



Apex Town Council Meeting

Wednesday, March 04, 2020

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, Council Members
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council scheduled for Wednesday, March 04, 2020, at 6:00 PM will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street. The meeting will adjourn when all business is concluded or at 10:00 PM, whichever comes first.

COMMENCEMENT

Call to Order : Invocation : Pledge of Allegiance

PRESENTATIONS

[PR1](#) Dianne Khin, Planning and Community Development Director

Special presentation on the importance of counting all Apex citizens in the 2020 Census.

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 Council Pre-Retreat on January 9, 2020, the Council Strategic Planning Retreat on January 10, 2020, and the Regular Council Meeting on February 4, 2020

[CN2](#) Donna Hosch, Town Clerk

Motion to approve Apex Tax Reports dated January 2, 2020

[CN3](#) Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the March 17, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

[CN4](#) Shelly Mayo, Planner II

Motion to approve Statement of the Town Council for Rezoning Case #19CZ25, Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, petitioners, for the property located on 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road.

[CN5](#) Marty Stone, Assistant Town Manager

Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, David Lawrence Martin and Liesl Martin regarding Wake County, NC, PIN#0710-22-6578, Lot 382 Jordan Pointe, Phase 2D as shown and recorded in Book of Maps 2019, Page 664, 2836 Horton Elms Drive, New Hill, NC 27562.

[CN6](#) David Wood, Cultural Arts Center Manager

Motion to close Depot parking lot on April 1st, 2020 for Census Day Event from 8:00 am-7:00 pm

[CN7](#) Vance Holloman, Finance Officer

Motion to approve Budget Amendment No. 12 which appropriates funds to reimburse a developer for additional public right of way (ROW) along Kelly Road dedicated as part of the Peak 502 project in accordance with UDO Section 13.15.

[CN8](#) Vance Holloman, Finance Officer

A motion to approve Capital Project ordinance Amendment No. 2020-11 appropriating funds for the Apex Peakway at NC 55 Project to pay project costs.

[CN9](#) Mayor Jacques K. Gilbert

Motion to approve appointments, including Chair and Vice-Chair, to the Transit Advisory Committee

[CN10](#) Vance Holloman, Finance Officer

A motion to approve Capital Project Ordinance Amendment No. 2020-12 appropriating funds for the James Street to Downtown Pedestrian Project to pay project costs

[CN11](#) Mary Beth Manville, Human Resources Director

Motion to approve the position reclassification requests, as recommended from the Personnel Committee

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Agenda prior to taking action

PUBLIC FORUM

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

PUBLIC HEARINGS

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

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Ronald and Linda Padgett (single-family) property containing 2.70 acres located at 7101 Beaver Trail, Annexation #684 into the Town's corporate limits.

OLD BUSINESS

UNFINISHED BUSINESS

CLOSED SESSION

[Laurie](#) Hohe, Town Attorney

Possible motion to go into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to state law.

NEW BUSINESS

WORK SESSION

[WS1](#) Colleen Merays, Downtown & Small Business Development Coordinator & David Wood, Halle Cultural Arts Center Manager

Possible motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2020 and 2021.

[WS2](#) Steve Chandler, Chandlerthinks; Stacie Galloway, Communications Manager

Discussion of community branding study results and recommendations with consultant.

ADJOURNMENT

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: March 4, 2020

Item Details

Presenter(s): Dianne Khin, Planning and Community Development Director

Department(s): Planning and Community Development

Requested Motion

Special presentation on the importance of counting all Apex citizens in the 2020 Census.

Approval Recommended?

N/A

Item Details

N/A

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

Requested Motion

Motion to approve Minutes of the Council Pre-Retreat on January 9, 2020, the Council Strategic Planning Retreat on January 10, 2020, and the Regular Council Meeting on February 4, 2020

Approval Recommended?

Yes

Item Details

N/A

Attachments

- Minutes of the Pre-Retreat on January 9, 2020
- Minutes of the Strategic Planning Retreat on January 10, 2020
- Minutes of the Regular Meeting on February 4, 2020





Apex Town Council Pre-Retreat

Thursday, January 9, 2020

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, Council Members
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Pre-Retreat Meeting of the Apex Town Council scheduled for Thursday, January 9, 2020, at 6:00 p.m. was held at the Halle Cultural Arts Center, 237 N. Salem Street, Apex

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

COMMENCEMENT

Mayor Gilbert called the meeting to order and stated the purpose of the pre-retreat was to promote team building. He introduced Lou O'Boyle, Director of Engagement for Zelos. Ms. O'Boyle stated she was honored to be a part of this meeting, and she was confident of the results that tonight's enhanced synergy would bring. We are all servants and want to help people. She was excited to have the exciting privilege of working with Council.

Ms. O'Boyle gave her background working in government, which she loved. She spoke about how local government handles issues and sets policies for communities. This makes an impact on those living there.

She shared what would take place the following day. She asked Council why they selected to be in public office. Consensus was that Council felt they could make a difference and make a big impact. The power impact that government makes was discussed briefly. She used to work in the private sector but couldn't get as excited as what happens at the local government level. Ms. O'Boyle stated Apex is a great town!

Mayor Gilbert then turned attention to Matt and Amy Savage of Rhythm Alive Drum Circles who use drum playing to install team-building skills in a group of individuals. This was not only a fun but rewarding exercise for Council and staff.

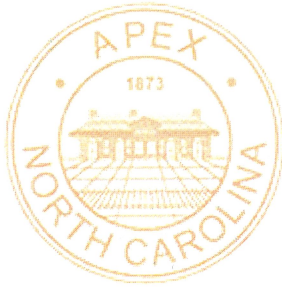
ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



Apex Town Council Strategic Planning Retreat

Friday, January 10, 2020

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, Council Members
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Strategic Planning Retreat of the Apex
Town Council scheduled for Friday, January 10,
2020, at 8:30 a.m. was held at the Public Works
Administration Building, 105-B Upchurch Street,
Apex

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members
Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey

Also in attendance were Town Manager Drew Havens, Assistant Town Managers Shawn Purvis and
Marty Stone, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and all Department Directors

COMMENCEMENT

Mayor Gilbert welcomed the group, stating that this would be an interactive session.

The Retreat's facilitator was Lou O'Boyle, Director of Engagement for Zelos. Ms. O'Boyle also facilitated the Pre-Retreat the previous evening. Ms. O'Boyle introduced herself and gave a brief history of her life's background. She gave an overview of how the day would proceed.

The majority of the day, Council and staff collaborated to formulate and decide upon a mission statement for the Town. The following was formulated:

Our Vision:

A community unified in the stewardship of our small town charm, natural environment, and vision for a future where all succeed.

Our Mission:

The mission of the Town of Apex to provide exceptional public service that cultivates opportunity for the individual and community to live, thrive, and reach their peak.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



Apex Town Council Meeting

Tuesday, February 04, 2020

Jacques K. Gilbert, Mayor
Nicole L. Dozier, Mayor Pro Tempore
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,
and Terry Mahaffey, Council Members
Drew Havens, Town Manager
Shawn Purvis, Assistant Town Manager
Marty Stone, Assistant Town Manager
Donna B. Hosch, MMC, NCCMC, Town Clerk
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council
scheduled for Tuesday, February 4, 2020, at 6:00
p.m. was held in the Council Chamber of Apex
Town Hall, 73 Hunter Street, Apex

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

COMMENCEMENT

Mayor Gilbert called the meeting to order, presented a statement related to diversity and inclusion as related to religious beliefs, asked for a moment of silence, and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Anne Tazewell, Senior Special Projects Manager

NC Clean Energy Technology Center / NC State University

Presentation by Anne Tazewell to the Town of Apex in recognition of our achieving the Gold level designation under SolSmart, a program led by the International City/County Management Association and The Solar Foundation, along with a team of partners with deep expertise in solar energy and local governments that recognizes efforts to reduce barriers to development of solar energy.

Ms. Tazewell stated the Center's mission. One of her special projects has been working with Apex to achieve the Gold level solar designation. Ms. Tazewell talked about the soft costs of installing solar on homes and businesses, Apex being one of close to 350 communities that has made strides in reducing these costs. Hence, Apex has earned the Gold level designation with special recognition in permitting and inspections.

Ms. Tazwell thanked the Town for their leadership in making it easier for business and residences to go solar. This is admirable. Council took pictures with Ms. Tazwell, inviting former Council Member Bill Jensen, who had been instrumental in the Town's solar projects, to be included.

PR2 Mayor Jacques Gilbert

Presentation of Proclamation to the Matthews Family honoring C.W. Matthews

Mayor Gilbert read the Proclamation before presenting it to past employee and great granddaughter of C.W. Matthews, Karen Lee, and other members of the Matthews family. Pictures were taken with Mayor Gilbert and the Matthews family.

PR3 Bo Howes – Triangle Land Conservancy

Presentation by Bo Howes from the Triangle Land Conservancy relative to their plans for conserving land in the Jordan Lake watershed.

Mr. Howes spoke about the Jordan Lake Watershed conservation strategy, beginning with a brief history of the Conservancy. They are 35 years old and have conserved over 20,000 acres in the Triangle over that time period. Mr. Howes presented their Mission Statement and their Water Goals by the year 2025.

CONSENT AGENDA

CN1 Dianne Khin, Planning and Community Development Director

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council's intent to annex Doug Behan & Sohini Sengupta property containing 2.208 acres located at 7617 Reams Court, Annexation #671 into the Town's corporate limits.

CN2 Sarah Rayfield, Senior Planner

Statement of the Town Council and Ordinance for Rezoning Case #19CZ12 Kissena Lane PUD. Jeff Roach, Peak Engineering & Design, PLLC / Hector Cuales, petitioners for the properties located on 0 and 1105 Tingen Road.

CN3 Lauren Staudenmaier, Planner I

Statement of the Town Council and Ordinance for 2045 Land Use Map amendment and Rezoning Case #19CZ24 Upchurch-Williams House, Cara Powell/Capital Area Preservation, Inc., petitioners for the property located on 7213 Roberts Road.

CN4 Shelly Mayo, Planner II

Set the Public Hearing for the February 18, 2020 Town Council meeting regarding Rezoning Application #19CZ21 Heelan PUD and Ordinance. The applicant, Jason Barron for Morningstar Law Group, seeks to rezone approximately 141.732 acres from Wake Co. R-40W to Planned Unit Development–Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

CN5 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 on the Question of Annexation – Apex Town Council's intent to annex Henry Steven Kastelberg, Carol B. Heelan Irrevocable Trust c/o George Heelan, Edward and Deborah Peart and Jerfi and Lisa Cicin (Heelan PUD) property containing 141.732 acres located at 0 ,8824 and 8829 Humie Olive Road and 3108 and 3120 Olive Farm Road, Annexation #676 into the Town's corporate limits.

CN6 Shelly Mayo, Planner II

Set the Public Hearing for the February 18, 2020 Town Council meeting regarding Rezoning Application #19CZ25 Jenks & Wimberly Mixed Use PUD. The applicant, Taylor Morrison of Carolinas, Inc., seeks to rezone approximately 14.68 acres from Rural Residential (RR) to Planned Unit Development–Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1533 Wimberly Road and 7912, 8000, and 8016 Jenks Road.

CN7 Marty Stone, Assistant Town Manager

Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, Ivan Peter Ryzebol and Lily Ryzebol regarding Wake County, NC, PIN#0721-91-7087, Lot 15 Verona at Bella Casa, Phase 9, Section 2 as shown and recorded in Book of Maps 2016, Page 1360, 2145 Vecchio Lane, Apex, NC 27502.

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

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Town Manager Havens requested a second Closed Session related to land acquisition.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Killingsworth made the motion with the addition of the Closed Session; Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

PUBLIC FORUM

Lindsay Logan stated she was returning regarding a previous request to consider modifying Ordinance 14-28 [of the Town Code of Ordinances] related to playing in the streets. She spoke about a neighbor complaining of excessive playing by children in the streets and sometimes crossing the streets. She was presenting a memo with four options in regards to the Ordinance. Ms. Logan spoke about Scotts Mill in particular. Children playing outside is one of the most appealing aspects of living there. Ms. Logan outlined the four options, giving her thoughts on each. She asked Council to consider the options and promote what would be best for the children.

PUBLIC HEARINGS

PH1 Dianne Khin, Planning and Community Development Director
Ordinance on the Question of Annexation – Apex Town Council's intent to annex DRP NC 4, LLC (Roberts Crossing) property containing 27.75 acres located at 0, 7013, 7019, 7021, 7029 and 7113 Roberts Road, Annexation #675 into the Town's corporate limits.
Staff oriented Council to the site, stating that staff recommended approval.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to adopt the Ordinance; Council Member Stallings seconded the motion.
The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Drew Havens, Town Manager

Discussion to direct staff to prepare, for Council consideration, amendment(s) to the Town of Apex Code of Ordinances relative to playing upon streets.

Staff stated this was the follow up to Lindsay Logan's appeal before Council. Staff sent an email stating what other cities and towns do. Recited was the wording of our current Ordinances. Staff came up with four options, and the pros and cons of each were stated. Tonight staff needed to know what ordinance Council wanted developed and brought back to Council.

Council's preference was to define direct supervision. Staff spoke to how police would respond to calls in these situations. The Mayor gave information on how police look at this situation, stating their goal would not be to enforce but to problem solve. Staff stated the police have attempted mediation in this case.

Council stated he was in favor of option four to repeal. He wished to put in a word for 'play streets', and he explained how they work.

Council stated she was conflicted, because we are trying to solve a problem between a neighbor's interpretation and that of another neighbor. She wanted to solve the problem but didn't want to create another problem at the same time.

Council were in favor of option four. The State Statutes stated it was admissible to let a child learn to ride a bike in the street.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to adopt option four; Council Member Mahaffey seconded the motion.

Council stated the wish to make it crystal clear that the Town was not promoting playing in the streets. The Mayor stated we should try to make sure safety is first and paramount. There should be a clear way of police knowing what to do in this type situation, and he would prefer option four. The Mayor offered to mediate with the neighbors.

Staff stated it was working on 'vision zero'. A proposal would be brought back to Council which would advocate for changes regarding pedestrian and motor safety laws and our wanting zero fatalities.

Council Members Gantt, Mahaffey, Dozier, and Stallings voted in the affirmative;

Council Member Killingsworth voted in the negative.

The motion carried by a 4-1 vote.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

Laurie Hohe, Town Attorney

Closed Session pursuant to NCGS 143-318(a)(3) to discuss the handling of the matters of Town of Apex v. Beverly Rubin and Beverly Rubin v. Town of Apex, et al.

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

The motion carried by a 5-0 vote.

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

WORK SESSION

There were no Work Session items for consideration.

ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

Requested Motion

Motion to approve Apex Tax Reports dated January 2, 2020

Approval Recommended?

Yes

Item Details

In regular session on February 3, 2020, the Wake County Board of Commissioners approved the Apex Tax Report dated January 2, 2020.

Attachments

- Tax Report



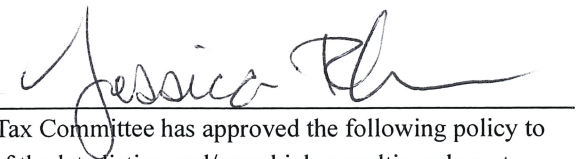
Tax Committee Meeting: 01/16/2020

Board of Commissioners Meeting: 02/03/2020

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:



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 |
|--------|--|------------------------------------|--|--------------------|------------------------|----------------|----------------|
| 16503 | CALIBER BODYWORKS OF NORTH CAROLINA CTMI LLC PO BOX 743068 DALLAS TX 75374-3068 | BUSINESS PERSONAL PROPERTY APEX | 0006819637 2019 Not Paid | \$740.39 | Late List Penalty | No Relief | |
| 16519 | HARRIS TEETER INC #58 RYAN 150 3RD AVE S STE 2020 NASHVILLE TN 37201-2047 | BUSINESS PERSONAL PROPERTY APEX | 0006466783 2019 Not Paid | \$1,637.11 | Late List Penalty | Relief 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



Marcus Kinrade, Tax Administrator

Board Report

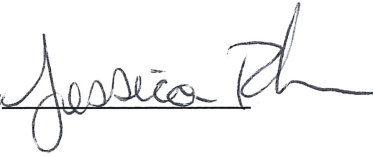
Date : 02/03/2020


TO : WAKE COUNTY BOARD OF COMMISSIONERS

RE: CONSIDERATION OF REFUND FOR TAXES, INTEREST AND PENALTIES FOR APEX

Return

Approved By :



| No. | Name of Tax Payer | Account Number | Tax and Penalties | Total Rebate | Total Refund | Request Status |
|-----|--|--------------------------------|-------------------------|------------------|--------------|----------------|
| 1 | WELLS FARGO REAL ESTATE TAX SERVICE 1 HOME CAMPUS MAC X2301-02C DES MOINES IA, 50328 | 0000003173- 2019- 2019- 000000 | City County | 268.03 465.48 | 733.51 | 733.51 Refund |
| | Marcus D. Kinrade | | Total City Rebated | 268.03 | | |
| | Wake County Tax Administrator | | Total County Rebated | 465.48 | | |
| |  | | Total Rebate/Refund | 733.51 | 733.51 | |

CC:

*Refund amount may differ from rebated total due to released interest or application of payment to any balance due on the account.

Print

Lock



Wake County Revenue Department

Rebate Details
12/01/2019 - 12/31/2019

APEX

DATE
01/02/2020

TIME
1:39:48 PM

PAGE
1

| REBATE NUMBER | PROPERTY | CITY TAG | LATE LIST | BILLED INTEREST | TOTAL REBATED | PROCESS DATE | ACCOUNT NUMBER | TAX YEAR | YEAR FOR | BILLING TYPE | OWNER |
|---|----------|-------------|--------------|--------------------|------------------|-----------------|-------------------|-------------|-------------|-----------------|--|
| BUSINESS ACCOUNTS | | | | | | | | | | | |
| 744135 | 30.56 | 0.00 | 3.06 | 0.00 | 33.62 | 12/06/2019 | 0006790936 | 2019 | 2019 | 000000 | ALPHA ATHLETICS, LLC |
| 744491 | 455.64 | 0.00 | 45.57 | 0.00 | 501.21 | 12/13/2019 | 0006819637 | 2019 | 2019 | 000000 | CALIBER BODYWORKS OF NORTH CAROLINA INC |
| SUBTOTALS FOR BUSINESS ACCOUNTS | | | | | | | | | | | |
| | | | | | 486.20 | 0.00 | 48.63 | 0.00 | 534.83 | 2 | Properties Rebated |
| BUSINESS REAL ESTATE ACCOUNTS | | | | | | | | | | | |
| 743905 | 1,758.69 | 0.00 | 0.00 | 0.00 | 1,758.69 | 12/05/2019 | 0000423491 | 2019 | 2019 | 000000 | WS-JPA LLC |
| 744014 | 5.19 | 0.00 | 0.00 | 0.00 | 5.19 | 12/06/2019 | 0000434597 | 2019 | 2019 | 000000 | ARCADIA RIDGE HOMEOWNERS ASSOCIATION, IN |
| 744013 | 182.60 | 0.00 | 0.00 | 0.00 | 182.60 | 12/06/2019 | 0000432152 | 2019 | 2019 | 000000 | SALEM CREEK TOWNHOMES RESIDENTIAL OWNERS |
| SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS | | | | | | | | | | | |
| | | | | | 1,946.48 | 0.00 | 0.00 | 0.00 | 1,946.48 | 3 | Properties Rebated |
| INDIVIDUAL PROPERTY ACCOUNTS | | | | | | | | | | | |
| 744249 | 96.86 | 20.00 | 0.00 | 0.00 | 116.86 | 12/10/2019 | 0006856226 | 2019 | 2018 | 000000 | RICE, BENJAMIN PETER |
| 744376 | 16.81 | 0.00 | 1.68 | 0.00 | 18.49 | 12/11/2019 | 0006828351 | 2019 | 2019 | 000000 | MCDUFFEE, TODD MICHAEL |
| 743783 | 7.60 | 20.00 | 0.76 | 0.00 | 28.36 | 12/03/2019 | 0006468914 | 2016 | 2016 | 000000 | EAKES, GORDON R |



| REBATE NUMBER | PROPERTY | CITY TAG | LATE LIST | BILLED INTEREST | TOTAL REBATED | PROCESS DATE | ACCOUNT NUMBER | TAX YEAR | YEAR FOR | BILLING TYPE | OWNER |
|---|----------|-------------|--------------|--------------------|------------------|-----------------|--------------------|-------------|-------------|-----------------|------------------------|
| INDIVIDUAL PROPERTY ACCOUNTS | | | | | | | | | | | |
| 744381 | 20.25 | 0.00 | 2.03 | 0.00 | 22.28 | 12/11/2019 | 0006862506 | 2019 | 2019 | 000000 | FOX FARM & FORAGE LLC |
| 743784 | 16.15 | 30.00 | 1.62 | 0.00 | 47.77 | 12/03/2019 | 0006468914 | 2017 | 2017 | 000000 | EAKES, GORDON R |
| 743785 | 16.70 | 40.00 | 1.67 | 0.00 | 58.37 | 12/03/2019 | 0006468914 | 2018 | 2018 | 000000 | EAKES, GORDON R |
| SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS | | | | | | | | | | | |
| | 174.37 | 110.00 | 7.76 | 0.00 | 292.13 | 6 | Properties Rebated | | | | |
| INDIVIDUAL REAL ESTATE ACCOUNTS | | | | | | | | | | | |
| 745479 | 268.03 | 0.00 | 0.00 | 0.00 | 268.03 | 12/31/2019 | 0000003173 | 2019 | 2019 | 000000 | RADFORD, BRUCE A |
| SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS | | | | | | | | | | | |
| | 268.03 | 0.00 | 0.00 | 0.00 | 268.03 | 1 | Properties Rebated | | | | |
| WILDLIFE BOAT ACCOUNTS | | | | | | | | | | | |
| 744941 | 18.22 | 0.00 | 1.82 | 0.00 | 20.04 | 12/18/2019 | 0004197031 | 2019 | 2019 | 000000 | VALLEY, JAMES MICHAEL |
| 744148 | 296.07 | 0.00 | 29.61 | 0.00 | 325.68 | 12/09/2019 | 0004193996 | 2019 | 2019 | 000000 | MCDUFFEE, TODD MICHAEL |
| SUBTOTALS FOR WILDLIFE BOAT ACCOUNTS | | | | | | | | | | | |
| | 314.29 | 0.00 | 31.43 | 0.00 | 345.72 | 2 | Properties Rebated | | | | |



Wake County Revenue Department
Rebate Details
12/01/2019 - 12/31/2019
APEX

DATE
01/02/2020

TIME
1:39:51 PM

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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 |
|------------------------------|----------|-------------|--------------|--------------------|------------------|-----------------|-------------------|-----------------------------|-------------|-----------------|-------|
| TOTAL REBATED FOR APEX | 3,189.37 | 110.00 | 87.82 | 0.00 | 3,387.19 | | 14 | Properties Rebated for City | | | |

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Motion to set the Public Hearing for the March 17, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance.

Approval Recommended?

The Planning and Community Development Department recommends approval.

Item Details

UDO Amendment Summary:

Requested by Planning Committee:

1. Amendments to Sec. 2.1.2.B *Planning Board, Membership* and Sec. 2.1.2.D *Quorum* in order to increase the number of members to nine (9), provide new criteria for the composition of the Board, add a non-voting member from the Apex Historical Society, reduce the length of term to two (2) years, increase the number of terms allowed to four (4), and remove the requirement for a public hearing when removing a Planning Board member.
2. Amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* in order to add language to allow said bodies to receive compensation as authorized by Town Council in the annual budget.



Requested by Planning Staff:

3. Amendments to Sec. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* in order to permit the use "Hotel or motel" in the B1 Neighborhood Business zoning district and to amend the supplemental standards for the use.
4. Amendments to Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* in order to remove references to the Planning Board based on recent amendments to the subdivision process.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Shelly Mayo, Planner II

Department(s): Planning and Community Development

Requested Motion

Motion to approve Statement of the Town Council for Rezoning Case #19CZ25, Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, petitioners, for the property located on 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road.

Approval Recommended?

Planning and Community Development Department recommends approval.

Item Details

Rezoning Case #19CZ25 was denied at the February 18, 2020 Town Council Meeting.

Attachments

- Statement of the Town Council



**STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383
ADDRESSING ACTION ON ZONING PETITION #19CZ25**

Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, Michael & Alison Cleary, Charles & Frances Lewis, Teresa Kirkpatrick, and Richard & Trisha Hinesley owner/applicant (the "Applicant"), submitted a completed application for a conditional zoning on the 1st day of November 2019 (the "Application"). The proposed conditional zoning is designated #19CZ25.

The Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting) of a public hearing on #19CZ25 before the Planning Board held on the 10th day of February 2020.

Pursuant to G.S. §160A-384 and Sec. 2.2.11(E) of the Unified Development Ordinance, the Planning Director caused proper notice to be given (by publication and posting), of a public hearing on #19CZ25 before the Town Council on the 18th day of February 2020.

The Apex Planning Board held a public hearing on the 10th day of February 2020, gathered facts, received public comments and formulated a recommendation regarding the application for conditional zoning #19CZ25. A motion was made at the Apex Planning Board to recommend approval; the motion passed with a vote 6-2 for the application for #19CZ25.

The Apex Town Council held a public hearing on the 18th day of February 2020. Shelly Mayo, Planner II, presented the Planning Board's recommendation at the public hearing.

All persons who desired to present information relevant to the application for #19CZ25 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 Town Council by a vote of 5 to 0 denied Application #19CZ25 rezoning the subject tract located at 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road from Rural Residential (RR) to Planned Unit Development–Conditional Zoning (PUD-CZ).

Although the rezoning is consistent with the 2045 Land Use Map which designates this area as Mixed Use: High Density Residential, Office Employment & Commercial Services, and permits the zoning district Planned Unit Development–Conditional Zoning (PUD-CZ) within those land use designations, the Apex Town Council finds that the proposed rezoning is not consistent with the Apex Peak Plan 2030 in that it does not provide sufficient energy efficient housing or affordable housing. The denial of the proposed rezoning is reasonable and in the public interest because the proposed conditions would circumvent the Town's adopted land development regulations for a routine development, instead of delivering the exceptional quality community designs that the Unified Development Ordinance expects in exchange for the greater flexibility of design standards permitted to a PUD-CZ development.

ATTEST:

Jacques K. Gilbert
Mayor

Donna B. Hosch, MMC, NCCMC
Town Clerk

Date

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Marty Stone, Assistant Town Manager

Department(s): Administration

Requested Motion

Motion to approve and authorize the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, David Lawrence Martin and Liesl Martin regarding Wake County, NC, PIN#0710-22-6578, Lot 382 Jordan Pointe, Phase 2D as shown and recorded in Book of Maps 2019, Page 664, 2836 Horton Elms Drive, New Hill, NC 27562.

Approval Recommended

Administration recommends approval

Item Details

Approve Encroachment Agreement between the Town and David Lawrence Martin and Liesl Martin (Grantees) for property described as a residential lot known as Wake County, NC PIN#0710-22-6578, Lot 382 Jordan Pointe, Phase 2D, Book of Maps 2019, Page 664, 2836 Horton Elms Drive, New Hill, NC 27562. Grantees desire to encroach through installation of a fence with 475 SF encroaching 5' into the Public Utility and Access Easement.

Attachments

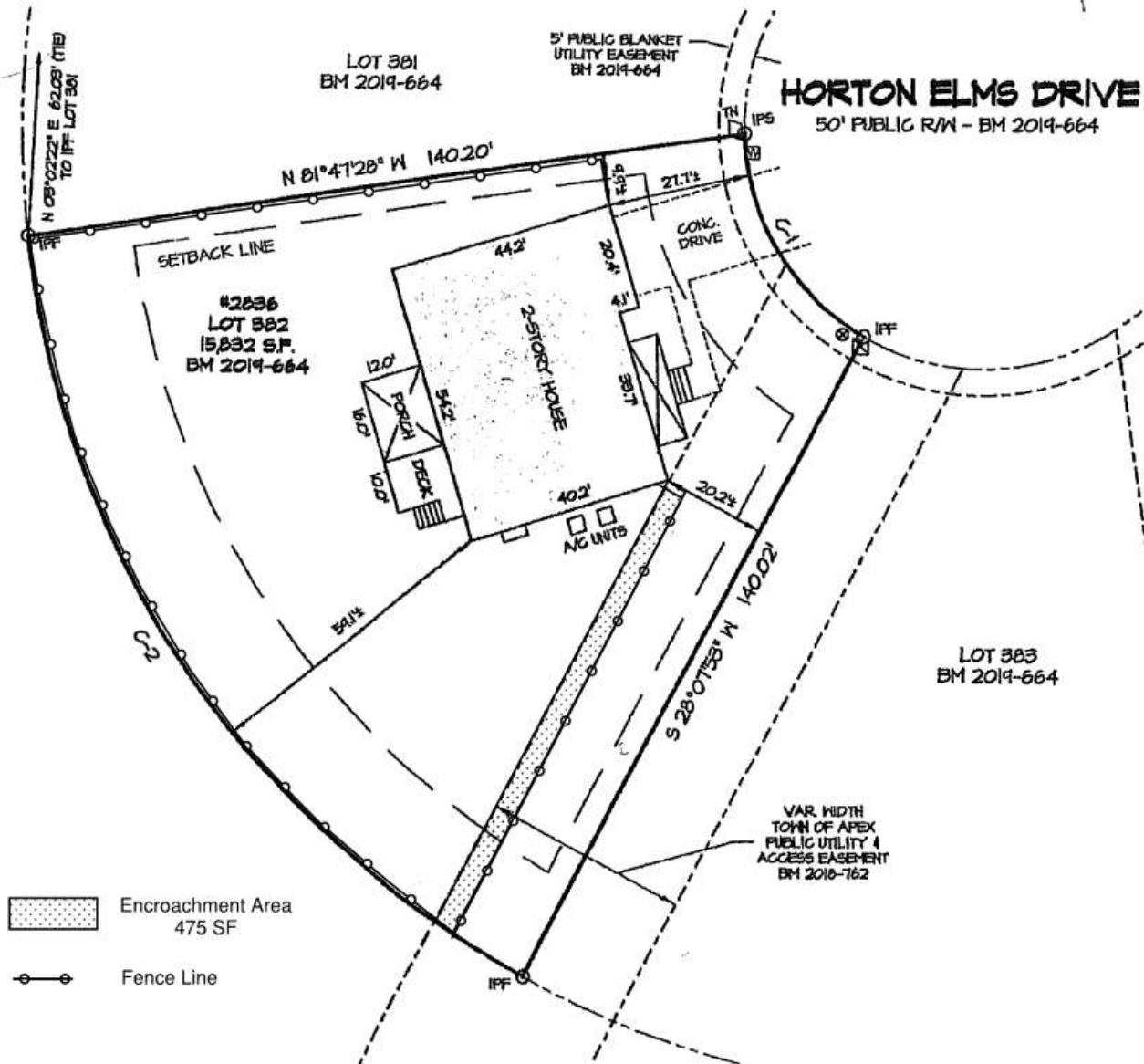
- Encroachment Agreement
- Exhibit A



Exhibit A

2836 Horton Elms Drive

Jordan Pointe Subdivision



THIS MAY NOT BE A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS AND HAS NOT BEEN REVIEWED FOR COMPLIANCE WITH RECORDING REQUIREMENTS FOR PLATS

After Recording Mail To: Development Services
 Town of Apex
 PO Box 250
 Apex, NC 27502

STATE OF NORTH CAROLINA
COUNTY OF WAKE

ENCROACHMENT AGREEMENT

THIS ENCROACHMENT AGREEMENT, being made this _____ day of _____, 2020, by and between David Lawrence Martin, and wife, Liesl Martin, hereinafter referred to as "Grantees," and the Town of Apex, hereinafter referred to as the "Town."

WHEREAS, the Grantees are the owners of a certain residential lot of land in the County of Wake, State of North Carolina, which is more particularly described as **Lot 382** of the subdivision known as **Jordan Pointe, Phase 2D** as shown on that certain plat recorded in **Book of Maps 2019, Page 664**, Wake County Registry (hereinafter the "**Subdivision Plat**"). The residential lot is also known as **2836 Horton Elms Drive, New Hill, NC 27562**. The residential lot described in this paragraph is hereinafter referred to as the "**Residential Lot**."

WHEREAS, the Town is the owner of a **variable width Public Utility and Access Easement** as shown on **Book of Maps 2018, Page 762**, and shown on the **Subdivision Plat** hereinafter referred to as the "**Public Utility and Access Easement**."

WHEREAS, Grantees desire to encroach upon through installation of a **fence with 475 SF** encroaching **5'** into the **Public Utility and Access Easement** which serves the Residential Lot, hereinafter

referred to as the “**Encroachment**”, all as shown on the attached **Exhibit A**. Grantees desire to make certain agreements and covenants regarding the Encroachment.

WHEREAS, the Town, under the terms and conditions herein set forth, is willing to allow the above-described Encroachment upon the **Public Utility and Access Easement**.

NOW, THEREFORE, in consideration of these promises and other consideration, the receipt and sufficiency of which is hereby acknowledged, Grantees and the Town hereby covenant and agree:

1. Subject to the terms herein, the Town agrees to allow Grantees, and Grantees’ successors and assigns at Grantees’ sole risk and expense, to encroach into the **Public Utility and Access Easement** of the Town as shown in the attached **Exhibit A**, and incorporated by reference as though fully set forth herein.

2. The Encroachment shall not be enlarged or increased beyond the Encroachment shown in **Exhibit A** and described in this Encroachment Agreement. Grantees are responsible for any and all expenditures of labor or materials required for the installation, erection, repair, removal, or maintenance of the above-referenced Encroachment.

3. Grantees are to be fully responsible for any and all property damage or injury or death of any person which results from any and all negligence, omission, defect in design, maintenance, or workmanship created by the Encroachment described herein, or any cause of action arising out of the installation, maintenance, removal, destruction, or location of said Encroachment.

4. Grantees agree to and does hereby hold the Town, its officers, council members and employees harmless from any and all liability arising out of such negligence, omission, defect or other cause of action; that it will defend the Town, its officers, council members and employees, and pay all attorney fees in any and all actions brought as a result of such; and that it will indemnify the Town, its officers, council members, and employees against any and all loss sustained by reason of such negligence, omission, defect, or other cause of action, claim, cost, or expense arising out of the installation, maintenance, removal, or location of said Encroachment.

5. Sections 3 and 4 shall survive the termination of this Encroachment Agreement for any reason.

6. All notices required herein shall be deemed given by depositing such in the United States mail, first class, and addressed to:

To Town: Town Manager
Town of Apex
PO Box 250
Apex, NC 27502

To Grantees: David Lawrence Martin and Liesl Martin
2836 Horton Elms Drive
New Hill, NC 27562

7. In the event there is a dispute between the parties concerning the interpretation of the terms of this Encroachment Agreement or their respective rights and obligations hereunder, such dispute or controversy shall be adjudged pursuant to the laws of the State of North Carolina.

8. Grantees agree to abide by all applicable laws, regulations, statutes and ordinances.

9. This Encroachment Agreement shall not divest the Town of any rights or interest in said **Public Utility and Access Easement** and the Town may terminate this Encroachment Agreement by giving Grantees ninety (90) days written notice of termination. Prior to the termination date, Grantees shall remove, at its own expense, all or part of the Encroachment as specified by the Town.

10. If the Town deems, within its sole discretion, that there is not time to give Grantees notice as provided in Paragraph 9 and that removal of the Encroachment is necessary in order to operate, protect, maintain, modify, replace, add-to or improve its facilities located within the **Public Utility and Access Easement**, then no notice shall be required and the Town may remove the Encroachment from the **Public Utility and Access Easement** without cost, risk or liability to the Town.

11. Grantees agree to pay and reimburse the Town the entire expense and cost of removal of the Encroachment in the event that the Town removes the Encroachment as provided in the Paragraph 10 or if Grantees fail to remove the Encroachment within the time limit after receiving notice under Paragraph 9.

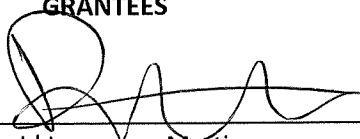
12. Grantees, if not self-performing the installations that are the subject of this Agreement, agree to purchase or cause to be procured from a responsible insurance carrier or carriers authorized under the laws of the State of North Carolina, valid general liability insurance in the minimum amount of \$500,000 and provide a certificate of such insurance naming the Town of Apex as additional insured by endorsement to the policy. Where the Grantees are self-performing the installations, Grantees shall show proof of homeowner's insurance with personal liability coverage in a minimum amount of at least \$300,000. Grantees shall provide notice of cancellation, non-renewal or material change in coverage to the Town of Apex within 10 days of their receipt of notice from the insurance company.

13. Notwithstanding Section 14 below, Grantees shall be released from its obligation under this Encroachment Agreement only upon the assumption of said obligations either by a successor in title to real property known as **Lot 382, Jordan Pointe, Phase 2D (2836 Horton Elms Drive, New Hill, NC 27562)**, or by assumption of said obligations by an incorporated property or condominium owners association for **Jordan Pointe, Phase 2D**. The Town's consent to such assumption and release shall be required but shall not be withheld, conditioned or delayed if, as reasonably determined by the Town, the party assuming Grantees' obligations possesses adequate financial resources and ownership interest, and Grantees' delegate and proposed assignee assume and agree to fulfill, in writing, all of Grantees' duties set forth in this Encroachment Agreement.

14. The right to encroach is appurtenant to and runs with the land hereinabove referred to and shall forever be subject to the conditions above agreed on between the parties. This Encroachment Agreement is binding upon the heirs, assigns, transferees, and successors in interest of the Grantees and shall, upon execution, be recorded in the Office of the Register of Deeds of Wake County, North Carolina.

In testimony whereof, said Grantees and said Town have here unto set their hands and seals, the day and year first above written.

GRANTEES

By:  _____
David Lawrence Martin

By: Liesl Martin
Liesl Martin

STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that David Lawrence Martin, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 20th day of February, 2020.

[Signature]
[Signature of Notary Public]
My Commission Expires: 05/23/23.



STATE OF NORTH CAROLINA

COUNTY OF Wake [county in which acknowledgement taken]

I, do hereby certify that Liesl Martin, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official stamp or seal, this 20th day of February, 2020.

[Signature]
[Signature of Notary Public]
My Commission Expires: 05/23/23.



TOWN OF APEX

Andrew L. Havens
Town Manager

(Corporate Seal)

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF _____ *[county in which acknowledgement taken]*

I, _____, a Notary Public of _____ County, North Carolina, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Town Manager, sealed with its corporate seal and attested by her as its Town Clerk.

Witness my hand and official stamp or seal, this _____ day of _____, 2020.

[Signature of Notary Public]

(Seal)

My Commission Expires: _____

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): David Wood, Cultural Arts Center Manager

Department(s): Parks, Recreation and Cultural Resources

Requested Motion

Motion to close Depot parking lot on April 1st, 2020 for Census Day Event from 8:00 am-7:00 pm

Approval Recommended?

Yes

Item Details

Computers will be setup inside Depot allowing residents to complete census information. Bounce house will be placed in Depot parking lot for added attraction.

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Vance Holloman, Finance Officer

Department(s): Finance

Requested Motion

Motion to approve Budget Amendment No. 12 which appropriates funds to reimburse a developer for additional public right of way (ROW) along Kelly Road dedicated as part of the Peak 502 project in accordance with UDO Section 13.15.

Approval Recommended?

Yes

Item Details

This amendment is needed to appropriate funds to reimburse Beazer Homes for the appraised value of land along Kelly Road dedicated as public ROW in excess of required dedication to serve the traffic impacts of the Peak 502 subdivision. The excess ROW was provided to be consistent with the Apex Transportation Plan for an ultimate 4-lane divided roadway and accommodated a contiguous second northbound through lane constructed by Beazer Homes across the entire property frontage along Kelly Road to drop at US 64, a continuance of widening south of Peak 502 along Kelly Road, receiving dual eastbound left turn lanes constructed by Apex on Olive Chapel Road. This improvement was in excess of a single northbound through lane with exclusive right turn bays, which would have otherwise required a lesser ROW.

Attachments

- Budget Ordinance Amendment No. 12





Town of Apex

FY 2019-2020 BUDGET ORDINANCE AMENDMENT NUMBER 12

BE IT ORDAINED, by the Council of the Town of Apex that the following Budget Amendment for the Fiscal Year 2019-2020 Budget Ordinance be adopted:

GENERAL FUND

Section 1. Revenues

| | | |
|---------------------------|--------------|-----------------|
| Appropriated Fund Balance | | \$86,529 |
| | Total | \$86,529 |

Section 2. Expenditures

| | | |
|----------------------------|--------------|-----------------|
| Streets-Contracted Service | | \$86,529 |
| | Total | \$86,529 |

Adopted this the 4th day of March, 2020.

Jacques K. Gilbert, Mayor

Attest:

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): , Vance Holloman, Finance Officer

Department(s): Finance Department

Requested Motion

A motion to approve Capital Project ordinance Amendment No. 2020-11 appropriating funds for the Apex Peakway at NC 55 Project to pay project costs.

Approval Recommended?

Yes*

Item Details

Capital Project Ordinance Amendment No. 2020-11 appropriates funds to pay final project costs for administrative fees charged by the NC Department of Transportation. The source of funding is interest earned on the cash balance in the Project Fund. Those earnings are currently deposited in the Project Fund.

NCDOT charges staff time against the project to cover the cost of reviewing environmental documentation, roadway design, traffic signal design, and final inspections. Staff attempts to account for anticipated NCDOT charges when estimating project costs for the purposes of applying for federal funds. However, in this case both the project construction cost and actual NCDOT charges exceeded the planning-level cost estimates.

Attachments

Capital Project Ordinance Amendment No. 2020-11





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2020-11

63 - Street Improvements 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. The revenues anticipated for the projects are:

| | |
|-----------------------|-----------------|
| Interest Earnings | \$40,000 |
| Total Revenues | \$40,000 |

Section 2. The expenditures anticipated are:

| | |
|---|-----------------|
| Apex Peakway at NC 55 and Olive Chapel Road | \$40,000 |
| Total Expenditures | \$40,000 |

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 4th day of March, 2020.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Mayor Jacques K. Gilbert

Department(s): Governing Body

Requested Motion

Motion to approve appointments, including Chair and Vice-Chair, to the Transit Advisory Committee

Approval Recommended?

Yes

Item Details

This motion appoints voting members, a Chair and Vice-Chair, for the Transit Advisory Committee, as required by the Ordinance creating the committee. It also establishes term lengths for each voting member. An ad hoc Transit Advisory Committee has been in place since 2016. This motion formalizes the role existing committee members have been serving, identifies chair and vice-chair positions, and sets term limits. It is intended that future committee appointments will be made using an open call for interest.

| Last | First | Initial Term Length | Position |
|---------|--------|-------------------------|------------|
| Wagner | Stuart | 3 (3/4/2020 – 3/4/2023) | Chair |
| Werking | Andrew | 3 (3/4/2020 – 3/4/2023) | Vice Chair |
| Bryant | Nick | 3 (3/4/2020 – 3/4/2023) | |
| Brain | Laura | 2 (3/4/2020 – 3/4/2022) | |
| Pfeifer | Kurt | 2 (3/4/2020 – 3/4/2022) | |
| Barrett | Linda | 2 (3/4/2020 – 3/4/2022) | |

Attachments

- None



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): , Vance Holloman, Finance Officer

Department(s): Finance Department

Requested Motion

A motion to approve Capital Project Ordinance Amendment No. 2020-12 appropriating funds for the James Street to Downtown Pedestrian Project to pay project costs

Approval Recommended?

Yes

Item Details

Capital Project Ordinance Amendment No. 2020-12 appropriates funds to pay project costs for construction materials testing, inspection, and lab testing. The source of funding is interest earned on the cash balance in the Project Fund. Those earnings are currently deposited in the Project Fund.

Attachments

- Capital Project Ordinance Amendment No. 2020-12





Town of Apex

CAPITAL PROJECT ORDINANCE AMENDMENT 2020-12

63 - Street Improvements 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. The revenues anticipated for the projects are:

| | |
|-----------------------|----------------|
| Interest Earnings | \$7,100 |
| Total Revenues | \$7,100 |

Section 2. The expenditures anticipated are:

| | |
|---|----------------|
| James Street to Downtown Pedestrian Project | \$7,100 |
| Total Expenditures | \$7,100 |

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 4th day of March, 2020.

Attest:

Jacques K. Gilbert, Mayor

Donna B. Hosch, Town Clerk

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 4, 2020

Item Details

Presenter(s): Mary Beth Manville, Human Resources Director

Department(s): Human Resources

Requested Motion

Motion to approve the position reclassification requests, as recommended from the Personnel Committee

Approval Recommended?

Unanimous approval from the Personnel Committee.

Item Details

- (1) Approve the reclassification of the Water Resources Department's Water Reclamation Facility Team Leader position, Grade 21, to Water Reclamation Facility Supervisor, Grade 23.
- (2) Approve reclassification of one of the Legal Department's Assistant Town Attorney positions, Grade 30, to Deputy Town Attorney, Grade 31
- (3) Approve the reclassification of one of the Public Works & Transportation Fleet Division positions, Grade 17/18, to Fleet Crew Lead, Grade 19
- (4) Approve the reclassification of two Limited Service Employee positions from Police and IT Departments to a full-time (1 FTE) Help Desk Technician, Grade 21, shared by both departments.

Attachments

- Background information for Personnel Committee 02_25_2020



**Personnel Committee Meeting
February 25, 2020
Background Information**

Item: Reclassification Requests (3)

Staff Recommendation: *Approve the reclassification of the Water Resources Department's Water Reclamation Facility Team Leader position, Grade 21, to Water Reclamation Facility Supervisor, Grade 23*

Background:

The position of Operations and Maintenance Supervisor was utilized from 1998 to 2012. In 2012, the position was reclassified into two Team Leader positions due to difficulty in sourcing candidates with both the operations and maintenance experience required. The Water Reclamation Facility (WRF) Team Lead positions were created, with one overseeing the maintenance and one overseeing the operations. Each Team Leader position was responsible for different job duties without supervisory responsibilities or authority. With the recent separation of one of the Team Leads, the department would like to reclassify the remaining Team Lead position to a Supervisor position.

The WRF Supervisor position would be responsible for supervising the team of four operators and mechanics as well as serving as back up for the WRF Manager and the backup Operator in Charge. The employee currently in the Team Leader Role has been acting in this capacity since the fall of 2019.

The proposed reclassified Supervisor position would create a developmental role and path within the organization and help employees advance within the division. The change will also help create a more consistent and balanced workflow of tasks through cross training and a more comprehensive perspective of job duties from the Supervisor. In addition, it would reduce the span of control for the WRF Manager to a more manageable number (from 6 to 2) allowing the Manager to focus on more strategic initiatives.

With the approval of this reclassification, the employee currently holding the Team Leader position would be promoted to Water Reclamation Facility Supervisor, keeping the position authorizations within the Water Resources Department the same. This promotion would be retro-active to January 1, 2020 and funded with lapse salary from vacated positions.

Staff Recommendation: *Approve reclassification of one of the Legal Department's Assistant Town Attorney positions, Grade 30, to Deputy Town Attorney, Grade 31*

Background:

With the growth of both the Legal Department staff and services, the classification of one of the two Assistant Town Attorney positions is being requested to increase to more accurately reflect the additional duties it now requires.

This position currently fills in for the Town Attorney in her absence at Town Council meetings and represents town staff in quasi-judicial proceedings. The position works independently in complex legal

matters and provides direction of work of legal staff. It represents the Town Attorney in meetings with staff, outside counsel and others, and is also responsible for supervising outside counsel in complex litigation matters.

As a result of these changes over time, both in scope of responsibility and degree of skill needed to perform the work, Town staff are recommending reclassification of the one Assistant Town Attorney position, Grade 30, to Deputy Town Attorney, Grade 31.

If approved, this reclassification would be effective April 1, 2020. A salary adjustment would be provided as a result of this reclassification. The department plans to use funds from their operations budget to cover the additional salary through the end of the budget year.

Staff Recommendation: *Approve Public Works and Transportation's position reclassification request for one of the Fleet Services Mechanic positions, Grade 17, to Fleet Crew Lead, Grade 19*

Background:

The fleet garage currently has one supervisor and four mechanics. The department would like to reclassify one of the mechanic positions to a Team lead position, to allow the workload to be more efficiently delegated and ensure work and priorities are not lost if the Supervisor is absent. The position will also be beneficial in creating a natural career path for the Fleet Supervisor Succession Plan. The current Fleet Supervisor has taken on additional responsibility for customer service satisfaction, performance efficiencies, vehicle deployment, service write-ups and fleet right-sizing, so the addition of a Team Lead will allow the Supervisor to focus on those efforts while the Team Lead oversees the day-to-day tasks.

With the approval of this reclassification, a competitive recruitment would be held so that existing Fleet division employees could apply for the Fleet Crew Leader position. The position authorization of the selected candidate would be used to create the new Fleet Crew Leader position, keeping the total authorizations for the Fleet Division the same. There would be a minimal budget impact as a result of the promotional increase, and the department plans to fund the increase with lapse salary from vacated positions.

Item: New Full-time Equivalent (FTE) Authorization Request

Staff Recommendation: *Approve the reclassification of two Limited Service Employee positions from Police and IT Departments to a full-time Help Desk Technician, Grade 21, shared by both departments.*

Background:

The Police and IT Department each have an LSE position dedicated for Help Desk Technology and other tasks. The Police Department employs a long time employee that has remained a Limited Service Employee (LSE) after retirement, however has indicated he will be leaving due to obtaining another full time job. Apex IT Department currently has a LSE who is considering full time work offered elsewhere, but would be willing to stay, providing we can offer a full-time position. The current LSE has already passed the background and security checks required by Police and IT.

The Police & IT Departments propose merging those LSE positions this fiscal year, providing the opportunity to share a FTE position for IT as has been done in the past. This will allow shared resources to meet each departments' IT needs. Benefits include:

- We will continue collaboration between the departments, keeping job duties similar, saving on training and contracting costs when either side may need more hours for a particular project, workload or shift.
- We already have the workspace, devices, and payroll costs covered between the current LSE positions.

Finding limited service workers for the Police and IT Departments has been very difficult, given the security requirements and background checks that are critical. The level of skill we require does not provide room for High School or College interns to fill the role and we are not able to compete with Research Triangle Park companies by offering superior pay and benefits. The Police and IT Departments would prefer stable staff in a more secure position to assist with productivity and security for both departments and believe it can be achieved by merging both of the LSE Technology positions into a full-time IT Technician position under the IT Department and share hours/shifts with Police.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 4, 2020

Item Details

Presenter(s): Dianne Khin, Director of Planning and Community Development

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Ronald and Linda Padgett (single-family) property containing 2.70 acres located at 7101 Beaver Trail, Annexation #684 into the Town's corporate limits.

Approval Recommended?

Yes, by the Planning and Community Development Department.

Item Details

The Town Clerk certifies to the investigation of said annexation.

Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA
Municipality No. 333

After recording, please return to:
Donna Hosch, MMC, NCCMC, Town Clerk
Town of Apex
P.O. Box 250
Apex, NC 27502

ORDINANCE NO. 2020-0304-11
ANNEXATION PETITION NO. #684
7101 Beaver Trail (Padgett Property)

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF APEX, NORTH CAROLINA
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-31, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on March 4, 2020, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notice-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-31, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S. §160A-31, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on March 4, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Map for the Town of Apex, Property owned by Ronald S. Padget and Linda W. Padget, Smith and Smith, Surveyors, P.A., dated December 18, 2019" and recorded in Book of Maps book number 2020 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S. §160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 4th day of March 2020.

Jacques K. Gilbert
Mayor

ATTEST:

Donna B. Hosch, MMC, NCCMC
Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney

Legal Description

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a calculated point being the westernmost corner of Tanya L. Adderson-Davidson in the northern property line of Robert Alan Rossi; thence with the aforesaid northern property line of Rossi, North 52°15'04" West, 159.02 feet to a calculated point on the eastern right-of-way of Beaver Trail (N.C.S.R. No. 1193); thence the following two (2) courses and distances with the aforesaid right-of-way North 31°21'05" East, 63.04 feet to a calculated point, and a curve in a clockwise direction having a radius of 470.86 feet, a length of 133.77 feet and a chord of North 39°29'25" East, 133.32 feet to a calculated point; thence a line crossing Beaver Trail (N.C.S.R. No. 1193), North 50°14'26" West, 60.50 feet to a calculated point, on the western right-of-way of Beaver Trail (N.C.S.R. No. 1193) and being the northeastern corner of David Graham Ball; thence the following two (2) courses and distances with the western right-of-way of Beaver Trail (N.C.S.R. No. 1163), a curve in a clockwise direction having a radius of 530.86 feet, a length of 66.70 feet and a chord of North 50°20'02" East, 66.66 feet to a calculated point and North 53°56'00" East, 230.00 feet to a calculated point in the centerline of Kelly Road (N.C.S.R. No. 1163); thence the following two (2) courses and distances with the centerline of Kelly Road (N.C.S.R. No. 1163), South 36°04'00" East, 199.78 feet to a calculated point and South 35°12'31" East, 114.64 feet to a calculated point in the aforesaid road centerline; thence to and with the northern property line of Tanya L. Anderson-Davidson, South 59°31'16" West, 425.00 feet to the point and place of BEGINNING, containing 2.70 acres more or less. The above described tract of land being all of Wake County PIN 0731.01-19-7617 and portions of Kelly Road (N.C.S.R. No. 1163) right-of-way and Beaver Trail (N.C.S.R. No. 1193) right-of-way.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0304-11, adopted at a meeting of the Town Council, on the 4th day of March 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 5th day of March 2020.

Donna B. Hosch, MMC, NCCMC
Town Clerk

(SEAL)

PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: 684
Fee Paid: \$ 200.00

Submittal Date: 1/7/2020
Check #: 5974

TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is ☒ contiguous, ☐ non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

Owner Information

RONALD S. PADGET
LINDA W. PADGET

Owner Name (Please Print)

Phone

0731 19 7617

Property PIN or Deed Book & Page #

E-mail Address

Owner Name (Please Print)

Phone

Property PIN or Deed Book & Page #

E-mail Address

Owner Name (Please Print)

Phone

Property PIN or Deed Book & Page #

E-mail Address

Surveyor Information

Surveyor: SMITH & SMITH SURVEYORS

Phone: 919 362-7111

Fax: _____

E-mail Address: staley@smithandsmithsurveyors.net

Annexation Summary Chart

Total Acreage to be annexed: 2.7

Population of acreage to be annexed: 2

Existing # of housing units: 1

Zoning District*: RR

Reason for annexation: (select one)

Receive Town Services ☒

Other (please specify) _____

*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department for questions.

PETITION FOR VOLUNTARY ANNEXATION

Application #: 684

Submittal Date: _____

COMPLETE IF SIGNED BY INDIVIDUALS:

All individual owners must sign. (If additional signatures are necessary, please attach an additional sheet.)

Ronald S. Padget
Please Print

LINDA W. PADGET
Please Print

Please Print

Please Print

Ronald S. Padget
Signature

Linda Padget
Signature

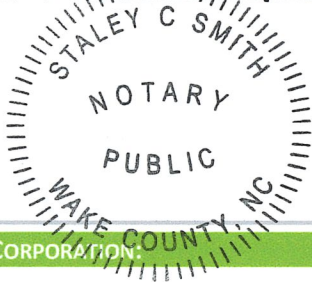
Signature

Signature

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, Staley C. Smith, a Notary Public for the above State and County,
this the 6th day of January, 2020.

SEAL



Staley C. Smith
Notary Public

My Commission Expires: 10-6-21

COMPLETE IF A CORPORATION:

In witness whereof, said corporation has caused this instrument to be executed by its President and attested by its Secretary by order of its Board of Directors, this the _____ day of _____, 20____.

Corporate Name _____

SEAL

Attest:

By: _____
President (Signature)

Secretary (Signature)

STATE OF NORTH CAROLINA
COUNTY OF WAKE

Sworn and subscribed before me, _____, a Notary Public for the above State and County,
this the _____ day of _____, 20____.

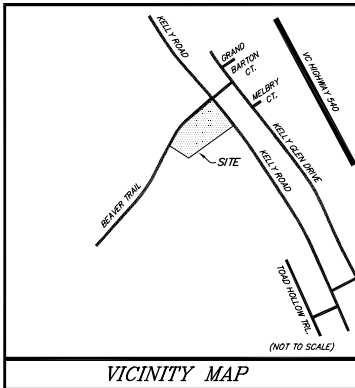
SEAL

Notary Public

My Commission Expires: _____

Lying and being in Buckhorn Township, Wake County, North Carolina and described more fully as follows to wit:

BEGINNING at a calculated point being the westernmost corner of Tanya L. Adderson-Davidson in the northern property line of Robert Alan Rossi; thence with the aforesaid northern property line of Rossi, North 52°15'04" West, 159.02 feet to a calculated point on the eastern right-of-way of Beaver Trail (N.C.S.R. No. 1193); thence the following two (2) courses and distances with the aforesaid right-of-way North 31°21'05" East, 63.04 feet to a calculated point, and a curve in a clockwise direction having a radius of 470.86 feet, a length of 133.77 feet and a chord of North 39°29'25" East, 133.32 feet to a calculated point; thence a line crossing Beaver Trail (N.C.S.R. No. 1193), North 50°14'26" West, 60.50 feet to a calculated point, on the western right-of-way of Beaver Trail (N.C.S.R. No. 1193) and being the northeastern corner of David Graham Ball; thence the following two (2) courses and distances with the western right-of-way of Beaver Trail (N.C.S.R. No. 1163), a curve in a clockwise direction having a radius of 530.86 feet, a length of 66.70 feet and a chord of North 50°20'02" East, 66.66 feet to a calculated point and North 53°56'00" East, 230.00 feet to a calculated point in the centerline of Kelly Road (N.C.S.R. No. 1163); thence the following two (2) courses and distances with the centerline of Kelly Road (N.C.S.R. No. 1163), South 36°04'00" East, 199.78 feet to a calculated point and South 35°12'31" East, 114.64 feet to a calculated point in the aforesaid road centerline; thence to and with the northern property line of Tanya L. Anderson-Davidson, South 59°31'16" West, 425.00 feet to the point and place of BEGINNING, containing 2.70 acres more or less. The above described tract of land being all of Wake County PIN 0731.01-19-7617 and portions of Kelly Road (N.C.S.R. No. 1163) right-of-way and Beaver Trail (N.C.S.R. No. 1193) right-of-way.



I, STALEY C. SMITH, certify that this plat was drawn under my supervision from deeds of record, that boundaries not surveyed are clearly indicated as broken lines and drawn from information found in Deed Book 3794, Page 696; that the precision as calculated is 1: N/A; that this plat meets the requirements of the standards of practice for land surveying in North Carolina 21 NCAC 56.1600.

Witness my original signature, license number and seal this 06 th day of January, A.D., 2019.

PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

Professional Land Surveyor
L-3766
License Number

ALL DISTANCES ARE HORIZONTAL GROUND U.S. SURVEY FEET MEASUREMENTS.

AREA DETERMINED USING COORDINATE METHOD.

REFERENCE: DEED BOOK 3794, PAGE 696
BOOK OF MAPS 1985, PAGE 450 (LOT 1)

SURVEYOR NOTES:

- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
- NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
- THIS SURVEYOR DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
- NOT AN ACTUAL SURVEY ON THIS DATE.
- THIS MAP OR PLAT IS EXEMPT FROM THE REQUIREMENTS OF G.S. 47-30 PURSUANT TO G.S. 47-30 (J).
- THIS MAP IS PREPARED FOR THE SOLE PURPOSE OF MUNICIPAL BOUNDARY ANNEXATION.

LEGEND

- XXXX - Street Address (Typical)
TL - Total
R/W - Right Of Way
TOA - Town of Apex
HM - Highway Map (Recorded)

- Existing Corporate Limit Line
Right Of Way Line
Unsurveyed Line
Unsurveyed Line
Unsurveyed Line
Unsurveyed Line

RECORDED IN BOOK OF MAPS **2020**, PAGE _____.

ANNEXATION # _____

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Apex, North Carolina certify this is a true and exact map of annexation adopted this the _____ day of _____, 2020, by the Town Council. I set my hand and seal of the Town of Apex, _____, 2020.

Donna B. Hosch, MMC, NCCMC, Town Clerk

SCOTT LEMMON
MONICA LEMMON
D.B. 16053, PG. 1420
B.M. 2015, PG. 932
ANNEXATION # 205
(B.M. 1996, PG. 1778)

DAVID GRAHAM BALL
LINDA PULLIAM BALL
D.B. 3758, PG. 307
B.M. 1985, PG. 450

RONALD S. PADGET
LINDA W. PADGET
D.B. 3794, PG. 696
B.M. 1985, PG. 450

2.13 ACRES ANNEXED
PIN 0731.01-19-7617

ROBERT ALAN ROSSI
AMY M. ROSSI
D.B. 3485, PG. 929
B.M. 1985, PG. 450

2.70 ACRES TOTAL ANNEXED

ANNEXATION MAP FOR THE TOWN OF APEX

PROPERTY OWNED BY
RONALD S. PADGET
LINDA W. PADGET
BUCKHORN TOWNSHIP, WAKE COUNTY, NORTH CAROLINA

LISTED OWNER
(NOT A TITLE VERIFICATION)
RONALD S. PADGET
LINDA W. PADGET
7101 BEAVER TRAIL
APEX, N.C. 27502-9549
P.I.N. 0731.01-19-7617

P.O. BOX 457
APEX, N.C. 27508
(919) 368-7111

Smith and Smith,
Surveyors, P.A.
FIRM LICENSE No. C-0155
PITTSBORO, N.C. 27312
(919) 548-4321

DATE DECEMBER 18, 2019
SCALE 1" = 60'
DRAWN BY J.A.B.
PROJECT NO. 19-85

MAP NORTH
B.M. 1996, PG. 1778
SEPTEMBER 11, 1996

Annexation #684

Beaver Creek

Kelly Glen

Scotts Mill

540

NC 540 Hwy NB
NC 540 Hwy SB

Kelly Rd

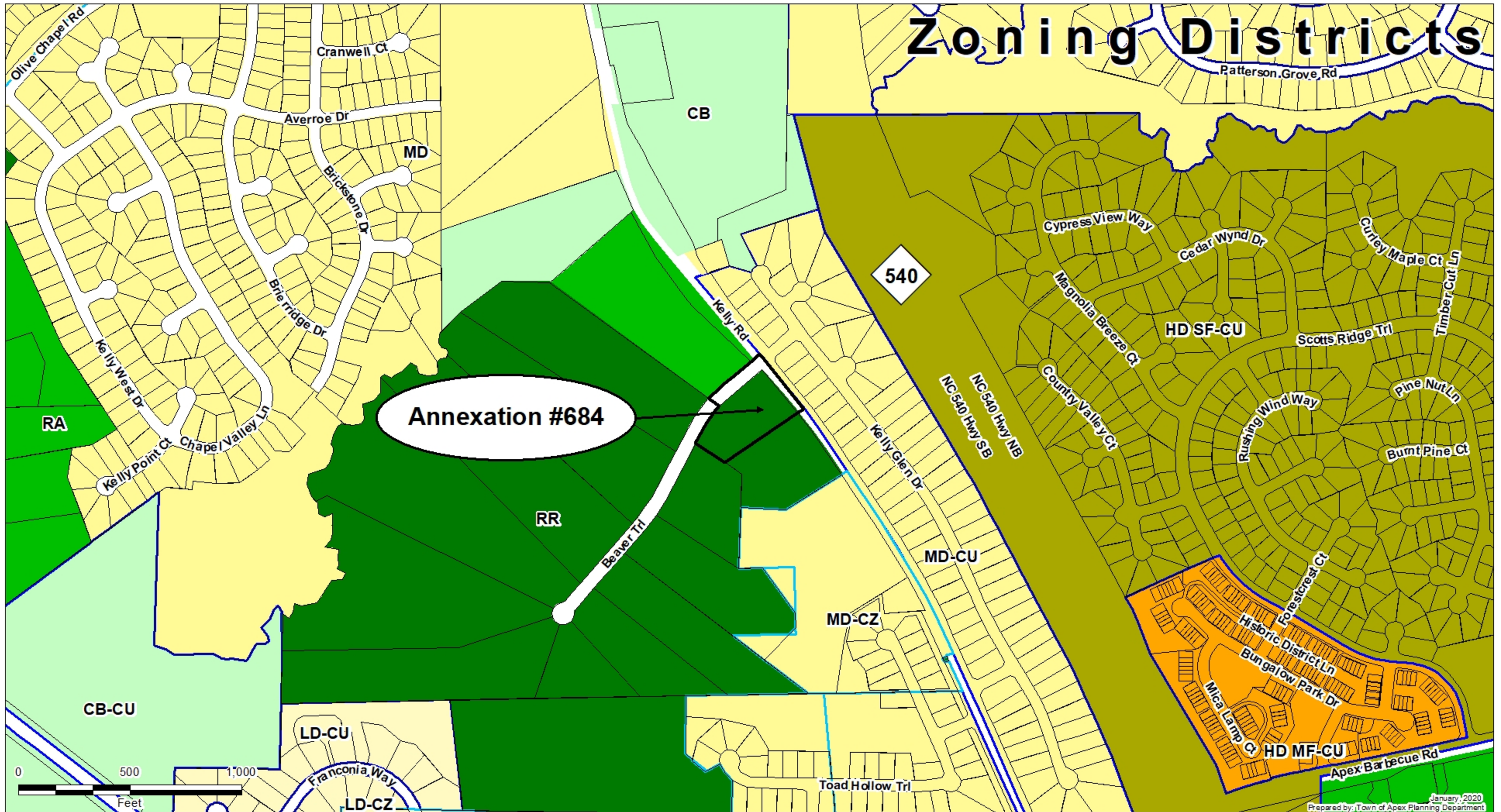
Beaver Trl

Melbry Ct

Kelly Glen Dr



Zoning Districts



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CLOSED SESSION

Meeting Date: March 4, 2020

Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Legal Department

Requested Motion

Possible motion to go into closed session pursuant to N.C.G.S. 143-318.11(a)(3) to preserve attorney-client privilege and pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to state law.

Approval Recommended?

Yes

Item Details

N/A

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: WORK SESSION

Meeting Date: March 4, 2020

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator & David Wood, Halle Cultural Arts Center Manager

Department(s): Economic Development & Parks, Recreation & Cultural Resources

Requested Motion

Possible motion to approve the Special Event Permit requests and Town Co-Sponsorship requests for 2020 and 2021.

Approval Recommended?

Yes

Item Details

These Co-Sponsored special event requests total \$109,963.97 and include such services as Police, Public Works, Electric and Park, Recreation and Cultural Services. These events include closure of public streets, parking lots and use of Halle Cultural Arts Center and Historic Union Depot as detailed in the attachment. Approval of Co-Sponsorship is contingent upon event coordinators adhering to all rules and regulations as details in the Town of Apex Special Events Guide and Special Event Permit Application. Estimated Town Expenditures \$109,963.97.

| Name Of Event | Event Date(s) | Event Times |
|--------------------------------------|--|--------------------|
| Apex American Legion Spring Car Show | Saturday, April 18, 2020 | 8 AM - 4 PM |
| Apex Farmers Market | Sat., April 18 to Sat., March 27, 2021 | 8:30 AM - 12:30 PM |
| Food Truck Rally | Saturday, April 18, 2020 | 8:30 AM - 2:00 PM |
| Peakfest | Saturday, May 2, 2020 | 9 AM - 5 PM |



| | | |
|---------------------------------------|--|---|
| 11th Annual Apex Latino Arts Festival | Saturday, June 6, 2020 | 3 PM - 10 PM |
| Bone Suckin' Sauce Peak City Pig Fest | Fri., June 19 to Sat., June 20 | Fri., 5 PM - 11:00 PM & Sat., 9 AM - 8 PM |
| Apex July 4th Celebration | Saturday, July 4, 2020 | 8:30 AM - 12:00 PM |
| Farmer's Night Market | Saturday, August 1, 2020 | 7 PM - 9:30 PM |
| Peak City International Film Festival | Fri., Sept. 18 to Sat., Sept. 19 | Fri. Reception 6 PM-Mid. & Sat. Screening 9:30 AM-11 PM |
| Musicfest | Saturday, September 19, 2020 | 2 PM - 10 PM |
| Apex American Legion Fall Car Show | Saturday, October 3, 2020 | 8 AM - 3 PM |
| Apex International Food Festival | Saturday, October 3, 2020 | 12 PM - 8 PM |
| Halloween Events on Salem St. | 10/23/2020 - Witches Night Out & 10/25/2020 - Trick-or-treat | Witches Night Out - 5-9 PM & Trick-or-Treat 3-4:30 PM |
| Apex Arts Festival & Maker's Market | Saturday, November 7, 2020 | 8:30 AM - 2 PM |
| Christmas on Salem Street | Friday, December 4, 2020 | 5 PM - 9 PM |
| Apex Christmas Parade | Saturday, December 5, 2020 | 5 PM - 8 PM |

Attachments

- Cosponsored Special Event TOA Cost Breakdown Spreadsheet
- Cosponsored Special Event Application Cover Sheet
- Photo/Map Location of event space





Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex American Legion Spring Car Show

Event Date & Time: Saturday, April 18, 2020 from 8:00 AM to 4:00 PM

Roads & Parking Closed Date & Time: Town Hall Parking Lot Closed from 7:00 AM to 5:00 PM

Rain Date: Saturday, April 25, 2020 from 8:00 AM to 4:00 PM

Event Organizer: Apex American Legion Post 124

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, and water barricades to block Town Hall Parking Lot

2020 Estimated Town of Apex Cost: \$279.00

Event Description: Car show in town hall parking lot, connecting road between town hall & community center and court yard between town hall, & community center.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex Farmers Market

Event Date & Time: Saturday's from April 18, 2020 to March 27, 2021 from 8:30 AM to 12:30 PM

Roads & Parking Closed Date & Time: Depot Parking Lot Closed from 5:30 AM to 1:30 PM

Rain Date: N/A

Event Organizer: Apex Farmers Market

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, and blocking Depot Parking Lot

2020 Estimated Town of Apex Cost: \$279.00

Event Description: Each of our events features and showcases local vendors and small businesses. From weekly farmers markets to larger vendor based community events. Weekly market in Depot parking lot and courtyard area per usual.

DATES: 4/18/2020, 4/25/2020, 5/2/2020, 5/9/2020, 5/16/2020, 5/23/2020, 5/30/2020, 6/6/2020, 6/13/2020, 6/20/2020, 6/27/2020, 7/4/2020, 7/11/2020, 7/18/2020, 7/25/2020, 8/1/2020, 8/8/2020, 8/15/2020, 8/22/2020, 8/29/2020, 9/5/2020, 9/12/2020, 9/19/2020, 9/26/2020, 10/3/2020, 10/10/2020, 10/17/2020, 10/24/2020, 11/7/2020, 11/14/2020, 11/21/2020, 12/12/2020, 1/9/2021, 1/23/2021, 2/13/2021, 2/27/2021, 3/13/2021, 3/27/2021

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Food Truck Rally

Event Organizer: Apex Farmers Market / Browerbird Agency

Event Date & Time: Saturday, April 18, 2020 from 8:30 AM to 2:00 PM

Roads & Parking Closed Date & Time: Saturday, April 18, 2020 on Seaboard St. (N. Salem to Chatham) from 6:30 AM to 3:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Trash bins and liners, (2) rental dumpsters, water barricades to block Seaboard and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$2,436.00

Event Description: Each of our events features and showcases local vendors and small businesses. Use of Depot parking lot and porch & Seaboard Street from N. Salem to E. Chatham.

Questions to Consider: Are the Downtown businesses and property owners whose parking areas are adjacent to Seaboard aware that their customers and employees will not be able to park and/or exit the area from 6:30 AM to 3:00 PM?

Is the ADBA aware of the event and signed-off?



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Peakfest

Event Organizer: Apex Festival Commission

Event Date & Time:

- Friday, May 1, 2020 from 7:00 PM to 9:00 PM – Depot Parking Lot and Plaza
- Saturday, May 2, 2020 from 9:00 AM to 5:00 PM – Salem St.

Roads & Parking Closed Date & Time:

- Friday, May 1, 2020 from 6:00 PM to 10:00 PM – Depot Parking Lot
- Saturday, May 2, 2020 on N. Salem St. (Hunter to Williams) from 6:00 AM to 7:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, trash pickup by Town Parks & Rec, water barricades to block Salem St. and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$29,115.65

Event Description: This is our 40th year holding Peakfest. It is a one day arts and crafts festival held in downtown. We have three (3) stages with local bands. We will have up to 150 artists in booths along Salem Street.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: 11th Annual Apex Latino Arts Festival

Event Organizer: Apex Latino Arts Festival Association

Event Date & Time: Saturday, June 6, 2020 from 3:00 PM to 10:00 PM

Roads & Parking Closed Date & Time: Saturday, June 6, 2020 1:00 PM to 11:00 PM – Depot Parking Lot and N. Salem from (Center to Saunders)

Rain Date: N/A

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, water barricades to block N. Salem St., Halle and Town Parks & Rec Staff, and electric

2020 Estimated Town of Apex Cost: \$2,525.28

Event Description: The Apex Latino Festival includes:

- A Latino art exhibit in the Halle Cultural Arts Center, children & family art activities in the Halle in the afternoon (3-6 pm)
- Activities move outdoors to Salem St. and the Depot Parking Lot for: Culinary Arts; Bazaar and Entertainment portions of the Festival for the rest of the evening.

Approximately 2,300 are expected to attend this year to sample authentic food from at least 12 different Latino countries, enjoy authentic dances, a flag parade and shopping in the arts and crafts bazaar. We will also have a DJ spinning current Latino music towards the end of the evening. Each of our culinary arts, bazaar vendors, non-profits, sponsors are required to have a 10 x 10 canopy tent following the Town's guidelines. Please see the map for the placement of tents. Patrons will be directed to park behind the Halle. We will also need 2 porta-johns close to the fire department to augment the facilities in the Halle and 2 front load trash bins placed in front of the train caboose on Seaboard.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Bone Suckin' Sauce Peak City Pig Fest

Event Organizer: Apex Sunrise Rotary Foundation

Event Date & Time:

- Thursday, June 18, 2020 – Cook Teams – Depot Parking & Halle Gravel Lot
- Friday, June 19, 2020 from 5:00 PM to 11:00 PM – Depot, Halle and gravel lot behind Halle
- Saturday, June 19, 2020 from 9:00 AM to 8:00 PM – N. Salem St. (Center to Williams)

Roads & Parking Closed Date & Time:

- Thursday, June 18, 2020 from 12:00 PM - Saturday, June 20 11:00 PM – Depot Parking & Halle Gravel Lot – Tent setup and Cook Teams
- Friday, June 19, 2020 from 7:00 PM to 9:00 PM – Depot Parking Lot and Gravel Lot behind Halle
- Saturday, June 20, 2020 from 9:00 AM to 10:00 PM – Salem St. from (Center to Williams), Seaboard, Tempelton and Commerce

Rain Date: N/A

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, trash pickup by Town Public Works, (8) rental dumpsters, water barricades to block Salem St., and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$16,952.94

Event Description: The festival starts at Center Street & Salem Street to Williams Street & Salem Street. Also uses the parking lot behind the Tobacco & Mule Exchange. The Beer Garden is held in the Chamber parking lot. Salem Street will be closed on Saturday only from Center Street to Williams Street. Cook teams will be set up in the parking lot behind the Tobacco & Mule Exchange and the lot across from Apex PD. A stage will be set up at Center & Salem Street. Off-site parking with free shuttle bus will be provided. The Beer Garden will be the only event scheduled for Friday night, but cook teams will be in place beginning Thursday night/Friday morning. The event on Saturday would also included closing Seaboard Street, Templeton Street and Commerce Street. A stage will be set up at Center and Salem Streets on Saturday.

Questions to Consider: Why does the Town pay the rental fee for the Waste Industries dumpsters? Isn't this something the Event Organizer should pay for?



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex July 4th Celebration

Event Organizer: Town of Apex

Event Date & Time: Saturday, July 4, 2020 from 8:30 AM to 12:00 PM

Roads & Parking Closed Date & Time: Saturday, July 4, 2020 on N. Salem St. from (Center to Chatham) from 7:30 AM to 1:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Hang banner, trash bins and liners, Parks & Rec. Staff, water barricades to block N. Salem St., and Town Public Works Staff

2020 Estimated Town of Apex Cost: \$10,290.46

Event Description: Annual Old Fashion 4th of July Parade on Salem Street

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Farmer's Night Market

Event Organizer: Apex Farmers Market / Browerbird Agency

Event Date & Time: Saturday, August 1, 2020 from 7:30 PM to 9:30 PM

Roads & Parking Closed Date & Time: Saturday, August 1, 2020 on Depot Parking Lot and Seaboard St. from (N. Salem to Chatham) closed from 5:00 PM to 11:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Trash bins and liners, water barricades to block Seaboard and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$1,749.00

Event Description: Depot Parking Lot & Seaboard Street with 40 vendors in Depot Lot and 20 additional along Seaboard Street.

Questions to Consider: Are the Downtown businesses and property owners whose parking areas are adjacent to Seaboard aware that their customers and employees will not be able to park and/or exit the area from 5:00 PM to 11:00 PM?

Is the ADBA aware of the event and signed-off?



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Peak City International Film Festival

Event Organizer: Carolina MediaPros

Event Date & Time:

- Friday, September 18, 2020 from 6:00 PM to Midnight – Mayor's Cheerwine Reception
- Saturday, September 19, 2020 from 9:30 AM to 11:00 PM – Halle Movie Screening

Roads & Parking Closed Date & Time: Friday, September 18, 2020 on N. Salem St. from (Center to Saunders) and Templeton from 4:30 PM to 7:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Hang banner, Depot Building, Parks & Rec. Staff, police cars to block N. Salem St. and direct traffic, and Town Public Works Staff

2020 Estimated Town of Apex Cost: \$369.00

Event Description: The event will take place during the week in various shops in the historic district. Screenings of films and viewing of locally produced art will take place on weeknights. Leading up to the awards on the Friday evening. The Mayor's Cheerwine Reception, live music & heavy hors d'oeuvres, possibly a sit down dinner may be a part of this film festival, we will have the return of the classic car ride by producers, VIP Sponsors, from the Reception to the Halle Cultural Arts Center. The evening will have live music performing as in years past, along with the awards, and the presentation of the Charlie Gaddy Lifetime achievement award. Followed by screenings of films of note including all NC based productions that are juried. The evening follows with deserts. This year we are in final discussions with one of the stars of a new WRAL NBC TV series, that has had over a 35 year acting career in feature films and TV. Weekend. Saturday will screen all the winning films all day long at the Halle in the Gallery Studio, and main stage, with emphasis on NC based films Saturday later afternoon and evening in the main stage. All food are from NC based sponsors or are paid cash. Where possible we hire local companies to provide vendor and food services.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Musicfest

Event Organizer: Apex Festival Commission

Event Date & Time: Saturday, September 19, 2020 from 2:00 PM to 10:00 PM

Roads & Parking Closed Date & Time: Saturday, September 19, 2020 Saunders St. Public Parking Lot and Templeton from 9:00 AM to Midnight

Rain Date: N/A

2020 Co-Sponsorship Request: Hang banner, Halle, Parks & Rec. Staff, block of parking lot and Templeton, and (2) electric boards setup

2020 Estimated Town of Apex Cost: \$11,270.64

Event Description: This is an inaugural event for us. We are attempting to put it on at the request of the town. We will have bands play from approximately 2-10 pm.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex American Legion Fall Car Show

Event Organizer: Apex American Legion Post 124

Event Date & Time: Saturday, October 3, 2020 from 8:00 AM to 4:00 PM

Roads & Parking Closed Date & Time: Town Hall Parking Lot Closed from 7:00 AM to 5:00 PM

Rain Date: Saturday, October 10, 2020 from 8:00 AM to 4:00 PM

2020 Co-Sponsorship Request: Banner hanging, trash bins and liners, and water barricades to block Town Hall Parking Lot

2020 Estimated Town of Apex Cost: \$279.00

Event Description: Car show in town hall parking lot, & community center drive way and court yard between town hall, & community center.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex International Food Festival

Event Organizer: NC Vibes

Event Date & Time: Saturday, October 3, 2020 from 12:00 PM to 8:00 PM

Roads & Parking Closed Date & Time: Saturday, October 3, 2020 on N. Salem St. (Hunter to Williams) from 6:00 AM to 9:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Trash bins and liners, organize dumpster rental (expense to be paid by Event Organizer), water barricades to block Salem St., and (2) portable electric panels

2020 Estimated Town of Apex Cost: \$93.00

Event Description: N. Salem Street from (N. Center St. to Holeman). We have been organizing Raleigh's International Food Festival for 5 years- we bring over 50 cultural groups together to perform dances and celebrate with food from around the world. Last year, Triangle Business Journal estimated about 22,000 people attended our festival.

We have a stage: Dances from China, India, Middle East, Latin America etc. we end the night with a band.

For food: we have international food trucks - Venezuela Japan Haiti Ireland China United Kingdom Japan Lithuania Germany India United States Latin Hungary Cuba Caribbean Colombia Spain Latin Lebanon Italy El Salvador Greece Turkey and Europe.

Questions to Consider:

1. How many food vendors and bazaar vendors do you anticipate along Salem Street?
2. Do you plan to meet with the local restaurants and retailers, to get their participation either during and/or in advance of the Food Festival?
3. Do you plan to ensure that no food vendors are located in front of the existing brick and mortar restaurants?
4. Do plan to pay for the off-duty police officers, and contract for the additional waste disposal and truck as well as staffing during the event to maintain the cleanliness of Downtown?



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Halloween Events on Salem St.

Event Organizer: Apex Downtown Business Association

Event Date & Time:

- Friday, October 23 (Witches' Night Out) 5:00 PM to 9:00 PM
- Sunday, October 25 (Trick-or-Treat Salem) 3:00 PM to 4:30 PM

Roads & Parking Closed Date & Time: Only Sunday for Trick-or-Treat Salem - N. Salem from (Center to Chatham) and Depot Parking from 2:00 PM to 5:30 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Extra on-duty officers on foot patrol for Witches' Night Out, and for Trick-or-Treat Salem barricades to block N. Salem St and Depot Parking Lot

2020 Estimated Town of Apex Cost: \$3,043.00

Event Description: Friday night shopping event (same as previous years)
Sunday Trick-or-Treat (inflatables at Depot and possible dance-same as previous years)

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex Arts Festival & Makers Market

Event Organizer: Apex Farmers Market / Browerbird Agency

Event Date & Time: Saturday, November 7, 2020 from 8:30 AM to 2:00 PM

Roads & Parking Closed Date & Time: Saturday, November 7, 2020 in Depot Parking Lot and Seaboard St. from (N. Salem to Chatham) closed from 6:30 AM to 3:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Trash bins and liners, water barricades to block Seaboard and (2) portable electric panels, The Halle (1st, 2nd & Auditorium)

2020 Estimated Town of Apex Cost: \$2,361.00

Event Description: Each of our events features and showcases local vendors and small businesses. The Depot Parking and plaza, Seaboard (N. Salem to Chatham) & The Halle (1st, 2nd & Auditorium)

Questions to Consider: Are the Downtown businesses and property owners whose parking areas are adjacent to Seaboard aware that their customers and employees will not be able to park and/or exit the area from 6:30 AM to 3:00 PM?

Is the ADBA aware of the event and signed-off?



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Christmas on Salem Street

Event Organizer: Apex Downtown Business Association

Event Date & Time: Friday, December 4, 2020 from 5:00 PM to 9:00 PM

Roads & Parking Closed Date & Time: N. Salem from (Hunter to Chatham) and Depot Parking from 3:00 PM to 10:00 PM

Rain Date: N/A

2020 Co-Sponsorship Request: Barricades to block N. Salem St from (Hunter to Chatham) and Depot Parking Lot

2020 Estimated Town of Apex Cost: \$8,769.00

Event Description: Chamber events will start at 5:00pm. Carriage/train rides to start at the Halle. Face painting, cookie/ornament decorating throughout the street.

Questions to Consider: None



Town of Apex 2020 Cosponsored Special Event Applications

Event Name: Apex Christmas Parade

Event Organizer: Apex Rotary Club

Event Date & Time: Saturday, December 5, 2020 from 5:00 PM to 8:00 PM

Roads & Parking Closed Date & Time: Saturday, December 5, 2020 from 2:30 PM to 8:00 PM

- N. Salem from (Peakway to Williams)
- Peakway from (Laura Duncan to N. Salem)
- Hunter from (Laura Duncan to Salem)
- Ambergate Station from (Hunter to Peakway)
- Upchurch Street (Williams to Holleman)
- W. Moore St (N. Salem to Upchurch St.)

Rain Date: N/A

2020 Co-Sponsorship Request: Barricades to block N. Salem St from (Hunter to Chatham) and Depot Parking Lot

2020 Estimated Town of Apex Cost: \$20,152.00

Event Description: Staging on Ambergate Station and Apex Peakway. Parade proceeds down Salem St to the Public Works parking lot and disbands there.

Questions to Consider: None

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| COSTS | |
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\$109,963.97

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: WORK SESSION

Meeting Date: March 4, 2020

Item Details

Presenter(s): Steve Chandler, Chandlerthinks; Stacie Galloway, Communications Manager

Department(s): Administration

Requested Motion

Discussion of community branding study results and recommendations with consultant.

Approval Recommended?

N/A

Item Details

A public contest held in 1970 yielded "The Peak of Good Living" as the Town of Apex's slogan. The phrase was a nod to our quality of life, as well as the play on the town's namesake for being the highest point along a section of the Chatham Railroad. At the time, our population stood at around 2,200.

Nearly 50 years later, having grown to a town of nearly 60,000 residents, Apex is still fondly and firmly known as The Peak of Good Living. As we plan for the next 50 years, staff was interested in understanding how our residents, both long-time and new, identify with this statement, and how we can expand upon this sentiment for our businesses, visitors, and other stakeholders.

After reviewing and scoring fifteen proposals through a formal RFP process, a committee of town staff selected Chandlerthinks as the branding consultant.

Attachments

- None

