



AGENDA | REGULAR TOWN COUNCIL MEETING

December 12, 2023 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 Tempore: Ed Gray

Council Members: Brett D. Gantt; Audra Killingsworth; Terry Mahaffey; Arno Zegerman

Interim Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

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 Capital Project Ordinance Amendment No. 2024-9 - Apex Cemetery Columbarium Project - Phase 2

Chris Johnson, P.E., MPA, Director, Transportation and Infrastructure Development Dept.

CN2 Council Meeting Minutes - November 14, 2023

Allen Coleman, Town Clerk

CN3 Position Authorizations - New FTEs - Water Resources and Parks, Recreation, and Cultural Resources

Mary Beth Manville, Director, Human Resources Department

CN4 Tax Report - October 2023

Allen Coleman, Town Clerk

PRESENTATIONS

PR1 Western Wake Crisis Ministry Presentation

Seaira Green, Executive Director of Western Wake Ministries

Mayor Jacques K. Gilbert, Sponsor

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 - *None*

NEW BUSINESS

UPDATES BY TOWN MANAGER

CLOSED SESSION - *None*

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 12, 2023

Item Details

Presenter(s): Chris Johnson, P.E., MPA, Director

Department(s): Transportation & Infrastructure Development

Requested Motion

Motion to approve Capital Project Ordinance Amendment 2024-9 allocating funding for Phase 2 - Landscape Architecture and Civil Engineering for the Apex Cemetery Columbarium project.

Approval Recommended?

Yes

Item Details

Funds will be used to perform construction documents, permitting and construction administration services for the phase two scope of the Town of Apex Columbarium Project. This proposal assumes phase two includes paver walkways, steps, benches, plantings, pergola structures and walls for the niches.

Capital Project Ordinance Amendment 2024-9 allocates the \$12,500 from interest earnings in the fund and \$20,000 from the operating fund.

Attachments

- CN1-A1: Capital Project Ordinance Amendment No. 2024-9





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2024-9

General Capital Project Fund

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

Section 1. The revenues anticipated for the projects are:

Interest Earned	12,500
Transfer from General Fund	20,000
Total Revenues	\$32,500

Section 2. The expenditures anticipated are:

61-9225-0111 Cemetery Columbarium Project	32,500
Total Expenditures	\$32,500

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 December, 2023.

Attest:

Jacques K. Gilbert, Mayor

Allen L. Coleman, CMC, NCCCC
Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 12, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerks Office

Requested Motion

Motion to approve, as submitted or amended, Meeting Minutes from the following meeting:

- November 14, 2023 - Town Council Regular Meeting Minutes

Approval Recommended?

The Town Clerk recommends the Town Council approve the meeting minutes as presented or amended.

Item Details

In accordance with 160A-72 of North Carolina General Statutes (NCGS), the Governing Board has the legal duty to approve all minutes that are entered into the official journal of the Board's proceedings.

Attachments

- CN2-A1: **DRAFT** Minutes - November 14, 2023 - Town Council Regular Meeting Minutes



DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, NOVEMBER 14, 2023
6:00 PM

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5
6 The Apex Town Council met for a Regular Town Council Meeting on Tuesday, November 14, 2023 at
7 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North
8 Carolina.

9
10 This meeting was open to the public. Members of the public were able to attend this meeting in-
11 person or watch online via the livestream on the Town’s YouTube Channel. The recording of this
12 meeting can be viewed here: https://www.youtube.com/watch?v=BL_J0CyUrMM

13
14 **[ATTENDANCE]**

15
16 Elected Body

- 17 Mayor Jacques K. Gilbert (presiding)
- 18 Mayor Pro Tempore Audra Killingsworth
- 19 Councilmember Brett Gantt
- 20 Councilmember Ed Gray
- 21 Councilmember Arno Zegerman
- 22 Councilmember Terry Mahaffey
- 23 Absent: None

24
25 Town Staff

- 26 Interim Town Manager Shawn Purvis
- 27 Assistant Town Manager Demetria John
- 28 Assistant Town Manager Marty Stone
- 29 Town Attorney Laurie Hohe
- 30 Town Clerk Allen Coleman
- 31 Deputy Town Clerk Ashley Gentry
- 32 Planning Director Dianne Khin
- 33 All other staff members will be identified appropriately below

34
35 **[COMMENCEMENT]**

36
37 **Mayor Gilbert** called the meeting to order the Regular Council Meeting, and thanked those
38 joining in person or by live streams.

39 **Mayor Pro Tempore Killingsworth** read a statement acknowledging the importance of
40 diversity in culture and faith. She invited everyone to join in a private moment of silence.

41 **Mayor Gilbert** said he wanted to speak a bit about Thanksgiving. He said he was thankful for
42 his family and for this community. He said he wanted to go around to the rest of Council and have
43 them share what they are thankful for.

DRAFT MINUTES

1 **Councilmember Zegerman** said he was thankful for the country we live in and its
2 democracy, and was thankful for the residents of Apex electing him to serve a full term. He was
3 thankful for the support from his family, and expressed the gratitude he had for food, shelter, and
4 other things that are often taken for granted.

5 **Councilmember Gantt** said he was thankful he will be in Turkey for Turkey Day, and all the
6 jokes he will be able to tell that day will be amazing.

7 **Mayor Pro Tempore Killingsworth** said she was thankful for her family, friends, and the
8 Apex community. She said it is amazing and supportive, and she wouldn't be who she is without that
9 collective group of people.

10 **Councilmember Mahaffey** said he was thankful for his family and his health. He said he was
11 thankful for the people of Apex for trusting him for another 4 years, and that it was humbling to go
12 through that experience. He said he was also thankful to be able to travel to see some additional
13 family.

14 **Councilmember Gray** said he would be here all night if he shared everything he was thankful
15 for. He said he was thankful for his family, and was thankful for one of the attendees tonight,
16 Children's Home Society, who help make their family a family through adoption. He said he grateful
17 for the opportunity to serve, as they are doing on Council.

18 **Mayor Gilbert** thanked them for their comments, and for everyone being at the meeting. He
19 said he was thankful for the town staff at Apex, which he said are the best in the world. He said the
20 only certainty is that "God's will is good". He then led a recitation of the Pledge of Allegiance.

21 **[SLIDE 1]**



22
23
24 **[CONSENT AGENDA]**

25
26 **Councilmember Gantt** said he felt that the most important sidewalk gap to fill in the town
27 was the one between Hunter Street Park and South Salem Street, so he was glad Consent Item 2
28 would do that. He thanked Adam Stephenson for his work on this.

29
30 A **motion** was made by **Councilmember Zegerman**, seconded by **Councilmember Gantt**,
31 to approve the Consent Agenda as presented.

DRAFT MINUTES

1 **VOTE: UNANIMOUS (5-0)**
2

3 **CN1 2024 Town Council Meeting Calendar (REF: OTHER-2023-110)**

4 Council voted to adopt the Town Council meeting schedule for calendar year 2024.

5 **CN2 Agreement - Construction Agreement - CSX Transportation, Inc - Hunter Street**
6 **Sidewalk (REF: CONT-2023-317)**

7 Council voted to approve a Construction Agreement with CSX Transportation, Inc and the Town of
8 Apex, for Hunter Street sidewalk connecting to the existing railroad crossing surface, and to
9 authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

10 **CN3 Agreement - Fire Protection Equipment Mutual Aid Agreement - Equipment Sharing -**
11 **with Town of Cary, Town of Morrisville and Town of Apex (REF: REF-2023-318)**

12 Council voted to approve a Fire Protection Equipment Mutual Aid Agreement between the Town of
13 Cary, Town of Morrisville and the Town of Apex, effective from the date of execution until July 1,
14 2024, and, thereafter shall renew automatically on July 1 of each subsequent year for twenty (20)
15 years, for the sharing of equipment, and to authorize the Interim Town Manager, or their designee,
16 to execute on behalf of the Town.

17 **CN4 Annexation No. 765 - Alderwood - Two Remaining Parcels - 5.226 acres (REF: RES-**
18 **2023-066, RES-2023-067, and OTHER-2023-111)**

19 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
20 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
21 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's
22 intent to annex 5.226 acres, located in Alderwood (two remaining parcels), Annexation No. 765 into
23 the Town Corporate Limits.

24 **CN5 Annexation No. 766 - Veridea No. 1 (Tracts One through Six) - 111.02 acres (REF: RES-**
25 **2023-068, RES-2023-069, and OTHER-2023-112)**

26 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
27 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
28 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's
29 intent to annex 111.02 acres, located at Veridea No. 1 (Tracts One through Six), Annexation No. 766
30 into the Town Corporate Limits.

31 **CN6 Annexation No. 768 - 9613 Horton Road - 17.41 acres (REF: RES-2023-070, RES-2023-**
32 **071, and OTHER-2023-113)**

33 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
34 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
35 a Public Hearing for November 28, 2023, on the Question of Annexation - Apex Town Council's
36 intent to annex 17.41 acres, located at 9613 Horton Road, Annexation No. 768 into the Town
37 Corporate Limits.

38 **CN7 Construction Contract Award - Browe Construction Company - Laura Duncan Sidewalk**
39 **Project (REF: CONT-2023-319)**

40 Council voted to award a construction contract with Browe Construction Company and the Town of
41 Apex, for the construction of a sidewalk on the east side of Laura Duncan Road (from Pinewood Dr to
42 Knollwood Dr), and to authorize the Interim Town Manager, or their designee, to execute on behalf
43 of the Town.
44

DRAFT MINUTES

1 **CN8 Council Meeting Minutes - Various**

2 Council voted to approve, as submitted or amended, Meeting Minutes from the following meeting:
3 October 19, 2023 - Town Council Work Session Meeting Minutes
4 October 24, 2023 - Regular Town Council Meeting Minutes
5 October 27, 2023 - Town Council Strategic Planning Work Session Meeting Minutes

6 **CN9 Encroachment Agreement - 2915 Alderson Court - Lot 258 (REF: CONT-2023-320)**

7 Council voted to approve an encroachment agreement between the Town of Apex and property
8 owner Guoqiang Zhang and spouse Jin Gan, to install a fence that will encroach 116 linear feet (LF)
9 onto the Sanitary Sewer Easement and authorize the Interim Town Manager, or their designee, to
10 execute on behalf of the Town.

11 **CN10 Ordinance Amendment - Chapter 13 Occupational Licenses, Taxes and Regulations,**
12 **Article III, Subsection 54 Exemptions - Pleasant Park Concessions (REF: ORD-2023-109)**

13 Council voted to adopt an ordinance amending Chapter 13, Article III, Subsection 54 of the Town of
14 Apex Code of Ordinances to provide a permit exemption to persons contracted with the Town to
15 provide concession services on Town property and who would otherwise meet the definition of park
16 concessioner under this article.

17 **CN11 Tax Report - September 2023 (REF: OTHER-2023-114)**

18 Council voted to approve the Wake County Tax Administration Tax Report for the Town of Apex
19 dated October 10, 2023.

20 **CN12 Vehicle Lease - 2014 Freightliner Leaf Truck (REF: CONT-2023-321)**

21 Council voted to approve a Vehicle Lease between the Town of Holly Springs and the Town of Apex,
22 for a 2014 Freightliner M2 106 Vacuum Leaf Truck, effective until February 28, 2024, and to
23 authorize the Interim Town Manager, or their designee, to execute on behalf of the Town.

24
25 **[PRESENTATIONS]**

26
27 **PR1 Apex Public School Foundation - Quarterly Peak S.T.A.R. Awards**

28 **Councilmember Mahaffey** introduced the award, and said it was done along with the Apex
29 Public School Foundation to a Staff, Teacher, or Administrator in Apex who has done great work in
30 public education.

31 **Laura Conroy**, President of the Apex Public School Foundation, said announcements on a
32 public school grant award will be coming in early 2024. She said the Foundation appreciated being
33 able to partner with Apex to present these awards to educators in Apex. She introduced the Peak
34 S.T.A.R Award recipient Josh Gurkin, Science Teacher at Apex High School. Mr. Conroy emphasized
35 that Mr. Gurkin is a servant to the community, and serves in many capacities at Apex High.

36 **Councilmember Mahaffey** presented the award to Mr. Gurkin,

37 **Mr. Gurkin** thanked the Mayor, Council, and Apex Public School Foundation for their support
38 of public education. He said all students, regardless of their economic status, deserve a good public
39 school to be available to them.

40 **Ms. Conroy** said the APSF was hosting "Are You Smarter Than An Apex Student" on
41 Thursday, November 16 at Apex high.

DRAFT MINUTES

1 **PR2 Proclamation - Adoption Awareness Month - November 2023 (REF: PRO-2023-037)**

2 **Mayor Gilbert**, along with the whole Council, read the Adoption Awareness Month 2023
3 Proclamation in unity.

4 **Mayor Gilbert** presented the proclamation to Kim Adcock, Permanency Planning Social
5 Worker at Wake County Human Services, and to representatives from the Children's Home Society.

6 **Darius Moore**, Family Recruitment Specialist with the Children's Home Society, thanked the
7 Mayor and Council. He said currently there are about 12,000 children in the State of North Carolina
8 who need a place to stay. He said he invites anyone with the space in their home to apply to become
9 a foster parent. He said becoming a foster parent is the best gift anyone can give to a child in this
10 holiday season. He spoke about the importance of community, and how dependent everyone is on
11 the work of other people for things they use every day. He invited people to find ways to give back
12 to the community, and open up their homes.

13
14 **PR3 Proclamation - Geographic Information Systems (GIS) Day - Wednesday, November 15,
15 2023 (REF: PRO-2023-038)**

16 **Mayor Gilbert**, along with the entire Council, read the Geographic Information Systems (GIS)
17 Day Proclamation in unity.

18 **Mark Griffin**, GIS Administrator, and Erika Sacco, IT Director accepted the proclamation.

19 **Mr. Griffin** thanked the Mayor and Council, and said there were many people in the town
20 who utilized GIS for their roles. He said he was proud to work for the town, and he is sure they are
21 too.

22
23 **PR4 Proclamation - Small Business Saturday 2023 - Saturday, November 25, 2023 (REF:
24 PRO-2023-039)**

25 **Mayor Gilbert**, along with the rest of Council, read the Small Business Saturday 2023
26 Proclamation in unity.

27 **Papa Fall**, Owner of Yagg Sii Tenn, and Kyrone Nebolisa, Owner of Kwench Juice Café,
28 accepted the proclamation.

29 **Mr. Nebolisa** said Small Business Saturday was a lifeline for small businesses, and invited
30 people to come out and support them. He said his business, Kwench Juice Café, will have special
31 discounts that day, and he welcomed anyone to come.

32
33 **PR5—Western Wake Ministry Presentation**

34 This scheduled presentation did not occur, as the presenter was not in attendance.

35
36 **[REGULAR MEETING AGENDA]**

37
38 **Councilmember Mahaffey** said he would like to approve the agenda, with the removal of
39 Old Business 1, as he had heard from members of the community that they would like additional
40 discussion on that item.

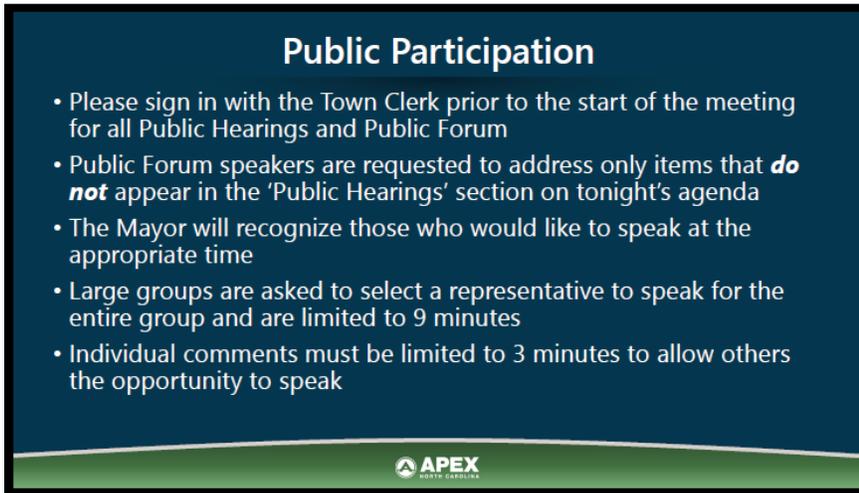
DRAFT MINUTES

1 A **motion** was made by **Councilmember Mahaffey**, seconded by **Mayor Pro Tempore**
2 **Killingsworth**, to approve the Regular Meeting Agenda, with the removal of Old Business 1.

3
4 **VOTE: UNANIMOUS (5-0)**

5
6
7 **[PUBLIC FORUM]**

8
9 **[SLIDE 2]**



10
11
12 First to speak was **Laura Wyatt** of 300 Benoit Court

13
14 "Wester Wake Tennis is a non-profit organization whose mission is to promote the spirit and growth
15 of tennis in Western Wake County, which includes Apex. I'm here tonight also with my board
16 president, Shareen Halco, and I'm going to introduce these two people in just a minute. But I'm here
17 tonight because we got an award, because of a program that you run in your community. Each year,
18 USTA North Carolina gives out awards, and we received the adaptive tennis award, and that's given
19 to a person or an organization who promotes or runs or supports adaptive tennis. Adaptive tennis is
20 tennis for intellectually disabled athletes. Several years ago, Ally Prelaske asked Caroline who she
21 should talk to, they referred her to me, and we helped her get the abilities tennis program started.
22 And, it's grown, and she's done an amazing job working with pros and scheduling and everything,
23 and now each spring and each fall, you run two back-to-back programs, eight weeks in the spring,
24 eight weeks in the fall, and we provide the volunteers. In fact, we won this award because of the very
25 large volunteer program that we run because of this program that you run, and also we work with
26 the Town of Cary. In 2022, we filled 475 volunteer hours, in 2023 it's going to be 600. So, it's pretty
27 awesome. What you're doing with that population is amazing, because they get more exercise in
28 that one hour than they do in really several days. Then they have to focus, they have to watch the
29 ball, they have to move and all that. And then they get the social benefits, and basically, it's a party.
30 It's a happy, happy thing. In fact, when I leave my cheeks hurt from smiling. So that' awesome, but
31 I'm going to take it a step further, because what you're also doing, because we need to provide the
32 volunteers, here's a couple of the volunteers, this is Samantha and her father Brad. We have
33 volunteers that are teenagers, most of them are tennis players but not all, teenagers, adults, families

DRAFT MINUTES

1 that volunteer together, National Charity League mothers and daughters, young men's service
2 organizations, mothers and sons, they get out and they volunteer, and they see what tennis does in a
3 community, and they see what you all are doing in the community. That's huge. We actually took it
4 one step farther because we ended up, one of your clinics has some athletes that really needed
5 more, where they do the clinics but then they're like now what's next. So thanks to your Parks, Rec,
6 and Cultural Resources Department, and in this case was Jason Simpson, we started unified doubles.
7 Sam is one of our unified partners, and she plays tennis with an intellectually disabled athletes, and
8 they rally and they serve and it's really quite amazing. In fact, we do that and we're going to have
9 another match Thursday night at Apex Community Park, 2200 Laura Duncan Road. It's amazing what
10 you've done through tennis, and we are so grateful for our partnership with the Town of Apex,
11 specifically Parks, Rec, and Cultural Resources, we've missed Ally since she's been out, I understand
12 she's back, but she got this started. And then we worked with Jason, and Jason I actually work with
13 for our league play opportunities and our low-cost beginner programs, and you're providing the
14 same benefits to those people as well, physical, social, and mental benefits. So, we are thankful for
15 the partnership, we love what you're doing through tennis, we're certainly excited about Pleasant
16 Park, I don't know if you have any questions, if you want to ask our volunteers any questions about
17 the program, I don't if this is the time for that or not."

18
19 **Mayor Gilbert** said he just wanted to say thank you for all that she does. He said the program
20 is wonderful, and also thanked Samantha and Brad. He said Ally Prelaske and Craig Setzer were in
21 attendance, and thanked them as well.

22
23 Next to speak was **Dawn Cozzalino** of 3632 Bosco Road (To view Ms. Cozzalino's handout,
24 see **OTHER-2023-123**):

25
26 "Tonight, I'm going to bring you the sights and sounds of the Friendship/New Hill community. Notice
27 in the pictures, there's abundance of wildlife, there's blue Carolina skies, there's tall, colorful trees,
28 and water features. Especially take a look at the two photos over there that I'm pointing to, of the
29 bald eagles, which are seen on two different farm properties on Bosco Road. These are still a
30 protected species, and there's also many more endangered species we've seen as well. Peaceful,
31 very rural. This isn't a place for sewer infrastructure, sewer easements. This is the place for the
32 Western Big Branch Force Main. This is the other side of US 1. It's a perfect location. There's no trees,
33 there's no wildlife, there's already an easement there, and you can see that it's a straight spread right
34 on that border of US 1. I want to add to that as well. It would be lower cost, and no eminent domain.
35 So, I'd like us to work together, I just want to share some of the sounds of why it's perfect. This is by
36 US 1. So, I'd like us to work together on this solution. I think it would be great to preserve our rural
37 landscape, and be a community in the process. Thank you very much."

38
39 **Mayor Gilbert** thanked Ms. Cozzalino for her comments.

40
41 Next to speak was **Elizabeth Stitt** of 3113 Friendship Road:

42
43 "Mayor and Town Council, I was not able to make the last Town Council meeting, but I watched it on
44 the YouTube replay, so I wanted to call that out to anybody who is watching or anybody who is

DRAFT MINUTES

1 listening to know that they can go see these meetings on YouTube. I'm starting to have watch
2 parties, to try to get more people involved. And I have to say, we found the last meeting a little
3 disturbing. When the fire sprinkler proposal was presented, we found it disturbing on a couple
4 levels. First and foremost, when you go to the town's website, it says the Town Council is
5 responsible to the citizens. This fire proposal was put out by the Council, it was not citizen-driven.
6 And it was done in a process that specifically denied citizen input. It did not allow for any community
7 engagement. That is disturbing. It also excluded the town staff. It didn't even have a town staff report
8 to talk about the need. I am all for preventing home deaths, but when you go for the National Safety
9 Council website and you look at how many fire deaths occur in the home, it's 2.4% of all deaths. 87%
10 of deaths are from poisoning and falls. But there was no mention about the majority of deaths that
11 occurred. It was about the 2.4%, if you're lucky enough or privileged enough to live in a new house. I
12 found that offensive, because I would love to wrap my family in bubble wrap based on some things
13 that happen in this community. We have our fire and rescue, we have our EMS, going and helping
14 people who are dying every day in our community. But in the 20 months that I have come to these
15 meetings, I have not seen proposals put forth to stop other types of deaths. I was just offended, the
16 people with me were offended. I am all about putting proposals out there, but it needs to include
17 the public, so in the theme of being thankful, I'm thankful it got removed off the agenda tonight, I'm
18 thankful there may be an opportunity for the community to be more involved in policies going
19 forward, and I'm thankful to have opportunity to say that we live in the United States. Our
20 constitution starts with "we, the people." And that should come down to Apex. We, the people,
21 should have a say in what the town does. Thank you."

22
23 **Mayor Gilbert** thanked Ms. Stitt for her comments.

24
25 Next the speak was Dr. Tracy Taylor of 2004 Baysdale Lane:

26
27 "I come to you with concerns and ask the town to please write and enact UDO's and regulations to
28 address what happened at the Board of Adjustment hearing in July, regarding the 1305 Holt Road
29 Variance. This is the first case in 5 years with such contention resulting in a 5-hour quasi-judicial
30 hearing. Board members were not adequately prepared. I'm concerned about the processes that I
31 believe weren't followed. It feels like we were used to rubber stamp and pass this variance where we
32 were not given all information to make a ruling. We were given information that has proven to be
33 false, as I discovered through my records request for all materials submitted to the record regarding
34 this variance. I'm concerned with this decision setting a precedent moving forward, since the Town
35 Council denied the applicant's zoning request, and then the Board overturned the elected Town
36 Council's decision. In mid-October Ms. Cowles sent Board Members a letter that a Courtyards on
37 Holt resident sent to the town for each of us. This letter addressed ex-parte communication that was
38 perceived by this resident. At the last Town Council meeting Mr. James Jesserer stated in public
39 comment that Attorney Hohe told him that he represents the Board and we are her client. Was she
40 more concerned about pacifying the applicant out of fear of the town being sued? We, the town and
41 Board, were threatened with being sued at the variance hearing if we did not pass this variance. The
42 applicant's attorney stated multiple times, and the town agreed, that the NCDOT said that access to
43 Holt Road was denied, but we did not receive evidence backing this claim, and there was no DOT
44 expert witness to testify for the applicant. Through my records request, I learned that since last year

DRAFT MINUTES

1 discussions between NCDOT and town staff, including Russell Dalton, yielded that the town and
2 DOT never said that DOT won't grant access off of Holt Road. NCDOT said that if a variance for a cul-
3 de-sac was allowed, then DOT wouldn't grant access to Holt Road. In March of this year, the NCDOT
4 asked what was decided by the Town Council because quote, if the connection was allowed to Elk
5 River Drive, then DOT won't allow connection to Holt Road. You see, the applicant asked NCDOT
6 what his options were and he asked if he could connect to Holt Road using a shared driveway or a
7 cul-de-sac for 3 homes. Mr. Dalton replied that the applicant's zoning request was denied, and that
8 the applicant quote, needs a variance to allow for extension of Elk River Drive, which would avoid the
9 requirement for connectivity to Holt Road. Why wasn't any of this information shared with Board
10 Members prior to the hearing? Since there was no expert witness at that meeting, and there was no
11 written evidence backing the claims, and the Town Council voted against the zoning, I voted against
12 the variance. But it still passed, 4-1. I would ask maybe for just 30 more seconds if that's possible
13 please. I ask that the Town Council please do the two following things. Pass a UDO or other
14 regulations to give the board a separate, blinded attorney to the variance brought forth to represent
15 the quasi-judicial process, to advise the board of our options in real time, to avoid bias or the
16 appearance thereof. We had no counsel to disregard the hearsay evidence, and the threat of being
17 sued. I'd argue that these weighed heavily in the variance decision by my fellow board members.
18 Please also pass a UDO or other regulation so that the Board can't overturn or circumvent Town
19 Council zoning decisions through the variance process. I fear that the precedent that was set by
20 passing the variance and overturning your zoning denial. Thank you."

21
22 **Mayor Gilbert** thanked Dr. Taylor for her comments.

23
24 Next to speak was **James Jesserer** of 1366 Elk River Drive:

25
26 "I'm a little stunned by what we just heard, and I thank you Dr. Taylor for your courage that you just
27 displayed in your statement, because in your statement you confirmed just about every single thing I
28 said to the board two weeks ago. I was prepared to give a presentation, it's over. I'm actually a little
29 stunned by what we've just heard. Based on Dr. Taylor's remarks, I am requesting an immediate
30 independent investigation of the BOA's decision rendered in July on 1305 Holt Road. We have just
31 heard a BOA member say that they were provided false or misleading information at this meeting,
32 that they were bamboozled and intimidated by a slick attorney, and they were provided little or no
33 legal counsel on the part of Town Council. That's a very ugly picture that just got painted for all of us.
34 I am sorry, I'm a little disappointed in what we've just heard. Obviously, Dr. Taylor got records
35 released to her. We also asked for a Freedom of Information Act, but we just got it today at 1 O
36 Clock, so we're not prepared to discuss our findings. But we'll be back here in 2 weeks. And instead
37 of 8 people in this audience, we'll have over 100 in this audience, and we'll share our findings of
38 what we find in those bits of information. Apex can and must do better than this. We are requesting,
39 again I'll repeat myself, an immediate investigation, independent investigation, into this July BOA
40 meeting, and we are asking for suspension of that decision, that BOA decision, I'll repeat myself, we
41 are asking the Town Council to suspend that July decision based on the information that was just
42 shared by Dr. Taylor. This is completely surprising so I apologize for not being able to give a decent
43 presentation. We must do better, I thank you and thank everyone, I particularly thank and salute Dr.

DRAFT MINUTES

1 Taylor who has displayed amazing courage in coming tonight and telling her story, thank you very
2 much Dr. Taylor, you're an inspiration to the rest of the community. Thank you."
3

4 **Mayor Gilbert** thanked Mr. Jesserer for his comments.
5

6 Next to speak was **Donald Braden** of 13 Elk River Drive:
7

8 "I was given standing at the BOA meeting, the July BOA meeting. I was given standing based on my
9 proximity to the 1305 property that impacts the development. It impacts the development because it
10 would have a major impact on my wife, who I have talked to y'all about before, who suffers from
11 dementia and wanders around the neighborhood. We paid a premium of \$30,000 extra for that lot
12 that we thought was going to be a cul-de-sac lot, and I believed it would provide the minimum
13 security for my wife, so I was willing to go ahead and do that. Based on Dr. Taylor's extraordinary
14 presentation, the discussion was pre-determined advised, and I am disgusted, and I second James'
15 motion requesting that the investigation of the BOA decision, and that the Town Council do
16 whatever it can to immediately suspend and undo this flawed BOA decision. Thank you, and most of
17 all, thank you Dr. Taylor. I did receive some information from Mr. Coleman today and I do have some
18 documentation I brought with me. I'm not ready to share it, we'll talk about that at the next meeting,
19 but it does state in there that the DOT did not deny access off of Holt Road, and it's in the minutes of
20 the notes at the BOA meeting, and we will share that with you at the next meeting. Thank you very
21 much for your time."
22

23 **Mayor Gilbert** thanked Mr. Braden for his comments. He told him he would have somebody
24 reach out regarding the request. With no further sign ups, he closed Public Forum and moved the
25 meeting to Public Hearing.
26
27
28
29

30 **[PUBLIC HEARING]**
31

32 **PH1 Annexation No. 770 - Legacy Station - 26.63 acres (REF: ORD-2023-111)**

33 **Dianne Khin**, Planning Director, gave the following presentation regarding Annexation No. 770 -
34 Legacy Station.

35 **[SLIDE 3]**

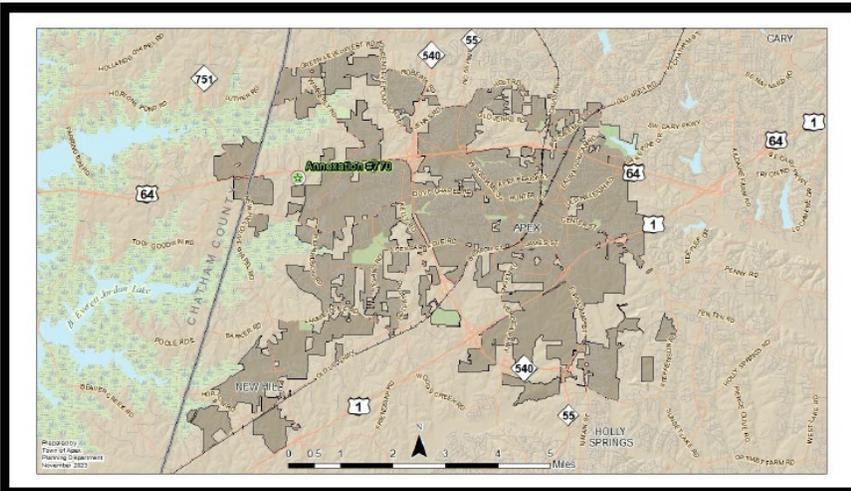
Public Hearing #1

Annexation #770
Legacy Station



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4

[SLIDE 4]



5
6

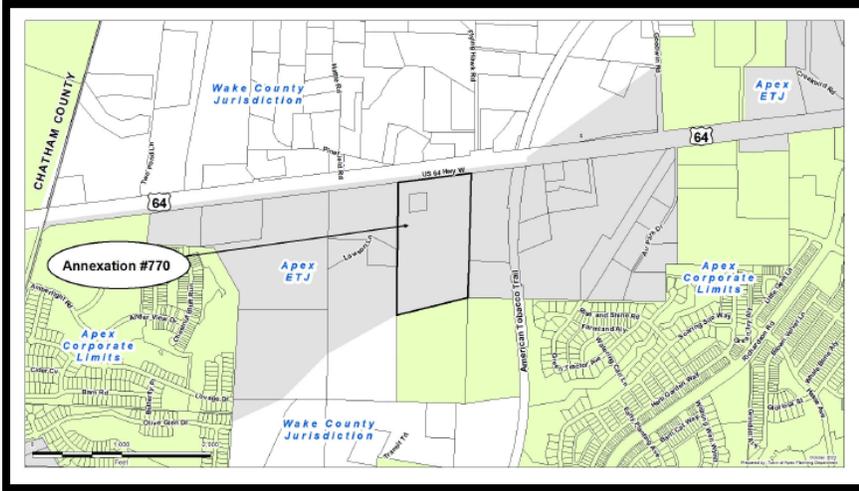
[SLIDE 5]



7
8

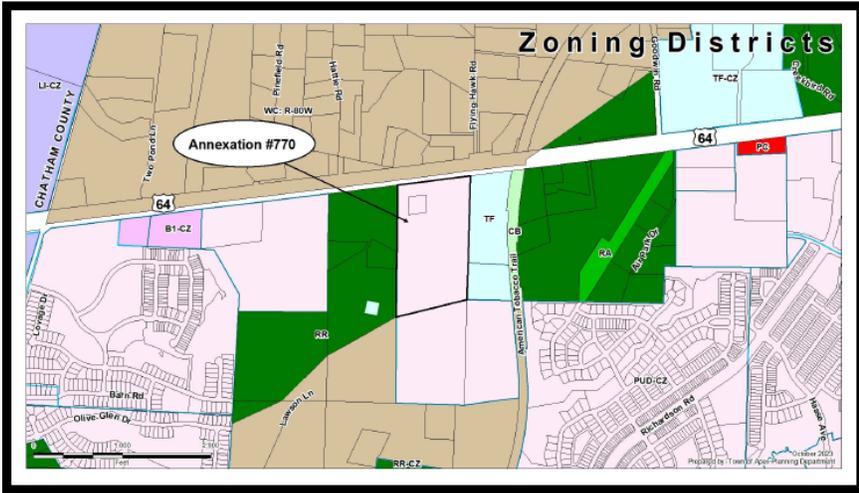
DRAFT MINUTES

1 [SLIDE 6]



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[SLIDE 7]



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Mayor Gilbert opened Public Hearing for this item. With no one signed up, he closed Public Hearing and moved discussion back to Council.

A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember Gray**, to approve Annexation No. 770 - Legacy Station.

VOTE: UNANIMOUS (5-0)

[OLD BUSINESS]

OB1 Ordinance Amendment - Chapter 5 - Article 1 - Section 5 - Automatic Fire Sprinkler System Requirements (2nd Reading)

DRAFT MINUTES

1 **CLERK Note:** This item was removed from tonight's agenda per the vote setting the Regular
2 Meeting Agenda.

3
4 **[UPDATES BY INTERIM TOWN MANAGER]**

5
6 **Interim Town Manager Purvis** said the opening of Pleasant Park on November 4th went well,
7 and in the first week of the park's opening, it averaged between 8,000-10,000 people per day. He
8 said the Skate Plaza is now fully lit with LED lights, and thanked the electric staff for getting those
9 changed out. He said the pickleball courts at Apex Community Park will be open in the next week
10 after being resurfaced. He said the Holiday Lights are up Downtown, and he will be keeping them
11 updated with events. He wished everyone a safe and wonderful Thanksgiving holiday, and
12 expressed his appreciation to town employees who will be working through Thanksgiving.

13
14 **Mayor Gilbert** thanked Interim Town Manager Purvis for his service, Officer Patel for being in
15 attendance to oversee the meeting, and the Apex Youth Council for being in attendance.

16
17 **[CLOSED SESSION]**

18
19 **Town Attorney Hohe** requested that Council add a third item to the Closed Session Agenda
20 to preserve the attorney-client privilege.

21 A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Zegerman**, to
22 enter into Closed Session pursuant to NCGS §143-318.11(a)(3) and NCGS §143-318.11(a)(6).

23
24 **VOTE: UNANIMOUS (5-0)**

25
26 Council entered into Closed Session at **6:53 p.m.**

27
28 **CS1 Laurie Hohe, Town Attorney**

29 **NCGS § 143-318.11(a)(6):**

30 *consider the qualifications, competence, performance, character, fitness, conditions of*
31 *appointment, or conditions of initial employment of an individual public officer or employee*
32 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*
33 *grievance by or against an individual public officer or employee."*

34
35 **CS2 Allen Coleman, Town Clerk**

36 **NCGS § 143-318.11(a)(6):**

37 *consider the qualifications, competence, performance, character, fitness, conditions of*
38 *appointment, or conditions of initial employment of an individual public officer or employee*

DRAFT MINUTES

1 *or prospective public officer or employee; or to hear or investigate a complaint, charge, or*
2 *grievance by or against an individual public officer or employee."*

3
4 **CS3 ADDED - Laurie Hohe, Town Attorney**

5 **NCGS §143-318.11(a)(3):**

6 *"To consult with an attorney employed or retained by the public body in order*
7 *to preserve the attorney-client privilege between the attorney and the public body."*

8
9 Council returned to open session at **9:56 p.m.**

10
11 A **motion** was made by **Mayor Pro Tempore Killingsworth**, seconded by **Councilmember**
12 **Gray**, to officially appoint Allen Coleman as the Town Clerk for the Town of Apex, and to approve
13 the associated employment contract.

14
15 **VOTE: UNANIMOUS (6-0)**

16
17 **CLERK Note:** North Carolina General Assembly Session Law No. 2023-112 authorizes the Apex
18 Town Council and Mayor to make appointments and vote on certain matters regarding the
19 appointees of the Town Manager, Town Attorney, and Town Clerk for the Town of Apex.

20
21 **[ADJOURNMENT]**

22
23 **Mayor Gilbert** adjourned the meeting at **9:58 p.m.**

24
25 Jacques K. Gilbert
26 Mayor

27
28 Allen Coleman, CMC, NCCCC
29 Town Clerk to the Apex Town Council

30
31 Submitted for approval by Town Clerk Allen Coleman and approved on _____.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 12, 2023

Item Details

Presenter(s): Mary Beth Manville, Director

Department(s): Human Resources

Requested Motion

Motion to approve the following new position authorizations:

- One (1) Full-Time, Benefited Water Resources Specialist Position [Water Resources Dept.]
- Two (2) Full-Time, Benefited Park Attendant Positions [Parks, Recreation, and Cultural Res. Dept.]
- Two (2) Part-Time, Benefited Park Attendant Positions [Parks, Recreation, and Cultural Res. Dept.]

.Approval Recommended?

Yes

Item Details

On December 8, 2023, the Personnel Committee considered new position request(s) and unanimously approved the changes listed below. Additional details for each request are in the agenda attachment.

- One (1) Full-Time, Benefited Water Resources Specialist Position [Water Resources Dept.]
- Two (2) Full-Time, Benefited Park Attendant Positions [Parks, Recreation, and Cultural Res. Dept.]
- Two (2) Part-Time, Benefited Park Attendant Positions [Parks, Recreation, and Cultural Res. Dept.]

Attachments

- CN3-A1: Background Information - Position Authorizations - New FTEs - Water Resources and Parks, Recreation, and Cultural Resources



Background Information on New Position Request(s)

Water Resources Specialist (Stormwater), Water Resources Department

As a delegated Local Erosion and Sediment Control program by NCDEQ, the Town of Apex is expected to meet a certain level of service to remain in compliance with the program requirements. Within those various requirements, every development project with an active land disturbance permit is required to have a comprehensive field inspection performed at least once monthly to ensure the project is compliant with the Town's Erosion and Sedimentation Control Ordinance and program requirements.

In 2023, the Town has averaged 80 open projects at one time, ranging between just over one acre up to 94 acres in size, with a total disturbed area of over 1,400 acres within the corporate limits and ETJ. During that timeframe, current staffing was unable to perform the inspections necessary to meet the minimum requirements of the Erosion and Sediment Control program. As new development trends continue, staff will continue to fall further behind.

To ensure compliance with the Erosion and Sediment Control program, an additional Stormwater Specialist position was evaluated within the Stormwater Utility and current operating budget at mid-year. Water Resources staff have worked with Finance and Budget staff to ensure the existing utility and operating budget can support this request.

The addition of a new Stormwater Specialist position at mid-year would ensure that the Town remains compliant with NCDEQ regulations and continue to be a delegated Local Erosion and Sediment Control Program, which is routinely audited by NCDEQ staff.

RECOMMENDATION: The Personnel Committee reviewed and unanimously recommended approval of this request as presented (1 FTE, benefited) during their meeting on December 8.

Park Attendants, Parks, Recreation, and Cultural Resources Department

The Parks, Recreation and Cultural Resources Department has continued to face an unprecedented reduction in limited service employees (LSE) since the Covid 19 pandemic. Hiring and retention related to the Parks Operations Division has continued to be challenging. Pleasant Park currently has (8) 20hr. LSE attendant positions budgeted but vacant. Overtime coverage from full-time staff and consistently adjusting scheduling have been necessary to ensure coverage during operating hours. The inability to hire LSE positions is having an adverse effect on full time Parks Operations Workers. Team members are doing what they can to provide routine maintenance and maintain a high service level but they are stretched thin and morale is starting to become a concern.

In an attempt to address staffing shortages, Parks, Recreation and Cultural Resources staff is recommending the addition of four part-time benefited Pleasant Park Attendants. The position would be offered an hourly wage comparable to our full-time Park Attendant position, and would enable those hired to receive prorated health and retirement benefits. The position would be scheduled for 30 hours each week. The higher wage, benefit package, and consistent hours will provide candidates with steady compensation and benefits not available in the current structure.

RECOMMENDATION: The Personnel Committee reviewed and unanimously recommended approval of 2 full-time benefited and 2 part-time benefited positions during their meeting on December 8.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: December 12, 2023

Item Details

Presenter(s): Allen Coleman, Town Clerk

Department(s): Town Clerk's Office

Requested Motion

Motion to approve the Wake County Tax Administration Tax Report for the Town of Apex dated November 6, 2023.

Approval Recommended?

Yes

Item Details

The Wake County Board of Commissioners, in regular session on December 04, 2023, approved and accepted the enclosed tax report for the Town of Apex, dated November 6, 2023 for the period of October 01, 2023 through October 31, 2023.

Attachments

- CN4-A1: Tax Report for October 2023





Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6180
FAX 919 856 5699

SHINICA THOMAS, CHAIR
SUSAN EVANS, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
DON MIAL
CHERYL STALLINGS
JAMES WEST

December 5, 2023

Mr. Allen Coleman
Town Clerk
Town of Apex
Post Office Box 250
Apex, North Carolina 27502

Dear Mr. Coleman:

The Wake County Board of Commissioners, in regular session on December 4, 2023, approved and accepted the enclosed tax report for the Town of Apex.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Yvonne Gilyard".

Yvonne Gilyard
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)



Wake County Tax Administration

Rebate Details

10/01/2023 - 10/31/2023

APEX

DATE

11/01/2023

TIME

10:16:25 PM

PAGE

1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
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BUSINESS ACCOUNTS

860184	24.49	0.00	2.45	0.00	26.94	10/05/2023	0006910459	2021	2021	000000	LIU, YING
860060	18.13	0.00	1.81	0.00	19.94	10/04/2023	0006824152	2021	2021	000000	TRIANGLE GUN VAULT
860183	27.17	0.00	2.72	0.00	29.89	10/05/2023	0006910459	2020	2020	000000	LIU, YING
861357	150.38	0.00	0.00	0.00	150.38	10/19/2023	0006490867	2023	2023	000000	DAKOTA ASSOCIATES INC
860061	16.42	0.00	1.64	0.00	18.06	10/04/2023	0006824152	2022	2022	000000	TRIANGLE GUN VAULT
860185	23.37	0.00	2.34	0.00	25.71	10/05/2023	0006910459	2022	2022	000000	LIU, YING
SUBTOTALS FOR BUSINESS ACCOUNTS		259.96	0.00	10.96	0.00			6	Properties Rebated		

INDIVIDUAL PROPERTY ACCOUNTS

860687	82.47	0.00	0.00	0.00	82.47	10/11/2023	0006987151	2023	2023	000000	SCHNEIDER FINANCE INC
860196	146.24	30.00	0.00	0.00	176.24	10/05/2023	0006978998	2023	2022	000000	WOLFF, MARTHA LUE
SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS		228.71	30.00	0.00	0.00			2	Properties Rebated		

INDIVIDUAL REAL ESTATE ACCOUNTS

861970	1,050.83	0.00	0.00	0.00	1,050.83	10/26/2023	0000285669	2023	2023	000000	KAPPEL, KRISTY
860440	389.97	0.00	0.00	0.00	389.97	10/09/2023	0000496029	2023	2023	000000	HUGHTON, MICHAEL J



Wake County Tax Administration

DATE

TIME

PAGE

11/01/2023

10:17:11 PM

2

Rebate Details
10/01/2023 - 10/31/2023
APEX

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR FOR TYPE	OWNER
SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS										
		1,440.80	0.00	0.00	0.00	1,440.80	2	Properties Rebated		

WILDLIFE BOAT ACCOUNTS											
861480		158.84	0.00	0.00	0.00	158.84	10/19/2023	0004210857	2023	000000	ALBRIGHT, STEVEN MICHAEL
859809		301.30	0.00	30.13	0.00	331.43	10/02/2023	0004210158	2022	000000	RODGERS, JOHN FREDRIC
SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS											
		460.14	0.00	30.13	0.00	490.27	2	Properties Rebated			

TOTAL REBATED FOR APEX		2,389.61	30.00	41.09	0.00	2,460.70	12	Properties Rebated for City		
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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: December 12, 2023

Item Details

Presenter(s): Mayor Jacques K. Gilbert, Sponsor
Seaira Green, Executive Director

Department(s): Governing Body
Western Wake Crisis Ministry (WWCM)

Requested Motion

Receive as information a presentation regarding current initiatives of the Western Wake Crisis Ministry (WWCM) located in Apex.

Approval Recommended?

N/A

Item Details

The Western Wake Crisis Ministry (WWCM) Board of Directors recently appointed Seaira Green to serve as the new Executive Director. Ms. Green has more than 15 years as a results-oriented fundraising and nonprofit leader. Most recently, Ms. Green has served as the Chief Program Officer at Triangle Family Services where she demonstrated her ability to be a strategic leader in nonprofit management utilizing her macro and detail perspective and experience. Ms. Green's first official day as Executive Director was September 18, 2023.

Mayor Gilbert and Ms. Green recently met for introductions and to discuss current agency initiatives. Mayor Gilbert invited Ms. Green to make a presentation at an upcoming Council Meeting. This opportunity will provide Council and the community with an update on current agency programs and initiatives.

Attachments

- PR1-A1: Western Wake Ministry Presentation



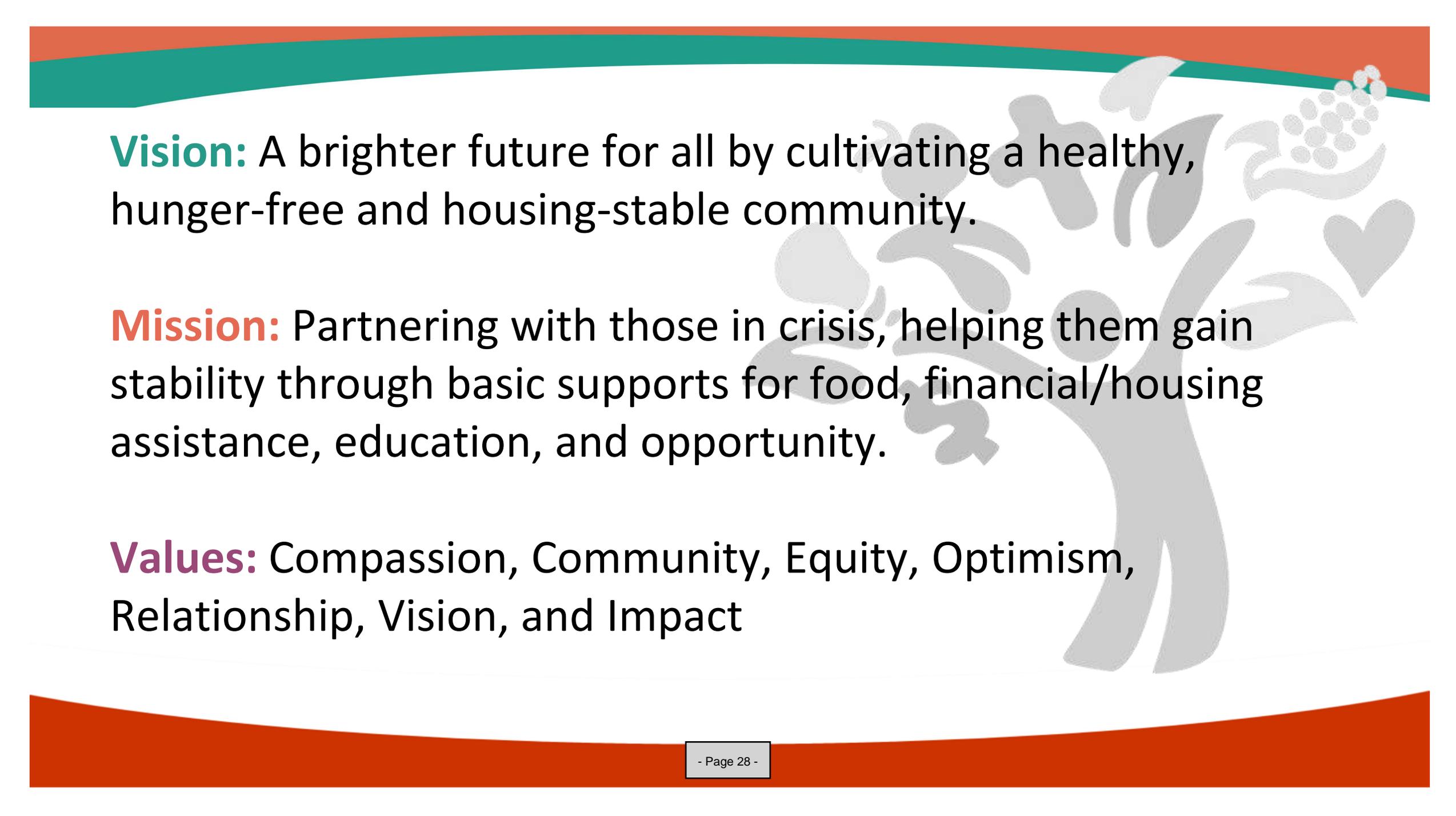


Western Wake

CRISIS MINISTRY

Building a brighter future for all by cultivating a healthy,
hunger-free and housing-stable community.

wwcm.org ~ 919-362-0657



Vision: A brighter future for all by cultivating a healthy, hunger-free and housing-stable community.

Mission: Partnering with those in crisis, helping them gain stability through basic supports for food, financial/housing assistance, education, and opportunity.

Values: Compassion, Community, Equity, Optimism, Relationship, Vision, and Impact

Services



FOOD SECURITY

- Curbside Pickup & Open-Air Market – weekdays (M-Th)
- Saturday Distribution (monthly)
- Latinx/Hispanic Outreach
- Home Delivery (monthly)
- Emergency Food Support

HOUSING SECURITY

- Rental Assistance
- Utility Assistance Program
- Short-term Case Management
- Resource Assistance



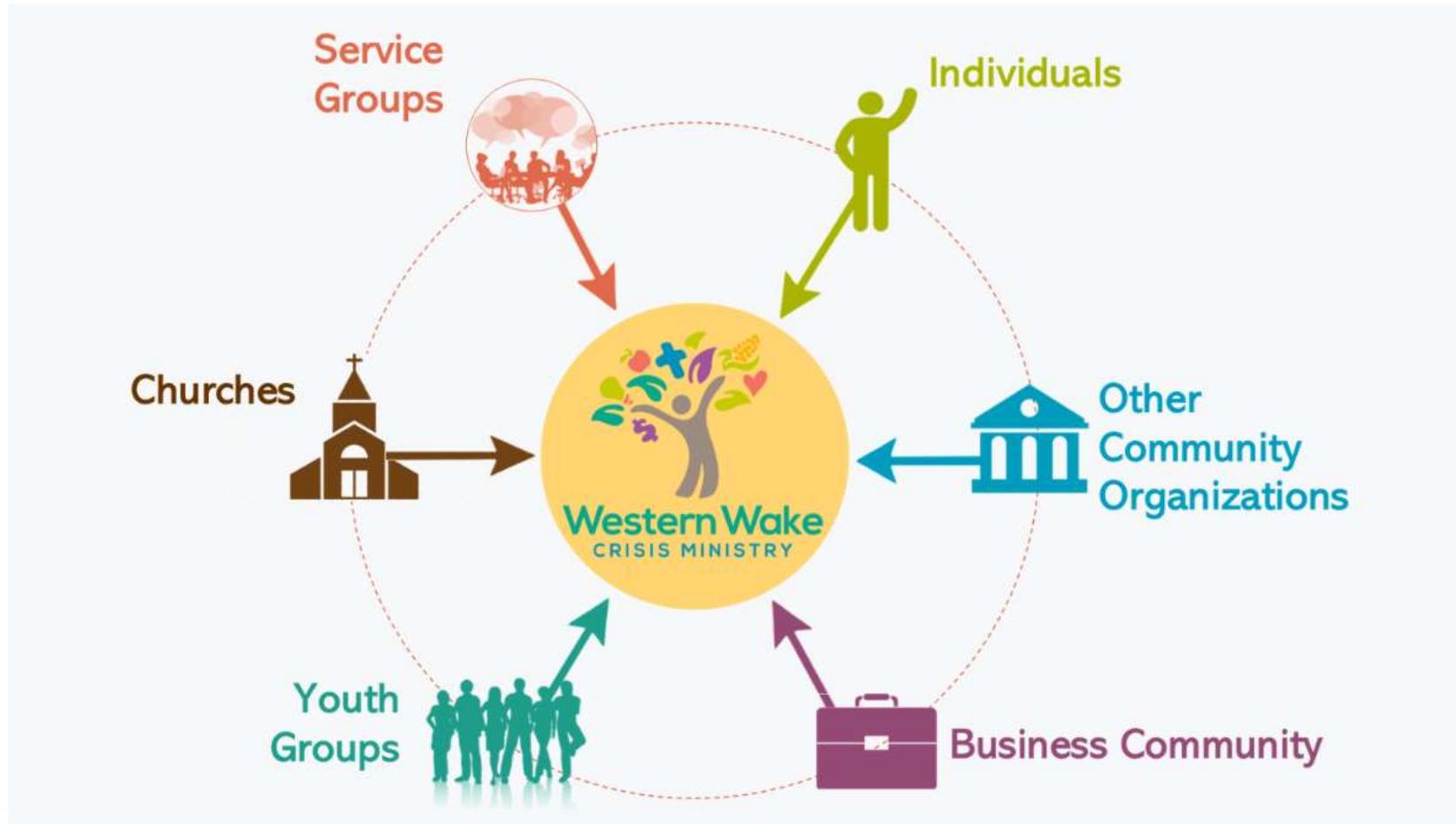
WWCM & Covid Response

- Curbside food distribution & home delivery
- Limited volunteers & staff in building
- Monthly meat & produce distribution to all Wake County
- Resource Assistance provided virtually or by appointment outside
- Collaboration with Emergency Meal Program, Local Agencies & Churches

Operational Snapshot



- Serve Approximately 400 families per month with food assistance
- Serve Approximately 55+ families per month with financial support (rent & utilities), Receives approximately 330 calls for screening
- Partnered with Town of Apex to assist customers with past due utility bills
- WWCM only has 5 employees, 2 of which are part-time
 - Approximately 100 regular volunteers
 - Interdependent relationships with volunteers
 - Numerous donors and partners that support the overall operations of WWCM including the Interfaith Food Network, Food bank of NC, Food Lion, United way, Apex Chamber of Commerce and Wake County.





What's Happening at WWCM

- Several food collection drives for Thanksgiving Meal-Goal is to serve 300 families
- Holidays and Beyond campaign to combat food security past the holidays
- Collaboration with Apex Police Department to support a family that actively fleeing domestic violence
- Hiring additional support staff to meet the needs of the community.
- Working directly with landlords, hotels, property managers to facilitate housing
- Hosting Coffee & Chat sessions, community tours and Lunch and Learns

What can Groups Do?



- Food and/or Fund Drives
- Distribute information about WWCM via newsletter, social media
- Volunteer
- Invite WWCM to speak or present at events

Where to Find Us

1600 Olive Chapel Road, Suite 408 (540 Flex), Apex, NC 27502

919-362-0657

WWCM.ORG



@westernwakecrisisministry



@westernwakecrisisministry



@wwcm2017