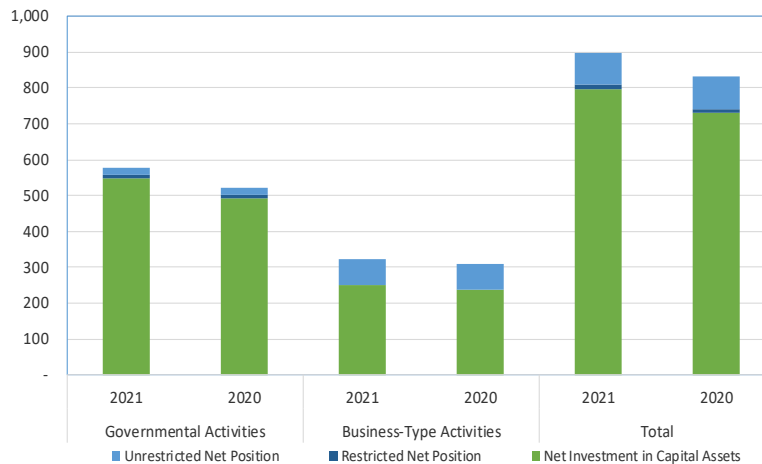
Entity-wide financial statements can provide an excellent overall view of the Town's transactions for the year and its financial condition at year end. In particular, comparing current year amounts with the previous year's figures can highlight areas in which the Town's finances are improving or deteriorating.

As noted earlier, net position may serve over time as one useful indicator of the Town's financial condition. At the end of the current fiscal year, the Town had a positive balance in both its governmental and business-type activities. Governmental activities net position increased by \$54 million to \$576.1 million during the year and business-type net position increased by \$13.6 million to \$322.4 million.

**The Town of Apex  
Net Position**  
(in millions)

	Governmental Activities		Business-Type Activities		Total	
	2021	2020	2021	2020	2021	2020
Current and Other Assets	\$121.9	\$123.3	\$90.9	\$91.4	\$212.8	\$214.7
Capital Assets	587.6	525.6	306.4	293.1	894.0	818.7
Total Assets	709.5	648.9	397.3	384.5	1,106.8	1,033.4
Deferred Outflows	14.7	12.5	3.3	2.9	18.0	15.4
Long-Term Liabilities	129.2	122.2	65.3	66.9	194.5	189.1
Other Liabilities	15.7	13.6	12.4	11.2	28.0	24.8
Total Liabilities	144.9	135.8	77.7	78.1	222.5	213.9
Deferred Inflows	3.2	3.3	0.6	0.6	3.8	3.9
<b>Net Position:</b>						
Net Investment in Capital Assets	548.3	492.4	249.2	238.8	797.5	731.2
Restricted	10.6	10.6	-	-	10.5	10.6
Unrestricted	17.3	19.2	73.1	70.0	90.5	89.2
Total Net Position	\$576.2	\$522.2	\$322.3	\$308.8	\$898.5	\$831.0

Net Position (in millions)



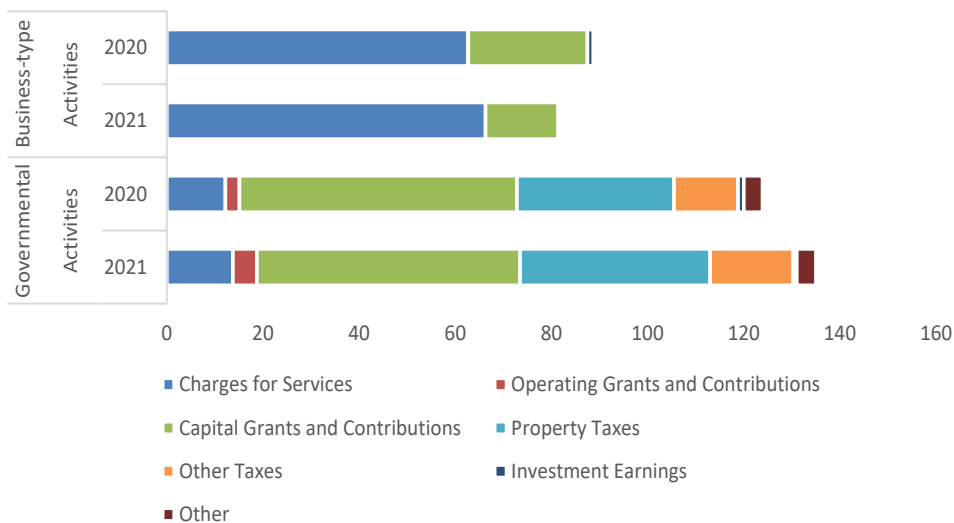
As is the case for many entities, the largest portion of the Town’s net position (\$797.5 million or 88.8%) is represented by its net investment in capital assets (e.g. land, buildings, machinery, and equipment less any related debt still outstanding that was issued to acquire those assets). These capital assets are used to provide services to citizens; consequently, they are *not* available for future spending. And although the Town’s net investment in its capital assets is reduced by the outstanding related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the capital assets cannot be used to pay these related liabilities.

Approximately \$66.8 million of street related and utility infrastructure assets were donated from developers, valued at \$54.8 million for street and sidewalk related infrastructure and land for public safety and \$12 million for utility infrastructure. Most of the remainder of the Town’s net assets (\$90.5 million or 10.1%) are unrestricted, meaning they may be used to meet the Town’s ongoing obligations to citizens and creditors.

**The Town of Apex  
Changes in Net Position  
(in millions)**

	Governmental Activities		Business-type Activities		Total	
	2021	2020	2021	2020	2021	2020
<b>Revenues:</b>						
Program Revenues:						
Charges for Services	\$13.8	\$12.2	\$66.3	\$62.6	\$80.1	\$74.8
Operating Grants and Contributions	5.0	2.9	---	0.1	5.0	3.0
Capital Grants and Contributions	54.8	57.7	15.1	24.8	69.9	82.5
General Revenues:						
Property Taxes	39.5	32.7	---	---	39.5	32.7
Other Taxes	17.3	13.3	---	---	17.3	13.3
Investment Earnings	0.7	1.2	0.2	1.2	0.9	2.4
Other	4.0	3.9	0.2	---	4.2	3.9
<b>Total Revenues</b>	<b>135.0</b>	<b>123.9</b>	<b>81.8</b>	<b>88.7</b>	<b>216.8</b>	<b>212.6</b>
<b>Expenses:</b>						
General Government	15.1	13.1	---	---	15.1	13.1
Public Safety	28.5	25.4	---	---	28.5	25.4
Public Works	23.3	21.5	---	---	23.3	21.5
Environmental Protection	5.4	4.8	---	---	5.4	4.8
Cultural and Recreation	6.8	7.1	---	---	6.8	7.1
Interest on Long-Term Debt	2.0	1.8	---	---	2.0	1.8
Water and Sewer	---	---	26.9	25.0	26.9	25.0
Electric	---	---	41.3	39.8	41.3	39.8
<b>Total Expenses</b>	<b>81.1</b>	<b>73.7</b>	<b>68.2</b>	<b>64.8</b>	<b>149.3</b>	<b>138.5</b>
<b>Change in Net Position</b>	<b>53.9</b>	<b>50.2</b>	<b>13.6</b>	<b>23.9</b>	<b>67.5</b>	<b>74.1</b>
<b>Net Position - Beginning of year</b>	<b>522.2</b>	<b>472.0</b>	<b>308.8</b>	<b>284.9</b>	<b>831.0</b>	<b>756.9</b>
<b>Net Position - End of year</b>	<b>\$576.1</b>	<b>\$522.2</b>	<b>\$322.4</b>	<b>\$308.8</b>	<b>\$898.5</b>	<b>\$831.0</b>

**Governmental Activities Revenue Sources  
(in millions)**



**Governmental activities:** Revenues related to governmental activities increased \$11.2 million, or 9%. Property tax revenues increased by \$6.8 million due to an increased tax base and sales tax revenues increased by \$3.6 million. Total expenses were up by \$7.4 million or 10.09%. Most areas experienced higher operating higher personnel costs due in part to premium pay for employees exposed to COVID 19 risks.

**Business-type activities:** Total business-type activity revenues decreased by \$7 million or 7.9% during the fiscal year. Capital contributions of water and sewer lines from developers and capital reimbursement fees decreased by \$9.7 million or 39.3%. Charges for services increased \$3.6 million or 5.8%. Spending for business-type activities increased \$3.4 million or 5%. Increases in charges for services and operations were in line with customer growth of approximately 6% during the fiscal year.

### **Financial Analysis of the Town's Funds**

As noted earlier, the Town of Apex uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements.

**Governmental Funds:** The focus of the Town of Apex's governmental funds is to provide information on near-term inflows, outflows, and balances of usable resources. Such information is useful in assessing the Town's financing requirements. Specifically, *unassigned fund balance* can be a useful measure of the Town's net resources available for spending at the end of the fiscal year. This is the portion of fund balance remaining after subtracting the amounts that have been *restricted* (usually by NC state law) or *assigned* (designated for a specific purpose by the Town's management).

The General Fund is the chief operating fund of the Town of Apex. At the end of the fiscal year, unassigned fund balance of the General Fund was \$36 million, while total fund balance increased to \$48.6 million. As a measure of the General Fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. As of June 30, 2021, unassigned fund balance was 50.5% of the year's expenditures and other financing uses (compared to 47.4% last year), while total fund balance represents 68.3% of that same amount (69.3% in 2020).

The Town strives to maintain an unassigned fund balance of 25% of expenditures. Amounts in excess of this minimum may be used for construction projects when the Town wishes to avoid the issuance of additional debt, for emergency work needed after natural disasters, or for maintaining a stable tax rate when economically dependent revenues (i.e. sales taxes) are less than budgeted amounts. The Town budgeted \$9.9 million of fund balance for the 2020-21 fiscal year to help meet the needs of a fast growing community for capital improvements. Again, revenues ended better than anticipated and expenditures were less than anticipated and total fund balance increased by \$6.4 million as a result of fiscal year operations. Total revenues were \$4.3 million more than the final budget, primarily because higher than expected revenues from property and sales taxes. In addition, total departmental expenditures and other financing uses ended the year \$11.9 million less than the final budget.

At year end, the governmental funds of Town of Apex reported a combined fund balance of \$111.5 million, a decrease of \$1.5 million from the prior year. The decrease resulted from expenditures for projects. During the year the Town spent \$24.7 million for street, recreation and general government projects. The General Fund, special revenue fund, and capital projects funds are included in this combined fund balance amount.

**General Fund Budgetary Highlights:** During the fiscal year, the Town revised the budget on several occasions. Generally, budget amendments are made to recognize new funding amounts or to increase appropriations that become necessary for a current refunding of bonds, capital projects or to expand services.

Overall, General Fund revenues increased by \$14.5 million from the prior year, an increase of 23.3%. This increase came from increases in property taxes, sales taxes and federal grants to offset COVID 19 cost.

General Fund expenditures rose by \$1.6 million, or 2.7%. Transfer to other funds increased by \$5.4 million over the prior year. Transfers were made for street and general capital projects and also in support of the Town's Affordable Housing Fund.

**Proprietary Funds:** The Town of Apex's proprietary fund financial statements provide the same type of information found in the entity-wide statements but with each of the two funds broken out separately. Unrestricted net positions of the Electric and Water and Sewer Funds at the end of the fiscal year were \$14.6 million and \$58.6 million, respectively. The changes in total net position for the Electric Fund and Water and Sewer Funds were an increase of \$3.8 million and \$9.7, respectively. The increase in the Water and Sewer Fund was due to donated assets and water and sewer capital reimbursement fees.

In the Electric Fund, operating revenues increased by \$2.4 million or 5.6% and operating expenses increased by \$1.4 million or 3.5%. Both increases mirrored the growth in customers.

In the Water and Sewer Fund, operating revenues increased by \$1.4 million or 6.6% and operating expenses increased by \$1.6 million or 6.6%. Customer growth in the Fund was 5.8%.

### **Capital Asset and Debt Administration**

**Capital assets:** The Town of Apex's investment in capital assets for its governmental and business-type activities as of June 30, 2021, totaled \$894 million (net of accumulated depreciation). These assets include buildings, streets and sidewalks, land, machinery and equipment including vehicles, park facilities, utility plants, electric and water distribution systems, and wastewater collection systems.

Major capital asset transactions during the year include the following additions (there were no significant demolitions or disposals):

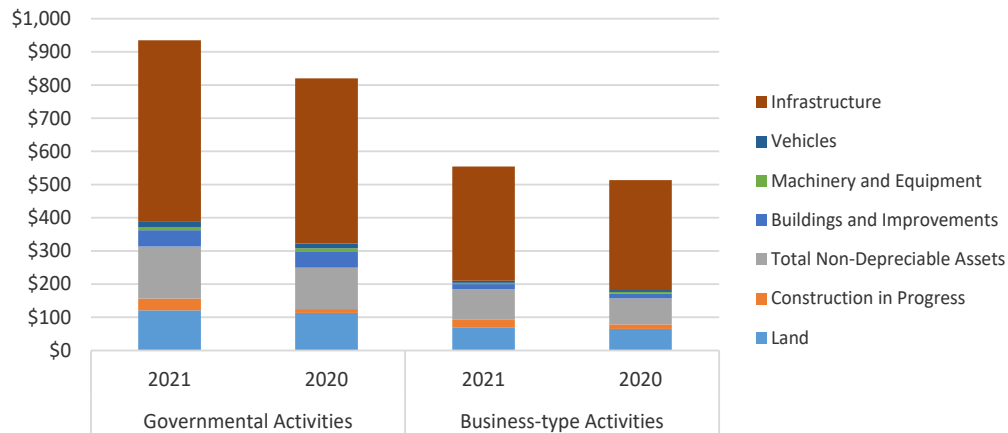
- Construction and additions in the governmental-type activities of \$83.7 million,
- Electric distribution system improvements, additions, and other capital assets of \$8.9 million,
- Water and sewer system improvements, additions, and other capital assets of \$18.2 million.

(continued on next page)

**Town of Apex  
Capital Assets  
(in millions)**

	Governmental Activities		Business-type Activities		Total	
	2021	2020	2021	2020	2021	2020
Land	\$120.4	\$113.1	\$69.9	\$65.0	\$190.3	\$178.1
Construction in Progress	36.0	11.6	22.3	13.4	58.3	25.0
<b>Total Non-Depreciable Assets</b>	<b>156.4</b>	<b>124.7</b>	<b>92.2</b>	<b>78.4</b>	<b>248.6</b>	<b>203.1</b>
Buildings and Improvements	49.5	49.2	15.1	15.1	64.6	64.3
Machinery and Equipment	9.8	9.2	4.3	4.1	14.1	13.3
Vehicles	15.3	14.6	5.9	5.7	21.2	20.3
Infrastructure	547.4	497.7	344.6	331.7	892.0	829.4
Intangibles	-	-	3.5	3.5	3.5	3.5
<b>Total Depreciable</b>	<b>622.0</b>	<b>570.7</b>	<b>373.4</b>	<b>360.1</b>	<b>995.4</b>	<b>930.8</b>
Accumulated Depreciation	(190.8)	(169.8)	(159.2)	(145.5)	(350.0)	(315.3)
<b>Total Depreciable Assets, Net</b>	<b>431.2</b>	<b>400.9</b>	<b>214.2</b>	<b>214.6</b>	<b>645.4</b>	<b>615.5</b>
<b>Total</b>	<b>\$587.6</b>	<b>\$525.6</b>	<b>\$306.4</b>	<b>\$293.0</b>	<b>\$894.0</b>	<b>\$818.6</b>

**Capital Assets (in millions)**



Additional information on the Town's capital assets can be found in Note 4 of the Notes to the Financial Statements starting on page 45.

**Long-term Debt:** As of June 30, 2021, the Town of Apex had total general obligation bonded debt outstanding of \$99 million, including \$5.3 million of deferred premium, electric revenue bonds outstanding of \$11.4 million, and installment purchase related debt of \$27.1 million. Of the general obligation bonds, \$30.5 million is being repaid from utility system revenues. The remainder of the Town's general obligation bonds, are being repaid from the General Fund. During the year, the Town issued \$34.4 million of general obligation, \$29.4 million of which were refunding bonds, and retired \$33.4 million.



**Town of Apex Outstanding Debt**  
(in millions)

	Governmental		Business-type		Total	
	Activities		Activities			
	2021	2020	2021	2020	2021	2020
General Obligation Bonds	\$68.5	\$67.1	\$30.5	\$30.9	\$99.0	\$98.0
Revenue Bonds	-	-	11.4	12.3	11.4	12.3
Installment Purchases	10.9	12.2	16.2	17.8	27.1	30.0
<b>Total</b>	<b>\$ 79.4</b>	<b>\$ 79.3</b>	<b>\$ 58.1</b>	<b>\$ 61.0</b>	<b>\$ 137.5</b>	<b>\$ 140.3</b>

North Carolina general statutes limit the amount of general obligation debt that a unit of government can issue to 8 percent of the total assessed value of taxable property located within that Town’s boundaries. The legal debt margin for Apex is \$743 million. However, this statutory limit far exceeds the Town’s realistic debt capacity.

The Town had authorized and unissued debt of \$7 million as of June 30, 2021, all of which is for street and sidewalk improvements. Additional information regarding the Town of Apex’s long-term debt can be found in Note 10 of this report beginning on page 61.

**Economic Factors and Next Year’s Budgets and Rates**

At June 30, 2021, Apex’s population was estimated by Town staff to be at 70,272. Single family residential construction was down by 6.6% for the fiscal year based upon construction value. Non-residential construction was down \$38.5 million based upon value. Despite these decreases from high levels of activity in prior years, construction activity remains strong in the area. The Town’s economic outlook will largely be dependent on the overall national economy.

Employment opportunities are derived from within the Town as well as from Raleigh, the state capital, and RTP, which employs over 65,000 in high-technology fields. In addition, the Raleigh-Durham area also contains several colleges and universities and major health care facilities. These employers have historically been relatively stable and less sensitive to economic downturns. As a result, the unemployment rate has historically been lower than the state and national averages. At year end the rate for Apex was 3.1% versus the statewide rate of 4.6% and the U.S. rate of 5.9%. Unemployment rates were higher at year end than the prior year due to the economic impacts of COVID 19. Because of the highly specialized nature of many of the citizens' employment, income levels in Wake County have also have been historically above the state and national averages.

**Budget Highlights for the Fiscal Year Ending June 30, 2022**

Governmental Funds: The General Fund’s originally adopted budget is \$71 million. The Town’s tax base increased from \$10.21 billion at January 1, 2020 to \$10.9 billion at January 1, 2021 as a result of growth and increase in property values. The Town’s tax rate increased by 1 cent to 38 cents per \$100. Revenues estimates for property taxes are \$42.7 million, 10% above the prior year budget. Most other revenues were estimated to continue at or slightly below the levels seen during 2020-21. Sales tax collected for the 2020-21 fiscal year were \$15.7 million, well above the \$11.6 million budgeted and the \$12.2 million received in FY 2019-20. Due to the uncertain impacts COVID 19 the Town had budgeted sales taxes at 5% below the amount collected in fiscal year 19-20. The 2021-22 budget for sales tax is \$15.6 million. The Town’s current 2020-21 budget projects construction and development related revenues just slightly lower than the final figures for 2020-21 contained in this report. There were modest changes in other charges and fees. The budget includes 20 new full-time positions in the General Fund, 6 of those positions are in public safety and 6 are in parks and recreation. Total budgeted revenues were up 13%, or \$8.9 million, from the original 2020-21 budget to \$77.6 million. The adopted budget appropriates \$1.5 million of fund balance.

Proprietary Funds: The Town expects continued growth in the number of customers. Rates for sewer service were increased by 1.5% and rates for electric and water services were not changed. Revenues in both funds are expected to increase from the prior year and keep pace with increased expenditures. The budget for the Electric Fund and Water Sewer funds remained virtually unchanged at \$45.8 million and \$23.7 million respectively. Apex remains committed to a number of water and sewer system improvements over the next several years with the Town of Cary. Annually, the Town reviews revised estimates of the costs of these projects and the projected revenues and expenses of the Water and Sewer Fund's to identify that sufficient capital will be available for project completion.

#### Requests for Information

This report is designed to provide an overview of the Town's finances for those with an interest in this area. Questions concerning any of the information found in this report or requests for additional information should be directed to the Finance Director, Town of Apex, Post Office Box 250, Apex, North Carolina 27502.

**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF NET POSITION**  
**June 30, 2021**

**Exhibit 1**

	<b>Governmental Activities</b>	<b>Business-type Activities</b>	<b>Total</b>
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 72,112,677	\$ 77,034,277	\$ 149,146,954
Taxes receivables (net)	122,481	-	122,481
Accounts receivable (net)	635,555	10,817,416	11,452,971
Due from other governments	7,321,881	-	7,321,881
Notes receivable	362,250	-	362,250
Prepaid items	289,599	-	289,599
Inventories	27,746	2,081,574	2,109,320
Total current assets	80,872,189	89,933,267	170,805,456
Noncurrent assets			
Restricted cash and cash equivalents	40,977,536	926,457	41,903,993
Capital assets:			
Land, improvements, and construction in progress	156,430,482	92,261,754	248,692,236
Other capital assets, net of depreciation	431,202,012	214,159,470	645,361,482
Total noncurrent assets	628,610,030	307,347,681	935,957,711
Total assets	709,482,219	397,280,948	1,106,763,167
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
OPEB deferrals	5,712,780	1,120,689	6,833,469
Pension deferrals	8,958,918	2,187,630	11,146,548
Total deferred outflows of resources	14,671,698	3,308,319	17,980,017
<b>LIABILITIES</b>			
Current liabilities:			
Accounts payable	9,092,334	7,048,585	16,140,919
Accrued interest payable	294,904	272,573	567,477
Customer deposits	-	771,133	771,133
Current portion of long-term liabilities	6,748,848	4,286,845	11,035,693
Total current liabilities	16,136,086	12,379,136	28,515,222
Long-term liabilities:			
Due in more than one year	128,729,054	65,279,243	194,008,297
Total liabilities	144,865,140	77,658,379	222,523,519
<b>DEFERRED INFLOWS OF RESOURCES</b>			
Prepaid taxes and fees	187,738	-	187,738
OPEB deferrals	2,844,102	557,935	3,402,037
Pension deferrals	118,261	15,312	133,573
Total deferred inflows of resources	3,150,101	573,247	3,723,348
<b>NET POSITION</b>			
Net investment in capital assets	548,257,775	249,228,682	797,486,457
Restricted for:			
Nonexpendable			
Perpetual Care	685,718	-	685,718
Expendable			
Stabilization by State Statute	9,553,623	-	9,553,623
Public Safety	316,865	-	316,865
Unrestricted	17,324,695	73,128,959	90,453,654
Total net position	\$ 576,138,676	\$ 322,357,641	\$ 898,496,317

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF ACTIVITIES**  
**For the Year Ended June 30, 2021**

Exhibit 2

FUNCTIONS/PROGRAMS	Program Revenues				Net (Expense) Revenue and Changes in Net Position		
	Expenses	Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Governmental Activities	Business-type Activities	Total
Governmental Activities:							
General government	\$ 15,116,123	\$ 4,953,091	\$ -	\$ -	\$ (10,163,032)	\$ -	\$ (10,163,032)
Public safety	28,529,964	-	3,200,916	-	(25,329,048)	-	(25,329,048)
Public works	23,268,649	630,845	1,806,968	54,833,138	34,002,302	-	34,002,302
Environmental protection	5,397,141	5,449,962	7,374	-	60,195	-	60,195
Cultural and recreation	6,832,905	2,730,421	-	-	(4,102,484)	-	(4,102,484)
Interest on long-term debt	2,024,504	-	-	-	(2,024,504)	-	(2,024,504)
Total governmental activities	<u>81,169,286</u>	<u>13,764,319</u>	<u>5,015,258</u>	<u>54,833,138</u>	<u>(7,556,571)</u>	<u>-</u>	<u>(7,556,571)</u>
Business-type activities:							
Electric	41,276,377	44,958,366	-	-	-	3,681,989	3,681,989
Water and Sewer	26,899,666	21,305,944	-	15,054,213	-	9,460,491	9,460,491
Total business-type activities	<u>68,176,043</u>	<u>66,264,310</u>	<u>-</u>	<u>15,054,213</u>	<u>-</u>	<u>13,142,480</u>	<u>13,142,480</u>
Total	<u>\$ 149,345,329</u>	<u>\$ 80,028,629</u>	<u>\$ 5,015,258</u>	<u>\$ 69,887,351</u>	<u>(7,556,571)</u>	<u>13,142,480</u>	<u>5,585,909</u>
General revenues:							
Taxes:							
Property taxes, levied for general purpose					39,485,046	-	39,485,046
Other taxes							
Local option sales					17,043,935	-	17,043,935
Motor vehicle licenses					242,299	-	242,299
Miscellaneous					-	-	-
Unrestricted intergovernmental					3,407,570	-	3,407,570
Unrestricted investment earnings					714,902	167,208	882,110
Miscellaneous					633,161	264,633	897,794
Total general revenues					<u>61,526,913</u>	<u>431,841</u>	<u>61,958,754</u>
Change in net position					53,970,342	13,574,321	67,544,663
Net position-beginning of year					<u>522,168,334</u>	<u>308,783,320</u>	<u>830,951,654</u>
Net position-end of year					<u>\$ 576,138,676</u>	<u>\$ 322,357,641</u>	<u>\$ 898,496,317</u>

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA  
BALANCE SHEET  
GOVERNMENTAL FUNDS  
June 30, 2021**

**Exhibit 3**

	Major Funds		Other Governmental Funds	Total Governmental Funds
	General	Recreation Capital Projects		
<b>ASSETS</b>				
Cash and cash equivalents	\$ 46,953,180	\$ 6,736,185	\$ 17,467,810	\$ 71,157,175
Restricted cash and cash equivalents	316,865	33,730,455	6,930,216	40,977,536
Receivables, net:				
Taxes	122,481	-	-	122,481
Accounts	630,766	-	-	630,766
Due from other governments	6,164,208	332,446	825,227	7,321,881
Prepaid items	283,417	-	-	283,417
Inventories	27,746	-	-	27,746
Total assets	\$ 54,498,663	\$ 40,799,086	\$ 25,223,253	\$ 120,521,002
<b>LIABILITIES, DEFERRED INFLOWS OF RESOURCES AND FUND BALANCES</b>				
Liabilities:				
Accounts payable and accrued liabilities	\$ 5,626,609	\$ 2,795,176	\$ 271,550	\$ 8,693,335
Deferred inflows of resources:				
Property taxes receivable	134,575	-	-	134,575
Prepaid taxes	37,623	-	-	37,623
Prepaid recreation fees	60,450	-	-	60,450
Prepaid fire contract	12,000	-	-	12,000
Greenway credits	-	-	77,665	77,665
Total deferred inflows of resources	244,648	-	77,665	322,313
Fund balances:				
Nonspendable				
Perpetual care	-	-	685,718	685,718
Prepaid items	283,417	-	-	283,417
Inventories	27,746	-	-	27,746
Restricted				
Stabilization by State Statute	9,553,623	-	-	9,553,623
Public Safety	316,865	-	-	316,865
Street improvements	-	-	6,244,498	6,244,498
Recreation improvements	-	33,730,455	-	33,730,455
Committed				
Library maintenance	-	-	121,713	121,713
Street improvements	-	-	6,985,197	6,985,197
Recreation improvements	-	4,273,456	-	4,273,456
General government improvements	-	-	4,633,414	4,633,414
Affordable Housing	-	-	969,554	969,554
Perpetual care	-	-	441,759	441,759
LEO pension obligation	856,785	-	-	856,785
Assigned				
Recreation improvements	-	-	823,100	823,100
Street improvements	-	-	3,969,085	3,969,085
Subsequent year's expenditures	1,549,000	-	-	1,549,000
Unassigned	36,039,969	-	-	36,039,969
Total fund balances	48,627,406	38,003,910	24,874,038	111,505,354
Total liabilities, deferred inflows of resources and fund balances	\$ 54,498,663	\$ 40,799,086	\$ 25,223,253	\$ 120,521,002

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**RECONCILIATION OF THE BALANCE SHEET TO THE STATEMENT OF NET POSITION**  
**GOVERNMENTAL FUNDS**  
**June 30, 2021**

**Exhibit 3**

Fund balances-total governmental funds \$ 111,505,354

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not financial resources and therefore are not reported in the governmental funds

Governmental capital assets	\$ 778,456,204	
Less accumulated depreciation	<u>(190,823,709)</u>	587,632,494

Deferred outflows of resources related to pensions are not reported in the funds	8,958,918
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Notes receivable are not reported in the funds	362,250
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Deferred outflows of resources related to OPEB are not reported in the funds	5,712,780
--	-----------

Long-term liabilities, including bonds payable are not due and payable in the current period and therefore are not reported in the governmental funds

Government bonds and notes payable	(79,400,508)	
Net pension liability LGERS	(12,682,664)	
Net pension liability LEO	(4,398,203)	
OPEB liability	(36,555,346)	
Compensated absences	<u>(2,441,181)</u>	(135,477,902)

An internal service fund is used by the Town to charge the costs of insurance to individual funds. The assets and liabilities of this fund are included in governmental activities in the Statement of Net Position	567,475
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Earned revenues considered deferred inflows of resources in fund statements	134,575
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Deferred inflows of resources related to pensions are not reported in the funds	(118,261)
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Deferred inflows of resources related to OPEB are not reported in the funds	(2,844,102)
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Other liabilities are not due and payable in the current period and therefore are not reported in the governmental funds

Accrued interest payable	<u>(294,904)</u>
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Net position of governmental activities	<u><u>\$ 576,138,676</u></u>
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**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCES**  
**GOVERNMENTAL FUNDS**  
**For the Year Ended June 30, 2021**

**Exhibit 4**

	<b>Major Funds</b>			<b>Total Governmental Funds</b>
	<b>General</b>	<b>Recreation Capital Projects</b>	<b>Other Governmental Funds</b>	
<b>REVENUES</b>				
Ad valorem taxes	\$ 39,461,896	\$ -	\$ -	\$ 39,461,896
Other taxes and licenses	16,061,247	-	1,218,810	17,280,057
Unrestricted intergovernmental	3,407,570	-	-	3,407,570
Restricted intergovernmental	4,665,171	-	350,087	5,015,258
Permits and fees	4,953,091	-	2,642,321	7,595,412
Sales and services	6,168,907	-	-	6,168,907
Investment earnings	656,884	23,728	34,290	714,902
Miscellaneous	1,273,751	-	44,694	1,318,445
Total revenues	<u>76,648,517</u>	<u>23,728</u>	<u>4,290,202</u>	<u>80,962,447</u>
<b>EXPENDITURES</b>				
Current:				
General government	12,798,883	-	52,280	12,851,163
Public safety	23,222,782	-	-	23,222,782
Public works	6,242,387	-	-	6,242,387
Environmental protection	4,971,402	-	-	4,971,402
Cultural and recreational	4,577,782	-	-	4,577,782
Capital outlay	3,912,442	20,538,157	4,143,769	28,594,368
Debt service:				
Principal	4,422,793	-	-	4,422,793
Interest	2,487,129	-	-	2,487,129
Bond issuance costs (refunds)	22,000	(92)	69,100	91,008
Total expenditures	<u>62,657,600</u>	<u>20,538,065</u>	<u>4,265,149</u>	<u>87,460,814</u>
Excess of revenues over (under) expenditures	<u>13,990,917</u>	<u>(20,514,336)</u>	<u>25,053</u>	<u>(6,498,366)</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers from other funds	929,499	3,768,300	9,406,325	14,104,124
Transfers to other funds	(8,556,325)	-	(5,547,799)	(14,104,124)
Bonds issued	-	-	5,000,000	5,000,000
Bond premium	-	-	-	-
Total other financing sources (uses)	<u>(7,626,826)</u>	<u>3,768,300</u>	<u>8,858,526</u>	<u>5,000,000</u>
Net change in fund balances	6,364,091	(16,746,036)	8,883,579	(1,498,366)
Fund balances-beginning of year	<u>42,263,315</u>	<u>54,749,946</u>	<u>15,990,459</u>	<u>113,003,720</u>
Fund balances-end of year	<u>\$ 48,627,406</u>	<u>\$ 38,003,910</u>	<u>\$ 24,874,038</u>	<u>\$ 111,505,354</u>

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES**  
**OF GOVERNMENTAL FUNDS TO THE STATEMENT OF ACTIVITIES**  
**For the Year Ended June 30, 2021**

**Exhibit 4**

Amounts reported for governmental activities in the statement of activities are different because:

Net changes in fund balances - total governmental funds		\$ (1,498,366)
<p>Governmental funds report capital outlays as expenditures. However, in the Statement of Activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.</p>		
Expenditures for capital assets	\$ 28,594,367	
Less current year depreciation	<u>(21,304,493)</u>	7,289,874
<p>Proceeds from the sale of governmental fund assets that do not constitute a gain on the Statement of Activities netted against losses on the Statement of Activities that are not reported in the governmental funds</p>		
		(47,539)
<p>Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds.</p>		
Developer's contributed capital and donations	54,833,138	
Change in unavailable revenue for taxes	<u>29,327</u>	54,862,465
<p>The issuance of debt provides current financial resources to governmental funds, while the repayment of principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction has any effect on net position. This amount is the net effect of these differences in the treatment of long-term debt and related items.</p>		
Amortization of bond premium	440,195	
Principal payments	4,422,793	
Issuance of debt	(5,000,000)	
Change in accrued interest payable	<u>22,430</u>	(114,582)
<p>Benefit payments paid subsequent to the measurement date for the LEOSSA are not included on the Statement of Activities</p>		
		74,802
<p>Contributions made subsequent to the measurement date for the LGERS pension plan are not included on the Statement of Activities</p>		
		2,688,403
<p>Net loss of internal service funds determined to be governmental-type</p>		
		(603,701)
<p>Repayment of loans receivable doesn't result in income to the Town</p>		
		(637,750)
<p>Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.</p>		
Change in compensated absences	(380,979)	
Pension expense LGERS	(4,438,514)	
Pension expense LEO	(494,397)	
OPEB expense	<u>(2,729,374)</u>	<u>(8,043,264)</u>
Total changes in net position of governmental activities		<u>\$ 53,970,342</u>

The accompanying notes are an integral part of these financial statements.



**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**

**Exhibit 5**

<b>General Fund</b>				
	Original	Final	Actual Amounts	Variance with Final Budget - Positive (Negative)
<b>REVENUES:</b>				
Ad valorem taxes	\$ 38,813,000	\$ 38,813,000	\$ 39,461,896	\$ 648,896
Other taxes and licenses	11,854,900	11,854,900	16,061,247	4,206,347
Unrestricted intergovernmental	3,485,000	3,485,000	3,407,570	(77,430)
Restricted intergovernmental	3,516,100	5,197,178	4,665,171	(532,007)
Permits and fees	3,957,900	3,957,900	4,953,091	995,191
Sales and services	6,423,900	6,423,900	6,168,907	(254,993)
Investment earnings	355,300	355,300	656,654	301,354
Miscellaneous	358,000	2,302,012	1,273,751	(1,028,261)
Total revenues	68,764,100	72,389,190	76,648,287	4,259,097
<b>EXPENDITURES:</b>				
Current:				
General government	14,538,400	17,353,300	13,335,055	4,018,245
Public safety	25,214,000	27,606,854	24,764,578	2,842,276
Public works	8,357,000	9,577,288	6,952,127	2,625,161
Solid waste	5,102,600	5,187,073	5,189,105	(2,032)
Cultural and recreation	6,085,600	6,698,734	5,484,813	1,213,921
Debt service:				
Principal	4,422,800	4,473,800	4,422,793	51,007
Interest and fees	2,519,700	2,446,700	2,487,129	(40,429)
Bond issuance costs	-	22,000	22,000	-
Total expenditures	66,240,100	73,365,749	62,657,600	10,708,149
Revenues over (under) expenditures	2,524,000	(976,559)	13,990,687	14,967,246
<b>OTHER FINANCING SOURCES (USES):</b>				
Transfer from other funds	-	929,499	929,499	-
Transfer to other funds	(4,744,000)	(9,712,117)	(8,556,325)	1,155,792
Contingency	(150,000)	(150,000)	-	150,000
Fund balance appropriated	2,370,000	9,909,177	-	(9,909,177)
Total other financing sources (uses)	(2,524,000)	976,559	(7,626,826)	(8,603,385)
Net change in fund balance	\$ -	\$ -	6,363,861	\$ 6,363,861
Fund balance - beginning of year			42,153,339	
Fund balance - end of year			48,517,200	
A legally budgeted Fire Capital Reserve fund is consolidated in the General Fund for reporting purposes:				
Investment earnings			230	
Fund balance - beginning of year			109,976	
Fund balance - end of year (Exhibit 4)			\$ 48,627,406	

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF NET POSITION**  
**PROPRIETARY FUNDS**  
**June 30, 2021**

**Exhibit 6**

	<b>Enterprise Funds</b>			<b>Internal Service Fund</b>
	<b>Electric Fund</b>	<b>Water and Sewer Fund</b>	<b>Totals</b>	
<b>ASSETS</b>				
Current assets:				
Cash and cash equivalents	\$ 14,805,153	\$ 62,229,124	\$ 77,034,277	\$ 955,502
Accounts receivable (net) - billed	4,553,017	2,162,670	6,715,687	4,791
Accounts receivable - unbilled	2,867,158	1,234,571	4,101,729	-
Inventories	1,741,337	340,237	2,081,574	-
Prepaid items	-	-	-	6,182
Restricted cash and cash equivalents	926,457	-	926,457	-
Total current assets	<u>24,893,122</u>	<u>65,966,602</u>	<u>90,859,724</u>	<u>966,475</u>
Noncurrent assets:				
Land and construction in progress	14,089,790	78,171,964	92,261,754	-
Other capital assets, net of depreciation	37,287,416	176,872,054	214,159,470	-
Total noncurrent assets	<u>51,377,206</u>	<u>255,044,018</u>	<u>306,421,224</u>	<u>-</u>
Total assets	<u>76,270,328</u>	<u>321,010,620</u>	<u>397,280,948</u>	<u>966,475</u>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>				
OPEB deferrals	546,677	574,012	1,120,689	-
Pension deferrals	952,395	1,235,235	2,187,630	-
Total deferred outflows of resources	<u>1,499,072</u>	<u>1,809,247</u>	<u>3,308,319</u>	<u>-</u>
<b>LIABILITIES</b>				
Current liabilities:				
Accounts payable and accrued liabilities	4,295,901	2,752,684	7,048,585	399,000
Customer deposits	771,133	-	771,133	-
Accrued interest payable	183,426	89,147	272,573	-
Bonds and notes payable	994,000	2,970,309	3,964,309	-
Compensated absences	146,138	176,398	322,536	-
Total current liabilities	<u>6,390,598</u>	<u>5,988,538</u>	<u>12,379,136</u>	<u>399,000</u>
Noncurrent liabilities:				
Compensated absences	74,797	90,285	165,082	-
Net OPEB liability	3,498,119	3,673,025	7,171,144	-
Bonds and notes payable	10,357,000	43,797,689	54,154,689	-
Net pension liability	1,647,099	2,141,229	3,788,328	-
Total noncurrent liabilities	<u>15,577,015</u>	<u>49,702,228</u>	<u>65,279,243</u>	<u>-</u>
Total liabilities	<u>21,967,613</u>	<u>55,690,766</u>	<u>77,658,379</u>	<u>399,000</u>
<b>DEFERRED INFLOWS OF RESOURCES</b>				
OPEB deferrals	272,163	285,772	557,935	-
Pension deferrals	6,657	8,655	15,312	-
Total deferred inflows of resources	<u>278,820</u>	<u>294,427</u>	<u>573,247</u>	<u>-</u>
<b>NET POSITION</b>				
Net investment in capital assets	40,952,660	208,276,022	249,228,682	-
Unrestricted	14,570,307	58,558,652	73,128,959	567,475
Total net position	<u>\$ 55,522,967</u>	<u>\$ 266,834,674</u>	<u>\$ 322,357,641</u>	<u>\$ 567,475</u>

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION**  
**PROPRIETARY FUNDS**  
**For the Year Ended June 30, 2021**

Exhibit 7

	<b>Enterprise Funds</b>			<b>Internal Service Fund</b>
	<b>Electric Fund</b>	<b>Water and Sewer Fund</b>	<b>Totals</b>	
<b>OPERATING REVENUES</b>				
Charges for services	\$ 40,591,032	\$ 20,562,567	\$ 61,153,599	\$ 6,083,253
Water and sewer taps	-	424,003	424,003	-
Other operating revenues	4,484,069	399,760	4,883,829	-
Total operating revenues	<u>45,075,101</u>	<u>21,386,330</u>	<u>66,461,431</u>	<u>6,083,253</u>
<b>OPERATING EXPENSES</b>				
Electric operations	9,993,911	-	9,993,911	-
Electric power purchases	28,106,211	-	28,106,211	-
Water and sewer operations	-	14,183,795	14,183,795	-
Depreciation	2,846,746	10,975,141	13,821,887	-
Health and dental claims	-	-	-	5,905,308
Health and dental administrative fees	-	-	-	781,646
Total operating expenses	<u>40,946,868</u>	<u>25,158,936</u>	<u>66,105,805</u>	<u>6,686,954</u>
Operating income (loss)	<u>4,128,233</u>	<u>(3,772,606)</u>	<u>355,627</u>	<u>(603,701)</u>
<b>NONOPERATING REVENUES (EXPENSES)</b>				
Investment earnings	36,935	130,273	167,208	-
Interest expense	(329,509)	(1,372,377)	(1,701,886)	-
Bond issuance costs	-	(368,353)	(368,353)	-
Miscellaneous revenue	-	67,512	67,512	-
Total nonoperating revenues (expenses)	<u>(292,574)</u>	<u>(1,542,945)</u>	<u>(1,835,519)</u>	<u>-</u>
Income before transfers and contributions	<u>3,835,659</u>	<u>(5,315,551)</u>	<u>(1,479,892)</u>	<u>(603,701)</u>
Capital contributions	-	15,054,213	15,054,213	-
Change in net position	<u>3,835,659</u>	<u>9,738,662</u>	<u>13,574,321</u>	<u>(603,701)</u>
Total net position - beginning of year	<u>51,687,308</u>	<u>257,096,012</u>	<u>308,783,320</u>	<u>1,171,176</u>
Total net position - ending	<u>\$ 55,522,967</u>	<u>\$ 266,834,674</u>	<u>\$ 322,357,641</u>	<u>\$ 567,475</u>

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA**  
**STATEMENT OF CASH FLOWS**  
**PROPRIETARY FUNDS**  
**For the Fiscal Year Ended June 30, 2021**

**Exhibit 8**

	<b>Business-Type Activities</b>			
	<b>Enterprise Funds</b>			<b>Internal Service Fund</b>
	<b>Electric Fund</b>	<b>Water and Sewer Fund</b>	<b>Totals</b>	
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>				
Cash received from customers	\$ 44,365,266	\$ 21,124,037	\$ 65,489,303	\$ 6,322,826
Cash paid for goods and services	(33,082,980)	(13,694,846)	(46,777,826)	(6,521,954)
Cash paid to or on behalf of employees for services	(4,069,956)	676,448	(3,393,508)	(66,028)
Increase in customer deposits	40,602	-	40,602	-
Net cash provided by operating activities	<u>7,252,932</u>	<u>8,105,639</u>	<u>15,358,571</u>	<u>(265,156)</u>
<b>CASH FLOWS FROM CAPITAL AND RELATED FINANCING ACTIVITIES</b>				
Acquisition and construction of capital assets	(9,027,848)	(6,550,445)	(15,578,293)	-
Bond issuance costs	-	(368,353)	(368,353)	-
Capacity and capital reimbursement fees	-	3,044,978	3,044,978	-
Principal paid on bond maturities and equipment contracts	(991,000)	(1,869,570)	(2,860,570)	-
Interest paid on bond maturities and equipment contracts	(259,225)	(1,429,792)	(1,689,017)	-
Net cash provided (used) by capital and related financing activities	<u>(10,278,073)</u>	<u>(7,173,182)</u>	<u>(17,451,255)</u>	<u>-</u>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>				
Interest	36,935	130,273	167,208	-
Net increase (decrease) in cash and cash equivalents	(2,988,206)	1,062,730	(1,925,476)	(265,156)
Balances-beginning of the year	18,719,816	61,166,394	79,886,210	1,220,659
Balances-end of the year	<u>\$ 15,731,610</u>	<u>\$ 62,229,124</u>	<u>\$ 77,960,734</u>	<u>\$ 955,503</u>
<b>RECONCILIATION OF OPERATING INCOME TO NET CASH PROVIDED BY OPERATING ACTIVITIES</b>				
Operating income (loss)	\$ 4,128,237	\$ (3,772,606)	\$ 355,631	\$ (603,701)
Adjustments to reconcile operating income to net cash provided by operating activities:				
Depreciation	2,846,746	10,975,141	13,821,887	-
Changes in assets and liabilities:				
(Increase) decrease in accounts receivable	(709,833)	(262,293)	(972,126)	239,573
(Increase) decrease in inventory	(68,317)	(54,503)	(122,820)	-
Decrease in deferred outflows of resources for pensions	(210,982)	(327,447)	(538,429)	-
Increase in net pension liability	421,803	635,117	1,056,920	-
Decrease in deferred inflows of resources for pensions	(6,087)	(6,845)	(12,932)	-
Increase (decrease) in accounts payable and accrued liabilities	268,319	543,451	811,770	98,972
Increase in accrued compensated absences	51,085	88,602	139,687	-
Decrease in deferred outflows of resources for OPEB	41,870	116,165	158,035	-
Decrease in deferred inflows of resources for OPEB	10,224	(8,666)	1,558	-
Increase in net OPEB liability	439,265	179,523	618,788	-
Increase in customer deposits	40,602	-	40,602	-
Total adjustments	<u>3,124,695</u>	<u>11,878,245</u>	<u>15,002,940</u>	<u>338,545</u>
Net cash provided (used) by operating activities	<u>\$ 7,252,932</u>	<u>\$ 8,105,639</u>	<u>\$ 15,358,571</u>	<u>\$ (265,156)</u>
<b>NON-CASH INVESTING, CAPITAL AND FINANCING ACTIVITIES</b>				
Contributions of capital assets	\$ -	\$ 12,009,235	\$ 12,009,235	\$ -
Acquisition of capital assets through capital contributions	-	(12,009,235)	(12,009,235)	-
Net effect of non-cash contributions	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>

**TOWN OF APEX, NORTH CAROLINA  
STATEMENT OF NET POSITION  
FIDUCIARY FUND  
June 30, 2021**

**Exhibit 9**

	Other Post- Employment Benefits Trust Fund
<b>ASSETS</b>	
Cash and cash equivalents	\$ 1,151,104
<b>LIABILITIES</b>	-
<b>NET POSITION</b>	
Restricted for postemployment benefits	\$ 1,151,104

The accompanying notes are an integral part of these financial statements.

**TOWN OF APEX, NORTH CAROLINA  
STATEMENT OF CHANGES IN NET POSITION  
FIDUCIARY FUND  
For the Fiscal Year Ended June 30, 2021**

**Exhibit 10**

	Other Post- Employment Benefits Trust Fund
<b>ADDITIONS</b>	
Employer contributions	\$ 641,917
Net investment income	177,074
Total additions	818,991
<b>DEDUCTIONS</b>	
Benefit payments	291,917
Change in net position	527,074
Net position, beginning of year	624,030
Net position, end of year	\$ 1,151,104

The accompanying notes are an integral part of these financial statements.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Town of Apex have been prepared in conformity with generally accepted accounting principles as applicable to governments. The following is a summary of the more significant accounting policies:

(a) Reporting Entity

The Town, a political subdivision of Wake County, is a municipal corporation governed by an elected mayor and a five member Town Council. There are no component units which are required to be included in these financial statements.

(b) Basis of Presentation

*Government-wide Statements:* The statement of net position and the statement of activities include all the nonfiduciary activities of the overall government. All fiduciary activities are reported only in the fund financial statements. Eliminations have been made to minimize the double counting of internal activities. Interfund services provided and used are not eliminated in this process. These statements distinguish between the governmental and business-type activities of the Town. Governmental activities generally are financed through taxes, intergovernmental revenues and other non-exchange transactions. Business-type activities are financed in whole or in part by fees charged to external parties.

The statement of activities presents a comparison between direct expenses and program revenues for the different business-type activities of the Town and for each function of the Town's governmental activities. Direct expenses are those that are specifically associated with a program or function and therefore, are clearly identifiable to a particular function. Program revenues include (a) fees and charges paid by the recipients of goods or services offered by the programs and (b) grants and contributions that are restricted to meeting the operational or capital requirements of a particular program. Revenues that are not classified as program revenues, including all taxes, are presented as general revenues.

*Fund Financial Statements:* The fund financial statements provide information about the Town's funds, including the internal service and pension trust funds. Separate statements for each fund category-governmental, proprietary, and fiduciary- are presented. The emphasis of fund financial statements is on major governmental and enterprise funds, each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

Proprietary fund operating revenues, such as charges for services, result from exchange transactions associated with the principal activity of the fund. Exchange transactions are those in which each party receives and gives up essentially equal values. Nonoperating revenues, such as subsidies, result from non-exchange transactions. Other non-operating revenues are from ancillary activities such as investment earnings. In addition, acreage and capacity fees are considered contributed capital and are restricted until used for capital improvements.

*The Town reports the following major governmental funds:*

General Fund – The General Fund is the general operating fund of the Town. It is used to account for all financial resources except those required to be accounted for in another fund. The primary revenue sources are ad valorem taxes, state-shared revenues, grants, building permits and fees, refuse collection charges and various other taxes and fees. The primary expenditures are for public safety, streets, sanitation, parks and recreation, and general governmental services. Additionally, the Town has legally adopted a Fire Capital Reserve Fund. Under GASB Statement 54 guidance the Fire Capital Reserve Fund is consolidated in the General Fund.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

The budgetary comparison for the Fire Capital Reserve Fund has been included in the supplemental information.

Recreation Capital Project Fund – The Recreation Capital Project Fund is used to account for financial resources to be used for projects related to the construction or improvement of recreation facilities in the Town.

*The Town reports the following major proprietary funds:*

Electric Fund – The Electric Fund is used to account for electric operations. The Electric Fund is composed of two sub-funds: Electric Operations and the Electric Substation Project Fund, which are consolidated for financial reporting purposes.

Water and Sewer Fund – The Water and Sewer Fund is used to account for water and sewer operations. The Water and Sewer Fund is composed of four sub-funds: Water and Sewer Operations, Water and Sewer Project Fund, Wastewater Treatment Plant Project Fund, Water and Sewer Capital Reserve Fund and Water and Sewer HB463 Capital Reserve Fund, which are consolidated for financial reporting purposes.

*The Town reports the following nonmajor governmental funds:*

Special Revenue Funds – The Town has two Special Revenue Funds. The Affordable Housing Fund is used to account for financial resources to be used to fund affordable housing projects in the Town and the Eva Perry Library Fund is used to account for resources that are used for future specific purposes.

Capital Project Funds – Capital project funds are used to account for financial resources to be used for the acquisition or construction of major facilities (other than those financed by proprietary funds). The Town has four non-major Capital Project Funds: the Street Improvements Capital Project Fund, the Recreation Capital Project Reserve Fund, the Transportation Capital Project Reserve Fund and the General Capital Projects Fund.

Permanent Fund – The Cemetery Permanent Fund is used to account for perpetual care of the municipal cemetery.

*Additionally, the Town reports the following fund types:*

Internal Service Fund – The Health and Dental Fund is used to account for health and dental claims of employees and certain retirees.

Trust Fund – Trust funds are used to report resources that are required to be held in trust for the members and beneficiaries of defined benefit pension plans, defined contribution plans, or other postemployment benefit plans. The Other Postemployment Benefits Trust Fund accounts for the Town's contributions for healthcare coverage provided to qualified retirees.

(c) Measurement Focus, Basis of Accounting and Financial Statement Presentation

In accordance with North Carolina General Statutes, all funds of the Town are maintained during the year using the modified accrual basis of accounting.

*Government-wide, Proprietary and Fiduciary Fund Financial Statements.* The government-wide, proprietary, and fiduciary fund financial statements are reported using the economic resources measurement focus. The government-wide, proprietary and fiduciary fund financial statements are reported using the accrual basis of accounting. Revenues are recorded when earned and expenses are recorded at the time liabilities are incurred, regardless of when the related cash flows take place. Nonexchange transactions, in which the Town gives (or



TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

receives) value without directly receiving (or giving) equal value in exchange, include property taxes, grants and donations. On an accrual basis, revenue from property taxes is recognized in the fiscal year for which the taxes are levied. Revenue from grants and donations is recognized in the fiscal year in which all eligibility requirements have been satisfied.

Amounts reported as program revenues include 1) charges to customers or applicants for goods, services or privileges provided, 2) operating grants and contributions and 3) capital grants and contributions. Internally dedicated resources are reported as general revenues rather than as program revenues. Likewise, general revenues include all taxes.

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the Town's enterprise fund are charges to customers for sales and services. The Town also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the water and sewer system. Operating expenses for enterprise funds include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

*Governmental Fund Financial Statements.* Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under this method, revenues are recognized when measurable and available. Expenditures are recorded when the related fund liability is incurred, except for principal and interest on general long-term debt, claims and judgments, and compensated absences, which are recognized as expenditures to the extent they have matured. General capital asset acquisitions are reported as expenditures in governmental funds. Proceeds of general long-term debt and acquisitions under capital leases are reported as other financing sources.

The Town considers all revenues available if they are collected within 90 days after year end, except for property taxes. Ad valorem property taxes receivable are not accrued as revenue because the amount is not susceptible to accrual. At June 30, taxes receivable for property other than motor vehicles are materially past due and are not considered to be an available resource to finance the operations of the current year. Also, as of September 1, 2013, State law altered the procedures for the assessment and collection of property taxes on registered motor vehicles in North Carolina. Effective with this change in the law, the State of North Carolina is responsible for billing and collecting the property taxes on registered motor vehicles on behalf of all municipalities and special tax districts. Property taxes are due when vehicles are registered. The billed taxes are applicable to the fiscal year in which they are received. Uncollected taxes that were billed in periods prior to September 1, 2013 and for limited registration plates are shown as a receivable in these financial statements and are offset by deferred inflows of resources.

Sales taxes and certain intergovernmental revenues, such as the utilities sales tax, collected and held by the State at year-end on behalf of the Town are recognized as revenue. Sales taxes are considered shared revenue for the Town of Apex because the tax is levied by Wake County and then remitted to and distributed by the State. Most intergovernmental revenues and sales and services are not susceptible to accrual because generally they are not measurable until received in cash. Grant revenues which are unearned at year-end are recorded as unearned revenues. Under the terms of grant agreements, the Town funds certain programs by a combination of specific cost-reimbursement grants, categorical block grants, and general revenues. Thus, when program expenses are incurred, there is both restricted and unrestricted net position available to finance the program. It is the Town's

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

policy to first apply cost-reimbursement grant resources to such programs, followed by categorical block grants, and then by general revenues.

(d) Budgetary Data

Budgets are adopted as required by North Carolina General Statutes. An annual budget ordinance is adopted for the General, special revenue, permanent, capital reserve capital projects and enterprise funds. All annual appropriations lapse at fiscal year-end. Project ordinances, which may cover more than one year, are adopted for the remaining capital project funds. The enterprise fund projects are consolidated with their respective operating fund for reporting purposes. The Town's Health and Dental Fund, an internal service fund, operates under a financial plan that was adopted by the governing board at the time the Town's budget ordinance was approved, as is required by the General Statutes. All budgets are prepared using the modified accrual basis of accounting.

Expenditures may not legally exceed appropriations at the fund level for all annually budgeted funds and at the object level for the multi-year funds. The Town Manager is authorized by the budget ordinance to transfer appropriations between functional areas within a fund. Any revisions that alter total expenditures of any fund must be approved by the Town Council. During the year several amendments to the original budget became necessary. The budget ordinance must be adopted by July 1 of the fiscal year or the governing board must adopt an interim budget that covers that time until the annual ordinance can be adopted.

(e) Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Fund Equity

1. Deposits and Investments

All deposits of the Town are made in board-designated official depositories and are secured as required by G.S. 159-31. The Town may designate as an official depository any bank or savings association whose principal office is located in North Carolina. The Town may also establish time deposits in the form of NOW accounts, Super NOW and money market accounts, and certificates of deposits.

State law G.S. 159-30(c) authorizes the Town to invest in obligations of the United States or obligations fully guaranteed both as to principal and interest by the United States; obligations of the State of North Carolina; bonds and notes of any North Carolina local government or public authority; obligations of certain non-guaranteed federal agencies; certain high quality issues of commercial paper and banker's acceptances; and the North Carolina Capital Management Trust (NCCMT). The Town's investments are reported at fair value. The NCCMT Government Portfolio, a SEC-registered (2a-7) money market mutual fund, is measured at fair value. Because the NCCMT Government Portfolio has a weighted average maturity of less than 90 days, it is presented as an investment with a maturity of less than 6 months.

General Statute 159-30.1 allows the Town to establish and fund an irrevocable trust for the purpose of paying post-employment benefits for which the Town is liable. The Town's Other Postemployment Benefit (OPEB) Trust is managed by the staff of the Department of the State Treasurer and operated in accordance with State laws and regulations. The Trust is not registered with the SEC. G.S. 159-30(g) allows the Town to make contributions to the Trust. The State Treasurer in his discretion may invest the proceeds in equities of certain publicly held companies and long or short-term fixed income investments as detailed in G.S. 147-69-2(b) (1-6) and (8). Funds submitted are managed in three different sub-funds, the State Treasurer's Short Term Investment Fund (STIF) consisting of short to intermediate treasuries, agencies and corporate issues authorized by G.S. 147-69.1, the Bond Index Fund (BIF) consisting of high-quality debt securities eligible under G.S. 147-69.2(b)(1)-(6)m and BlackRock's MSCI ACWI EQ Index Non-Lendable Class B Fund authorized under G.S. 147-69.2(b)(8).

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

The North Carolina Capital Management Trust (NCCMT) which consists of an SEC registered fund, is authorized by G.S. 159-30(c)(8). One of these funds, the Government Portfolio, is a 2a-7 fund which invests in treasuries and government agencies and is rated AAAM by S&P. The Government Portfolio is reported at fair value.

Ownership of the STIF is determined on a fair market valuation basis as of fiscal year end in accordance with the STIF operating procedures. STIF investments are valued by the custodian using Level 2 inputs which in this case involves inputs - other than quoted prices - included within Level 1 that are either directly or indirectly observable for the asset or liability. The STIF is valued at \$1 per share. The STIF portfolio is unrated and had a weighted average maturity at June 30, 2021 of 1.3 years. Under the authority of G.S. 147-69.3, no unrealized gains or losses of the STIF are distributed to participants of the fund.

The BIF is measured at fair value using Level 2 inputs and is based upon units of participation. Units of participation are calculated monthly based upon inflows and outflows as well as allocations of net earnings. BIF does not have a credit rating, was valued at \$1 per unit and had an average maturity of 8.34 years at June 30, 2021.

The Blackrock MSCI ACWI EZ Index Non-Lendable Class B fund, authorized under G.S. 147-69.2(b)(8), is a common trust fund considered to be commingled in nature. The Fund's fair value is the number of shares times the net asset value as determined by a third party. At June 30, 2021 the fair value of the funds was \$32.24591 per share. Fair value for this Blackrock fund is determined using Level 1 inputs which are directly observable, quoted prices (unadjusted) in active markets for identical assets or liabilities.

2. Cash and Cash Equivalents

The Town pools money from several funds to facilitate disbursement and investment and maximize investment income. Therefore, all cash and investments are essentially demand deposits and are considered cash and cash equivalents.

3. Restricted Assets

Certain police and fire safety moneys are classified as restricted because their use is restricted by donors or state and federal law. Money from the sale of cemetery plots is restricted for use in cemetery perpetual care. Unspent inspection funds are also classified as restricted cash because they can be expended only for the purposes outlined in State Statute (G.S. 160A-414). The unexpended bond and note proceeds in the Recreation Capital Project Fund, the Street Improvement Capital Project Fund and the Electric Capital Projects Fund are classified as restricted assets because their use is completely restricted for the purpose for which the debt was originally issued. Amounts received for Capital Reimbursement fees are restricted until spent for future capital improvements or debt service on existing capital assets.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

Restricted assets at June 30, 2021 consist of:

General Fund	
Public Safety	\$ 316,865
Street Improvements Capital Project Fund	
Future projects	6,244,498
Recreation Capital Project Fund	
Future projects	33,730,455
Electric Substation Project Fund	
Future projects	926,457
Cemetery Fund	
Environmental Services	<u>685,718</u>
Total Restricted Cash	<u>\$ 41,903,993</u>

4. Ad Valorem Taxes Receivable

In accordance with State law (G.S. 105-347 and G.S. 159-13(a)), the Town levies ad valorem taxes on property other than motor vehicles on July 1<sup>st</sup>, the beginning of the fiscal year. The taxes are due on September 1<sup>st</sup> (lien date); however, interest does not accrue until the following January 6<sup>th</sup>. These taxes are based on the assessed values as of the previous January 1<sup>st</sup>.

5. Allowances for Doubtful Accounts

An allowance for doubtful accounts is maintained on the ad valorem taxes and services receivables in the General Fund and on utility receivables in the Electric Fund and the Water and Sewer Fund. This amount is estimated by analyzing the percentage of receivables that are written off in prior years. The direct write-off method is used by the Town on all other types of receivables. Under this method, all accounts considered uncollectible at June 30, 2021 have been charged against operations.

6. Inventories and Prepaid Items

The inventories of the Town are valued at cost (weighted average), which approximates market. The Town's General Fund inventory consists of expendable supplies that are recorded as expenditures as used rather than when purchased. The inventories of the Town's enterprise funds consist of materials and supplies held for subsequent use. The cost of these inventories is expensed when consumed rather than when purchased.

Certain payments to vendors reflect amounts applicable to future accounting periods and are recorded as prepaid items in both government-wide and fund financial statements. The cost of prepaid items is recorded as expenditures/expenses when consumed rather than when purchased.

7. Capital Assets

Capital assets are defined by the government as assets with an initial, individual cost of \$5,000 or more and an estimated useful life in excess of one year. Donated capital assets received prior to June 30, 2015 are recorded at their estimated fair value at the date of donation. Donated capital assets received after June 30, 2015 are recorded at acquisition value. All other purchased or constructed capital assets are reported at cost or estimated historical cost. General infrastructure assets acquired prior to July 1, 2003 consist of the road network assets and Water and Sewer, as well as Electric assets that were acquired or received substantial improvements subsequent

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

to July 1, 1980 and are reported at estimated historical cost using deflated replacement cost. Other costs incurred for repairs and maintenance is expensed as incurred.

Capital assets are depreciated on a straight-line basis as follows:

<u>Item</u>	<u>Life</u>
Buildings	30 years
Vehicles and Motorized Equipment	3-10 years
Utility Improvements	30-40 years
Buildings and Land Improvements	10-30 years
Land Improvements	10 to 33 years
Equipment and Furniture	5 to 8 years

8. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *Deferred Outflows of Resources*, represents a consumption of net position that applies to a future period and so will not be recognized as an expense or expenditure until then. The Town has two items that meet this criterion, pension deferrals and OPEB deferrals for the 2021 fiscal year. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *Deferred Inflows of Resources*, represents an acquisition of net position that applies to a future period and so will not be recognized as revenue until then. The Town has seven items that meets the criterion for this category – prepaid taxes, prepaid recreation fees, prepaid fire contract, greenway credits, property taxes receivable and pension and OPEB deferrals.

9. Long-term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the effective interest method. Bonds payable are reported net of the applicable bond premium or discount. Bond issuance costs are expensed in the reporting period in which they are incurred.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual net proceeds received, are reported as debt service expenditures.

10. Compensated Absences

The vacation policy of the Town allows employees to carry forward each December 31 of up to thirty (30) days earned vacation leave with such leave being fully vested when earned. The Town's policy for compensatory time provides for an unlimited accumulation of earned compensatory time, which is vested. For the Town's government-wide and proprietary funds, an expense and a liability for compensated absences and the salary-related payments are recorded as the leave is earned. The Town has assumed a first-in, first-out method of using accumulated compensated time. The portion of that time that is estimated to be used in the next fiscal year has been designated as a current liability in the government-wide financial statements.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

The Town’s sick leave policy provides for unlimited accumulation of earned sick leave. Sick leave does not vest but any unused sick leave accumulated at the time of retirement may be used in the determination of length of service for retirement purposes. Since the Town has no obligation for the sick leave until it is actually taken, no accrual for sick leave has been made.

11. Net position/Fund Balances

Net position

Net position in government-wide and proprietary fund financial statements is classified as invested in net capital assets, restricted, and unrestricted. Restricted net position represent constraints on resources that are either externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through state statute.

Fund Balances

In the governmental fund financial statements, fund balance is composed of five classifications designed to disclose the hierarchy of constraints placed on how fund balance can be spent.

The governmental fund types classify fund balances as follows:

Non-spendable Fund Balance

This classification includes amounts that cannot be spent because they are either (a) not in spendable form or (b) legally or contractually required to be maintained intact.

*Cemetery perpetual care* – Cemetery resources that are required to be retained in perpetuity for maintenance of the cemetery.

*Prepaid items* - portion of fund balance that is not an available resource because it represents the year-end balance of prepaid items, which are not spendable resources.

*Inventories* – portion of fund balance that is not an available resource because it represents the year-end balance of ending inventories, which are not spendable resources.

Restricted Fund Balance

This classification includes amounts of fund balance restricted by or subject to externally enforceable legal restrictions, including, but not limited to creditors, grantors, contributors, or other governments through enabling legislation.

*Restricted for Stabilization by State Statute* - North Carolina G.S. 159-8 prohibits units of government from budgeting or spending a portion of their fund balance. This is one of several statutes enacted by the North Carolina State Legislature in the 1930’s that were designed to improve and maintain the fiscal health of local government units. Restricted by State statute (RSS), is calculated at the end of each fiscal year for all annually budgeted funds. The calculation in G.S. 159-8(a) provides a formula for determining what portion of fund balance is available for appropriation. The amount of fund balance not available for appropriation is what is known as “restricted by State statute”. Appropriated fund balance in any fund shall not exceed the sum of cash and investments minus the sum of liabilities, encumbrances, and deferred revenues arising from cash receipts, as those figures stand at the close of the fiscal year next preceding the budget. Per GASB guidance, RSS is considered a resource upon which a restriction is “imposed by law through constitutional provisions or enabling legislation.” RSS is reduced by inventories and prepaids as they are classified as

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

nonspendable. Outstanding encumbrances are included within RSS. RSS is included as a component of Restricted Net position and Restricted fund balance on the face of the balance sheet.

*Restricted for public safety* – portion of fund balance that is restricted by revenue source for certain public safety expenditures.

*Restricted for street improvements* – portion of fund balance is unexpended debt proceeds and restricted until used for capital improvement for which the debt was issued.

*Restricted for recreation improvements* – portion of fund balance is unexpended debt proceeds and restricted until used for capital improvement for which the debt was issued.

Committed Fund Balance

This classification includes amounts of fund balance that can only be used for specific purposes imposed by a resolution approved by majority vote of a quorum of the Town of Apex's Town Council (highest level of decision-making authority). The governing body can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

*Committed for cemetery perpetual care* – portion of fund balance committed by the Council for maintenance of the cemetery.

*Committed for street improvements* – portion of fund balance committed by the Council for street capital improvements.

*Committed for recreation improvements* – portion of fund balance committed by the Council for recreational capital improvements.

*Committed for affordable housing* – portion of fund balance committed by the Council for affordable housing expenditures.

*Committed for library maintenance* – portion of fund balance committed by the Council for Perry Library expenditures.

*Committed for LEO pension obligation* – portion of fund balance that will be used for the Law Enforcement Officers' Special Separation Allowance obligations.

*Committed for general improvements* – portion of fund balance committed by the Council for general capital improvements.

Assigned Fund Balance

This classification includes amounts of fund balance that reflect a government's intended use of resources. Assignments are created, amended, or eliminated by the Town Council through budget ordinances or amendments to previously approved budget ordinances.

*Assigned for recreation improvements* – portion of fund balance budgeted by the Council for recreation capital improvements.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (continued)

*Assigned for street improvements* - portion of fund balance that has been budgeted by the Council for street improvements.

*Assigned for subsequent years expenditures* – portion of fund balance that is appropriated in the next year’s budget that is not already classified in restricted or committed.

Unassigned Fund Balance

The portion of fund balance that has not been restricted, committed, or assigned to specific purposes or other funds.

The Town has adopted a minimum fund balance policy for the General Fund which states that unassigned fund balance will be at least 25% of expenditures. For purposes of fund balance classification, expenditures are to be spent from restricted fund balance first, followed by committed, then assigned, and lastly unassigned. For programs with multiple revenue sources, the Town uses the following hierarchy: bond proceeds first, then federal funds, State funds, local non-Town funds, and finally Town funds. The Finance Director has the authority to deviate from this policy if it is in the best interest of the Town.

Defined Benefit Pension and OPEB Plans

The Town participates in one cost-sharing, multiple-employer, defined benefit pension plan that is administered by the State; the Local Governmental Employees’ Retirement System (LGERS), and one OPEB plan, the Healthcare Benefits Plan (HCB). For purposes of measuring the net pension asset or liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net positions of the state-administered defined benefit pension plan and additions to/deductions from the state-administered defined benefit pension plans’ fiduciary net position have been determined on the same basis as they are reported by the state-administered defined benefit pension plans. For this purpose, plan member contributions are recognized in the period in which the contributions are due. The Town’s employer contributions are recognized when due and the Town has a legal requirement to provide the contributions. Benefits and refunds are recognized when due and payable in accordance with the terms of the state-administered defined benefit pension plans. For purposes of measuring the net OPEB liability, deferred outflows and inflows of resources related to OPEB, and OPEB expense, information about the fiduciary net position of the HCB and additions to/deductions from the HCB’s fiduciary net position have been determined on the same basis as they are reported by the HCB. For this purpose, the HCB recognizes benefit payments when due and payable in accordance with the benefit terms. Investments for all plans are reported at fair value.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

Note 2 – DEPOSITS AND INVESTMENTS

Deposits - All of the Town’s deposits are either insured or collateralized by using one of two methods. Under the Dedicated Method, all deposits exceeding the federal depository insurance coverage are collateralized with securities held by the Town’s agent in the Town’s name. Under the Pooling Method, which is a collateral pool, all uninsured deposits are collateralized with securities held by the State Treasurer’s agent in the name of the State



TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 2 – DEPOSITS AND INVESTMENTS (continued)

Treasurer. Since the State Treasurer is acting in a fiduciary capacity for the Town, these deposits are considered to be held by the Town’s agent in the Town’s name. The amount of the pledged collateral is based on an approved averaging method for non-interest bearing deposits and the actual current balance for interest bearing deposits. Depositories using the Pooling Method report to the State Treasurer the adequacy of their pooled collateral covering uninsured deposits. The State Treasurer does not confirm this information with the Town or the escrow agent. Because of the inability to measure the exact amount of collateral pledged for the Town under the Pooling Method, the potential exists for under-collateralization, and this risk may increase in periods of high cash flows. However, the State Treasurer of North Carolina enforces strict standards of financial stability for each depository that collateralizes public deposits under the Pooling Method. The Town has no formal policy regarding custodial credit risk for deposits, but relies on the State Treasurer to enforce standards of minimum capitalization for all pooling method financial institutions and to monitor them for compliance. The Town complies with the provisions of G.S. 159-31 when designating official depositories and verifying that deposits are properly secured.

At June 30, 2021, the carrying amount of the Town’s deposits was \$86,144,799 and the bank balance was \$86,690,565. Of the bank balance, \$35,356,730 was covered by federal depository insurance and \$51,334,023 was covered by collateral held under the pooling method. At June 30, 2021, the Town had \$1,875 of petty cash on hand.

Investments – at June 30, 2021, the Town’s investments consisted of the following:

Investments by Type	Valuation Measurement Method	Book Value	Maturity	Rating
NC Capital Management Trust	Fair Value			
Government Portfolio	Level 1	\$ 104,907,125	N/A	AAAm

All investments are measured using the market approach: using prices and other relevant information generated by market transactions involving identical or comparable assets or a group of assets. Level of fair value hierarchy: Level 1: Debt securities valued using directly observable, quoted prices (unadjusted) in active markets for identical assets.

*Interest Rate Risk:* The Town has a policy limiting its exposure to fair value losses arising from increasing interest rates by limiting maturities of investments to three years or less from the date of purchase.

*Credit Risk:* The Town has no formal policy regarding credit risk, but has internal management procedures that limits the Town’s investment to the provisions of G.S. 159-30 and restricts the purchase of securities to the highest possible rating whenever particular types of securities are rated. The Town’s investment in the NC Capital Management Trust Government Portfolio carried a rating of AAAM by Standard and Poor’s as of June 30, 2021.

*Custodial Credit Risk:* For an investment, the custodial risk is the risk that in the event of the failure of the counterparty, the Town will not be able to recover the value of its investments or collateral securities that are in the possession of an outside party. The Town has no formal policy on custodial credit risk, but management procedures are that the Town shall utilize a third party custodial agent for book entry transactions, all of which shall be held in the Town’s name.

At June 30, 2021 the Town Healthcare Benefits (HCB) Plan Fund had \$1,148,252 invested in the State Treasurer’s Local Government Other Post-Employment Benefits (OPEB) Trust pursuant to G.S. 159-30.1. The State Treasurer’s OPEB Trust may invest in public equities and both long-term and short-term fixed income obligations as determined by the State Treasurer pursuant to General Statutes. At year-end, the State Treasurer’s

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 2 – DEPOSITS AND INVESTMENTS (continued)

OPEB Trust was invested as follows: State Treasurer’s STIF 0.09%; State Treasurer’s BIF 24.48% and BlackRock’s MSCI ACWI EQ Index Non-Lendable Class B Fund 71.43% (the equities were split with 58.82% in domestic securities and 41.18% in international securities).

Note 3 – RECEIVABLES - ALLOWANCE FOR DOUBTFUL ACCOUNTS

The amounts shown on the Balance Sheet and the Statement of Net Position for receivables for the year ended June 30, 2021 are net of the following allowances for doubtful accounts:

Fund	Allowance for Uncollectible:	
General Fund	Property Taxes Receivable	\$ 112,723
General Fund	Services Receivables	80,558
Electric Fund	Utility Receivables	774,943
Water and Sewer Fund	Utility Receivables	314,696
	Total	\$ 1,282,920

Note 4 – CAPITAL ASSETS

Capital asset activity for the year ended June 30, 2021, was as follows:

	Beginning Balances	Increases	Decreases	Ending Balances
<b>Governmental activities:</b>				
Capital assets not being depreciated:				
Land	\$ 113,102,781	\$ 7,356,288	\$ -	\$ 120,459,069
Construction in progress	11,567,894	24,681,926	278,407	35,971,413
Total capital assets not being depreciated	124,670,675	32,038,214	278,407	156,430,482
Capital assets being depreciated:				
Buildings	49,190,518	320,470	-	49,510,988
Other improvements	497,745,335	49,623,961	-	547,369,296
Equipment and furniture	8,986,134	857,899	-	9,844,033
Vehicles and motorized equipment	14,780,094	865,368	344,059	15,301,403
	570,702,081	51,667,698	344,059	622,025,720
Less accumulated depreciation for:				
Buildings	21,106,200	1,621,821	-	22,728,022
Other improvements	133,760,169	17,432,143	-	151,192,312
Equipment and furniture	4,723,787	721,672	-	5,445,459
Vehicles and motorized equipment	10,225,580	1,528,856	296,520	11,457,917
Total accumulated depreciation	169,815,736	\$ 21,304,492	\$ 296,520	190,823,708
Total capital assets being depreciated, net	400,886,345			431,202,012
Governmental activity capital assets, net	\$ 525,557,020			\$ 587,632,494

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 4 – CAPITAL ASSETS (continued)

Depreciation expense was charged to  
functions/programs as follows:

General government	\$ 975,873
Public safety	1,874,727
Public works	16,365,752
Environmental protection	256,122
Cultural and recreational	<u>1,832,018</u>
Total	<u>\$ 21,304,492</u>

(continued on next page)

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 4 – CAPITAL ASSETS (continued)

<b>Business activities</b>	Beginning			Ending
<b>ELECTRIC FUND</b>	Balances	Increases	Decreases	Balances
Capital assets not being depreciated:				
Land	\$ 2,827,007	\$ 11,927	\$ -	\$ 2,838,934
Construction in progress	4,772,895	6,477,961	-	11,250,856
Total capital assets not being depreciated	<u>7,599,902</u>	<u>6,489,888</u>	<u>-</u>	<u>14,089,790</u>
Capital assets being depreciated:				
Utility improvements	58,225,956	2,118,293	-	60,344,249
Building and land improvements	6,780,804	-	-	6,780,804
Equipment and furniture	1,192,271	44,719	-	1,236,990
Vehicles and motorized equipment	2,713,574	278,788	144,061	2,848,301
Total capital assets being depreciated	<u>68,912,605</u>	<u>2,441,800</u>	<u>144,061</u>	<u>71,210,344</u>
Less accumulated depreciation for:				
Utility improvements	24,632,720	1,908,742	-	26,541,462
Building and land improvements	3,741,289	636,944	-	4,378,233
Equipment and furniture	797,254	62,734	-	859,988
Vehicles and motorized equipment	2,048,980	238,327	144,061	2,143,246
Total accumulated depreciation	<u>31,220,243</u>	<u>2,846,746</u>	<u>144,061</u>	<u>33,922,928</u>
Total capital assets being depreciated, net	<u>37,692,362</u>	<u>\$ (404,946)</u>	<u>\$ -</u>	<u>37,287,416</u>
Capital assets, net	<u>\$ 45,292,264</u>			<u>\$ 51,377,206</u>
<b>WATER AND SEWER FUND</b>	Beginning			Ending
<b>WATER AND SEWER FUND</b>	Balances	Increases	Decreases	Balances
Capital assets not being depreciated:				
Land	\$ 62,241,389	\$ 4,948,235	\$ -	\$ 67,189,624
Construction in progress	8,593,866	2,388,474	-	10,982,340
Total capital assets not being depreciated	<u>70,835,255</u>	<u>7,336,709</u>	<u>-</u>	<u>78,171,964</u>
Capital assets being depreciated:				
Utility improvements	273,523,905	10,728,456	-	284,252,361
Building and land improvements	8,343,274	-	-	8,343,274
Intangibles	3,490,000	-	-	3,490,000
Equipment and furniture	2,886,522	144,507	-	3,031,029
Vehicles and motorized equipment	3,068,061	2,006	-	3,070,067
Total capital assets being depreciated	<u>291,311,762</u>	<u>10,874,969</u>	<u>-</u>	<u>302,186,731</u>
Less accumulated depreciation for:				
Utility improvements	105,062,382	10,167,919	-	115,230,301
Building and land improvements	1,776,042	266,710	-	2,042,752
Intangibles	3,490,000	-	-	3,490,000
Equipment and furniture	1,923,977	189,423	-	2,113,400
Vehicles and motorized equipment	2,087,136	351,088	-	2,438,224
Total accumulated depreciation	<u>114,339,537</u>	<u>10,975,140</u>	<u>-</u>	<u>125,314,677</u>
Total capital assets being depreciated, net	<u>176,972,225</u>	<u>\$ (100,171)</u>	<u>\$ -</u>	<u>176,872,054</u>
Capital assets, net	<u>\$ 247,807,480</u>			<u>\$ 255,044,018</u>

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 4 – CAPITAL ASSETS (continued)

Construction Commitments

At June 30, 2021, the Town had contractual commitments as follows:

Project	Spent to Date	Remaining Commitment
Street Improvements Projects	\$ 8,289,791	\$ 5,765,169
Recreation Capital Projects	27,806,296	12,910,239
Wastewater Treatment Plant Projects	423,492	120,820
Water/Sewer Capital Projects	10,558,847	4,442,260
Electric Substation Capital Project	11,363,659	884,156

Note 5 – PENSION PLAN OBLIGATIONS

(a) Local Governmental Employees' Retirement System

1. Plan Description

The Town of Apex is a participating employer in the statewide Local Governmental Employees' Retirement System (LGERS), a cost-sharing multiple-employer defined benefit pension plan administered by the State of North Carolina. LGERS membership is comprised of general employees and local law enforcement officers (LEOs) of participating local government entities. Article 3 of North Carolina G.S. Chapter 128 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. Management of the plan is vested in the LGERS Board of Trustees, which consists of 13 members – nine appointed by the Governor, one appointed by the State Senate, one appointed by the State House of Representatives, and the State Treasurer and State Superintendent, who serve as ex-officio members. The Local Governmental Employees' Retirement System is included in the Comprehensive Annual Financial Report (CAFR) for the State of North Carolina. The State's CAFR includes financial statements and required supplementary information for LGERS. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 981-5454, or at [www.osc.nc.gov](http://www.osc.nc.gov).

*Benefits Provided.* LGERS provides retirement and survivor benefits. Retirement benefits are determined as 1.85% of the member's average final compensation times the member's years of creditable service. A member's average final compensation is calculated as the average of a member's four highest consecutive years of compensation. Plan members are eligible to retire with full retirement benefits at age 65 with five years of creditable service, at age 60 with 25 years of creditable service, or at any age with 30 years of creditable service. Plan members are eligible to retire with partial retirement benefits at age 50 with 20 years of creditable service or at age 60 with five years of creditable service (age 55 for firefighters). Survivor benefits are available to eligible beneficiaries of members who die while in active service or within 180 days of their last day of service and who have either completed 20 years of creditable service regardless of age (15 years of creditable service for firefighters and rescue squad members who are killed in the line of duty) or have completed five years of service and have reached age 60. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions. The plan does not provide for automatic post-retirement benefit increases. Increases are contingent upon actuarial gains of the plan.

LGERS plan members who are LEOs are eligible to retire with full retirement benefits at age 55 with five years of creditable service as an officer, or at any age with 30 years of creditable service. LEO plan members are eligible to retire with partial retirement benefits at age 50 with 15 years of creditable service as an officer. Survivor benefits are available to eligible beneficiaries of LEO members who die while in active service or within 180 days of their last day of service and who also have either completed 20 years of creditable service

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 5 – PENSION PLAN OBLIGATIONS (continued)

regardless of age, or have completed 15 years of service as a LEO and have reached age 50, or have completed five years of creditable service as a LEO and have reached age 55, or have completed 15 years of creditable service as a LEO if killed in the line of duty. Eligible beneficiaries may elect to receive a monthly Survivor's Alternate Benefit for life or a return of the member's contributions.

*Contributions.* Contribution provisions are established by General Statute 128-30 and may be amended only by the North Carolina General Assembly. Town of Apex employees are required to contribute 6% of their compensation. Employer contributions are actuarially determined and set annually by the LGERS Board of Trustees. The Town of Apex's contractually required contribution rate for the year ended June 30, 2021, was 10.90% of compensation for law enforcement officers and 10.15% for general employees and firefighters, actuarially determined as an amount that, when combined with employee contributions, is expected to finance the costs of benefits earned by employees during the year. Contributions to the pension plan from the Town of Apex were \$3,497,748 for the year ended June 30, 2021.

*Refunds of Contributions* – Town employees who have terminated service as a contributing member of LGERS, may file an application for a refund of their contributions. By state law, refunds to members with at least five years of service include 4% interest. State law requires a 60 day waiting period after service termination before the refund may be paid. The acceptance of a refund payment cancels the individual's right to employer contributions or any other benefit provided by LGERS.

***Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions***

At June 30, 2021, the Town reported a liability of \$16,470,992 for its proportionate share of the net pension liability. The net pension liability was measured as of June 30, 2020. The total pension liability used to calculate the net pension liability was determined by an actuarial valuation as of December 31, 2019. The total pension liability was then rolled forward to the measurement date of June 30, 2020 utilizing update procedures incorporating the actuarial assumptions. The Town's proportion of the net pension liability was based on a projection of the Town's long-term share of future payroll covered by the pension plan, relative to the projected future payroll covered by the pension plan of all participating LGERS employers, actuarially determined. At the June 30, 2020 measurement date, the Town's proportion was 0.46093%, which was an increase of 0.03320% from its proportion measured as of June 30, 2019.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 5 – PENSION PLAN OBLIGATIONS (continued)

For the year ended June 30, 2021, the Town recognized pension expense of \$5,740,663. At June 30, 2021 the Town reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 2,079,997	\$ -
Changes of assumptions	1,225,765	-
Net difference between projected and actual earnings on pension plan investments	2,317,851	-
Changes in proportion and differences between Town contributions and proportionate share of contributions	368,930	66,564
Contributions subsequent to the measurement date	3,497,748	-
<b>Total</b>	<b>\$ 9,490,291</b>	<b>\$ 66,564</b>

The \$3,497,748 reported as deferred outflows of resources related to pensions resulting from Town contributions subsequent to the measurement date, before the fiscal year end, will be recognized as a decrease of the net pension liability in the year ended June 30, 2022.

Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

**Year ended June 30:**

2022	\$ 1,691,338
2023	2,219,403
2024	1,329,273
2025	685,965
<b>Total</b>	<b>\$ 5,925,979</b>

*Actuarial Assumptions.* The total pension liability in the December 31, 2019 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	3.00 percent
Salary increases	3.50-8.10 percent, including inflation and productivity factor
Investment rate of return	7.00 percent, net of pension plan investment expense, including inflation

The plan currently uses mortality tables that vary by age, gender, employee group (i.e. general, law enforcement officer) and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 5 – PENSION PLAN OBLIGATIONS (continued)

The actuarial assumptions used in the December 31, 2019 valuation were based on the results of an actuarial experience study for the period January 1, 2010 through December 31, 2014.

Future ad hoc COLA amounts are not considered to be substantively automatic and are therefore not included in the measurement.

The projected long-term investment returns and inflation assumptions are developed through review of current and historical capital markets data, sell-side investment research, consultant whitepapers, and historical performance of investment strategies. Fixed income return projections reflect current yields across the U.S. Treasury yield curve and market expectations of forward yields projected and interpolated for multiple tenors and over multiple year horizons. Global public equity return projections are established through analysis of the equity risk premium and the fixed income return projections. Other asset categories and strategies' return projections reflect the foregoing and historical data analysis. These projections are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target allocation and best estimates of arithmetic real rates of return for each major asset class as of June 30, 2020 are summarized in the following table:

<u>Asset Class</u>	<u>Target Allocation</u>	<u>Long-Term Expected Real Rate of Return</u>
Fixed Income	29.0%	1.4%
Global Equity	42.0%	5.3%
Real Estate	8.0%	4.3%
Alternatives	8.0%	8.9%
Credit	7.0%	6.0%
Inflation Protection	6.0%	4.0%
Total	<u>100%</u>	

The information above is based on 30 year expectations developed with the consulting actuary for the 2020 asset liability and investment policy study for the North Carolina Retirement Systems, including LGERS. The long-term nominal rates of return underlying the real rates of return are arithmetic annualized figures. The real rates of return are calculated from nominal rates by multiplicatively subtracting a long-term inflation assumption of 3.05%. All rates of return and inflation are annualized.

*Discount rate.* The discount rate used to measure the total pension liability was 7.00 %. The projection of cash flows used to determine the discount rate assumed that contributions from plan members will be made at the current contribution rate and that contributions from employers will be made at statutorily required rates, actuarially determined. Based on these assumptions, the pension plan's fiduciary net position was projected to be available to make all projected future benefit payments of the current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

*Sensitivity of the Town's proportionate share of the net pension liability to changes in the discount rate.* The following presents the Town's proportionate share of the net pension liability calculated using the discount rate of 7.00 percent, as well as what the Town's proportionate share of the net pension asset or net pension liability would be if it were calculated using a discount rate that is one percentage point lower (6.00 percent) or one percentage point higher (8.00 percent) than the current rate:



TOWN OF APEX, NORTH CAROLINA  
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June 30, 2021

	1% Decrease (6.00%)	Current Discount Rate (7.00%)	1% Increase (8.00%)
Town's proportionate share of the net pension liability (asset)	\$ 33,417,849	\$ 16,470,992	\$ 2,386,963

*Pension plan fiduciary net position.* Detailed information about the pension plan's fiduciary net position is available in the separately issued ACFR for the State of North Carolina.

(b) Law Enforcement Officers Special Separation Allowance

1. Plan Description

The Town of Apex administers a public employee retirement system (the *Separation Allowance*), a single-employer defined benefit pension plan that provides retirement benefits to the Town's qualified sworn law enforcement officers under the age of 62 who have completed at least 30 years of creditable service or have attained 55 years of age and have completed five or more years of creditable service. The Separation Allowance is equal to .85 percent of the annual equivalent of the base rate of compensation most recently applicable to the officer for each year of creditable service. The retirement benefits are not subject to any increases in salary or retirement allowances that may be authorized by the General Assembly. Article 12D of G. S. Chapter 143 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly.

All full-time law enforcement officers of the Town are covered by the Separation Allowance. At December 31, 2019, the Separation Allowance's membership consisted of:

Retirees receiving benefits	6
Active plan members	92
Total	98

2. Summary of Significant Accounting Policies

**Basis of Accounting:** The Town has chosen to fund the Separation Allowance on a pay as you go basis. Pension expenditures are made from the General Fund, which is maintained on the modified accrual basis of accounting. Benefits and refunds are recognized when due and payable in accordance with the terms of the plan.

The Separation Allowance has no assets accumulated in a trust that meets the following criteria which are outlined in GASB Statement 73. At June 30, 2021, \$856,785 of committed net position was available to pay Separation Allowance obligations.

3. Actuarial Assumptions

The entry age normal method was used in the December 31, 2019 valuation. The total pension liability in the December 31, 2019 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Discount rate	1.93 percent
Projected salary increases	3.25 - 7.75 percent, including inflation and productivity factor
Includes inflation at	2.50 percent

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 5 – PENSION PLAN OBLIGATIONS (continued)

The discount rate used to measure the total pension liability is the S&P Municipal Bond 20 Year High Grade Rate Index. Mortality rates are based on the Pub-2010 amount-weighted tables projected to the valuation date using MP-2019, projected forward generationally from the valuation date using MP-2019.

4. Contributions

The Town is required by Article 12D of G. S. Chapter 143 to provide these retirement benefits and has chosen to fund the amounts necessary to cover the benefits earned on a pay as you go basis through appropriations made in the General Fund operating budget. There were no contributions made by employees.

The Town's obligation to contribute to this plan is established and may be amended by the North Carolina General Assembly. Administration costs of the Separation Allowance are financed through investment earnings. The Town paid \$141,961 as benefits came due for the reporting period.

***Pension Liabilities, Pension Expense, and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions***

At June 30, 2021, the Town reported a total pension liability of \$4,398,203. The total pension liability was measured as of December 31, 2020 based on a December 31, 2019 actuarial valuation. The total pension liability was then rolled forward to the measurement date of December 30, 2020 utilizing update procedures incorporating the actuarial assumptions. For the year ended June 30, 2021, the Town recognized pension expense of \$563,399.

At June 30, 2021 the Town reported deferred outflows of resources and deferred inflows of resources related to the pension from the following sources:

	<b>Deferred Outflows of Resources</b>	<b>Deferred Inflows of Resources</b>
Differences between expected and actual experience	\$ 442,906	\$ -
Changes of assumptions	1,138,549	67,009
Town benefit payments and administrative costs subsequent to the measurement date	74,802	-
Total	\$ 1,656,257	\$ 67,009

The \$74,802 reported as deferred outflows of resources related to pensions resulting from Town contributions subsequent to the measurement date will be recognized as a decrease of the net pension liability in the year ended June 30, 2022.

Other amounts reported as deferred inflows of resources related to pensions will be recognized in pension expense as follows:

**Year ended June 30:**

2022	\$	307,568	
2023		310,526	
2024		299,369	
2025		265,032	
2026		215,043	
Thereafter		116,908	
Total		\$ 1,514,446	

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

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Note 5 – PENSION PLAN OBLIGATIONS (continued)

*Sensitivity of the Town's total pension liability to changes in the discount rate.* The following presents the Town's total pension liability calculated using the discount rate of 1.93%, as well as what the Town's total pension liability would be if it were calculated using a discount rate that is one percentage point lower (0.93%) or one percentage point higher (2.93%) than the current rate:

	1% Decrease (0.93%)	Current Discount Rate (1.93%)	1% Increase (2.93%)
Total pension liability	\$ 4,791,937	\$ 4,398,203	\$ 4,038,281

The plan currently uses mortality tables that vary by age, and health status (i.e. disabled and healthy). The current mortality rates are based on published tables and based on studies that cover significant portions of the U.S. population. The healthy mortality rates also contain a provision to reflect future mortality improvements.

Schedule of Changes in Total Pension Liability  
Law Enforcement Officers' Special Separation Allowance

Beginning balance	\$	2,937,447
Service cost		161,1762
Interest on total pension liability		93,447
Difference between expected and actual experience		140,103
Changes of assumptions or other inputs		1,207,405
Benefit payments		(141,961)
Ending balance of the total pension liability	\$	<u>4,398,203</u>

The actuarial assumptions used in the December 31, 2019 valuation were based on the results of an actuarial experience study for the period January 1, 2015 through December 31, 2019.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 5 – PENSION PLAN OBLIGATIONS (continued)

(c) Total Expense, Liabilities, and Deferred Outflows and Inflows of Resources Related to Pensions

The following is information related to the proportionate share and pension expense for all pension plans:

	<u>LGERS</u>	<u>LEOSSA</u>	<u>TOTAL</u>
Pension Expense	\$ 5,740,663	\$ 563,399	\$ 5,304,062
Pension Liability	16,470,992	4,398,203	20,869,195
Proportionate share of the net pension liability	.46093%	N/A	
 Deferred Outflows of Resources			
Differences between expected and actual experience	2,079,997	442,906	2,522,903
Changes of assumptions	1,225,765	1,138,549	2,364,314
Net difference between projected and actual earnings on plan investments	2,317,851	-	2,317,851
Changes in proportion and differences between contributions and proportionate share of contributions	368,930	-	368,930
Benefit payments and administrative costs paid subsequent to the measurement date	3,497,748	74,802	3,572,550
 Deferred Inflows of Resources			
Changes of assumptions	-	67,009	67,009
Changes in proportion and differences between contributions and proportionate share of contributions	66,564	-	66,564

(d) Supplemental Retirement Income Plan for Law Enforcement Officers

1. Plan Description

The Town contributes to the Supplemental Retirement Income Plan (Plan), a defined contribution pension plan administered by the Department of State Treasurer and a Board of Trustees. The Plan provides retirement benefits to law enforcement officers employed by the Town. Article 5 of G. S. Chapter 135 assigns the authority to establish and amend benefit provisions to the North Carolina General Assembly. The Supplemental Retirement Income Plan for Law Enforcement Officers is included in the CAFR for the State of North Carolina. The State's ACFR includes the pension trust fund financial statements for the Internal Revenue Code Section 401(k) plan that includes the Supplemental Retirement Income Plan for Law Enforcement Officers. That report may be obtained by writing to the Office of the State Controller, 1410 Mail Service Center, Raleigh, North Carolina 27699-1410, or by calling (919) 981-5454.

2. Funding Policy

Article 12E of G. S. Chapter 143 requires the Town to contribute each month an amount equal to five percent of each officer's salary, and all amounts contributed are vested immediately. Also, the law enforcement officers may make voluntary contributions to the plan. The Town made contributions of \$329,596 for the reporting year.

(e) Supplemental Retirement Income Plan for all Other Employees

All other employees of the Town (excludes Law Enforcement Officers) are members of the Town's 401(k) plan, a defined contribution pension plan as described above. Participation begins six months after the date of employment. In a defined contribution plan, benefits depend solely on amounts contributed to the plan plus investment earnings.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 5 – PENSION PLAN OBLIGATIONS (continued)

The Town contributes each month an amount equal to five percent of eligible employees' salary. The Town made contributions of \$1,368,131 for the reporting year.

Note 6 – OTHER POST EMPLOYMENT BENEFIT

***Healthcare Benefits***

1. Plan Description

The Town administers a single-employer defined healthcare benefit (HCB) plan to cover retirees of the Town who participate in the North Carolina Local Government Employees' Retirement System and have met the minimum 15 year service requirement with the Town. Employees who were hired on or after July 1, 2020 are not eligible for benefits. Employees hired prior to July 1, 2020 who have 15-19 years of service at retirement will receive 50% of the benefits. Employees hired prior to July 1, 2020 with 20-24 years of continuous creditable service with the Town will receive 75% of the benefits and those who have 25 or more years of continuous creditable service with the Town at the time of their retirement will receive full benefits. The Town's retirees can also purchase coverage for their dependents at the Town's group rates as long as they had dependent coverage at the time of retirement. The Town Council may amend the benefit provisions. A separate report was not issued for the plan.

2. Plan Membership

At June 30, 2019, the date of the last actuarial valuation (used in these calculations), membership of the plan consisted of the following:

Retirees and dependents receiving benefits	48
Terminated plan members entitled to but not yet receiving benefits	-
Active plan members	445
Total	493

3. Benefits Provided

The HCB Plan provides healthcare benefits for retirees. The Town pays the full cost of post retirement health insurance for qualified retirees until the earlier of age 65, covered under Medicare coverage, or covered under another individual insurance plan. The Town is insured through private insurers. Post-retirement spouse and dependent coverage is allowed under the plan, provided the monthly cost is paid by the retiree, and is only provided to spouses and dependents covered at the time of the employee's retirement and continues until the earlier of the death of the retiree or the date the retiree reaches age 65. Below are coverages based on creditable service under the Plan for employees who qualify for benefits.

4. Contributions

The Town Council established the contribution requirements of plan members, which may be amended by the Council. Per a Town resolution, the Town is required to contribute the projected pay-as-you-go financing requirements, with an additional amount to pre-fund benefits as determined annually by the Council, effective October 21, 2008. For the current year, the Town made total contributions of \$641,917 to the plan. The Fund is accounted for as a trust fund.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 6 – OTHER POST EMPLOYMENT BENEFIT (continued)

5. Investment Policy

The HCB Plan’s policy in regard to the allocation of invested assets is established and may be amended by the Town Council by a majority vote of its members. It is the policy of the Council to pursue an investment strategy that reduces risk through the prudent diversification of the portfolio across a broad selection of distinct asset classes. The HCB Plan’s discourages the use of cash equivalents, except for liquidity purposes, and aims to refrain from dramatically shifting asset class allocations over short time spans. Investments are values at fair value. The following was the Council’s adopted asset allocation policy as of June 30, 2021:

<u>Asset Class</u>	<u>Target Allocation</u>		<u>Long-Term Expected Real Rate of Return</u>	
	<u>2021</u>	<u>2020</u>	<u>2021</u>	<u>2020</u>
Bond Index Fund	40.0%	40.0%	4.00%	4.00%
Equity Index Fund	60.0%	60.0%	4.00%	4.00%
Total	<u>100.0%</u>	<u>100.0%</u>		

6. Rate of Return

For the year ended June 30, 2021, the annual money weighted rate of return on investments, net of investment expense, was 23.74%. The money-weighted rate of return expresses investment performance, net of investment expense, adjusted for the changing amounts actually invested.

The components of the net OPEB liability of the Town at June 30, 2021 were as follows:

Total OPEB Liability	\$ 44,877,594
Plan fiduciary net position	<u>1,151,104</u>
Town’s net OPEB Liability	<u>\$ 43,726,490</u>
 Plan fiduciary net position as a Percentage of the total OPEB liability	  2.56%

7. Actuarial Assumptions

The total OPEB liability was determined by an actuarial valuation as of June 30, 2019 using the following actuarial assumptions, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.50 percent
Salary increases	3.25 to 8.41 percent, including inflation and productivity factor
Investment rate of return	4.00 percent, net of OPEB plan investment expense, including inflation
Healthcare cost trend rates	7.00 percent decreasing to an ultimate rate of 4.5 percent by 2026

The total OPEB liability was rolled forward to June 30, 2021 utilizing update procedures incorporating the actuarial assumptions.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 6 – OTHER POST EMPLOYMENT BENEFIT (continued)

Mortality rates were based on the Pub-2010 base rates projected to the valuation date using MP-2019, projected forward generationally from the valuation date using MP-2019. For general employees, rates are adjusted for males by 96% under age 81 then blended to 100% at age 85 and beyond. Rates for females are 100% of rates under age 92 then blended to 110% at age 94 and beyond.

The actuarial assumptions used in the June 30, 2019 valuation was based on the results of an actuarial experience study for the period January 1, 2015 through December 31, 2019. The long-term expected rate of return on OPEB plan investments was determined using a building-block method in which best-estimate ranges of expected future real rates of return (expected returns, net of investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighing the expected future real rates of return by the major target asset allocation percentage and by adding expected inflation. Best estimates of arithmetic real rates of return for each major asset class included in the target asset allocation as of June 30, are presented above.

8. Discount Rate

The discount rate used to measure the total OPEB liability June 30, 2021 was 2.16%. The projection of cash flows used to determine the discount rate assumed that the Town will contribute \$350,000 annually to the plan.

9. Sensitivity of the Net OPEB liability to Changes in the Discount Rate

The following presents the net OPEB liability of the Town at June 30, 2021, as well as what the Town's net OPEB liability would be if it were calculated using a discount rate that is 1-percentage-point lower (1.16%) or 1-percentage-point higher (3.16%) than the current discount rate:

		1% Decrease (1.16%)		Discount Rate (2.16%)		1% Increase (3.16%)
Net OPEB liability	\$	54,381,661	\$	43,726,490	\$	35,678,288

10. Sensitivity of the Net OPEB liability to Changes in the Healthcare Cost Trend Rates

The following presents the net OPEB liability of the Town at June 30, 2021, as well as what the Town's net OPEB liability would be if it were to calculate healthcare cost trend rates that are 1-percentage-point lower (7.00 percent) or 1-percentage-point higher (8.00 percent) than the current healthcare cost trend rate:

		1% Decrease (6.00% decreasing to 3.5%)		Healthcare cost Trend Rate (7.00% Decreasing to 4.5%)		1% Increase (8.00% decreasing to 5.5%)
Net OPEB liability	\$	33,905,671	\$	43,726,490	\$	57,348,979

11. Changes in Net OPEB Liability

OPEB Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to OPEB. At June 30, 2021 the Town reported a net OPEB liability of \$43,726,490. The total OPEB liability used to calculate the net OPEB liability was determined by an actuarial valuation as of June 30, 2019. The total OPEB liability was then rolled forward to the measurement date of June 30, 2021 utilizing update procedures incorporating the actuarial assumptions.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 6 – OTHER POST EMPLOYMENT BENEFIT (continued)

At June 30, 2021, the components of the net OPEB liability of the Town, measured as of June 30, 2021, were as follows:

	Increase (Decrease)		
	Total OPEB Liability (a)	Plan Fiduciary Net Position (b)	Net OPEB Liability (a)-(b)
Balances at June 30, 2020	\$ 41,807,091	\$ 624,030	\$ 41,183,061
Changes for the Year:			
Service cost	2,910,827	-	2,910,827
Interest	920,729	-	920,729
Differences between Expected and Actual experience	(132,118)	-	(132,118)
Changes of assumptions	(337,017)	-	(337,017)
Contributions	-	641,917	(641,917)
Net investment income	-	177,074	177,074
Benefit Payments	(291,117)	(291,117)	-
Net Changes	3,070,504	527,074	2,543,430
Balances at June 30, 2021	<u>\$ 44,877,594</u>	<u>\$ 1,151,104</u>	<u>\$ 43,726,490</u>

12. Changes of Assumptions

Changes of assumptions and other inputs reflect a change in the discount rate from 2.21 percent in 2020 to 2.16 percent in 2021. Decremental and salary increase assumptions have been updated based on the most recent NCLGERS experience analysis.

For the year ended June 30, 2021, the Town recognized OPEB expense of \$4,149,674. At June 30, 2021, the Town reported deferred outflows of resources and deferred inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 152,271	\$ 1,357,808
Changes of assumptions	6,681,198	1,925,805
Net difference between projected and actual earnings on plan investments	-	118,424
Total	<u>\$ 6,833,469</u>	<u>\$ 3,402,037</u>

Amounts reported as deferred outflows of resources and deferred inflows of resources will be recognized in OPEB expense as follows:

Year ended June 30:	
2022	\$ 350,010
2023	350,011
2024	349,021
2025	350,438
2026	494,328
Thereafter	1,537,623
Total	<u>\$ 3,431,431</u>



TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 6 – OTHER POST EMPLOYMENT BENEFIT (continued)

(g) Other Employment Benefits

The Town has elected to provide death benefits to employees through the Death Benefit Plan for members of the Local Governmental Employees' Retirement System (Death Benefit Plan), a multiple-employer State-administered cost sharing plan funded on a one year-term cost basis. Employees who die in active service after one year of contributing membership in the System, or who die within 180 days after retirement or termination of service and have at least one year of contributing membership service in the System at the time of death are eligible for death benefits. Lump sum death benefit payments to beneficiaries are equal to the employee's 12 highest months' salary in a row during the 24 months prior to his/her death, but the benefit may not exceed \$50,000 or be less than \$25,000. Because all death benefit payments are made from the Death Benefit Plan and not by the Town, the Town does not determine the number of eligible participants. The Town has no liability beyond the payment of monthly contributions. The contributions to the Death Trust Plan cannot be separated between the post-employment benefit amount and the other benefit amount. Contributions are determined as a percentage of monthly payroll based upon rates established annually by the State. Separate rates are set for employees not engaged in law enforcement and for law enforcement officers. The Town considers these contributions to be immaterial.

Note 7 – DEFERRED INFLOWS/OUTFLOWS OF RESOURCES

Deferred outflows of resources at year-end are comprised of the following:

LGERS pension	
Contributions to pension plan in the current fiscal year	\$ 3,497,748
Differences between expected and actual experience	2,079,997
Changes of assumptions	1,225,765
Net difference between projected and actual earnings	2,317,851
Changes in proportion and differences between contributions and proportionate share of contributions	368,930
LEO pension	
Benefit payments made and administrative expenses	74,802
Differences between expected and actual experience	442,906
Changes of assumptions	1,138,549
OPEB	
Differences between expected and actual experience	152,271
Changes of assumptions	6,681,198
Total deferred outflows of resources	<u>\$ 17,980,017</u>

Deferred inflows of resources at year-end are comprised of the following:

	Statement of Net Position	General Fund Balance Sheet
Prepaid taxes (General Fund)	\$ 37,623	\$ 37,623
Prepaid recreation fees (General Fund)	60,450	60,450
Prepaid fire contract (General Fund)	12,000	12,000
Taxes receivable (General Fund)	-	134,575
Greenway credits (Recreation Capital Reserve)	77,665	77,665
Changes in proportion and differences between employer contributions and proportionate share of contributions-LGERS	66,564	-
Changes in assumptions-LEO	67,009	-
Differences between expected and actual experience-OPEB	1,357,808	-
Changes of assumptions-OPEB	1,925,805	-
Net differences between projected and actual earnings-OPEB	118,424	-
Total deferred inflows of resources	<u>\$ 3,723,348</u>	<u>\$ 322,313</u>

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 8 – RISK MANAGEMENT

The Town is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omission; injuries to employees; and natural disasters. The Town’s current property insurance provides up to \$5,000,000 per occurrence coverage with a \$50,000 deductible in flood zones B, C, and X only; the Town does not carry flood insurance in other zones because flood plain maps show insignificant property values within flood plains. The Town’s employees who have access to \$100 or more at any given time of the Town’s funds are included in the Town’s crime insurance policy that includes employee dishonesty, forgery and alteration, inside the premises theft of money or securities, and outside the premises theft of money or securities. The Finance Director is individually bonded for \$100,000. Other risks are mitigated through various means as detailed below.

Workers’ Compensation - The Town is a participant in an insurance pool administered by the North Carolina League of Municipalities. This pool is self-sustaining through member premiums and has reinsured through commercial companies for claims in excess of the amounts covered through the pool. The Town retains a portion of the risk through deductibles up to \$25,000.

Property and general liability – The Town maintains commercial insurance with deductibles up to \$25,000. There have been no significant reductions in insurance coverage in the prior year, and settled claims have not exceeded coverage in any of the past three fiscal years.

Health and Dental Claims – The Town self-funds health and dental coverage for all permanent employees. Employees can add dependents to this coverage by paying a portion of the premium. All claims are administered by a third party, Cigna Health Care. As of June 30, 2021, a reserve of \$399,000 for health and dental was calculated for claims incurred but not reported and items reported but not paid. The liability is reported in accounts payable on the financial statements and is expected to be paid within the next fiscal year. Settlements have not exceeded coverages for the past three fiscal years. Changes in the balances of claims liabilities during the past three years are as:

	Health Claims	Dental Claims	Total
Balance-June 30, 2020	234,000	-	234,000
Claims reported and changes in estimates for FY 2021	5,594,101	321,969	5,916,070
Claims paid in FY 2021	(5,429,101)	(321,969)	(5,751,070)
Balance-June 30, 2021	\$ 399,000	\$ -	\$ 399,000

Note 9 – CLAIMS, JUDGEMENTS AND CONTINGENT LIABILITIES

At June 30, 2021, the Town was a defendant to various lawsuits. In the opinion of the Town’s management and the Town’s attorney, the ultimate effect of these legal matters will not have a material adverse effect on the Town’s financial position.

Note 10 – LONG-TERM DEBT

(a) General Obligation Bonds

The Town’s general obligation bonds serviced by the governmental funds were issued for the acquisition of parks and recreation facilities and construction of streets and sidewalks. Those general obligation bonds issued to finance the construction of facilities utilized in the operations of the water and sewer systems and which are being retired by its resources are reported as long-term debt in the Water and Sewer Fund. All general obligation bonds are collateralized by the full faith, credit and taxing power of the Town. Principal and interest requirements are appropriated when due.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

Bonds payable at June 30, 2021 are comprised of the following individual issues:

\$1,105,000 April 17, 2018 Parks and Recreational Facility refunding bonds due in annual installments of varying amounts from \$100,000 to \$115,000 through June 1, 2028 plus interest at 5.0%.	\$ 785,000
\$23,000,000 April 27, 2018 Public Improvement serial bonds, due in annual installments of varying amounts from \$540,000 to \$1,905,000 through June 1, 2038 interest at varying rates from 3.0-5.0%.	21,310,000
\$1,800,000 June 4, 2020 Parks and Recreation Series 2020A serial bonds, due in annual installments of \$900,000 through June 1, 2022, interest at 5.0%.	900,000
\$28,000,000 June 4, 2020 Parks and Recreation Series 2020B serial bonds, due in annual installments of varying amounts from \$590,000 to \$1,490,000 through June 1, 2040, interest at varying rates from 2.0-5.0%.	27,410,000
\$2,445,000 June 4, 2020 Parks and Recreation refunding bonds, due in annual installments of varying amounts from \$260,000 to \$275,000 through June 1, 2029, interest at 5.0%.	2,185,000
\$4,670,000 March 26, 2013 Parks and Recreation refunding bonds, due in annual installments of varying amounts from \$15,000 to \$515,000 through February 1, 2025, interest at varying rates from 2.0-3.0%.	1,965,000
\$6,000,000 March 26, 2013 Parks and Recreational serial bonds, due in annual installments of \$300,000 through February 1, 2033, interest at varying rates from 2.0-5.0%.	3,600,000
<b><i>Serviced by the Water and Sewer Fund:</i></b>	
\$35,000,000 June 19, 2012 Wastewater System, Series 2012 due in annual installments of varying amounts from \$685,000 to \$2,740,000 through June 1, 2022, interest at varying rates from 2.0-5.0%.	1,045,000
\$29,440,000 Water and Wastewater taxable refunding bonds, due in annual installments of varying amounts from \$1,475,000 to \$2,545,000 through June 1, 2037, interest at varying rates from 0.3% to 2.03%.	29,440,000
<b><i>Directly placed general obligation bonds payable at June 30, 2021 consist of the following issue:</i></b>	
\$5,000,000 May 20, 2021 Street and Sidewalk serial bonds, due in annual installments of \$500,000 through May 1, 2031, interest at 1.05%	5,000,000
	\$ 93,640,000

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

At June 30, 2021 the Town of Apex had a legal debt margin of \$742,619,659.

Annual debt service requirements to maturity for general obligation bonds at June 30, 2021 are as follows:

Year Ending June 30:	Governmental Activities		Business-Type Activities	
	Principal	Interest	Principal	Interest
2022	\$ 3,715,000	\$ 2,117,986	\$ 1,405,000	\$ 445,586
2023	3,715,000	1,970,757	1,475,000	423,608
2024	3,725,000	1,828,607	1,505,000	417,706
2025	3,725,000	1,685,807	1,530,000	408,678
2026	3,520,000	1,542,706	1,560,000	397,968
2027-2031	17,980,000	5,531,783	8,995,000	1,705,002
2032-2036	17,005,000	2,595,589	11,470,000	934,108
2037-2040	9,770,000	504,226	2,545,000	51,664
Total	\$ <u>63,155,000</u>	\$ <u>80,932,458</u>	\$ <u>30,485,000</u>	\$ <u>4,784,320</u>

(b) Installment Notes

The Town's installment notes outstanding at June 30, 2021 are as follows:

**Serviced by the General Fund:**

\$6,000,000 installment obligation to BB&T due in semi-annual installments of \$206,897 principal plus interest at 2.51% through 2032 secured by land. \$ 4,551,724

\$6,424,000 installment obligation to Pinnacle Bank due in annual installments of varying amounts from \$410,800 to \$679,000 through 2028 plus interest of 1.85% secured by land and buildings. 2,998,000

\$4,500,000 installment obligation to Pinnacle Bank due in annual installments of varying amounts from \$125,000 to \$340,000 through 2031 secured by land and buildings. 3,400,000

**Serviced by the Water and Sewer Fund:**

\$1,159,825 installment obligation to the Town of Cary for the Regional Wastewater Treatment Plant due in annual installments of \$57,991 through 2027 plus interest of 2.205%, secured by land. 316,319

\$8,045,000 installment obligation to Pinnacle Bank for Water and Sewer Improvements due in annual installments of varying amounts from \$410,800 to \$661,219 through 2028 plus interest of 2.7%, secured by water improvements 4,394,000

\$355,059 installment obligation to the Town of Cary for the Regional Wastewater Treatment Plant due in annual installments of \$17,753 through 2031 plus interest of 2.205%, secured by land. 150,040

**\$ 15,810,083**

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

Annual debt service requirements to maturity for installment notes at June 30, 2021 are as follows:

Year Ending June 30:	Governmental Activities		Business-Type Activities	
	Principal	Interest	Principal	Interest
2022	\$ 1,208,793	\$ 230,014	\$ 642,669	\$ 100,206
2023	1,200,793	204,919	659,284	86,268
2024	1,190,793	179,973	675,284	72,016
2025	1,182,793	155,213	695,603	57,384
2026	1,173,793	130,601	714,217	42,314
2027-2031	4,578,966	311,476	1,473,302	47,290
2032	413,793	7,790	-	-
Total	\$ 10,949,724	\$ 1,219,986	\$ 4,860,359	\$ 405,477

(c) Revolving Fund Loans

The Town has a promissory note issued by the North Carolina Department of Environment, Health, and Natural Resources for the construction of a regional wastewater treatment plant and for water system improvements. Future revenues of the sanitary sewer system and the water system collateralize the notes. These debts are recorded as long-term debt in the water and sewer fund with principal and interest requirements appropriated when due.

The Town's promissory notes outstanding at June 30, 2021 are as follows:

Serviced by the Water and Sewer Fund:

\$17,500,000 promissory note issued for the construction of a regional wastewater treatment plant. Future revenues of the sanitary sewer system collateralize the note due in annual installments of \$875,000 beginning May 1, 2015 through May 1, 2034 plus interest at 2.22% \$ 11,375,000

Annual debt service requirements to maturity for promissory notes at June 30, 2021 are as follow:

Year Ending June 30:	Principal	Interest
2022	\$ 875,000	\$ 252,525
2023	875,000	233,100
2024	875,000	213,675
2025	875,000	194,250
2026	875,000	174,825
2027-2031	4,375,000	582,750
2032-2034	2,625,000	116,550
Total	\$ 11,375,000	\$ 1,767,675

(d) Revenue Bond

\$7,300,000 Electric Revenue Bond, Series 2009, issued for electrical system improvements, due in annual installments of varying amounts from \$375,000 to \$617,000 through 2024, interest at 3.62%. \$ 1,787,000

\$10,000,000 Electric Revenue Bond, Series 2019, issued for electrical system improvements, due in annual installments of \$419,000 to \$598,000 through 2039, interest at 2.0%. 9,564,000

\$ 11,351,000

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

The Town has been in compliance with the covenants as to rates, fees, rentals and charges in Section 704 of the Bond Order, authorizing the issuance of the Electric Revenue Bonds, Series 2009 and Series 2019, since its adoption in 2009. Section 704(a) of the Bond Order requires that income available for debt service plus 15% of Electric Fund Unrestricted Net position as of the last day of the prior fiscal year will not be less than 120% of the long-term debt service requirement for the current fiscal year.

The debt service requirement coverage ratio calculation for the year ended June 30, 2021 is as follows:

Current revenues	\$	45,112,036
Current expenses		<u>37,608,759</u>
Subtotal		7,503,277
15% of Unrestricted Net Position, 6-30-20		<u>1,966,329</u>
Income available for debt service	\$	<u>9,469,606</u>
Debt service, principal and interest		
Paid (Revenue Bond only)	\$	<u>1,250,224</u>
Debt Service Coverage Ratio		<u>757%</u>

Per rate covenants, current expenses do not include depreciation expense of \$2,846,746, debt service interest of \$329,509 and the increase in other post-employment benefits of \$491,359.

The Town has pledged future electric customer revenues, net of specified operating expenses, to repay \$7,300,000 in electric system revenue bonds issued in May 2009. Proceeds from the bonds provided financing for electrical system improvements. The bonds are payable solely from electric customer net revenues and are payable through 2024. The total principal and interest remaining to be paid on the bonds is \$1,917,898. Principal and interest paid for the current year and the income available for debt service was \$639,780 and \$9,469,606 respectively.

The Town has pledged future electric customer revenues, net of specified operating expenses, to repay \$10,000,000 in electric system revenue bonds issued in September 2019. Proceeds from the bonds provided financing for electrical system improvements. The bonds are payable solely from electric customer net revenues and are payable through fiscal year 2040. The total principal and interest remaining to be paid on the bonds is \$11,590,140. Principal and interest paid for the current year and the income available for debt service was \$610,444 and \$9,469,606 respectively.

Annual debt service requirements to maturity for the revenue bonds at June 30, 2021 is as follows:

Year Ending June 30:	Principal	Interest
2022	\$ 994,000	\$ 255,969
2023	1,022,000	226,885
2024	1,053,000	196,695
2025	444,000	165,640
2026	453,000	156,760
2027-2031	2,406,000	644,160
2032-2036	2,656,000	393,760
2037-2040	<u>2,323,000</u>	<u>117,280</u>
Total	<u>\$ 11,351,000</u>	<u>\$ 2,157,038</u>

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

(f) Changes in Long-Term Liabilities

Long-term liability activity for the year ended June 30, 2021, was as follows:

	Beginning Balance	Increases	Decreases	Ending Balance	Amounts Due Within One Year
<b>Governmental activities:</b>					
General obligation bonds	\$ 61,360,000	\$ -	\$ 3,205,000	\$ 58,155,000	\$ 3,215,000
Plus deferred premium	5,735,979	-	440,195	5,295,784	407,834
Bonds from direct placements	-	5,000,000	-	5,000,000	500,000
<b>Total bonds payable</b>	<b>67,095,979</b>	<b>5,000,000</b>	<b>3,645,195</b>	<b>68,450,784</b>	<b>4,122,834</b>
Installment notes	12,167,517	-	1,217,793	10,949,724	1,208,793
Compensated absences	2,060,203	1,782,674	1,401,696	2,441,181	917,221
Net pension liability (LGERS)	8,949,565	9,061,739	5,328,640	12,682,664	-
Total pension liability (LEO)	2,937,447	1,602,717	141,961	4,398,203	-
Net OPEB liability	34,630,706	3,006,667	1,082,027	36,555,346	-
<b>Governmental activity long-term liabilities</b>	<b>\$ 127,841,417</b>	<b>\$ 20,453,797</b>	<b>\$ 12,817,312</b>	<b>\$ 135,477,902</b>	<b>\$ 6,748,848</b>
<b>Business-type activities:</b>					
General obligation bonds	\$ 29,640,000	\$ 29,440,000	\$ 28,595,000	\$ 30,485,000	\$ 1,405,000
Plus deferred premium	1,258,924	-	1,211,284	47,640	47,640
<b>Total bonds payable</b>	<b>30,898,924</b>	<b>29,440,000</b>	<b>29,806,284</b>	<b>30,532,640</b>	<b>1,452,640</b>
Installment notes	17,806,155	-	1,570,796	16,235,359	1,517,669
Revenue bond	12,342,000	-	991,000	11,351,000	994,000
Compensated absences	347,931	442,431	302,744	487,618	322,536
Net pension liability (LGERS)	2,731,407	2,746,371	1,689,450	3,788,328	-
Net OPEB liability	6,552,355	824,889	206,100	7,171,144	-
<b>Business-type activity long-term liabilities</b>	<b>\$ 70,678,772</b>	<b>\$ 33,453,691</b>	<b>\$ 34,566,374</b>	<b>\$ 69,566,089</b>	<b>\$ 4,286,845</b>

Compensated absences, other post-employment benefits and net pension obligation for governmental activities typically have been liquidated in the General Fund.

In October of 2020, the Town refinanced two installment financing agreements. This refinancing resulted in a total economic gain of \$426,305 and reduced debt service payments for the General Fund and Water Sewer fund by \$294,831 and \$175,485, respectively.

In November 2020, the Town of Cary, with whom Apex jointly operates a wastewater treatment facility, refunded four state revolving loans and issued \$23.28 million of Combined Enterprise System Revenue Refunding Bonds, Series 2020B. Although this loan is Cary's debt, Cary has an interlocal agreement with the Town to pay a portion of the debt service (principal and interest) on the original state revolving loans that was also applied to this refinancing. Apex's share of the debt is equal to their proportionate share of the capital projects financed. This tax-exempt refunding resulted in a savings of \$39,311 to business-type activities.

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 10 – LONG-TERM DEBT (continued)

In the current fiscal year, the Town issued \$29,440,000 in water and sewer bonds with interest rates ranging from 0.3% to 2.03%. The proceeds were used to advance refund \$27,615,000 of outstanding general obligation Wastewater System Bonds, Series 2012 dated June 19, 2012 and stated to mature on June 1, 2023 to 2037. This refunding resulted in an economic gain of \$3,549,598 and reduced debt service payments by \$4,041,171 for the Town’s business-type activities.

The Town’s outstanding bonds from direct placement related to governmental activities of \$5,000,000 contain a provision that in the event of default the lender may seek payment from the Town and pursue any other remedies permitted under State law.

Note 11 – NET INVESTMENT IN CAPITAL ASSETS

	Governmental	Business-type
Capital assets	\$ 587,632,494	\$ 306,421,224
Less: Long-term debt net of unspent bond proceeds	(39,374,719)	(57,192,542)
Net investment in capital assets	\$ 548,257,775	\$ 249,228,682

Note 12 – FUND BALANCE

The following schedule provides management and citizens with information on the portion of General Fund balance that is available for appropriation:

Total fund balance-General Fund	\$	48,627,406
Less:		
Inventories		(27,746)
Prepaid items		(283,417)
Stabilization by State Statute		(9,553,623)
Restricted for Public Safety		(316,865)
Committed for LEO pension obligation		(856,785)
Assigned for subsequent year’s expenditures		(1,549,000)
Remaining fund balance	\$	36,039,970

Note 12 – FUND BALANCE (continued)

The outstanding encumbrances are amounts needed to pay any commitments related to purchase orders and contracts that remain unperformed at year-end.

Encumbrances – General Fund	\$	2,770,745
Encumbrances – Electric Fund		246,755
Encumbrances – Water and Sewer Fund		293,830



TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

Note 13 – INTERFUND BALANCES AND ACTIVITY

A summary of interfund transfers follows:

From Fund	To Fund	Amount	Purpose
Transportation Reserve	General Fund	\$ 361,427	Fund improvements
Transportation Reserve	Street Improvements Fund	850,000	Fund improvements
Recreation Capital Project Fund-Capital Reserve	General Fund	568,072	Fund improvements
Recreation Capital Project Fund-Capital Reserve	Recreation Capital Projects Fund	3,768,300	Fund improvements
General Fund	Street Improvements Project Fund	6,056,325	Fund improvements
General Fund	General Capital Projects Fund	1,480,000	Fund improvements
General Fund	Affordable Housing Fund	1,020,000	Fund improvements
Water/Sewer Capital Reserve Fund	Water/Sewer Project Fund	2,410,409	Fund improvements
Water/Sewer HB463 Capital Reserve Fund	Water/Sewer Fund	2,497,197	Fund improvements
Water/Sewer HB 463 Capital Reserve Fund	Water/Sewer Project Fund	3,753,000	Fund improvements
Electric Fund	Electric Substation Capital Project	1,125,000	Fund improvements
Water/Sewer Fund	Water/Sewer Project Fund	1,730,000	Fund improvements

Note 14 – JOINTLY GOVERNED ORGANIZATION

The Town is a member of the North Carolina Eastern Municipal Power Agency (the “Agency”). The Agency was formed to enable municipalities that own electric distribution systems to finance, construct, own, operate, and maintain generation and transmission facilities through the Agency. The Town receives power from the Agency and is contractually allocated a .7056% interest in the Agency, with the balance being shared by the thirty-two (32) other local governments. Each participating government appoints one commissioner to the Agency’s governing board. The Town is obligated to purchase all of its power supply requirements from the Agency. Except for the power sales purchase requirements, no local government participant has any obligation, entitlement, or residual interest. The Town’s gross purchases of power for the fiscal year ended June 30, 2021 were \$29,049,501.

On July 31, 2015, the Agency completed the sale of most of its electricity generating assets to Duke Energy. These proceeds were used to defease the Agency’s outstanding revenue bonds. The Agency entered into contractual arrangements with its member cities and Duke Energy. Under these arrangements, the Agency will supply wholesale power to its members and will purchase this power from Duke Energy. In addition to payments made for electric power, Agency members will make payments for their share of the debt service on the Agency’s new revenue bonds.

Note 15 – SUMMARY DISCLOSURE OF SIGNIFICANT CONTINGENCIES

Federal and State Assisted Programs

The Town has received proceeds from several federal and state grants. Periodic audits of these grants are required and certain costs may be questioned as not being appropriate expenditures of grant monies by the grantor agencies. Management believes that any required refunds will be immaterial. No provision has been made in the accompanying financial statements for the refund of grant moneys.

Note 16 – JOINTLY OWNED FACILITIES

The Towns of Apex and Cary jointly own and operate a water treatment plant. An advisory committee, consisting of the Mayors of Apex and Cary and the Town Managers of Apex and Cary, advise the Operating Agency on all policy matters and select the independent consultants for the project. The Town of Cary is the Operating Agency and operates the plant, hires employees, accounts for revenues and expenditures, and provides all administrative

TOWN OF APEX, NORTH CAROLINA  
NOTES TO THE FINANCIAL STATEMENTS

June 30, 2021

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Note 16 – JOINTLY OWNED FACILITIES (continued)

and executive management of the plant. The water treatment plant is not a separate legal entity and does not prepare separate financial statements. The Town's share of capital costs of the plant and its operating expenses are included in the Town of Apex's reporting entity.

All costs associated with the construction and improvements to the plant are allocated to each party based on its share of the water treatment capacity of the plant. The Towns of Apex and Cary have a 23% and 77% share of the facility's capacity, respectively. Both parties make payments sufficient to amortize their share of the capital costs regardless of the amount of water actually used. Both parties meet their share of all other costs in proportion to their actual use of water from the facility.

The Towns of Apex and Cary jointly own and operate a wastewater treatment plant. The Town of Apex owns approximately from 29-31% considering the entire plant including outfall facilities. The plant has a total budgeted cost of \$300,000,000 and the Town of Apex's portion of this is \$83,363,237. Through June 30, 2021, the Town has capitalized the wastewater treatment plant and related land at a total cost of \$81,279,264 and has construction in progress on outfall facilities of \$423,492.

Note 17 – SUBSEQUENT EVENTS

On October 12, 2021, the Town of Apex entered into an Installment Financing Agreement pursuant to Section 160A-20 of the N. C. General Statutes with Pinnacle Bank in the principal amount of \$8,700,000 for the purpose of acquiring, constructing and equipping a new Public Safety Facility and a new office building for use by the Town's Inspections Department. The agreement bears interest at the rate of 1.50% per annum and annual debt service payments will range from \$701,000 to \$589,000 through 2036. On October 19, 2021, the Town entered into a contract for the construction of the Public Safety Facility in the amount of \$6.34 million

The Town has evaluated events through November 30, 2021 in connection with preparation of these financial statements, which is the date the financial statements were ready to be issued.

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## **REQUIRED SUPPLEMENTARY INFORMATION**



**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF CHANGES IN THE NET OPEB LIABILITY AND RELATED RATIOS**  
**REQUIRED SUPPLEMENTARY INFORMATION**  
**For the year ended June 30, 2021\***

<b>TOTAL OPEB LIABILITY</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>
Service cost	\$ 2,910,827	\$ 2,129,618	\$ 1,833,733	\$ 2,225,212
Interest	920,729	1,185,723	1,111,292	854,654
Differences between expected and actual experience	(132,118)	(1,572,528)	143,860	110,047
Changes of assumptions	(337,017)	6,264,555	2,521,287	(3,373,245)
Benefit payments	(291,917)	(154,835)	(442,864)	(338,332)
<b>Net change in total OPEB liability</b>	<b>3,070,504</b>	<b>7,852,533</b>	<b>5,167,308</b>	<b>(521,664)</b>
Total OPEB liability - beginning	41,807,091	33,954,558	28,787,250	28,561,721
<b>Total OPEB liability - ending</b>	<b>\$ 44,877,595</b>	<b>\$ 41,807,091</b>	<b>\$ 33,954,558</b>	<b>\$ 28,040,057</b>
<b>PLAN FIDUCIARY NET POSITION</b>				
Contributions - employer	\$ 641,917	\$ 504,835	\$ 692,864	\$ -
Net investment income	177,074	24,030	-	-
Benefit payments	(291,917)	(154,835)	(442,864)	-
<b>Net change in plan fiduciary net position</b>	<b>527,074</b>	<b>374,030</b>	<b>250,000</b>	<b>-</b>
Plan fiduciary net position - beginning	624,030	250,000	-	-
<b>Plan fiduciary net position - ending</b>	<b>\$ 1,151,104</b>	<b>\$ 624,030</b>	<b>\$ 250,000</b>	<b>\$ -</b>
<b>Town's Net OPEB liability - ending</b>	<b>\$ 43,726,491</b>	<b>\$ 41,183,061</b>	<b>\$ 33,704,558</b>	<b>\$ 28,040,057</b>
<b>Plan fiduciary net position as a percentage of total OPEB liability</b>	<b>2.56%</b>	<b>1.49%</b>	<b>0.74%</b>	<b>0.00%</b>
Covered-employee payroll	\$ 25,695,645	\$ 25,695,645	\$ 23,508,278	
<b>Town's net OPEB liability as a percentage of covered-employee payroll</b>	<b>170.17%</b>	<b>160.27%</b>	<b>143.37%</b>	

**Notes to Schedule**

The difference of \$747,193 between the 2018 ending TOL and the 2019 beginning TOL is due to the change in accounting principle that was adopted for measurement period ending June 30, 2019.

\* Plan measurement date is the reporting date.

Changes of assumptions: Changes of assumptions and other inputs reflect the effects of changes in the discount rate of each period. The following are the discount rates used in each period:

Fiscal Year	Rate
2021	2.16%
2020	2.21%
2019	3.50%
2018	3.56%

Note that this schedule will not present 10 years' worth of information until fiscal year 2027.



**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF INVESTMENT RETURNS - HEALTHCARE BENEFIT PLAN**  
**REQUIRED SUPPLEMENTARY INFORMATION**  
**For the Year Ended June 30, 2021**

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	<b>2021</b>	<b>2020</b>	<b>2019</b>
Annual money-weighted rate of return, net of investment expense	23.74%	5.50%	0.00%

Note to the schedule: The Town initially established the trust as of June 30, 2019 and money was initially invested on that date.



**TOWN OF APEX, NORTH CAROLINA  
TOWN OF APEX'S PROPORTIONATE SHARE OF NET PENSION LIABILITY (ASSET)  
REQUIRED SUPPLEMENTARY INFORMATION  
LAST EIGHT FISCAL YEARS\***

**LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM**

	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>	<b>2016</b>	<b>2015</b>	<b>2014</b>
Apex's proportion of the net pension liability (asset) (%)	0.46093%	0.42773%	0.42412%	0.40137%	0.39248%	0.39693%	0.38363%	0.37310%
Apex's proportion of the net pension liability (asset) (\$)	\$ 16,470,992	\$ 11,680,973	\$ 10,061,577	\$ 6,131,822	\$ 8,329,740	\$ 1,781,398	\$ (2,262,443)	\$ 4,497,288
Apex's covered payroll	\$ 30,283,515	\$ 26,938,688	\$ 25,826,440	\$ 23,809,047	\$ 22,065,857	\$ 20,582,712	\$ 19,417,804	\$ 18,242,662
Apex's proportionate share of the net pension liability (asset) as a percentage of its covered payroll	54.39%	43.36%	38.96%	25.75%	37.75%	8.65%	-11.65%	24.65%
Plan fiduciary net position as a percentage of the total pension liability	88.61%	91.63%	94.18%	91.47%	98.09%	99.07%	102.64%	94.35%

\* The amounts presented for each fiscal year were determined as of the prior fiscal year ending June 30

Note that this schedule will not present 10 years' worth of information until fiscal year 2023

**TOWN OF APEX, NORTH CAROLINA  
TOWN OF APEX'S CONTRIBUTIONS  
REQUIRED SUPPLEMENTARY INFORMATION  
LAST EIGHT FISCAL YEARS**

**LOCAL GOVERNMENT EMPLOYEES' RETIREMENT SYSTEM**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Contractually required contribution	\$ 3,497,748	\$ 2,764,098	\$ 2,136,423	\$ 1,984,665	\$ 1,771,996	\$ 1,502,800	\$ 1,468,206	\$ 1,380,271
Contributions in relation to the contractually required contributions	<u>3,497,748</u>	<u>2,764,098</u>	<u>2,136,423</u>	<u>1,984,665</u>	<u>1,771,996</u>	<u>1,502,800</u>	<u>1,468,206</u>	<u>1,380,271</u>
Contribution deficiency (excess)	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
Town of Apex's covered payroll	\$ 33,901,715	\$ 30,283,515	\$ 26,938,688	\$ 25,826,440	\$ 23,809,047	\$ 22,065,857	\$ 20,582,712	\$ 19,417,804
Contributions as a percentage of covered-employee payroll	10.32%	9.13%	7.93%	7.68%	7.44%	6.81%	7.13%	7.11%

Note that this schedule will not present 10 years' worth of information until fiscal year 2023

**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF CHANGES IN TOTAL PENSION LIABILITY**  
**REQUIRED SUPPLEMENTARY INFORMATION**  
**JUNE 30, 2021**

**LAW ENFORCEMENT OFFICERS' SPECIAL SEPARATION ALLOWANCE**

	<u>2021</u>	<u>2020</u>	<u>2019</u>	<u>2018</u>	<u>2017</u>
Beginning balance	\$ 2,937,447	\$ 2,560,742	\$ 2,248,394	\$ 1,929,620	\$ 1,825,900
Service cost	161,762	128,648	138,637	111,974	114,548
Interest on total pension liability	93,447	90,723	69,277	73,484	64,730
Difference between expected and actual experience	140,103	206,659	320,220	38,475	-
Changes of assumptions or other inputs	1,207,405	87,378	(103,589)	146,595	(50,116)
Benefit payments	<u>(141,961)</u>	<u>(136,703)</u>	<u>(112,197)</u>	<u>(51,754)</u>	<u>(25,442)</u>
Ending balance of the total pension liability	<u>\$ 4,398,203</u>	<u>\$ 2,937,447</u>	<u>\$ 2,560,742</u>	<u>\$ 2,248,394</u>	<u>\$ 1,929,620</u>

The amounts presented for each fiscal year were determined as of the prior fiscal year ending December 31.

Note that this schedule will not present 10 years' worth of information until fiscal year 2026.

**TOWN OF APEX, NORTH CAROLINA  
SCHEDULE OF TOTAL PENSION LIABILITY  
AS A PERCENTAGE OF COVERED PAYROLL  
REQUIRED SUPPLEMENTARY INFORMATION  
June 30 2021**

**LAW ENFORCEMENT OFFICERS' SPECIAL SEPARATION ALLOWANCE**

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	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
Total pension liability	\$ 4,398,203	\$ 2,937,447	\$ 2,560,742	\$ 2,248,394	\$ 1,929,620
Covered payroll	6,007,866	5,077,778	5,069,978	4,760,797	4,527,103
Total pension liability as a percentage of covered payroll	73.21%	57.85%	50.51%	47.23%	42.62%

Notes to the schedules

The Town of Apex has no assets accumulated in a trust that meets the criteria in paragraph 4 of GASB Statement 73 to pay related benefits.

Note that this schedule will not present 10 years' worth of information until fiscal year 2026.

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**COMBINING AND INDIVIDUAL FUND  
STATEMENTS AND SCHEDULES**



**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCES - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 1**

	<b>2021</b>		Variance Positive (Negative)	<b>2020</b>
	Budget	Actual		Actual
<b>REVENUES</b>				
Ad valorem taxes				
Current year	\$ 38,755,000	\$ 39,389,175	\$ 634,175	\$ 32,603,343
Prior years	18,000	25,659	7,659	16,793
Penalties and interest	40,000	47,062	7,062	38,802
Total	<u>38,813,000</u>	<u>39,461,896</u>	<u>648,896</u>	<u>32,658,938</u>
Other taxes and licenses				
Local option sales tax	11,626,900	15,728,052	4,101,152	12,174,795
Motor vehicle licenses	150,000	242,299	92,299	-
Rental vehicles tax	78,000	90,896	12,896	80,713
Total	<u>11,854,900</u>	<u>16,061,247</u>	<u>4,206,347</u>	<u>12,255,508</u>
Unrestricted intergovernmental revenues				
Utility franchise tax	3,000,000	2,941,206	(58,794)	2,814,107
Beer and wine tax	215,000	256,102	41,102	227,565
Solid waste rebates - Wake County	270,000	210,262	(59,738)	363,501
Payments in lieu of taxes	-	-	-	53,550
Total	<u>3,485,000</u>	<u>3,407,570</u>	<u>(77,430)</u>	<u>3,458,723</u>
Restricted intergovernmental				
Powell Bill	1,421,000	1,456,881	35,881	1,353,791
Fire district allocation - Wake County	1,130,100	1,244,959	114,859	1,241,685
Federal grants	2,193,394	1,852,530	(340,864)	207,021
State grants	-	-	-	-
Wake County grant	449,184	103,427	(345,757)	123,034
Miscellaneous	3,500	7,374	3,874	3,123
Total	<u>5,197,178</u>	<u>4,665,171</u>	<u>(532,007)</u>	<u>2,928,654</u>
Permits and fees				
Building permits and inspection fees	3,675,500	3,601,769	(73,731)	3,804,230
Subdivision approval fee	100,000	153,300	53,300	184,377
Application fees	172,400	203,884	31,484	201,593
Economic development fee	-	984,738	984,738	-
Vendor permits	10,000	8,900	(1,100)	11,813
Fines and penalties	-	500	500	2,800
Total	<u>3,957,900</u>	<u>4,953,091</u>	<u>995,191</u>	<u>4,204,813</u>
Sales and services				
Refuse collection fees	4,283,400	4,255,770	(27,630)	3,871,645
Emergency services	12,000	-	(12,000)	12,000
Recreation fees	899,700	718,925	(180,775)	561,311
Recycling revenue	1,228,700	1,194,192	(34,508)	973,881
Planning documents	100	20	(80)	60
Total	<u>6,423,900</u>	<u>6,168,907</u>	<u>(254,993)</u>	<u>5,418,897</u>
Investment earnings	-	656,655	300,855	661,097



**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCES - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 1**

	<b>2021</b>		Variance Positive (Negative)	<b>2020</b>
	Budget	Actual		Actual
Miscellaneous				
ABC revenue	\$ 250,000	\$ 351,531	\$ 101,531	\$ 310,748
PY Grant repayment	549,675	637,750	88,075	-
Sale of fixed assets	1,386,000	45,192	(1,340,808)	30,061
Miscellaneous	55,000	71,053	16,053	164,212
Donations	8,500	29,546	21,046	9,601
Insurance Refund	43,337	119,414	76,077	3,736
Promotional activities	10,000	2,549	(7,451)	19,394
Court costs and officer fees	13,000	16,716	3,716	13,242
Total	<u>2,315,512</u>	<u>1,273,751</u>	<u>(1,041,761)</u>	<u>550,994</u>
 Total revenues	<u>72,403,190</u>	<u>76,648,287</u>	<u>4,245,097</u>	<u>62,137,624</u>
 <b>EXPENDITURES</b>				
General government				
Governing body				
Personnel services	-	58,963	-	58,712
Operations	-	110,185	-	237,996
Total	<u>213,300</u>	<u>169,148</u>	<u>44,152</u>	<u>296,708</u>
Administration				
Personnel services	-	3,743,081	-	3,347,603
Operations	-	1,800,409	-	2,376,734
Capital outlay	-	271,077	-	235,108
Total	<u>7,870,563</u>	<u>5,814,567</u>	<u>2,055,996</u>	<u>5,959,445</u>
Finance				
Personnel services	-	411,133	-	380,468
Operations	-	422,258	-	386,819
Capital outlay	-	13,691	-	-
Total	<u>900,728</u>	<u>847,082</u>	<u>53,646</u>	<u>767,287</u>
Facility Services				
Personnel services	-	462,241	-	312,378
Operations	-	854,809	-	780,815
Capital outlay	-	246,230	-	682,129
Total	<u>1,891,730</u>	<u>1,563,280</u>	<u>328,450</u>	<u>1,775,322</u>
Planning				
Personnel services	-	1,925,975	-	1,743,135
Operations	-	338,056	-	286,485
Capital Outlay	-	-	-	-
Total	<u>2,608,752</u>	<u>2,264,031</u>	<u>344,721</u>	<u>2,029,620</u>

**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCES - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 1**

	2021		Variance Positive (Negative)	2020
	Budget	Actual		Actual
Construction Management				
Personnel services	\$ -	\$ 2,251,787	\$ -	\$ 2,095,803
Operations	-	229,284	-	214,485
Capital outlay	-	21,489	-	402,249
Total	3,138,052	2,502,560	635,492	2,712,537
Special Appropriations				
Wake County Programs	-	5,000	-	12,300
Chamber of Commerce	-	908	-	41,695
Human Services	-	58,974	-	54,025
Downtown Merchants	-	109,505	-	22,649
Total	730,175	174,387	555,788	130,669
Total general government	17,353,300	13,335,055	4,018,245	13,671,588
Public safety				
Police				
Personnel services	-	10,568,424	-	9,262,456
Operations	-	1,294,526	-	1,679,168
Capital outlay	-	922,736	-	622,037
Total	14,362,157	12,785,686	1,576,471	11,563,661
Public Safety Communications				
Personnel services	-	872,424	-	875,985
Operations	-	179,423	-	252,291
Capital outlay	-	28,500	-	-
Total	1,529,939	1,080,347	449,592	1,128,276
Fire and Rescue				
Personnel services	-	9,207,842	-	8,238,517
Operations	-	1,072,125	-	1,068,508
Wake County hazmat	-	28,019	-	-
Capital outlay	-	590,560	-	122,120
Total	11,728,758	10,898,546	830,212	9,429,145
Total public safety	27,620,854	24,764,579	2,856,275	22,121,082
Public Works				
Public Works & Transportation				
Personnel services	-	1,014,260	-	897,456
Operations	-	153,446	-	226,588
Capital outlay	-	-	-	-
Total	1,423,478	1,167,706	255,772	1,124,044

**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCES - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 1**

	<b>2021</b>		Variance Positive (Negative)	<b>2020</b>
	Budget	Actual		Actual
Utility Engineering & Water Resources				
Personnel services	\$ -	\$ 1,564,098	\$ -	\$ 1,331,288
Operations	-	213,058	-	189,443
Capital Outlay	-	34,202	-	90,120
Total	<u>2,140,688</u>	<u>1,811,358</u>	<u>329,330</u>	<u>1,610,851</u>
Streets				
Personnel services	-	978,204	-	1,120,088
Operations	-	1,818,873	-	2,209,632
Capital outlay	-	675,538	-	1,192,489
Total	<u>5,401,962</u>	<u>3,472,615</u>	<u>1,929,347</u>	<u>4,522,209</u>
Fleet Services				
Personnel services	-	340,002	-	330,982
Operations	-	122,606	-	117,899
Capital outlay	-	-	-	14,335
Total	<u>551,160</u>	<u>462,608</u>	<u>88,552</u>	<u>463,216</u>
Cemetery				
Operations	<u>60,000</u>	<u>37,840</u>	<u>22,160</u>	<u>44,249</u>
Total public works	<u>9,577,288</u>	<u>6,952,127</u>	<u>2,625,161</u>	<u>7,764,569</u>
Environmental Protection				
Sanitation				
Personnel services	-	1,190,903	-	1,094,279
Operations	-	3,780,499	-	3,381,827
Capital outlay	-	217,703	-	373,278
Total environmental protection	<u>5,187,073</u>	<u>5,189,105</u>	<u>(2,032)</u>	<u>4,849,384</u>
Cultural and Recreational				
Personnel services	-	3,100,483	-	2,940,620
Operations	-	1,477,298	-	1,960,263
Capital outlay	-	907,031	-	250,317
Total cultural and recreation	<u>6,698,734</u>	<u>5,484,812</u>	<u>1,213,922</u>	<u>5,151,200</u>
Debt service				
Principal	-	4,422,793	-	5,925,793
Interest	-	2,487,129	-	1,512,818
Bond issuance cost	-	22,000	-	28,569
Total debt service	<u>6,942,500</u>	<u>6,931,922</u>	<u>10,578</u>	<u>7,467,180</u>
Total expenditures	<u>73,379,749</u>	<u>62,657,600</u>	<u>10,722,149</u>	<u>61,025,003</u>
Revenues over (under) expenditures	<u>(976,559)</u>	<u>13,990,687</u>	<u>14,967,246</u>	<u>1,112,621</u>

**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES, AND**  
**CHANGES IN FUND BALANCES - BUDGET AND ACTUAL**  
**For the Year Ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 1**

	<b>2021</b>		Variance Positive (Negative)	<b>2020</b>
	Budget	Actual		Actual
<b>OTHER FINANCING SOURCES (USES)</b>				
Operating transfers out				
Affordable Housing	\$ (1,020,000)	\$ (1,020,000)	-	\$ -
General Capital Project	(2,635,792)	(1,480,000)	1,155,792	1,970,000
Street Project	(6,056,325)	(6,056,325)	-	(1,177,200)
Operating transfers in				
Recreation Project Fund	568,072	568,072	-	-
Recreation Reserve Fund	-	-	-	1,508,300
Transportation Reserve Fund	361,427	361,427	-	-
Bond issuance	-	-	-	2,445,000
Bond premium	-	-	-	509,826
Contingency	(150,000)	-	150,000	-
Fund balance appropriated	9,909,177	-	(9,909,177)	-
Total other financing sources (uses)	<u>976,559</u>	<u>(7,626,826)</u>	<u>(8,603,385)</u>	<u>1,315,926</u>
Net change in fund balance	<u>\$ -</u>	6,363,861	<u>\$ 6,363,861</u>	2,428,547
FUND BALANCE - Beginning of Year		<u>42,153,339</u>		<u>39,724,792</u>
FUND BALANCE - End of Year		<u>\$ 48,517,200</u>		<u>\$ 42,153,339</u>

**TOWN OF APEX, NORTH CAROLINA**  
**FIRE CAPITAL RESERVE FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL**  
**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 2**

	2021		Variance Positive (Negative)	2020
	Budget	Actual		Actual
<b>REVENUES</b>				
Investment earnings	\$ 500	\$ 230	\$ (270)	\$ 1,616
<b>EXPENDITURES</b>				
Reserved for future expenditures	500	-	500	-
Net change in fund balance	<u>\$ -</u>	230	<u>\$ 230</u>	1,616
FUND BALANCE - Beginning of year		<u>109,976</u>		<u>108,360</u>
FUND BALANCE - End of year		<u>\$ 110,206</u>		<u>\$ 109,976</u>

**TOWN OF APEX, NORTH CAROLINA**  
**CAPITAL PROJECTS FUND**  
**RECREATION FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
**From inception to June 30, 2021**

**Schedule 3**

	Project Author - ization	Actual		
		Prior Year	Current Year	Total to Date
<b>REVENUES</b>				
Investment earnings	\$ 855,500	\$ 847,763	\$ 23,728	\$ 871,491
Donations	300,000	40,000	-	40,000
Intergovernmental	1,900,000	400,000	-	400,000
Miscellaneous	5,000	5,000	-	5,000
Total revenues	<u>3,060,500</u>	<u>1,292,763</u>	<u>23,728</u>	<u>1,316,491</u>
<b>EXPENDITURES</b>				
Capital outlay-improvements	63,772,001	7,268,140	20,538,156	27,806,296
Bond issuance costs (refund)	293,460	274,971	(92)	274,879
Total expenditures	<u>64,065,461</u>	<u>7,543,111</u>	<u>20,538,064</u>	<u>28,081,175</u>
Revenues under expenditures	<u>(61,004,961)</u>	<u>(6,250,348)</u>	<u>(20,514,336)</u>	<u>(26,764,685)</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in (out)				
Recreation reserve	9,886,724	6,565,631	3,768,300	10,333,932
General fund	700,000	400,000	-	400,000
General fund	(494,329)	(494,328)	-	(494,328)
Bonds issued	49,746,128	49,746,128	-	49,746,128
Bond premium	1,166,438	4,782,863	-	4,782,863
Total other financing sources (uses)	<u>61,004,961</u>	<u>61,000,294</u>	<u>3,768,300</u>	<u>64,768,595</u>
Net change in fund balance	\$ <u>-</u>	\$ <u>54,749,946</u>	\$ <u>(16,746,036)</u>	\$ <u>38,003,910</u>

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# NONMAJOR GOVERNMENTAL FUNDS

## **Special Revenue Funds**

Special revenue funds are used to account for specific revenues that are legally restricted to expenditures for particular purposes.

Perry Library Fund - used to account for funds restricted for improvement and maintenance of Eva Perry Library building.

Affordable Housing Fund – used to account for funds restricted for funding affordable housing projects.

## **Capital Projects Funds**

Capital projects funds are used to account for the acquisition and construction of major capital facilities other than those financed by proprietary and trust funds.

Street Improvements Projects Fund - used to account for construction and improvements to streets and sidewalks.

Recreation Reserve - used to account for development fees restricted for construction and improvement of parks and recreation facilities.

Transportation Reserve - used to account for development fees restricted for construction and improvement of streets.

General Capital Projects Fund - used to account for construction and improvements to facilities used in the Town's governmental activities.

## **Permanent Fund**

Permanent funds are used to report resources that are restricted to the extent that only earnings, not principal, may be used for purposes that support the Town's programs.

Cemetery Fund - used to account for money received from sales of plots and related interest income. Only the interest portion of the fund can be used to maintain the cemetery.



**TOWN OF APEX, NORTH CAROLINA  
COMBINING BALANCE SHEET  
NONMAJOR GOVERNMENTAL FUNDS  
June 30, 2021**

**Statement 4**

	Special Revenue			Capital Projects
	Perry Library	Affordable Housing	Total	Street Improvements Project
<b>ASSETS</b>				
Cash and cash equivalents	\$ 121,713	\$ 969,554	\$ 1,091,267	\$ 6,467,229
Restricted cash and cash equivalents	-	-	-	6,244,498
Due from other governments	-	-	-	713,918
Wake County taxes receivable	-	-	-	-
Total assets	\$ 121,713	\$ 969,554	\$ 1,091,267	\$ 13,425,645
<b>LIABILITIES</b>				
Accounts payable	\$ -	\$ -	\$ -	\$ 195,950
<b>DEFERRED INFLOWS OF RESOURCES</b>				
Greenway Credits	-	-	-	-
<b>FUND BALANCES</b>				
Nonspendable	-	-	-	-
Restricted	-	-	-	6,244,498
Committed	121,713	969,554	1,091,267	6,985,197
Assigned	-	-	-	-
Total fund balance	121,713	969,554	1,091,267	13,229,696
Total liabilities and fund balances	\$ 121,713	\$ 969,554	\$ 1,091,267	\$ 13,425,646

Capital Projects				Permanent Fund	Total Nonmajor Governmental Funds
Recreation Reserve	Transportation Reserve	General Projects	Total	Cemetery Fund	
\$ 900,765	\$ 3,857,776	\$ 4,709,014	\$ 15,934,785	\$ 441,759	\$ 17,467,810
-	-	592,000	6,836,498	93,718	6,930,216
-	-	-	713,918	-	713,918
-	111,309	-	111,309	-	111,309
<u>\$ 900,765</u>	<u>\$ 3,969,085</u>	<u>\$ 5,301,014</u>	<u>\$ 23,596,510</u>	<u>\$ 535,477</u>	<u>\$ 25,223,253</u>
\$ -	\$ -	\$ 75,600	\$ 271,550	\$ -	\$ 271,550
<u>77,665</u>	<u>-</u>	<u>-</u>	<u>77,665</u>	<u>-</u>	<u>77,665</u>
-	-	592,000	592,000	93,718	685,718
-	-	-	6,244,498	-	6,244,498
-	-	4,633,414	11,618,611	441,759	13,151,637
823,100	3,969,085	-	4,792,185	-	4,792,185
<u>823,100</u>	<u>3,969,085</u>	<u>5,225,414</u>	<u>23,247,295</u>	<u>535,477</u>	<u>24,874,038</u>
<u>\$ 900,765</u>	<u>\$ 3,969,085</u>	<u>\$ 5,301,014</u>	<u>\$ 23,596,510</u>	<u>\$ 535,477</u>	<u>\$ 25,223,253</u>

**TOWN OF APEX, NORTH CAROLINA**  
**COMBINING STATEMENT OF REVENUES, EXPENDITURES AND**  
**CHANGES IN FUND BALANCES**  
**NONMAJOR GOVERNMENTAL FUNDS**  
**For the year ended June 30, 2021**

**Statement 5**

	Special Revenue			Capital Projects
	Perry Library	Affordable Housing	Total	Street Improvements Project
<b>REVENUES</b>				
Other taxes and licenses				
Motor vehicle licenses	\$ -	\$ -	\$ -	\$ -
Restricted Intergovernmental	-	-	-	350,087
Permits and fees				
Subdivision recreation fees	-	-	-	-
Payments in lieu of streets	-	-	-	-
Payments in lieu of sidewalks	-	-	-	5,601
Miscellaneous	-	-	-	43,494
Investment earnings	253	1,834	2,087	6,760
Total revenues	253	1,834	2,087	405,943
<b>EXPENDITURES</b>				
Contracted services	-	52,280	52,280	-
Capital outlay-improvements	-	-	-	2,738,713
Bond issuance costs	-	-	-	69,100
Total expenditures	-	52,280	52,280	2,807,813
Revenues over (under) expenditures	253	(50,446)	(50,193)	(2,401,870)
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in	-	1,020,000	1,020,000	6,906,325
Transfers out	-	-	-	-
Bond proceeds	-	-	-	5,000,000
Total other financing sources (uses)	-	1,020,000	1,020,000	11,906,325
Net change in fund balances	253	969,554	969,807	9,504,455
FUND BALANCES - Beginning of year	121,460	-	121,460	3,725,241
FUND BALANCES - End of year	\$ 121,713	\$ 969,554	\$ 1,091,267	\$ 13,229,696

Capital Projects				Permanent Fund	Total Nonmajor Governmental Funds
Recreation Reserve	Transportation Reserve	General Capital Projects	Total	Cemetery Fund	
\$ -	\$ 1,218,810	\$ -	\$ 1,218,810	\$ -	\$ 1,218,810
-	-	-	350,087	-	350,087
2,011,476	-	-	2,011,476	-	2,011,476
-	605,384	-	605,384	-	605,384
-	19,860	-	25,461	-	25,461
-	-	-	43,494	1,200	44,694
5,821	7,456	11,052	31,089	1,114	34,290
<u>2,017,297</u>	<u>1,851,510</u>	<u>11,052</u>	<u>4,285,802</u>	<u>2,314</u>	<u>4,290,202</u>
-	-	-	-	-	52,280
-	11,332	1,393,725	4,143,769	-	4,143,769
-	-	-	69,100	-	69,100
-	<u>11,332</u>	<u>1,393,725</u>	<u>4,143,769</u>	-	<u>4,265,149</u>
<u>2,017,297</u>	<u>1,840,178</u>	<u>(1,382,673)</u>	<u>142,033</u>	<u>2,314</u>	<u>25,053</u>
-	-	1,480,000	8,386,325	-	9,406,325
(4,336,372)	(1,211,427)	-	(5,547,799)	-	(5,547,799)
-	-	-	5,000,000	-	5,000,000
<u>(4,336,372)</u>	<u>(1,211,427)</u>	<u>1,480,000</u>	<u>7,838,526</u>	-	<u>8,858,526</u>
(2,319,075)	628,751	97,328	7,911,460	2,314	8,883,579
<u>3,142,175</u>	<u>3,340,334</u>	<u>5,128,086</u>	<u>15,335,836</u>	<u>533,163</u>	<u>15,990,459</u>
<u>\$ 823,100</u>	<u>\$ 3,969,085</u>	<u>\$ 5,225,414</u>	<u>\$ 23,247,296</u>	<u>\$ 535,477</u>	<u>\$ 24,874,038</u>

**TOWN OF APEX, NORTH CAROLINA**  
**SPECIAL REVENUE FUND**  
**PERRY LIBRARY FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL**  
**For the year ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 6**

	<u>2021</u>		Variance Positive (Negative)	<u>2020</u>
	<u>Budget</u>	<u>Actual</u>		<u>Actual</u>
<b>REVENUES</b>				
Investment earnings	\$ 1,000	\$ 253	\$ (747)	\$ 1,785
<b>EXPENDITURES</b>				
Building maintenance and repair	<u>1,000</u>	<u>-</u>	<u>1,000</u>	<u>-</u>
Net change in fund balance	<u>\$ -</u>	<u>253</u>	<u>\$ 253</u>	<u>1,785</u>
FUND BALANCE - Beginning of year		<u>121,460</u>		<u>119,675</u>
FUND BALANCE - End of year		<u>\$ 121,713</u>		<u>\$ 121,460</u>

**TOWN OF APEX, NORTH CAROLINA  
SPECIAL REVENUE FUND  
AFFORDABLE HOUSING FUND  
SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES  
IN FUND BALANCE - BUDGET AND ACTUAL**

**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 7**

	<u>2021</u>			<u>2020</u>
	<u>Budget</u>	<u>Actual</u>	Variance Positive (Negative)	<u>Actual</u>
<b>REVENUES</b>				
Investment earnings	\$ -	\$ 1,834	\$ 1,834	\$ -
<b>EXPENDITURES</b>				
Contracted services	270,000	52,280	217,720	-
Reserved for future expenditures	750,000	-	750,000	-
Total expenditures	<u>1,020,000</u>	<u>52,280</u>	<u>967,720</u>	<u>-</u>
Revenues over expenditures	(1,020,000)	(50,446)	(969,554)	-
<b>OTHER FINANCING SOURCES</b>				
Transfers in				
General Fund	<u>1,020,000</u>	<u>1,020,000</u>	<u>-</u>	<u>-</u>
Net change in fund balance	<u>\$ -</u>	<u>969,554</u>	<u>\$ 969,554</u>	<u>-</u>
FUND BALANCE - Beginning of year		<u>-</u>		<u>-</u>
FUND BALANCE - End of year		<u>\$ 969,554</u>		<u>\$ -</u>

**TOWN OF APEX, NORTH CAROLINA  
CAPITAL PROJECT FUND  
STREET IMPROVEMENTS FUND  
SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL  
From inception to June 30, 2021**

**Schedule 8**

	Project Author - ization	Actual		
		Prior Year	Current Year	Total to Date
<b>REVENUES</b>				
Reimbursements	\$ 133,000	\$ 29,515	\$ 43,495	\$ 73,010
Payments in lieu of streets	2,165,000	2,064,835	-	2,064,835
Payments in lieu of sidewalks	170,000	150,356	5,601	155,957
Intergovernmental	7,102,125	1,655,178	350,087	2,005,265
Investment earnings	339,575	365,344	6,760	372,104
Sub-total revenues	9,909,700	4,265,228	405,943	4,671,171
Less closed projects	994,535	934,464	60,100	994,564
Total revenues	8,915,165	3,330,764	345,843	3,676,607
<b>EXPENDITURES</b>				
Capital outlay-improvements	28,170,672	5,481,978	2,738,713	8,220,691
Bond issuance costs	90,000	-	69,100	69,100
Sub-total expenditures	28,260,672	5,481,978	2,807,813	8,289,791
Less closed projects	1,907,795	1,726,708	180,047	1,906,755
Total expenditures	26,352,877	3,755,270	2,627,766	6,383,036
Revenues over (under) expenditures	(17,437,712)	(424,506)	(2,281,923)	(2,706,429)
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in (out)				
General Fund	10,153,936	3,045,793	6,056,325	9,102,118
General Fund	(29,050)	(29,050)	-	(29,050)
Transportation Capital Reserve	3,011,950	1,710,918	850,000	2,560,918
Transportation Capital Reserve	(2,215,192)	(2,215,191)	-	(2,215,191)
Bonds issued	7,255,606	2,255,605	5,000,000	7,255,605
Bond premium	173,722	173,916	-	173,916
Sub-total other financing sources (uses)	18,350,972	4,941,991	11,906,325	16,848,316
Less closed projects	913,260	792,244	119,947	912,191
Total other financing sources (uses)	17,437,712	4,149,747	11,786,378	15,936,125
Net change in fund balance	\$ -	\$ 3,725,241	\$ 9,504,455	\$ 13,229,696

**TOWN OF APEX, NORTH CAROLINA**  
**RECREATION CAPITAL PROJECT FUND - CAPITAL RESERVE**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL**  
**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 9**

	<b>2021</b>			<b>2020</b>
	<u>Budget</u>	<u>Actual</u>	Variance Positive (Negative)	<u>Actual</u>
<b>REVENUES</b>				
Subdivision recreation fees	\$ 2,000,000	\$ 2,011,476	\$ 11,476	\$ 2,564,412
Investment earnings	65,000	5,821	(59,179)	71,188
Total revenues	<u>2,065,000</u>	<u>2,017,297</u>	<u>(47,703)</u>	<u>2,635,600</u>
<b>EXPENDITURES</b>				
Reserved for future expenditures	-	-	-	-
Revenues over expenditures	<u>2,065,000</u>	<u>2,017,297</u>	<u>(47,703)</u>	<u>2,635,600</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers out				
General Fund	(568,072)	(568,072)	-	(1,508,300)
Recreation Project	(3,768,300)	(3,768,300)	-	(2,288,819)
Fund Balance Appropriated	<u>2,271,372</u>	<u>-</u>	<u>2,271,372</u>	<u>-</u>
Total other financing sources (uses)	<u>(2,065,000)</u>	<u>(4,336,372)</u>	<u>2,271,372</u>	<u>(3,797,119)</u>
Net change in fund balance	<u>\$ -</u>	<u>(2,319,075)</u>	<u>\$ (2,319,075)</u>	<u>(1,161,519)</u>
FUND BALANCE - Beginning of year		<u>3,142,175</u>		<u>4,303,694</u>
FUND BALANCE - End of year		<u>\$ 823,100</u>		<u>\$ 3,142,175</u>



**TOWN OF APEX, NORTH CAROLINA**  
**TRANSPORTATION CAPITAL PROJECT FUND - CAPITAL RESERVE**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL**

**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 10**

	2021		Variance Positive (Negative)	2020
	Budget	Actual		Actual
<b>REVENUES</b>				
Motor vehicle licenses	\$ 835,000	\$ 1,218,810	\$ 383,810	\$ 1,044,183
Transportation impact fees	-	-	-	-
Payments in lieu of streets	-	605,384	605,384	28,265
Payments in lieu of sidewalks	-	19,860	19,860	17,914
Investment earnings	15,000	7,456	(7,544)	40,106
Total revenues	<u>850,000</u>	<u>1,851,510</u>	<u>1,001,510</u>	<u>1,130,468</u>
<b>EXPENDITURES</b>				
Refund of Development Fees	<u>11,333</u>	<u>11,332</u>	<u>1</u>	<u>-</u>
Revenues over expenditures	<u>838,667</u>	<u>1,840,178</u>	<u>1,001,509</u>	<u>1,130,468</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Operating transfers in (out)				
General Fund	(361,427)	(361,427)	-	-
Street Project Fund	-	-	-	65,000
Street Project Fund	(850,000)	(850,000)	-	(755,000)
Fund Balance Appropriated	<u>372,760</u>	<u>-</u>	<u>(372,760)</u>	<u>-</u>
Total other financingsources (uses)	<u>(838,667)</u>	<u>(1,211,427)</u>	<u>(372,760)</u>	<u>(690,000)</u>
Net change in fund balance	<u>\$ -</u>	628,751	<u>\$ 628,749</u>	440,468
FUND BALANCE - Beginning of year		<u>3,340,334</u>		<u>2,899,866</u>
FUND BALANCE - End of year		<u>\$ 3,969,085</u>		<u>\$ 3,340,334</u>

**TOWN OF APEX, NORTH CAROLINA**  
**CAPITAL PROJECT FUND**  
**GENERAL PROJECTS FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
**From inception to June 30, 2021**

**Schedule 11**

	Project Author - ization	Actual		Total to Date
		Prior Year	Current Year	
<b>REVENUES</b>				
Investment earnings	\$ 15,100	\$ 94,520	\$ 11,052	\$ 105,572
Total revenues	<u>15,100</u>	<u>94,520</u>	<u>11,052</u>	<u>105,572</u>
<b>EXPENDITURES</b>				
Capital outlay-improvements	<u>8,538,629</u>	<u>361,799</u>	<u>1,393,725</u>	<u>1,755,524</u>
Total expenditures	<u>8,538,629</u>	<u>361,799</u>	<u>1,393,725</u>	<u>1,755,524</u>
Revenues under expenditures	<u>(8,523,529)</u>	<u>(267,279)</u>	<u>(1,382,673)</u>	<u>(1,649,952)</u>
<b>OTHER FINANCING SOURCES</b>				
Transfers in				
General Fund	7,923,529	4,795,365	1,480,000	6,275,365
Cemetery Fund	<u>600,000</u>	<u>600,000</u>	<u>-</u>	<u>600,000</u>
Total other financing sources	<u>8,523,529</u>	<u>5,395,365</u>	<u>1,480,000</u>	<u>6,875,365</u>
Net change in fund balance	\$ <u>-</u>	\$ <u>5,128,086</u>	\$ <u>97,328</u>	\$ <u>5,225,414</u>

**TOWN OF APEX, NORTH CAROLINA**  
**PERMANENT FUND**  
**CEMETERY FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
**For the year ended June 30, 2021**  
With comparative actual amounts for the year ended June 30, 2020

**Schedule 12**

	<u>2021</u>			<u>2020</u>
	<u>Budget</u>	<u>Actual</u>	Variance Positive (Negative)	<u>Actual</u>
<b>REVENUES</b>				
Investment earnings	\$ 4,000	\$ 1,114	\$ (2,886)	\$ 15,859
Sale of plots	6,000	1,200	(4,800)	(4,900)
Total revenues	<u>10,000</u>	<u>2,314</u>	<u>(7,686)</u>	<u>10,959</u>
<b>EXPENDITURES</b>				
Reserved for future expenditures	<u>10,000</u>	<u>-</u>	<u>10,000</u>	<u>-</u>
Revenues over expenditures	<u>-</u>	<u>2,314</u>	<u>2,314</u>	<u>10,959</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in /(out)				
General Capital Project Fund	<u>-</u>	<u>-</u>	<u>-</u>	<u>(600,000)</u>
Total other financing sources (uses)	<u>-</u>	<u>-</u>	<u>-</u>	<u>(600,000)</u>
Net change in fund balance	<u>\$ -</u>	<u>2,314</u>	<u>\$ 2,314</u>	<u>(589,041)</u>
FUND BALANCE - Beginning of year		<u>533,163</u>		<u>1,122,204</u>
FUND BALANCE - End of year		<u>\$ 535,477</u>		<u>\$ 533,163</u>

# PROPRIETARY FUNDS

## **Enterprise Funds**

Enterprise funds are used to account for operations that are financed and operated in a manner similar to private business enterprises, where the intent of the Town is that the costs of providing goods and services to the general public on a continuing basis be financed or recovered primarily through user charges.

Electric Fund - used to account for the costs of providing electric service. The Town also maintains a subfund to account for the construction of an electric substation.

Water and Sewer Fund - used to account for the costs of providing water treatment and distribution and wastewater collection and treatment. The Town also maintains subfunds to account for water and sewer capital projects and development fees restricted to use for system improvements.

## **Internal Service Funds**

Internal service funds are used to account for providing goods and services to other funds or departments of the Town. This allows the Town to centralize certain services and then allocate them on a full cost-reimbursement basis.

Health and Dental Fund - the Town self insures routine health and dental claims and uses this fund to centralize costs and allocate them to various departments based on the number of employees.



**TOWN OF APEX, NORTH CAROLINA**  
**ELECTRIC OPERATIONS**  
**SCHEDULE OF REVENUES, EXPENSES AND SUPPLEMENTAL BUDGET EXPENDITURES**  
**BUDGET AND ACTUAL (Non-GAAP)**  
**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 13**

	<b>2021</b>			<b>2020</b>
	<u>Budget</u>	<u>Actual</u>	Variance Positive (Negative)	<u>Actual</u>
<b>REVENUES</b>				
Operating revenues:				
Charges for services				
Sale of electricity	\$ 39,390,000	\$ 40,506,031	\$ 1,116,031	\$ 38,410,442
Pole relocation fees	-	-	-	60,609
Reconnection fees	60,000	(1,969)	(61,969)	40,915
Service initiation fees	80,000	87,278	7,278	78,629
Penalties	120,000	(307)	(120,307)	72,701
Total	<u>39,650,000</u>	<u>40,591,032</u>	<u>941,032</u>	<u>38,663,296</u>
Other operating revenues				
Sales tax revenues	2,750,900	2,809,316	58,416	2,688,151
Underground charges	1,280,000	1,384,108	104,108	1,058,122
Sale of capital assets	10,000	20,000	10,000	40,635
Miscellaneous	35,000	96,735	61,735	32,686
Electric meters	230,000	173,910	(56,090)	191,685
Total other operating revenues	<u>4,305,900</u>	<u>4,484,069</u>	<u>178,169</u>	<u>4,011,279</u>
Total operating revenues	<u>43,955,900</u>	<u>45,075,101</u>	<u>1,119,201</u>	<u>42,674,575</u>
Nonoperating revenues:				
Intergovernmental revenues	-	-	-	90,385
Investment earnings	75,000	13,668	(61,332)	87,061
Total revenues	<u>75,000</u>	<u>13,668</u>	<u>(61,332)</u>	<u>177,446</u>
Total revenues	<u>44,030,900</u>	<u>45,088,769</u>	<u>1,057,869</u>	<u>42,852,021</u>
<b>EXPENDITURES</b>				
Personnel services	5,045,900	4,817,136	228,764	4,417,860
Operations and maintenance	1,943,948	1,559,932	384,016	1,448,438
Purchases of electricity	28,861,700	28,106,211	755,489	27,658,546
Electric sales tax	2,856,500	2,869,664	(13,164)	2,766,473
Total	<u>38,708,048</u>	<u>37,352,943</u>	<u>1,355,105</u>	<u>36,291,317</u>
Debt service				
Principal retirement	991,000	991,000	-	535,000
Interest	259,300	259,225	75	104,077
Total debt service	<u>1,250,300</u>	<u>1,250,225</u>	<u>75</u>	<u>639,077</u>
Capital outlay				
Total expenditures	<u>3,193,181</u>	<u>2,453,728</u>	<u>739,453</u>	<u>3,595,879</u>
Total expenditures	<u>43,151,529</u>	<u>41,056,896</u>	<u>2,094,633</u>	<u>40,526,273</u>
Revenues over (under) expenses	<u>879,371</u>	<u>4,031,873</u>	<u>3,152,502</u>	<u>2,325,748</u>

**TOWN OF APEX, NORTH CAROLINA**  
**ELECTRIC OPERATIONS**  
**SCHEDULE OF REVENUES, EXPENSES AND SUPPLEMENTAL BUDGET EXPENDITURES**  
**BUDGET AND ACTUAL (Non-GAAP)**  
**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 13**

	<u>2021</u>		Variance Positive (Negative)	<u>2020</u>
	<u>Budget</u>	<u>Actual</u>		<u>Actual</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers out				
Electric Substation Project	\$ (1,125,000)	\$ (1,125,000)	\$ -	\$ (2,255,820)
Contingency	(150,000)	-	150,000	-
Appropriated fund balance	395,629	-	(395,629)	-
Total other financing sources (uses)	<u>(879,371)</u>	<u>(1,125,000)</u>	<u>(245,629)</u>	<u>(2,255,820)</u>
Revenues and other financing sources over expenditures and other financing uses	<u>\$ -</u>	2,906,873	<u>\$ 2,906,873</u>	69,928

**Reconciliation from budgetary basis  
(modified accrual) to full accrual:**

Reconciling items:

Capital outlay	2,453,727	3,595,879
Depreciation	(2,846,746)	(2,760,235)
Payment of debt principal	991,000	535,000
Intrafund transfers	1,125,000	2,255,820
(Increase) decrease in accrued vacation and compensatory pay	(51,084)	10,083
(Increase) decrease in accrued interest	(70,285)	(100,052)
Increase/(decrease) in deferred outflows of resources - pensions	210,982	(86,017)
Increase in net pension liability	(421,803)	(163,883)
Decrease in deferred inflows of resources - pensions	6,087	5,538
Increase/(decrease) in deferred outflows of resources - OPEB	(41,870)	393,911
(Increase) in deferred inflows of resources - OPEB	(10,224)	(78,609)
Increase in net OPEB liability	(439,265)	(529,868)
Electric substation project		
Investment earnings	23,266	169,277
Bond issuance costs	-	(112,803)
Net income	<u>\$ 3,835,659</u>	<u>\$ 3,203,969</u>

**TOWN OF APEX, NORTH CAROLINA**  
**WATER AND SEWER FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES**  
**BUDGET AND ACTUAL (NON-GAAP)**

**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 14**

	<b>2021</b>			<b>2020</b>
	Budget	Actual	Variance Positive (Negative)	Actual
<b>REVENUES</b>				
Operating revenues				
Charges for services	\$ 19,735,300	\$ 20,562,567	\$ 827,267	\$ 19,006,567
Other operating revenues				
Water and sewer taps	486,100	424,003	(62,097)	523,366
Water tank rentals	180,000	146,193	(33,807)	166,078
Miscellaneous	189,000	200,786	11,786	269,579
Total other operating revenues	<u>855,100</u>	<u>770,982</u>	<u>(84,118)</u>	<u>959,023</u>
Total operating revenues	<u>20,590,400</u>	<u>21,333,549</u>	<u>743,149</u>	<u>19,965,590</u>
Nonoperating revenues:				
Investment earnings	175,000	44,023	(130,977)	349,448
Intergovernmental revenues	-	-	-	9,091
Sale of capital assets	30,000	-	(30,000)	17,260
Total nonoperating revenues	<u>205,000</u>	<u>44,023</u>	<u>(160,977)</u>	<u>375,799</u>
Total revenues	<u>20,795,400</u>	<u>21,377,572</u>	<u>582,172</u>	<u>20,341,389</u>
<b>EXPENDITURES</b>				
Water & Sewer Administration				
Personnel services	2,977,100	2,841,072	136,028	2,370,646
Operations and maintenance	714,622	426,561	288,061	465,779
Total	<u>3,691,722</u>	<u>3,267,633</u>	<u>424,089</u>	<u>2,836,425</u>
Sewer Treatment				
Personnel services	850,800	806,383	44,417	809,063
Operations and maintenance	1,072,530	923,623	148,907	841,152
Contracted treatment services	1,978,000	1,927,375	50,625	1,765,959
Total	<u>3,901,330</u>	<u>3,657,381</u>	<u>243,949</u>	<u>3,416,174</u>
Sewer Maintenance				
Personnel services	1,279,600	1,093,823	185,777	1,161,663
Operations and maintenance	1,459,894	1,050,653	409,241	998,747
Total	<u>2,739,494</u>	<u>2,144,476</u>	<u>595,018</u>	<u>2,160,410</u>
Water Treatment				
Operations and maintenance	146,500	106,088	40,412	145,336
Water purchases	2,174,800	2,116,226	58,574	1,972,741
Total	<u>2,321,300</u>	<u>2,222,314</u>	<u>98,986</u>	<u>2,118,077</u>
Water Maintenance				
Personnel services	1,513,200	1,416,928	96,272	1,227,575
Operations and maintenance	1,317,053	798,615	518,438	634,114
Total	<u>2,830,253</u>	<u>2,215,543</u>	<u>614,710</u>	<u>1,861,689</u>
Debt service				
Interest	1,462,700	652,537	810,163	1,561,605
Principal retirement	2,493,500	2,483,284	10,216	2,414,539
Total debt service	<u>3,956,200</u>	<u>3,135,821</u>	<u>820,379</u>	<u>3,976,144</u>



**TOWN OF APEX, NORTH CAROLINA**  
**WATER AND SEWER FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES**  
**BUDGET AND ACTUAL (NON-GAAP)**

**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 14**

	<u>2021</u>		Variance Positive (Negative)	<u>2020</u>
	Budget	Actual		Actual
Capital outlay				
Water/Sewer administration	\$ 134,739	\$ 165,290	\$ (30,551)	\$ 39,863
Sewer treatment	3,121,724	3,092,090	29,634	61,287
Sewer maintenance	95,400	59,573	35,827	127,473
Water maintenance	1,220,750	377,580	843,170	646,949
Water treatment	53,383	119,437	(66,054)	324,847
Total capital outlay	<u>4,625,996</u>	<u>3,813,970</u>	<u>812,026</u>	<u>1,200,419</u>
Total expenditures	<u>24,066,295</u>	<u>20,457,138</u>	<u>3,609,157</u>	<u>17,569,338</u>
Revenues over (under) expenditures	<u>(3,270,895)</u>	<u>920,434</u>	<u>4,191,329</u>	<u>2,772,051</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in /(out)				
Water/Sewer Reserves	4,907,606	4,907,606	-	1,945,500
Water/Sewer Project Fund	(1,730,000)	(1,730,000)	-	(995,000)
Payment to refund debt	(29,067,539)	(29,603,539)	(536,000)	
Bond proceeds	29,440,000	29,440,000	-	-
Bond issuance cost	(201,507)	(197,400)	4,107	
UW discount	(170,954)	(170,954)	-	
Fund balance appropriated	243,289	-	(243,289)	-
Contingency	(150,000)	-	150,000	-
Total other financing sources (uses)	<u>3,270,895</u>	<u>2,645,713</u>	<u>(625,182)</u>	<u>950,500</u>
Revenues and other financing sources (uses) over expenditures, other financing uses and special item	\$ <u>-</u>	3,566,147	\$ <u>3,566,147</u>	3,722,551
<b>Reconciliation from budgetary basis (modified accrual) to full accrual:</b>				
Capital outlay		3,813,970		1,200,419
Capital contributions		12,009,235		16,906,414
Intrafund transfers		(3,177,606)		(950,500)
Depreciation		(10,975,141)		(10,680,288)
(Increase)/decrease in accrued interest		57,415		8,613
Amortization of premiums on bonds issued		44,676		74,236
Recognition of Gain/Loss on Refunding		(754,418)		-
Proceeds of Bond issuance		(29,440,000)		-
Payment to Escrow Agent to Refund Debt		29,603,539		-
Payment of debt principal		2,483,284		2,414,539
Increase/(decrease) in deferred outflows of resources - pensions		327,447		(104,574)
Increase in net pension liability		(635,117)		(205,663)
Decrease in deferred inflows of resources - pensions		6,845		3,577
(Increase) decrease in accrued vacation pay		(88,602)		65,788
Increase (decrease) in deferred outflows - OPEB		(116,165)		479,082
(Increase) decrease in deferred inflows - OPEB		8,666		(95,606)
Increase in net OPEB liability		(179,523)		(669,884)
Water/Sewer Capital Project Fund				
Interest income		32,269		155,641
Federal grants		-		330,000
Waste Water Treatment Plant Capital Project Fund				
Interest income		3,438		27,428

**TOWN OF APEX, NORTH CAROLINA  
WATER AND SEWER FUND  
SCHEDULE OF REVENUES AND EXPENDITURES  
BUDGET AND ACTUAL (NON-GAAP)**

**For the Year Ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 14**

**Reconciliation from budgetary basis (modified accrual)**

**to full accrual (continued):**

Capital Reserve Funds		
Capacity fees	118,500	245,782
Acreage fees	-	11,397
Capital reimbursement fees	2,926,478	7,287,438
Interest income	50,544	421,844
Miscellaneous	52,782	12,605
Net Income	\$ <u>9,738,662</u>	\$ <u>20,660,839</u>

**TOWN OF APEX, NORTH CAROLINA**  
**ELECTRIC SUBSTATION PROJECT**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL (NON-GAAP)**  
**From Inception to June 30, 2021**

**Schedule 15**

	Project Author - ization	Prior Years	Actual Current Year	Total to Date
<b>REVENUES</b>				
Investment earnings	\$ 323,274	\$ 356,613	\$ 23,267	\$ 379,880
<b>EXPENDITURES</b>				
Capital outlay - improvements	19,376,720	4,772,895	6,477,961	11,250,856
Bond issuance cost	110,100	112,803	-	112,803
Total expenditures	<u>19,486,820</u>	<u>4,885,698</u>	<u>6,477,961</u>	<u>11,363,659</u>
Revenues under expenditures	<u>(19,163,546)</u>	<u>(4,529,085)</u>	<u>(6,454,694)</u>	<u>(10,983,779)</u>
<b>OTHER FINANCING SOURCES</b>				
Transfers in				
Electric Fund	9,055,183	6,941,360	1,125,000	8,066,360
Water/Sewer Fund	108,363	108,363	-	108,363
Bonds issued	<u>10,000,000</u>	<u>10,000,000</u>	<u>-</u>	<u>10,000,000</u>
Total other financing sources	<u>19,163,546</u>	<u>17,049,723</u>	<u>1,125,000</u>	<u>18,174,723</u>
Revenues and other financing sources over expenditures	<u>\$ -</u>	<u>\$ 12,520,638</u>	<u>\$ (5,329,694)</u>	<u>\$ 7,190,944</u>

**TOWN OF APEX, NORTH CAROLINA**  
**WATER/SEWER PROJECT FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL (NON-GAAP)**  
**From Inception to June 30, 2021**

**Schedule 16**

	Project Author - ization	Actual		
		Prior Years	Current Year	Total to Date
<b>REVENUES</b>				
Investment earnings	\$ 535,336	\$ 479,115	\$ 32,270	\$ 511,385
	-	-		-
Total revenues	535,336	479,115	32,270	511,385
<b>EXPENDITURES</b>				
Capital outlay - improvements	36,363,902	8,173,757	2,385,090	10,558,847
Revenues under expenditures	(35,828,566)	(7,694,642)	(2,352,820)	(10,047,462)
<b>OTHER FINANCING SOURCES</b>				
Transfers in				
Water/Sewer Capital Reserve	19,004,436	13,073,315	-	13,073,315
Water/Sewer HB 463 Reserve	10,433,905	5,505,905	3,753,000	9,258,905
Water/Sewer Fund	6,390,225	3,760,225	1,730,000	5,490,225
Total other financing sources	35,828,566	22,339,445	5,483,000	27,822,445
Revenues and other financing sources over expenditures	\$ -	\$ 14,644,803	\$ 3,130,180	\$ 17,774,983

**TOWN OF APEX, NORTH CAROLINA**  
**WASTEWATER TREATMENT PLANT PROJECT FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL (NON-GAAP)**  
**From Inception to June 30, 2021**

**Schedule 17**

	Project Author - ization	Prior Years	Actual Current Year	Total to Date
<b>REVENUES</b>				
Investment earnings	\$ 400,000	\$ 403,161	\$ 3,437	\$ 406,598
Miscellaneous	-	404	-	404
Total revenues	<u>400,000</u>	<u>403,565</u>	<u>3,437</u>	<u>407,002</u>
<b>EXPENDITURES</b>				
Capital outlay - improvements	<u>841,000</u>	<u>420,108</u>	<u>3,384</u>	<u>423,492</u>
Revenues over (under) expenditures	(441,000)	(16,543)	53	(16,490)
<b>OTHER FINANCING SOURCES</b>				
Transfers in				
Water/Sewer Capital Reserve	<u>441,000</u>	<u>1,663,566</u>	<u>-</u>	<u>1,663,566</u>
Revenues and other financing sources over (under) expenditures	<u>\$ -</u>	<u>\$ 1,647,023</u>	<u>\$ 53</u>	<u>\$ 1,647,076</u>

**TOWN OF APEX, NORTH CAROLINA**  
**WATER/SEWER CAPITAL RESERVE FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL (NON-GAAP)**

**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 18**

	<u>2021</u>			<u>2020</u>
	Budget	Actual	Variance Positive (Negative)	Actual
<b>REVENUES</b>				
Capacity fees	\$ -	\$ 118,500	\$ 118,500	\$ 245,782
Capital reimbursement fees	-	75,660	75,660	65,761
Acreage fees	-	-	-	11,397
Payments in lieu of water/sewer	-	52,782	52,782	12,605
Investment earnings	-	43,279	43,279	314,278
Total revenues	<u>-</u>	<u>290,221</u>	<u>290,221</u>	<u>649,823</u>
<b>EXPENDITURES</b>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Revenues over expenditures	<u>-</u>	<u>290,221</u>	<u>290,221</u>	<u>649,823</u>
<b>OTHER FINANCING SOURCES (USES)</b>				
Transfers in (out)				
Water/Sewer Fund	(2,410,409)	(2,410,409)	-	(80,000)
Water/Sewer Project Fund	-	-	-	(950,000)
Fund Balance Appropriated	<u>2,410,409</u>	<u>-</u>	<u>(2,410,409)</u>	<u>-</u>
Total other financing sources (uses)	<u>-</u>	<u>(2,410,409)</u>	<u>(2,410,409)</u>	<u>(1,030,000)</u>
Net change in fund balance	<u>\$ -</u>	<u>(2,120,188)</u>	<u>\$ (2,120,188)</u>	<u>(380,177)</u>
FUND BALANCE - Beginning of year		<u>20,697,757</u>		<u>21,077,934</u>
FUND BALANCE - End of year		<u>\$ 18,577,569</u>		<u>\$ 20,697,757</u>

**TOWN OF APEX, NORTH CAROLINA**  
**WATER/SEWER HB 463 CAPITAL RESERVE FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN FUND BALANCE - BUDGET AND ACTUAL (NON-GAAP)**

**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 19**

	<b>2021</b>			<b>2020</b>
	<u>Budget</u>	<u>Actual</u>	Variance Positive (Negative)	<u>Actual</u>
<b>REVENUES</b>				
Capital reimbursement fees	\$ 3,589,591	\$ 2,850,818	\$ (738,773)	\$ 7,221,677
Investment earnings	50,000	7,264	(42,736)	107,566
Total revenues	<u>3,639,591</u>	<u>2,858,082</u>	<u>(781,509)</u>	<u>7,329,243</u>
<b>EXPENDITURES</b>				
Reserved for future expenditures	<u>366,500</u>	<u>-</u>	<u>(366,500)</u>	<u>-</u>
Revenues over expenditures	<u>3,273,091</u>	<u>2,858,082</u>	<u>(415,009)</u>	<u>7,329,243</u>
<b>OTHER FINANCING USES</b>				
Transfers out				
Water/Sewer Fund	(2,497,197)	(2,497,197)	-	(1,865,500)
Water/Sewer Project Fund	(3,753,000)	(3,753,000)	-	(5,715,000)
Fund balance appropriated	<u>2,977,106</u>	<u>-</u>	<u>(2,977,106)</u>	<u>-</u>
Total other financing uses	<u>(3,273,091)</u>	<u>(6,250,197)</u>	<u>(2,977,106)</u>	<u>(7,580,500)</u>
Net change in fund balance	<u>\$ -</u>	<u>(3,392,115)</u>	<u>\$ (3,392,115)</u>	<u>(251,257)</u>
FUND BALANCE - Beginning of year		<u>4,797,629</u>		<u>5,048,886</u>
FUND BALANCE - End of year		<u>\$ 1,405,514</u>		<u>\$ 4,797,629</u>

**TOWN OF APEX, NORTH CAROLINA**  
**INTERNAL SERVICE FUND**  
**HEALTH AND DENTAL FUND**  
**SCHEDULE OF REVENUES, EXPENDITURES AND CHANGES**  
**IN NET POSITION - FINANCIAL PLAN AND ACTUAL (Non - GAAP)**  
**For the year ended June 30, 2021**

With comparative actual amounts for the year ended June 30, 2020

**Schedule 20**

	<b>2021</b>			<b>2020</b>
	Financial Plan	Actual	Variance Positive (Negative)	Actual
<b>REVENUES</b>				
Health premiums	\$ 4,404,830	\$ 4,451,264	\$ 46,434	\$ 4,700,858
Dental premiums	296,534	299,240	2,706	318,562
Employee health contributions	963,303	999,792	36,489	944,818
Employee dental contributions	141,978	181,539	39,561	177,541
Employee vision contributions	71,534	76,869	5,335	65,177
Retiree health contributions	37,856	74,549	36,693	86,823
Total revenues	<u>5,916,035</u>	<u>6,083,253</u>	<u>167,218</u>	<u>6,293,779</u>
<b>EXPENDITURES</b>				
Health claims-employees	4,769,144	4,997,917	(228,773)	3,285,382
Dental claims-employees	418,168	393,797	24,371	321,644
Administrative fees-employees	300,585	644,256	(343,671)	774,843
Health claims-retiree	310,783	266,184	44,599	185,748
Dental claims-retiree	-	-	-	3,655
Retiree premiums	-	82,410	(82,410)	69,266
Administrative fees-retiree	45,821	58,614	(12,793)	64,321
Administrative fees-vision	71,534	78,776	(7,242)	58,530
Total expenditures	<u>5,916,035</u>	<u>6,521,954</u>	<u>(605,919)</u>	<u>4,763,389</u>
Revenues over expenditures	<u>\$ -</u>	<u>(438,701)</u>	<u>\$ (438,701)</u>	<u>1,530,390</u>
<b>Reconciliation from financial plan basis (modified accrual) to full accrual:</b>				
Reconciling items:				
Decrease (increase) in reserve for incurred but not reported ("IBNR") claims		<u>(165,000)</u>		<u>37,000</u>
Change in net position		<u>\$ (603,701)</u>		<u>\$ 1,567,390</u>



**TOWN OF APEX, NORTH CAROLINA  
GENERAL FUND  
SCHEDULE OF AD VALOREM TAXES RECEIVABLE  
June 30, 2021**

**Schedule 21**

<u>Fiscal Year</u>	<u>Uncollected Balance June 30, 2020</u>	<u>Additions</u>	<u>Collections, Adjustments and Releases</u>	<u>Uncollected Balance June 30, 2021</u>
2020-2021	\$ -	\$ 39,455,330	\$ 39,389,175	\$ 66,155
2019-2020	63,964	-	28,932	35,032
2018-2019	17,650	-	883	16,767
2017-2018	15,803	-	361	15,442
2016-2017	8,925	-	154	8,771
2015-2016	9,290	-	80	9,210
2014-2015	10,250	-	65	10,185
2013-2014	16,266	-	356	15,910
2012-2013	9,623	-	40	9,583
2011-2012	8,356	-	439	7,917
2010-2011	9,527	-	9,527	-
	<u>\$ 169,654</u>	<u>\$ 39,455,330</u>	<u>\$ 39,430,012</u>	<u>\$ 194,972</u>
				<u>112,723</u>
				<u>\$ 82,249</u>

Less: Allowance for uncollectible accounts

Ad valorem taxes receivable - net

Reconciliation with revenues:

Ad valorem taxes - General Fund	\$ 39,461,896
Reconciling items:	
Less: Penalties and interest	(47,062)
Add: Adjustments and releases	15,178
Total collections and credits	<u>\$ 39,430,012</u>

**TOWN OF APEX, NORTH CAROLINA  
ANALYSIS OF CURRENT TAX LEVY  
For the Year Ended June 30, 2021**

**Schedule 22**

	Town - Wide		Total Levy		
			Property exclusing Registered Motor Vehicles	Registered Motor Vehicles	
	Property Valuation	Rate	Total Levy		
Original levy:					
Property taxed at current rate	\$ 10,447,691,842	0.380	\$ 39,701,229	36,606,998	\$ 3,094,231
Penalties	-		13,793	13,793	-
Total	<u>10,447,691,842</u>		<u>39,715,022</u>	<u>36,620,791</u>	<u>3,094,231</u>
Discoveries:					
Prior year taxes	-		63,079	63,079	-
Total	<u>10,447,691,842</u>		<u>39,778,101</u>	<u>36,683,870</u>	<u>3,094,231</u>
Releases	<u>(84,939,737)</u>	0.380	<u>(322,771)</u>	<u>(322,771)</u>	<u>-</u>
Total property valuation	<u>\$ 10,362,752,105</u>				
Net levy			39,455,330	36,361,099	3,094,231
Uncollected taxes at June 30, 2021			<u>66,155</u>	<u>47,414</u>	<u>18,741</u>
Current year's taxes collected			<u>\$ 39,389,175</u>	<u>\$ 36,313,685</u>	<u>\$ 3,075,490</u>
Current levy collection percentage			<u>99.83%</u>	<u>99.87%</u>	<u>99.39%</u>

**TOWN OF APEX, NORTH CAROLINA**  
**GENERAL OBLIGATION DEBT SERVICE REQUIREMENTS**  
**AND MATURITY SCHEDULE**  
**June 30, 2021**

**Schedule 23**

Fiscal Year	UTILITIES		OTHER		TOTAL	
	Principal	Principal and Interest	Principal	Principal and Interest	Principal	Principal and Interest
2021-2022	\$ 1,405,000	\$ 1,850,586	\$ 3,715,000	\$ 5,832,986	\$ 5,120,000	\$ 7,683,572
2022-2023	1,475,000	1,898,608	3,715,000	5,685,757	5,190,000	7,584,365
2023-2024	1,505,000	1,922,706	3,725,000	5,553,607	5,230,000	7,476,313
2024-2025	1,530,000	1,938,678	3,725,000	5,410,807	5,255,000	7,349,485
2025-2026	1,560,000	1,957,968	3,520,000	5,062,706	5,080,000	7,020,674
2026-2027	1,615,000	1,998,614	3,525,000	4,917,457	5,140,000	6,916,071
2027-2028	1,740,000	2,106,496	3,530,000	4,771,956	5,270,000	6,878,452
2028-2029	1,810,000	2,154,224	3,705,000	4,804,706	5,515,000	6,958,930
2029-2030	1,880,000	2,199,246	3,610,000	4,573,006	5,490,000	6,772,252
2030-2031	1,950,000	2,241,422	3,610,000	4,444,656	5,560,000	6,686,078
2031-2032	2,005,000	2,265,612	3,295,000	4,001,306	5,300,000	6,266,918
2032-2033	2,085,000	2,311,928	3,525,000	4,132,457	5,610,000	6,444,385
2033-2034	2,140,000	2,330,858	3,395,000	3,911,607	5,535,000	6,242,465
2034-2035	2,650,000	2,802,766	3,395,000	3,822,275	6,045,000	6,625,041
2035-2036	2,590,000	2,692,944	3,395,000	3,732,943	5,985,000	6,425,887
2036-2037	2,545,000	2,596,664	3,395,000	3,643,613	5,940,000	6,240,277
2037-2038	-	-	3,395,000	3,551,901	3,395,000	3,551,901
2038-2039	-	-	1,490,000	1,555,188	1,490,000	1,555,188
2039-2040	-	-	1,490,000	1,523,524	1,490,000	1,523,524
2040-2041	-	-	-	-	-	-
	<u>\$ 30,485,000</u>	<u>\$ 35,269,320</u>	<u>\$ 63,155,000</u>	<u>\$ 80,932,458</u>	<u>\$ 93,640,000</u>	<u>\$ 116,201,778</u>

## STATISTICAL SECTION

This part of the Town of Apex's comprehensive annual financial report presents detailed information as a context for understanding what the information in the financial statements, note disclosures, and required supplementary information says about the Town's overall financial health.

### Financial Trends - Tables 1 - 5

These tables contain trend information to help the reader understand how the Town's financial performance and well-being have changed over time.

### Revenue Capacity - Tables 6 - 9

These tables contain information to help the reader assess the Town's most significant revenue sources, property taxes and electric sales.

### Debt Capacity - Tables 10 - 13

These tables present information to help the reader assess the affordability of the Town's current levels of outstanding debt and its ability to issue additional debt in the future.

### Demographic and Economic Information - Tables 14 - 15

These tables offer demographic and economic indicators to help the reader understand the environment within which the Town's financial activities take place.

### Operating Information - Tables 16 - 18

These tables contain service and infrastructure data to help the reader understand how the information in the Town's financial report relates to the services it provides and the activities it performs.



**TOWN OF APEX, NORTH CAROLINA**  
**NET POSITION BY COMPONENT**  
**Last Ten Fiscal Years**  
(Accrual Basis of Accounting)  
(000's omitted)

**Table 1**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Governmental activities										
Net investment in capital assets	\$ 145,697	\$ 146,483	\$ 150,821	\$ 172,231	\$ 208,352	\$ 298,896	\$ 383,833	\$ 446,504	\$ 492,439	\$ 548,258
Restricted	4,019	5,251	7,352	6,090	10,486	8,279	10,340	11,128	10,525	10,556
Unrestricted	14,161	15,473	14,699	14,216	13,406	17,797	13,270	14,301	19,204	17,325
Total governmental activities net position	<u>\$ 163,877</u>	<u>\$ 167,207</u>	<u>\$ 172,872</u>	<u>\$ 192,537</u>	<u>\$ 232,244</u>	<u>\$ 324,972</u>	<u>\$ 407,443</u>	<u>\$ 471,933</u>	<u>\$ 522,168</u>	<u>\$ 576,139</u>
Business-type activities										
Net investment in capital assets	\$ 102,749	\$ 104,939	\$ 135,200	\$ 147,820	\$ 181,185	\$ 202,626	\$ 220,327	\$ 225,236	\$ 238,830	\$ 249,228
Restricted	-	-	-	-	-	-	-	-	-	-
Unrestricted	62,759	65,281	46,298	46,393	44,345	49,435	66,894	59,682	69,953	73,129
Total business-type activities net position	<u>\$ 165,508</u>	<u>\$ 170,220</u>	<u>\$ 181,498</u>	<u>\$ 194,213</u>	<u>\$ 225,530</u>	<u>\$ 252,061</u>	<u>\$ 287,221</u>	<u>\$ 284,918</u>	<u>\$ 308,783</u>	<u>\$ 322,357</u>
Primary government										
Net investment in capital assets	\$ 248,446	\$ 251,422	\$ 286,021	\$ 320,051	\$ 389,537	\$ 501,522	\$ 604,160	\$ 671,740	\$ 731,269	\$ 797,486
Restricted	4,019	5,251	7,352	6,090	10,486	8,279	10,340	11,128	10,525	10,556
Unrestricted	76,920	80,754	60,997	60,609	57,751	67,232	80,164	73,983	89,157	90,454
Total primary government net position	<u>\$ 329,385</u>	<u>\$ 337,427</u>	<u>\$ 354,370</u>	<u>\$ 386,750</u>	<u>\$ 457,774</u>	<u>\$ 577,033</u>	<u>\$ 694,664</u>	<u>\$ 756,851</u>	<u>\$ 830,951</u>	<u>\$ 898,496</u>

**TOWN OF APEX, NORTH CAROLINA**  
**CHANGES IN NET POSITION**  
**Last Ten Fiscal Years**  
(Accrual Basis of Accounting)  
(000's omitted)

**Table 2**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<b>Expenses</b>										
<b>Governmental activities</b>										
General government	\$ 7,987	\$ 7,941	\$ 8,761	\$ 9,235	\$ 9,851	\$ 10,069	\$ 10,584	\$ 11,746	\$ 13,145	\$ 15,116
Public Safety	12,878	13,836	14,692	15,491	16,623	19,644	21,076	21,019	25,437	28,530
Public Works	7,023	7,350	6,644	8,854	8,697	13,241	16,523	18,984	21,547	23,269
Environmental Protection	3,304	3,270	3,532	3,794	4,006	3,394	3,642	4,147	4,792	5,397
Culture and recreation	3,963	4,272	4,381	4,811	5,336	5,519	5,750	6,395	7,127	6,833
Interest on long-term debt	862	917	974	944	822	764	1,073	1,510	1,743	2,024
<b>Total governmental activities expenses</b>	<b>36,017</b>	<b>37,586</b>	<b>38,984</b>	<b>43,129</b>	<b>45,335</b>	<b>52,631</b>	<b>58,648</b>	<b>63,801</b>	<b>73,791</b>	<b>81,169</b>
<b>Business-type activities</b>										
Water and Sewer	11,473	13,304	14,196	15,498	18,485	20,140	22,334	24,462	25,080	26,900
Electric	28,330	28,335	29,530	31,674	31,179	34,154	34,215	37,018	39,817	41,276
<b>Total business-type activities expenses</b>	<b>39,803</b>	<b>41,639</b>	<b>43,726</b>	<b>47,172</b>	<b>49,664</b>	<b>54,294</b>	<b>56,549</b>	<b>61,480</b>	<b>64,897</b>	<b>68,176</b>
<b>Total primary government expenses</b>	<b>\$ 75,820</b>	<b>\$ 79,225</b>	<b>\$ 82,710</b>	<b>\$ 90,301</b>	<b>\$ 94,999</b>	<b>\$ 106,925</b>	<b>\$ 115,197</b>	<b>\$ 125,281</b>	<b>\$ 138,688</b>	<b>\$ 149,345</b>
<b>Program Revenues</b>										
<b>Governmental activities</b>										
Charges for services:										
General government	\$ 891	\$ 1,218	\$ 1,840	\$ 2,557	\$ 3,501	\$ 4,960	\$ 5,638	\$ 5,080	\$ 4,216	\$ 4,953
Public Safety <sup>(1)</sup>	51	14	14	11	15	17	12	-	-	-
Culture and recreation	1,097	1,706	1,553	2,324	323	4,892	5,149	4,539	3,125	2,730
Public Works	299	228	398	636	2,953	1,487	1,152	220	46	631
Environmental Protection	2,465	2,574	2,683	2,814	3,029	3,351	3,629	4,193	4,853	5,450
Operating grants and contributions	2,315	3,189	2,897	3,008	3,073	3,773	4,276	2,865	2,929	5,015
Capital grants and contributions	10,174	5,074	6,472	23,058	38,469	92,297	98,076	65,952	57,687	54,833
<b>Total governmental activities program revenues</b>	<b>17,292</b>	<b>14,003</b>	<b>15,857</b>	<b>34,408</b>	<b>51,363</b>	<b>110,777</b>	<b>117,932</b>	<b>82,849</b>	<b>72,856</b>	<b>73,612</b>
<b>Business-type activities</b>										
Charges for services:										
Water and Sewer	28,901	15,797	16,448	12,949	13,374	14,457	16,260	17,408	19,966	21,306
Electric	13,809	29,069	31,599	32,646	33,299	36,224	38,364	40,807	42,674	44,958
Operating grants and contributions	-	-	-	-	-	-	-	-	99	-
Capital grants and contributions	4,362	2,603	6,478	14,977	34,121	29,850	37,863	14,231	24,794	15,054
<b>Total business-type activities program revenues</b>	<b>47,072</b>	<b>47,469</b>	<b>54,525</b>	<b>60,572</b>	<b>80,794</b>	<b>80,531</b>	<b>92,487</b>	<b>72,446</b>	<b>87,533</b>	<b>81,318</b>
<b>Total primary government program revenues</b>	<b>\$ 64,364</b>	<b>\$ 61,472</b>	<b>\$ 70,382</b>	<b>\$ 94,980</b>	<b>\$ 132,157</b>	<b>\$ 191,308</b>	<b>\$ 210,419</b>	<b>\$ 155,295</b>	<b>\$ 160,389</b>	<b>\$ 154,930</b>

**TOWN OF APEX, NORTH CAROLINA**  
**CHANGES IN NET POSITION**  
**Last Ten Fiscal Years**  
(Accrual Basis of Accounting)

	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021
Net (expense)/revenue										
Governmental activities	\$ (18,726)	\$ (23,583)	\$ (23,127)	\$ (8,721)	\$ 6,028	\$ 58,146	\$ 59,293	\$ 19,048	\$ (935)	\$ (7,557)
Business-type activities	7,269	5,830	10,799	13,400	31,130	26,237	35,938	10,966	22,636	13,142
Total primary government net expenses	\$ (11,457)	\$ (17,753)	\$ (12,328)	\$ 4,679	\$ 37,158	\$ 84,383	\$ 95,231	\$ 30,014	\$ 21,701	\$ 5,585
<b>General Revenues and Other Changes in Net Position</b>										
Governmental activities										
Taxes										
Property taxes	15,063	17,837	18,969	19,547	20,676	22,987	24,665	29,498	32,687	39,485
Sales taxes	6,293	6,665	7,219	7,959	8,753	9,407	10,109	11,038	12,175	17,044
Motor vehicle licenses	143	148	202	168	176	329	345	791	1,049	242
Miscellaneous taxes	36	42	47	51	56	65	271	82	81	-
Unrestricted grants and contributions	2,415	2,122	2,176	2,859	2,971	2,971	3,028	3,261	3,459	3,408
Investment earnings	48	53	25	24	95	202	562	1,621	1,244	715
Miscellaneous	631	375	553	398	364	475	536	475	476	633
Transfers	-	-	(400)	-	-	-	-	-	-	-
Total governmental activities	24,629	27,242	28,791	31,006	33,091	36,436	39,516	46,766	51,171	61,527
Business-type activities										
Investment earnings	93	115	51	71	133	264	694	1,453	1,211	167
Miscellaneous	-	5	28	10	54	30	39	59	17	265
Transfers	-	-	400	-	-	-	-	-	-	-
Total business-type activities	93	120	479	81	187	294	733	1,512	1,228	432
Total primary government	\$ 24,722	\$ 27,362	\$ 29,270	\$ 31,087	\$ 33,278	\$ 36,730	\$ 40,249	\$ 48,278	\$ 52,399	\$ 61,959
Special Item: Legal Settlement										
Total governmental activities	-	-	-	-	-	-	-	(699)	-	-
Total business-type activities	-	-	-	-	-	-	-	(14,658)	-	-
Total primary government	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (15,357)	\$ -	\$ -
<b>Change in Net Position</b>										
Governmental activities	\$ 5,903	\$ 3,659	\$ 5,664	\$ 22,285	\$ 39,119	\$ 94,582	\$ 98,809	\$ 65,115	\$ 50,236	\$ 53,970
Business-type activities	7,362	5,950	11,278	13,481	31,317	26,531	36,671	(2,180)	23,864	13,575
Total primary government	\$ 13,265	\$ 9,609	\$ 16,942	\$ 35,766	\$ 70,436	\$ 121,113	\$ 135,480	\$ 62,935	\$ 74,100	\$ 67,545

Notes

(1) Merger with Apex EMS completed March 2010.



**TOWN OF APEX, NORTH CAROLINA**  
**GOVERNMENTAL ACTIVITIES TAX REVENUES BY SOURCE**  
**Last Ten Fiscal Years**  
(Modified Accrual Basis of Accounting)

**Table 3**

<u>Fiscal Year</u>	<u>Property Tax</u>	<u>Sales Tax</u>	<u>Franchise Tax</u>	<u>Motor Vehicle Licenses</u>	<u>Beer &amp; Wine Tax</u>	<u>Rental Vehicle Tax</u>	<u>Total</u>
2012	\$ 15,094,213	\$ 6,292,886	\$ 1,962,575	\$ 143,276	\$ 163,556	\$ 36,518	\$ 23,693,024
2013	17,818,627	6,664,708	1,811,003	147,239	156,234	42,333	26,640,144
2014	19,041,293	7,218,751	1,839,512	210,725	173,957	46,941	28,531,179
2015	19,577,741	7,959,043	2,471,056	176,038	195,186	51,335	30,430,399
2016	20,708,708	8,752,692	2,567,708	179,814	187,787	56,331	32,453,040
2017	22,995,117	9,406,835	2,529,054	333,116	202,523	65,499	35,532,144
2018	24,672,063	10,109,296	2,647,424	545,363	202,218	73,883	38,250,247
2019	29,525,234	11,038,256	2,765,367	790,883	209,435	82,207	44,411,382
2020	32,658,938	12,174,795	2,814,107	1,044,183	227,565	80,713	49,000,301
2021	39,461,896	15,728,052	2,941,206	1,461,109	256,102	90,896	59,939,261

**TOWN OF APEX, NORTH CAROLINA**  
**FUND BALANCES OF GOVERNMENTAL FUNDS**  
**Last Ten Fiscal Years**  
(Modified Accrual Basis of Accounting)  
(000's omitted)

**Table 4**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
General Fund										
Nonspendable	\$ 80	\$ 111	\$ 101	\$ 142	\$ 166	\$ 115	\$ 114	\$ 163	\$ 285	\$ 311
Restricted	4,379	4,154	5,877	5,377	7,179	7,569	9,640	10,431	9,839	9,870
Committed	-	-	-	-	677	776	842	850	865	857
Assigned	1,533	1,538	1,500	1,012	1,826	-	2,358	2,327	2,370	1,549
Unassigned	11,608	13,983	14,299	15,190	15,467	19,377	21,883	26,062	28,905	36,040
Total General Fund	<u>\$ 17,600</u>	<u>\$ 19,786</u>	<u>\$ 21,777</u>	<u>\$ 21,721</u>	<u>\$ 25,315</u>	<u>\$ 27,837</u>	<u>\$ 34,837</u>	<u>\$ 39,833</u>	<u>\$ 42,264</u>	<u>\$ 48,627</u>
All other governmental funds										
Special revenue funds	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Capital project funds	-	-	-	-	-	-	-	-	-	-
Permanent funds	-	-	-	-	-	-	-	-	-	-
Nonspendable	718	716	717	713	712	709	700	697	687	686
Restricted	-	-	759	-	2,595	-	20,177	18,237	46,145	39,976
Committed	2,205	5,727	1,920	3,509	3,999	5,476	8,507	12,032	17,426	17,424
Assigned	1,114	2,749	3,138	2,934	2,833	5,202	6,622	7,204	6,482	4,792
Unassigned	(31)	-	-	-	-	-	-	-	-	-
Total all other governmental funds	<u>\$ 4,006</u>	<u>\$ 9,192</u>	<u>\$ 6,534</u>	<u>\$ 7,156</u>	<u>\$ 10,139</u>	<u>\$ 11,387</u>	<u>\$ 36,006</u>	<u>\$ 38,170</u>	<u>\$ 70,740</u>	<u>\$ 62,878</u>

**TOWN OF APEX, NORTH CAROLINA**  
**CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS**  
**Last Ten Fiscal Years**  
**(Modified Accrual Basis of Accounting)**  
**(000's omitted)**

**Table 5**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
<b>Revenues</b>										
Ad valorem taxes	\$ 15,094	\$ 17,819	\$ 19,041	\$ 19,577	\$ 20,709	\$ 22,995	\$ 24,672	\$ 29,525	\$ 32,658	\$ 39,462
Other taxes and licenses	6,473	6,854	7,477	8,186	8,989	9,672	10,729	11,911	13,300	17,280
Unrestricted intergovernmental	2,415	2,122	2,176	2,859	2,971	2,971	3,028	3,261	3,459	3,408
Restricted intergovernmental	3,667	4,280	3,285	4,341	3,555	4,306	5,617	3,015	3,591	5,015
Permits and fees	1,746	2,515	3,078	4,652	5,945	10,461	10,948	8,749	6,815	7,595
Sales and services	3,055	3,211	3,410	3,691	3,874	4,380	4,629	5,282	5,419	6,169
Investment earnings	38	32	25	24	95	201	562	1,621	1,244	715
Miscellaneous	648	425	585	413	397	560	848	596	551	1,318
Total revenues	\$ 33,136	\$ 37,258	\$ 39,077	\$ 43,743	\$ 46,535	\$ 55,546	\$ 61,033	\$ 63,960	\$ 67,037	\$ 80,962
<b>Expenditures</b>										
General government	\$ 6,892	\$ 6,945	\$ 7,636	\$ 8,251	\$ 8,864	\$ 8,688	\$ 9,238	\$ 10,372	\$ 12,352	\$ 12,851
Public safety	11,676	12,757	13,462	14,487	15,534	17,173	18,479	18,421	21,377	23,223
Public works	2,255	2,460	1,692	3,578	2,593	5,124	5,727	5,894	6,472	6,242
Environmental protection	3,137	3,177	3,426	3,680	3,887	3,208	3,417	3,898	4,476	4,972
Cultural and recreation	2,792	2,999	3,323	3,555	3,682	3,674	3,884	4,384	4,901	4,578
Capital projects	4,636	5,532	6,855	8,718	6,928	9,994	14,918	8,562	11,502	28,594
Debt Service										
Principal	1,655	1,809	2,134	2,134	2,667	3,028	3,870	2,904	5,926	4,474
Interest	835	882	816	732	817	886	1,012	1,666	1,816	2,436
Bond issuance costs	-	139	-	-	-	-	-	-	-	91
Total expenditures	\$ 33,878	\$ 36,700	\$ 39,344	\$ 45,135	\$ 44,972	\$ 51,775	\$ 60,545	\$ 56,101	\$ 68,822	\$ 87,461
Excess of revenues over (under) expenditures	(742)	558	(267)	(1,392)	1,563	3,771	488	7,859	(1,785)	(6,499)
<b>Other financing sources (uses)</b>										
Issuance of debt	502	5,000	-	2,226	4,500	-	6,000	-	-	-
Payment to refund debt	-	(4,903)	-	(6,421)	-	-	-	-	-	-
Bonds issued	-	6,000	-	6,424	-	-	24,105	-	32,245	5,000
Premium on bond issuance	-	267	-	-	-	-	1,026	-	4,540	-
Bond issuance costs	-	-	-	-	-	-	-	-	-	-
Transfers in	780	548	-	-	3,729	3,932	4,578	10,567	8,364	14,104
Transfers out	(780)	(548)	(400)	-	(3,804)	(3,932)	(4,578)	(10,567)	(8,364)	(14,104)
Total other financing sources (uses)	502	6,364	(400)	2,229	4,425	-	31,131	-	36,785	5,000
<b>Special Item</b>										
Legal Settlement	-	-	-	-	-	-	-	(699)	-	-
Net change in fund balances	\$ (240)	\$ 6,922	\$ (667)	\$ 837	\$ 5,988	\$ 3,771	\$ 31,619	\$ 7,160	\$ 35,000	\$ (1,498)
Debt service as a percentage of noncapital expenditures	8.5%	9.1%	9.1%		9.2%	9.4%	10.7%	9.6%	13.5%	11.9%

**TOWN OF APEX, NORTH CAROLINA**  
**ASSESSED VALUE AND ESTIMATED ACTUAL VALUE OF TAXABLE PROPERTY**  
**Last Ten Fiscal Years**

**Table 6**

<b>Fiscal Year Ended June 30</b>	<b>Real Property</b>	<b>Public Service Property</b>	<b>Motor Vehicles</b>	<b>Other Personal Property</b>	<b>Total Taxable Assessed Value</b>	<b>Tax Rate per \$100 Assessed Value</b>	<b>Estimated Actual Taxable Value</b>	<b>Assessed Value as a Percentage of Actual Value</b>
2012	\$ 3,895,366,651	\$ 28,331,495	\$ 314,564,526	\$ 176,398,505	\$ 4,414,661,177	.34	\$ 4,194,168,725	105.3%
2013	3,993,835,605	28,357,179	351,764,850	197,998,753	4,571,956,387	.39	4,345,890,221	105.2%
2014	4,134,621,000	27,413,463	484,815,641	193,348,102	4,840,198,206	.39	4,621,102,309	104.7%
2015	4,373,110,017	27,414,807	418,989,744	174,630,304	4,994,144,872	.39	5,176,357,789	96.5%
2016	4,587,815,785	35,243,115	462,157,692	196,820,588	5,282,037,180	.39	5,330,064,454	99.1%
2017	5,290,258,644	34,099,710	500,589,928	193,783,561	6,018,731,843	.38	6,478,754,334	92.9%
2018	5,733,300,011	37,843,842	535,295,790	153,617,463	6,460,057,106	.38	7,241,870,744	89.2%
2019	6,282,148,101	39,532,810	601,268,781	159,347,899	7,082,297,591	.415	8,156,294,807	86.8%
2020	6,973,692,317	40,304,813	645,542,302	195,572,857	7,855,112,289	.415	7,853,717,829	100.0%
2021	9,368,899,690	41,888,161	794,931,359	157,032,895	10,362,752,105	.38	10,652,511,889	97.3%

**TOWN OF APEX, NORTH CAROLINA**  
**PROPERTY TAX RATES - DIRECT AND OVERLAPPING GOVERNMENTS**  
**Last Ten Fiscal Years**  
 June 30, 2021

**Table 7**

Fiscal Year	Town of Apex	Wake County	Combined Tax Rate Per \$100 of Assessed Value
2012	.34	.534	.874
2013	.39	.534	.924
2014	.39	.534	.924
2015	.39	.578	.968
2016	.39	.6145	1.0045
2017	.38	.6005	.9805
2018	.38	.615	.995
2019	.415	.6544	1.069
2020	.415	.7207	1.136
2021	.38	.60	.98

**TOWN OF APEX, NORTH CAROLINA**  
**PROPERTY TAX LEVIES AND COLLECTIONS**  
**Last Ten Fiscal Years**  
June 30, 2021

**Table 8**

Fiscal Year Ended June 30	Taxes Levied for the Fiscal Year (Original Levy)	Adjustments	Total Adjusted Levy	Collected within the Fiscal Year of the Levy		Collections in Subsequent Years	Total Collections to Date	
				Amount	Percentage of Original Levy		Amount	Percentage of Levy
2012	\$ 15,080,217	\$ (4,163)	\$ 15,076,054	\$ 14,946,582	99.1	\$ 95,189	\$ 15,041,771	99.8
2013	17,819,954	(5,341)	17,814,613	17,681,021	99.3	124,008	17,805,029	99.9
2014	18,937,765	(1,078)	18,936,687	18,869,293	99.6	51,427	18,920,720	99.9
2015	19,525,453	(5,624)	19,519,829	19,482,708	99.8	26,629	19,509,337	99.9
2016	20,668,145	(6,866)	20,661,279	20,645,326	99.9	6,398	20,651,724	100.0
2017	22,979,651	(4,127)	22,975,524	22,953,997	99.9	12,332	22,966,329	100.0
2018	24,666,208	215	24,666,423	24,631,157	99.9	16,626	24,647,783	99.9
2019	29,496,802	2,390	29,499,192	29,465,485	99.9	12,160	29,477,645	99.9
2020	32,667,306	25,613	32,692,919	32,603,343	99.7	26,278	32,629,621	99.8
2021	39,715,022	(259,692)	39,455,330	39,389,175	99.8	-	39,389,175	99.8

**TOWN OF APEX, NORTH CAROLINA**  
**PRINCIPAL PROPERTY TAXPAYERS AND ELECTRIC RATEPAYERS**  
**Current Year and Nine Years Ago**

**Table 9**

Taxpayer	2021			2012		
	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value	Taxable Assessed Value	Rank	Percentage of Total Taxable Assessed Value
CSP Community Owner LLC	\$ 135,601,038	1	1.31%	\$ 63,317,954	2	0.61%
Beaver Creek Crossings Owner LLC	53,069,588	2	0.51			
B9 MF Village West Owner LLC	52,055,647	3	0.50			
JHG VBS I LLC	44,815,516	4	0.43			
CRLP Creekside Hills Drive LLC	44,404,108	5	0.43	25,275,498	7	0.57
Beaver Creek Crossing LLC	43,571,061	6	0.42			
CFK Apex Land Co LLC	42,689,530	7	0.41	19,651,943	9	0.45
G&I IX Lake Cameron LLC	42,188,281	8	0.41			
Meridian at Ten Ten LLC	41,136,193	9	0.40			
Apex Independent Living LLC	40,968,411	10	0.40			
DDR 1st Carolina				73,372,593	1	1.66
Enterprise Propane Terminals				38,088,693	3	0.86
TRT DDR BeaverCreek				35,149,211	4	0.80
EMC Corporation				31,754,476	5	0.72
HH Trinity Apex Investments LLC				29,403,539	6	0.67
Lake Cameron LLC				23,755,976	8	0.54
Widewaters Co LLC				18,150,119	10	0.41
Totals	\$ 540,499,373			\$ 357,920,002		

**TOWN OF APEX, NORTH CAROLINA**  
**PRINCIPAL PROPERTY TAXPAYERS AND ELECTRIC RATEPAYERS**  
**Current Year and Nine Years Ago**

Electric Ratepayer	2021				2012			
	Consumption kWh	Annual Electric Charges	Rank	Percentage of Total Electric Charges	Consumption kWh	Annual Electric Charges	Rank	Percentage of Total Electric Charges
Town of Cary	16,446,100	\$ 899,861	1	2.22%				
Wake County Public Schools	5,291,940	796,253	2	1.96	6,691,000	\$ 906,418	1	3.28%
Harris Teeter	4,443,440	357,364	3	0.88	2,660,720	233,398	3	0.84
Food Lion	3,249,480	249,502	4	0.61	3,108,560	229,042	5	0.83
Lowe's Home Improvement	2,459,520	203,025	5	0.50	2,678,000	173,746	9	0.63
Wake Med Property Services	2,383,520	201,174	6	0.50	2,393,600	211,326	7	0.76
Lowe's Foods	2,467,520	197,439	7	0.49	2,511,680	211,558	6	0.76
Crossroads Ford	1,847,900	159,373	8	0.39	-	-		0.00
Target Corporation	2,534,040	158,442	9	0.39	3,987,240	267,265	2	0.97
Time Warner Cable	1,708,200	149,873	10	0.37	1,476,000	141,235	10	0.51
Kroger					2,660,800	231,674	4	0.84
Home Depot					2,155,040	202,252	8	0.73
Totals		\$ 3,372,306				\$ 2,807,914		
Total Sales of Electricity =		\$ 40,591,032				\$ 27,655,442		



**TOWN OF APEX, NORTH CAROLINA**  
**RATIOS OF OUTSTANDING DEBT BY TYPE**  
**Last Ten Fiscal Years**

**Table 10**

Fiscal Year	<u>Governmental Activities</u>		<u>Business-Type Activities</u>			Total Primary Government	Percentage of Personal Income <sup>(1)</sup>	Per Capita
	General Obligation Bonds	Installment Financings	General Obligation Bonds	Installment Financings	Revenue Bonds			
2012	\$ 14,761,094	\$ 7,811,652	\$ 35,614,283	\$ 12,109,011	\$ 6,133,000	\$ 76,429,040	5.8	\$ 1,939
2013	20,518,562	7,143,146	36,778,577	18,417,633	5,716,000	88,573,918	6.2	2,162
2014	19,002,695	6,474,495	36,019,342	18,181,189	5,284,000	84,961,721	5.4	1,980
2015	17,516,827	8,122,600	35,260,105	24,628,745	4,836,000	90,364,277	5.4	1,994
2016	16,030,960	11,390,520	34,500,869	23,945,875	4,372,000	90,240,224	5.1	1,899
2017	14,560,093	9,781,958	33,686,633	22,375,007	3,891,000	84,294,691	4.4	1,702
2018	37,102,347	14,437,103	32,817,396	20,790,138	3,393,000	108,539,984	5.2	2,015
2019	35,139,879	13,393,310	31,888,160	19,305,694	2,877,000	102,604,043	4.5	1,765
2020	67,095,979	12,167,517	30,898,924	17,806,155	12,342,000	140,310,575	4.9%	2,136
2021	68,450,784	10,949,725	30,532,640	16,235,359	11,351,000	137,519,508	4.8%	1,957

Notes:

(1) See Table 14 for personal income data

**TOWN OF APEX, NORTH CAROLINA**  
**RATIOS OF GENERAL BONDED DEBT OUTSTANDING**  
**Last Ten Fiscal Years**

**Table 11**

Fiscal Year	General Obligation Bonds	Percentage of Estimated Actual Taxable Value of Property <sup>(1)</sup>	Per Capita <sup>(2)</sup>
2012	\$ 50,375,377	1.20%	1,278
2013	57,297,139	1.32%	1,399
2014	55,022,037	1.19%	1,282
2015	52,776,932	1.02%	1,165
2016	50,531,829	0.95%	1,063
2017	48,246,726	0.74%	974
2018	69,919,743	0.97%	1,298
2019	67,028,039	0.82%	1,153
2020	97,994,903	1.25%	1,492
2021	98,983,424	0.93%	1,409

Notes:

<sup>(1)</sup> See Table 6 for estimated taxable values of property.

<sup>(2)</sup> See Table 14 for estimated population data.

**TOWN OF APEX, NORTH CAROLINA**  
**DIRECT AND OVERLAPPING GOVERNMENTAL ACTIVITIES BONDED DEBT**  
**As of June 30, 2021**

**Table 12**

<u>Governmental Unit</u>	<u>Debt Outstanding</u>	<u>Estimated Percentage Applicable <sup>(1)</sup></u>	<u>Estimated Share of Overlapping Debt</u>
Debt repaid with property taxes: County Wake County General Obligation Bonds	\$ 1,580,690,000	5.47%	\$ 86,399,318
Town of Apex governmental activities debt			<u>79,400,509</u>
Total direct and overlapping debt			<u><u>\$ 165,799,827</u></u>

Notes:

<sup>(1)</sup> Percentage based on total assessed property values.

**TOWN OF APEX, NORTH CAROLINA  
LEGAL DEBT MARGIN INFORMATION  
Last Ten Fiscal Years**

(Amounts in Thousands, Except Current Year Calculation)

**Table 13**

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Debt Limit	\$ 353,173	\$ 365,756	\$ 387,216	\$ 399,531	\$ 422,562	\$ 481,498	\$ 516,805	\$ 566,584	\$ 630,585	\$ 829,020
Total net debt applicable to limit	\$ 28,710	\$ 26,993	\$ 25,477	\$ 25,639	\$ 42,421	\$ 39,342	\$ 91,540	\$ 88,533	\$ 91,263	\$ 86,350
Legal debt margin	\$ 324,463	\$ 338,763	\$ 361,739	\$ 373,892	\$ 380,141	\$ 442,156	\$ 425,265	\$ 478,051	\$ 539,322	\$ 742,670
Total net debt applicable to the limit as a percentage of debt l	6.43%	7.38%	6.58%	6.42%	6.49%	5.06%	9.97%	9.10%	14.47%	10.42%

**Legal Debt Margin Calculation for Fiscal Year 2021**

Assessed value	<u><u>10,362,752,105</u></u>
Debt limit - 8% of assessed value	829,020,168
Total debt applicable to limit	<u>86,400,509</u>
Legal debt margin	<u><u>\$ 742,619,659</u></u>

**TOWN OF APEX, NORTH CAROLINA  
DEMOGRAPHIC AND ECONOMIC STATISTICS  
Last Ten Fiscal Years**

**Table 14**

Fiscal Year	Population (1)	Personal Income (000's)	Per Capita Personal Income (1) (2)	Unemployment Rate (3)
2012	39,412	\$ 1,321,445	\$ 33,529	5.8
2013	40,970	1,465,538	35,771	5.4
2014	42,920	1,570,597	36,594	5.1
2015	45,317	1,676,820	37,002	4.0
2016	47,525	1,848,057	38,886	3.5
2017	49,541	1,926,451	38,886	3.2
2018	53,862	2,094,478	38,886	2.9
2019	58,135	2,544,511	43,769	3.3
2020	65,682	2,866,954	43,649	5.2
2021	70,272	2,866,954	43,649	3.1

Notes:

- (1) Town of Apex Planning Department.
- (2) Apex Chamber of Commerce demographics, Bureau of Economic Analysis Apex and US Census Bureau. Information for 2017-2018, 2021 not available.
- (3) North Carolina Department of Commerce - LAUS.

**TOWN OF APEX, NORTH CAROLINA**  
**PRINCIPAL EMPLOYERS**  
Current Year and Nine Years Ago

**Table 15**

Taxpayer	2021			2012		
	Estimated Number of Employees (1)	Rank	Percentage of Total Town Employment	Estimated Number of Employees (1)	Rank	Percentage of Total Town Employment
Wake County Public Schools	1895	1	5.96%	929	1	4.98%
Town of Apex	494	2	1.55%	316	5	1.69%
Dell Technologies Inc	450	3	1.41%			0.00%
Apex Tool Group	425	4	1.34%			0.00%
Bland Landscaping	325	5	1.02%	168	7	0.90%
Costco	315	6	0.99%			
ATI Industrial Automation	275	7	0.86%			
Super Target	250	9	0.79%	329	4	1.76%
WalMart	243	8	0.76%	225	6	1.21%
Lowe's Home Improvement	193	10	0.61%			
Cooper Industries (Lufkin)				363	2	1.95%
EMC Corp.				322	4	1.73%
Tipper Tie				137	8	0.73%
NC Department of Corrections				127	9	0.68%
Rex Healthcare				125	10	0.67%
Totals	4,865			3,041		
Total Employed in Apex (2)	31,820			18,654		

Notes:

- (1) Estimated employees by taxpayer based on Town of Apex, Economic Development and employer verification - Town's Finance Department.
- (2) Total employed in Apex from Employment Security Commission "Local Area Unemployment Statistics" or LAUS.

**TOWN OF APEX, NORTH CAROLINA**  
**EMPLOYEE POSITION AUTHORIZATION BY DEPARTMENT <sup>(1) (2)</sup>**  
**Last Ten Fiscal Years**  
June 30, 2021

**Table 16**

Fiscal Year	Admin- istration	Planning	Public Safety <sup>(3)</sup>	Streets	Public Works	Parks & Recreation
2012	37	12	140	9	2	20
2013	38	12	148	10	2	21
2014	39	15	147	10	2	24
2015	40	16	156	11	5	24
2016	41	16	158	11	5	24
2017	47	17	188	13	7	27
2018	45	17	195	18	8	28
2019	49	18	193	19	8	35
2020	51	19	211	20	8	36
2021	59	21	213	15	10	39

Notes:

- <sup>(1)</sup> Permanent employees only, does not include temporary or seasonal employees.
- <sup>(2)</sup> Authorized employee positions provided by HR and Budgets.
- <sup>(3)</sup> Effective July 1, 2018 Apex EMS transferred to Wake County.

Fleet & Facilities	Environmental Protection/ Water Resources	Water/ Sewer	Electric	Construction Management	Year Total
7	16	32	27	21	323
7	16	34	29	22	339
8	16	35	29	23	348
8	17	34	28	24	363
8	17	34	28	24	366
10	17	34	32	19	411
11	31	37	34	19	443
10	35	44	35	21	467
11	39	43	38	22	498
14	34	54	38	24	521



**TOWN OF APEX, NORTH CAROLINA  
OPERATING INDICATORS BY FUNCTION  
Last Ten Fiscal Years**

**Table 17**

<u>Function</u>	<u>Fiscal Year</u>									
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Police										
Physical arrests	639	758	516	504	464	484	484	682	650	512
Parking violations	216	193	215	235	256	426	394	529	341	107
Traffic violations	5,882	5,787	7,074	6,047	6,904	8,169	7,414	7,051	6,807	6,966
Fire										
Number of calls answered	2,214	2,567	2,635	2,881	2,822	3,009	3,034	3,972	3,503	3,513
Highways and streets										
Street resurfacing (miles)	3.8	8.6	0	9.9	0.0	20.1	22.2	2.6	4.3	9.0
Environmental Protection										
Number of households served	11,717	12,036	12,476	13,689	14,604	15,445	16,257	17,838	19,581	21,463
Solid waste collected (tons/day)	28.71	29.77	27.06	30.62	32.68	34.89	37.71	41.58	43.12	40.25
Recyclables collected (tons/day)	7.47	7.62	8.53	9.91	11.03	10.82	10.89	11.62	13.17	11.52
Mulching and composting (tons/day)	15.16	17.01	15.71	16.80	17.92	17.89	16.71	21.54	19.22	20.00
Cultural and recreation										
Number of program/activity participants	42,731	45,709	49,022	59,808	63,396	60,958	63,978	62,896	48,329	11,094
Water										
Number of customers	13,587	14,042	14,103	14,770	15,459	17,209	18,697	20,423	22,317	23,731
Average daily consumption (millions of gallons)	2.95	2.81	3.08	3.3	3.37	3.58	3.79	3.75	4.16	4.44
Wastewater										
Number of customers	13,071	13,240	13,840	14,485	15,207	16,949	18,431	20,156	22,031	23,438
Average daily sewage treatment (millions of gallons)	2.32	2.72	2.78	2.68	2.79	2.85	3.38	3.86	3.72	4.74
Electric										
Number of customers	14,540	15,389	16,016	16,682	17,314	18,936	20,363	22,269	24,440	25,809
Average daily consumption (kilowatt-hours)	765,975	744,098	780,614	833,966	846,098	877,824	939,159	969,098	1,004,896	1,079,763

Source: Town of Apex - Finance, Police, Fire, Parks & Recreation, and Public Works departments

**TOWN OF APEX, NORTH CAROLINA**  
**CAPITAL ASSET STATISTICS BY FUNCTION**  
**Last Ten Fiscal Years**

**Table 18**

<u>Function</u>	Fiscal Year									
	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Public safety										
Police										
Stations	1	1	1	1	1	1	2	2	3	3
Patrol Units	47	50	49	80	80	81	82	88	96	98
K-9 Units	0	0	0	1	1	2	2	2	2	2
Fire stations	4	4	4	4	4	4	5	5	5	5
Streets										
Streets (miles)	127.12	129.15	132.37	140.04	151.04	171.14	193.14	207.17	215.64	224.7
Streetlights	2,582	2,582	2,713	2,775	2,846	3,391	3,479	3,914	4,091	4,255
Parks and Recreation										
Parks acreage	452.51	452.51	452.51	544.51	544.51	544.51	558	618.28	618.28	618.28
Parks	9	9	9	10	10	10	11	11	13	11
Tennis courts (Adult & Youth)	8	8	8	15	15	15	15	15	15	12
Community centers	1	1	1	1	1	1	1	1	1	1
Cultural Arts Center	1	1	1	1	1	1	1	1	1	1
Lakes	1	1	1	1	1	1	1	1	1	1
Water										
Water lines (miles)	170	182	194	207	215	269	293	310	318	326
Maximum daily treatment capacity (millions of gallons)	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4	13.4
Electric										
Number of delivery points (substations)	3	3	3	3	3	3	3	3	3	3
Miles of service lines <sup>(1)</sup>	355	355	537	554	569	569	681	764	787	822
Sewer										
Sanitary sewer lines (miles)	189	189	189	207	239	249	280	296	303	311
Maximum daily treatment capacity (millions of gallons)	9.7	9.7	9.7	9.7	9.7	9.7	9.7	9.7	9.7	9.7

Sources:

Town of Apex - Finance, Police, Fire, Parks and Recreation, and Public Works departments.

Notes:

<sup>(1)</sup> Beginning 2014, information based on current GIS records.

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# **COMPLIANCE SECTION**



**Report of Independent Auditor on Internal Control over Financial Reporting  
and on Compliance and Other Matters Based on an Audit of Financial Statements  
Performed in Accordance with *Government Auditing Standards***

To the Honorable Mayor  
Members of the Town Council  
Town of Apex, North Carolina

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the Town of Apex, North Carolina (the "Town"), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the Town's basic financial statements, and have issued our report thereon dated November 30, 2021.

**Internal Control over Financial Reporting**

In planning and performing our audit of the basic financial statements, we considered the Town's internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the Town's financial statements will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the Town's basic financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the Town's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the Town's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Cheryl Bekaert LLP

Raleigh, North Carolina  
November 30, 2021

**Report of Independent Auditor on Compliance with Requirements Applicable for Each Major Federal Program and on Internal Control over Compliance in Accordance with OMB Uniform Guidance and the State Single Audit Implementation Act**

To the Honorable Mayor  
Members of the Town Council  
Town of Apex, North Carolina

**Report on Compliance for Each Major Federal Program**

We have audited the Town of Apex, North Carolina's (the "Town") compliance with the types of compliance requirements described in the *OMB Compliance Supplement* and the *Audit Manual for Governmental Auditors in North Carolina*, issued by the Local Government Commission, that could have a direct and material effect on each of the Town's major federal programs for the year ended June 30, 2021. The Town's major federal programs are identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for each of the Town's major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") and the State Single Audit Implementation Act. Those standards, the Uniform Guidance, and the State Single Audit Implementation Act require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Town's compliance with those requirements and performing such other procedures, as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Town's compliance.

***Opinion on Each Major Federal Program***

In our opinion, the Town complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2021.



## **Report on Internal Control over Compliance**

Management of the Town is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Town's internal control over compliance with the types of requirements that could have a direct and material effect on a major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing our opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A *material weakness in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Purpose of this Report**

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Chemy Bekaert LLP

Raleigh, North Carolina  
November 30, 2021

**Report of Independent Auditor on Compliance with Requirements Applicable for Each Major State Program and on Internal Control over Compliance in Accordance with the Uniform Guidance and the State Single Audit Implementation Act**

To the Honorable Mayor  
Members of the Board of Commissioners  
Town of Apex, North Carolina

**Report on Compliance for Each Major State Program**

We have audited the Town of Apex, North Carolina's (the "Town") compliance with the types of compliance requirements described in the *Audit Manual for Governmental Auditors in North Carolina*, issued by the Local Government Commission that could have a direct and material effect on the Town's major state program for the year ended June 30, 2021. The Town's major state program is identified in the summary of auditor's results section of the accompanying schedule of findings and questioned costs.

***Management's Responsibility***

Management is responsible for compliance with state statutes, regulations, and the terms and conditions of its state awards applicable to its state programs.

***Auditor's Responsibility***

Our responsibility is to express an opinion on compliance for the Town's major state program based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; and applicable sections of Title 2 U.S. *Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* ("Uniform Guidance") as described in the audit manual for Governmental Audits in North Carolina, and the State Single Audit Implementation Act. Those standards, the Uniform Guidance, and the State Single Audit Implementation Act require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major state program occurred. An audit includes examining, on a test basis, evidence about the Town's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for the major state program. However, our audit does not provide a legal determination of the Town's compliance.

***Opinion on Each Major State Program***

In our opinion, the Town complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on its major state program for the year ended June 30, 2021.

## **Report on Internal Control over Compliance**

Management of the Town is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Town's internal control over compliance with the types of requirements that could have a direct and material effect on the major state program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for the major state program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Town's internal control over compliance.

*A deficiency in internal control over compliance* exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a state program on a timely basis. A *material weakness* in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a state program will not be prevented, or detected and corrected, on a timely basis. A *significant deficiency in internal control over compliance* is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a state program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

## **Purpose of this Report**

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Chemy Bekaert LLP

Raleigh, North Carolina  
November 30, 2021

**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

YEAR ENDED JUNE 30, 2021

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**Section I—Summary of Auditor’s Results**

Financial Statements

Type of auditor’s report issued on whether the financial statements audited were prepared in accordance to U.S. GAAP: Unmodified

Internal control over financial reporting:

- Material weakness(es) identified? \_\_\_\_\_ yes      X   no
- Significant deficiency(ies) identified that are not considered to be material weaknesses? \_\_\_\_\_ yes      X   none reported
- Noncompliance material to financial statements noted? \_\_\_\_\_ yes      X   no

Federal Awards

Internal control over major federal programs:

- Material weakness(es) identified? \_\_\_\_\_ yes      X   no
- Significant deficiency(ies) identified that are not considered to be material weaknesses? \_\_\_\_\_ yes      X   none reported
- Noncompliance material to federal awards noted? \_\_\_\_\_ yes      X   no

Type of auditor’s report issued on compliance for major federal programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516(a)? \_\_\_\_\_ yes      X   no

Identification of major federal programs:

Assistance Listing Number

21.019

Dollar threshold used to distinguish between Type A and Type B programs:

Names of Federal Program or Cluster

Coronavirus Relief Funds

\$750,000

Auditee qualified as low-risk auditee? \_\_\_\_\_ yes      X   no



**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF FINDINGS AND QUESTIONED COSTS**

*YEAR ENDED JUNE 30, 2021*

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**Section II—Findings Related to the Audit of the Basic Financial Statements**

None reported.

**Section III—Federal and State Award Findings and Questioned Costs**

None reported.

**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF PRIOR YEAR FINDINGS**

*YEAR ENDED JUNE 30, 2021*

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**Finding 2020-1—Significant Deficiency**

Status: Corrected

**TOWN OF APEX, NORTH CAROLINA**  
**SCHEDULE OF EXPENDITURES OF FEDERAL AND STATE AWARDS**

For the fiscal year ended June 30, 2021

**Schedule 24**

Federal Grantor/Pass-Through Grantor/Program Title	Federal Assistance Listing Number	Pass - Through/State Grantor's Number	Federal (Direct and Pass-Through) Expenditures	State Expenditures	Pass-Through to Subrecipients	Local Expenditures
<b><u>FEDERAL GRANTS:</u></b>						
<b><u>US Department of Transportation</u></b>						
Passed through NC Department of Transportation						
<i>Highway Planning and Construction</i>	20.205	WBS Element 44111.3.19	\$ 131,635	\$ -	\$ -	\$ 110,323
<i>Highway Planning and Construction</i>	20.205	WBS Element 44112.3.1	218,452	-	-	54,613
<i>Total Highway Planning and Construction</i>			350,087	-	-	164,936
<b><u>US Department of Transportation</u></b>						
Passed through Triangle J Council						
<i>Transportation Demand Management</i>	20.205	44024.1.1	15,403		-	15,403
<b><u>US Department of Transportation</u></b>						
Passed through NC Department of Transportation						
<i>Governor's Highway Safety Program</i>	20.600	WBS Element 22020.2.11	85,804	-	-	15,142
<b><u>US Department of Treasury</u></b>						
Passed through Wake County						
<i>COVID-19: Coronavirus Relief Fund</i>	21.019		1,606,895	-	-	1,314,956
Passed through Guilford College						
<i>COVID-19: Coronavirus Relief Fund</i>	21.019		1,500	-	-	-
<b><u>US Department of Justice</u></b>						
Direct Program						
Bureau of Justice Assistance						
<i>Bullet Proof Vest Partnership Program</i>	16.607		6,318	-	-	2,597
Joint Law Enforcement Operations						
<i>Carolina Regional Fugitive Task Force</i>	16.922		6,138	-	-	-
<b><u>US Department of Justice</u></b>						
Direct Program						
FEMA						
<i>Assistance to Firefighter Grant Program</i>	97.044		12,794	-	-	-
Total assistance-federal programs			2,084,939	-	-	1,513,034
<b><u>STATE GRANT:</u></b>						
<b><u>NC Department of Transportation</u></b>						
<i>Powell Bill Fund</i>	N/A	32570	-	1,456,881	-	-
Total assistance			\$ 2,084,939	\$ 1,456,881	\$ -	\$ 1,513,034

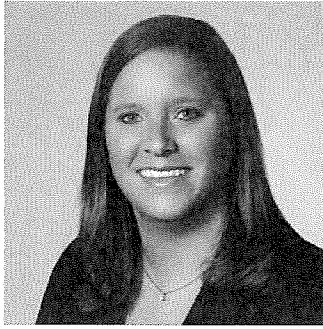
**Notes to the Schedule of Expenditures of Federal and State Financial Awards**

*Basis of Presentation* - The accompanying schedule of expenditures of federal and state awards includes the federal and state grant activity of the Town of Apex under the programs of the federal government and the State of North Carolina for the year ended June 30, 2021. The information in this schedule is presented in accordance with the requirements of Title 2 US Code of Federal Regulations Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* and the State Single Audit Implementation Act. Because the Schedule presents only a selected portion of the operations of the Town of Apex, it is not intended to and does not present the financial position, changes in net position, or cash flows of the Town of Apex.

*Summary of Significant Accounting Policies* - The accompanying schedule of expenditures of federal and state awards is presented on the modified accrual basis of accounting. Such expenditures are recognized following the cost principles contained in Uniform Guidance, wherein certain types of expenditures are not allowable or are limited as to reimbursement.

*Indirect Cost Rate* - The Town of Apex has elected not to use the 10 percent de minimis indirect cost rate as allowed under the Uniform Guidance.





## April Adams, CPA

**Partner, Audit Services**  
**Engagement Partner**

### CPA License

NC-29712

SC-7364

As the Town's Audit Engagement Partner, April will ensure the overall quality of the audit engagement. She will also ensure appropriate staffing, performance and timely completion of the audit engagement. She will have final authority in the conduct of the engagement and full responsibility for the work performed, including final review of the audit report and all deliverables.

An Assurance Partner in Cherry Bekaert's Raleigh office, April has provided attestation services to governmental and nonprofit clients since 2001. As a member of the Firm's Government Services and Not-for-Profit industry groups, April employs her expertise to assist local governments with financial and compliance audits (including Uniform Grant Guidance). She has served some of the largest and smallest towns, counties and authorities in the state of North Carolina.

April's duties encompass all aspects of these services from planning, performing, supervising, reporting and wrapping-up the engagement, to direct communication and value-added services to her clients. Additionally, she helps her clients prepare reports that have received the Government Finance Officers Association ("GFOA") Certificate of Achievement for Excellence in Financial Reporting.

### Education

B.S. in Accounting, North Carolina State University

Master of Accounting, North Carolina State University

### Relevant Experience

- ▶ Town of Morrisville
- ▶ Town of Fuquay-Varina
- ▶ Town of Cary
- ▶ Town of Hillsborough
- ▶ Town of Wake Forest
- ▶ Town of Lillington
- ▶ City of Raleigh
- ▶ City of Durham
- ▶ City of Greenville
- ▶ City of Jacksonville
- ▶ City of Reidsville
- ▶ Durham County
- ▶ Mecklenburg County
- ▶ New Hanover County
- ▶ Cape Fear Public Utility Authority
- ▶ Greenville Utility Commission
- ▶ Triangle J Council of Governments

### Professional & Civic Involvement

- ▶ American Institute of Certified Public Accountants
- ▶ North Carolina Association of Certified Public Accountants
- ▶ Governmental Accounting and Auditing Committee, NCACPA
- ▶ Greater Raleigh Chamber of Commerce Leadership Raleigh Class 26

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

### Requested Motion

Motion to approve the Statement of the Town Council for Rezoning Case #21CZ21 Beauregard Place at Weddington, AG Wimberly LLC., petitioner, for the property located at 0 Wimberly Road (PIN 0723249888).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

Rezoning Case #21CZ21 was denied at the November 23, 2021 Town Council meeting.

## Attachments

- Statement of the Town Council



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160D-605  
ADDRESSING ACTION ON ZONING PETITION #21CZ21**

AG Wimberly, LLC., owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of September 2021 (the "Application"). The proposed conditional zoning is designated #21CZ21.

The Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ21 before the Planning Board on the 8<sup>th</sup> day of November 2021.

The Apex Planning Board held a public hearing on the 8<sup>th</sup> day of November 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ21. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ21

Pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ21 before the Apex Town Council on the 23<sup>rd</sup> day of November 2021.

The Apex Town Council held a public hearing on the 23<sup>rd</sup> day of November 2021. Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing

All persons who desired to present information relevant to the application for #21CZ21 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away.

The Apex Town Council by a vote of 5 to 0 rejected Application #21CZ21 rezoning the subject tract located at 0 Wimberly Road from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).

Although the rezoning is consistent with the 2045 Land Use Map which designates this Low Density Residential, and permits the zoning district Low Density Residential-Conditional Zoning (LD-CZ) within that land use designation, the denial of the zoning request is reasonable and in the public interest because the proposed zoning fails to minimize environmental impacts and to adequately protect environmentally sensitive areas of the subject parcel and adjacent properties.

ATTEST:

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Jacques K. Gilbert  
Mayor

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

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Date

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Lauren Staudenmaier, Planner II

Department(s): Planning and Community Development

### Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #21CZ22 Old Ivey Road Residential, Rangeet Agarwala, Estates at White Oak LLC., petitioner, for the properties located at 1516 Old Ivey Road and 7620 McQueens Road (PINs 0722890666 & 0722893526).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

Rezoning Case #21CZ22 was approved at the November 23, 2021 Town Council meeting.

## Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map
- Legal Description



**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 8.82 ACRES LOCATED AT 1516 OLD IVEY ROAD & 7620 MCQUEENS DRIVE FROM RURAL RESIDENTIAL (RR) TO LOW DENSITY RESIDENTIAL-CONDITIONAL ZONING (LD-CZ)**

**#21CZ22**

**WHEREAS**, Ranjeet Agarwala, Estates at White Oak LLC, owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of September 2021 (the "Application"). The proposed conditional zoning is designated #21CZ22;

**WHEREAS**, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ22 before the Planning Board on the 8<sup>th</sup> day of November 2021;

**WHEREAS**, the Apex Planning Board held a public hearing on the 8<sup>th</sup> day of November 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ22. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 5 to 0 for the application for #21CZ22;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ22 before the Apex Town Council on the 23<sup>rd</sup> day of November 2021;

**WHEREAS**, the Apex Town Council held a public hearing on the 23<sup>rd</sup> day of November 2021. Lauren Staudenmaier, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #21CZ22 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Low Density Residential. This designation on the 2045 Land Use Map includes the zoning district Low Density Residential-Conditional Zoning (LD-CZ) and the Apex Town Council has further considered that the proposed rezoning to Low Density Residential-Conditional Zoning (LD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The proposed rezoning is reasonable and in the public interest because it permits single-family residential development consistent and compatible with the existing development to the east and south. The rezoning would also allow for development that will extend Vining Branch Way to Old Ivey Road.; and

**WHEREAS**, the Apex Town Council by a vote of 5 to approve Application #21CZ22 rezoning the subject tracts located at 1516 Old Ivey Road & 7620 McQueens Drive from Rural Residential (RR) to Low Density Residential-Conditional Zoning (LD-CZ).

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX**

**Section 1:** The lands that are the subject of the Ordinance are those certain lands described in Attachment "A" – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

## Ordinance Amending the Official Zoning District Map #21CZ22

**Section 2:** The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ) District, subject to the conditions stated herein.

**Section 3:** The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

**Section 4:** The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

- |                                 |                   |
|---------------------------------|-------------------|
| 1. Single-family                | 5. Park, active   |
| 2. Accessory apartment          | 6. Park, passive  |
| 3. Greenway                     | 7. Utility, minor |
| 4. Recreation facility, private |                   |

### Zoning Conditions:

1. The project density will not exceed 3.00 dwelling units/acre. Maximum number of units is 26 dwelling units. All lots shall be greater than 6,000 SF.
2. Setbacks shall be as follows within this development:
  - Front: Reduce from 25’ minimum to 20’ minimum
  - Side: Reduce from 8’ minimum with a 20’ aggregate to a 5’ minimum
  - Rear: Reduce from 25’ minimum to 15’ minimum
  - Corner side: Reduce from 18’ minimum to 15’ minimum
3. Vinyl siding is not permitted; however, vinyl windows, decorative elements and trim are permitted.
4. Eaves shall project at least 12 inches from the wall of the structure.
5. The visible side of a home on a corner lot facing the public street shall contain at least 3 decorative elements such as, but not limited to, the following elements:

• Windows	• Decorative shake
• Bay window	• Decorative gable
• Recessed or Decorative window	• Decorative air vents on gable
• Trim around the window	• Decorative cornice
• Wrap around porch or side porch	• Column
• Two or more building materials	• Portico
• Decorative brick/stone	• Balcony
• Decorative trim	• Dormer
6. A varied color palette shall be utilized on homes throughout the subdivision, to include a minimum of two (2) color families for siding and shall include varied trim, shutter and accent colors complementing the siding color.
7. House entrances for units with front-facing single-car garages shall have a prominent covered porch/stoop area leading to the front door. Front façades and porches may encroach up to 5-feet into front setback provided the garage is located no closer than 20-feet from the right-of-way.

## Ordinance Amending the Official Zoning District Map #21CZ22

8. Garage may not protrude more than 5-feet from the front façade or front porch. Garage doors shall have windows, decorative details, or carriage-style adornments on them. Garage may protrude more than 5-feet with J-drives or courtyards for side entry doors.
9. All homes shall be pre-configured with conduit for a solar energy system.
10. Homeowners Association covenants shall not restrict construction of any accessory dwelling unit.
11. The roof shall be pitched at 5:12 or greater for 75% of the building designs.
12. The rear and side elevations of the units that can be seen from the right-of-way shall have trim around the windows.
13. Front porches shall be a minimum of 5 feet deep.
14. The overhead Duke Energy electric easement from Jenks Road to Old Ivey Road shall be counted towards the required RCA and buffer standards as identified within various UDO sections.
15. Vining Branch Way shall remain closed to construction traffic until dedicated to the Town of Apex.
16. Prior to recordation of the first Final Plat for the property, the developer shall provide a donation to the Town of Apex's Affordable Housing Fund (the "FUND") in the amount of \$215/dwelling unit.
17. A solar PV system shall be installed on at least 2 homes within the development. All solar installation required by this condition shall be completed or under construction prior to 90% of the building permits being issued for the development. The lots on which these homes are located shall be identified on the Master Subdivision Plat, which may be amended from time to time.

The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. The Development shall meet Apex UDO standards for post-development stormwater runoff rates. In addition, the post-development runoff for the 25-year stormwater event shall be mitigated to the pre-development rate.
2. SCMs shall not be permitted within riparian buffers. Tree clearing and grading shall only be permitted within riparian buffers if it is necessary to install public infrastructure, including but not limited to water, sewer, and greenways.
3. The Development shall install at least one (1) sign identifying environmental sensitive areas and/or at least one (1) pet waste station to discourage pet waste and chemical usage near RCA and SCMs.
4. A minimum of 50% of the required landscaping outside of RCA and perimeter buffers and all supplemental landscaping within RCA and perimeter buffers shall be native species listed in the Design & Development Manual or approved by staff to increase the native diversity to reduce irrigation and chemical use. This shall not apply to turf grass.
5. Native flora shall be used within the development, a minimum of 50% of the plantings for each planting group (tree, shrubs, etc.).
6. Warm season turf grasses shall be planted where turf grass is proposed.
7. Outdoor lighting shall be full cut-off and shielded to prevent glare and light spillover to minimize the impact on neighboring residential properties. LED fixtures shall be used and the lighting temperature shall be a maximum of 3,000K.
8. A minimum of three (3) native hardwood tree species shall be planted within the development.

**Section 5:** The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

**Ordinance Amending the Official Zoning District Map #21CZ22**

**Section 6:** This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

With \_\_\_\_ Council Member(s) voting "aye."

With \_\_\_\_ Council Member(s) voting "no."

This the \_\_\_\_ day of \_\_\_\_\_ 2021.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney



**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 21CZ22

Submittal Date: 9/1/2021

**Insert legal description below.**

Parcel One

BEGINNING at a nail in the center line of State Road 1601, said nail being the northeast corner of R. C. Tunstall according to map herein-after referred to, and said nail also being South 60 degrees 38 minutes 25 seconds West 39.21 feet from Leslie E. Brown's property; runs thence as Tunstall's north line the following courses and distances: North 68 degrees 25 minutes 50 seconds West 300 feet to an iron pipe; North 55 degrees 17 minutes 10 seconds West 100 feet to an iron pipe; North 40 degrees 07 minutes 05 seconds West 141.48 feet to an iron pipe; North 70 degrees 06 minutes 25 seconds West 158.80 feet to an iron pipe, the southeast corner of the property of now or formerly J. E. Howard, Jr.; thence as Howard's east line North 00 degrees 02 minutes 30 seconds East 588.83 feet to an iron pipe; thence South 74 degrees 19 minutes East 193.46 feet to a point in the center of a new soil road; thence as the center line of said new soil road on a curve to the left having a radius of 985 feet an arc distance of 324.66 feet to a point; thence continuing with said road South 14 degrees 12 minutes East 102.93 feet to a point; thence continuing as the center line of said road on a curve to the left having a radius of 603 feet an arc distance of 582 feet to a iron pipe in the right of way of State Road 1601; thence South 69 degrees 30 minutes East 24.83 feet to a point in the center line of said State Road 1601; thence as the center line of State Road 1601 South 60 degrees 38 minutes 25 seconds West 39.21 feet to the point and place of BEGINNING, and containing 3.82 acres, more or less, according to a map entitled "Plat of Land of Mrs. Evelyn J. Patrick, White Oak Township, Wake County, N.C." dated January, 1970, and prepared by Felton Lowman, Registered Engineer. See also Tracts A and B in Book of Maps 1983, Page 1293, Wake County Registry.

Parcel Two

BEGINNING at an iron pipe in the eastern line of R. C. Tunstall, said iron pipe being the southwest corner of the Evelyn J. Patrick property as shown on map recorded in Book of Maps 1969, Volume 3, Page 320; runs thence as the south line of Evelyn J. Patrick South 86 degrees 15 minutes 25 seconds East 319.23 feet to an iron pipe; thence South 00 degrees 02 minutes 30 seconds West 648.93 feet to an iron pipe in the northern property line of R. C. Tunstall; thence as Tunstall's north line the following courses and distances: North 70 degrees 06 minutes 25 seconds West 141.20 feet to an iron stake; North 89 degrees 35 minutes 25 seconds West 200 feet to an iron stake; and North 64 degrees 40 minutes 25 seconds West 56 feet to an iron pipe in R. C. Tunstall's east line; thence as Tunstall's east line North 06 degrees at 09 minutes 35 seconds East 599.80 feet to the point and place of BEGINNING, and containing five acres, more or less.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Sarah Van Every, Senior Planner

Department(s): Planning and Community Development

### Requested Motion

Motion to approve the Statement of the Town Council and Ordinance for Rezoning Case #21CZ23 Scotts Ridge Office and Veterinary Hospital, Kethamakka & Emmadi Properties, LLC., petitioners, for the properties located at 0 & 6633 Apex Barbecue Road (PINs 0731487012 & 0731475977).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

Rezoning Case #21CZ23 was approved at the November 23, 2021 Town Council meeting.

### Attachments

- Statement of the Town Council
- Ordinance to Amend the Official Zoning District Map
- Legal Description



**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 1.45 ACRES LOCATED AT 0 & 6633 APEX BARBECUE ROAD FROM RESIDENTIAL AGRICULTURAL (RA) TO NEIGHBORHOOD BUSINESS-CONDITIONAL ZONING (B1-CZ)**

**#21CZ23**

**WHEREAS**, Kethamakka & Emmadi Properties, LLC., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of September 2021 (the “Application”). The proposed conditional zoning is designated #21CZ23;

**WHEREAS**, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ23 before the Planning Board on the 8<sup>th</sup> day of November 2021;

**WHEREAS**, the Apex Planning Board held a public hearing on the 8<sup>th</sup> day of November 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ23. A motion was made by the Apex Planning Board to recommend approval; the motion passed by a vote of 6 to 0 for the application for #21CZ23;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ23 before the Apex Town Council on the 23<sup>rd</sup> day of November 2021;

**WHEREAS**, the Apex Town Council held a public hearing on the 23<sup>rd</sup> day of November 2021. Sarah Van Every, Senior Planner, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #21CZ23 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning will amend the 2045 Land Use Plan to Commercial Services: The 2045 Land Use Map designation of Commercial Services is consistent with the zoning district Neighborhood Business-Conditional Zoning (B1-CZ). The Apex Town Council has further considered that the proposed rezoning to Neighborhood Business-Conditional Zoning (B1-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that the rezoning will allow for non-residential development that will serve the surrounding neighborhoods and will increase the tax base; and

**WHEREAS**, the Apex Town Council by a vote of 3 to 2 approved Application #21CZ23 rezoning the subject tracts located at 0 & 6633 Apex Barbecue Road from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ).

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX**

**Section 1:** The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

**Section 2:** The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the

## Ordinance Amending the Official Zoning District Map #21CZ23

zoning classification of the “Rezoned Lands” from Residential Agricultural (RA) to Neighborhood Business-Conditional Zoning (B1-CZ) District, subject to the conditions stated herein.

**Section 3:** The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

**Section 4:** The “Rezoned Lands” are subject to all of the following conditions which are imposed as part of this rezoning:

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the UDO and any additional limitations or regulations stated below. For convenience, some relevant sections of the UDO may be referenced; such references do not imply that other sections of the UDO do not apply.

- |                                       |                                   |
|---------------------------------------|-----------------------------------|
| 1. School, public or private*         | 14. Financial institution         |
| 2. Veterinary clinic or hospital      | 15. Floral shop                   |
| 3. Vocational school*                 | 16. Greenhouse or nursery, retail |
| 4. Utility, minor                     | 17. Health/fitness center or spa  |
| 5. Botanical garden                   | 18. Newsstand or gift shop        |
| 6. Greenway                           | 19. Personal service              |
| 7. Park, active                       | 20. Printing and copying services |
| 8. Park, passive                      | 21. Real estate sales             |
| 9. Medical or dental office or clinic | 22. Retail sales, general         |
| 10. Medical or dental laboratory (S)  | 23. Studio for art                |
| 11. Office, business or professional  | 24. Tailor shop                   |
| 12. Barber and beauty shop            | 25. Upholstery service            |
| 13. Book store                        | 26. Pet services                  |

### Zoning Conditions:

1. The building exterior shall be high quality materials, including but not limited to brick, wood, stacked stone, other native stone, and tinted/textures concrete masonry units. Standards shall comply with UDO Section 9.3.5
2. EIFS or synthetic stucco shall not be used in the first forty inches (40”) above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties.
6. The parcels shall be served exclusively by a single right-in/right-out access to Apex Barbecue Road. The access shall be subject to approval by the Town of Apex and NCDOT.
7. All non-residential building shall provide a solar conduit for the future installation of rooftop solar panels.
8. A 10’ wide landscape area shall be provided along the southern boundary of the property abutting the Scotts Ridge Elementary School property. This planting area shall be to a Type ‘B’ buffer standard.

\*The property may be used as a “School, public or private” or “Vocational school” land use only if recombined with the Scotts Ridge Elementary School site.

**Ordinance Amending the Official Zoning District Map #21CZ23**

The following conditions are provided as a result of the Environmental Advisory Board (EAB) meeting and have been incorporated in the rezoning request for the development:

1. Existing large trees onsite shall be evaluated for possible preservation. Tree canopy shall be prioritized medium to large, healthy, desirable species. Preservation will be coordinated with staff during the Minor Site Plan review.
2. Plant trees as designed for efficiency, including:
  - a. Plant deciduous shade trees on southern side of buildings.
  - b. Plant evergreen trees as a windbreak on northern side of buildings.
3. Increase biodiversity
  - a. Plant native flora (Refer to the Apex Design& Development Manual for approved native species).
4. Include landscaping that requires less irrigation and chemical use.
  - a. Plant warm season grasses for drought-resistance.
5. Install one (1) pet waste station within the development.
6. Include solar conduit in building design.
7. Lighting with a color temperature of 3000K or less shall be used for outside installations.

**Section 5:** The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

**Section 6:** This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

With \_\_\_\_ Council Member(s) voting "aye."

With \_\_\_\_ Council Member(s) voting "no."

This the \_\_\_\_ day of \_\_\_\_\_ 2021.

**TOWN OF APEX**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Attachment A

**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: #21CZ23

Submittal Date: 09/01/2021

Insert legal description below.

Information from Wake County Registry Deed Book 018609 Pages 0855 - 0857

Tract 1:

Address: 6633 Apex Barbecue Road, Apex, NC 27502

REID: 0052359

BEGINNING at a point in the center of State Road #1162, said point being 286 feet East, measured along the center line of said State Road, Robert Wade Clark's northwest corner, said point also being referenced by a stake in the southern right of way of said State Road; runs thence South 7 degrees 20 minutes East 210.0 feet to a stake, a new corner for said Clark; thence North 82 degrees 40 minutes East 210.0 feet to a stake, another new corner for said Clark; thence North 07 degrees 20 minutes West, another new line for said Clark, 210.00 feet to a point in the center line of said State Road #1162; this point also being referenced by a stake in the southern right of way line of said State Road; thence South 82 degrees 40 minutes West 210.0 feet along the center of said State Road to the point of BEGINNING, containing 1.01 acres, according to survey by Smith and Smith Surveyors, dated November 13, 1961, and being a part of the lands conveyed to Robert Wade Clark and wife, Metta B. Clark, by W. E. Morgan and wife, Bessie S. Morgan, by deed dated April 17, 1961, and recorded in Book 1450, page 237, Wake County Registry.

Tract 2:

Address: 0 Apex Barbecue Road, Apex, NC 27502

REID 0440557

That certain tract or parcel of land lying and being situate in White Oak Township, Wake County, North Carolina:

COMMENCING at NGS "FUNERAL 2", said point having (NAO 83-2011) PUBLISHED NC Grid Coordinates of Northing = 722,875.90 feet, and Easting = 2,040,786.12 feet; thence from said point, S51°23'40"W a distance of 7,629.39 feet (a grid distance) to an Iron Rebar Set (5/8") (IRS) CONTROL CORNER, said point having (NAO 83/2011) NC Grid Coordinates of Northing: 718,115.50 feet, and Easting: 2,034,824.05 feet, said point being in the southern right-of-way of Apex Barbeque Road (S.R. 1162) and the northeastern most corner of the tract herein described, and the POINT AND PLACE OF BEGINNING.

Thence, from said POINT OF BEGINNING, leaving Apex Barbecue Road, S10°28'09"E a distance of 114.89 feet to an IRS; thence, S31°11'06"W, a distance of 68.79 feet to an IRS; thence, S79°11'06"W a distance of 256.70 feet to an IRS; thence, N50°48'54"W a distance of 98.85 feet to an IRS; thence, N35°05'54"E a distance of 49.58 feet to an IRS; thence, N10°25'42"W a distance of 32.25 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, with said right-of-way N77°27'03"E a distance of 67 .00 feet to an IRS; thence, continuing with said right-of-way N62°36'05"E a distance of 3.19 feet to an Existing Iron Pin (EIP); thence, S10°25'42"E a distance of 140.41 feet to an EIP; thence, N79°11'06"E a distance of 21 1.08 feet to an EIP; thence, N10°28'09"W a distance of 159.65 feet to an IRS in the southern right-of-way of Apex Barbeque Road (S.R. 1162); thence, N77°38'07"E a distance of 50.03 feet to the POINT OF BEGINNING, and containing ± 0.438 acres (19,070 square feet), all as shown on that certain plat prepared by SEPI Engineering & Construction dated 7/27/2016, and entitled "Recombination Plat, on the Properties of David F. Marshall and wife Karen G. Marshall and The Wake County Board of Education, for Scotts Ridge Elementary School, Prepared for The Wake County Board of Education", said survey plat being recorded in Book of Maps 2016, Pages 1658-1659, Wake County Registry.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

### Requested Motion

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ25 Villages of Apex PUD Amendment. The petitioner is Curteis Calhoun with Enclave Holdings, LLC for the property located at 0 Laura Duncan Road.

### Approval Recommended?

Planning and Community Development Department recommends approval.

### Item Details

Rezoning Case #21CZ25 was approved at the November 23, 2021 Town Council meeting.

### Attachments

- Statement and Ordinance



**STATEMENT OF TOWN COUNCIL AND ORDINANCE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF APEX TO CHANGE THE ZONING OF APPROXIMATELY 3.62 ACRES LOCATED AT 0 LAURA DUNCAN ROAD FROM PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ #17CZ11) TO PLANNED UNIT DEVELOPMENT-CONDITIONAL ZONING (PUD-CZ) #21CZ25**

**WHEREAS**, Curteis Calhoun with Enclave Holdings, LLC., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 1<sup>st</sup> day of September 2021 (the “Application”). The proposed conditional zoning is designated #21CZ25;

**WHEREAS**, the Director of Planning and Community Development for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #21CZ25 before the Planning Board on the 8<sup>th</sup> day of November 2021;

**WHEREAS**, the Apex Planning Board held a public hearing on the 8<sup>th</sup> day of November 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ25. A motion was made by the Apex Planning Board to recommend approval; the motion passed unanimously for the application for #21CZ25;

**WHEREAS**, pursuant to N.C.G.S. §160D-601 and Sec. 2.2.11.E of the Unified Development Ordinance, the Director of Planning and Community Development caused proper notice to be given (by publication and posting), of a public hearing on #21CZ25 before the Apex Town Council on the 23<sup>rd</sup> day of November 2021;

**WHEREAS**, the Apex Town Council held a public hearing on the 23<sup>rd</sup> day of November 2021. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing;

**WHEREAS**, all persons who desired to present information relevant to the application for #21CZ25 and who were residents of Apex or its extraterritorial jurisdiction, or who owned property adjoining the property for which the conditional zoning is sought, were allowed to present evidence at the public hearing before the Apex Town Council. No one who wanted to speak was turned away;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is consistent with the 2045 Land Use Plan and other adopted plans in that: The 2045 Land Use Map designates this area as Mixed Use: High Density Residential/Medium Density Residential/Office Employment/Commercial Services. This designation on the 2045 Land Use Map includes the zoning district Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is consistent with the Apex Downtown Master Plan and Parking Study because it seeks to provide a vertical mixed use building, which will add residential units and commercial space within a 10 minute walk to downtown. The Apex Town Council has further considered that the proposed rezoning to Planned Unit Development-Conditional Zoning (PUD-CZ) will maintain the character and appearance of the area and provide the flexibility to accommodate the growth in population, economy, and infrastructure consistent with that contemplated by the 2045 Land Use Map;

**WHEREAS**, the Apex Town Council finds that the approval of the rezoning is reasonable and in the public interest in that: The rezoning will encourage infill development and mixed use development where Town services are present as well as encouraging walkability. The proposed increase in height is mitigated by the preservation of existing wetlands. The rezoning will encourage compatible development of the property and increase the tax base; and

**WHEREAS**, the Apex Town Council by a vote of 4 to 1 approved Application #21CZ25 rezoning the subject tract located at 0 Laura Duncan Road from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ).

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF APEX**

**Section 1:** The lands that are the subject of the Ordinance are those certain lands described in Attachment “A” – Legal Description which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”



**Ordinance Amending the Official Zoning District Map #21CZ25**

**Section 2:** The Town of Apex Unified Development Ordinance, including the Town of Apex North Carolina Official Zoning District Map which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from Planned Unit Development-Conditional Zoning (PUD-CZ #17CZ11) to Planned Unit Development-Conditional Zoning (PUD-CZ) District, subject to the conditions stated herein.

**Section 3:** The Director of Planning and Community Development is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Apex, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

**Section 4:** The "Rezoned Lands" are subject to the conditions in Attachment "B" Villages of Apex PUD Amendment which are imposed as part of this rezoning.

**Section 5:** The "Rezoned Lands" shall be perpetually bound to the conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Unified Development Ordinance. Site plans for any development to be made pursuant to this amendment to the Official Zoning District Map shall be submitted for site plan approval as provided for in the Unified Development Ordinance.

**Section 6:** This Ordinance shall be in full force and effect from and after its adoption.

Motion by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

With \_\_\_\_ Council Member(s) voting "aye."

With \_\_\_\_ Council Member(s) voting "no."

This the \_\_\_\_ day of \_\_\_\_\_ 2021.

**TOWN OF APEX**

\_\_\_\_\_

Mayor

**ATTEST:**

\_\_\_\_\_  
Town Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Town Attorney

Attachment A:

Smith & Smith Surveyors, P.A.  
P.O. Box 457  
Apex, N.C. 27502  
(919) 362-7111  
Firm License No. C-0155

Lying and being in Town of Apex, White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an iron pipe set at the northern public right of way of Hunter Street located South 26° 51' 01" East, 255.74 feet from a control existing iron pipe #2 bearing NAD 83 (2011) coordinate values of North 722,604.05 feet, East 2,045,781.07 feet (B.M. 2017, PG. 707); thence South 56° 29' 51" East, 271.13 feet to an existing iron pipe; thence North 81° 02' 24" East, 63.21 feet to an existing iron pipe at the western public right of way of Laura Duncan Road (NCSR 1308); thence North 39° 08' 49" East, 215.00 feet to an iron pipe set; thence a curve to the left North 29° 47' 45" East, 490.16 feet (chord), 1761.82 feet (radius) to an iron pipe set at the western public right of way of Laura Duncan Road; thence leaving the western public right of way of Laura Duncan Road South 49° 25' 18" West, 350.11 feet to an iron pipe set; thence North 79° 37' 44" West, 169.41 feet to an iron pipe set; thence South 75° 09' 54" West, 183.13 feet to an iron pipe set; thence South 15° 37' 53" West, 216.16 feet to the BEGINNING, containing 3.6242 total acres more or less (157,870 square feet more or less) as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Major Subdivision Final Plat Villages Of Apex South, Phase 1 ~ Section 3A ~ Lots 1, 167-168, 177-188, & 204-211", dated June 5, 2015, recorded in B.M. 2017, PG. 707.

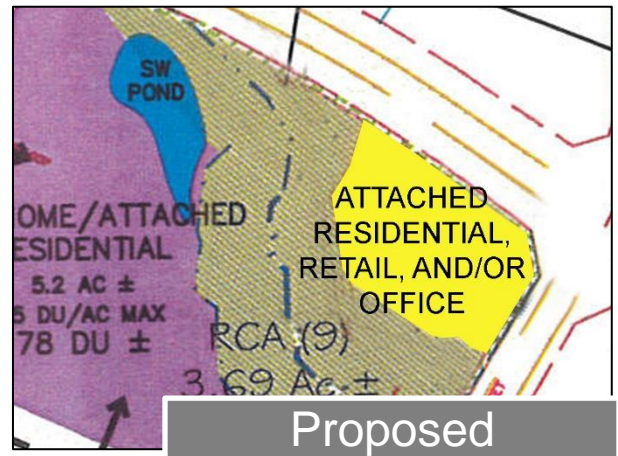
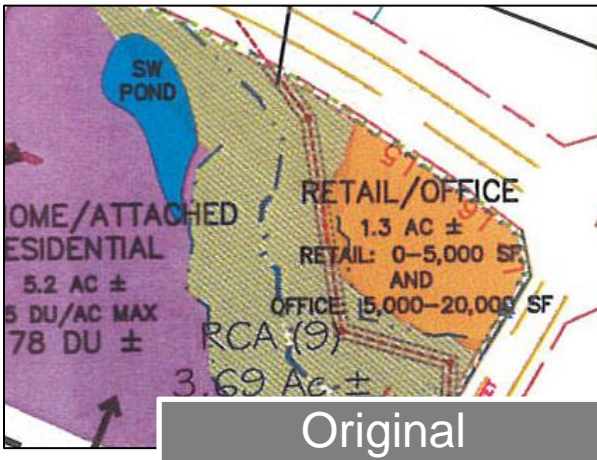
Attachment B:

September 1, 2021

To Whom It May Concern:

This application proposes to amend Rezoning Case #17CZ11 Trackside PUD in the following ways:

1. From Rezoning Case #17CZ11 Attachment B, Site Layout Plan sheets C2.1 and C2.3 are amended to designate this property as Attached Residential, Retail, and/or Office.



2. Any multi-family units shall have a maximum of 2 bedrooms.
3. The parking and loading requirements on page 8 of the "PD Plan for PUD-CZ Trackside Development" are amended to state:
  - a. Notwithstanding the foregoing, the parking and loading requirements applicable to the attached residential section of Trackside South shall be calculated at 1.5 spaces per residential unit. This shall not apply to townhomes.
4. The project shall install light timers, motion sensors, or other smart lighting technology for all lighting within the parking lot.
5. The maximum height for mixed-use buildings with a combination of residential and non-residential uses shall be 5 stories (65').
  - a. Please see Attachment A for sample architectural elevations.
6. First floor residential shall be prohibited along Hunter Street and Laura Duncan Road.
7. At least 5 apartments shall be rented to and initially occupied by low income households earning up to 60% of the Raleigh, NC Metropolitan Statistical Area's Area Median Income as published by the U.S. Department of Housing and Urban Development for at least 4 years.
8. Parks and Recreation condition #7 is removed. It stated: "A section of public greenway at the corner of Hunter and Laura Duncan will be constructed within the existing 20' sewer easement. A building credit will be provided to the developer as part of the recreation requirement." This will comply with the current Bicycle and Pedestrian System Plan Map and Parks and Recreation Master Plan Map.
9. The project commits to planting only native plants. Landscaping shall be coordinated with and approved by the Planning Department at site or subdivision plan review.
10. Based on a review of the Traffic Impact Analysis update, the following conditions are proposed:
  - o Along Laura Duncan Road and proposed site drive:
    - Restripe Laura Duncan Road to provide a two-way left turn lane from the signalized intersection up to the site driveway,
    - Provide the northbound left turn lane with a 75-foot taper and 50 feet of storage.

- Maintain the existing storage and taper length for the southbound left turn lane at the signalized intersection.
  - Provide the southbound right turn lane with 50 feet of storage and appropriate deceleration length and taper per NCDOT guidance.
11. The site shall be exclusively served by a single driveway access to Laura Duncan Road.

No further changes are proposed.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Curteis Calhoun', is written over a light blue rectangular background.

Curteis Calhoun  
Managing Partner, Enclave Holdings



Attachment A:

**NEW DEVELOPMENT PROPOSED STYLE**





# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Liz Loftin, Senior Planner

Department(s): Planning and Community Development

### Requested Motion

Motion to set Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ19 1016 N. Salem Street. The applicant, Courtney Landoll, WithersRavenel, seeks to rezone approximately .426 acres from Residential Agricultural (RA) to Medium Density Residential-Conditional Zoning (MD-CZ). The proposed rezoning is located at 1016 N. Salem Street.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

The property to be rezoned is identified as a portion of PIN 0742457443.

### Attachments

- Vicinity Map
- Application







Brittley Way

Maubrey Ct

Haddon Place

N Salem St

Magnolia Walk

Magnolia Row Trl

Villages of Apex

Rezoning #21CZ19





**PETITION TO AMEND THE OFFICIAL ZONING MAP**

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #:

21CZ19

Submittal Date:

9/1/2021

Fee Paid:

\$1,000

**Project Information**

Project Name: 1016 N Salem St.

Address(es): 1016 N Salem St. Apex, NC 27502

PIN(s): Portion of 0742457443

Acreage: +/- 0.426

Current Zoning: RA

Proposed Zoning: MD-CZ

Current 2045 LUM Classification(s): Medium Density, Office Employment, Commercial

Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes

No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: 0

Area proposed as non-residential development: Acreage: 0

Percent of mixed use area proposed as non-residential: Percent: 0

**Applicant Information**

Name: Courtney Landoll

Address: 137 S Wilmington St, Ste 200

City: Raleigh

State: NC

Zip: 27601

Phone: 919-469-3340

E-mail: clandoll@withersravenel.com

**Owner Information**

Name: WFINV LLC

Address: 4641 Paragon Park Rd.

City: Raleigh

State: NC

Zip: 27616

Phone: 919-427-1646

E-mail:

**Agent Information**

Name: Courtney Landoll, WithersRavenel

Address: 137 S Wilmington St, Ste 200

City: Raleigh

State: NC

Zip: 27601

Phone: 919-469-3340

E-mail: clandoll@withersravenel.com

Other contacts: Brendie Vega, WithersRavenel, bvega@withersravenel.com

Brandon Hafner, CaptiveAire, brandon.hafner@captiveaire.com





**PETITION INFORMATION**

Application #: 21CZ19 Submittal Date: 9-1-2021

**PROPOSED CONDITIONS:**

The applicant hereby requests that the Town Council of the Town of Apex, pursuant to the Unified Development Ordinance, approve the Conditional Zoning for the above listed use(s) subject to the following condition(s). Use additional pages as needed.

1. The existing historic home will remain on the property.

2. Any renovations to the primary structure will follow the latest edition of the "Secretary of Interior Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings".

All other structures or new development shall comply with the applicable sections of the UDO.

**LEGISLATIVE CONSIDERATIONS - CONDITIONAL ZONING**

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Use additional pages as needed.

1) *Consistency with 2045 Land Use Map.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.

The MD-CZ zoning district is appropriate for the proposed location and is consistent with the 2045 Land Use Map.

The 2045 Land Use Map lists MD as an allowable zoning district in the Medium Density Residential classification.

2) *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

The proposed MD-CZ district use will not change. It will remain a single-family home. This use is compatible with the surrounding homes in the area. The reduced lot size will be more consistent with the neighboring lots in Haddon Place and Magnolia Walk.



PETITION INFORMATION

Application #:

21CZ19

Submittal Date:

9-1-2021

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 Supplemental Standards, if applicable.

There are no supplemental standards for single-family dwellings.

4) Design minimizes adverse impact. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

The existing single-family home will have no adverse effects. It is a charming historic home, and its appeal adds value to the surrounding area.

5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

There will be no environmental impacts associated with the design. The continued presence of the home will not impair water, air, wildlife, scenic, and/or natural resources.

6) Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

There will be no adverse impacts to public facilities and services. The home is currently on well and septic, an annexation petition will be filed after rezoning in order to connect to Town of Apex public water and sewer. There is no increase to density or number of dwellings and therefore should have no adverse impacts on existing facilities.

7) Health, safety, and welfare. The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

The proposed use will not adversely impact the health, safety, or welfare of the residents of the Town or the ETJ.

The home is a historic and aesthetic asset to the community. Its continuance will benefit both neighboring residents and the public.

PETITION INFORMATION

Application #: 21CZ19 Submittal Date: 9-1-2021

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

The continued presence of the home will not harm adjacent properties. Other properties will benefit from the condition that the single-family home will remain. The property is surrounded by other residences.

9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

The use will not constitute a nuisance or hazard. The property is surrounded by other single-family homes.

10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

There are no changes associated with the use of the lot. The lot will meet all dimensional requirements. The home is in keeping with the character of the surrounding neighborhoods.



**AGENT AUTHORIZATION FORM**

Application #: 21CZ19

Submittal Date: 9-1-2021

WFINV LLC is the owner\* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: Recombination Plat (Exempt Plat)

The property address is: 1016 N Salem St., Apex, NC 27502

The agent for this project is: Courtney Landoll

I am the owner of the property and will be acting as my own agent

Agent Name: Courtney Landoll

Address: 137 S Wilmington St., Suite 200, Raleigh, NC 27601

Telephone Number: 919-238-0387

E-Mail Address: clandoll@withersravenel.com

Signature(s) of Owner(s)\*



' Brandon Hafner VP Construction/ Facilities  
Type or print name

08/24/2021  
Date

\_\_\_\_\_  
Type or print name

\_\_\_\_\_  
Date

Attach additional sheets if there are additional owners.

\*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.






# 20210824 Agent Authorization Form Unsigned[96]

Final Audit Report

2021-08-24

Created:	2021-08-24
By:	Kristin Dietz (kristin.dietz@captiveaire.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAADTWjI8KivvzIUoBTHarsNRUeNk3z4uLV

## "20210824 Agent Authorization Form Unsigned[96]" History

-  Document created by Kristin Dietz (kristin.dietz@captiveaire.com)  
2021-08-24 - 2:33:21 PM GMT- IP address: 71.16.149.194
-  Document emailed to Brandon Hafner (brandon.hafner@captiveaire.com) for signature  
2021-08-24 - 2:34:00 PM GMT
-  Email viewed by Brandon Hafner (brandon.hafner@captiveaire.com)  
2021-08-24 - 2:36:57 PM GMT- IP address: 71.16.149.194
-  Document e-signed by Brandon Hafner (brandon.hafner@captiveaire.com)  
Signature Date: 2021-08-24 - 2:37:48 PM GMT - Time Source: server- IP address: 71.16.149.194
-  Agreement completed.  
2021-08-24 - 2:37:48 PM GMT

**AFFIDAVIT OF OWNERSHIP**

Application #: 21CZ19

Submittal Date: 9-1-2021

The undersigned, Courtney Landoll  
swears or affirms as follows:

(the "Affiant") first being duly sworn, hereby

1. Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 1016 N Salem St., Apex, NC 27502 and legally described in **Exhibit "A"** attached hereto and incorporated herein (the "Property").
2. This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
3. If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated \_\_\_\_\_, and recorded in the Wake County Register of Deeds Office on \_\_\_\_\_, in Book \_\_\_\_\_ Page \_\_\_\_\_.
4. If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
5. If Affiant is the owner of the Property, from the time Affiant was deeded the Property on \_\_\_\_\_, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on \_\_\_\_\_, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 30 day of August, 2021.

*Courtney H Landoll*

(seal)

Courtney Landoll

Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Courtney Landoll, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's N/A, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.



[NOTARY SEAL]

*Karen Hancock* 8-30-21  
Notary Public Karen Hancock  
State of North Carolina  
My Commission Expires: 5-13-2025



**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #:

21CZ19

Submittal Date:

9-1-2021

**Insert legal description below.**

Beginning at an Existing Iron Pipe located at the Northwest corner of Lot 4-1A, "Apex Mule and Supply Co", Recorded at Book of Maps 1885, Page 119, Wake County Registry. Said Existing Iron Pipe having North Carolina Geodetic Coordinates (NAD 83; 2011) N: 725,445.26', E: 2,044,527.61', said Iron Pipe also being located on the Eastern Public Right of Way of North Salem Street, Thence leaving said Right of Way, North 69°43'32" East a distance of 122.93' to a Point; Thence South 21°02'26" East a distance of 149.35' to a Point; Thence South 69°38'26" West a distance of 125.71' to an Existing Iron Pipe located on the Eastern Public Right of Way of North Salem Street; Thence along said Public Right of Way, North 19°58'29" West a distance of 149.53' to an Existing Iron Pipe, being the point and place of Beginning, and having an area of 0.426 Acres, 18,578 Square Feet, more or less.





August 12, 2021

Re: 1016 North Salem Street (PIN # 0742457443 (portion of))

Neighboring Residents and Property Owners:

You are invited to attend a neighborhood meeting on August 26, 2021 at 5pm. The meeting will be held virtually. You can join by smartphone, computer, tablet or other web-enabled device. A call-in number is provided for those who do not have access to a web-enabled device. Please note that by calling in you will not have access to presentation materials.

Visit the WithersRavenel public meetings page, and select **1016 N. Salem St.** for information about the meeting.

<https://withersravenel.com/publicmeetings/>

To join the meeting by web-enabled device:

Meeting WebEx Link (registration is required):

<https://withersravenel.webex.com/withersravenel/onstage/g.php?MTID=e9ccc74e7643458a225e0aa3ee6b25cc6>

To join the meeting by phone:

US Toll: +1-415-655-0001

Access Code: 161 523 6986

The purpose of this meeting is to discuss a proposed rezoning of the property located at 1016 North Salem Street. This site is currently located in the Apex ETJ and is zoned as RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. Only the portion containing the existing home is proposed to be rezoned. The remainder of the parcel will remain RA – Residential Agricultural. The existing historic home on the site is intended to be preserved as a single-family home.

Conditions being added to the rezoning include: Only permitted uses will be Single-Family home, and accessory dwelling unit. The historic home is to remain.

If you have further questions about the rezoning request, or would like to submit written comments prior to or after the meeting please contact us:

WithersRavenel

Courtney Landoll, [clandoll@withersravenel.com](mailto:clandoll@withersravenel.com)

Brendie Vega, 919-535-5212, [bvega@withersravenel.com](mailto:bvega@withersravenel.com)

# NOTICE OF NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

08/12/2021

Date

Dear Neighbor:

You are invited to a neighborhood meeting to review and discuss the development proposal at  
 1016 North Salem Street (portion of) 0742457443 (portion of)

\_\_\_\_\_

Address(es) PIN(s)

in accordance with the Town of Apex Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, please refer to the Project Contact Information page for ways to contact the applicant. Notified neighbors may request that the applicant provide updates and send plans via email or mail. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at <http://www.apexnc.org/180/Planning-Community-Development>.

A Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

The parcel at 1016 N Salem St is currently zoned RA. The request is to rezone a portion of the parcel to MD - Medium Density Residential. A single family home would be in the new MD district and the remainder of the parcel would not be rezoned. The conditions being offered include limiting the permitted uses to Single-family, and accessory apartment; and providing a historic preservation easement on the house.

Estimated submittal date: 09/01/2021

MEETING INFORMATION:	
Property Owner(s) name(s):	WFINV, LLC
Applicant(s)& Contact information	WithersRavenel, Courtney Landoll, clandoll@withersravenel.com
Meeting Address:	<a href="https://bit.ly/1016NSalem">https://bit.ly/1016NSalem</a>
Meeting Address:	Call-In (415)655-0001 Access code: 161 523 6986
Date/Time of meeting**:	08/24/2021 5 pm -7 pm

**MEETING AGENDA TIMES:**  
 Welcome: 5 pm      Project Presentation: 5:10 pm      Question & Answer: 5:30pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning and Community Development Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning-Community-Development>.



# PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

## Development Contacts:

Project Name: 1016 N Salem St. Zoning: RA

Location: 1016 N Salem St, Apex, NC 27502

Property PIN(s): Portion of 0742457443 Acreage/Square Feet: +/- 0.426

Property Owner: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Email: brandon.hafner@captiveaire.com

Developer: WFINV, LLC

Address: 4641 Paragon Park Rd.

City: Raleigh State: NC Zip: 27616

Phone: 919-427-1646 Fax: \_\_\_\_\_ Email: brandon.hafner@captiveaire.com

Engineer: WithersRavenel

Address: 137 S Wilmington St. 200

City: Raleigh State: NC Zip: 27601

Phone: 919-238-0387 Fax: \_\_\_\_\_ Email: clandoll@withersravenel.com

Builder (if known): N/A

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

## Town of Apex Department Contacts

Planning and Community Development Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks and Greenways Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Environmental Engineering Manager (Stormwater, Sedimentation & Erosion Control)	(919) 249-3537
James Gregg, Utility Engineering Manager (Water & Sewer)	(919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

### Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

### Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.



# COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

**Noise & Hours of Construction: Non-Emergency Police 919-362-8661**

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

**Construction Traffic: James Misciagno 919-372-7470**

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

**Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

**Parking Violations: Non-Emergency Police 919-362-8661**

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

**Dirt in the Road: James Misciagno 919-372-7470**

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

**Dirt on Properties or in Streams: James Misciagno 919-372-7470  
Danny Smith [Danny.Smith@ncdenr.gov](mailto:Danny.Smith@ncdenr.gov)**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith ([danny.smith@ncdenr.gov](mailto:danny.smith@ncdenr.gov)) with the State.

**Dust: James Misciagno 919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

**Trash: James Misciagno 919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

**Temporary Sediment Basins: James Misciagno 919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

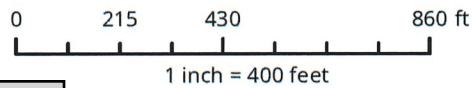
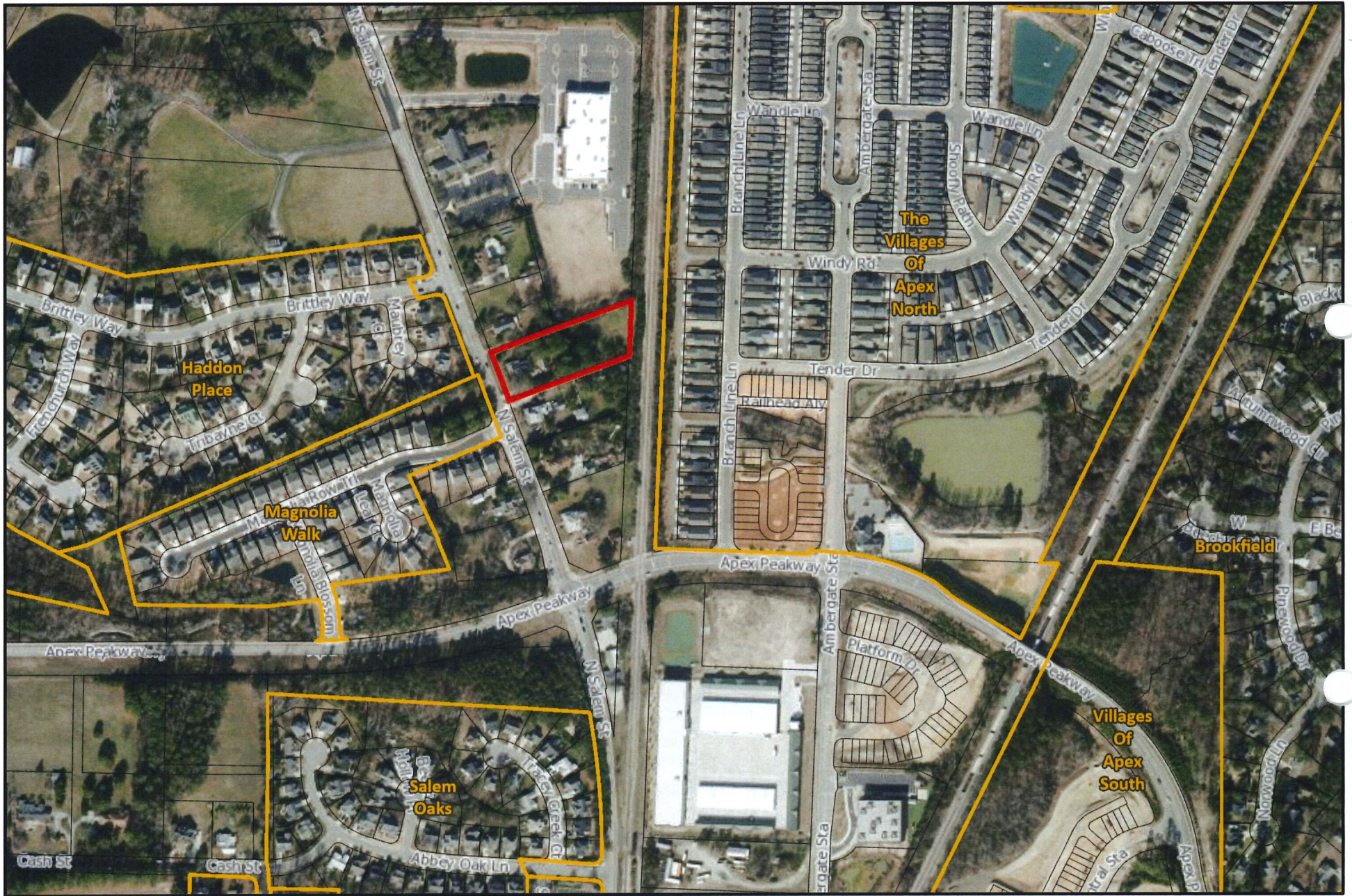
**Stormwater Control Measures: Jessica Bolin 919-249-3537**

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Jessica Bolin at 919-249-3537.

**Electric Utility Installation: Rodney Smith 919-249-3342**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.



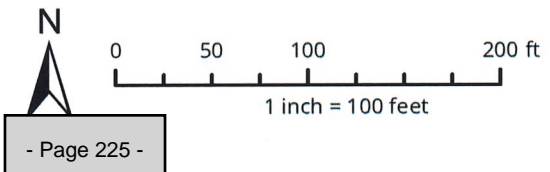


**Disclaimer**  
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.





### Zoning Exhibit



**Disclaimer**  
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PIN_NUM	OWNER	MAILING ADDRESS	MAILING ADDRESS 2
0742452323	BICCU, STEVEN BICCU, DENISE	1101 MAUBREY CT	APEX NC 27502-2426
0742551356	BORDEAUX, MARK DUNCAN SR BORDEAUX, ELIZABETH W	1044 BRANCH LINE LN	APEX NC 27502-2421
0742453211	BOSMAN, SCOTT C. TRUSTEE SCOTT C. BOSMAN LIVING TRUST	1216 MAGNOLIA ROW TRL	APEX NC 27502-2900
0742444955	BRIDGES, CHRISTOPHER R BRIDGES, ERIN Q	3924 153RD PL SE	MILL CREEK WA 98012-7812
0742451377	BROWN, LEIGH A BROWN, RANDY E	1103 MAUBREY CT	APEX NC 27502-2426
0742455733	CARMAC, ROBERT JONATHAN CARMAC, ELIZABETH BEAUVAIS	1020 N SALEM ST	APEX NC 27502-2922
0742453074	DAMA, NIKHIL ALLA, SRILAKSHMI	1213 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551158	DORN, DANIEL L DORN, LAUREN E	1062 BRANCH LINE LN	APEX NC 27502-2421
0742551464	FLEMING, ROBERT DAVID FLEMING, FARELIA GLOVER	1032 BRANCH LINE LN	APEX NC 27502-2421
0742551668	FRIEDRICH, JAMES STEVEN FRIEDRICH, JULIE ANNE	1000 BRANCH LINE LN	APEX NC 27502-2421
0742458114	GIBSON, DOUGLAS L GIBSON, CHERIE M	1012 N SALEM ST	APEX NC 27502-2922
0742551876	GRAY, ELIZABETH N	984 BRANCH LINE LN	APEX NC 27502-2430
0742454078	HARDIN, CLINTON BLAKE BAXTER, CHANTAL JOY	1205 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742455594	JENSEN, CHRISTINE E	1018 N SALEM ST	APEX NC 27502-2922
0742451456	KANAKOS, MICHAEL KANAKOS, JENNIFER	1105 MAUBREY CT	APEX NC 27502-2426
0742453317	LINARES, JOSE A LINARES, LIZETTE	1100 MAUBREY CT	APEX NC 27502-2426
0742448829	LIVINGSTON, TIMOTHY	5402 COLLEGE CORNER PIKE APT 3	OXFORD OH 45056-1030
0742551460	LOVATO, RICHARD ALLEN LOVATO, AMY VANDERCLUTE	1038 BRANCH LINE LN	APEX NC 27502-2421
0742551660	LUCKEY, LARRY	1012 BRANCH LINE LN	APEX NC 27502-2421
0742455034	MAGNOLIA WALK DEVELOPERS LLC	PO BOX 1328	CARY NC 27512-1328
0742452256	MAGNOLIA WALK HOMEOWNERS ASSOCIATION INC	1225 CRESCENT GRN STE 250	CARY NC 27518-8119
0742551778	MASEMAN, PAUL J	994 BRANCH LINE LN	APEX NC 27502-2430
0742453540	MOFFITT, JOLENE A	1104 MAUBREY CT	APEX NC 27502-2426
0742453527	OVERTON, ANGELA CARRIE	1106 MAUBREY CT	APEX NC 27502-2426
0742455120	PALEKAR, ALKA S PALEKAR, SHARAD D	1201 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551468	PATEL, ASHUTOSH J PATEL, MEGHANA A	1028 BRANCH LINE LN	APEX NC 27502-2421
0742457288	PATRICK, KEVIN T PATRICK, MELISSA L	1014 N SALEM ST	APEX NC 27502-2922
0742453492	PINSKER, NATHAN PINSKER, CARRIE GARTNER	1102 MAUBREY CT	APEX NC 27502-2426
0742454025	PISIPATI, DEEPAK MEDURI, SANDHYA	1209 MAGNOLIA ROW TRL	APEX NC 27502-2901
0742551872	RODGERS, MONA C RODGERS, JERRY G	990 BRANCH LINE LN	APEX NC 27502-2430
0742551562	SCHMITT, RUTH O RUTH O. SCHMITT LIVING TRUST	8904 YELLOW WOOD PL	LYNDON KY 40242-7772
0742551352	STEWART, ALLYSON L	1048 BRANCH LINE LN	APEX NC 27502-2421
0742466191	THALES ACADEMY	4641 PARAGON PARK RD	RALEIGH NC 27616-3406
0742551258	TRIPATHI, RAJESH TRIPATHI, ANURADHA	1052 BRANCH LINE LN	APEX NC 27502-2421
0742551808	VILLAGES OF APEX MASTER ASSOCIATION INC	4700 HOMEWOOD CT STE 380	RALEIGH NC 27609-5732
0742551566	WATKINS, KOURTNEY L	1016 BRANCH LINE LN	APEX NC 27502-2421
0742452783	WEBB, CLIFTON WEBB, MARIE	1108 BRITTLLEY WAY	APEX NC 27502-2400
0742551664	WEIDENFELLER, LINDA SUE	1006 BRANCH LINE LN	APEX NC 27502-2421
0742457443	WILSON, ALFRED C WILSON, MARION W APEX TOWN OF	126 BASSWOOD DR PO BOX 250	LAKE LURE NC 28746-6302 APEX NC 27502



HRW ASSOCIATES

Current Tenant

Current Tenant

Current Tenant

Current Tenant

Current Tenant

WITHERSRAVENEL, Courtney Landoll

Brandon Hafner, CaptiveAire, Inc

4700 HOMEWOOD CT STE 380

1022 Branch Line LN

1010 N Salem ST

1011 N Salem ST

1016 N Salem ST

1300 N Salem ST

137 S Wilmington St, Ste 200

4641 Paragon Park Rd

RALEIGH NC 27609

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

APEX NC 27502

Raleigh, NC 27601

Raleigh, NC 27616

# NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: WebEx  
 Date of meeting: August 26, 2021 Time of meeting: 5 - 7 p.m.  
 Property Owner(s) name(s): WFINV, LLC  
 Applicant(s): WFINV, LLC

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only. For virtual meetings, applicants must include all known participants and request the information below.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.					
2.					
3.					
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

*Use additional sheets, if necessary.*

Name

Attendee Email

Brendie Vega

Caroline Richardson

K Watkins

Leigh Brown

Chris Jensen

Courtney Landoll

Robert Carmac

Brandon Hafner

Elizabeth Carmac



# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): WFINV, LLC

Applicant(s): WFINV, LLC

Contact information (email/phone): 919-427-6146

Meeting Address: WebEx

Date of meeting: August 26, 2021 Time of meeting: 5 - 7 p.m.

Please summarize the questions/comments and your responses from the Neighborhood Meeting or emails/phone calls received in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

Question/Concern #1:

What portion of the property will be rezoned?

Applicant's Response:

The portion of the property with the house will be rezoned. The rear of the property will be recombined.

Question/Concern #2:

Will the trees be removed in the rear of the property?

Applicant's Response:

Development of the rear of the property will likely require the removal of some trees. There will be a required landscaped buffer at the rear of the property as well.

Question/Concern #3:

Why is the house considered to be historic?

Applicant's Response:

It is on the Wake County historic survey.

Question/Concern #4:

Will there be an accessory dwelling?

Applicant's Response:

There are no current plans to create an accessory dwelling, but the future owner may be permitted to have an accessory dwelling unit.

# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, Courtney Landoll, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Department of Planning and Community Development, all property owners and tenants abutting and within 300 feet of the subject property and any neighborhood association that represents citizens in the notification area via first class mail a minimum of 14 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at via WebEx (location/address) on 08/26/2021 (date) from 5 p.m. (start time) to 7:00 p.m. (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

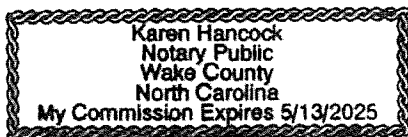
8/30/21  
Date

By: Courtney H Landoll

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Karen Hancock, a Notary Public for the above State and County, on this the 30<sup>th</sup> day of August, 2021.

SEAL



Karen Hancock  
Notary Public  
Karen Hancock  
Print Name

My Commission Expires: 5-13-2025

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

### Requested Motion

Motion to set the Public Hearing for the January 11, 2022 Town Council meeting regarding Rezoning Application #21CZ20 3075 Lufkin Road. The applicant, Al Goodrich of Wigeon Capital, LLC, seeks to rezone approximately 3.08 acres from Planned Commercial-Conditional Use (PC-CU #94CU21 & #98CU14) and Planned Commercial (PC) to Light Industrial-Conditional Zoning (LI-CZ). The proposed rezoning is located at 3075 Lufkin Road.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

The property to be rezoned is identified as PIN 0751277986.

### Attachments

- Vicinity Map
- Application







Waterford Green

Center St

1

RAMP US 1 NB to Ten Ten

RAMP Ten Ten to US 1 NB

Meridian at Ten Ten

US 1 Hwy SB

US 1 Hwy NB

RAMP US 1 SB to Center

1

Ten Ten Rd

Brynmor Oaks Cir

Lufkin Rd

Rezoning #21CZ20

Sheetz

The Summit Church Apex Campus

Meridian Point Dr

Reliance Ave

0 250 500 Feet

September 2021  
May 2021 Aerial Photography  
Prepared by: Town of Apex Planning Department



## PETITION TO AMEND THE OFFICIAL ZONING MAP

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 21CZ20 Submittal Date: 9/1/2021  
Fee Paid: \$1,700.00

### Project Information

Project Name: 3075 Lufkin Road Self-Storage  
Address(es): 3075 Lufkin Road  
PIN(s): 0751277986  
Acreage: 3.08 acres  
Current Zoning: PC/PC-CU Proposed Zoning: LI-CZ (Light Industrial)  
Current 2045 LUM Classification(s): Commercial Services  
Is the proposed rezoning consistent with the 2045 LUM Classification(s)? Yes  No

If any portion of the project is shown as mixed use (3 or more stripes on the 2045 Land Use Map) provide the following:

Area classified as mixed use: Acreage: \_\_\_\_\_  
Area proposed as non-residential development: Acreage: \_\_\_\_\_  
Percent of mixed use area proposed as non-residential: Percent: \_\_\_\_\_

### Applicant Information

Name: Wigeon Capital, LLC (Al Goodrich)  
Address: 2607 Oberlin Road, Ste 104  
City: Raleigh State: NC Zip: 27608  
Phone: 919-621-9447 E-mail: agoodrich@abgoodrich.com

### Owner Information

Name: Lufkin Leased Fee, LLC  
Address: 400 W North Street, Ste 12  
City: Raleigh State: NC Zip: 27608  
Phone: 919-621-9447 E-mail: lindsay@brookwoodcp.com

### Agent Information

Name: James Loyack, PLA-HagerSmith Design PA  
Address: 300 S. Dawson Street  
City: Raleigh State: NC Zip: 27601  
Phone: 919-302-3176 E-mail: jloyack@hagersmith.com

Other contacts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_







**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 *Supplemental Standards*, if applicable.

See attached rezoning attachment

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4) *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

See attached rezoning attachment

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5) *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

See attached rezoning attachment

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6) *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

See attached rezoning attachment

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7) *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

See attached rezoning attachment

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**PETITION INFORMATION**

Application #: 21CZ20 Submittal Date: 9/1/21

8) *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

See attached rezoning attachment

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9) *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

See attached rezoning attachment

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10) *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

See attached rezoning attachment

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## 3075 Lufkin Road Rezoning Petition

Date: 9/1/2021 (Revised: 10/29/21)

### Proposed Rezoning Conditions:

1. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
2. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
3. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
4. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less

The following are architectural conditions for the building façade:

1. The predominant exterior building materials shall be high quality materials, including:
  - a) Brick masonry
  - b) Decorative concrete block (either integrally colored or textured)
  - c) Stone accents
  - d) Cementitious Siding
  - e) Aluminum storefronts with anodized or pre-finished colors.
  - f) EIFS cornices, and parapet trim
  - g) Precast concrete
2. EIFS or synthetic stucco shall not be used in the first forty inches above grade.
3. The building exterior shall have more than one material color.
4. The building shall have more than one parapet height.
5. The main entrance to the building shall be emphasized.
6. Only full cut-off lighting fixtures and fixtures with external house-side shields shall be allowed where non-residential properties are adjacent to residential properties

### Legislative Considerations:

**1) Consistency with 2045 Land Use Map. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Map.**

The land use categories designated on the 2045 Land Use map for this property are Commercial Services. The limited uses proposed for the site are consistent with the purposes, goals, objectives, & policies of the 2045 Land Use Map. The restriction of the uses imposed as a condition of the rezoning petition is also complimentary and consistent to the abutting land uses.

**2) Compatibility. The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.**

The proposed Conditional Zoning District's limited use, environmental standards conditions and compliance with the UDO standards will ensure that the project is appropriate and compatible with the character of the adjacent uses.

**3) Zoning district supplemental standards. The proposed Conditional Zoning (CZ) District use's compliance with Sec 4.4 Supplemental Standards, if applicable.**

The use allowed pursuant to the requested CZ zoning shall, if applicable, will fully comply with the Supplemental Zoning Conditions as listed within Section 4.4 of the UDO and/or applicable zoning conditions, notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height.



- 4) Design minimizes adverse impact. The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.**

The Limited Use proposed as a condition is a low impact use. It generates very little traffic, is a low trash generator, a low energy user and operations are completely internal to the building. The building design will complement the adjacent buildings in materials and scale.

- 5) Design minimizes environmental impact. The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.**

The rezoning petition includes supplemental conditions that limit lighting, water use, energy consumption, parking, and tree canopy disturbance. A 50' undisturbed buffer will ensure the existing tree canopy will remain intact. Stormwater measures will be implemented to meet the Town of Apex and NCDEQ stormwater requirements.

- 6) Impact on public facilities. The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire, and EMS facilities.**

The proposed Conditional Zoning District use will have no adverse impact to public facilities and services. Public services and utilities already serve this area and the proposed use will have minimal impact on existing utilities and services.

- 7) Health, safety, and welfare. The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.**

The proposed Conditional Use District will comply with all Town regulations and UDO requirements.

- 8) Detrimental to adjacent properties. Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.**

The conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development is not detrimental to the adjacent properties.

- 9) Not constitute nuisance or hazard. Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.**

The restricted use, the conditions proposed with this petition and the requirements set forth in the Town UDO will ensure that this development will not be a nuisance or hazard to the public. This use generates low traffic volumes and the operations are internal to the building.

- 10) Other relevant standards of this Ordinance. Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.**

Notwithstanding Apex UDO Supplemental Standards Sections 4.4.5(G)(14)(j) and (n), building height shall be permitted to be up to four (4) stories and forty-eight feet (48') tall. Any development pursuant to the requested petition would comply with all applicable regulations of the Town (and imposed conditions) related to use, layout, and general development characteristics.



**AGENT AUTHORIZATION FORM**

Application #: 21CZ20

Submittal Date: 9/1/21

Lufkin Leased Fee, LLC (Lindsay Sewell) is the owner\* of the property for which the attached application is being submitted:

- Land Use Amendment
- Rezoning: For Conditional Zoning and Planned Development rezoning applications, this authorization includes express consent to zoning conditions that are agreed to by the Agent which will apply if the application is approved.
- Site Plan
- Subdivision
- Variance
- Other: \_\_\_\_\_

The property address is: 3075 Lufkin Road

The agent for this project is: James Loyack, PLA

I am the owner of the property and will be acting as my own agent

Agent Name: James Loyack PLA

Address: 300 S. Dawson Street, Raleigh, NC 27602

Telephone Number: 919-302-3176

E-Mail Address: jloyack@hagersmith.com

Signature(s) of Owner(s)\*



Lindsay Sewell (Lufkin Leased Fee, LLC)

Type or print name

10/11/2021

Date

\_\_\_\_\_

Type or print name

\_\_\_\_\_

Date

Attach additional sheets if there are additional owners.

\*Owner of record as shown on the latest equalized assessment rolls of Wake County. An option to purchase does not constitute ownership. If ownership has been recently transferred, a copy of the deed must accompany this authorization.

Pursuant to Article 40 of Chapter 66 of the North Carolina General Statutes (the Uniform Electronic Transactions Act) this application and all documents related hereto containing an electronic or digitized signature are legally binding in the same manner as are hard copy documents executed by hand signature. The parties hereby consent to use electronic or digitized signatures in accordance with the Town's Electronic Signature Policy and intend to be bound by the application and any related documents. If electronic signatures are used the application shall be delivered in an electronic record capable of retention by the recipient at the time of receipt.

**AFFIDAVIT OF OWNERSHIP**

Application #: 21CZ20

Submittal Date: 9/1/21

The undersigned, Lindsay Sewell (the "Affiant") first being duly sworn, hereby swears or affirms as follows:

- Affiant is over eighteen (18) years of age and authorized to make this Affidavit. The Affiant is the sole owner, or is the authorized agent of all owners, of the property located at 3075 Lufkin Road and legally described in Exhibit "A" attached hereto and incorporated herein (the "Property").
- This Affidavit of Ownership is made for the purpose of filing an application for development approval with the Town of Apex.
- If Affiant is the owner of the Property, Affiant acquired ownership by deed, dated 1/28/2011, and recorded in the Wake County Register of Deeds Office on 6/12/2012, in Book 2012 Page 00584.
- If Affiant is the authorized agent of the owner(s) of the Property, Affiant possesses documentation indicating the agency relationship granting the Affiant the authority to apply for development approval on behalf of the owner(s).
- If Affiant is the owner of the Property, from the time Affiant was deeded the Property on 3075 Lufkin Road, Affiant has claimed sole ownership of the Property. Affiant or Affiant's predecessors in interest have been in sole and undisturbed possession and use of the property during the period of ownership. Since taking possession of the Property on 3075 Lufkin Road, no one has questioned Affiant's ownership or right to possession nor demanded any rents or profits. To Affiant's knowledge, no claim or action has been brought against Affiant (if Affiant is the owner), or against owner(s) (if Affiant is acting as an authorized agent for owner(s)), which questions title or right to possession of the property, nor is any claim or action pending against Affiant or owner(s) in court regarding possession of the Property.

This the 11 day of October, 2021.

Lindsay F Sewell (seal)  
Lindsay F Sewell - manager  
Lufkin Leased Fee, LLC Type or print name

STATE OF NORTH CAROLINA  
COUNTY OF Wake

I, the undersigned, a Notary Public in and for the County of Wake, hereby certify that Lindsay Sewell, Affiant, personally known to me or known to me by said Affiant's presentation of said Affiant's NC Driver License, personally appeared before me this day and acknowledged the due and voluntary execution of the foregoing Affidavit.

Monica Zyph  
NOTARY PUBLIC  
Wake County  
North Carolina  
My Commission Expires May 5, 2026  
[NOTARY SEAL]

Monica Zyph  
Notary Public  
State of North Carolina  
My Commission Expires: May 5, 2026



**AFFIDAVIT OF OWNERSHIP: EXHIBIT A – LEGAL DESCRIPTION**

Application #: 21CZ20

Submittal Date: 9/1/2021

**Insert legal description below.**

Beginning at a control corner, being a concrete monument, with North Carolina grid coordinates NAD83 (NSRS 2007) of N= 718,108.455 and E= 2,052,828.106; thence N87°55'01"E 101.72' to a concrete monument; thence S65°26'26"E 86.65' to an iron pipe found; thence along a curve to the right having a radius of 932.21', a length of 125.48', a chord bearing of S61°35'00"E and a chord distance of 125.38' to an iron pipe set; thence S00°38'48"E 67.86' to an iron pipe set; thence S54°40'15"W 36.42' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 196.47', a chord bearing of S65°37'54"W and a chord distance of 195.27' to an iron pipe set; thence along a curve to the right having a radius of 513.50', a length of 100.90', a chord bearing of S79°55'50"W and a chord distance of 100.73' to an iron pipe set; thence along a curve to the right having a radius of 517.50', a length of 310.73', a chord bearing of N75°00'02"W and a chord distance of 306.08' to an iron pipe set; thence N57°47'56"W 191.43' to an iron pipe set; thence along a curve to the left having a radius of 517.50', a length of 66.62', a chord bearing N61°29'20"W and a chord distance of 66.57' to an iron pipe set; thence along a curve to the right having a radius of 1085.92', a length of 54.72', a chord bearing S87°50'28"E and a chord distance of 54.71' to an iron pipe set; thence S86°23'50"E 218.38' to an iron pipe found; thence along a curve to the left having a radius of 378.31', a length of 277.53', a chord bearing N72°27'09"E and a chord distance of 271.45' to the point of beginning and containing approximately 3.079 acres more or less and labeled as Lot 3 according to a map prepared by EDR Engineering entitled EASEMENT DEDICATION AND EXEMPT SUBDIVISION PLAT prepared for LUFKIN LEASED FEE L.L.C. dated 3/28/2012 and recorded at the Wake County Register of Deeds in book of maps 2012 pages 584-585.

Neighborhood Meeting #1:  
August 26, 2021

# NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

8/26/2021

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at

3075 Lufkin Road

0751277986

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

## MEETING INFORMATION:

Property Owner(s) name(s):

Lufkin Leased Fee, LLC

Applicant(s):

Jamie Loyack, PLA w/ HagerSmith Design PA

Contact information (email/phone):

jloyack@hagersmith.com / (919)-302-3176

Electronic Meeting invitation/call in info:

SEE Attached Microsoft Teams Link on next page

Date of meeting\*\*:

August 26, 2021

Time of meeting\*\*:

5:00 pm - 7:00 pm

## MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning>.



# PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

## Development Contacts:

Project Name: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)  
 Location: 3075 Lufkin Road  
 Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC  
 Address: 400 W North St , Ste 112  
 City: Raleigh State: NC Zip: 27603  
 Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC ( Whit Brown)  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-332-3887 Fax: \_\_\_\_\_ Email: whit@wigeoncp.com

Engineer: Jamie Loyack, PLA  
 Address: 300 S, Dawson Street  
 City: Raleigh State: NC Zip: 27601  
 Phone: 919-302-3176 Fax: \_\_\_\_\_ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich  
 Address: 2607 Oberlin Road  
 City: Raleigh State: NC Zip: 27608  
 Phone: 919-828-6609 Fax: \_\_\_\_\_ Email: agoodrich@abgoodrich.com

**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

## Jamie Loyack

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**Subject:** 3075 Lufkin Road Self Storage

**Start:** Thu 8/26/2021 5:00 PM

**End:** Thu 8/26/2021 7:00 PM

**Recurrence:** (none)

**Meeting Status:** Meeting organizer

**Organizer:** Jamie Loyack

**Required Attendees:** Jamie Loyack - External

**Importance:** Low

**SkypeTeamsProperties:** {"cid": "19:meeting\_N2UyNTdhMzctODkyZC00MDJlLWEzYTItODRkNjBIMzZmZjk1

**SkypeTeamsMeetingUrl:**

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**SchedulingServiceUpdateUrl:**

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conf:sip:JLoyack@hagersmith.com;gruu;opaque=app:conf:focus:id:teams:2:0!  
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**MeetingCreateSource:**

TeamsMiddleTier\_OBO\_desktop

**Contact Info:**

**Jamie Loyack**

**Phone: 919-302-3176**

**Email: jloyack@hagersmith.com**

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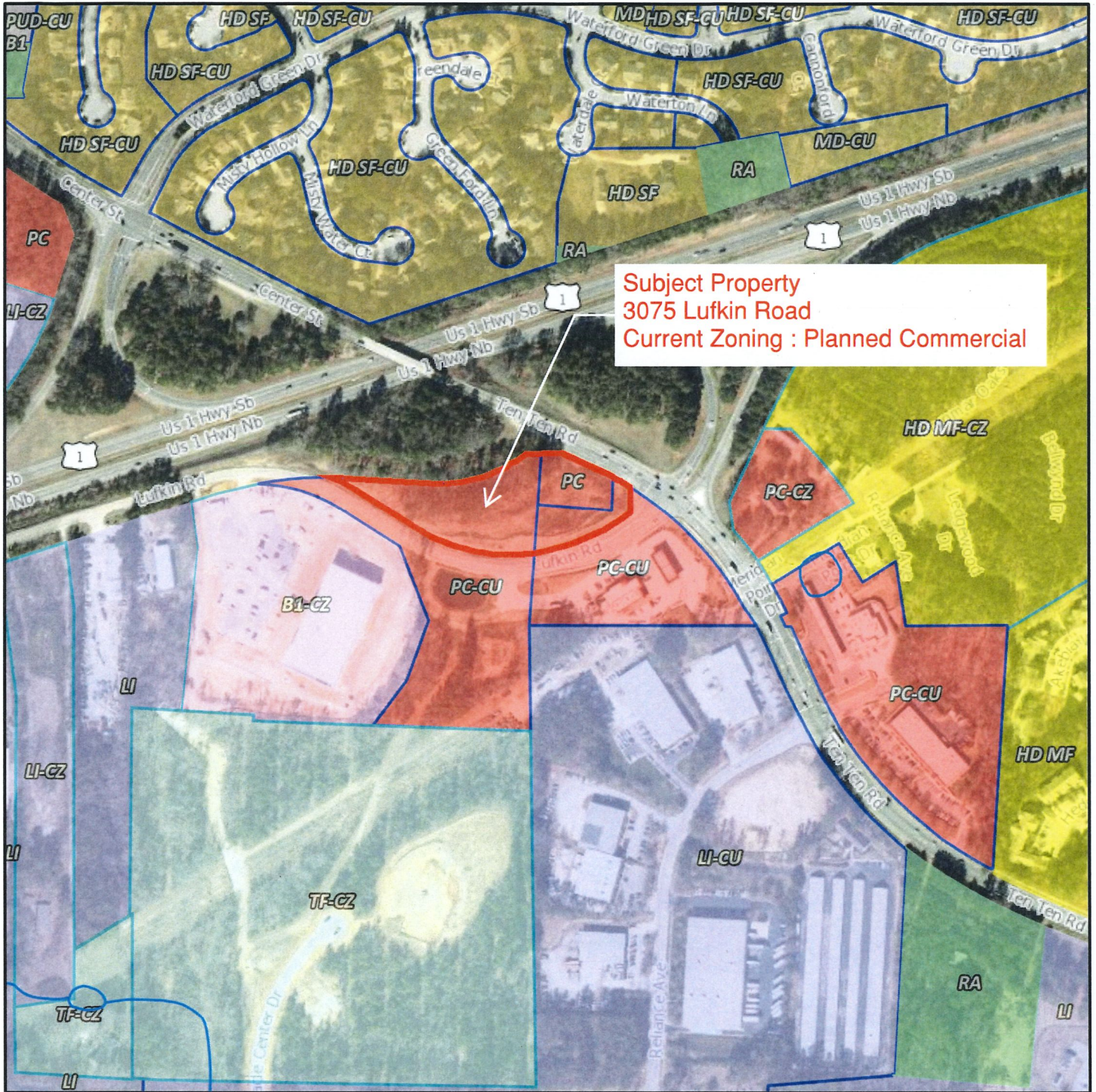
## Microsoft Teams meeting

**Join on your computer or mobile app**

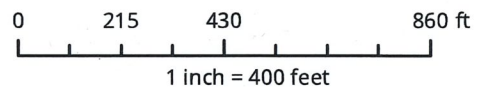
[Click here to join the meeting](#)

[Learn More](#) | [Meeting options](#)





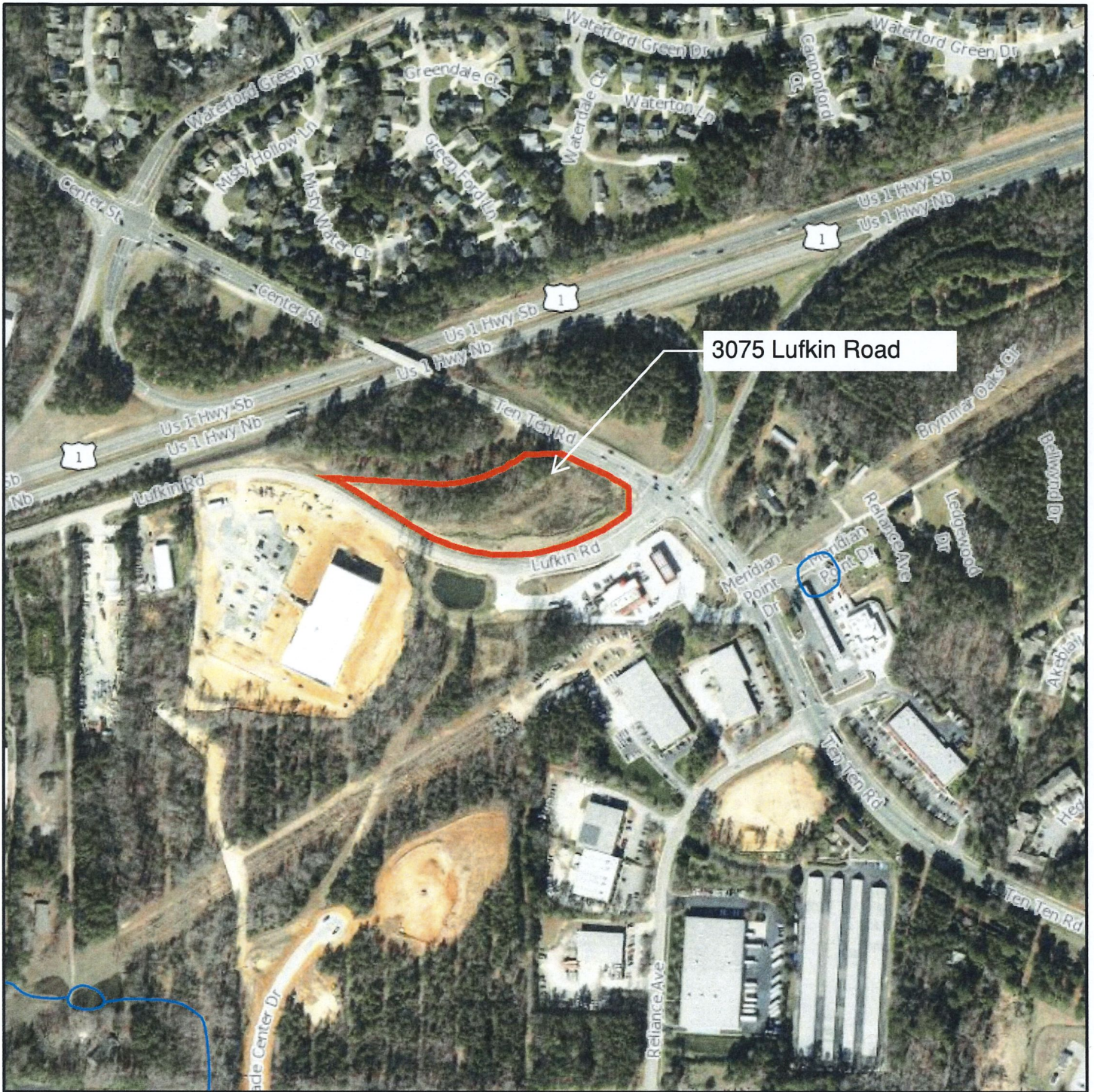
**3075 Lufkin Rd Current Zoning**



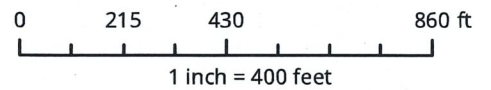
**Disclaimer**

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*





**3075 Lufkin Rd :VICINITY MAP**



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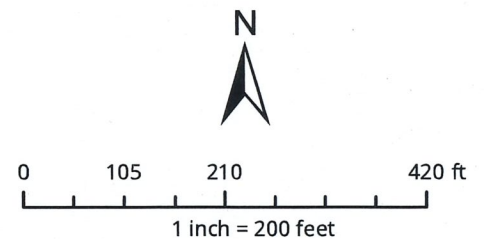


## 3075 Lufkin Rd

PIN: 0751277986  
 PIN Ext: 000  
 Real Estate ID: 0043707  
 Map Name: 0751 06  
 Owner: LUFKIN LEASED FEE LLC  
 Mail Address 1: 400 W NORTH ST STE 112  
 Mail Address 2: RALEIGH NC 27603-1570  
 Mail Address 3:  
 Deed Book: 014251  
 Deed Page: 02628  
 Deed Acres: 3.08  
 Deed Date: 1/28/2011  
 Building Value: \$0  
 Land Value: \$1,147,111  
 Total Value: \$1,147,111

Billing Class: Business  
 Description: LO3 LUFKIN LEASED FEE LLC  
 BM2012 -00584  
 Heated Area:  
 Street Name: LUFKIN RD  
 Site Address: 3075 LUFKIN RD  
 City:  
 Planning Jurisdiction: AP  
 Township: White Oak  
 Year Built:  
 Sale Price: \$0  
 Sale Date:  
 Use Type:  
 Design Style:  
 Land Class: Vacant

- Page 250 -



### Disclaimer

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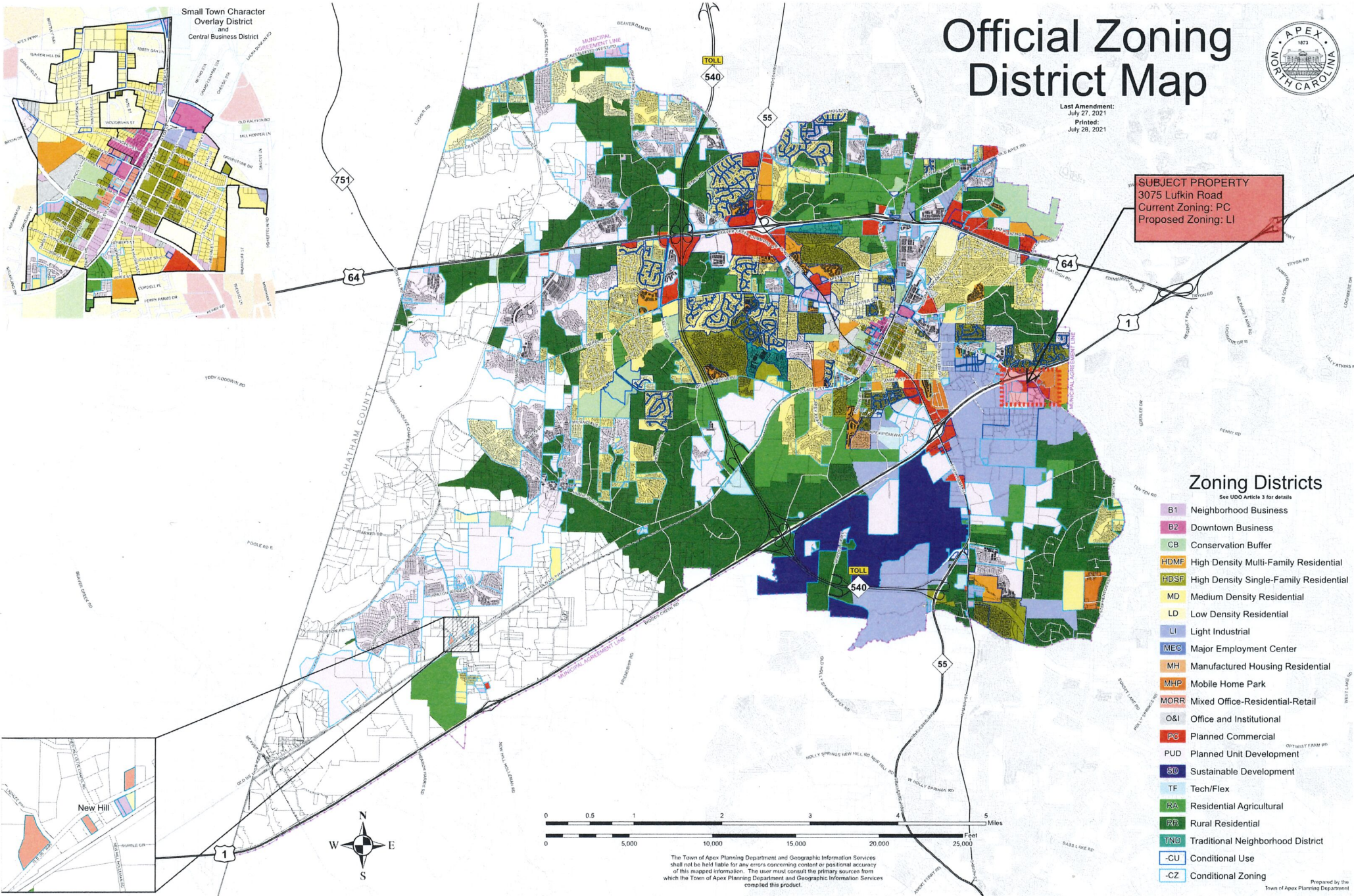
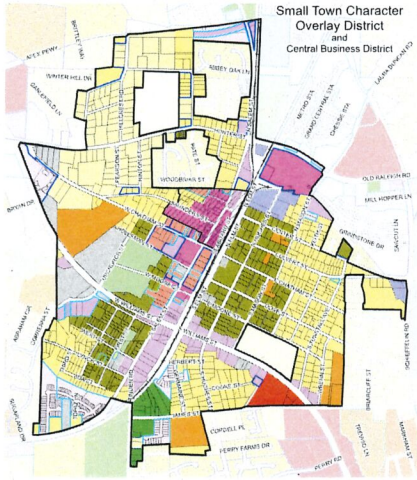


# Official Zoning District Map



Last Amendment:  
July 27, 2021  
Printed:  
July 28, 2021

**SUBJECT PROPERTY**  
3075 Lufkin Road  
Current Zoning: PC  
Proposed Zoning: LI



## Zoning Districts

See UDO Article 3 for details

- B1 Neighborhood Business
- B2 Downtown Business
- CB Conservation Buffer
- HDMF High Density Multi-Family Residential
- HDSF High Density Single-Family Residential
- MD Medium Density Residential
- LD Low Density Residential
- LI Light Industrial
- MEC Major Employment Center
- MH Manufactured Housing Residential
- MHP Mobile Home Park
- MORR Mixed Office-Residential-Retail
- O&I Office and Institutional
- PC Planned Commercial
- PUD Planned Unit Development
- SD Sustainable Development
- TF Tech/Flex
- RA Residential Agricultural
- RR Rural Residential
- TND Traditional Neighborhood District
- CU Conditional Use
- CZ Conditional Zoning



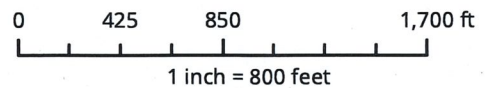
The Town of Apex Planning Department and Geographic Information Services shall not be held liable for any errors concerning content or positional accuracy of this mapped information. The user must consult the primary sources from which the Town of Apex Planning Department and Geographic Information Services compiled this product.

Prepared by the  
Town of Apex Planning Department





**3075 Lufkin Rd Rezoning Neighbors**



**Disclaimer**

*iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.*



# NEIGHBORHOOD MEETING SIGN-IN SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Address: Microsoft Teams  
 Date of meeting: August 26,2021 Time of meeting: 5:00 PM-7:00 PM  
 Property Owner(s) name(s): Lufkin Fee, LLC ( AI Goodrich)  
 Applicant(s): Wigeon Capital, LLC (AI Goodrich)

Please print your name below, state your address and/or affiliation with a neighborhood group, and provide your phone number and email address. Providing your name below does not represent support or opposition to the project; it is for documentation purposes only.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	Jamie Loyack (Hagersmith Design)	300 S. Dawson Street			
2.	Sharron Scroggin (Hagersmith Design)	300 S. Dawson Street			
3.	Whit Brown (Wigeon Capital)	2607 Oberlin Road, Raleigh,NC			
4.	George Aiken	2607 Oberlin Road, Raleigh,NC			
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Lufkin Fee, LLC

Applicant(s): Wigeon Capital, LLC

Contact information (email/phone): Jamie Loyack, PLA of HagerSmith Design PA (jloyack@hagersmith.com/919-302-3176)

Meeting Address: Microsoft Teams

Date of meeting: Thursday, August 26, 2021 Time of meeting: 5:00 PM - 7:00 PM

Please summarize the questions/comments and your response from the Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

## Question/Concern #1:

No adjacent owners entered the virtual meeting. Just the owner, applicant and development team members were on the MS TEAMS meeting.

### Applicant's Response:

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## Question/Concern #2:

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### Applicant's Response:

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## Question/Concern #3:

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### Applicant's Response:

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## Question/Concern #4:

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### Applicant's Response:

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# AFFIDAVIT OF CONDUCTING A NEIGHBORHOOD MEETING, SIGN-IN SHEET AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, James Loyack, do hereby declare as follows:  
Print Name

1. I have conducted a Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Neighborhood Meeting.
3. The meeting was conducted at Virtual Meeting via Microsoft Teams (location/address) on August 26, 2021 (date) from 5:00 PM (start time) to 7:00 PM (end time).
4. I have included the mailing list, meeting invitation, sign-in sheet, issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

8/31/21  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Monica Zyph, a Notary Public for the above State and County, on this the 31<sup>st</sup> day of August, 2021.

SEAL  
Monica Zyph  
NOTARY PUBLIC  
Wake County  
North Carolina  
My Commission Expires May 5, 2026

[Signature]  
Notary Public  
Monica Zyph  
Print Name

My Commission Expires: May 5, 2026

Meeting Summary

Total Number of Participants 4  
Meeting Title 3075 Lufkin Road Self Storage Neighborhood Meeting  
Meeting Start Time 8/26/2021, 4:48:41 PM  
Meeting End Time 8/26/2021, 7:01:01 PM  
Debug Id 51c4096a-0642-4ccc-9286-de552dabc52d

Full Name	Join Time	Leave Time	Duration	userPrincipalName	Role
Jamie Loyack	8/26/2021, 4:48:41 PM	8/26/2021, 7:00:59 PM	2h 12m	JLoyack@hagersmith.com	Organizer
Sharron Scroggin	8/26/2021, 4:48:52 PM	8/26/2021, 5:21:43 PM	32m 51s	scroggin@hagersmith.com	Presenter
Sharron Scroggin	8/26/2021, 5:24:51 PM	8/26/2021, 7:01:01 PM	1h 36m	scroggin@hagersmith.com	Presenter
Whit Brown	8/26/2021, 4:52:43 PM	8/26/2021, 5:22:05 PM	29m 22s	whit_wigeoncp.com#EXT#@hag	Presenter
George Aiken	8/26/2021, 5:29:40 PM	8/26/2021, 5:33:35 PM	3m 54s	gaiken@abgoodrich.com	Presenter

## List of neighbors within 300-feet of parcel

Gandsworth Properties LLC  
225 Gordon LN  
Macon NC 27551-9054

Fridley, Darin L Fridley, Elizabeth M  
30 Tody Goodwin Rd  
Apex, NC 27502-8020

Reliance Holdings LLC  
PO Box 1625  
Apex, NC 27502-3625

Classic Road Partners LLC  
10500 World Trade Blvd  
Raleigh, NC 27617-4246

BCP Lufkin LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

1701 Pinnacle Center LLC  
724 Gimghoul Road  
Chapel Hill, NC 27514-3811

Lufkin Leased Fee LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

Lux, Shirley Ann  
1818 Misty Hollow LN  
Apex, NC 27502-6222

Cicek, Mustafa Cicek,  
Aysenur  
1816 Misty Hollow LN  
Apex, NC 27502-6222

Williams, Bobby L Williams,  
Michelle R  
1905 Misty Water Ct  
Apex, NC 27502-6223

Saitta, John B Saitta, Jesse L  
1907 Misty Water Ct  
Apex, NC 27502-6223

Bramante, William J  
Bramante, Sheila L  
1903 Misty Water Ct  
Apex, NC 27502-6223

Green, Gary E Green, Patricia R  
1909 Misty Water Ct  
Apex, NC 27502-6223

Davis, Paul Davis, Jenna  
1911 Misty Water Ct  
Apex, NC 27502-6223

Harris, John Everett  
Harris, Kerry Anne  
1906 Misty Water Ct  
Apex, NC 27502-6223

Voytko, Troy S Voytko, Lisa S  
1913 Misty Water Ct  
Apex, NC 27502-6223

Martinez, Sara Elisabeth Luoni  
1910 Misty Water Ct  
Apex, NC 27502-6223

Bloom, Michael J Bloom,  
Amanda  
1915 Misty Water Ct.  
Apex, NC 27502-6223

Segneri, Tamara A  
1917 Misty Water Ct  
Apex, NC 27502-6223

Suter, David G Suter, Penny K  
1914 Misty Water Ct  
Apex, NC 27502-6223

Holmes, Daniel P Holmes,  
Laura C  
1916 Misty Water Ct.  
Apex, NC 27502-6223

Olah, Scott W Olah, Amber  
1909 Green Ford LN  
Apex, NC 27502-6219

Bullock, Shelia D  
1907 Green Ford LN  
Apex, NC 27502-6219

Pinnix, Joyce H Trustee  
8429 Secreto Dr  
Raleigh, NC 27606-0031

Brotherton, June Marie  
1903 Green Ford LN  
Apex, NC 27502-6219

Miller, Ronald Miller, Diane  
113 Loch Vale LN  
Cary, NC 27518-9617

Finnell, M Doris  
1906 Green Ford LN  
Apex, NC 27502-6219

Finch, Rodney J Finch, Elvira L  
1904 Green Ford LN  
Apex, NC 27502-6219

Porter, Thomas H Porter, Brenda K  
2007 Waterdale Ct  
Apex, NC 27502-6263

2410 LTD Partners LLC  
2400 Reliance Ave, Suite A  
Apex, NC 27539-7010

**List of neighbors within 300-feet of parcel**

NGO TU HA LLC  
4000 Lufkin RD  
Apex, NC 27539-7000

LTD Enterprises  
2400 Reliance AVE, Suite A  
Apex, NC 27539-7010

Circle K Stores  
PO Box 52085  
Phoenix, AZ 85072-2085

Oelfke, Charles W Oelfke, Patricia  
2006 Waterdale CT  
Apex, NC 27502-6263

Pierce, Aaron G Pierce, Erin  
2004 Waterdale CT  
Apex, NC 27502-6263

Chatham Partners LLC  
6131 Falls of Neuse Rd,  
Ste 200  
Raleigh, NC 27609-3518

Meridian at Ten Ten LLC  
6131 Falls of Neuse Rd, Suite 202  
Raleigh, NC 27609-3518

Waterford Green Homeowners  
c/o RS Fincher and Assoc.  
PO Box 1117  
Apex, Nc 27502

Town of Apex Planning  
73 Hunter Street (2<sup>nd</sup> Floor)  
PO Box 250  
Apex, NC 27502



Neighborhood Meeting #2:  
November 26, 2021

# NOTICE OF ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

10/27/21

Date

Dear Neighbor:

You are invited to an electronic neighborhood meeting to review and discuss the development proposal at  
3075 Lufkin Road 0751277986

Address(es)

PIN(s)

in accordance with the Town of Apex Electronic Neighborhood Meeting procedures. This meeting is intended to be a way for the applicant to discuss the project and review the proposed plans with adjacent neighbors and neighborhood organizations before the submittal of an application to the Town. This provides neighbors an opportunity to raise questions and discuss any concerns about the impacts of the project before it is officially submitted. If you are unable to attend, you may contact the applicant before or after the meeting is held. Once an application has been submitted to the Town, it may be tracked using the [Interactive Development Map](#) or the [Apex Development Report](#) located on the Town of Apex website at [www.apexnc.org](http://www.apexnc.org). If at all feasible given emergency declarations, limits on in-person gatherings, and social distancing, an additional in-person Neighborhood Meeting may be scheduled and held prior to a public hearing or staff decision on the application.

An Electronic Neighborhood Meeting is required because this project includes (check all that apply):

Application Type	Approving Authority
<input checked="" type="checkbox"/> Rezoning (including Planned Unit Development)	Town Council
<input type="checkbox"/> Major Site Plan	Town Council (QJPH*)
<input type="checkbox"/> Special Use Permit	Town Council (QJPH*)
<input type="checkbox"/> Residential Master Subdivision Plan (excludes exempt subdivisions)	Technical Review Committee (staff)

\*Quasi-Judicial Public Hearing: The Town Council cannot discuss the project prior to the public hearing.

The following is a description of the proposal (also see attached map(s) and/or plan sheet(s)):

This is a rezoning petition to rezone the vacant property at 3075 Lufkin Road from Zone PC (Planned Commercial) to LI (Light Industrial). The rezoning to LI will allow the owner to develop a self-storage facility.

Estimated submittal date: September 1, 2021

### MEETING INFORMATION:

Property Owner (i/s) name(s):	Lufkin Leased Fee, LLC
Applicant(s):	Jamie Loyack, PLA w/ HagerSmith Design PA
Contact information (email/phone):	jloyack@hagersmith.com / (919)-302-3176
Electronic Meeting invitation/call in info:	ZOOM Mtg: Meeting ID: 814 4545 7806 Passcode: 003590
Date of meeting**:	November 16, 2021
Time of meeting**:	5:00 pm - 7:00 pm

### MEETING AGENDA TIMES:

Welcome: 5:00 pm Project Presentation: 5:05 pm Question & Answer: 5:15 pm

\*\*Meetings shall occur between 5:00 p.m.-9:00 p.m. on a Monday through Thursday (excluding Town recognized holidays). If you have questions about the general process for this application, please contact the Planning Department at 919-249-3426. You may also find information about the Apex Planning Department and on-going planning efforts at <http://www.apexnc.org/180/Planning>.

# PROJECT CONTACT INFORMATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

## Development Contacts:

Project Name: 3075 Lufkin Road Self Storage Zoning: Current- PC (Planned Commercial)

Location: 3075 Lufkin Road

Property PIN(s): 0751277986 Acreage/Square Feet: 3.08 acres (Vacant Lot)

Property Owner: Lufkin Leased Fee, LLC

Address: 400 W North St , Ste 112

City: Raleigh State: NC Zip: 27603

Phone: 919-825-1567 Email: agoodrich@abgoodrich.com

Developer: Wigeon Capital, LLC

Address: 2607 Oberlin Road

City: Raleigh State: NC Zip: 27608

Phone: 919-332-3887 Fax: \_\_\_\_\_ Email: agoodrich@wigeoncp.com

Engineer: Jamie Loyack, PLA

Address: 300 S, Dawson Street

City: Raleigh State: NC Zip: 27601

Phone: 919-302-3176 Fax: \_\_\_\_\_ Email: jloyack@hagersmith.com

Builder (if known): AB Goodrich

Address: 2607 Oberlin Road

City: Raleigh State: NC Zip: 27608

Phone: 919-828-6609 Fax: \_\_\_\_\_ Email: agoodrich@abgoodrich.com

**Please note that Town staff will not have complete information about a proposed development until the application is submitted for review. If you have a question about Town development standards and how they relate to the proposed development, please contact the appropriate staff person listed below.**

## Town of Apex Department Contacts

Planning Department Main Number (Provide development name or location to be routed to correct planner)	(919) 249-3426
Parks, Recreation & Cultural Resources Department Angela Reincke, Parks Planner	(919) 249-7468
Public Works - Transportation Russell Dalton, Senior Transportation Engineer	(919) 249-3358
Water Resources Department Jessica Bolin, Senior Engineer (Stormwater, Sedimentation & Erosion Control) Stan Fortier, Senior Engineer (Stormwater, Sedimentation & Erosion Control) James Gregg, Utility Engineer (Water & Sewer)	(919) 249-3537 (919) 249-1166 (919) 249-3324
Electric Utilities Division Rodney Smith, Electric Technical Services Manager	(919) 249-3342

### Providing Input to Town Council:

Each Town Council meeting agenda includes a Public Forum time when anyone is permitted to speak for three (3) minutes on any topic with the exception of items listed as Public Hearings for that meeting. The Town Council meets on the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month at 6:00 p.m. (except for holidays, see schedule of meetings at <http://www.apexnc.org/838/Agendas-Minutes>). You may also contact Town Council by e-mail at [AllCouncil@apexnc.org](mailto:AllCouncil@apexnc.org).

### Private Agreements and Easement Negotiation:

The Town of Apex cannot enforce private agreements between developers and neighbors and is not a party to the easement and right-of-way negotiation that occurs between developers and neighboring property owners for easements or rights-of-way that are necessary to build the project.

It is recommended that all private agreements be made in writing and that if a property owner feels it necessary, they should obtain private legal counsel in order to protect their interests in both private agreements and during easement negotiations. The only conditions that the Town of Apex can enforce are those conditions that are made a part of the conditional zoning of the property by agreement of the developer and the Town.

As an example, if a developer offers to build a fence for a neighbor to mitigate some impact, the Town can only enforce the construction of the fence if the fence becomes a condition of the rezoning. This would occur by the developer offering the condition as part of their conditional zoning application package or at the Town Council public hearing on the conditional zoning and the Town accepting it as a condition. Private agreements regarding a fence being constructed will not be enforced by the Town.

To request that any agreement with a developer is made a part of the conditional zoning at the time of approval, you may ask at the Town Council public hearing if the agreement is included in the conditions. If it is not, you may request that the Town Council not approve the rezoning without the agreement being included in the conditions (note that it is up to Town Council whether to approve or deny the rezoning but they cannot impose conditions that the applicant does not agree to add). The developer's proposed conditions can be viewed any time after a rezoning is submitted on the Interactive Development Map at: <http://apexnc.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=fa9ba2017b784030b15ef4da27d9e795>

### Documentation:

Neighbors to a requested new development and/or rezoning are strongly encouraged to fully document (such as through dated photographs) the condition of their property before any work is initiated for the new development. Stormwater controls installed on developed property are not designed to and will likely not remove 100% of the soil particles transported by stormwater runoff. As a result, creeks and ponds could become cloudy for a period of time after rain events.

# COMMON CONSTRUCTION ISSUES & WHO TO CALL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

**Noise & Hours of Construction: Non-Emergency Police 919-362-8661**

Noise from tree removal, grading, excavating, paving, and building structures is a routine part of the construction process. The Town generally limits construction hours from 7:00 a.m. to 8:30 p.m. so that there are quiet times even during the construction process. Note that construction outside of these hours is allowed with special permission from the Town when it makes more sense to have the construction occur at night, often to avoid traffic issues. In addition, the Town limits hours of blasting rock to Monday through Friday from 8:00 a.m. to 5:00 p.m. Report violations of construction hours and other noise complaints to the Non-Emergency Police phone number at 919-362-8661.

**Construction Traffic: James Misciagno 919-372-7470**

Construction truck traffic will be heavy throughout the development process, including but not limited to removal of trees from site, loads of dirt coming in and/or out of the site, construction materials such as brick and wood brought to the site, asphalt and concrete trucks come in to pave, etc. The Town requires a construction entrance that is graveled to try to prevent as much dirt from leaving the site as possible. If dirt does get into the road, the Town can require they clean the street (see "Dirt in the Road" below).

**Road Damage & Traffic Control: Water Resources – Infrastructure Inspections 919-362-8166**

There can be issues with roadway damage, roadway improvements, and traffic control. Potholes, rutting, inadequate lanes/signing/stripping, poor traffic control, blocked sidewalks/paths are all common issues that should be reported to Water Resources – Infrastructure Inspections at 919-249-3427. The Town will get NCDOT involved if needed.

**Parking Violations: Non-Emergency Police 919-362-8661**

Unless a neighbor gives permission, there should be no construction parking in neighbors' driveways or on their property. Note that parking in the right-of-way is allowed, but Town regulations prohibit parking within 15 feet of driveways so as not to block sight triangles. Trespassing and parking complaints should be reported to the Non-Emergency Police phone number at 919-362-8661.

**Dirt in the Road: James Misciagno 919-372-7470**

Sediment (dirt) and mud gets into the existing roads due to rain events and/or vehicle traffic. These incidents should be reported to James Misciagno. He will coordinate the cleaning of the roadways with the developer.

**Dirt on Properties or in Streams: James Misciagno 919-372-7470  
Danny Smith [Danny.Smith@ncdenr.gov](mailto:Danny.Smith@ncdenr.gov)**

Sediment (dirt) can leave the site and get onto adjacent properties or into streams and stream buffers; it is typically transported off-site by rain events. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the appropriate repairs with the developer. Impacts to the streams and stream buffers should also be reported to Danny Smith ([danny.smith@ncdenr.gov](mailto:danny.smith@ncdenr.gov)) with the State.

**Dust: James Misciagno 919-372-7470**

During dry weather dust often becomes a problem blowing into existing neighborhoods or roadways. These incidents should be reported to James Misciagno at 919-372-7470 so that he can coordinate the use of water trucks onsite with the grading contractor to help control the dust.

**Trash: James Misciagno 919-372-7470**

Excessive garbage and construction debris can blow around on a site or even off of the site. These incidents should be reported to James Misciagno at 919-372-7470. He will coordinate the cleanup and trash collection with the developer/home builder.

**Temporary Sediment Basins: James Misciagno 919-372-7470**

Temporary sediment basins during construction (prior to the conversion to the final stormwater pond) are often quite unattractive. Concerns should be reported to James Misciagno at 919-372-7470 so that he can coordinate the cleaning and/or mowing of the slopes and bottom of the pond with the developer.

**Stormwater Control Measures: Jessica Bolin 919-249-3537**

Post-construction concerns related to Stormwater Control Measures (typically a stormwater pond) such as conversion and long-term maintenance should be reported to Mike Deaton at 919-249-3413.

**Electric Utility Installation: Rodney Smith 919-249-3342**

Concerns with electric utility installation can be addressed by the Apex Electric Utilities Department. Contact Rodney Smith at 919-249-3342.

# ELECTRONIC NEIGHBORHOOD MEETING ATTENDANCE SHEET

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Meeting Format: Virtual Meeting via ZOOM

Date of meeting: November 16, 2021 Time of meeting: 5:00pm-7:00pm

Property Owner(s) name(s): Lufkin LLC

Applicant(s): HagerSmith Design, PA

Please list Electronic Neighborhood Meeting Attendees who provided their name and/or contact information either during the meeting or via phone/email before or after the meeting.

	NAME/ORGANIZATION	ADDRESS	PHONE #	EMAIL	SEND PLANS & UPDATES
1.	J. Loyack, HagerSmith Design	300 S. Dawson Street			
2.	S. Scroggin, HagerSmith Design	300 S. Dawson Street			
3.	Chris Kirk, Neighbor	3000 Lufkin Rd , Owner			
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					
13.					
14.					

Use additional sheets, if necessary.

# SUMMARY OF DISCUSSION FROM THE ELECTRONIC NEIGHBORHOOD MEETING

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Property Owner(s) name(s): Lufkin , LLC

Applicant(s): HagerSmith Design, PA

Contact information (email/phone): \_\_\_\_\_

Meeting Format: Virtual Meeting via ZOOM

Date of meeting: November 16,2021 Time of meeting: 5:00pm-7:00pm

Please summarize the questions/comments and your response from the Electronic Neighborhood Meeting in the spaces below (attach additional sheets, if necessary). Please state if/how the project has been modified in response to any concerns. The response should not be "Noted" or "No Response". There has to be documentation of what consideration the neighbor's concern was given and justification for why no change was deemed warranted.

### Question/Concern #1:

Chris Kirk-Building Owner at 3000 Lufkin: Is there outdoor storage? Concerned that the appearance of the building will be consistent with what has just been constructed on neighboring properties.

#### Applicant's Response:

There will be no outside storage. As a condition of the rezoning the developer is committed to using high quality building materials, such as brick, decorative concrete block, stone accents, cementitious siding, aluminum storefronts with anodized or pre-finished colors, glass, etc.

The architectural elevations will also be reviewed and approved by Apex Planning during site plan review.

### Question/Concern #2:

\_\_\_\_\_  
\_\_\_\_\_

#### Applicant's Response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Question/Concern #3:

\_\_\_\_\_  
\_\_\_\_\_

#### Applicant's Response:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Question/Concern #4:

\_\_\_\_\_  
\_\_\_\_\_

#### Applicant's Response:

\_\_\_\_\_  
\_\_\_\_\_



# AFFIDAVIT OF CONDUCTING AN ELECTRONIC NEIGHBORHOOD MEETING AND ISSUES/RESPONSES SUBMITTAL

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

I, James Loyack, PLA, do hereby declare as follows:  
Print Name

1. I have conducted an Electronic Neighborhood Meeting for the proposed Rezoning, Major Site Plan, Residential Master Subdivision Plan, or Special Use Permit in accordance with UDO Sec. 2.2.7 *Neighborhood Meeting*.
2. The meeting invitations were mailed to the Apex Planning Department, all property owners within 300 feet of the subject property and any neighborhood association that represents citizens in the area via first class mail a minimum of 10 days in advance of the Electronic Neighborhood Meeting.
3. The meeting was conducted via Virtual Meeting via ZOOM (indicate format of meeting) on November 16, 2021 (date) from 5:00 pm (start time) to 7:00 pm (end time).
4. I have included the mailing list, meeting invitation, attendance sheet issue/response summary, and zoning map/reduced plans with the application.
5. I have prepared these materials in good faith and to the best of my ability.

11.19.21  
Date

By: [Signature]

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Sally M. Kath, a Notary Public for the above State and County, on this the 19<sup>th</sup> day of November, 2021.



Sally M. Kath  
Notary Public  
Sally M. Kath  
Print Name

My Commission Expires: 1/8/23

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REZONING REQUEST for:  
3075 Lufkin Road  
Apex, NC

# Neighborhood Meeting

November 16, 2021  
5:00 pm-7:00 pm  
(Virtual Meeting via Zoom)







# EXISTING ZONING MAP



## SOME USES ALLOWED CURRENTLY UNDER PLANNED COMMERCIAL (PC)

- Assembly Hall
- Church
- Daycare
- Veterinary Clinic or Hospital
- Transportation Facility
- Communication Tower (SUP)
- Wireless Communication Facility
- Recycling Collection Station
- Arena
- Drive-Thru Restaurant
- Medical Office
- Office
- Research Facility
- Gas Station
- Convenience Store
- Building Supplies Store
- Book Store
- Greenhouse/Nursery
- Retail Sales
- Automotive Service Station
- Automotive Parts
- Car Wash
- Vehicle Sales and rental
- Kennel
- Fitness Center
- Pawn Shop
- Microbrewery
- Theater





## **PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:**

### REZONING CONDITIONS:

1. Limit the uses for the site to the uses listed in the proposed uses section of the rezoning application.
2. Provide minimum 10-kW rooftop solar PV system on rooftop to offset energy use.
3. This project shall preserve existing tree canopy within the required perimeter buffers and RCA as required by the UDO. Any supplemental landscaping within those buffers shall be native plant species.
4. In order to reduce irrigation and chemical use, this development shall plant warm season grasses where turf grass is called for on the landscaping plans. All other required landscaping shall consist of drought tolerant native plants.
5. In order to meet International Dark Sky Association standards, all outdoor lighting and parking lot lighting fixtures shall be LED fixtures in a full-cutoff style and with a color temperature of 3000K or less
6. Building to be built with Brick, Masonry, Glass



## **PROPOSED ZONING REQUEST: LIGHT INDUSTRIAL (LI) CONDITIONAL USE:**

LIMIT USES TO THE FOLLOWING:

1. Self-Storage
2. Utility Minor
3. Medical or dental office or clinic
4. Office, business or professional
5. Artisan Studio Repair services, limited Studio for art
6. Upholstery shop
7. Pet services
8. Automotive accessory sales and installation
9. Automotive parts
10. Car wash or auto detailing
11. Woodworking or cabinetmaking
12. Manufacturing and processing, minor



# APEX TENTATIVE REZONING PETITION SCHEDULE

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PLANNING PRE-SUBMITTAL MEETING:	June 3, 2021
EAB MEETING:	August 19, 2021
<b>NEIGHBORHOOD MEETING:</b>	<b>November 16, 2021 (Tonight)</b>
REZONING APPLICATION SUBMITTAL	September 1, 2021
PLANNING BOARD MEETING:	December 13, 2021
TOWN COUNCIL MEETING:	December 28, 2021



PROJECT CONTACT INFORMATION:  
Jamie Loyack, PLA (HAGERSMITH DESIGN PA)  
Phone #: 919-302-3176

Email: [jloyack@hagersmith.com](mailto:jloyack@hagersmith.com)

NEIGHBORHOOD NOTIFICATION LIST- Provided by Town of Apex

2410 Ltd Partners, LLC  
2400 Reliance Ave. Ste A  
Apex Nc 27539-7010

3050 Lufkin, LLC  
2607 Oberlin Rd Ste 104  
Raleigh Nc 27608-1320

Chatham Partners, LLC  
6131 Falls of Neuse Rd,  
Ste 200  
Raleigh, NC 27609-3518

NGO TU HA, LLC  
4000 Lufkin RD  
Apex, NC 27539-7000

Kirk Family Real Estate Holding, LLC  
6204 Cape Charles Dr  
Raleigh Nc 27617-7637

LTD Enterprises, LLC  
2400 Reliance Ave, Suite A  
Apex, NC 27539-7010

Lufkin Leased Fee LLC  
400 W North St, Suite 112  
Raleigh, NC 27603-1570

Town of Apex Planning  
73 Hunter Street (2<sup>nd</sup> Floor)  
PO Box 250  
Apex, NC 27502

Current Tenant  
3000 Lufkin Road  
Apex, NC 27539

Current Tenant  
3075 Lufkin Road  
Apex, NC 27539

Current Tenant  
2400 Reliance Ave  
Apex, NC 27539

Current Tenant  
2410 Reliance Ave.  
Apex, NC 27539

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

### Requested Motion

Motion to set the Public Hearing for the January 11, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

Summary of UDO Amendments:

1. Amendments to Sec. 7.1.8 *Penalties and Remedies for Violation of Article* in order to add a reference to the State statute that provides the authority for a criminal penalty for violation of a development regulation and to remove text that is no longer applicable due to changes to State law.
2. Amendments to Secs. 6.1.12.B *Stormwater Control Measures (SCMs), Design, Location, and Landscaping of SCMs* and 8.2.7 *Fences, Walls, and Berms* in order to allow fences to completely enclose a Stormwater Control Measure (SCM) even if some or all of the SCM is dedicated or proposed to be dedicated as Resource Conservation Area.

### Attachments

- N/A



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

### Requested Motion

Motion to approve an encroachment agreement between the Town and property owners Abhishek Monhanty and spouse Lipsa Sarangi to install a fence that will encroach 35 S.F. onto the Town's 20' Public Storm Drainage Easement and authorize the Town Manager to execute the same.

### Approval Recommended?

Yes

### Item Details

Approve Encroachment Agreement between the Town and property owners Abhishek Monhanty and spouse Lipsa Sarangi (Grantees) for the property described as a residential lot known as Wake County PIN #0722-41-9897, Book of Maps 2020, Page 01334, Lot is also known as 2825 Angelica Rose Way, Apex, NC 27502. Grantees wish to install certain improvements, more particularly described as a fence that will encroach 35 S. F. onto the Town's 20' Public Storm Drainage Easement.

### Attachments

- Encroachment Agreement
- Exhibit A





After Recording Mail To: Development Services  
Town of Apex  
PO Box 250  
Apex, NC 27502

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**ENCROACHMENT AGREEMENT**

THIS ENCROACHMENT AGREEMENT, being made this \_\_\_\_ day of \_\_\_\_\_, 2021, by and between Abhishek Mohanty and spouse Lipsa Sarangi, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is designated as **PIN #0722-41-9897** and more particularly described as **Lot 121** of the subdivision known as **Linden Ph. 2A**, which is shown on that certain plat recorded in **Book of Maps 2020 Page 01334**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2825 Angelica Rose Way, Apex, NC 27502**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a 20' PUBLIC STORM DRAINAGE EASEMENT as shown on the **Subdivision Plat** hereinafter referred to as the "**Public Storm Drainage Easement**."

WHEREAS, Grantees wish to install certain improvements, more particularly described as a **fence that will encroach 35 SF into the Public Storm Drainage Easement** which serves the Residential Lot, hereinafter referred to as the "**Encroachment**," all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Storm Drainage Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantees and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees' successors and assigns at Grantees' sole risk and expense, to encroach into the **Public Storm Drainage Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in the **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and do hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager  
Town of Apex  
PO Box 250  
Apex, NC 27502

To Grantees: Abhishek Mohanty and Spouse Lipsa Sarangi  
2825 Angelica Rose Way  
Apex, NC 27502

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Storm Drainage Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at their own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Storm Drainage Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Storm Drainage Easement** without cost, risk or liability to the Town.

11. Grantees agree to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in Paragraph 10 or if Grantees fail to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Lot 121 Linden Phase 2A (2825 Angelica Rose Way, Apex, NC 27502)**, or by assumption of said obligations by an incorporated property or condominium owners association for **Linden Phase 2A**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

In testimony whereof, said Grantees and said Town have here unto set their hands and seals, the day and year first above written.

**GRANTEES**

By: Abhishek Mohanty  
Abhishek Mohanty

By: Lipsa Sarangi  
Lipsa Sarangi

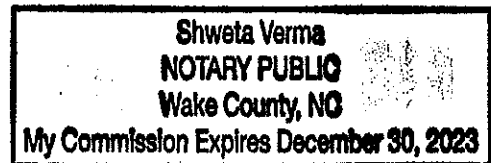
STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Abhishek Mohanty, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 26 day of November 2021.

Shweta Verma  
[Signature of Notary Public]



My Commission Expires: Dec 30, 2023

\*\*\*\*\*

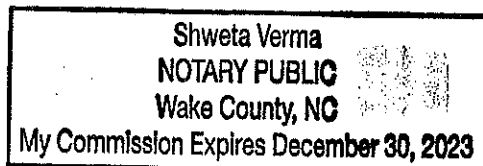
STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Lipsa Sarangi personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 26 day of November 2021.

Shweta Verma  
[Signature of Notary Public]



My Commission Expires: Dec 30, 2023

TOWN OF APEX

\_\_\_\_\_  
Catherine Crosby  
Town Manager

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_ [county in which acknowledgement taken]

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_ County, North Carolina, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
[Signature of Notary Public]

(Seal)

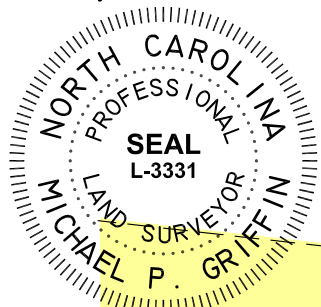
My Commission Expires: \_\_\_\_\_

# EXHIBIT A

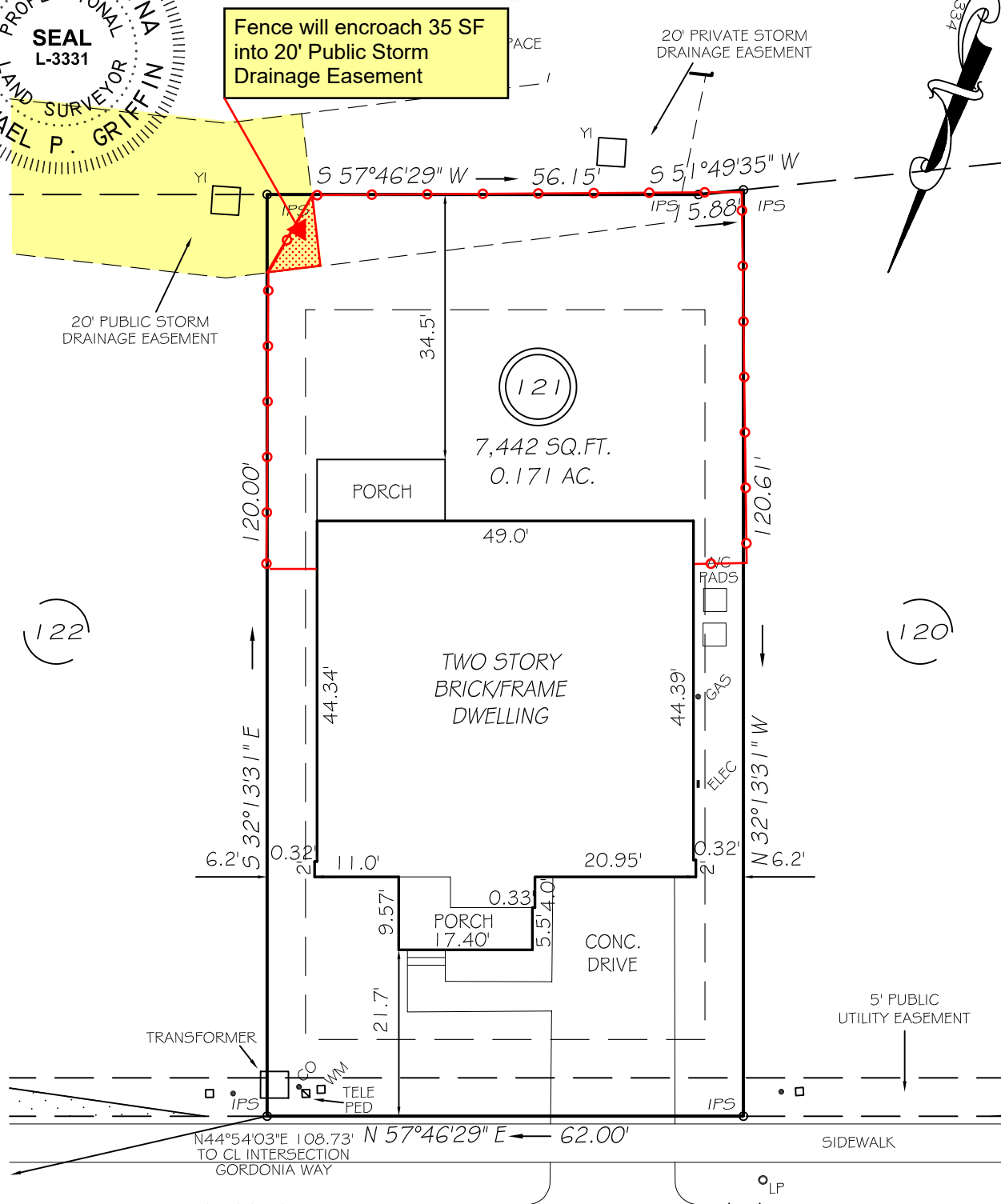
I, MICHAEL P. GRIFFIN, certify that under my direction and supervision this map was drawn from an actual field survey; that the error of closure of the survey as calculated by coordinates is 1: 10,000+; that the area shown hereon was calculated by coordinates.

Witness my hand and seal this 17TH day of AUGUST 2021.

*Michael Griffin*



WAKE CO. REGISTRY  
BM 2020 PGS 1332-1334



IMPERVIOUS AREAS	
HOUSE	2439 SQ. FT.
DRIVE & WALKS	592 SQ. FT.
REAR PORCH	133 SQ. FT.
A/C PADS	15 SQ. FT.
<b>TOTAL</b>	<b>3179 SQ. FT.</b>

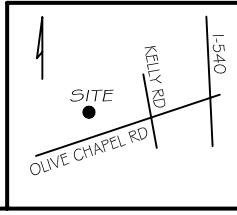
ANGELICA ROSE WAY  
50' PUBLIC R/W

SETBACKS	
FRONT	10'
GARAGE	18'
REAR	15'
SIDE	5'
CORNER SIDE	10'

THIS PROPERTY IS NOT LOCATED  
IN THE 100 YEAR FLOOD ZONE.

### LEGEND

EIP	EXISTING IRON PIPE	YI	YARD INLET
IPS	IRON PIPE SET	WM	WATER METER
R/W	RIGHT OF WAY	CO	CLEAN OUT
N/F	NOW OR FORMERLY	LP	LIGHT POLE
EIS	EXISTING IRON STAKE	CB	CATCH BASIN



NOTE:  
THIS MAP MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS.

**SURVEY FOR**  
**DAN RYAN BUILDERS**  
**LINDEN PHASE 2A**  
**LOT 121**  
2825 ANGELICA ROSE WAY  
APEX, N.C.  
WAKE COUNTY WHITE OAK TOWNSHIP



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Dennis Brown, Construction Project Manager

Department(s): Administration

### Requested Motion

Motion to approve a lease with NC SECU for an ATM located in the new Mason Street parking lot adjacent to the Community Center and authorization for the Town Manager to sign the lease.

### Approval Recommended?

Yes

### Item Details

The original location of the ATM required that it be removed for the new driveway and parking construction related to the Senior Center project. Planning and SECU have agreed on the new location in the new Mason Street parking lot, which is in the general area of where it was originally located. Council approved a lease in 2020 but due to the delay in actually bringing the ATM online the Credit Union is requesting a new lease with a term to coincide with the actual beginning of the ATM operation.

### Attachments

- Copy of partially executed lease with map Exhibit
- Resolution authorizing lease
- Copy of Notice of Intended Lease



North Carolina

Wake County

### LEASE AGREEMENT

This lease agreement, made and entered into this \_\_\_\_ day of, \_\_\_\_\_ 2021 by and between, Town of Apex, hereinafter referred to as "Lessor"; and State Employees' Credit Union, a North Carolina credit union, hereinafter referred to as "Lessee."

#### WITNESSETH:

That subject to the terms and conditions hereinafter set out, Lessor does hereby let and lease unto Lessee, and Lessee does hereby accept as tenant of Lessor that certain tract or parcel of land located at 333 N. Mason St., Apex, County of Wake, State of North Carolina, and as more fully described and/or depicted in Exhibit A (the "Leased Premises").

The terms and conditions of this Lease Agreement are as follows:

- 1) The term of this Lease Agreement shall be for a period of five (5) years beginning on the FIRST day of January, 2022 and ending on the LAST day of December, 2026, unless extended or terminated under the other provisions of this Lease Agreement. If Lessee does not provide notice of its intent to extend the term of this Lease Agreement pursuant to Section 12 below, at the expiration of the term of this Lease Agreement, this Lease Agreement shall automatically renew as a month-to-month lease unless and until a party provides at least ten (10) days written notice to the other party that this Lease Agreement shall not renew.
- 2) As rental for the Leased Premises, Lessee shall pay to Lessor the sum of twelve dollars (\$12.00) per year, payable monthly in advance on the first day of each calendar month. **The first monthly rental payment will be due on the first day of the month following the date that the ATM becomes operational.** Rental payments will be payable to Town of Apex and sent to the following address: Town of Apex, PO. Box 250, Apex, NC 27502.
- 3) Lessee shall use and occupy the premises for the purpose of constructing and operating a kiosk ATM, and Lessee shall have exclusive control and possession of the Leased Premises for the entire term of this Lease Agreement.
- 4) Lessor shall be responsible for the repair and/or maintenance of the parking lot area on or immediately surrounding the Leased Premises including but not limited to repairing any potholes, removing any debris, and performing all landscaping such as maintaining and trimming any shrubs and trees in close proximity of the ATM. In addition, Lessor shall ensure that reasonably adequate lighting, parking, and access are available for the Leased Premises at all times. Upon written notice from Lessee to Lessor requesting any repairs and/or maintenance described above on the Leased Premises, Lessor shall perform any requested repairs and/or maintenance within thirty (30) days. If Lessor fails to perform any requested repairs and/or maintenance within thirty (30) days, then Lessee has the option to provide a forty-five (45) day written notice of its intent to terminate this Lease Agreement (such 45-day window to include the 30-day repair and maintenance window). Except as otherwise agreed to in writing by both parties, Lessee

will be responsible for the construction of the ATM and any necessary upkeep, repairs, and maintenance of the ATM during the term of this Lease Agreement. Upon termination of the Lease Agreement, Lessee will be responsible for removing the ATM and the structure from the "Leased Premises" and will restore the premises back to substantially the same condition as existed prior to the installation of the ATM.

- 5) During the term of this Lease Agreement, Lessee shall maintain comprehensive general liability insurance on an occurrence basis with minimum limits of liability in the amount of Three Hundred Thousand Dollars (\$300,000.00) for property damage, bodily injury, personal injury or death to any one person; Lessee shall also maintain excess liability coverage with a per occurrence limit of at least One Million Dollars (\$1,000,000.00); and Lessee shall keep the kiosk structure on the Leased Premises together with the equipment in the structure insured against loss or damage by fire or other casualties.
- 6) Lessee shall neither use nor occupy the Leased Premises or any part thereof for any unlawful or hazardous purpose.
- 7) Lessor shall pay prior to delinquency all taxes and assessments of every kind and nature which may be imposed or assessed upon or with respect to the Leased Premises.
- 8) If the Leased Premises are wholly or partially destroyed by fire or other casualty, rental payments shall abate in proportion to the loss of use thereof, and Lessee shall, at its own expense, promptly restore the Leased Premises to substantially the same condition as existed before damage or destruction, whereupon full rental shall resume. Should Lessee elect not to repair or replace the ATM, then Lessee shall provide to Lessor at least thirty (30) days written notice of its intent to terminate this Lease Agreement. Upon such termination, Lessee shall restore the premises to substantially the same condition as existed prior to the installation of the ATM. After the premises are restored, Lessee and Lessor shall not have any responsibility to each other under the terms of the Lease Agreement.
- 9) If the whole of the Leased Premises, or such portion thereof as will make the Leased Premises unsuitable for use contemplated hereby, shall be taken under the power of eminent domain (including any conveyance in lieu thereof), then the term hereof shall cease as of the date possession thereof is taken by the condemner, and rental payments shall be accounted for as between Lessor and Lessee as of that date.
- 10) All applications in connection with necessary utility services on the Leased Premises shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for electricity, gas, and telephone/data services. Lessor shall reasonably cooperate with Lessee's efforts in furtherance of this provision, including, but not limited to, promptly responding to any requests for information or access by a utility provider.
- 11) Lessee shall defend, indemnify and hold harmless Lessor from and against any claims, damages, or expenses (including reasonable attorney's fees), whether due to damage to the Leased Premises, claims for injuries to persons or property, or administrative or criminal action by governmental authority, where such claims, damages, or expenses result from the negligence or misconduct by Lessee, its agents, or employees. Lessor shall defend, indemnify and hold harmless Lessee from and against any claims, damages, or expenses (including reasonable attorney's fees) where such claims,

damages, or expenses result from the negligence or misconduct by Lessor, its agents, employees or invitees.

- 12) Lessor hereby grants unto Lessee the option to extend the term of this Lease Agreement for an additional one (five) year period commencing at the expiration of the primary term hereof at a yearly rental rate of \$12.00; all payable annually on or before the first day of each calendar month, provided Lessee shall provide to Lessor at least ninety (90) days prior to the expiration of the primary term written notice of its intention to extend.
- 13) It is expressly understood and agreed that if any monthly installment of rent as herein called for shall remain overdue and unpaid for thirty (30) days, Lessor may, at its option, at any time during such default, declare this Lease Agreement terminated and canceled and take possession of the Leased Premises, and require the Lessee to remove the structure from the premises and restore the Leased Premises back to substantially the same condition as existed prior to the installation of the ATM.
- 14) If Lessee shall pay the rent and perform and observe all the other covenants and conditions to be performed and observed by it hereunder, Lessee shall at all times during the term hereof have the peaceable and quiet enjoyment of the premises without interference from Lessor or any person lawfully claiming through Lessor.
- 15) All notices provided for in this Lease Agreement shall be in writing and shall be deemed to have been given when sent by registered or certified mail addressed to Lessor at:

Town of Apex  
P.O. Box 250  
Apex, NC 27502

and to Lessee at:

State Employees' Credit Union  
Attn: SVP, Facilities Services  
PO Box 26807  
Raleigh, NC 27611

- 16) This Lease Agreement shall be construed and enforced in accordance with the laws of the State of North Carolina without regard to any conflict of laws provisions.
- 17) This Lease Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors and assigns. In addition, this Lease Agreement may be assigned by Lessee, without further consent or approval required, to a third party that is regularly in the business of operating ATMs.
- 18) This Lease Agreement contains the complete agreement of the parties regarding the terms and conditions of the lease of the Leased Premises beginning January 1, 2022 and on that date will effectively terminate and replace the lease agreement entered into by the parties on or about June 1, 2020. There are no other oral or written conditions, terms, warranties, understandings or other agreements pertaining thereto which have

not been incorporated herein. This Lease Agreement may be modified only by written instrument executed by both parties or their respective successors in interest or assigns.

- 19) If any provision of this Lease Agreement shall be declared invalid or unenforceable, the remainder of this Lease Agreement shall continue in full force and effect.
- 20) Nonperformance of either party shall be excused to the extent that performance is rendered impossible by strikes or other labor problems, fire, flood, civil unrest, pandemics, acts of terror, war, governmental acts or orders or restrictions, failure of suppliers, or any other reason where failure to perform is beyond the reasonable control of the non-performing party.

*THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK*

In testimony whereof, the parties have caused this Lease Agreement to be executed as of the day and year first above written.

Lessor:  
Town of Apex

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

North Carolina:  
\_\_\_\_\_ County:


This is the \_\_\_\_ day of \_\_\_\_\_, 2021, before me, \_\_\_\_\_, a Notary Public, personally came \_\_\_\_\_, who, being duly sworn, says that she/he is a duly authorized officer of the foregoing entity and that the foregoing was signed and sealed by her/him on behalf of the said entity by its authority duly given, and acknowledged the said writing to be the act and deed of said entity.

Witness my hand and notarial seal, this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

Lessee:  
State Employees' Credit Union

By:   
Jonathan Crane  
Senior Vice-President,  
Facilities Services

North Carolina:  
Wake County:

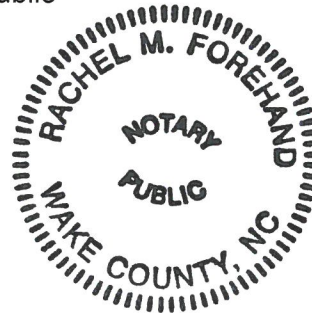
This the 10<sup>th</sup> day of November, 2021, before me, Rachel M. Forehand a Notary Public, personally came Jonathan Crane, who, being duly sworn, says that he is Senior Vice-President, Facilities Services of State Employees' Credit Union and the said writing was signed and sealed by him on behalf of the said credit union by its authority duly given and the Senior Vice-President, Facilities Services acknowledged the said writing to be the act and deed of said credit union.

Witness my hand and notarial seal, this the 10<sup>th</sup> day of November, 2021.

Rachel M. Forehand  
Notary Public

My Commission Expires:

September 19, 2026







**RESOLUTION NO. 21-\_\_\_\_\_**

**RESOLUTION OF THE APEX TOWN COUNCIL AUTHORIZING THE LEASE OF A PORTION OF TOWN PROPERTY TO NC SECU FOR USE AS AUTOMATED TELLER MACHINE (ATM) SITE**

WHEREAS, the Town of Apex (“Town”) owns property which is used primarily for parking and is located at the corner of Mason Street and Old Mill Village Drive and is more particularly described as PIN # 0742-52-5165 by the Wake County Revenue Department (“Property”); and

WHEREAS, the North Carolina State Employees’ Credit Union (“NC SECU”) desires to install and operate an Automated Teller Machine (ATM) upon a portion of the Property; and

WHEREAS, the Town has received an offer from NC SECU to lease a portion of the Property for a term of five years, with the option to renew the lease for an additional term of five years; and

WHEREAS, in consideration of leasing a portion of the Property as described in the proposed lease, NC SECU has agreed to install, operate, and maintain an ATM for use by the public and pay annual rent of \$12.00 to the Town; and

WHEREAS, North Carolina General Statute § 160A-272 authorizes the Town to enter into leases of up to 10 years upon resolution of the Town Council adopted at a regular meeting after 30 days’ public notice; and

WHEREAS, the required notice has been published and the Town Council is convened in a regular meeting.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Apex as follows:

The Town Council hereby approves the lease of a portion of the Property described above and in the proposed lease to NC SECU for five years, with the lessee holding a right to renew for an additional five-year term, and authorizes and directs the Town Manager to execute the lease and any instruments necessary to the lease. This Resolution is effective upon adoption.

Motion made by Council Member \_\_\_\_\_

Motion Seconded by Council Member \_\_\_\_\_

Approved by a vote of \_\_\_\_ to \_\_\_\_.

Adopted by the Apex Town Council this the 14th day of December 2021.

By: \_\_\_\_\_  
Jacques K. Gilbert, Mayor

**ATTEST:**

\_\_\_\_\_  
Donna B. Hosch, Town Clerk, MMC, NCCMC

## **PUBLIC NOTICE**

### **LEASE OF TOWN PROPERTY FOR USE AS AN ATM SITE**

The Town of Apex has been offered \$12.00 per year to lease out for an automated teller machine (ATM) installation and operation a portion of Town owned land located at the corner of Mason Street and Old Mill Village Drive in the parking lot adjacent to the Town of Apex Senior Center, being the Wake County Revenue Department tax parcel designated as PIN# 0742525165.

The Town intends to lease the property to the North Carolina State Employees' Credit Union (NC SECU) for a term of five years; NC SECU will also have the option to renew the lease for one additional term of five years. In consideration of the lease, NC SECU will install an ATM, repair and/or maintain the parking lot area on or immediately surrounding the leased premises as described in the lease, and will pay the city an annual rent of \$12.00. If NC SECU renews the lease, the annual rent during the second term will be \$12.00. The proposed lease, which includes additional detailed terms, may be viewed and a copy obtained at the Town of Apex Town Clerk's Office at 73 Hunter St., Apex, NC 27502.

All persons interested in this lease are invited to attend the regular meeting of the Town Council to be held in the Town Council Chambers, Town Hall, 73 Hunter St., Apex N.C. 27502 at 6:00 P.M., on Tuesday, December 14, 2021. At that time the Town Council intends to authorize by resolution the lease of the property described above.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Russell Dalton, Traffic Engineering Manager

Department(s): Public Works & Transportation

### Requested Motion

Motion to approve temporary closure of Dropseed Drive to through traffic between Amberlight Road and Doe Blossom Lane and establish a signed detour route along Antler View Drive beginning December 28, 2021 and ending October 1, 2022 for the purpose of constructing curb and sidewalk and for activities related to the Triangle Math and Science Academy site construction.

### Approval Recommended?

Yes

### Item Details

Barriers will be installed on one end at Amberlight Road and the other end located approximately 120 feet west of Doe Blossom Lane. There are no residential units or businesses served directly by this portion of roadway and construction will occur on both sides of the roadway. Given the location and relatively short local detour of residential trips, it is recommended that the road be used exclusively for construction efforts during the specified time. This will avoid conflicts between public use and construction activity as well as allow for the fastest construction time of the roadway improvements and site work. There is currently no sidewalk along this portion of roadway so the existing public sidewalk network will not be impacted.

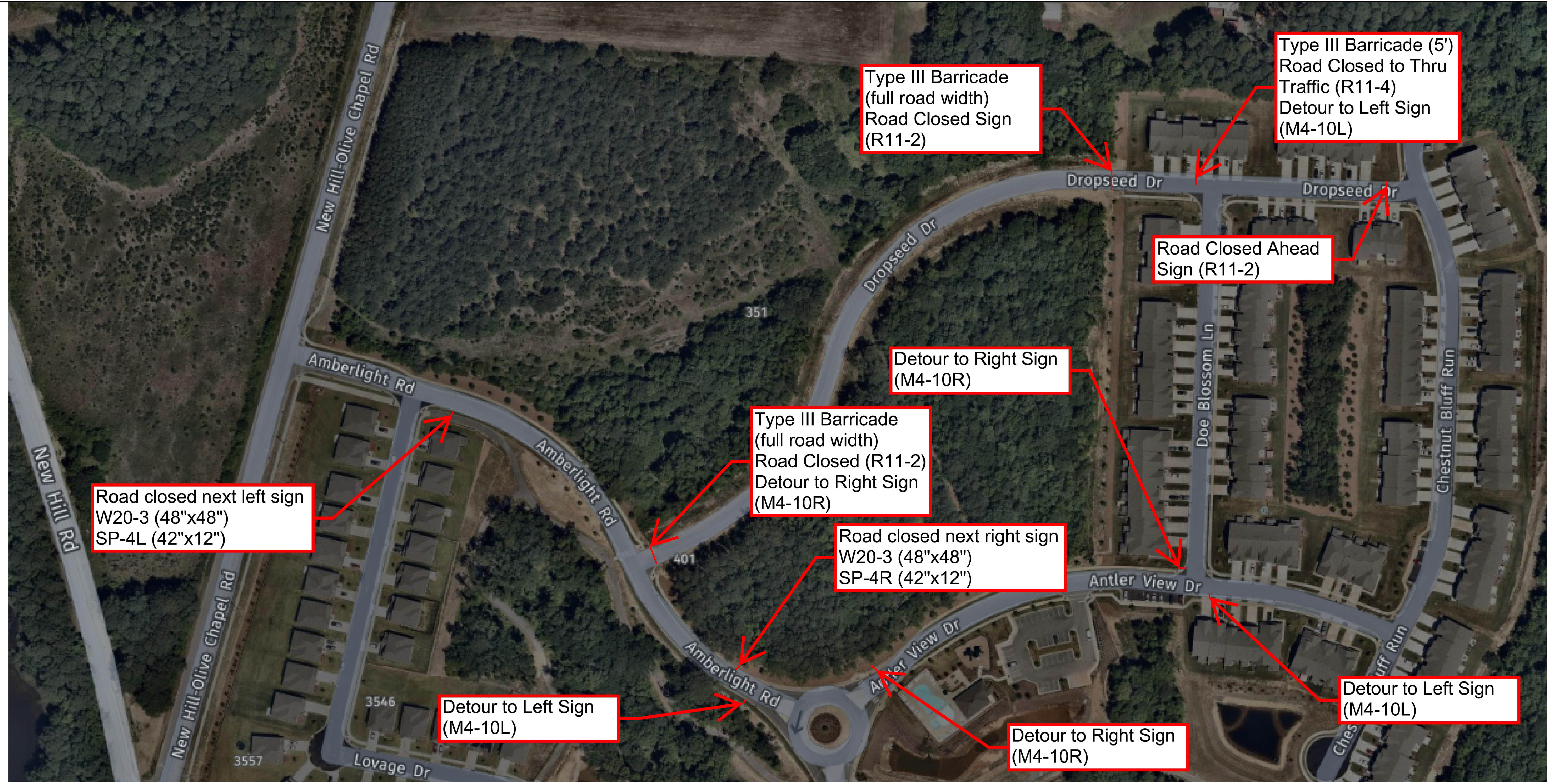
### Attachments

- Road closure and detour plan





Plotted By: jules.katie Sheet: TMSA Layout: C11.1 ROAD CLOSURE PLAN December 06, 2021 12:54:34pm \\kimley-horn.com\SE-RALI\RAL-DEVA\013604000-TMSA\Planning\_Phase\15-CAD Files\PlanSheets\C11.1-ROAD\_CLOSURE\_PLAN.dwg  
 This document, together with the concepts and designs presented herein, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.



Road closed next left sign  
 W20-3 (48"x48")  
 SP-4L (42"x12")

Type III Barricade  
 (full road width)  
 Road Closed Sign  
 (R11-2)

Type III Barricade (5')  
 Road Closed to Thru  
 Traffic (R11-4)  
 Detour to Left Sign  
 (M4-10L)

Road Closed Ahead  
 Sign (R11-2)

Detour to Right Sign  
 (M4-10R)

Type III Barricade  
 (full road width)  
 Road Closed (R11-2)  
 Detour to Right Sign  
 (M4-10R)

Road closed next right sign  
 W20-3 (48"x48")  
 SP-4R (42"x12")

Detour to Left Sign  
 (M4-10L)

Detour to Right Sign  
 (M4-10R)

Detour to Left Sign  
 (M4-10L)

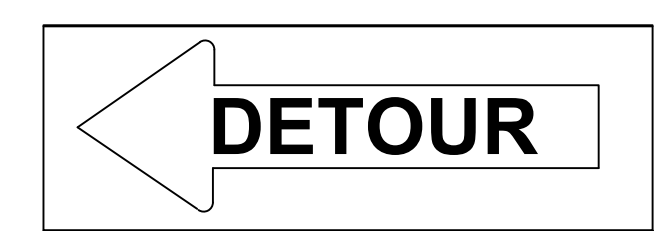
LEGEND



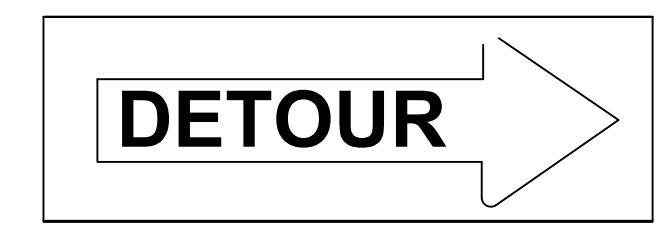
W20-3  
48" X 48"

**NEXT LEFT**

SP-4L  
42" X 12"



M4-10L



M4-10R

**NEXT RIGHT**

SP-4R  
42" X 12"



R11-4



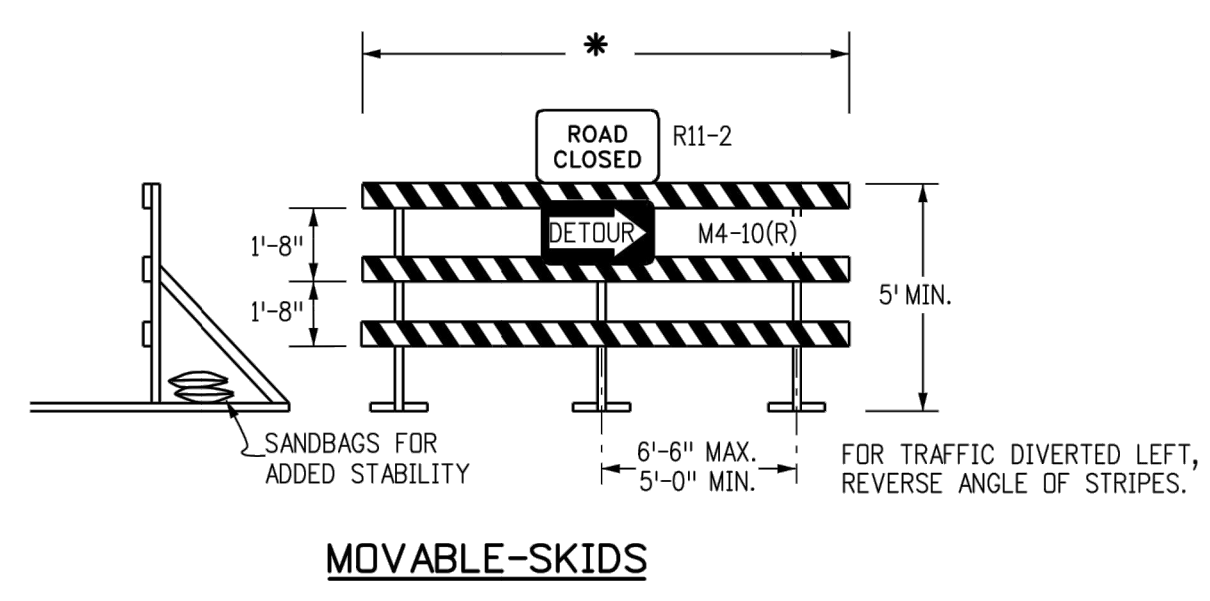
R11-2

\* RAIL LENGTH TABLE

TYPE 3 BARRICADE		LENGTH
FIXED	MOVABLE	
F - A	M - A	8' - 14'
F - B	M - B	15' - 24'
F - C	M - C	25' - 35'
F - D	M - D	> 35'

NOTES

- TYPE 3 BARRICADES HAVE 3 REFLECTORIZED RAIL FACES IF FACING TRAFFIC IN ONE DIRECTION AND 6 IF FACING TRAFFIC IN TWO DIRECTIONS.
- THE PORTION OF THE POST ABOVE THE GROUND LINE SHALL BE PAINTED IN ACCORDANCE WITH THE APPROPRIATE GENERAL NOTE.
- DETACHABLE EXTENSION WING RAILS FOR BYPASSING OF CONSTRUCTION EQUIPMENT ARE PERMITTED, WHEN NECESSARY, ON FIXED OR MOVABLE TYPE 3 BARRICADES. THE LENGTH SHALL BE ADEQUATE TO CLOSE THE BORROW PIT AND/OR SHOULDER AS REQUIRED.



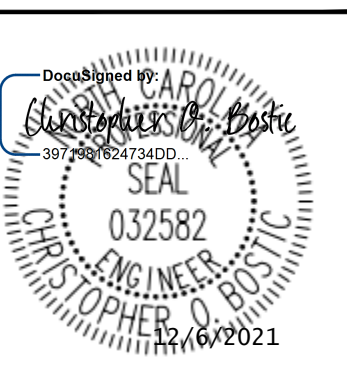
TYPICAL TYPE 3 BARRICADES

TYPICAL BARRICADE CHARACTERISTICS	
BARRICADE DESIGNATIONS	
TYPE 3	
RAIL WIDTH	8" MIN.-12" MAX.
RAIL LENGTH	AS REQUIRED, SEE RAIL LENGTH TABLE
HEIGHT	5' MIN.
USE	TEMPORARY OR PERMANENT
STRIPES	SEE DETAIL OF BARRICADE STRIPING AND APPROPRIATE GENERAL NOTES.

THE SIGNATURES AFFIXED BELOW CERTIFY THAT THIS SHEET HAS BEEN REVIEWED AND APPROVED SOLELY FOR THE CERTIFICATIONS SIGNED ON THE COVER SHEET OF THESE CONSTRUCTION PLANS.	
PUBLIC WORKS - TRANSPORTATION	WATER RESOURCES - STORMWATER
BUILDING RESOURCES	PLANNING
WATER RESOURCES - UTILITY ENGINEERING	PLANNING - TRANSPORTATION
ELECTRIC	FIRE
WATER RESOURCES - SOIL & EROSION CONTROL	PARKS, RECREATION & CULTURAL RESOURCES

No.	REVISIONS	DATE	BY
3	TOWN COMMENTS	11/15/21	KEJ
2	TOWN COMMENTS	11/01/21	KEJ
1	TOWN COMMENTS	10/15/21	KEJ

**Kimley»Horn**  
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 421 FAYETTEVILLE STREET, SUITE 600, RALEIGH, NC 27601  
 PHONE: 919-677-2000 FAX: 919-677-2050  
 WWW.KIMLEY-HORN.COM  
 #F-0102



KHA PROJECT	013604000
DATE	09/01/2021
SCALE	AS SHOWN
DESIGNED BY	KEJ
DRAWN BY	KEJ
CHECKED BY	COB

ROAD CLOSURE PLAN

TMSA  
 PREPARED FOR  
**TRIANGLE MATH AND SCIENCE ACADEMY**  
 NORTH CAROLINA  
 TOWN OF APEX  
 SHEET NUMBER  
**C11.1**



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

### Requested Motion

Motion to approve the Apex Tax Report dated November 5, 2021.

### Approval Recommended?

Yes

### Item Details

At its regular meeting held on December 6, 2021, the Wake County Board of Commissioners approved the Apex Tax Report dated 11/05/21.

### Attachments

- Tax Report



Board Report

Date : 12/06/2021

TO : WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

Return

Approved By : *Hirado*

No.	Name of Tax Payer	Account Number	Tax and Penalties	Total Rebate	Total Refund	Request Status
1	WAI, FLORENCE FUNGMING WAI, JOHN CHUNG 1147 LITTLE GEM LN APEX NC, 27523 - 7802	0000444484- 2021- 2021- 000000	City County	194.64 299.45	494.09	494.09 Refund
	Marcus D. Kinrade		Total City Rebated	194.64		
	Wake County Tax Administrator		Total County Rebated	299.45		
			Total Rebate/Refund	494.09	494.09	

CC:

\*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Print Lock





Wake County Tax Administration

Rebate Details

10/01/2021 - 10/31/2021

APEX

DATE  
11/05/2021

TIME  
8:14:22 PM

PAGE  
1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER	
<b>BUSINESS ACCOUNTS</b>												
797518	0.00	0.00	289.14	0.00	289.14	10/05/2021	0006842613	2021	2021	000000	ACADEMY SPORTS LP #289	
797519	0.00	0.00	5.05	0.00	5.05	10/05/2021	0006938467	2021	2021	006050	DISH WIRELESS LLC	
797520	0.00	0.00	50.01	0.00	50.01	10/05/2021	0006847733	2021	2021	000000	FERGUSON ENTERPRISES INC	
798455	25.69	0.00	2.57	0.00	28.26	10/15/2021	0006604567	2018	2018	000000	WEST ROCK BUILDERS LLC	
798604	1,386.45	0.00	138.65	0.00	1,525.10	10/18/2021	0006930082	2021	2021	000000	STOP N GO LLC	
798457	14.39	0.00	1.44	0.00	15.83	10/15/2021	0006604567	2020	2020	000000	WEST ROCK BUILDERS LLC	
798456	20.88	0.00	2.09	0.00	22.97	10/15/2021	0006604567	2019	2019	000000	WEST ROCK BUILDERS LLC	
798454	42.37	0.00	4.24	0.00	46.61	10/15/2021	0006604567	2017	2017	000000	WEST ROCK BUILDERS LLC	
<b>SUBTOTALS FOR BUSINESS ACCOUNTS</b>	<b>1,489.78</b>	<b>0.00</b>	<b>493.19</b>	<b>0.00</b>	<b>1,982.97</b>		<b>8</b>	<b>Properties Rebated</b>				
<b>BUSINESS REAL ESTATE ACCOUNTS</b>												
798009	207.41	0.00	0.00	0.00	207.41	10/11/2021	0000209837	2021	2021	000000	CARYCO INC	
<b>SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS</b>	<b>207.41</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>207.41</b>		<b>1</b>	<b>Properties Rebated</b>				
<b>INDIVIDUAL PROPERTY ACCOUNTS</b>												
798122	2.56	0.00	0.00	0.00	2.56	10/12/2021	0006827977	2021	2021	000000	O BRIANT, MICHAEL DANIEL	



Wake County Tax Administration

Rebate Details  
10/01/2021 - 10/31/2021

APEX

DATE  
11/05/2021

TIME  
8:14:28 PM

PAGE  
2

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER	
<b>SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS</b>												
	2.56	0.00	0.00	0.00	2.56		1	<b>Properties Rebated</b>				
<b>INDIVIDUAL REAL ESTATE ACCOUNTS</b>												
799056	194.64	0.00	0.00	0.00	194.64	10/25/2021	0000444484	2021	2021	000000	WAI, FLORENCE FUNGMING	
799061	175.50	0.00	0.00	0.00	175.50	10/25/2021	0000237036	2021	2021	000000	GOMEZ, DANIEL A	
798471	134.45	0.00	0.00	0.00	134.45	10/15/2021	0000431378	2021	2021	000000	MADASU, SRIMAYEE	
<b>SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS</b>												
	504.59	0.00	0.00	0.00	504.59		3	<b>Properties Rebated</b>				
<b>WILDLIFE BOAT ACCOUNTS</b>												
799300	10.71	0.00	1.07	0.00	11.78	10/26/2021	0004202702	2020	2020	000000	BURNS, TRAVIS LEE	
<b>SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS</b>												
	10.71	0.00	1.07	0.00	11.78		1	<b>Properties Rebated</b>				





Wake County Tax Administration

Rebate Details

10/01/2021 - 10/31/2021

APEX

DATE

11/05/2021

TIME

8:14:28 PM

PAGE

3

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
TOTAL REBATED FOR APEX	2,215.05	0.00	494.26	0.00	2,709.31			14		Properties Rebated for City	

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

### Requested Motion

Motion to approve Minutes of November 11, 2021 Regular Council Meeting

### Approval Recommended?

Yes

### Item Details

N/A

### Attachments

- 2021.11.09 Minutes





## | 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:

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Jacques K. Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Motion to set a Public Hearing for Tuesday, January 11, 2022 at 6:00 pm to receive citizen input regarding the formulation of the Fiscal Year 2022-2023 Annual Budget

### Approval Recommended?

Yes

### Item Details

It has been the custom of the Apex Town Council to hold a Public Hearing in advance of the preparation of the proposed Annual Budget so that comments and suggestions of citizens can be considered while the budget document is formulated. This Pre-Budget Hearing will be advertised on the Town's website, social media and posted in the lobby at Town Hall.

Any written comments received by USPS or through the advertised special email address, [annual.budget@apexnc.org](mailto:annual.budget@apexnc.org), will be forwarded to Town Council.

### Attachments

- None



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Steve Maynard Purchasing & Contracts Manager

Department(s): Finance

### Requested Motion

Motion to approve report of award of contract to Wesco Distribution for purchase of lantern light fixture and photocells.

### Approval Recommended?

Yes

### Item Details

Pursuant to NCGS 143-129 and Town Resolution dated February 1, 2004, the Purchasing Manager is authorized to bid and award purchase contracts in formal bidding range. The Purchasing Manager is required to report such contract awards at the first Council meeting following the award of the contract.

Formal bids were submitted on November 19, 2021 at 2:00 PM for lantern light fixture and photocells for LED replacement project. Bid was awarded to Wesco Distribution in Clayton based on price.

### Attachments

- Bid advertisement
- Bid
- Lantern fixture specs



**Town of Apex  
Electric Utilities Department  
Material Specification**

**Lantern Light - 2**

**LUMINAIRE, LED, FULL CUTOFF, AREA, TYPE III DISTRIBUTION, BLACK 50W, LABELED AS LED 50 III**

**Uses:** General Area, Residential Subdivision, Walkways, Parks, Pathways. *(New installations only)*

**Description:**

Outdoor light emitting diode (LED) luminaire in the traditional Lantern style for decorative street lighting with full Cutoff optics, typically used in underground subdivisions with one (1) or more LED arrays consisting of all-die-cast aluminum housing with door assembly latched for gloved hand access, electronic driver. Luminaire mounted via slip-fitter w/ minimum of 3 securing screws, adjustable for pole sizes w/ 3" OD max, black finish. Minimum warrantee shall be (5) years on complete luminaire assembly and finish. Luminaire shall be ARRA/Buy American compliant.

**Performance Standards:**

Voltage: 120V (+/-5%)  
 Maximum Input Power: 60 W  
 Surge suppression: In accordance with ANSI Std. C62.41, C136.2 Location Category C (High), 10kV/5kA (120 events)  
 Power Factor: > 90% at full load  
 Total Harmonic Distortion: < 20% at full load  
 Driver Sound Rating: Class A  
 Certifications: Listed to U.S. safety standards for wet locations  
 Minimum Optical Enclosure Rating: IP66 (Dust Tight Lamp Assemble and Driver)  
 Maximum BUG Rating: 1, 0, 1  
 Vibration Rating: 3G, ANSI C136.31  
 Ambient Temperature Rating: -30°C to +30°C

**Optical Standards:**

Initial Lumens: 4,500 nominal  
 Luminaire Efficacy: ≥ 100 Lu/watt  
 Nominal Color Corrected Temperature CCT: 3000°K (+/- 300°K)  
 Color Rendering Index CRI: ≥ 70  
 Lumen Maintenance: IESNA L70, 70% minimum at 100,000 hours and 25°C average ambient temperature  
 Photocell receptacle, twist-lock, rotatable, 7 Pin Standard NEMA receptacle for Dimming

**Optical Performance:**

Shall meet IENSNA RP-8 and AASHTO Standard GL-6.

**Submittals:**

Light fixture cut sheet, complete with model number and required optional accessories  
 Photometric calculations for straight roadway demonstrating the specified Optical Performance  
 IES LM-79 photometric test report for intensity distribution, light output and color rendition  
 IES electronic photometric file in LM79 format  
 Warrantee Terms and Conditions

**Delivery Standards:**

Shall be delivered assembled with label "LED 50 III" affixed (ANSI C136.15). All luminaires shall be packaged in individual marked cardboard cartons and shipped on 4-way pallets accessible by forklift for unloading at Warehouse dock

ABL-American Electric Lighting Catalog Number: 247CLP453KR3USPOM RFD311652	1600 quantity
E59=LANTERN 2 MADE IN USA - SAME AS RFD280052 - 46 INPUT WATTS 4,746 DEL LUMENS.	\$445.44 EACH
LEAD TIME IS 6 WEEKS TO SHIP	TOTAL: \$712,704.00

ABL-Acuity Brands Controls Catalog Number: 247CLP453KR3XCUSPOM RFD327351	1600 quantity
E59=LANTERN 2 MADE IN USA - SAME AS RFD280052 46 INPUT WATTS 4,746 DEL LUMENS.	\$445.44 EACH
WITHOUT CUPOLA TO ACCOMMODATE UBICQUITA PHOTO CONTROL LEAD TIME IS 6 WEEKS TO SHIP	TOTAL: \$712,704.00

**Town of Apex  
Electric Utilities Department  
Material Specification**

**Photocontrol LED - 1**

**PHOTOCONTROL, LED, 3- PRONG, 120-277V**

**Uses:** LED Street and Area Lights

**Description:**

NEMA, 3 prong locking-type, electronic photo control with solid state filtered silicon photo sensor, with inrush protection, solid brass blades, high impact and UV resistant, green cover. Photo control shall be RoHS compliant and certified "Buy American" domestically produced in the USA.

**Performance Standards:**

Operating Voltage: 120-277V  
Ambient Temperature Rating: -40°C to +40°C  
Load Rating: 1000W, 1,800VA  
Rated Life: 20,000 operations (min) @ rated load  
Max On:Off Ratio: 1:1.5  
Failure Mode: On  
Surge Suppression: In accordance with ANSI C136.10, Category C, 20kV/10kA  
Average Power Consumption: <0.5 watts @ 120V  
Operating Range: -40C to 70C  
Warranty: 10 years

**Delivery Standards:**

Shall be delivered indelibly marked with name and date of manufacture. individually boxed.

*Sun-Tech*

*ELL124 4*

Long Life Photocontrol    EACH:            \$12.48

1600 quantity                    TOTAL:        \$19,968.00

Lead Time:                    2-3 weeks, after received order

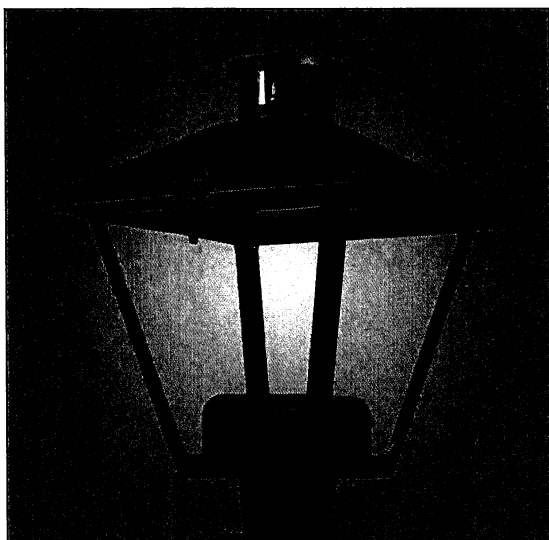
**PLEASE NOTE:**

Wesco reserves the right to update its quote or price in the event of an increase in tariffs, levies, duties, freight or importation cost, supplier pricing, or a material exchange rate fluctuation. In such event, Wesco will provide an updated quote or price and will not ship Product or provide Software or Services until Buyer receives an Order with the correct price.

Comes w/ Cupola - XL

# American Revolution Full Cutoff LED Series 247CL

## PRODUCT OVERVIEW



### Features:

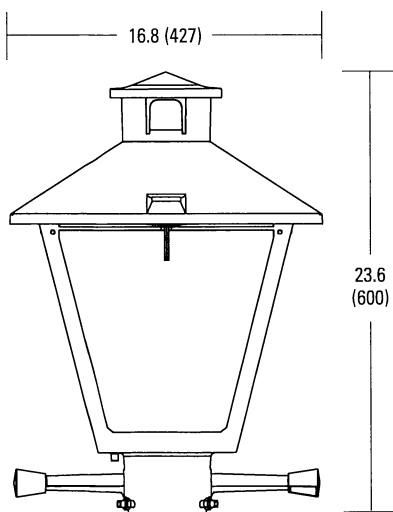
- Colonial LED lantern, replaces HID models up to 150W HPS for street and area lighting applications
- Ten (10) LED performance packages deliver just the right amount of light for any given application up to 8600 lumens
- Available in color temperature choices of 2700K, 3000K, 4000K, and 5000K
- Four (4) distinct light distribution options provide design flexibility, available in Type II, Type III, Type IV, and Type V
- Die-cast aluminum housing, engineered for sturdy lifelong performance
- Die-cast aluminum hood features a trigger latch (TL) option and captive thumb screws for fast, easy electrical and optical chamber access
- Standard paint finish is smooth / gloss
- Housing is tenon pole-mounted and designed for use with a 3" tall by 2-3/8" to 3" diameter tenon, and secured by three set screws
- Rated L70, LED life greater than 100,000 hours at 25°C
- Complies with all applicable ANSI C136 standards.
- CSA listed and suitable for up to 40° C ambient
- Surge protection device (standard) exceeds ANSI/IEEE C62.41-2002 Category C High (10kV/10kA) and ANSI C136.2-2015 Enhanced (10kV/5kA).  
20KV Option exceeds ANSI/IEEE C62.41-2002 Category C High (10kV/10kA) and ANSI C136.2-2015 Extreme (20kV/10kA)
- Equipped with LED electronic 0-10V dimmable driver

### Applications:

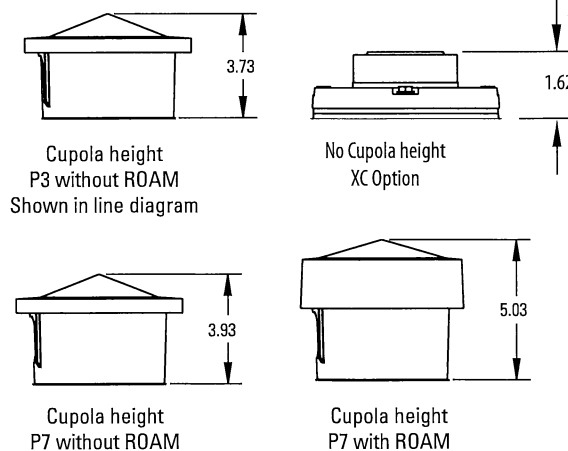
- Streetscapes
- Walkways
- Pathways
- Parks



### DIMENSIONS



**Effective Projected Area (EPA)**  
 The EPA for the American Revolution Series 247 is 1.6 sq. ft.  
 P7 option total height is 24.9 (633).  
 Approx. Wt. = 36 lbs.



All dimensions are inches (millimeters) unless otherwise noted.



# American Revolution LED

## Series 247CL

### ORDERING INFORMATION

Example: 247CL P30 AS 40K R3

247CL

Series
<b>247CL</b> American Revolution LED

P45

Performance Package		
Package	Input Watts	Lumens (nominal)
P10	12	1,400
P15	18	2,000
P20	23	2,600
P25	33	3,500
P30	40	4,000
P35	33	3,800
P40	39	4,400
<b>P45</b>	46	5,100
P50	64	6,800
P55	77	7,800

AS

Voltage	
<b>AS</b>	120-277V
<b>AH</b>	347V; 480V

30K

Color Temperature (CCT)	
<b>27K</b>	2700K
<b>30K</b>	3000K
<b>40K</b>	4000K
<b>50K</b>	5000K

R3

Distribution	
<b>R2</b>	Type II
<b>R3</b>	Type III
<b>R4</b>	Type IV
<b>R5</b>	Type V

P7 TL -RFD ADDS MADE IN USA AND LABEL LED 50 III TO FIXTURE & BOX

Options	
<b>Paint</b> <sup>1</sup>	
<b>(blank)</b>	Black (standard), smooth / gloss
<b>GY</b>	Gray, smooth / gloss
<b>DDB</b>	Dark Bronze, smooth / gloss
<b>WH</b>	White, smooth / gloss
<b>BZ</b>	Bronze, smooth / gloss

#### Controls

<b>(blank)</b>	3 pin NEMA photocontrol (standard)
<b>NR</b>	No photocontrol receptacle
<b>P7<sup>2</sup></b>	7 pin NEMA photocontrol
<b>PCLL<sup>3,4</sup></b>	(Solid State Long Life Photocontrol, 120-277V)
<b>P34<sup>3,4</sup></b>	(Solid State Long Life Photocontrol, 347V)
<b>P48<sup>3,4</sup></b>	(Solid State Long Life Photocontrol, 480V)
<b>PCSS<sup>3,4,7</sup></b>	Solid state photocontrol, 120-277V (Not CSA Listed)
<b>AO</b>	Field adjustable output module
<b>DALI</b>	DALI driver (special request)
<b>PND</b>	Part night dimming
<b>SH</b>	Shorting cap
<b>SHX<sup>7</sup></b>	Shorting cap (not CSA listed)

#### Miscellaneous

<b>SS</b>	Stainless steel hardware
<b>TL</b>	Tool-less latch
<b>NL1X1</b>	1" x 1" NEMA label
<b>NL2X2</b>	2" x 2" NEMA label
<b>LDR</b> <sup>5</sup>	Ladder Rest
<b>RCC</b> <sup>6,8</sup>	ROAM Cupola Cap
<b>XC</b> <sup>8</sup>	No Cupola
<b>CR</b>	Epoxy Pre-Coat Finish
<b>20kV</b>	20kV/10kA surge protection device
<b>FPDxx</b>	Factory programmable driver

#### House-Side Shields

**HSS** House Side Shield

#### Prewired leads

<b>L1H</b>	1FT prewire leads
<b>L03</b>	3Ft prewire leads
<b>L10</b>	10FT prewired leads
<b>L20</b>	20ft prewire leads
<b>L25</b>	25ft prewire leads
<b>L30</b>	30ft prewire leads

#### Special Packaging

**SSP** Sample pack (UPS)

#### Accessory

Ship separately and installed in the field

**247CLFHSSLEM10** 247CL FIELD INSTALLABLE HSS FOR LEM 10

**247CLFHSSLEM20** 247CL FIELD INSTALLABLE HSS FOR LEM 20

Note: Check the OPTIONS MATRIX on Page 3 for compatibility & restrictions

**AEL** American Electric Lighting®

AEL Headquarters, 3825 Columbus Road, Granville, OH 43023  
www.americanelectricalighting.com

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**Warranty** Five-year limited warranty. Complete warranty terms located at: [www.acuitybrands.com/resources/terms-and-conditions](http://www.acuitybrands.com/resources/terms-and-conditions)  
Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

Contact your sales representative for the latest product information.



# American Revolution LED

## Series 247CL

### OPERATING CHARACTERISTICS

Engine	Watts	CCT	Optic							
			R2		R3		R4		R5	
			Lumens	LPW	Lumens	LPW	Lumens	LPW	Lumens	LPW
P10	12	2700K	1,292	107	1,273	105	1,297	107	1,419	117
		3000K	1,327	110	1,307	108	1,332	110	1,457	120
		4000K	1,428	118	1,407	116	1,434	119	1,568	130
		5000K	1,439	119	1,417	117	1,444	119	1,579	131
P15	18	2700K	1,876	106	1,849	104	1,884	106	2,060	116
		3000K	1,926	109	1,898	107	1,934	109	2,115	120
		4000K	2,074	117	2,043	115	2,082	118	2,277	129
		5000K	2,089	118	2,058	116	2,097	118	2,293	130
P20	23	2700K	2,401	104	2,366	102	2,411	104	2,637	114
		3000K	2,466	107	2,429	105	2,475	107	2,707	117
		4000K	2,654	115	2,615	113	2,664	115	2,914	126
		5000K	2,673	116	2,634	114	2,683	116	2,935	127
P25	33	2700K	3,224	97	3,176	96	3,236	98	3,540	107
		3000K	3,310	100	3,261	99	3,323	100	3,634	110
		4000K	3,563	108	3,510	106	3,577	108	3,912	118
		5000K	3,588	108	3,535	107	3,602	109	3,940	119
P30	40	2700K	3,704	93	3,649	91	3,718	93	4,067	102
		3000K	3,803	95	3,747	94	3,818	96	4,176	105
		4000K	4,094	103	4,033	101	4,110	103	4,495	113
		5000K	4,123	103	4,062	102	4,139	104	4,527	113
P35	33	2700K	3,486	106	3,435	104	3,500	106	3,828	116
		3000K	3,579	109	3,527	107	3,593	109	3,930	119
		4000K	3,853	117	3,796	115	3,868	118	4,231	129
		5000K	3,880	118	3,823	116	3,896	118	4,261	130
P40	39	2700K	4,090	104	4,030	103	4,106	104	4,491	114
		3000K	4,200	107	4,144	105	4,216	107	4,611	117
		4000K	4,521	115	4,454	113	4,538	115	4,964	126
		5000K	4,553	116	4,486	114	4,571	116	4,999	127
P45	46	2700K	4,691	102	4,622	101	4,710	103	5,151	112
		3000K	4,817	105	4,746	103	4,836	105	5,289	115
		4000K	5,185	113	5,108	111	5,205	113	5,693	124
		5000K	5,222	114	5,145	112	5,242	114	5,734	125
P50	64	2700K	6,245	97	6,153	96	6,270	98	6,857	107
		3000K	6,412	100	6,318	98	6,437	100	7,040	110
		4000K	6,902	108	6,801	106	6,929	108	7,579	118
		5000K	6,952	108	6,849	107	6,979	109	7,633	119
P55	77	2700K	7,136	92	7,031	91	7,164	93	7,835	101
		3000K	7,327	95	7,219	94	7,356	95	8,045	104
		4000K	7,887	102	7,771	101	7,918	103	8,660	112
		5000K	7,943	103	7,826	101	7,974	103	8,722	113



AEL Headquarters, 3825 Columbus Road, Granville, OH 43023  
 www.americanelectriclighting.com  
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**Warranty** Five-year limited warranty. Complete warranty terms located at:  
[www.acuitybrands.com/resources/terms-and-conditions](http://www.acuitybrands.com/resources/terms-and-conditions)  
 Actual performance may differ as a result of end-user environment and application.  
 All values are design or typical values, measured under laboratory conditions at 25 °C.  
 Specifications subject to change without notice.

# American Revolution LED

## Series 247CL

### Factory Programmable Driver Settings (P10 through P40 Packages)

FPDxx Setting		P10 27K				P10 30K				P10 40K				P10 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	12	1,292	1,273	1,297	1,419	1,327	1,307	1,332	1,457	1,428	1,407	1,434	1,568	1,439	1,417	1,444	1,579
FPD95	11	1,226	1,208	1,231	1,346	1,259	1,240	1,264	1,382	1,355	1,335	1,360	1,488	1,365	1,345	1,370	1,498
FPD90	11	1,160	1,143	1,164	1,273	1,191	1,173	1,195	1,307	1,282	1,263	1,287	1,407	1,291	1,272	1,296	1,417

FPDxx Setting		P15 27K				P15 30K				P15 40K				P15 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	18	1,876	1,849	1,884	2,060	1,926	1,898	1,934	2,115	2,074	2,043	2,082	2,277	2,089	2,058	2,097	2,293
FPD95	17	1,783	1,756	1,790	1,957	1,830	1,803	1,837	2,010	1,970	1,941	1,978	2,163	1,984	1,955	1,992	2,179
FPD90	16	1,678	1,654	1,685	1,843	1,723	1,698	1,730	1,892	1,855	1,828	1,862	2,037	1,868	1,841	1,875	2,051
FPD85	15	1,584	1,561	1,591	1,740	1,627	1,603	1,633	1,786	1,751	1,725	1,758	1,923	1,764	1,738	1,771	1,937
FPD80	14	1,491	1,469	1,496	1,637	1,530	1,508	1,536	1,680	1,648	1,623	1,654	1,809	1,659	1,635	1,666	1,822
FPD75	13	1,397	1,376	1,402	1,534	1,434	1,413	1,440	1,575	1,544	1,521	1,550	1,695	1,555	1,532	1,561	1,707

FPDxx Setting		P20 27K				P20 30K				P20 40K				P20 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	23	2,401	2,366	2,411	2,637	2,466	2,429	2,475	2,707	2,654	2,615	2,664	2,914	2,673	2,634	2,683	2,935
FPD95	22	2,282	2,248	2,291	2,505	2,343	2,308	2,352	2,572	2,522	2,485	2,532	2,769	2,540	2,502	2,550	2,789
FPD90	21	2,152	2,121	2,161	2,363	2,210	2,177	2,218	2,426	2,379	2,344	2,388	2,612	2,396	2,360	2,405	2,630
FPD85	19	2,023	1,993	2,031	2,221	2,077	2,046	2,085	2,280	2,236	2,203	2,244	2,455	2,252	2,218	2,260	2,472
FPD80	18	1,903	1,875	1,911	2,090	1,954	1,925	1,962	2,146	2,103	2,072	2,112	2,310	2,118	2,087	2,127	2,326

FPDxx Setting		P25 27K				P25 30K				P25 40K				P25 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	33	3,224	3,176	3,236	3,540	3,310	3,261	3,323	3,634	3,563	3,510	3,577	3,912	3,588	3,535	3,602	3,940
FPD95	31	3,066	3,021	3,078	3,366	3,148	3,101	3,160	3,456	3,388	3,338	3,402	3,720	3,413	3,362	3,426	3,747
FPD90	30	2,917	2,874	2,929	3,203	2,995	2,951	3,007	3,289	3,224	3,177	3,237	3,540	3,247	3,199	3,260	3,565
FPD85	28	2,759	2,719	2,770	3,030	2,833	2,791	2,844	3,111	3,050	3,005	3,062	3,348	3,071	3,026	3,083	3,372
FPD80	27	2,611	2,572	2,621	2,866	2,680	2,641	2,691	2,943	2,885	2,843	2,897	3,168	2,906	2,863	2,917	3,191
FPD75	25	2,453	2,416	2,462	2,693	2,518	2,481	2,528	2,765	2,711	2,671	2,721	2,976	2,730	2,690	2,741	2,998

FPDxx Setting		P30 27K				P30 30K				P30 40K				P30 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	40	3,704	3,649	3,718	4,067	3,803	3,747	3,818	4,176	4,094	4,033	4,110	4,495	4,123	4,062	4,139	4,527
FPD95	38	3,516	3,465	3,530	3,861	3,610	3,557	3,625	3,964	3,886	3,829	3,902	4,267	3,914	3,856	3,930	4,298
FPD90	36	3,338	3,289	3,351	3,665	3,427	3,377	3,441	3,763	3,689	3,635	3,704	4,051	3,715	3,661	3,730	4,080
FPD85	34	3,159	3,113	3,172	3,469	3,244	3,196	3,257	3,562	3,492	3,440	3,506	3,834	3,517	3,465	3,531	3,861

FPDxx Setting		P35 27K				P35 30K				P35 40K				P35 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	33	3,486	3,435	3,500	3,828	3,579	3,527	3,593	3,930	3,853	3,796	3,868	4,231	3,880	3,823	3,896	4,261
FPD95	31	3,331	3,281	3,344	3,657	3,420	3,369	3,433	3,755	3,681	3,627	3,695	4,042	3,707	3,653	3,722	4,071
FPD90	30	3,165	3,118	3,177	3,475	3,249	3,201	3,262	3,568	3,498	3,446	3,511	3,840	3,522	3,470	3,536	3,868
FPD85	28	3,009	2,965	3,021	3,304	3,089	3,044	3,101	3,392	3,326	3,276	3,339	3,651	3,349	3,300	3,362	3,677
FPD80	26	2,729	2,688	2,739	2,996	2,802	2,760	2,813	3,076	3,016	2,971	3,028	3,311	3,037	2,993	3,049	3,335

FPDxx Setting		P40 27K				P40 30K				P40 40K				P40 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	39	4,090	4,030	4,106	4,491	4,200	4,145	4,216	4,611	4,521	4,454	4,538	4,964	4,553	4,486	4,571	4,999
FPD95	38	3,918	3,860	3,934	4,302	4,023	3,967	4,039	4,417	4,331	4,267	4,348	4,755	4,361	4,297	4,379	4,789



AEL Headquarters, 3825 Columbus Road, Granville, OH 43023

www.americanelectricalighting.com

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**Warranty** Five-year limited warranty. Complete warranty terms located at: [www.acuitybrands.com/resources/terms-and-conditions](http://www.acuitybrands.com/resources/terms-and-conditions)

Actual performance may differ as a result of end-user environment and application.

All values are design or typical values, measured under laboratory conditions at 25 °C.

Specifications subject to change without notice.

contact your sales representative for the latest product information.

# American Revolution LED

## Series 247CL

### Factory Programmable Driver Settings (P45 through P55 Packages)

FPDxx Setting		P45 27K				P45 30K				P45 40K				P45 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	46	4,691	4,622	4,710	5,151	4,817	4,746	4,836	5,289	5,185	5,108	5,205	5,693	5,222	5,145	5,242	5,734
FPD95	44	4,458	4,392	4,476	4,895	4,577	4,510	4,595	5,026	4,927	4,855	4,947	5,410	4,963	4,889	4,982	5,449
FPD90	41	4,235	4,173	4,252	4,650	4,349	4,284	4,366	4,775	4,681	4,612	4,699	5,140	4,714	4,645	4,733	5,176
FPD85	37	3,820	3,764	3,835	4,194	3,922	3,864	3,937	4,306	4,222	4,160	4,238	4,636	4,252	4,189	4,269	4,669

FPDxx Setting		P50 27K				P50 30K				P50 40K				P50 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	64	6,245	6,153	6,270	6,857	6,412	6,318	6,437	7,040	6,902	6,801	6,929	7,579	6,952	6,849	6,979	7,633
FPD95	61	5,938	5,851	5,962	6,520	6,097	6,007	6,121	6,694	6,563	6,466	6,589	7,206	6,610	6,512	6,636	7,258
FPD90	58	5,631	5,548	5,653	6,183	5,782	5,696	5,804	6,348	6,224	6,132	6,248	6,834	6,268	6,176	6,293	6,882
FPD85	55	5,334	5,255	5,355	5,857	5,476	5,396	5,498	6,013	5,895	5,808	5,918	6,473	5,937	5,850	5,960	6,519
FPD80	52	5,027	4,953	5,047	5,519	5,161	5,085	5,181	5,667	5,556	5,474	5,578	6,100	5,595	5,513	5,617	6,144
FPD75	49	4,729	4,660	4,748	5,193	4,856	4,784	4,875	5,332	5,227	5,150	5,248	5,739	5,264	5,187	5,285	5,780

FPDxx Setting		P55 27K				P55 30K				P55 40K				P55 50K			
Setting	Wattage	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5	R2	R3	R4	R5
Standard	77	7,136	7,031	7,164	7,835	7,327	7,219	7,356	8,045	7,887	7,771	7,918	8,660	7,943	7,826	7,974	8,722
FPD95	73	6,779	6,679	6,806	7,444	6,961	6,858	6,988	7,643	7,493	7,382	7,522	8,227	7,546	7,435	7,576	8,286
FPD90	69	6,423	6,328	6,448	7,052	6,594	6,497	6,620	7,240	7,098	6,994	7,126	7,794	7,149	7,043	7,177	7,850

### PROJECTED LED LUMEN MAINTENANCE

Data references the extrapolated performance projections for the platforms noted in a 25°C ambient, based on 6,000 hours of LED testing (tested per IESNA LM-80-08 and projected per IESNA TM-21-11). To calculate LLF, use the lumen maintenance factor that corresponds to the desired number of operating hours below. For other lumen maintenance values, contact factory.

Lumen Maintenance (LLD)						
Initial	25k hrs	36k hrs	50k hrs	60k hrs	75k hrs	100k hrs
1	0.960	0.940	0.930	0.910	0.890	0.860

### LUMEN AMBIENT TEMPERATURE (LAT) MULTIPLIERS

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).

Ambient Temperature Lumen Multipliers								
0°C	5°C	10°C	15°C	20°C	25°C	30°C	35°C	40°C
1.04	1.03	1.02	1.02	1.01	1.00	0.99	0.98	0.97



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Actual performance may differ as a result of end-user environment and application. All values are design or typical values, measured under laboratory conditions at 25 °C. Specifications subject to change without notice.

contact your sales representative for the latest product information.

Advertisement for Bids  
Town of Apex  
Apex, North Carolina

Legal Notice

Pursuant to NC General Statutes 143-129, The Town of Apex is now accepting sealed bids for the following:

- 1) LUMINAIRE, LED, FULL CUTOFF, AREA, TYPE III DISTRIBUTION, BLACK 50W, LABELED AS LED 50 III

Types Accepted:

*Manufacturer Product*

AEL- American Electric Lighting American Revolution 247CL Series

- 2) PHOTOCONTROL, LED, 3- PRONG, 120-277V

**Manufacturer**

*Acuity Controls*

*Sun-Tech*

*Howard Long Life Series*

**Product**

*DLL127 1.5 IR GR*

*ELL124 4*

*HI-LL 217 15 GN 12*

Quantity of 1,600 of each item. Depending on price quantities could increase or decrease.

Sealed bids will be received until 2:00 pm on November 19, 2021 and opened immediately thereafter and publicly read at Apex Purchasing Building, 105 Upchurch St. Bldg C, Apex, North Carolina 27502, in the Purchasing Manager's office.

Sealed bids should be submitted to the Town of Apex, 105 Upchurch St., Apex, North Carolina 27502, Attn: Steve Maynard and marked "Lantern Light-2"

Bids can be USPS, UPS, FedEx, or hand delivered.

Fixtures and photocells will be delivered to the following address. Hours 7:30am-3:00pm Monday-Friday.

Town of Apex  
Electric Operations Center  
2850 Milano Ave  
Apex, NC 27502

The Town of Apex shall reserve the right to reject any or all proposals. A list of specifications and procedures may be obtained by contacting Steve Maynard, Purchasing Manager, at [steve.maynard@apexnc.org](mailto:steve.maynard@apexnc.org) during regular business hours 7:30am-4:00pm.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Joanna Helms, Director

Department(s): Economic Development

### Requested Motion

Motion to approve an amendment to the Lease Agreement between Town of Apex and the Apex Chamber of Commerce.

### Approval Recommended?

Yes

### Item Details

In August 2020, the Town of Apex and the Apex Chamber of Commerce, a tenant in the Town owned Historic Union Depot, entered into a lease agreement. As part of the lease agreement, it stated that the Program Support Specialist for the Economic Development Department would continue part of their previous role when employed by the Apex Chamber of Commerce as the Membership Manager, by providing continued support to the Chamber for all duties related to their Membership efforts. Paragraph 4.b.1 of the agreement states: "Landlord shall provide staff support through the Economic Development Department Program Support Specialist to Tenant for approximately twenty (20) hours per week. Support shall be during normal Tenant business hours to perform functions as agreed upon in the Program Support Specialist job description." The Chamber has recently notified the Director of the Economic Development Department that as of January 2022, those duties associated with Membership will be wholly assumed by a Chamber of Commerce staff member. This amendment officially removes the language associated with this arrangement from the Lease Agreement, and thereby relinquishes the Economic Development Program Support Specialist of all duties and responsibilities for the Apex Chamber of Commerce.

### Attachments

- Agreement
- Amendment





STATE OF NORTH CAROLINA

COUNTY OF WAKE

**AMENDMENT TO LEASE AGREEMENT**

**THIS AMENDMENT TO LEASE AGREEMENT** (herein this “Amendment”) is made and executed on this the \_\_\_\_ day of \_\_\_\_\_, 2021, by and between the TOWN OF APEX (herein “Landlord”) and APEX CHAMBER OF COMMERCE (herein “Tenant”).

**RECITALS**

**WHEREAS**, Landlord and tenant entered into a Lease Agreement (“Agreement”) on August 5<sup>th</sup>, 2020 related to the Apex Union Depot at 220 North Salem Street and Center Street; and

**WHEREAS**, Tenant no longer desires for Landlord to fulfill its responsibility to provide twenty (20) hours per week of staff support in the form of the Economic Development Program Support Specialist.

**NOW THEREFORE**, in consideration of the agreements contained herein together with other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Paragraph 4.b.i is hereby deleted from the Agreement.

Except as amended herein, all other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have set their hands and seals the day and year first above written.

LANDLORD:

TOWN OF APEX

\_\_\_\_\_  
Jacques K. Gilbert, Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

TENANT:

THE APEX CHAMBER OF COMMERCE, INC.

By: \_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

STATE OF NORTH CAROLINA

LEASE AGREEMENT

COUNTY OF WAKE

THIS LEASE AGREEMENT is made and entered into as of this 5<sup>th</sup> day of August 2020, by and between THE TOWN OF APEX (hereinafter "**Landlord**") and APEX CHAMBER OF COMMERCE (hereinafter "**Tenant**").

W I T N E S S E T H:

WHEREAS, Landlord is the owner of that certain Building located at 220 North Salem Street and Center Street, known as the Apex Union Depot (the "**Building**") and is the lessee of that certain real estate upon which the Building is situated being the real estate described in Exhibit A attached hereto (the "**Land**"). Together, the Building and Land shall hereinafter be called the "**Property**." The areas of the Building that the Tenant is entitled to use shall hereinafter be called the "**Leased Premises**" and shall include the exclusive use, shared use, and common areas as shown on the attached Exhibit B. The Leased Premises do not include any areas reserved to the Landlord's exclusive use, the railroad, caboose or its location leased to the Apex Historical Society by CSX Transportation, and being a rectangular area 100 feet by 48 feet. The Leased Premises do not include the parking lot in front of the Building, provided that during the term of this lease Landlord will continue to maintain the same as a public parking area.

WHEREAS, Tenant desires to lease the Leased Premises from Landlord;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, including, without limitation, the covenant to pay rent and other good and valuable consideration, Landlord and Tenant hereby agree as follows:

1. **Defined Terms.** Capitalized terms used in the recitals shall have the meanings set forth therein.
2. **Leased Premises.** Landlord leases to Tenant and Tenant leases from Landlord the Leased Premises for the Tenants use as described herein.
3. **Term; Termination for Convenience.** The initial term of this lease shall be for a period that shall commence on August 5, 2020, and continue until August 4, 2025, the expiration date. Either Landlord or Tenant may terminate this lease at the expiration of the initial term by giving written notice to the other at least one-year prior to the expiration date. The Tenant shall have the option to renew this lease under the same terms for an additional five (5) years by providing written notice at least six (6) months prior to the expiration date. In the event that neither party acts to terminate this lease as of the end of the initial term, then this lease shall continue on a year-to-year basis until terminated by either party giving a one-year written notice prior to the last day of the then current year term. Either party may terminate the lease at any time by giving the other party at least a one-year notice.

4. **Responsibilities.** Responsibilities of the Landlord and the Tenant are as follows:

a. Tenant's Responsibilities.

- i. Tenant shall pay to Landlord as rent the sum of One Dollar and 00/100 (\$1.00) per year, payable in advance on the date of commencement of this lease and thereafter on or before the first day of each year during the term of this lease. All rent payable by Tenant shall be without previous demand, set off, or deduction. All money rent shall be paid to Landlord at the address to which notices to Landlord are given as set forth in the paragraph entitled "Notices" hereunder.
- ii. Tenant shall reimburse Landlord for property damage caused by Tenant on the Property.
- iii. Tenant shall provide Landlord with one annual membership in the Chamber of Commerce each year and recognize the Landlord as a Platinum Peak Performer. Tenant shall provide Landlord with tickets to WakeUp Apex Events and Women's Network Events.
- iv. Tenant may sub-lease offices and conference rooms to Apex Chamber of Commerce members with or without consideration and without consent of the Landlord so long as there is no violation of Town ordinances, sale or consumption of alcohol, or conflict with prior scheduled Town meetings or events. Tenant shall not sub-lease to non-members.
- v. Landlord shall designate a space in the reception area of not less than 74x94 where Tenant may place marketing materials of Chamber members or promote Tenant events. This space may be provided as two separate spaces totaling aforementioned area. Upon completion of renovations described in Section 4(b)(ii) of this agreement, Landlord may at its discretion require such materials to be relocated to the renovated area. Tenant may not place marketing materials or displays in the Common Areas or any other part of the Building without the written consent of the Landlord.
- vi. Tenant is responsible for office supplies, kitchen supplies, and consumables located in the Leased Premises used by Tenant or Tenant's guests. Such supplies should be designated clearly as for use by the Tenant.
- vii. Tenant shall not sell alcohol at the Building or Property. Tenant may allow for the consumption of alcohol at events with Alcoholic Beverage Commission approval through Apex Police Department and Wake County.
- viii. Landlord shall designate two (2) parking spaces in the parking lot in front of the Building for use by Tenant employees so long as the parking lot exists.

b. Landlord's Responsibilities.

- i. Landlord shall provide staff support through the Economic Development Program Support Specialist to Tenant for approximately twenty (20) hours per week. Support shall be during normal Tenant business hours to

perform functions as agreed upon in the Program Support Specialist job description. The Executive Director of Tenant and the Director of Economic Development for Landlord will meet monthly, unless an alternate meeting schedule is agreed upon, to discuss the performance of the Program Support Specialist.

- ii. Landlord shall pay the costs of any capital improvement projects unless otherwise agreed to in writing by Landlord and Tenant. Landlord proposes to perform renovations to existing shared storage space for use as Tenant's office as set forth in Exhibit C (the "Improvements"). Landlord will attempt to complete renovations within a year if provided for in the budget and approved by Town Council. Tenant agrees to contribute fifty (50) percent of the costs of the Improvements, up to fifteen thousand dollars (\$15,000). Upon completion of the Improvements, the Tenant shall provide an initial payment toward to the Tenant's contribution equal to 1/3 of the Tenant's total commitment. The Tenant shall provide two subsequent payments annually equal to 1/3 of the Tenant's contribution. If the Landlord terminates this agreement other than for cause, the Tenant will be relieved of any remaining payment obligation. If the Landlord terminates the agreement for cause or the Tenant terminates the agreement for any reason other than for cause, the Tenant is responsible for full payment of any remaining balance of the Tenant's obligation. The Tenant shall pay in full any remaining balance within 60 days of termination of the agreement.
- iii. Upon completion of the Improvements, such space shall be designated as Chamber Exclusive Use, and Exhibit B shall be revised to display the newly renovated space as Chamber Exclusive Use and the former Chamber Exclusive Use space shall be designation Town of Apex Exclusive Area.

5. **Tenant's Acceptance; Maintenance and Repair.** Upon occupancy of the premises, Tenant represents to the Landlord that it has examined and inspected the same, finds the premises to be as represented by the Landlord and satisfactory for Tenant's intended use and Tenant accepts the Leased Premises "as is." Tenant shall not make any alterations or repairs to the Leased Premises without Landlord's prior written consent, which shall not be unreasonably withheld. Landlord agrees to keep the Leased Premises in good order and repair and shall make any repairs to the Leased Premises necessary to keep it in such good order and repair, whether the repair is ordinary or extraordinary, structural or non-structural. Tenant will provide for window cleaning through member trade agreement. Landlord will maintain the grounds and landscaping around the Building.
6. **Use.** Tenant shall use the Leased Premises for office space and meeting facility. Tenant shall not use the Leased Premises in any manner that will constitute waste, nuisance, unreasonable annoyance to owners or occupants of adjacent properties or in any manner in violation of any law, regulation, or ordinance of any public authority.

7. **Utilities and Services.** Landlord shall make all arrangements for and pay for all utilities and services used by Tenant, including, without limitation, gas, electricity, water, television and telephone service, internet network and connection, and for all charges for initiation and maintenance of said services. Copier and printer services shall be maintained by Tenant and Landlord's use of the copier and printer services shall be billed to Landlord monthly until such time that Landlord can assume responsibility for the copier and printer provider contract. Upon transfer of the copier and printer services contract to Landlord, Landlord shall bill Tenant monthly for use of such services by the Tenant.
8. **Destruction.** If during the term of this lease the Leased Premises are totally or partially destroyed from any cause, rendering the Leased Premises totally or substantially inaccessible or unusable, this lease shall terminate at the election of Landlord or Tenant.
9. **Insurance; Waiver of Subrogation.** Landlord shall maintain property damage insurance covering the Building through the N.C. League of Municipalities. Throughout the term of the lease, Tenant at its sole cost and expense shall keep for the mutual benefit of Landlord and Tenant (with appropriate cross-liability endorsements so showing) public liability and contents property damage insurance with combined single limited coverage of at least \$1.0 million, which policies insure against all liability of Tenant, Tenant's authorized representatives, and anyone for whom Tenant is responsible arising out of or in connection with Tenant's use of the Leased Premises. All such policies shall be non-accessible and shall contain language, to the extent obtainable, without payment of a premium over that chargeable without such language, that (a) any loss shall be payable notwithstanding any act or negligence of Landlord or Tenant that might otherwise result in forfeiture of the insurance, (b) that the policies are primary and non-contributing with any insurance that Landlord may carry, and (c) that they cannot be cancelled or changed except after 10 days' notice to Landlord. Anything in this lease to the contrary notwithstanding, to the extent covered by insurance, Landlord releases and waives unto Tenant, its successors and assigns, and Tenant releases and waives unto its Landlord, its successors and assigns, all rights to claim damages for any injury, loss, cost, or damage to persons or to the Leased Premises which is occasioned by fire, explosion, accident, occurrence or condition in, on or about the Leased Premises or any other casualty, if, and only if, the amount of which injury, loss, cost or damage has been paid either to Landlord, Tenant, or other damaged person, firm, or corporation, under the terms of any existing, prior, extended coverage, public liability, or other policy of insurance, to the extent such releases or waivers are permitted under applicable law. All policies of insurance carried or maintained pursuant to this lease shall contain or be endorsed to contain a provision whereby the insurer waives all rights of subrogation against either Tenant or Landlord provided that such a provision shall be obtainable. If insurance policies with such waiver of subrogation provisions shall not be obtainable or shall be obtainable only at a premium over that chargeable without such waiver, the party seeking such policy shall pay such additional premium. If any provision relating to a waiver of subrogation contained herein shall contravene any present or future law with respect to exculpatory agreements, the liability of the party affected shall be deemed not released but shall be secondary to the other's insurer.

10. **Condemnation.** If, during the term of this lease there is any taking of all or any part of the Property rendering the Leased Premises totally or substantially inaccessible or unusable, this lease shall terminate at the election of Landlord or Tenant.
11. **Indemnity.** Tenant shall hold Landlord harmless from all liability arising out of any damage or injury to any person or property occurring in, on, or about the Leased Premises, except that Landlord shall be liable to Tenant for damage resulting from the acts or omissions of Landlord or its authorized representatives. With respect to conditions or violations existing prior to the commencement of this lease, Landlord shall hold Tenant harmless in the event that Tenant incurs environmental liability related to the Leased Premises under an environmental law, rule, or regulation.
12. **Assignment and Subletting.** Tenant may not assign or encumber this lease and may not sublet any part or all of the Leased Premises without the prior written consent of Landlord, which shall be at Landlord's sole discretion, except to Chamber of Commerce members as provided in Section 4(a)(iv).
13. **Landlord's Remedies.** Landlord shall have the following remedies if Tenant commits a material default: (a) Landlord shall have the right to terminate this lease and Tenant's rights to possession of the Leased Premises and to reenter the Leased Premises upon giving 30 days' notice of default and such default is not remedied within 30 days of such notice, and (b) upon termination, Landlord shall have the right to pursue its remedies at law or in equity to recover of Tenant all amounts of rent then due or thereafter accruing and such other damages as are caused by Tenant's default.
14. **Quiet Enjoyment.** Provided Tenant performs all his covenants, agreements and obligations hereunder, Landlord will warrant and defend Tenant in the peaceful and quiet enjoyment of the Leased Premises, but only against the lawful claims of all persons claiming by, through, or under Landlord.
15. **Right of Entry.** Landlord and his authorized representatives shall have the right to enter the exclusive use areas of the Leased Premises at all reasonable times and with reasonable notice to inspect the Leased Premises.
16. **Property of Tenant.** All property placed on the Leased Premises by, at the direction of or with the consent of the Tenant, his/her agents, licensees or invitees, shall be at the risk of the Tenant or the owner thereof and Landlord shall not be liable for any loss of or damage to said property resulting from any cause whatsoever. Notwithstanding the foregoing, Landlord acknowledges that it is using furniture and other personal property owned by Tenant, and Landlord shall be liable for any loss of or damage to such property while in possession of Landlord.
17. **Surrender of Leased Premises; Holdover.** Tenant will deliver up the Leased Premises at the end of the term or upon termination hereof, in good order and condition, reasonable wear and tear excepted, and Landlord shall deliver to Tenant all Tenant property being used by Landlord in good order and condition, reasonable wear and tear excepted. If, for



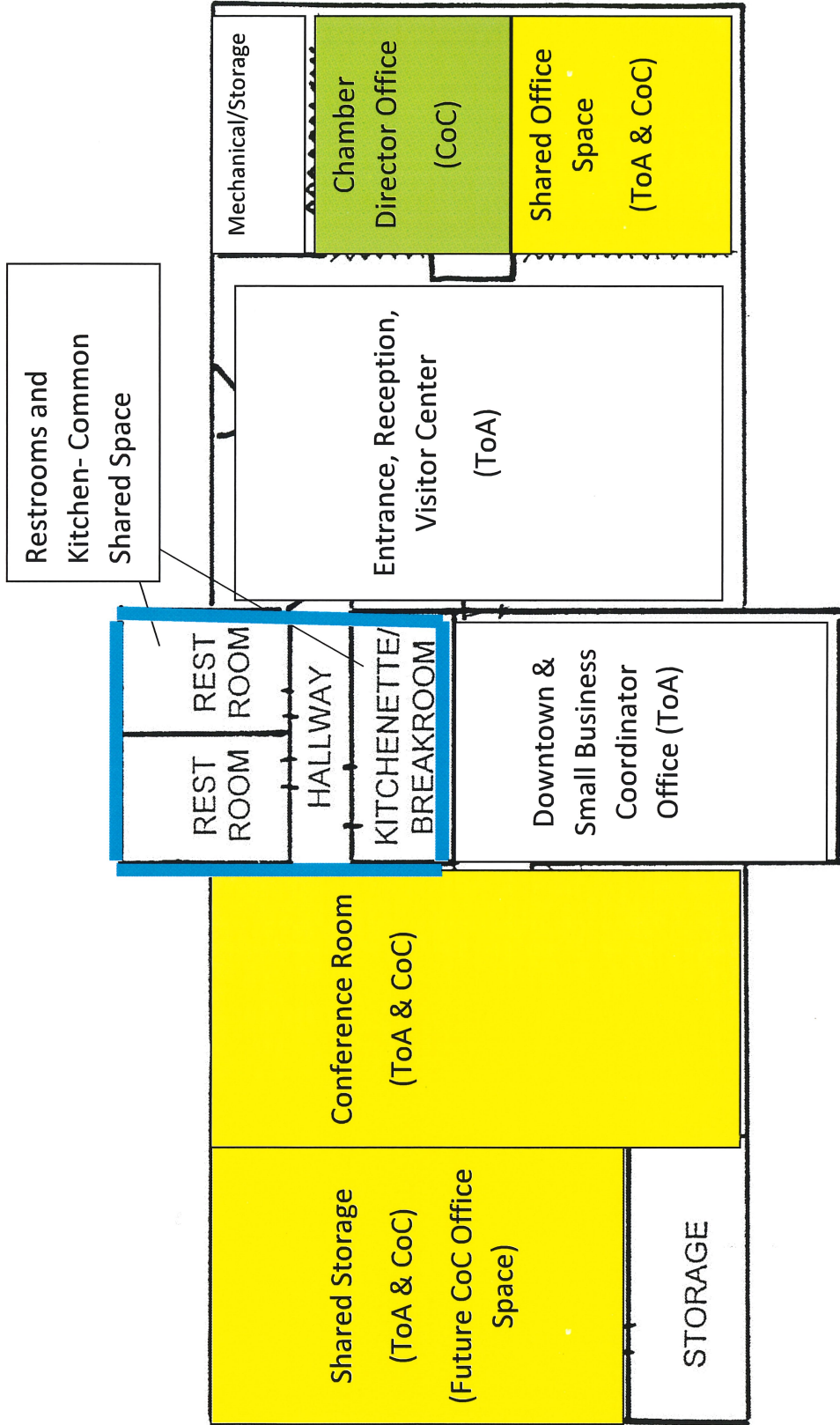
any reason whatsoever, Tenant does not vacate the Leased Premises and holds over after the termination of this lease, such holding over shall not be deemed to be a renewal of this lease but shall be deemed to create a tenancy-at-sufferance and by such holding over Tenant shall be deemed to have agreed to be bound by all of the terms and conditions of this lease except those as to the term hereof.

18. **Waiver.** The waiver by a Landlord of any breach of any covenant or agreement herein contained shall not be a waiver of any other default concerning the same or any other covenant or agreement herein contained. The receipt and acceptance by Landlord of delinquent rent shall not constitute a waiver of any other default; but shall constitute only a waiver of timely payment for the particular rent payment involved.
19. **Notices.** All notices provided for in this lease agreement shall be in writing and shall be deemed to be given when sent by certified mail, return receipt requested, addressed: a) to Landlord at P.O. Box 250, Apex North Carolina 27502 and b) to Tenant at 220 N. Salem Street Apex, North Carolina 27502. Either party hereto may from time to time, by notice as herein provided, designate a different address to which notices to it shall be sent.
20. **Railroad.** Landlord leases from CSX Transportation [the "Railroad"] the Land upon which the Building is located under a lease that is terminable upon 30 days written notice by either party. In the event that the Railroad terminates its lease with the Town, then this lease is likewise terminated as of the date of termination of the lease with the Railroad. The enforceability of this lease shall be contingent upon Railroad granting Landlord consent to sublease to Tenant that portion of the Leased Premises which Landlord leases from Railroad.
21. **Applicable Law.** This lease shall be governed by the laws of the State of North Carolina.
22. **Miscellaneous.** Headings of paragraphs are for convenience only and shall not be considered in construing the meanings of the contents of such paragraph. The invalidity of any portion of this lease shall not have any effect on the balance hereof. Should Landlord institute any legal proceedings against Tenant for breach of any provision herein contained, and prevail in such action, Tenant shall in addition be liable for the costs and expenses of Landlord, including his reasonable attorneys' fees. This agreement supersedes and cancels all prior negotiations between the parties, and changes shall be in writing signed by the party affected by such change. This agreement shall be binding upon the respective parties hereto, and upon their heirs, executors, successors and assigns. Landlord reserves the right to make (and change from time to time) reasonable regulations concerning the premises or real estate. Landlord may sell the Leased Premises without affecting the obligations of Tenant hereunder. This lease may not be recorded without Landlord's prior written consent, but either party agrees on request of the other to execute a memorandum hereof for recording purposes. The singular shall include the plural, and the masculine, feminine or neuter includes the other. Unless expressly provided in this lease that consent or approval may be made in a party's sole discretion, any consent or approval of a party required under this lease shall not be unreasonably withheld or delayed.

## Exhibit A – Land

Beginning at a point on the southern line of Center Street distant 70 feet westwardly, measured at right angles from the center line of Lessor's main track; running thence eastwardly along said street line 29 feet to a point 41 feet westwardly, measured at right angles from said center line; thence southwardly parallel to the center line of said main track 50 feet to the northern end of said building; thence eastwardly along the northern end of said building 12 feet to the northeastern corner of said building; thence southwardly along the eastern side of said building 30 feet to an offset in said building; thence eastwardly along said offset building line 5 feet to the northeastern corner of said offset; thence southwardly along the eastern side of said offset 16 feet to the southeastern corner of said offset; thence westwardly along the southern side of said offset 5 feet to the eastern side of said building; thence southwardly along the eastern side of said building and prolongation thereof 84 feet; thence westwardly at right angles from the preceding course 41 feet to the western boundary line of Lessor's right of way, which boundary line is parallel with and 70 feet westwardly, measured at right angles from the center line of said main track; thence northwardly along said right of way line 180 feet to the point of beginning; as more clearly shown in red on print of Lessor's Division Engineer's Drawing No. 1209, dated November 15, 1954, last revised May 6, 1969, which print is attached hereto and made a part hereof.

**Exhibit B – Leased Premises**



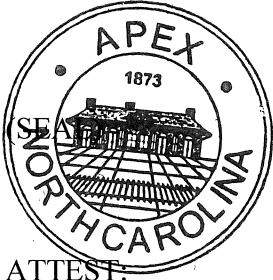
**Legend:**  Non-exclusive (Shared) Areas  Chamber Exclusive Use Area  Common Space Area

### **Exhibit C – Improvements**

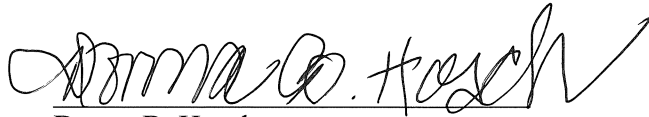
The following represents improvements requested by the Apex Chamber of Commerce (Tenant) for the current shared storage area located in the south section of the Depot.

- All walls to be drywall
- Ceiling to be refurbished existing wood detail (If existing ceiling detail cannot be salvaged, ceiling should be drywall.)
- Construction of one enclosed office space with sliding or pocket door
- Construction of half-bath (sink and toilet) in rear, unfinished storage area
- Removal of carpet to be replaced with a laminate/cement wood (should have appearance of wood flooring)
- Replacement/modernization of lighting and fans
- Removal of ductless (mini-split) heating/air condition system
- Connect area to existing central HVAC system
- All walls to be painted with color chosen by Tenant
- One painted accent wall (optional)

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.



ATTEST:



Donna B. Hosch  
Town Clerk

LANDLORD:

TOWN OF APEX

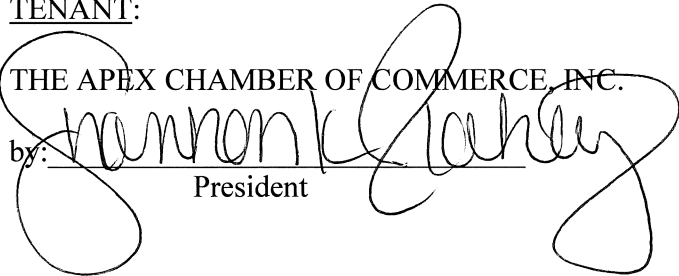
by:

  
Jacques K. Gilbert, Mayor

TENANT:

THE APEX CHAMBER OF COMMERCE, INC.

by:

  
Shannon K. Oakley  
President

ATTEST:

\_\_\_\_\_  
Secretary

(Corporate Seal)

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Mary Beth Manville, Human Resources Director

Department(s): Human Resources

### Requested Motion

Motion to approve the revisions to the Town's Position Authorization List, reflecting 3 additional FTEs for the Fire Department.

### Approval Recommended?

Yes

### Item Details

In the Spring of 2019, the Fire Department received verbal approval from (now former) Town Manager Drew Havens to over-hire 3 Firefighters from the Fire Academy that had been recently held, with the understanding that the 3 Firefighter positions would be included in the FY19-20 budget. While the funds for the positions were approved in that budget, the position authorization list was not updated to reflect the additional positions. Since the position authorization list is typically approved by Town Council as part of the budget process, we wanted to bring this item forward for approval now, so that our official position authorization list reflected the correct number of Firefighter positions.

### Attachments

- Town of Apex Position Authorization List



General Government	Salary Grade	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2021-2022		
		FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
<b>Town Clerk's Office</b>													
Town Clerk <sub>9</sub>	23	1	-	1	1	-	1	1	-	1	1	-	1
Deputy Town Clerk	19	-	-	-	-	-	-	1	-	1	1	-	1
<b>Total</b>		<b>1</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>-</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>2</b>	<b>2</b>	<b>-</b>	<b>2</b>
<b>Administration</b>													
Town Manager	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Assistant Town Manager	N/A	2	-	2	2	-	2	2	-	2	2	-	2
Diversity, Equity & Inclusion Director	N/A	-	-	-	-	-	-	-	-	-	1	-	1
Diversity, Equity & Inclusion Officer	27	-	-	-	-	-	-	1	-	1	1	-	1
Budget & Performance Manager	27	-	-	-	-	-	-	-	-	-	1	-	1
Budget & Management Analyst	24	1	-	1	1	-	1	1	-	1	-	-	-
Fiscal Analyst	23	-	-	-	-	-	-	-	-	-	1	-	1
Budget Specialist	21	-	-	-	-	-	-	-	-	-	1	-	1
Budget Technician	17	-	-	-	1	-	1	1	-	1	-	-	-
Communications Manager	27	1	-	1	1	-	1	1	-	1	1	-	1
Communications Specialist	19	-	-	-	1	-	1	1	-	1	1	-	1
Community Engagement Specialist	22	-	-	-	-	-	-	-	-	-	1	-	1
Legislative Aide	22	-	-	-	-	-	-	-	-	-	1	-	1
Development Services Manager <sub>1</sub>	26	1	-	1	1	-	1	1	-	1	1	-	1
Development Specialist	22	-	-	-	-	-	-	-	-	-	1	-	1
Senior Program Support Specialist <sub>1</sub>	17	1	-	1	1	-	1	1	-	1	1	-	1
Executive Assistant to Town Administration	22	-	-	-	-	-	-	-	-	-	1	-	1
Receptionist	14	-	-	-	-	-	-	-	-	-	1	-	1
Utilities Acquisition Specialist <sub>1</sub>	25	1	-	1	1	-	1	1	-	1	1	-	1
Capital Project Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>		<b>9</b>	<b>-</b>	<b>9</b>	<b>11</b>	<b>-</b>	<b>11</b>	<b>12</b>	<b>-</b>	<b>12</b>	<b>19</b>	<b>-</b>	<b>19</b>
<b>Legal</b>													
Town Attorney	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Deputy Town Attorney	31	-	-	-	-	-	-	1	-	1	1	-	1
Assistant Town Attorney	30	2	-	2	2	-	2	1	-	1	1	-	1
Paralegal	18	-	1	0.5625	-	1	0.5625	-	1	0.5625	-	1	0.5625
<b>Total</b>		<b>3</b>	<b>1</b>	<b>3.5625</b>	<b>3</b>	<b>1</b>	<b>3.5625</b>	<b>3</b>	<b>1</b>	<b>3.5625</b>	<b>3</b>	<b>1</b>	<b>3.5625</b>
<b>Human Resources</b>													
Human Resources Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Human Resources Manager	27	-	-	-	1	-	1	1	-	1	1	-	1
Human Resources Analyst (Senior)	24	1	-	1	1	-	1	1	-	1	1	-	1
Human Resources Data & Systems Administrator	23	-	-	-	-	-	-	-	-	-	1	-	1
Human Resources Consultant <sub>10</sub>	21	1	-	1	1	-	1	1	-	1	2	-	2
Human Resources Technician	17	1	-	1	1	-	1	1	-	1	1	-	1
Safety & Risk Manager	27	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>		<b>5</b>	<b>-</b>	<b>5</b>	<b>6</b>	<b>-</b>	<b>6</b>	<b>6</b>	<b>-</b>	<b>6</b>	<b>8</b>	<b>-</b>	<b>8</b>
<b>Information Technology</b>													
Information Technology Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Information Technology Services Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Senior Information Technology Analyst	27	1	-	1	1	-	1	1	-	1	1	-	1
GIS Administrator <sub>1</sub>	25	-	-	-	-	-	-	1	-	1	1	-	1
Information Technology Analyst	25	3	-	3	3	-	3	3	-	3	5	-	5
Information Technology Specialist <sub>11</sub>	23	3	-	3	3	-	3	3	-	3	1	-	1
Information Technology Technician	21	1	-	1	2	-	2	3	-	3	3	-	3
<b>Total</b>		<b>10</b>	<b>-</b>	<b>10</b>	<b>11</b>	<b>-</b>	<b>11</b>	<b>13</b>	<b>-</b>	<b>13</b>	<b>13</b>	<b>-</b>	<b>13</b>
<b>Finance</b>													
Finance Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Purchasing & Contracts Manager	24	1	-	1	1	-	1	1	-	1	1	-	1
Customer Service & Billing Manager	25	1	-	1	1	-	1	1	-	1	1	-	1
Accounting Manager <sub>2</sub>	25	1	-	1	1	-	1	1	-	1	1	-	1
Finance & Utility Accountant	23	1	-	1	1	-	1	1	-	1	1	-	1
Payroll Administrator	18	19	-	1	1	-	1	1	-	1	1	-	1
Utilities Customer Service Specialist	15	3	-	3	3	-	3	3	-	3	3	-	3
Senior Utilities Customer Service Specialist	17	4	-	4	4	-	4	5	-	5	5	-	5
Accounting Specialist	18	1	-	1	1	-	1	1	-	1	1	-	1
Accounts Payable Technician	15	1	-	1	1	-	1	1	-	1	1	-	1
Buyer	18	1	-	1	1	-	1	1	-	1	1	-	1
Inventory & Warehouse Specialist	14	2	-	2	2	-	2	2	-	2	2	-	2
Assistant Customer Service Manager	22	-	-	-	-	-	-	-	-	-	1	-	1
<b>Total</b>		<b>36</b>	<b>-</b>	<b>18</b>	<b>18</b>	<b>-</b>	<b>18</b>	<b>19</b>	<b>-</b>	<b>19</b>	<b>20</b>	<b>-</b>	<b>20</b>
<b>Parks, Recreation, &amp; Cultural Resources</b>													
Parks, Recreation & Cultural Resources Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Parks Planning & Project Manager	26	1	-	1	1	-	1	1	-	1	1	-	1
Parks & Greenways Planning Technician	15	-	-	-	-	-	-	-	-	-	1	-	0.750
Recreation Program Manager	27	1	-	1	1	-	1	1	-	1	1	-	1
Recreation Program Supervisor	22	3	-	3	3	-	3	3	-	3	3	-	3
Recreation Program Specialist	20	1	-	1	1	-	1	1	-	1	1	-	1
Recreation Customer Service Supervisor	20	1	-	1	1	-	1	1	-	1	1	-	1
Recreation Customer Service Specialist	15	2	-	2	3	-	3	4	-	4	4	-	4
Marketing & Programs Coordinator	18	1	-	1	1	-	1	1	-	1	1	-	1
Parks Operations Manager	25	1	-	1	1	-	1	1	-	1	1	-	1
Park Manager	22	-	-	-	-	-	-	-	-	-	1	-	1
Parks Operations Supervisor	21	1	-	1	1	-	1	1	-	1	1	-	1
Parks Operations Team Leader	17	2	-	2	3	-	3	3	-	3	4	-	4
Parks Operations Worker/Specialist/Senior	13-16	8	-	8	8	-	8	4	-	4	6	-	6



<b>Parks, Recreation &amp; Cultural Resources (cont.)</b>													
Athletic & Grounds Supervisor	21	1	-	1	1	-	1	1	-	1	1	-	1
Athletic & Grounds Team Leader	17	2	-	2	2	-	2	3	-	3	3	-	3
Athletics & Grounds Worker/ Technician	13-14	-	-	-	-	-	-	5	-	5	5	-	5
Parks Attendant	11	4	-	4	6	-	6	6	-	6	6	-	6
Cultural Arts Center Manager	25	1	-	1	1	-	1	1	-	1	1	-	1
Cultural Arts Specialist	21	1	-	1	1	-	1	1	-	1	1	-	1
Cultural Arts Marketing & Events Specialist	17	-	-	-	-	-	-	-	-	-	1	-	1
<b>Total</b>		<b>32</b>	<b>-</b>	<b>32</b>	<b>36</b>	<b>-</b>	<b>36</b>	<b>39</b>	<b>-</b>	<b>39</b>	<b>44</b>	<b>1</b>	<b>44.750</b>
<b>Total General Government</b>		<b>96</b>	<b>1</b>	<b>78.56</b>	<b>86.00</b>	<b>1.00</b>	<b>86.56</b>	<b>94</b>	<b>1</b>	<b>94.56</b>	<b>109</b>	<b>2</b>	<b>110.31</b>

<b>Planning, Economic &amp; Development Services</b>	<b>Salary Grade</b>	<b>FY 2018-2019</b>			<b>FY 2019-2020</b>			<b>FY 2020-2021</b>			<b>FY 2020-2021</b>		
		<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>
<b>Economic Development</b>													
Economic Development Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Downtown Development Coordinator	23	-	-	-	1	-	1	1	-	1	1	-	1
Program Support Specialist	15	1	-	1	1	-	1	1	-	1	2	-	2
<b>Total</b>		<b>2</b>	<b>-</b>	<b>2</b>	<b>3</b>	<b>-</b>	<b>3</b>	<b>3</b>	<b>-</b>	<b>3</b>	<b>4</b>	<b>-</b>	<b>4</b>
<b>Planning</b>													
Planning & Community Development Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Planning Manager	29	2	-	2	2	-	2	2	-	2	2	-	2
Housing Program Manager	26	-	-	-	-	-	-	1	-	1	1	-	1
Housing & Community Programs Specialist	21	-	-	-	-	-	-	-	-	-	1	-	1
Planner/Planner II/Senior Planner	22-26	5	-	5	5	-	5	6	-	6	6	-	6
Zoning Compliance Supervisor	25	1	-	1	1	-	1	1	-	1	1	-	1
Zoning Compliance Officer (Senior, Landscaping)	21-24	4	-	4	4	-	4	4	-	4	4	-	4
GIS Analyst	23	1	-	1	1	-	1	1	-	1	1	-	1
GIS Technician	19	-	-	-	1	-	1	1	-	1	1	-	1
Planning Technician (Lead)	21	1	-	1	1	-	1	1	-	1	1	-	1
Planning Technician	20	2	-	2	2	-	2	2	-	2	2	-	2
GIS Specialist	21	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>		<b>18</b>	<b>-</b>	<b>18</b>	<b>19</b>	<b>-</b>	<b>19</b>	<b>21</b>	<b>-</b>	<b>21</b>	<b>22</b>	<b>-</b>	<b>22</b>
<b>Water Resources</b>													
Water Resources Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Stormwater & Utility Engineering Managers	31	1	-	1	1	-	1	-	-	-	-	-	-
Engineer (Professional, Senior, Utility)	27-28	4	-	4	4	-	4	1	-	1	1	-	1
Environmental Engineering Manager <sup>16</sup>	31	-	-	-	-	-	-	1	-	1	1	-	1
Environmental Field Services Supervisor	26	-	-	-	-	-	-	1	-	1	1	-	1
Environmental Specialist	22	2	-	2	2	-	2	2	-	2	3	-	3
Infrastructure Inspections Supervisor	25	1	-	1	1	-	1	1	-	1	1	-	1
Capital Projects Inspector	25	-	-	-	-	-	-	-	-	-	1	-	1
Infrastructure Inspector (Senior)	23-24	5	-	5	6	-	6	6	-	6	5	-	5
Senior Program Support Specialist	17	1	-	1	1	-	1	1	-	1	1	-	1
Sustainability Specialist	20	-	-	-	-	-	-	1	-	1	1	-	1
Sustainability Program Coordinator	23	-	-	-	-	-	-	1	-	1	1	-	1
<b>Total</b>		<b>15</b>	<b>-</b>	<b>15</b>	<b>16</b>	<b>-</b>	<b>16</b>	<b>16</b>	<b>-</b>	<b>16</b>	<b>17</b>	<b>-</b>	<b>17</b>
<b>Inspections &amp; Permits</b>													
Inspections & Permits Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Code Enforcement Supervisor	27	1	-	1	1	-	1	2	-	2	2	-	2
Code Enforcement Officer I, II, III	21-25	12	-	12	12	-	12	13	-	13	13	-	13
Plans & Permits Supervisor	27	1	-	1	1	-	1	1	-	1	1	-	1
Plans Examiner (Senior)	20-25	3	-	3	4	-	4	4	-	4	4	-	4
Permit Specialist	17	3	-	3	3	-	3	3	-	3	3	-	3
<b>Total</b>		<b>21</b>	<b>-</b>	<b>21</b>	<b>22</b>	<b>-</b>	<b>22</b>	<b>24</b>	<b>-</b>	<b>24</b>	<b>24</b>	<b>-</b>	<b>24</b>
<b>Total Planning, Economic &amp; Development Services</b>		<b>56</b>	<b>-</b>	<b>56</b>	<b>60</b>	<b>-</b>	<b>60</b>	<b>64</b>	<b>-</b>	<b>64</b>	<b>67</b>	<b>-</b>	<b>67</b>

<b>Public Safety</b>	<b>Salary Grade</b>	<b>FY 2018-2019</b>			<b>FY 2019-2020</b>			<b>FY 2020-2021</b>			<b>FY 2020-2021</b>		
		<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>	<b>FT</b>	<b>PT</b>	<b>FTE</b>
<b>Fire</b>													
Fire Chief	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Assistant Fire Chief	29	2	-	2	2	-	2	2	-	2	2	-	2
Fire Marshal	27	1	-	1	1	-	1	1	-	1	1	-	1
Deputy Fire Marshal	25	1	-	1	1	-	1	1	-	1	1	-	1
Fire Inspector	19	1	-	1	1	-	1	1	-	1	1	-	1
Fire Battalion Chief	27	3	-	3	3	-	3	3	-	3	3	-	3
Fire Training Coordinator	24	1	-	1	2	-	2	2	-	2	2	-	2
Fire Captain	24	3	-	3	3	-	3	3	-	3	3	-	3
Fire Lieutenant	23	15	-	15	18	-	18	18	-	18	18	-	18
Fire Engineer	21	18	-	18	21	-	21	21	-	21	21	-	21
Firefighter, Senior Firefighter	17-18	33	-	33	42	-	42	42	-	42	43	-	43
Fire Support Technician	17	-	1	0.875	-	1	0.875	1	-	1	1	-	1
Program Support Specialist	15	1	-	1	1	-	1	1	-	1	1	-	1
Systems & Performance Analyst	18	-	-	-	-	-	-	-	-	-	1	-	1
Administrative Logistics Coordinator <sup>9</sup>	18	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>		<b>81</b>	<b>1</b>	<b>81.875</b>	<b>97</b>	<b>1</b>	<b>97.875</b>	<b>98</b>	<b>-</b>	<b>98</b>	<b>100</b>	<b>-</b>	<b>100</b>

Public Safety (cont.)	Salary Grade	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2020-2021		
		FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
<b>Police</b>													
Police Chief	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Deputy Police Chief	31	-	-	-	1	-	1	1	-	1	1	-	1
Police Captain	29	3	-	3	3	-	3	3	-	3	3	-	3
Police Lieutenant	27	3	-	3	3	-	3	3	-	3	3	-	3
Police Sergeant <sub>6</sub>	25	13	-	13	13	-	13	13	-	13	13	-	13
Records and Technology Manager	26	1	-	1	1	-	1	1	-	1	1	-	1
Police Accreditation Specialist	21	-	-	-	1	-	1	1	-	1	1	-	1
CAD / RMS Administrator	23	-	-	-	-	-	-	-	-	-	1	-	1
Police Corporal	23	7	-	7	7	-	7	7	-	7	7	-	7
Police Officers (PO I, PO II, Master PO, Senior PO)	19-22	65	-	65	67	-	67	68	-	68	68	-	68
Crime Analyst	20	1	-	1	1	-	1	1	-	1	1	-	1
Information Technology Technician	21	1	-	1	1	-	1	-	-	-	-	-	-
Victim Advocate	21	1	-	1	1	-	1	1	-	1	1	-	1
Digital Forensic Technician	21	-	-	-	-	-	-	-	-	-	1	-	1
Police Crisis Counselor	20	-	-	-	-	-	-	-	-	-	1	-	1
Support Services Manager	29	-	-	-	-	-	-	-	-	-	1	-	1
Evidence Technician/Quartermaster	16	1	-	1	1	-	1	1	-	1	1	-	1
Administrative Coordinator <sub>14</sub>	18	1	-	1	1	-	1	1	-	1	1	-	1
Police Records Technician	16	1	1	1.625	2	1	2.625	3	-	3	3	-	3
<b>Total</b>		<b>99</b>	<b>1</b>	<b>99.625</b>	<b>104</b>	<b>1</b>	<b>104.625</b>	<b>105</b>	<b>-</b>	<b>105</b>	<b>109</b>	<b>-</b>	<b>109</b>
<b>Emergency Communications</b>													
Communications Manager	26	1	-	1	1	-	1	1	-	1	1	-	1
Communications Shift Supervisor <sub>7</sub>	19	2	-	2	2	-	2	4	-	4	4	-	4
Telecommunicator (I, II, Senior)	16-18	8	-	8	8	-	8	8	-	8	8	-	8
<b>Total</b>		<b>11</b>	<b>-</b>	<b>11</b>	<b>11</b>	<b>-</b>	<b>11</b>	<b>13</b>	<b>-</b>	<b>13</b>	<b>13</b>	<b>-</b>	<b>13</b>
<b>Total Public Safety</b>		<b>191</b>	<b>2</b>	<b>192.50</b>	<b>212</b>	<b>2</b>	<b>213.50</b>	<b>216</b>	<b>-</b>	<b>216.00</b>	<b>222</b>	<b>-</b>	<b>222.00</b>

Public Works	Salary Grade	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2020-2021		
		FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
<b>Facility &amp; Fleet Services</b>													
Facilities & Grounds Supervisor	25	-	-	-	1	-	1	1	-	1	1	-	1
Fleet Services Supervisor	22	1	-	1	1	-	1	1	-	1	1	-	1
Fleet Services Mechanic/ Sr. Mechanic	17-18	4	-	4	4	-	4	4	-	4	4	-	4
Facility Services Supervisor	23	1	-	1	1	-	1	1	-	1	1	-	1
Facility Maintenance Mechanic/ Sr. Mechanic	17	3	-	3	3	-	3	3	-	3	4	-	4
Grounds Maintenance Crew Field Supervisor <sub>17</sub>	17	1	-	1	1	-	1	1	-	1	1	-	1
Grounds Maintenance Technician <sub>17</sub>	13	3	-	3	3	-	3	3	-	3	3	-	3
<b>Total</b>		<b>14</b>	<b>-</b>	<b>14</b>	<b>14</b>	<b>-</b>	<b>14</b>	<b>14</b>	<b>-</b>	<b>14</b>	<b>15</b>	<b>-</b>	<b>15</b>
<b>Public Works &amp; Transportation</b>													
Public Works & Transportation Director <sub>1</sub>	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Transportation Engineering Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Traffic Engineering Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Professional Engineer	27	1	-	1	1	-	1	1	-	1	1	-	1
Transportation Engineering Projects Coordinator	24	1	-	1	1	-	1	1	-	1	1	-	1
Engineering & Surveying Technician	22	1	-	1	1	-	1	1	-	1	1	-	1
Public Works Operations Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Public Works Operations Data Analyst	23	1	-	1	1	-	1	1	-	1	1	-	1
Program Support Specialist <sub>18</sub>	15	1	-	1	1	-	1	1	-	1	1	-	1
Public Works Data Operations Specialist <sub>13</sub>	21	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>		<b>10</b>	<b>-</b>	<b>10</b>	<b>10</b>	<b>-</b>	<b>10</b>	<b>10</b>	<b>-</b>	<b>10</b>	<b>10</b>	<b>-</b>	<b>10</b>
<b>Streets</b>													
Street Maintenance Worker (all Levels)	13-15	8	-	8	9	-	9	9	-	9	9	-	9
Street Maintenance Supervisor	23	1	-	1	1	-	1	1	-	1	1	-	1
Heavy Equipment Operator	17	2	-	2	2	-	2	2	-	2	2	-	2
Street Crew Field Supervisor	19	1	-	1	1	-	1	1	-	1	1	-	1
Street Signs Worker/Technician	15-16	2	-	2	2	-	2	2	-	2	2	-	2
<b>Total</b>		<b>28</b>	<b>-</b>	<b>28</b>	<b>15</b>	<b>-</b>	<b>15</b>	<b>15</b>	<b>-</b>	<b>15</b>	<b>15</b>	<b>-</b>	<b>15</b>
<b>Solid Waste Services</b>													
Solid Waste Supervisor	22	1	-	1	1	-	1	1	-	1	1	-	1
Solid Waste Equipment Operator (I, Senior)	15-16	11	-	11	12	-	12	12	-	12	12	-	12
General Maintenance Worker (I,II)	11-12	4	-	4	5	-	5	5	-	5	5	-	5
<b>Total</b>		<b>16</b>	<b>-</b>	<b>16</b>	<b>18</b>	<b>-</b>	<b>18</b>	<b>18</b>	<b>-</b>	<b>18</b>	<b>18</b>	<b>-</b>	<b>18</b>
<b>Total Public Works</b>		<b>53</b>	<b>-</b>	<b>53</b>	<b>57</b>	<b>-</b>	<b>57</b>	<b>57</b>	<b>-</b>	<b>57</b>	<b>58</b>	<b>-</b>	<b>58</b>

Public Utilities	Salary Grade	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2020-2021		
		FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
<b>Electric</b>													
Electric Utilities Director	N/A	1	-	1	1	-	1	1	-	1	1	-	1
Electric Operations Supervisor	27	1	-	1	1	-	1	1	-	1	1	-	1
Electric Technical Services Manager	27	1	-	1	1	-	1	1	-	1	1	-	1
Senior Electrical Engineer	25	-	-	-	-	-	-	-	-	-	1	-	1
Electric Training & Safety Specialist	24	-	-	-	1	-	1	1	-	1	1	-	1
Electric Crew Field Supervisor	24	4	-	4	4	-	4	4	-	4	4	-	4
Electric Line Technician (I,II or Senior)	17-20	15	-	15	15	-	15	15	-	15	15	-	15
Electric Technical Services Specialist (Senior)	20-22	2	-	2	2	-	2	2	-	2	2	-	2
Electric Engineering Technician	21	1	-	1	1	-	1	1	-	1	1	-	1

Public Utilities (cont.)	Salary Grade	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2021-2022		
		FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
Powerline Arborist (Trainee)	22	2	-	2	2	-	2	2	-	2	2	-	2
Forester	21	-	-	-	-	-	-	-	-	-	1	-	1
Powerline Right-of-way Technician	16	4	-	4	4	-	4	4	-	4	4	-	4
Program Support Specialist	15	-	-	-	-	1	0.750	-	1	0.750	1	-	1
Utility Locate Technician	15	4	-	4	4	-	4	4	-	4	4	-	4
Electric Programs & Technology Coordinator	19	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total Electric Fund</b>	<b>Total</b>	<b>36</b>	<b>-</b>	<b>36</b>	<b>37</b>	<b>1</b>	<b>37.750</b>	<b>37</b>	<b>1</b>	<b>37.750</b>	<b>40</b>	<b>-</b>	<b>40</b>
<b>Water &amp; Sewer Administration (Water Resources)</b>													
Utilities Operations Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Utilities Engineering Manager	30	-	-	-	-	-	-	1	-	1	1	-	1
Engineer (Professional, Senior, Intern)	25-28	1	-	1	2	-	2	2	-	2	2	-	2
Program Support Specialist	15	1	-	1	1	-	1	1	-	1	1	-	1
Water Resources Specialist <sub>5</sub>	25	1	-	1	1	-	1	1	-	1	1	-	1
Utilities Specialist <sub>4</sub>	25	2	-	2	2	-	2	2	-	2	2	-	2
GIS Specialist	21	1	-	1	1	-	1	1	-	1	1	-	1
Meter Services Supervisor <sub>12</sub>	19	1	-	1	1	-	1	1	-	1	1	-	1
Meter Technician (Senior) <sub>12</sub>	14/15	3	-	3	3	-	3	4	-	4	4	-	4
<b>Total</b>	<b>Total</b>	<b>11</b>	<b>-</b>	<b>11</b>	<b>12</b>	<b>-</b>	<b>12</b>	<b>14</b>	<b>-</b>	<b>14</b>	<b>14</b>	<b>-</b>	<b>14</b>
<b>Water Maintenance</b>													
Water Resources Program Coordinator	18	1	-	1	1	-	1	1	-	1	1	-	1
Utility Maintenance Supervisor	21	1	-	1	1	-	1	1	-	1	1	-	1
Water Quality Supervisor	24	1	-	1	1	-	1	1	-	1	1	-	1
Water Quality Team Leader	19	1	-	1	1	-	1	1	-	1	1	-	1
Utility Operations Team Leader	19	-	-	-	1	-	1	1	-	1	1	-	1
Heavy Equipment Operator	17	2	-	2	2	-	2	2	-	2	2	-	2
Utility Maintenance Worker/Technician (all Levels)	13-16	11	-	11	13	-	13	13	-	13	13	-	13
<b>Total</b>	<b>Total</b>	<b>17</b>	<b>-</b>	<b>17</b>	<b>20</b>	<b>-</b>	<b>20</b>	<b>20</b>	<b>-</b>	<b>20</b>	<b>20</b>	<b>-</b>	<b>20</b>
<b>Sewer Treatment</b>													
Water Reclamation Facility Manager	29	1	-	1	1	-	1	1	-	1	1	-	1
Laboratory Supervisor	22	-	1	0.875	-	1	0.875	-	1	0.875	-	1	0.875
WRF - Team Leader	21	2	-	2	1	-	1	1	-	1	1	-	1
WRF Operator / Mechanic I,II,III	18-21	3	-	3	4	-	4	4	-	4	4	-	4
Laboratory Analyst (I, Senior)	17-18	1	-	1	1	-	1	1	-	1	1	-	1
<b>Total</b>	<b>Total</b>	<b>7</b>	<b>1</b>	<b>7.875</b>	<b>7</b>	<b>1</b>	<b>7.875</b>	<b>7</b>	<b>1</b>	<b>7.875</b>	<b>7</b>	<b>1</b>	<b>7.875</b>
<b>Sewer Maintenance</b>													
Collections Systems Supervisor	24	1	-	1	1	-	1	1	-	1	1	-	1
Pump Maintenance Supervisor	23	1	-	1	1	-	1	1	-	1	1	-	1
Pump Maintenance Mechanic	18	3	-	3	3	-	3	3	-	3	3	-	3
Utility Field Supervisor	19	1	-	1	1	-	1	1	-	1	1	-	1
Utility Maintenance Worker/Technician (all Levels)	13-16	6	-	6	6	-	6	6	-	6	6	-	6
<b>Total</b>	<b>Total</b>	<b>12</b>	<b>-</b>	<b>12</b>	<b>12</b>	<b>-</b>	<b>12</b>	<b>12</b>	<b>-</b>	<b>12</b>	<b>12</b>	<b>-</b>	<b>12</b>
<b>Total Water &amp; Sewer Fund</b>		<b>47</b>	<b>1</b>	<b>47.88</b>	<b>51</b>	<b>1</b>	<b>51.88</b>	<b>53</b>	<b>1</b>	<b>53.875</b>	<b>53</b>	<b>1</b>	<b>53.875</b>
<b>Total Public Utilities</b>		<b>83</b>	<b>1</b>	<b>83.88</b>	<b>88</b>	<b>2</b>	<b>89.63</b>	<b>90</b>	<b>2</b>	<b>91.63</b>	<b>93</b>	<b>1</b>	<b>93.88</b>

Total Funds	FY 2018-2019			FY 2019-2020			FY 2020-2021			FY 2021-2022		
	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE	FT	PT	FTE
Total General Fund	383	3	385.06	415	3	417.06	431	2	431.56	456	2	457.31
Total Electric Fund	36	-	36.00	37	1	37.75	37	1	37.75	40	-	40.00
Total Water & Sewer Fund	47	1	47.88	51	1	51.88	53	1	53.88	53	1	53.88
<b>Total All Funds</b>	<b>462</b>	<b>4</b>	<b>464.94</b>	<b>503</b>	<b>5</b>	<b>506.69</b>	<b>521</b>	<b>4</b>	<b>523.19</b>	<b>549</b>	<b>3</b>	<b>551.19</b>

## **Section 1. Equal Employment Opportunity Policy**

It is the policy of the Town to foster, maintain and promote equal employment opportunity. The Town shall select employees on the basis of the applicant's qualifications for the job and award them with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to ~~age, sex, race, color, religion, national origin, disability, political affiliation or marital status, veteran status, or genetic information~~ **age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.** Applicants with physical disabilities shall be given equal consideration with other applicants for positions in which their disabilities do not represent an unreasonable barrier to satisfactory performance of essential duties with or without reasonable accommodation.

It is a violation of Town policy to retaliate in any way against an employee who assists, participates in, or supports this policy or anyone making a bona-fide complaint under the this policy or who participates or assists in any EEOC, OSHA or other internal or external investigative processes protected by law.

## **Section 2. Implementation of Equal Employment Opportunity Policy**

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of ~~age, sex, race, color, religion, disability, national origin, political affiliation, or marital status~~ **age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.** Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

## **Section 11. Job Related Discrimination and Workplace Harassment**

The Town is committed to maintaining a work environment free of workplace harassment for its employees, customers and citizens. Town of Apex employees are prohibited from engaging in workplace harassment, which is defined as offensive and unsolicited speech or conduct that denigrates or shows hostility or aversion toward a person or group of persons because of such person's or persons' ~~race, color, religion, creed, sex, national origin, age or disability~~ **age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status.**

The speech and conduct prohibited by this policy include, but are not limited to, any offensive and unsolicited speech or conduct based on ~~race, color, religion, creed, sex, national origin, age or disability~~ **age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status** (i) that has the purpose or effect of creating a hostile work environment (as defined below), or (ii) submission to which is made, either explicitly or implicitly, a term or condition of a person's (or group of persons') employment or is used as the basis for employment decisions affecting such person (or group of persons).

For purposes of this policy, workplace harassment shall be deemed to create a hostile work environment if the speech or conduct, taking into account all of the relevant circumstances, (i) is objectively severe enough or sufficiently pervasive enough to create a work environment that a reasonable person would find to be hostile or abusive, (ii) is perceived to be hostile or abusive by the complainant(s), and (iii) has the purpose or effect of substantially interfering with an employee's (or group of employees') work performance.

For purposes of this policy, workplace harassment because of a person's sex shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other speech or conduct of a sexual nature when submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of a person's employment, or is used as the basis for employment decisions affecting such person.

Each employee is responsible for creating an atmosphere free of discrimination. Employees are responsible for respecting the rights of their coworkers.

If an employee experiences any job-related discrimination or harassment based on ~~race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, or pregnancy~~ **age, race, religion, religious belief or non-belief, ethnicity, color, national origin, creed, sex, sexual orientation, gender identity, marital status, natural hair style, genetic information, pregnancy, familial status, disability, veteran or military status, or disabled veteran status** or if an employee believes to have been treated in an unlawful, discriminatory manner or have been unlawfully harassed, the incident should be promptly reported to the supervisor. If the employee believes it would be inappropriate to discuss the matter with his/her supervisor, the incident should be reported directly to the Department Head or the Human Resources Department. Once made aware of the complaint, the Town is committed to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent possible.

If, at the completion of the investigation, the Town determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action will be taken against the offending employee.

The Town prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in the complaint investigation. However, if, after

investigating any complaint of unlawful discrimination, the Town determines that any employee intentionally provided false information regarding the complaint, disciplinary action may be taken against the one who gave the false information.

Violations of this policy shall constitute detrimental personal conduct pursuant to Article IX, Section 4, of the Town's Personnel Policies, and shall subject violators to disciplinary action, up to and including dismissal.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

### Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Belinda Woodard Harris property containing 1.97 acres located at 2924 Evans Road, Annexation #713 into the Town's corporate limits.

### Approval Recommended?

Yes, by the Planning and Community Development Department.

### Item Details

The Town Clerk certifies to the investigation of said annexation.

## Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map







TOWN OF APEX, NORTH CAROLINA  
Municipality No. 333

After recording, please return to:  
Donna Hosch, MMC, NCCMC, Town Clerk  
Town of Apex  
P.O. Box 250  
Apex, NC 27502

ORDINANCE NO. 2021-1214-42  
ANNEXATION PETITION NO. #713  
Belinda Woodard Harris (2924 Evans Road)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF APEX, NORTH CAROLINA  
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on December 14, 2021, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance December 14, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, dated June 15, 2021" and recorded in Book of Maps book number 2021 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 14<sup>th</sup> day of December 2021.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southwestern corner of Willie Larry Harris, Sr. in the eastern property line of Western Wake Development, LLC "Resource Conservation Area"; thence with the southern property line of aforesaid Harris, South 84°27'59" East, 510.44 feet to a calculated point on the western right-of-way of N.C.S.R. No. 1147 (Evans Road); thence crossing the aforesaid road right-of-way, South 82°31'40" East, 59.46 feet to a calculated point on the eastern right-of-way of N.C.S.R. No. 1147 (Evans Road); thence with the eastern right-of-way of aforesaid road right-of-way, South 07°28'17" West, 141.56 feet to a calculated point on aforesaid road right-of-way, being the northwestern corner of another parcel of Willie Larry Harris, Sr.; thence crossing the right-of-way of N.C.S.R. No. 1147 (Evans Road), North 82°20'20" West, 59.26 feet to a calculated point on the western right-of-way of aforesaid road; thence with the western right-of-way of N.C.S.R. No. 1147 (Evans Road), South 09°03'46" West, 27.23 feet to a calculated point on aforesaid right-of-way, being the northeastern corner of Belinda Woodard Harris; thence with the northern property line of aforesaid Harris, North 84°27'59" West, 504.18 feet to a calculated point in the eastern property line of Ernest Peter Jackson, IV; thence with aforesaid Jackson's eastern property line, and beyond with an eastern property line of Western Wake Development, LLC, "Resource Conservation Area", North 05°32'01" East, 168.48 feet the point and place of BEGINNING, containing 2.156 Acres more or less.

Included in this description is a 0.189 Acre portion of NCDOT right-of-way known as N.C.S.R. No. 1147 (Evans Road).

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-1214-42, adopted at a meeting of the Town Council, on the 14<sup>th</sup> day of December, 2021, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 15<sup>th</sup> day of December 2021.

---

Donna B. Hosch, MMC, NCCMC  
Town Clerk

(SEAL)

# PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 713  
Fee Paid \$ 200.00

Submittal Date: 5/20/2021  
Check # 5107

## TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is  **contiguous**,  **non-contiguous** (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

## OWNER INFORMATION

Belinda Woodard Harris  
Owner Name (Please Print)  
(919) 810-2851  
Phone

0721715695  
Property PIN or Deed Book & Page #  
bharris715@hotmail.com  
E-mail Address

\_\_\_\_\_  
Owner Name (Please Print)  
\_\_\_\_\_  
Phone

\_\_\_\_\_  
Property PIN or Deed Book & Page #  
\_\_\_\_\_  
E-mail Address

\_\_\_\_\_  
Owner Name (Please Print)  
\_\_\_\_\_  
Phone

\_\_\_\_\_  
Property PIN or Deed Book & Page #  
\_\_\_\_\_  
E-mail Address

## SURVEYOR INFORMATION

Surveyor: Smith and Smith Surveyors  
Phone: (919) 362-7111 Fax: none  
E-mail Address: staley@smithandsmithsurveyors.net

## ANNEXATION SUMMARY CHART

Property Information	Reason(s) for annexation (select all that apply)
Total Acreage to be annexed: <u>1.97</u>	Need water service due to well failure <input checked="" type="checkbox"/>
Population of acreage to be annexed: <u>4</u>	Need sewer service due to septic system failure <input type="checkbox"/>
Existing # of housing units: <u>1</u>	Water service (new construction) <input type="checkbox"/>
Proposed # of housing units: _____	Sewer service (new construction) <input type="checkbox"/>
Zoning District*: <u>Apex</u>	Receive Town Services <input type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 713

Submittal Date: 5/20/2021

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Belinda Woodard Harris

Please Print

Belinda Woodard Harris  
Signature

/

Please Print

/  
Signature

/

Please Print

/  
Signature

/

Please Print

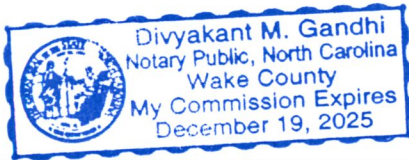
/  
Signature

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, DIVYAKANT M. GANDHI, a Notary Public for the above State and County,  
this the 18<sup>th</sup> day of MAY, 2021

[Signature]  
Notary Public

SEAL



My Commission Expires: Dec 19 2025

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Corporate Name \_\_\_\_\_

SEAL

By: \_\_\_\_\_  
President (Signature)

Attest:

\_\_\_\_\_  
Secretary (Signature)

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

Smith & Smith, Surveyors, P.A.  
P.O. Box 457  
Apex, N.C. 27502  
(919) 362-7111  
Firm License No. C-0155

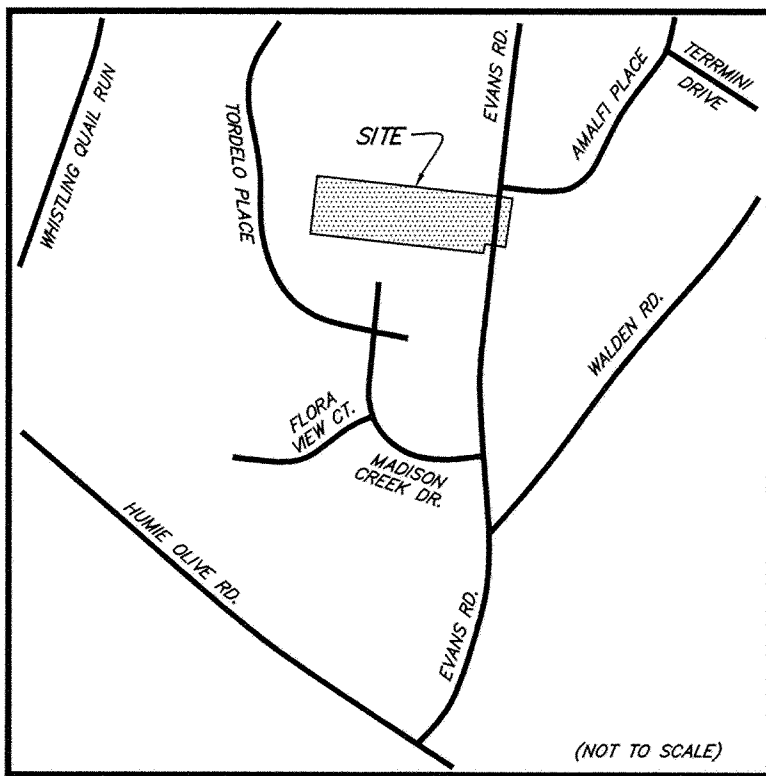
Lying and being in Buckhorn Township, Wake County, North Carolina and being described more fully as follows to wit:

BEGINNING at a point being the southwestern corner of Willie Larry Harris, Sr. in the eastern property line of Western Wake Development, LLC "Resource Conservation Area"; thence with the southern property line of aforesaid Harris, South 84°27'59" East, 510.44 feet to a calculated point on the western right-of-way of N.C.S.R. No. 1147 (Evans Road); thence crossing the aforesaid road right-of-way, South 82°31'40" East, 59.46 feet to a calculated point on the eastern right-of-way of N.C.S.R. No. 1147 (Evans Road) ; thence with the eastern right-of-way of aforesaid road right-of-way, South 07°28'17" West, 141.56 feet to a calculated point on aforesaid road right-of-way, being the northwestern corner of another parcel of Willie Larry Harris, Sr.; thence crossing the right-of-way of N.C.S.R. No. 1147 (Evans Road), North 82°20'20" West, 59.26 feet to a calculated point on the western right-of-way of aforesaid road; thence with the western right-of-way of N.C.S.R. No. 1147 (Evans Road), South 09°03'46" West, 27.23 feet to a calculated point on aforesaid right-of-way, being the northeastern corner of Belinda Woodard Harris; thence with the northern property line of aforesaid Harris, North 84°27'59" West, 504.18 feet to a calculated point in the eastern property line of Ernest Peter Jackson, IV; thence with aforesaid Jackson's eastern property line, and beyond with an eastern property line of Western Wake Development, LLC, "Resource Conservation Area" , North 05°32'01" East, 168.48 feet the point and place of BEGINNING, containing 2.156 Acres more or less.

Included in this description is a 0.189 Acre portion of NCDOT right-of-way known as N.C.S.R. No. 1147 (Evans Road).

This legal description was prepared without the benefit of an actual survey for the sole purpose of municipal boundary annexation.





VICINITY MAP

I, STALEY C. SMITH, certify that this plat was drawn under my supervision from an actual survey made under my supervision from deed description recorded in Deed Book N/A, Page N/A, that the boundaries not surveyed are clearly indicated as drawn from information found in Book 2976, Page 228; that the ratio of precision as calculated is: 1: N/A; This map or plat is exempt from the requirements of G.S. 47-30 pursuant to G.S. 47-30 (j).

Witness my hand and seal this 1st day of November, 2021.



*Staley C. Smith*  
Professional Land Surveyor  
L-3766  
License Number

REFERENCE: ESTATE FILE # 2016-E-3582  
DEED BOOK 2976, PAGE 228 (Back Reference)

**SURVEYOR NOTES:**

- (a) THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- (b) NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
- (c) THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
- (d) NOT A PHYSICAL SURVEY ON THIS DATE.
- (e) THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.
- (f) ALL DISTANCES ARE EXPRESSED AS PRESUMPTIVE HORIZONTAL GROUND U.S. SURVEY FEET MEASUREMENTS.
- (g) AREA DETERMINED USING LEGAL DESCRIPTION PREPARED BY OTHERS.

**LEGEND**

- XXXX - Street Address (Typical)
- TL - Total
- R/W - Right Of Way
- Unsurveyed Right Of Way Line
- Unsurveyed Line
- Unsurveyed Line
- Existing Corporate Limit Line (Unsurveyed)

ANNEXATION # \_\_\_\_\_

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Town Council. I set my hand and seal of the Town of Apex, \_\_\_\_\_, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

**ADJOINING LAND OWNER INFORMATION**

- (A) **JVI BUILDING & DEVELOPMENT, INC.**  
"Resource Conservation Area"  
D.B. 17018, PG. 1664  
B.M. 2018, PGS. 1777 & 1778  
PIN 0721.04-71-9640
- (B) **BELLA CASA HOMEOWNERS ASSOCIATION, INC.**  
"Resource Conservation Area"  
D.B. 17018, PG. 286  
B.M. 2018, PGS. 1777 & 1778  
PIN 0721.04-82-1045

**WESTERN WAKE DEVELOPMENT, LLC**  
"Resource Conservation Area"  
D.B. 15738, PG. 2320  
B.M. 2016, PGS. 535 & 536  
PIN 0721.04-71-2889

DEED NORTH  
D.B. 2976, PG. 228

**WESTERN WAKE DEVELOPMENT, LLC**  
MADISON - PHASE 2  
B.M. 2016, PGS. 535 & 536  
ANNEXATION # 506  
(B.M. 2014, PG. 799)

PIN 0721.04-71-2655

**ERNEST PETER JACKSON, IV**  
**LEANN WRIGHT JACKSON**  
D.B. 16804, PG. 2261  
B.M. 2016, PGS. 535 & 536  
PIN 0721.04-71-2559

**WESTERN WAKE DEVELOPMENT, LLC**  
MADISON - PHASE 2  
B.M. 2016, PGS. 535 & 536

(30)

**WILLIE LARRY HARRIS, SR.**  
D.B. 14082, PG. 2461  
PIN 0721.04-71-6804

THIS ILLUSTRATIVE MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION AND SHOULD NOT BE USED FOR ANY OTHER PURPOSE.

**1.967 ACRES ANNEXED**

PIN 0721.04-71-5695

NOT A PHYSICAL SURVEY

BOUNDARY AND AREA SHOWN HEREON ACCORDING TO DEED BOOK 2976, PAGE 228  
EXISTING IMPROVEMENTS NOT SHOWN

**BELINDA WOODARD HARRIS**  
D.B. 15813, PG. 884  
PIN 0721.04-71-5592

**WILLIE LEE HARRIS, SR.**  
D.B. 13597, PG. 1236  
B.M. 2002, PGS. 1571  
PIN 0721.04-71-9581

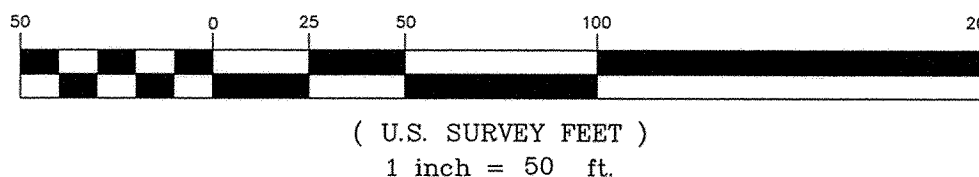
(214) (213)

**AMALFI PLACE**  
(50' PUBLIC R/W ~ B.M. 2016, PGS. 535 & 536)

(215) (216)

(1)

2.156 ACRES TOTAL ANNEXED



**ANNEXATION MAP FOR THE TOWN OF APEX**

**BELINDA WOODARD HARRIS**

BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

**LISTED OWNER**  
(NOT A TITLE VERIFICATION)  
BELINDA WOODARD HARRIS  
715 BRISTOL BLUE STREET  
APEX, N.C. 27502-4114

P.I.N. 0721.04-71-5695



**Smith and Smith, Surveyors, P.A.**

P.O. BOX 457  
APEX, N.C. 27502  
(919) 362-7111

FIRM LICENSE No. C-0155

DATE JUNE 15, 2021

SCALE 1" = 50'

DRAWN BY J.A.B.

PROJECT NO. 2021-53

RECORDED IN BOOK OF MAPS **2021**, PAGE \_\_\_\_\_



Annexation #713



Amalfi Pl

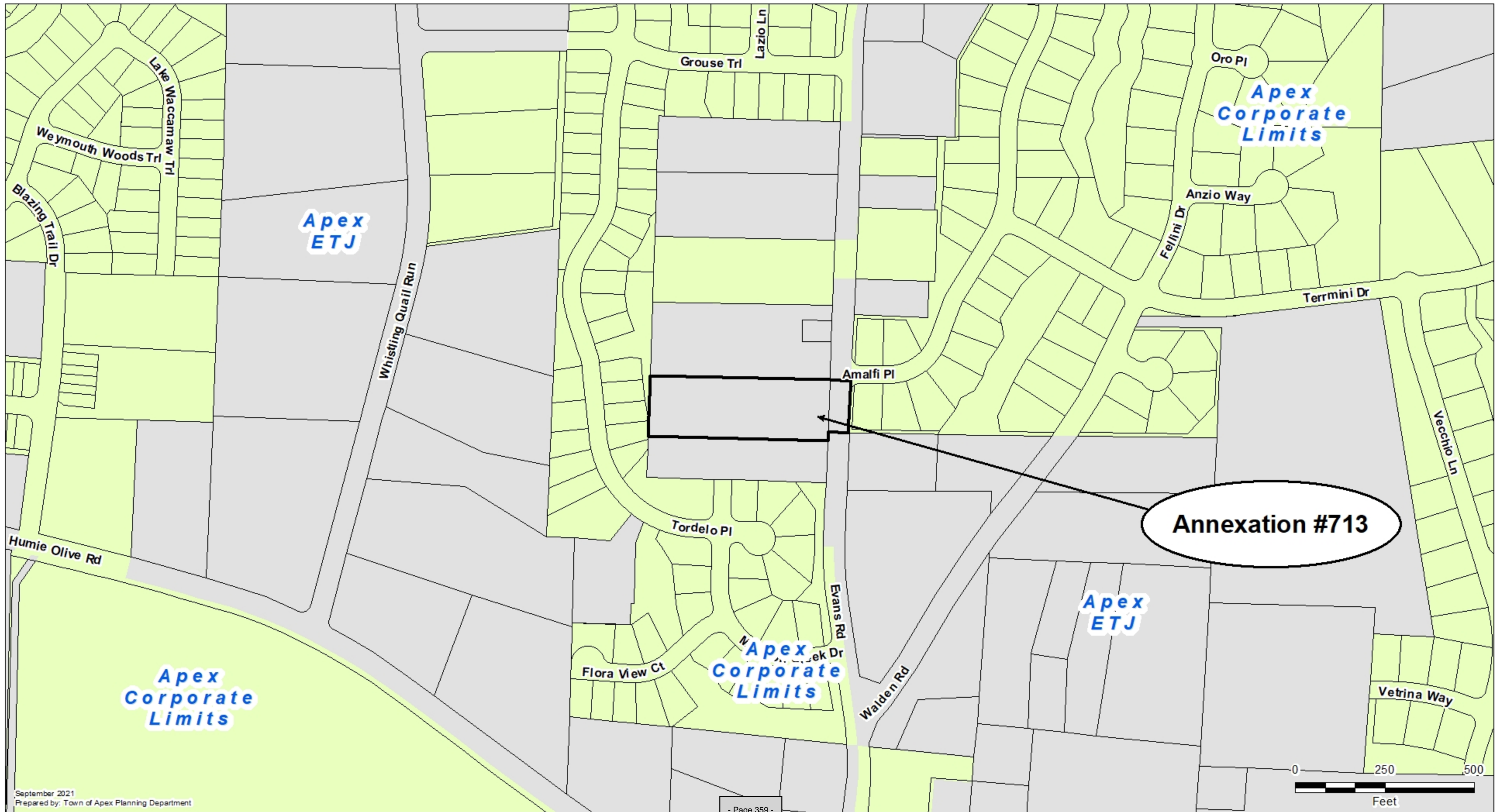
Evans Rd

Tordelo Pl

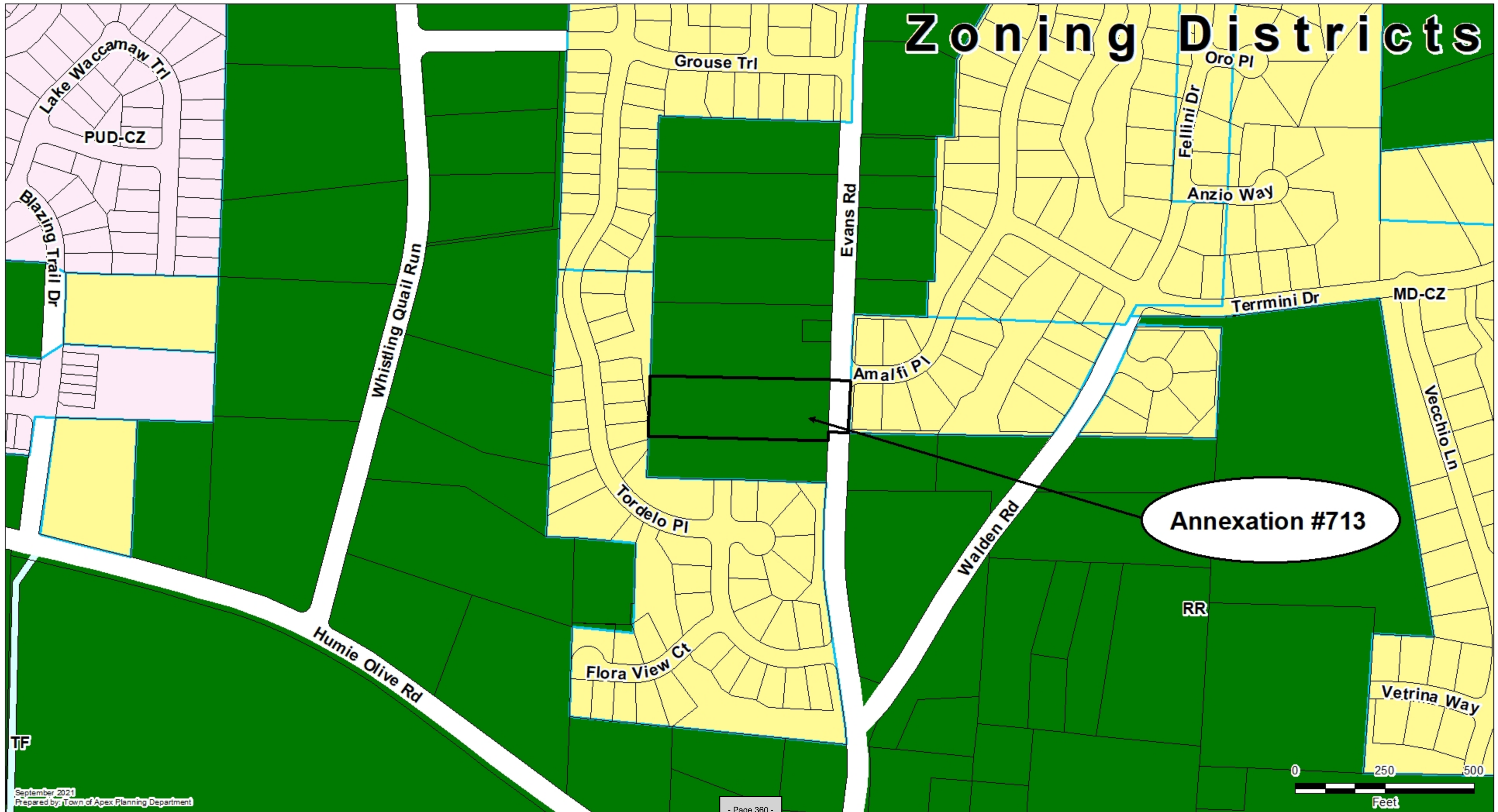
Madison Creek Dr



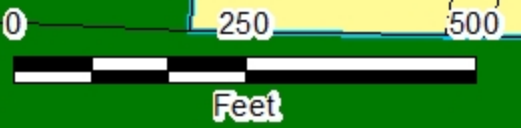




# Zoning Districts



Annexation #713



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: December 14, 2021

## Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

### Requested Motion

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Matthew & Michelle Michela and Justin & Maryann Michela (Hudson Landing) property containing 10.54 acres located at 7517 Roberts Road, 2310 Pollard Place, & 2000 Cabin Cove Road, Annexation #718 into the Town's corporate limits.

### Approval Recommended?

Yes, by the Planning and Community Development Department.

### Item Details

The Town Clerk certifies to the investigation of said annexation.

## Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Map







TOWN OF APEX, NORTH CAROLINA  
Municipality No. 333

After recording, please return to:  
Donna Hosch, MMC, NCCMC, Town Clerk  
Town of Apex  
P.O. Box 250  
Apex, NC 27502

ORDINANCE NO. 2021-1214-43  
ANNEXATION PETITION NO. #718  
Matthew & Michelle Michela & Justin & Maryann Michela (Hudson Landing)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF APEX, NORTH CAROLINA  
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. December 14, 2021, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. § 160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on December 14, 2021. The survey plat that describes the annexed territory is that certain survey plat entitled "Satellite Annexation Map for The Town of Apex, dated September 22, 2020" and recorded in Book of Maps book number 2021 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. § 160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 14<sup>th</sup> day of December 2021.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney



Legal Description

Lying and being in White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the southern 60' right of way of Roberts Road (NCSR 1608), Herman Wayne Roberts' northeast corner (D.B. 3814, PG. 154) located North 79° 50' 43" East, 90.62 feet from a 6 inch nail set bearing NAD 83 (2011) NC grid coordinate values of North 735,205.28 US survey feet, East 2,031,105.04 US survey feet; thence South 00° 51' 41" West, 906.78 feet to an existing iron pipe; thence North 89° 10' 59" West, 497.98 feet to an existing iron pipe; thence North 00° 31' 12" East, 946.86 feet to an existing iron pipe; thence South 78° 40' 50" East, 125.30 feet to an existing iron pipe; thence South 82° 49' 27" East, 124.34 feet to an iron pipe set; thence South 88° 24' 41" East, 256.84 feet to the BEGINNING, containing 10.5432 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Jones & Cossen Engineering, PLLC", dated September 22, 2020.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2021-1214-43, adopted at a meeting of the Town Council, on the 14<sup>th</sup> day of December, 2021, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 15<sup>th</sup> day of December 2021.

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

(SEAL)

**PETITION FOR VOLUNTARY ANNEXATION**

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 718 Submittal Date: 8/30/21  
 Fee Paid \$ 200.00 Check # #200.00

**TO THE TOWN COUNCIL APEX, NORTH CAROLINA**

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads, and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

**OWNER INFORMATION**

Matthew & Michelle Michela	0733059045
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(978) 875-0821	justin@themichelas.org
Phone	E-mail Address
Justin & Maryann Michela	0733049734
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(978) 875-0821	justin@themichelas.org
Phone	E-mail Address
Justin & Maryann , and Matthew & Michella Michela	0733049444
Owner Name (Please Print)	Property PIN or Deed Book & Page #
(978) 875-0821	justin@themichelas.org
Phone	E-mail Address

**SURVEYOR INFORMATION**

Surveyor: Smith & Smith Surveyors  
 Phone: (919) 362-7111 Fax: \_\_\_\_\_  
 E-mail Address: staley@smithandsmithsurveyors.net

**ANNEXATION SUMMARY CHART**

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>10.54</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>N/A</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>3</u>	Water service (new construction)	<input checked="" type="checkbox"/>
Proposed # of housing units:	<u>22</u>	Sewer service (new construction)	<input checked="" type="checkbox"/>
Zoning District*:	<u>PUD-CZ</u>	Receive Town Services	<input checked="" type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 718

Submittal Date: 8/30/21

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Justin Michela  
Please Print

Justin Michela  
Signature

Maryann Michela  
Please Print

Maryann Michela  
Signature

Matthew Michela  
Please Print

Matthew Michela  
Signature

Michelle Michela  
Please Print

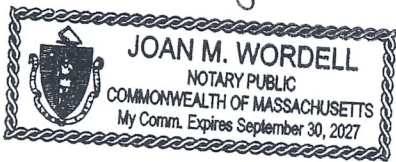
Michelle Michela  
Signature

STATE OF ~~NORTH CAROLINA~~ Massachusetts  
COUNTY OF ~~WAKE~~ Middlesex

Sworn and subscribed before me, Joan M Wordell, a Notary Public for the above State and County,  
this the 23<sup>rd</sup> day of August, 2021.

Joan M Wordell  
Notary Public

SEAL



My Commission Expires: Sept. 30, 2027

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

SEAL Corporate Name \_\_\_\_\_

Attest: \_\_\_\_\_  
By: \_\_\_\_\_  
President (Signature)

Secretary (Signature) \_\_\_\_\_

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County,  
this the \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public

SEAL

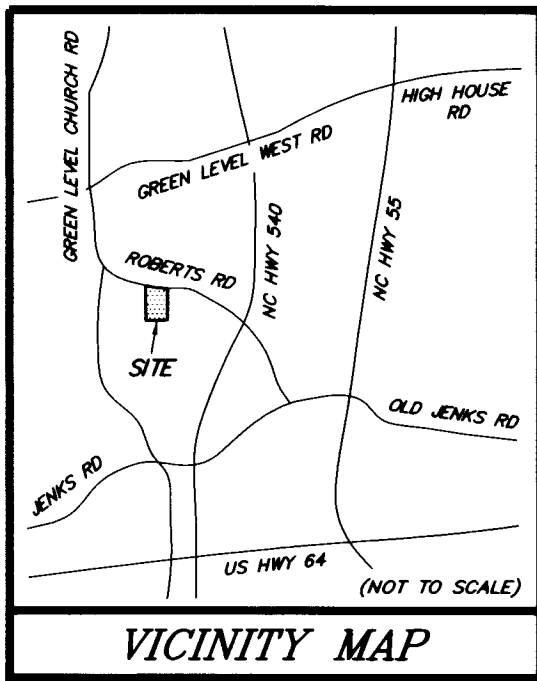
My Commission Expires: \_\_\_\_\_

Smith & Smith Surveyors, P.A.  
P.O. Box 457  
Apex, N.C. 27502  
(919) 362-7111  
Firm License No. C-0155

Lying and being in White Oak Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at an existing iron pipe on the southern 60' right of way of Roberts Road (NCSR 1608), Herman Wayne Roberts' northeast corner (D.B. 3814, PG. 154) located North  $79^{\circ} 50' 43''$  East, 90.62 feet from a 6 inch nail set bearing NAD 83 (2011) NC grid coordinate values of North 735,205.28 US survey feet, East 2,031,105.04 US survey feet; thence South  $00^{\circ} 51' 41''$  West, 906.78 feet to an existing iron pipe; thence North  $89^{\circ} 10' 59''$  West, 497.98 feet to an existing iron pipe; thence North  $00^{\circ} 31' 12''$  East, 946.86 feet to an existing iron pipe; thence South  $78^{\circ} 40' 50''$  East, 125.30 feet to an existing iron pipe; thence South  $82^{\circ} 49' 27''$  East, 124.34 feet to an iron pipe set; thence South  $88^{\circ} 24' 41''$  East, 256.84 feet to the BEGINNING, containing 10.5432 total acres more or less as shown on a map prepared by Smith & Smith Surveyors, P.A. entitled "Annexation Map for the Town Of Apex, Jones & Cossen Engineering, PLLC", dated September 22, 2020.

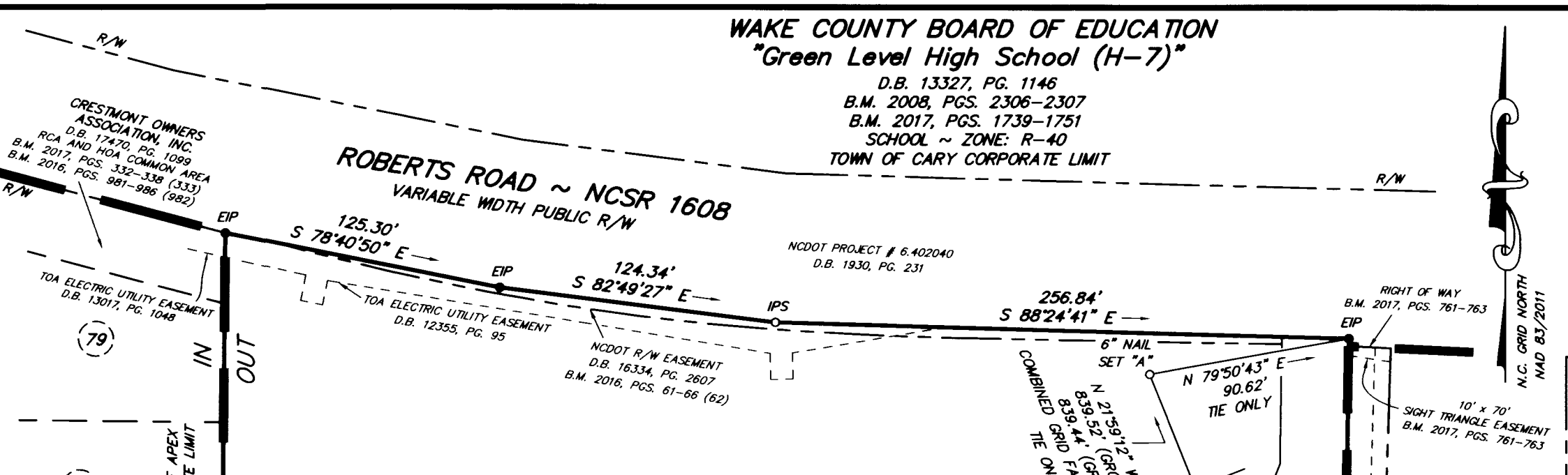




**CONTROL POINTS**  
 N.C. GRID COORDINATES  
 NAD 83 (2011)  
 SPECTRA PRECISION  
 EPOCH 50 MODEL #68410-00  
 SERIAL #5213829580  
 FREQUENCY: 430 - 470MHz  
 GCMD 2018  
 NCGS BASE STATION "NCL"  
 GNSS NORTH SURVEY 09/22/2020  
 10:00 AM - 11:30 AM  
 COMBINED FACTOR = 0.99990471

6" NAIL SET "A"  
 N = 735,205.28'  
 E = 2,031,105.04'  
 U.S. SURVEY FEET

6" NAIL SET "B"  
 N = 734,426.89'  
 E = 2,031,419.32'  
 U.S. SURVEY FEET



**WAKE COUNTY BOARD OF EDUCATION**  
**"Green Level High School (H-7)"**  
 D.B. 13327, PG. 1146  
 B.M. 2008, PGS. 2306-2307  
 B.M. 2017, PGS. 1739-1751  
 SCHOOL ZONE: R-40  
 TOWN OF CARY CORPORATE LIMIT

**VICINITY MAP**

I, STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION AS RECORDED IN:

- DEED BOOK 18213, PAGE 1679
- DEED BOOK 18213, PAGE 1665
- DEED BOOK 18213, PAGE 1641
- BOOK OF MAPS 2017, PAGE 2026
- BOOK OF MAPS 1997, PAGE 1624
- BOOK OF MAPS 1985, PAGE 2217

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS BROKEN LINES AND WERE PLOTTED FROM INFORMATION AS REFERENCED HEREON; THAT THE RATIO OF PRECISION AS CALCULATED WAS 1: 155,842 AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56 .1600)

THAT THE GLOBAL NAVIGATION SATELLITE SYSTEM (GNSS) WAS USED TO PERFORM A PORTION OF THIS SURVEY AND THE FOLLOWING INFORMATION WAS USED:  
 Class of survey: A  
 Positional Accuracy: < 0.10' AT 95% CONFIDENCE LEVEL  
 Type of GPS field procedure: NGRN/VRS  
 Dates of survey: 9-22-2020  
 Datum/Epoch: NAD 83 (2011)  
 Published/Fixed-control use: NCGS BASE STATION "NCL" (PID DL3891)  
 Geoid model: 2018  
 Combined grid factor(s): 0.99990471  
 Units: U.S. SURVEY FEET

WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 1ST DAY OF NOVEMBER, 2021.

*Staley C. Smith*  
 Professional Land Surveyor  
 L-3766  
 License Number

**SURVEYOR NOTES:**

- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING THE SAME.
- NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
- THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
- ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FEET GROUND MEASUREMENTS.
- AREA DETERMINED BY COORDINATE METHOD.
- CURRENT PROPERTY ZONING: PUD-GZ (20CZ11)
- THIS MAP IS PREPARED FOR THE SOLE PURPOSE TO ANNEX A MUNICIPAL BOUNDARY.
- THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30(i).
- IMPROVEMENTS NOT SHOWN HEREON.

10. LISTED OWNERS:  
 (NOT A TITLE VERIFICATION)

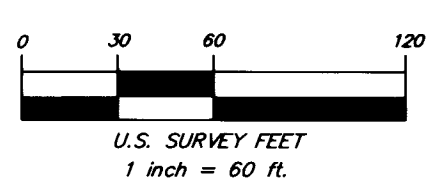
NAME	PIN	PARCEL
MATTHEW ANTHONY MICHELA MICHELLE ANNE MICHELA 7517 ROBERTS RD CARY, NC 27519	0733-05-9045	1
JUSTIN MATTHEW MICHELA MARYANN MICHELA MATTHEW ANTHONY MICHELA MICHELLE ANNE MICHELA 2000 CABIN COVE RD CARY, NC 27519	0733-04-9734	2
JUSTIN MATTHEW MICHELA MARYANN MICHELA 2000 CABIN COVE RD CARY, NC 27519	0733-04-9444	6

- Legend**
- EIP - Existing Iron Pipe
  - IPS - Iron Pipe Set
  - R/W - Right Of Way
  - TOA - Town of Apex
  - DEP - Duke Energy Progress
  - PUE - Public Utility Easement
  - VRS - Virtual Reference Station
  - CORS - Continuously Operating Reference System
  - NCRN - North Carolina Real-Time Network
  - PID - Permanent Identifier
  - NCSR - North Carolina Secondary Road
  - NCGS - North Carolina Geodetic Survey
  - GPS - Global Positioning System
  - NAD 83 (2011) - NORTH AMERICAN DATUM 1983
  - BMP - Best Management Practice
  - NC DOT - North Carolina Department of Transportation
  - HOA - HomeOwner Association
  - RCA - Resource Conservation Area
- Surveyed Line  
 - - - - - Surveyed Line  
 - - - - - Property Line (not surveyed)  
 - - - - - Right Of Way Line (not surveyed)  
 - - - - - Other Line (not surveyed)  
 - - - - - Existing Corporate Limit Line

**ANNEXATION #**  
 I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted the \_\_\_\_\_ day of \_\_\_\_\_, 2021, by the Town Council. I set my hand and seal of the Town of Apex, \_\_\_\_\_, 2021.

Donna B. Hosch, MMC, NCCMC, Town Clerk

**10.5432 ACRES ANNEXED**



**SATELLITE ANNEXATION MAP for the TOWN OF APEX**  
**JONES & CROSSEN ENGINEERING, PLLC**  
 WHITE OAK TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

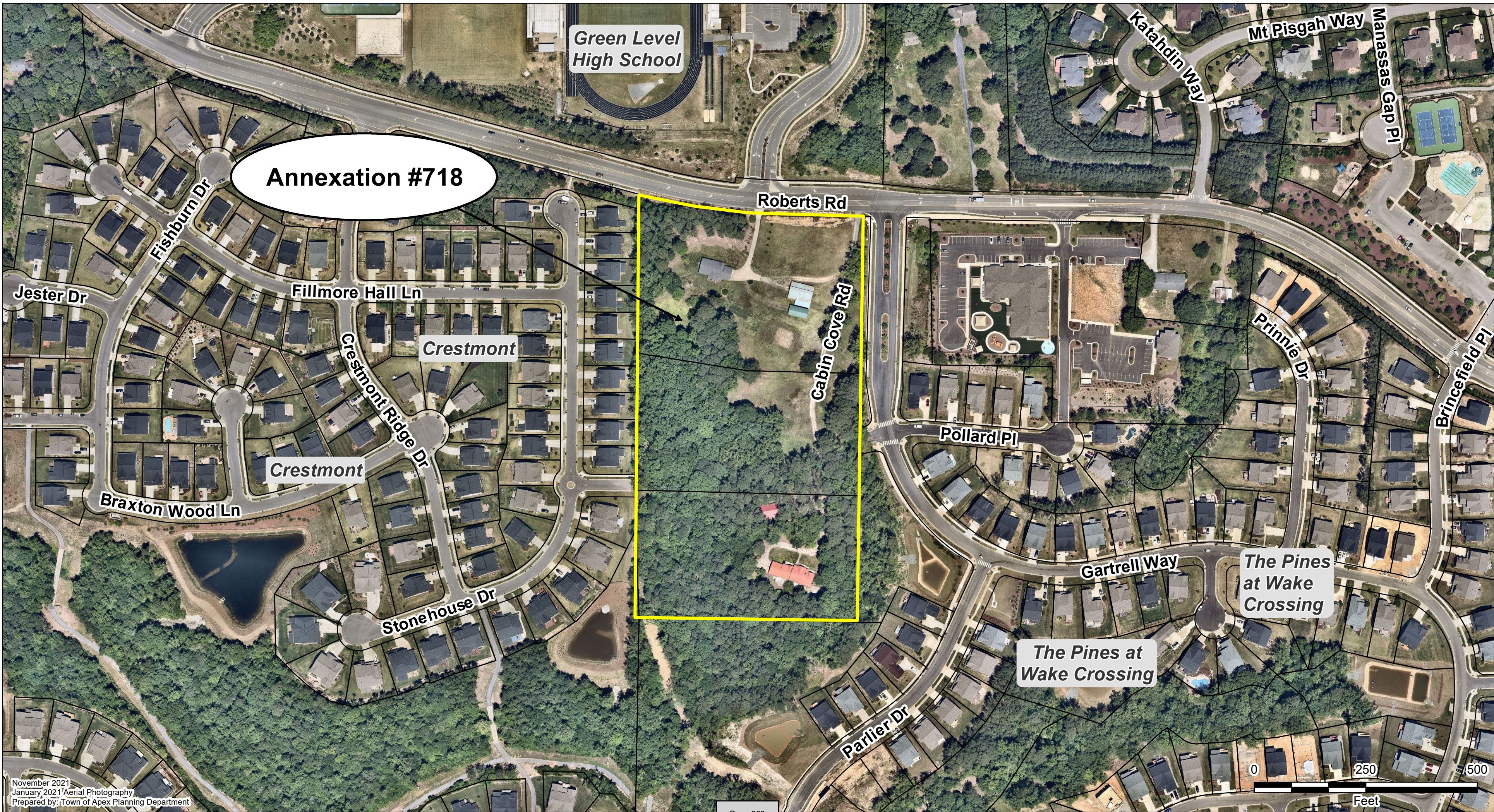
REVISIONS

**Smith & Smith, Surveyors, P.A.**  
 P.O. BOX 457  
 APEX, N.C. 27502  
 (919) 362-7111

**FIELD DATE**  
 SEPT 22, 2020  
**SCALE**  
 1" = 60'  
**DRAWN BY**  
 WEH  
**PROJECT NO.**  
 2020-63

RECORDED IN BOOK OF MAPS 2021, PAGE \_\_\_\_\_





**Annexation #718**

Green Level High School

Roberts Rd

Katahdin Way

Mt Pisgah Way

Manassas Gap Pl

Jester Dr

Fillmore Hall Ln

Crestmont

Crestmont

Crestmont Ridge Dr

Braxton Wood Ln

Cabin Cove Rd

Pollard Pl

Prinnie Dr

Brincefield Pl

Stonehouse Dr

Garrell Way

The Pines at Wake Crossing

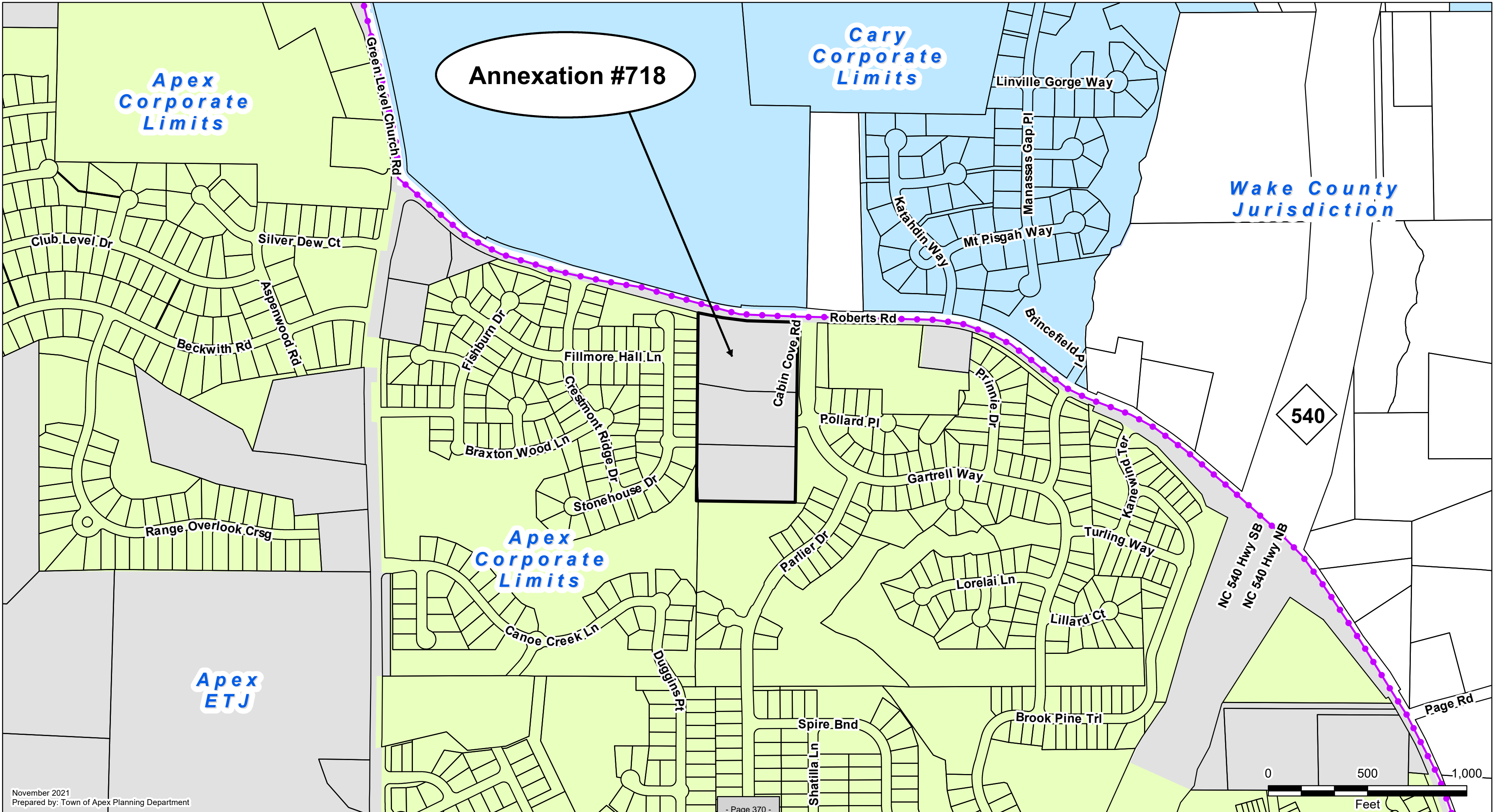
The Pines at Wake Crossing

Parlier Dr

0 250 500

Feet





**Annexation #718**

**Apex Corporate Limits**

**Cary Corporate Limits**

**Wake County Jurisdiction**

**Apex Corporate Limits**

**Apex ETJ**

**540**

0 500 1,000

Feet



# Zoning Districts

LD-CZ

B1-CZ

O&I-CZ

WC: R-40W

540

MD-CZ

LD

Annexation #718

RR

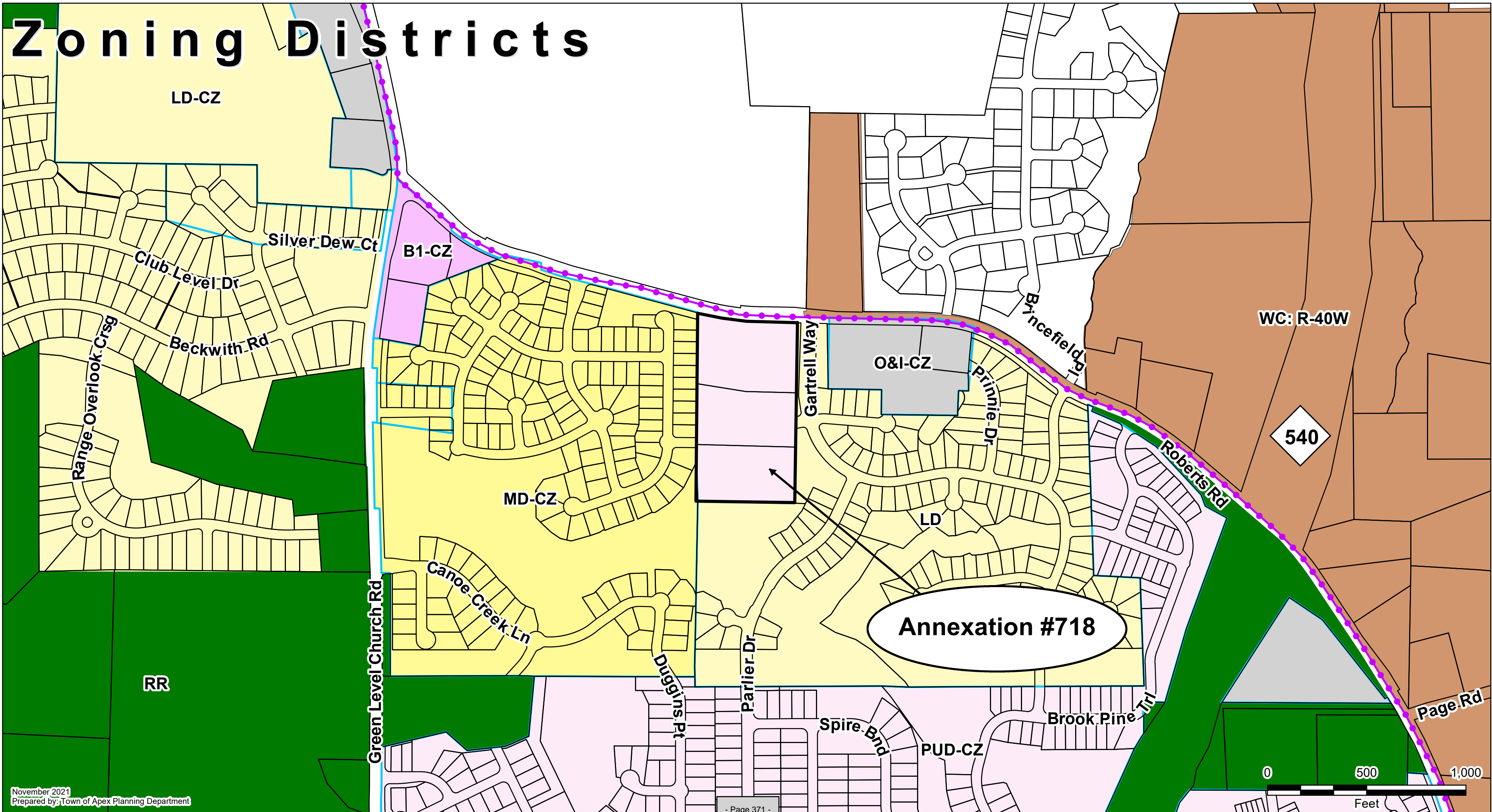
PUD-CZ

0

500

1,000

Feet



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS  
Meeting Date: December 14, 2021

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

### Requested Motion

Recognition of retiring Mayor Pro Tem Nicole L. Dozier

### Approval Recommended?

N/A

### Item Details

Mayor Gilbert will make presentation to Mayor Pro Tem Dozier recognizing her eight years of exemplary service to Town staff and to the Town of Apex as a whole.

### Attachments

- N/A

