



AGENDA | VIRTUAL REGULAR TOWN COUNCIL MEETING

October 12, 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](#) Mayor Jacques K. Gilbert

Presentation of Breast Cancer Awareness Month Proclamation

[PR2](#) Craig Setzer, Director Parks, Recreation, and Cultural Resources and Angela Reincke, Parks Planning Project Manager

Presentation on the status of the Pleasant Park project including images and overview of the current project scope.

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](#) Donna Hosch, Town Clerk

Motion to approve Minutes of the September 14, 2021 Regular Council Meeting

[CN2](#) Tesa Silver, Deputy Town Clerk

Motion to approve Minutes of the September 28, 2021 Regular Council Meeting

[CN3](#) Donna Hosch, Town Clerk

Motion to approve the Apex Tax Report dated 09/04/2021

[CN4](#) Amanda Bunce, Current Planning Manager

Motion to approve Statement of the Town Council for Rezoning Case #21CZ15 Chapel Ridge Towns PUD, Toll Bros., Inc., petitioner, for the properties located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way.

[CN5](#) Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the Town Sponsored Event request for the Town of Apex to host a Hispanic Heritage Month Celebration on Saturday, October 16, 2021 at The Depot Parking Lot & Plaza.

[CN6](#) Vance Holloman, Finance Director

A motion to approve Capital Project Ordinance Amendment No. 2022-2 and Budget Ordinance Amendment No. 7 which will appropriate the proceeds of an installment financing agreement for projects in the General Capital Project Fund and authorize the transfer of public safety reserves funds to the Project Fund for the Public Safety Station No. 36 Project.

[CN7](#) Colleen Merays, Downtown & Small Business Development Coordinator

Motion to approve the Co-Sponsored Event request for Peaktique on Friday, October 22 to Sunday, October 24, 2021.

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](#) Jenna Shouse, Senior Long Range Planner

Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to change the bicycle and pedestrian facility type along the east side of Laura Duncan Road, north of Old Apex Road, and to add the Swift Creek Greenway.

[PH2](#) Jenna Shouse, Senior Long Range Planner

Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to realign a proposed greenway in Apex Jaycee Park, add a proposed grade-separated bicycle/pedestrian crossing of NC 55, and add a proposed side path along the east side of W Williams Street from the proposed greenway to S Salem Street.

OLD BUSINESS

- [OB1](#) Tom Colwell, Public Art Committee Chair
Possible motion to approve the purchase of the People's Choice Award winner (Uphill Battle by Ethan Morrow) from the Apex Sculpture Walk.
- [OB2](#) Tom Colwell, Public Art Committee Chair
Possible motion to approve the location (brick retaining wall near Apex Police Station) for the previously approved Unity Mural project.

UNFINISHED BUSINESS

NEW BUSINESS

UPDATES BY TOWN MANAGER

- [TM1](#) Catherine Crosby, Town Manager
Updates on Town operations by Town Manager Catherine Crosby

CLOSED SESSION

WORK SESSION

- [WS1](#) Craig Setzer, Director Parks, Recreation and Cultural Resources; Angela Reincke, Parks Planning Project Manager; Shweta Nanekar, Civic Spaces Project Manager, McAdams Company; Jenn Beedle, Park Planner, McAdams Company; Sonya Shaw, Community Engagement Specialist, McAdams Company; Rachel Cotter, Principal in Charge, McAdams Company
Presentation from McAdams Company, selected to lead the comprehensive Parks, Recreation, Greenways, and Open Space Master Plan

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION
Meeting Date: October 12, 2021

Item Details

Presenter(s): Mayor Jacques K. Gilbert

Department(s): Governing Body

Requested Motion

Presentation of Breast Cancer Awareness Month Proclamation

Approval Recommended?

N/A

Item Details

N/A

Attachments

- Proclamation



Town of Apex, North Carolina
Proclamation
from the Office of the Mayor

BREAST CANCER AWARENESS MONTH 2021

WHEREAS, breast cancer is the second most common cancer affecting women; and

WHEREAS, 1 in 8 women will develop breast cancer over the course of their lifetime, and 281,550 women will be diagnosed with breast cancer in the United States in 2021; and

WHEREAS, this year marks the 30th anniversary of the National Breast and Cervical Cancer Early Detection Program which provides free screenings to low-income and underinsured women and also to Tribal organizations and Territories; and

WHEREAS, even though advocates and the medical community have helped our Nation to make great progress in the fight against cancer, there is still a long way to go before this disease no longer threatens American lives; and

WHEREAS, the Affordable Care Act has expanded coverage to millions of women who were previously uninsured and has given millions of women access to preventive services; and

WHEREAS, insurance companies can no longer discriminate against women with pre-existing conditions such as breast cancer; and

WHEREAS, this month we stand in solidarity with breast cancer survivors across the country and reaffirm our commitment to advancing research efforts that deliver hope to patients everywhere.

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby encourage our residents to join in activities that will increase awareness of what we can do to prevent and control breast cancer, and pay tribute to those who have lost their lives to this disease.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Seal of the Town of Apex, North Carolina to be affixed this the 12th day of October 2021



A handwritten signature in black ink, appearing to read "Jacques K. Gilbert", is written over a horizontal line.

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: October 12, 2021

Item Details

Presenter(s): Craig Setzer, Director Parks, Recreation, and Cultural Resources and Angela Reincke,
Parks Planning Project Manager

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Presentation on the status of the Pleasant Park project including images and overview of the current project scope.

Approval Recommended?

N/A

Item Details

N/A

Attachments

- PowerPoint presentation





Apex Parks, Recreation & Cultural Resources – Pleasant Park Update

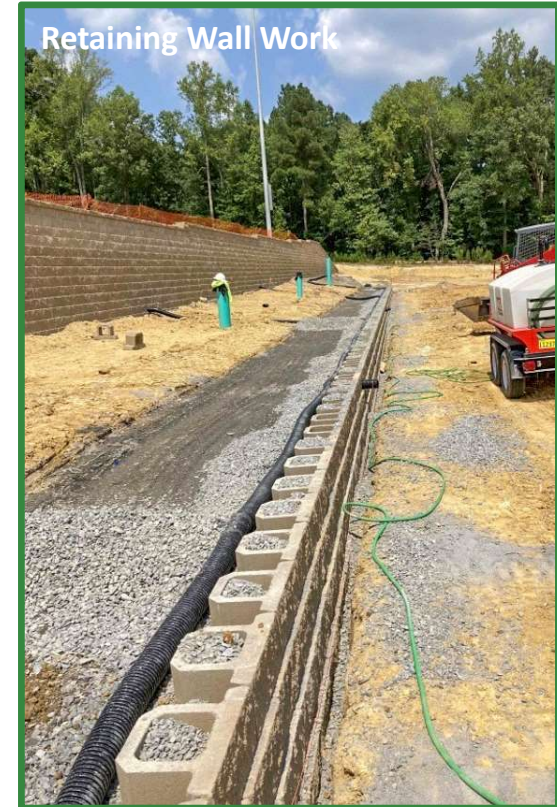
October 12, 2021



Pleasant Park

Construction started in **August 2020**

- Clearing and Grading
- Infrastructure and Walls
- 6 Multi-Purpose fields
 - *Lighting and scoreboard installation*
 - *Turf, fencing, & netting installation*



Pleasant Park

Field Lighting



Field Drainage



Field Fencing



Turf Field



Field Membrane



Pleasant Park *Enchanted Forest*

1.5 acres with 7 play villages for all ages and abilities

- Installation slated to start in October
- Nature Play and Water Play
- Opportunities to Partner in Play



Programming in the Enchanted Forest

Inclusive play areas for all ages

- Story hour with interactive play time
- Senior and specialized recreation in Melody Madness
- Tactile play in Discovery Dig and Sticks & Stones



Concept to Completion

- Story to tell
- Coordinated theme throughout the entire project
- Colored coded park zones
- A place for Apex to Stay and Play
- Opportunity to Partner in Play



Questions?



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: October 12, 2021

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the September 14, 2021 Regular Council Meeting

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 2021.09.14 Minutes





| VIRTUAL REGULAR TOWN COUNCIL MEETING

September 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

In attendance were: Mayor Pro Tem Nicole Dozier and Council Members Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Catherine Crosby, Assistant Town Manager Marty Stone, Town Clerk Donna B. Hosch, and Deputy Town Attorney Brian Meyer. Absent were: Mayor Jacques K. Gilbert and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Pro Tem Dozier called the meeting to order and thanked everyone for joining the livestream. She asked for a short moment of reflection, and then led the Pledge of Allegiance.

Mayor Pro Tem Dozier called for a roll call, all those in attendance responding.

PRESENTATIONS

There were no Presentations to be made.

CONSENT AGENDA

- CN1 Donna Hosch, Town Clerk
Minutes of the August 4, 2021 Special Council Meeting.
- CN2 Tesa Silver, Deputy Town Clerk
Minutes of the August 24, 2021 Regular Council Meeting.
- CN3 Donna Hosch, Town Clerk

Amended Minutes for Public Hearing 4 on October 6, 2020 due to a scrivener's error in the first of the motions.

CN4 Donna Hosch, Town Clerk

Apex Tax Report dated 07/04/2021.

CN5 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendment related to the use "Personal Service" on August 24, 2021.

CN6 Amanda Bunce, Current Planning Manager

Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of August 24, 2021.

CN7 Liz Loftin, Senior Planner

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

CN8 Liz Loftin, Senior Planner

Set Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni, LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

CN9 Shelly Mayo, Planner II

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing for September 28, 2021 on the Question of Annexation - Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

CN10 Shelly Mayo, Planner II

Set the Public Hearing for the September 28, 2021 Town Council meeting regarding Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI

Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. (R-80W) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

CN11 Liz Loftin, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #21CZ13 Evans Road PUD. Jason Vickers for Beazer Homes, is the petitioner for the properties located at 0, 0, 2921, 2929, 3025, 3027, 3029, 3033 Evans Road, 0, 7616, 7628 Humie Olive Road & 0, 0, 2825, 2828, 2905, 2909, 2912, 2917, 2925 Walden Road.

CN12 Shannon Cox, Long Range Planning Manager

Approve and authorization for the Town Manager to sign and execute the General Operating Agreement for Bus Operations - Community Funding Area Program for Wake Transit Fiscal Year 2022.

CN13 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owners Sukhbir Dhillon and spouse Jaya Dhillon to install a fence of which 135 S.F. will encroach onto portions of the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN14 Russell Dalton, Traffic Engineering Manager

Hold Harmless Agreement with NCDOT for the drainage associated with the Apex Peakway U-5928 project and authorization for the Town Manager to execute same.

CN15 Mary Beth Manville, Human Resources Director

6 additional full-time positions (FTEs) for the Administration (4 FTEs), Human Resources (1 FTE), and Economic Development (1 FTE) departments, and the associated budget amendment.

CN16 Michael Deaton, P.E., Director

Amended Fats, Oils, and Grease Ordinance providing legal authority for enforcement and inspection of Food Service Establishments as required by the Town's Sewer Collection System Permit issued by the North Carolina Department of Environmental Quality.

Deputy Attorney Meyer stated there was a correction to the cover sheet for CN15.

Mayor Pro Tem Dozier called for a motion to adopt the Consent Agenda with the corrected cover sheet for CN15. Council Member Killingsworth made the motion;
Council Member Stallings seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Pro Tem Dozier called for a motion to adopt the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Gantt seconded the motion.

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

PUBLIC FORUM

There were no Public Forum comments to present.

PUBLIC HEARINGS

PH1 Christopher "C.J." Valenzuela, Housing Programs Manager and Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Town Manager Crosby introduced new staff member C.J. Valenzuela, stating that he was going to be a great addition to the team. She provided brief background Valenzuela, stating that he is our first Housing Programs Manager.

Staff oriented Council to the amendments regarding the power and duties of the Housing Advisory Board, and its membership, establishment, and terms.

Staff also oriented Council to amendments related to electric vehicle charging spaces, building aesthetics, and architectural character. The Planning Board and staff recommended approval.

Staff answered Council questions related to what initiated the amendments.

Mayor Pro Tem Dozier declared the Public Hearing open. With there being no public comments to be heard, Mayor Pro Tem Dozier declared the Public Hearing closed.

Mayor Pro Tem Dozier called for a motion to approve the Amendments. Council Member Stallings made the motion; Council Member Killingsworth seconded the motion.

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

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

UPDATES BY TOWN MANAGER

Crosby congratulated the members of the Fire Department for placing second in the Rescue Skills Competition with the NC Association of Rescue and EMS. This was their first competition. Those who participated were Firefighters Kevin Butts, Ian Bass, John Burnette, Michael Kaplan, Chad Ellis, and Josh Strickland. [APPLAUSE!]

Crosby acknowledged employee kudos which had been received. She spent time with several departments, thanks going to the Police Department for a ride along and to employees in Public Works for hosting her in equipment, grounds, yard waste, fleet, and Town operations.

MPT Dozier thanked Crosby for sharing the activities of staff. Council stated she had a chance to do these types of experiences via Peak Academy and looked forward to doing these types of activities again. She looked forward to when Peak Academy could restart, noting that three of them had been through the program. MPT Dozier thanked Donna Hosch and her team for the Peak Academy program.

Council asked for an update on the Senior Center. Crosby stated the opening date had been pushed back to October and that she would keep everyone informed as to its opening.

Crosby thanked all staff members who came out for Peak Fest and the time they put in. She also mentioned the first neighborhood meeting with Justice Heights on September 27th and its intended purpose. She was excited about this first opportunity. Forthcoming we will have a date to swear in Police Chief Jason Armstrong.

Additional Council comments:

- Kudos to both Police and Fire for two incidents which were handled professionally during Patriots Day. Things went smoothly and no one panicked. Thanks to Fire for rescuing a horse from a muddy pit.
- Kudos echoed to staff during PeakFest for their professionalism and customer service, which was very impressive. The 911 memorial was well done.
- Kudos echoed about staff performance during PeakFest, and it was appreciated that the community could engage with staff.

CLOSED SESSION

There were no Closed Session items for consideration.

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business, Mayor Pro Tem Dozier declared the meeting adjourned with no objections from staff.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Nicole L. Dozier, Mayor Pro Tem

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA
Meeting Date: October 12, 2021

Item Details

Presenter(s): Tesa Silver, Deputy Town Clerk

Department(s): Office of the Town Clerk

Requested Motion

Motion to approve Minutes of the September 28, 2021 Regular Council Meeting

Approval Recommended?

Yes

Item Details

N/A

Attachments

- 9.28.21 Regular Meeting Minutes





| VIRTUAL REGULAR TOWN COUNCIL MEETING

September 28, 2021 at 6:00 PM

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

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, Deputy Town Clerk Tesa Silver, and Assistant Town Attorney Brian Meyer.

COMMENCEMENT

Mayor Gilbert called the meeting to order and roll called attendance. Mayor Gilbert reflected upon a recent tree planting experience, and how it is important it is to leave a legacy for the next generation. Mayor Gilbert led the pledge.

PRESENTATIONS

PR1 Jacques K. Gilbert, Mayor
Presentation of Indigenous Peoples Day Proclamation

Mayor Gilbert read the proclamation for Indigenous Peoples Day.

PR2 Jacques K. Gilbert, Mayor
Presentation of the Government Finance Officers Association's (GFOA's) Award of Achievement for Excellence in Financial Reporting to Vance Holloman, Finance Officer and Suzanne Parmentier, Accounting Manager.

Mayor Gilbert presented the award and acknowledged the achievements made by the finance department over the last 27 years. He congratulated Mr. Holloman and Ms. Parmentier. Council congratulated both Mr. Holloman and Ms. Parmentier, they recognized the department's level of excellence and the quality of work that has been contributed over the years. Mr. Holloman thanked Council, the finance staff, the departments, and Ms. Parmentier for their contributions.

CONSENT AGENDA

- CN1 Shannon Cox, Long Range Planning Manager
Authorize the Town Manager to sign and execute, a Municipal Agreement with Wake County, North Carolina to use Community Development Block Grant (CDBG) funding to complete a sidewalk connection and enhancements to transit stops that would benefit low- and moderate-income persons.
- CN2 Amanda Bunce, Current Planning Manager
Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of September 14, 2021.
- CN3 Michael Deaton, PE, Director
Multi-year Master Agreements for On-Call Professional Services for multiple firms.
- CN4 Megan Pendell, Sustainability Coordinator
Appoint Greg Reger as a new member on the Environmental Advisory Board (EAB).
- CN5 Michael Deaton, PE, Director
An ILA with Holly Springs for water supply mutual aid.
- CN7 Colleen Merays, Downtown & Small Business Development Coordinator
Co-Sponsored Special Event Permit request for Apex Rotary Christmas Parade with the approved date of Saturday, December 4, 2021.
- CN8 Colleen Merays, Downtown & Small Business Development Coordinator
Amend the approved Co-Sponsored Event to end December 9, 2021.
- CN9 Angela Reincke, Parks Planning Project Manager
Authorize the Town Manager to execute Final Conditional Letter of No Objection from Cardinal Operating Company, LLC in conjunction with Kelly West Homeowners Association for construction of the Beaver Creek Greenway PHI, PHIA and PHII.
- CN10 Mary Beth, Manville
Additional 1% for Merit Budget and corresponding Budget Ordinance Amendment No. 6

CN11 Shawn Purvis, Assistant Town Manager

Resolution approving the Memorandum of Agreement (MOA) Between the State of North Carolina and Local Governments on Proceeds Relating to the Settlement of Opioid Litigation

Council Member Mahaffey requested that CN 6 be removed from the Consent Agenda for further discussion.

Mayor Gilbert called for a motion to adopt the Consent Agenda with the requested change.

Council Member Gantt made the motion;

Council Member Killingsworth seconded the motion.

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

REGULAR MEETING AGENDA

Mayor Gilbert stated that there was a request to hear Unfinished Business 1 before the Public Hearings, and that Consent Number 6 was moved to New Business 1.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda with the requested changes. Council Member Killingsworth made the motion;

Council Member Stallings seconded.

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

PUBLIC FORUM

Brad Springer, shared thoughts on the removal of the downtown dining program, his hope is that Council would bring the program back, and he shared how the downtown area benefited from the program.

UNFINISHED BUSINESS

UB1 Vance Holloman, Finance Director

Resolution authorizing the execution and delivery of an Installment Financing Agreement, a Deed of Trust and related documents in connection with the financing of various capital improvements for the Town of Apex, North Carolina.

Staff stated that the resolution before Council authorizes the Town to execute an Installment Financing Agreement for \$8,700,000 for the construction of Public Safety Station #6 and a portion of an office building for Town Staff. The financing is at a 1.5% interest rate with Pinnacle Bank with the final payment set for September of 2036. Staff provided Council with a draft of the resolution and the Deed of Trust.

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

Council Member Gantt seconded.

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

PUBLIC HEARINGS

PH1 Liz Loftin, Senior Planner

Continued from the August 24, 2021 Town Council meeting. Rezoning Application #21CZ15 Chapel Ridge Towns PUD. The applicant, Toll Brothers, Inc., seeks to rezone approximately 21.60 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane and Barnside Lane right-of-way.

Staff reviewed the site with Council. The proposed rezoning is consistent with the 2045 Land Use Map. A letter of impact was received from Wake County Schools, and elementary and high schools are anticipated to have insufficient capacity for future students. The applicant has accepted the recommended zoning conditions provided by the Environmental Advisory Board, and the Parks and Recreation Advisory Commission unanimously recommended fee in lieu for the project. The Planning Board and planning staff also recommended approval.

Jason Baron with Morning Star Law Group, representing the applicant, briefly reviewed the history of what had occurred in the process for the project and he stated that the applicant has met Council's and the community's expectations. He stated that the plan is consistent with the town's long-range plan, that the applicant has accepted all the zoning recommendations from the Environmental Advisory Board, and that the Planning Board unanimously recommended approval.

Mr. Baron stated that the applicant will offer an option that includes a master bedroom on the first floor with a full bathroom and a separate entrance. He also stated that the applicant will contribute \$215 per unit to the Affordable Housing Fund and that a minimum of 8 units would be built 15% smaller than the standard unit to offer lower pricing.

Council requested more information about the site distance, improvements on Olive Chapel Road and the pond located adjacent to the area. Mr. Baron stated that there would be a dedication of additional right of way and construction of road widening along the Olive Chapel Frontage and that a retaining wall with a fence would be placed around the pond. Council expressed concerns regarding affordable housing as it relates to the project, and Mr. Baron explained that the contribution to the town's fund would make the town's affordable housing goal more obtainable. The applicant stated that they could also provide either \$3,500 towards closing cost or a \$3,500 discount, along with the units to be reduced in size going to a minimum of 12 units.

Mayor Gilbert declared the Public Hearing opened. Staff stated that three comments were received from Michael and Catherine Mohan, Anne Cain, and Rita Boykin. Mayor Gilbert declared the Public Hearing closed.

Council stated that they had reservations about the plan based on location, and the impact the project would have on the community.

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

The motion was denied by a 3-2 roll call vote.

Mayor Pro Tem Dozier and Council Members Gantt and Mahaffey voted against;
Council Members Killingsworth and Stallings voted in the affirmative.

PH2 Liz Loftin, Senior Planner

Ordinance on the Question of Annexation - Apex Town Council's intent to annex Shri Varni, LLC (Apex C-Store) property containing 6.064 acres located at 3600 Old US1 Hwy, Annexation #716 into the Town's corporate limits.

AND

PH3 Liz Loftin, Senior Planner

Rezoning Application #21CZ11 Apex C-Store and Ordinance. The applicant Kalpesh Patel, Shri Varni LLC, seeks to rezone approximately 5.37 acres from Wake County R-40W to Neighborhood Business- Conditional Zoning (B1-CZ). The proposed rezoning is located at 3600 Old US 1 Highway.

Staff oriented Council to the site. The rezoning is consistent with the 2045 Land Use Map. The applicant accepted all the suggested zoning conditions provided by the Environmental Advisory Board. The Planning Board and planning staff recommended approval.

Mr. William Pugh, representing the applicant, briefly discussed the benefits of having a convenience store in the area and discussed the possibility of a restaurant being added to the store or the parcel at a later date.

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

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

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

PH4 Shannon Cox, Long Range Planning Manager

Amendments to the Transportation Plan in the vicinity of US 64 Highway associated with Rezoning Case #21CZ12.

Staff oriented Council to the amendments to the Bicycle and Pedestrian Plan, and the Thoroughfare and Collector Street Map. There were no concerns from staff in regards to the amendments. The Park and Recreation Advisory Commission and the Planning Board unanimously recommended approval.

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

Staff requested that Council wait to decide on the amendments until Public Hearings 5 and 6 were heard, as it related directly to the Annexation and Rezoning.

PH5 Shelly Mayo, Planner II

Ordinance on the Question of Annexation - Apex Town Council's intent to annex John William and Faye C. Long and Deanna's Dowry, LLC (Legacy PUD) property containing 34.335 acres located at 0 Olive Chapel Road and 3601 US 64 Hwy, Annexation #711 into the Town's corporate limits.

AND

PH6 Shelly Mayo, Planner II

Rezoning Application #21CZ12 Legacy PUD and Ordinance. The applicant, Ryan Linker for GCI Acquisitions, LLC, seeks to rezone approximately 60.97 acres from Rural Residential (RR) and Wake Co. R-80W to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 3601 and 3609 US 64 Hwy W, and 0 Olive Chapel Rd.

Staff oriented Council to the site. The plan is consistent with 2045 land use map, and a neighborhood meeting was conducted. A letter of impact was received from Wake County Public Schools and there is insufficient capacity for elementary and high school. However, within 5 years the high school issue will be addressed. The applicant is working with the school system to try to work out the capacity issues for elementary aged students. No plans will be submitted for areas where single family homes will be developed until 2 years after a rezoning approval. The applicant has accepted all the recommended zoning conditions provided by the Environmental Advisory Board, except condition 13 as they are not sure if this will be needed or not at this time. The Parks & Recreation Advisory Commission recommended fee in lieu of for the construction of a greenway.

Glenda Toppe, representing the applicant GCI development, stated that the project follows the 2045 Land Use Plan. Mrs. Toppe explained that there are several types of zonings throughout the parcel. The applicant is committing \$10,000 to an organization for the planting

of trees, is designating a portion of the parcel as a potential site for an elementary school in conjunction with working with Wake County Schools to achieve this, and is offering \$500 per unit into the Affordable Housing Fund.

Council questioned why the applicant contributed a larger amount to the fund opposed to providing more affordable units, and the applicant stated the decision was made based on their research. Council questioned the frequency of increase for potential tenants and the applicant stated that the complex would be driven by the market rate.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the transportation amendments, the annexation and the rezoning;
Council Member Gantt seconded. The motion carried by a 4-1 roll call vote.
Council Members Gantt, Killingsworth, Stallings, and Mahaffey voted in the affirmative;
Mayor Pro Tem Dozier voted against.

OLD BUSINESS

There were no Old Business items for consideration.

NEW BUSINESS

NB1 Colleen Merays, Downtown & Small Business Development Coordinator

Close to up to 2 on-street parallel parking spaces along N. Salem Street from Center St. to Chatham St. to allow for extended outdoor seating, and to approve an ordinance temporarily modifying Town Code Sections 14-14 and 18-11 as they relate to sidewalk dining on public streets and sidewalks beginning September 30, 2021 through November 12, 2021(This item was previously Consent Agenda Item 6).

Staff recommended a proposal to bring back two smaller parklets as they relate to the parking to dining program. A survey was sent out to merchants and businesses, and the responses were split, and the survey determined how staff developed the current proposal.

Council stated that a major concern in regards to the program was the ability to serve alcohol. Council stated that current legislation was passed that allows Council to establish an ordinance to allow the sale of alcohol. Staff stated that the program would go through November 12, 2021 to allow for holiday decoration and holiday shopping.

Mayor Gilbert called for a motion. Council Member Mahaffey made a motion to return to parking to dining as configured over the summer, to have the Town Attorney prepare an ordinance regarding the ABC Bill, and for Council to approve call a Special Meeting once the ordinance is ready, and to direct the Town Manager to provide written permission to every ABC permit holder on Salem Street the authority to extend onto Town property;

Council Member Killingsworth seconded.

The motion carried by a 4-1 roll call vote.

Mayor Pro Tem Dozier and Council Members Killingsworth, Stallings, and Mahaffey voted in the affirmative;

Council Member Gantt voted against.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager
There were no updates.

CLOSED SESSION

CS1 Laurie Hohe, Town Attorney
Possible motion to go into closed session to consult with the Town Attorney pursuant to NCGS 143-318.11(a)(3) to discuss the handling of the matter of Caloggero v. Town of Apex.

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

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

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

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 12, 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 09/04/2021

Approval Recommended?

Yes

Item Details

At its regular meeting held on October 4, 2021, the Wake County Board of Commissioners approved the Apex Tax Report dated 09/04/2021.

Attachments

- Tax Report



Tax Committee Meeting: 09/16/2021
 Board of Commissioners Meeting: 10/04/2021

TO: Wake County Board of Commissioners and Town Board of Apex
 FOR: Consideration of Requests for Adjustments, Rebates, and/or Refunds of Penalties

Approved by: W. F. [Signature]
 The Wake County Tax Committee has approved the following policy to recommend relief of the late listing and/or vehicle penalties when at least one of the following conditions apply:

- Relief Codes:
- 1. New to North Carolina
 - 2. First time listing
 - 3. Previous year listing on time
 - 4. Omitted item(s) from listing - Current/previous listing on time
 - 5. Military Deployment
 - 6. Provided proof of timely listing

Item #	Taxpayer(s)	Description Jurisdiction	Account # / Year For Payment Status	Late List Appealed	Appeal/Request Type	Recommendation	Relief Code
17711	ACADEMY SPORTS LP #289 K E ANDREWS & CO 1900 DALROCK RD ROWLETT TX 75088	BUSINESS PERSONAL PROPERTY APEX	0006842613 2021 Not Paid	\$733.97	Late List Penalty	Relief	6
17701	DISH WIRELESS LLC PO BOX 6623 ENGELWOOD CO 80155	BUSINESS PERSONAL PROPERTY APEX	0006938467 2021 Not Paid	\$12.82	Late List Penalty	↓	6
17683	FERGUSON ENTERPRISES INC ALTUS GROUP PO BOX 71970 PHOENIX AZ 85050	BUSINESS PERSONAL PROPERTY APEX	0006847733 2021 Not Paid	\$126.95	Late List Penalty	↓	6

This List Requires Board Action
 Tax Committee Members: Natasha Baldwin, City Of Raleigh
 Kim Lorbacher, Wake County Finance
 Jessica Murphy-Rhem, Town Of Cary

[Signature]
 Marcus Kinrade, Tax Administrator



Wake County Tax Administration

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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
BUSINESS ACCOUNTS											
792436	10.15	0.00	0.00	0.00	10.15	08/10/2021	0006803753	2021	2021	000000	CAROLINA OPTOMETRY ASSOCIATES PA
794176	0.26	0.00	0.00	0.00	0.26	08/27/2021	0006798188	2021	2021	006000	CRESTMARK EQUIPMENT FINANCE INC
792460	26.67	0.00	0.00	0.00	26.67	08/09/2021	0006817575	2021	2021	000000	PUBLIX NORTH CAROLINA LP
793925	2,527.91	0.00	0.00	0.00	2,527.91	08/25/2021	0006503591	2021	2021	000000	CONSOLIDATED THEATRES INC
SUBTOTALS FOR BUSINESS ACCOUNTS	2,564.99	0.00	0.00	0.00	2,564.99		4	Properties Rebated			

BUSINESS REAL ESTATE ACCOUNTS											
791791	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479570	2021	2021	000000	LENNAR CAROLINAS, LLC
791788	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479563	2021	2021	000000	ARRINGTON, JAMES PRICE JR
792324	214.50	0.00	0.00	0.00	214.50	08/06/2021	0000479573	2021	2021	000000	LENNAR CAROLINAS, LLC
792325	214.50	0.00	0.00	0.00	214.50	08/06/2021	0000479574	2021	2021	000000	AHN, SANG YONG
792326	214.50	0.00	0.00	0.00	214.50	08/06/2021	0000479575	2021	2021	000000	LENNAR CAROLINAS, LLC
792327	214.50	0.00	0.00	0.00	214.50	08/06/2021	0000479576	2021	2021	000000	JOSHI, JAY PRAKASH
792328	214.50	0.00	0.00	0.00	214.50	08/06/2021	0000479577	2021	2021	000000	REGMI, SARIN
792434	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479588	2021	2021	000000	DURASAMY, GOVINDARAJ
792435	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479589	2021	2021	000000	GUTIERREZ, JOSE GERARDO
792437	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479586	2021	2021	000000	KULKARNI, PRIYA RAGHUNATH
792439	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479584	2021	2021	000000	HARRISON, JOHN RUSSELL
792440	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479585	2021	2021	000000	LYNCH, CORBIN Z
792441	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479587	2021	2021	000000	PEGG, JENNIFER KELLY
792442	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479582	2021	2021	000000	BUCKLESS, HAYLEY MORGAN



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BUSINESS REAL ESTATE ACCOUNTS											
792443	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479583	2021	2021	000000	DOYLE, ANDREA
792444	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479579	2021	2021	000000	GOTTIPARTHY, VISHNU TEJA
792445	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479578	2021	2021	000000	LENNAR CAROLINAS, LLC
792447	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479581	2021	2021	000000	PALVAI, SIVIKA
792448	214.50	0.00	0.00	0.00	214.50	08/09/2021	0000479580	2021	2021	000000	THORPE, LESLIE
791787	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479561	2021	2021	000000	ZINZUWADIYA, TEJAS PRAFULCHANDRA
791793	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479572	2021	2021	000000	LENNAR CAROLINAS, LLC
791790	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479565	2021	2021	000000	SEBASTIAN, MICHAEL JOSEPH
793670	2,049.48	0.00	0.00	0.00	2,049.48	08/23/2021	0000450051	2021	2021	000000	RESAM REAL ESTATE HOLDING LLC
791792	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479571	2021	2021	000000	LENNAR CAROLINAS, LLC
791789	156.00	0.00	0.00	0.00	156.00	08/02/2021	0000479564	2021	2021	000000	MEHTA, RISHI
793800	759.02	0.00	0.00	0.00	759.02	08/24/2021	0000468852	2021	2021	000000	DWYER, JAMES MICHAEL
SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS	7,547.00	0.00	0.00	0.00	7,547.00	26	Properties Rebated				
INDIVIDUAL PROPERTY ACCOUNTS											
793803	152.46	30.00	0.00	0.00	182.46	08/24/2021	0006937010	2021	2020	000000	KURAPATI, LAKSHMI SUVARNA
793305	161.54	30.00	0.00	0.00	191.54	08/18/2021	0006939153	2021	2020	000000	CREGHAN, SHANNON NICOLE
793303	7.35	30.00	0.00	0.00	37.35	08/18/2021	0006943592	2021	2020	000000	FLYNN, WILLIAM JEFFREY
793302	102.23	30.00	0.00	0.00	132.23	08/18/2021	0006943800	2021	2020	000000	FLYNN, WILLIAM JEFFREY
793301	105.48	30.00	0.00	0.00	135.48	08/18/2021	0006943031	2021	2020	000000	FLYNN, WILLIAM JEFFREY
791917	49.96	0.00	0.00	0.00	49.96	08/03/2021	0006927729	2021	2020	000000	KENNEDY, LUANN MARIE



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INDIVIDUAL PROPERTY ACCOUNTS												
791769	69.69	30.00	0.00	0.00	99.69	08/02/2021	0006937497	2021	2020	000000	SPINKS, CHRISTOPHER LEE	
791930	152.24	30.00	0.00	0.00	182.24	08/03/2021	0006940446	2021	2020	000000	NARAYANAN, NARESH KRISHNA	
791916	34.87	0.00	0.00	0.00	34.87	08/03/2021	0006921031	2021	2020	000000	KENNEDY, EDWARD LEON	
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS		835.82	210.00	0.00	0.00	1,045.82	9	Properties Rebated				
INDIVIDUAL REAL ESTATE ACCOUNTS												
791783	56.55	0.00	0.00	0.00	56.55	08/02/2021	0000367693	2021	2021	000000	JENKINS, LANA	
791784	4.17	0.00	0.00	0.00	4.17	08/02/2021	0000423804	2021	2021	000000	MOON, DIANE W	
792697	175.50	0.00	0.00	0.00	175.50	08/11/2021	0000409160	2021	2021	000000	FRANZEL, NICHOLAS A	
792320	117.47	0.00	0.00	0.00	117.47	08/06/2021	0000461762	2021	2021	000000	VYAS, CHANDRA KANT	
792319	372.45	0.00	0.00	0.00	372.45	08/06/2021	0000451444	2021	2021	000000	QIU, JING TRUSTEE	
793426	391.53	0.00	0.00	0.00	391.53	08/20/2021	0000047740	2021	2021	000000	MITCHELL, ESTELLE	
792316	7.00	0.00	0.00	0.00	7.00	08/06/2021	0000444826	2021	2021	000000	KREHAN, JAMES ROBERT	
792184	175.50	0.00	0.00	0.00	175.50	08/06/2021	0000470295	2021	2021	000000	LAVEZZI, JUDITH TRUSTEE	
792318	41.12	0.00	0.00	0.00	41.12	08/06/2021	0000451147	2021	2021	000000	OUGHALI, MUHANAD AZIZ	
793418	58.53	0.00	0.00	0.00	58.53	08/20/2021	0000439786	2021	2021	000000	BONASSO, VINCENT	
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS		1,399.82	0.00	0.00	0.00	1,399.82	10	Properties Rebated				



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REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	YEAR FOR	BILLING TYPE	OWNER
WILDLIFE BOAT ACCOUNTS											
791939	200.07	0.00	0.00	0.00	200.07	08/03/2021	0004207202	2021	2021	000000	BOVEE, STEVEN EDWARD
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS											
	<u>200.07</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>200.07</u>		1	Properties Rebated			
TOTAL REBATED FOR APEX											
	<u>12,547.70</u>	<u>210.00</u>	<u>0.00</u>	<u>0.00</u>	<u>12,757.70</u>		50	Properties Rebated for City			

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 12, 2021

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council for Rezoning Case #21CZ15 Chapel Ridge Towns PUD, Toll Bros., Inc., petitioner, for the properties located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #21CZ15 was denied at the September 28, 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 #21CZ15**

Toll Bros, Inc., owner/applicant (the “Applicant”), submitted a completed application for a conditional zoning on the 3rd day of May 2021 (the “Application”). The proposed conditional zoning is designated #21CZ15.

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 #21CZ15 before the Apex Planning Board on the 9th day of August 2021.

The Apex Planning Board held a public hearing on the 9th day of August 2021, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #21CZ15. A motion was made by the Apex Planning Board to recommend approval; the motion passed with a vote 6-0 for the application for #21CZ15.

Pursuant to 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 #21CZ15 before the Town Council on the 24th day of August.

The Apex Town Council voted to continue the public hearing which was held on the 28th day of September 2021. Amanda Bunce, Current Planning Manager, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #21CZ15 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 3 to 2 rejected Application #21CZ15 rezoning the subject tract located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ).

Although the requested zoning is consistent with the 2045 Land Use Map, the denial of the zoning request is reasonable and in the public interest because the proposed zoning continues a piecemeal redevelopment pattern that does not allow for the comprehensive redevelopment of the neighborhood with an opportunity to connect to Beaver Creek Commons Drive. Furthermore, the proposed rezoning does not provide a level of density that would allow for more affordable housing. Finally, the proposed rezoning may result in inadequate public school facilities exist to serve the current and anticipated student population at schools in the current attendance zone.

ATTEST:

Jacques K. Gilbert
Mayor

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 12, 2021

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator

Department(s): Economic Development

Requested Motion

Motion to approve the Town Sponsored Event request for the Town of Apex to host a Hispanic Heritage Month Celebration on Saturday, October 16, 2021 at The Depot Parking Lot & Plaza.

Approval Recommended?

Yes

Item Details

Hispanic Heritage Month Celebration - Saturday, October 16, 5pm-10pm - *(The Depot Plaza & Parking Lot)* Celebrate and recognize the contributions and influence of Hispanic Americans to the history, culture, and achievements of the United States. The event will feature music, family dance party, and food trucks.

www.apexnc.org

Estimated Town Expenditures \$3,000.00

This Town sponsored special event request totals \$3,000.00 and includes such services as Police, Public Works, Electric, and Parks, Recreation and Cultural Services. These events include closure of the Depot Parking Lot and Plaza.

Attachments

- Sponsored Special Event Application Cover Sheet





Town of Apex 2021 Sponsored Special Event Applications

Event Name: Hispanic Heritage Month Celebration

Event Date & Time:

- Saturday, October 16, 2021 (6 PM - 10 PM)

Roads & Parking Closed Date & Time:

- The Depot Parking Lot & Plaza - from 8:00 AM to 11:00 PM
- Seaboard Street from (N. Salem to Caboose) - from 5:00 PM to 11:00 PM

Rain Date: NA

Event Organizer: Town of Apex

2021 Sponsorship Request: The Depot public bathrooms be open, trash bins and liners, electric and police

2021 Estimated Town of Apex Cost: \$3,000.00

Event Description: Hispanic Heritage Month Celebration – Saturday, October 16, 6pm-10pm - (*The Depot Plaza & Parking Lot*) Celebrate and recognize the contributions and influence of Hispanic Americans to the history, culture and achievements of the United States. The event will feature music with a Mariachi band from 6pm – 7pm, a DJ Dance party 7-10pm in Depot parking lot with Food Trucks on Seaboard.

Questions to Consider: None

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 12, 2021

Item Details

Presenter(s): Vance Holloman, Finance Director

Department(s): Finance Department

Requested Motion

A motion to approve Capital Project Ordinance Amendment No. 2022-2 and Budget Ordinance Amendment No. 7 which will appropriate the proceeds of an installment financing agreement for projects in the General Capital Project Fund and authorize the transfer of public safety reserves funds to the Project Fund for the Public Safety Station No. 36 Project.

Approval Recommended?

Yes

Item Details

The Local Government Commission approved the Town's installment financing agreement on October 5th. The closing of the Agreement will occur this week. That Agreement will provide funding for both the Public Safety Station No. 36 and the Mason Street Projects. In addition some public safety reserves will be used to help address the increased costs of the Public Safety Station No. 36 Project.

Attachments

- Budget Ordinance Amendment No. 7
- Capital Project ordinance Amendment No. 2022-2





Town of Apex

Budget Ordinance Amendment No. 7

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2021-2022 Budget Ordinance be adopted:

EMS DONATIONS FUND

Section 1. Revenues:

Appropriated Fund Balance	\$79,820
Interest Earnings	\$15
Total Revenues	\$79,835

Section 2. Expenditures:

Transfer to General Capital Project Fund	\$79,835
Total Expenditures	\$79,835

FIRE CAPITAL RESERVE FUND

Section 3.

Appropriated Fund Balance	\$	110,205
Total Revenues	\$	110,205

Section 4.

Transfer to General Capital Project Fund	\$	110,225
Reserved for Future Expenditures	\$	(20)
Total Expenditures	\$	110,205

Section 5. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 12th day of October, 2021

Attest:

Jacques K. Gilbert, Mayor

Jontesca D. Silver, Town Clerk



Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2022-02

61-General Capital Project Fund

BE IT ORDAINED, by the Council of the Town of Apex that the Capital Project Ordinance previously entitled "Street Improvements Capital Project Fund" be amended as follows:

Section 1. Revenues:

Transfer from EMS Donations Fund	\$79,835
Transfer from Fire Capital Reserve Fund	\$110,225
Proceeds of Installment Financing Agreement	\$8,700,000
Investment Earnings, Debt Proceeds	\$12,000
Total Revenues	\$8,902,060

Section 2. Expenditures:

Issuance Costs	\$105,000
Public Safety Station No. 36	\$7,382,625
Mason Street Renovations	\$1,414,435
Total Expenditures	\$8,902,060

Section 3. Within five (5) days after adoption, copies of this Amendment shall be filed with the Finance Officer and Town Clerk.

Adopted this the 12th day of October, 2021.

Attest:

Jacques K. Gilbert, Mayor

Jontesca D. Silver, Town Clerk

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for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: October 12, 2021

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator

Department(s): Economic Development

Requested Motion

Motion to approve the Co-Sponsored Event request for Peaktique on Friday, October 22 to Sunday, October 24, 2021.

Approval Recommended?

Yes

Item Details

PEAKTIQUE is an Antiques and collectible festival.

Estimated Town Expenditures: NA

This Town co-sponsored special event request includes services from: Public Works and Electric. This event includes the hanging of an event banner across N Salem St. Approval of sponsorship is contingent upon event coordinators adhering to all rules and regulations as detailed in the Town of Apex Special Events Guide and Special Event Permit Application.

Attachments

- Co-sponsored Special Event Application Cover Sheet





Town of Apex 2021 Sponsored Special Event Applications

Event Name: Peaktique

Event Date & Time:

- Friday, October 22, 2021 (9am-5pm)
- Saturday, October 23, 2021 (9am-5pm)
- Sunday, October 24, 2021 (12pm-5pm)

Roads & Parking Closed Date & Time:

- No roads will close for Peaktique

Rain Date: NA

Event Organizer: Apex Downtown Business Association

2021 Sponsorship Request: Hanging a banner, trash cans and liners and trash disposal.

2021 Estimated Town of Apex Cost: NA

Event Description: PEAKTIQUE – Fri., Oct. 22 & Sat., Oct. 23 (9am-5pm); Sun., Oct. 24, 12pm-5pm - (*Behind Adventures in Bloom/Holland Jewelers off Moore St.*) - Antiques and Collectible Festival. For more information visit: www.apexpeaktique.com

Questions to Consider: None

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for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 12, 2021

Item Details

Presenter(s): Jenna Shouse, Senior Long Range Planner

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to change the bicycle and pedestrian facility type along the east side of Laura Duncan Road, north of Old Apex Road, and to add the Swift Creek Greenway.

Approval Recommended?

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 29, 2021 meeting.

Planning and Community Development Department staff will present these items to the Planning Board at their October 11, 2021 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.

Item Details

The purpose of this hearing is to consider a change in the bicycle and pedestrian facility type along the east side of Laura Duncan Road, north of Old Apex Road, and to add the Swift Creek Greenway to the Bicycle and Pedestrian System Plan map.

Attachments

- Staff Report





The purpose of the public hearing is to consider the facts in order to formulate a decision. The Bicycle and Pedestrian System Plan map represents a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, and recreation. The Plan does not require a schedule for implementation nor does it set aside funding for improvements. Instead, it helps the Town establish long term priorities and identify requirements for new development. The Plan was last amended on September 28, 2021.

The purpose of the public hearing is to consider the following proposed amendments to:

1. Change Proposed Street-Side Greenway to Proposed Side Path along the east side of Laura Duncan Road, north of Old Apex Road.
2. Add Proposed Greenway from the Proposed Side Path along the east side of Laura Duncan Road to align with the Town of Cary greenway plans.

A map of the proposed amendments to the Bicycle and Pedestrian System Plan map is displayed in Figure 1 below.



Figure 1. Proposed Bicycle and Pedestrian System Plan Map Amendments

The purpose of the proposed change in bicycle and pedestrian facility type along the east side of Laura Duncan Road is to align with the existing bicycle and pedestrian facility along Laura Duncan Road, south of Old Apex Road. The bicycle and pedestrian facility type in the Town of Cary, fronting Laurel Park Elementary School, is designated as a Street-Side Greenway on the [The Cary 2040 Community Plan: The Comprehensive Plan for the Town of Cary](#), though it functions as a side path as it is a relatively straight path without a landscaped buffer. The existing bicycle and pedestrian facility along the east side of Laura Duncan Road in Apex, south of Laurel Park Elementary School, is designated as an existing side path.

STAFF REPORT
Transportation Plan Amendments

October 12, 2021 Town Council Meeting



The purpose of the Proposed Greenway is to add the Swift Creek Greenway, as shown on the The Cary 2040 Community Plan, to the Town of Apex Bicycle and Pedestrian System Plan map. The Proposed Greenway is located off Laura Duncan Road, north of N Salem Street. This plan amendment will result in consistency among neighboring plans.

Staff Recommendation:

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 29, 2021 meeting.

Planning Board Recommendation:

Planning and Community Development Department staff will present these items to the Planning Board at their October 11, 2021 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: October 12, 2021

Item Details

Presenter(s): Jenna Shouse, Senior Long Range Planner

Department(s): Planning and Community Development

Requested Motion

Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to realign a proposed greenway in Apex Jaycee Park, add a proposed grade-separated bicycle/pedestrian crossing of NC 55, and add a proposed side path along the east side of W Williams Street from the proposed greenway to S Salem Street.

Approval Recommended?

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 29, 2021 meeting.

Planning and Community Development Department staff will present these items to the Planning Board at their October 11, 2021 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.

Item Details

The purpose of this hearing is to consider changes in the bicycle and pedestrian network to complete a pedestrian and bicycle connection from the Beaver Creek Greenway in Apex Jaycee Park to downtown Apex.

Attachments

- Staff Report





The purpose of the public hearing is to consider the facts in order to formulate a decision. The Bicycle and Pedestrian System Plan map represents a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth, connectivity, and recreation. The Plan does not require a schedule for implementation nor does it set aside funding for improvements. Instead, it helps the Town establish long term priorities and identify requirements for new development. The Plan was last amended on September 28, 2021.

The purpose of the public hearing is to consider the following proposed amendments to:

1. Realign a Proposed Greenway in Apex Jaycee Park.
2. Add a Proposed Grade-Separated Bicycle/Pedestrian Crossing of W Williams Street.
3. Add Proposed Side Path along the east side of W Williams Street from the Proposed Greenway to S Salem Street.

A map of the proposed amendments to the Bicycle and Pedestrian System Plan map is displayed in Figure 1 below.

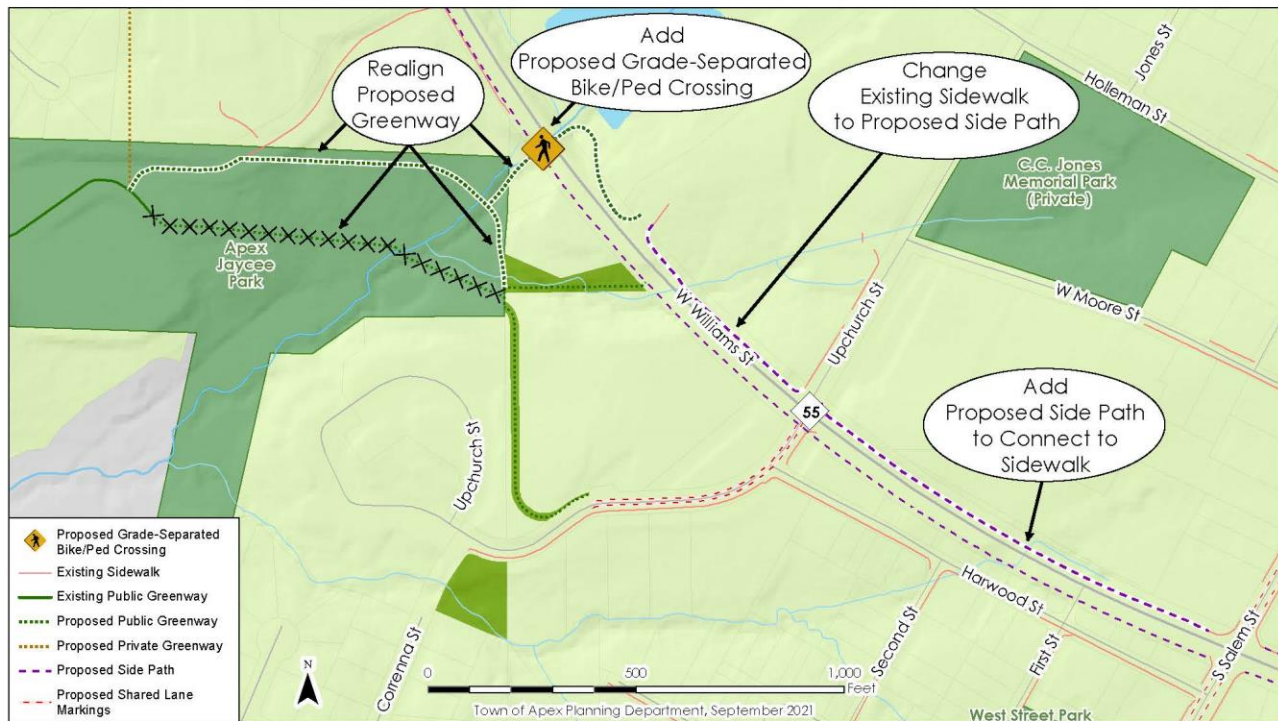


Figure 1. Proposed Bicycle and Pedestrian System Plan Map Amendments

The purpose of the proposed greenway realignments is to align the greenway with a suitable location for a grade-separated bicycle and pedestrian crossing of W Williams Street. The proposed greenway realignments also accommodate future Beaver Creek Greenway access points along existing greenway easements. The grade-separated bicycle and pedestrian crossing and the side path extension would provide a safe and complete bicycle and pedestrian connection along the Beaver Creek Greenway from Apex Jaycee Park to downtown Apex.

STAFF REPORT
Transportation Plan Amendments

October 12, 2021 Town Council Meeting



Staff Recommendation:

Planning and Community Development Department staff recommend approval of the proposed amendments.

The Parks, Recreation, and Cultural Resources Advisory Commission considered and unanimously recommended approval of the proposed amendments at their September 29, 2021 meeting.

Planning Board Recommendation:

Planning and Community Development Department staff will present these items to the Planning Board at their October 11, 2021 meeting. The Planning Board's recommendation will be presented by staff at the Council meeting.

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for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: October, 12, 2021

Item Details

Presenter(s): Tom Colwell, Public Art Committee Chair

Department(s): Public Art Committee

Requested Motion

Possible motion to approve the purchase of the People's Choice Award winner (Uphill Battle by Ethan Morrow) from the Apex Sculpture Walk.

Approval Recommended?

Yes

Item Details

Cost for purchase of the Uphill Battle sculpture is \$12,000. The sculpture will be permanently installed in the current location near the Hunter Street Park skate plaza. The purchase will also include one de-installation and transportation to studio, one sand blasting of the entire piece, one zinc-coating of the entire piece, one paint restoration, and one transportation back to the sculpture pad and its reinstallation.

Attachments

- Picture





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for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: October, 12, 2021

Item Details

Presenter(s): Tom Colwell, Public Art Committee Chair

Department(s): Public Art Committee

Requested Motion

Possible motion to approve the location (brick retaining wall near Apex Police Station) for the previously approved Unity Mural project.

Approval Recommended?

Yes

Item Details

The Unity Mural "call for artists" will be released after the location is approved. The selected artist will work with representatives from an Apex student social justice group and the Apex Police department to generate concepts for the art. The artist will create an image for the mural to be brought to the Apex Police Department and ultimately Apex Town Council for approval. The painting of the approved mural will take place in the Spring of 2022.

Attachments

- PowerPoint





Unity Mural

Recommended Location:
Retaining Wall Near Apex
Police Station

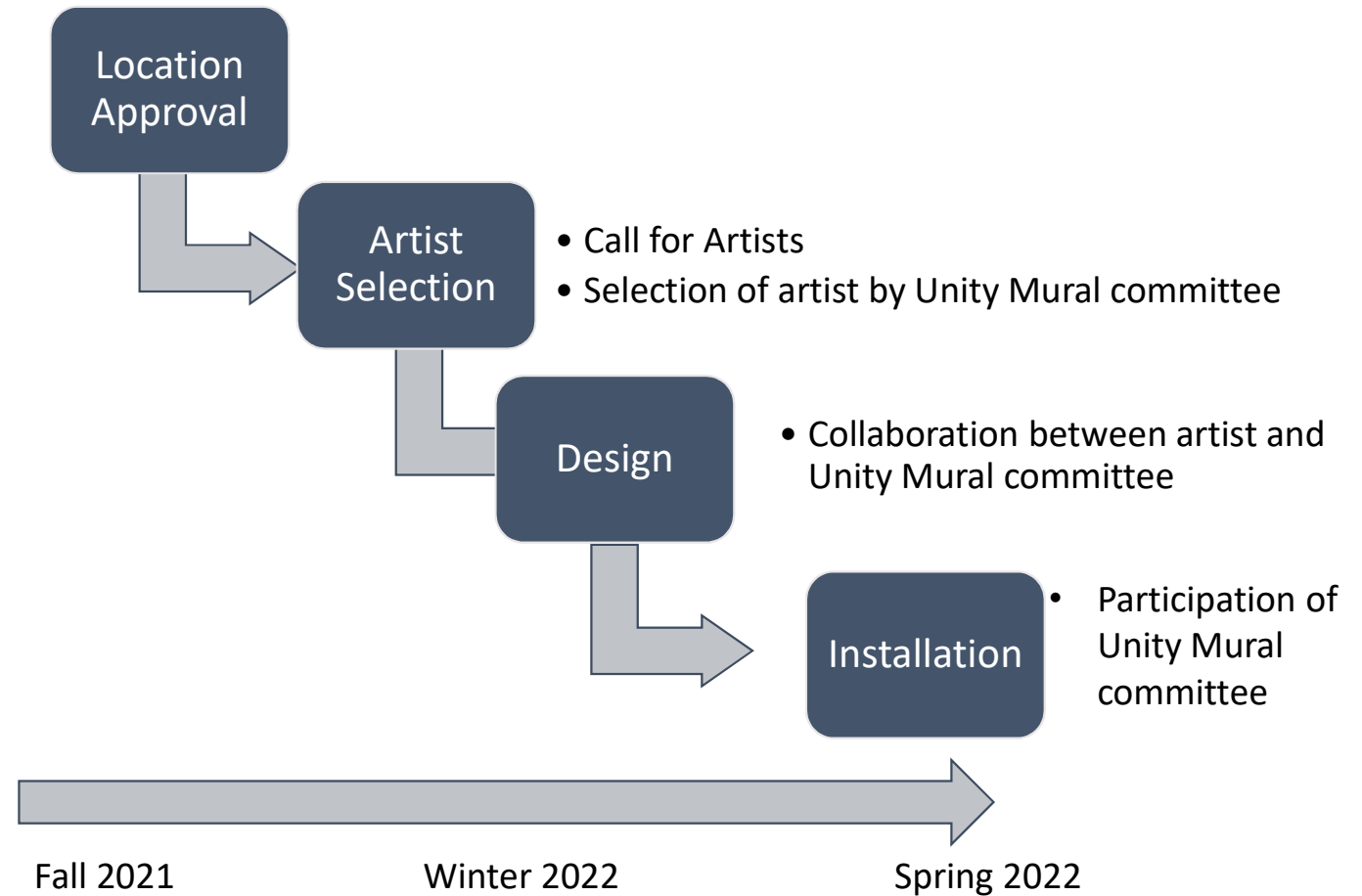
205 Saunders Street





Unity Mural - Process / Timeline

- Mural to depict the broad theme of Unity.
- Collaboration between
 - Apex High School Student Equity Team
 - Apex Police Department
 - Apex Public Art



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for consideration by the Apex Town Council

Item Type: UPDATES BY TOWN
MANAGER

Meeting Date: October 12, 2021

Item Details

Presenter(s): Catherine Crosby, Town Manager

Department(s): Administration

Requested Motion

Updates on Town operations by Town Manager Catherine Crosby

Approval Recommended?

N/A

Item Details

N/A

Attachments

- N/A



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for consideration by the Apex Town Council

Item Type: WORK SESSION

Meeting Date: October 12, 2021

Item Details

Presenter(s): Craig Setzer, Director Parks, Recreation and Cultural Resources; Angela Reincke, Parks Planning Project Manager; Shweta Nanekar, Civic Spaces Project Manager, McAdams Company; Jenn Beedle, Park Planner, McAdams Company; Sonya Shaw, Community Engagement Specialist, McAdams Company; Rachel Cotter, Principal in Charge, McAdams Company

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Presentation from McAdams Company, selected to lead the comprehensive Parks, Recreation, Greenways, and Open Space Master Plan

Approval Recommended?

N/A

Item Details

The McAdams company was selected by Town of Apex staff to lead the comprehensive Parks, Recreation, Greenways, and Open Space master plan (PRGOS) update. The PRGOS master plan covers a 10-year planning period, aimed at guiding the development of recreation and cultural arts programs and facilities, as well as parks and greenways in the Town of Apex. The master plan is based on resident surveys, community input, focus group meetings, recreation trends analyses, facility, park, and program assessments, greenway planning, park operations and maintenance review, and budget review and analysis.

Community input is a major part of the comprehensive planning process. As the Town Council serves as the municipal legislative body for the town, a focus group-style meeting, referred to as asset mapping, will allow for the opportunity to discuss parks, recreation, cultural resources, and greenways. The McAdams project team will provide an overview of the comprehensive planning process and lead an interactive virtual asset mapping session with questions to receive targeted feedback from council members. The work session will be conducted virtually using Zoom and Concept Board. It will take around 1 hour to complete.

The McAdams team will assist members with accessing and moving through these platforms during discussions.

Asset mapping is a values-based approach to identify strengths and opportunities and to discuss challenges the council believes the community faces. The meeting discussion will focus on finding the tangible assets related to Apex parks, recreation, cultural resources, and greenways. Projected outcomes of the meeting include: identifying the strengths of the Parks, Recreation and Cultural Resources department, identifying the biggest challenges to the identified assets, and finding ways to continue to provide the excellent parks facilities and recreation services the Town already offers.

After discussing these questions, we will develop a list of common themes that emerge throughout the session. Feedback from the meeting will be used to guide future recommendations for the Town of Apex's Parks, Recreation & Cultural Resources department.

Attachments

NA

