



## AGENDA | REGULAR TOWN COUNCIL MEETING

April 26, 2022 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

### Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Audra Killingworth

Council Members: Brett D. Gantt; Cheryl F. Stallings; Terry Mahaffey; Edward Gray

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and Marty Stone

Interim Town Clerk: Julie Reid | Town Attorney: Laurie L. Hohe

### COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

### CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

CN1 Julie Reid, Interim Town Clerk

Motion to approve the minutes of the April 12, 2022 meeting of the Regular Town Council Meeting.

CN2 Julie Reid, Interim Town Clerk

Motion to approve the Apex Tax Report dated March 1, 2022.

CN3 Jason Armstrong, Chief of Police

Request motion to amend Article VIII "Parking" of Chapter 20 of the Town of Apex Code of Ordinances

CN4 Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the May 10, 2022 Town Council meeting regarding amendments to the Unified Development Ordinance (UDO) related to the creation of the Downtown Festival District and other associated amendments.

CN5 Amanda Bunce, Current Planning Manager

Motion to set the Public Hearing for the May 10, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).

CN6 Shannon Cox, Long Range Planning Manager

Motion to approve, and to authorize the Town Manager to sign and execute, the GoApex Agreement with Town of Cary and MV Transportation.

CN7 Shannon Cox, Long Range Planning Manager

Motion to approve, and to authorize the Town Manager to sign and execute, the ADA Paratransit Services Agreement with Wake County.

CN8 Shelly Mayo, Planner II

Motion to set the Public Hearing for the May 10, 2022 Town Council meeting regarding Rezoning Application #21CZ29 North Salem Station PUD. The applicant, Ana Wadsworth with The Wooten Company, seeks to rezone approximately 10.39 acres from Planned Commercial (PC) & Neighborhood Business (B1) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 Candun Dr., 0 Laura Duncan Rd., and 0 N. Salem St.

CN9 Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve a Supplemental Agreement with NCDOT for \$10,000,000 in supplemental construction funds toward U-5928, Apex Peakway at South Salem Street and the CSX railroad tracks, and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN10 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Dhiraj Adhikari to install a concrete patio that will encroach 61 square feet and a fence that will encroach 34 linear feet onto the Public Drainage Easement and authorize the Town Manager to execute the same.

CN11 Lauren Staudenmaier, Planner II

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation - Apex Town Council's intent to annex the Jessica and Abel Figueroa property containing 5.88 acres located at 804 and 808 Wimberly Road, Annexation #723 into the Town's corporate limits.  
Note: This annexation has been re-scheduled.

CN12 Dianne Khin, Director of Planning and Community Development

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation - Apex Town Council's intent to annex the WFINV, LLC property containing 1.910 acres located at 1016 N. Salem Street, Annexation #730 into the Town's corporate limits.

Note: This annexation has been re-scheduled.

CN13 Dianne Khin, Director of Planning and Community Development

Motion to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting Date of Public Hearing for May 10, 2022, on the Question of Annexation – Apex Town Council’s intent to annex the Tony C. Sears and Judy T. Sears property containing 1.6209 acres located at 0 Kelly Road, Annexation #731 into the Town’s corporate limits.

Note: This annexation has been re-scheduled.

### PRESENTATIONS

PR1 Apex Town Council and Stephanie Mitchell of the Apex Public School Foundation  
Presentation of the Peak S.T.A.R. Award

PR2 Jacques Gilbert, Mayor  
Presentation of the "Think Apex Day" Proclamation

PR3 Jacques K. Gilbert, Mayor  
Presentation of Foster Care Awareness Month Proclamation

PR4 Jacques K. Gilbert, Mayor  
Presentation of the Public Service Recognition Week Proclamation

PR5 Jacques K. Gilbert, Mayor  
Presentation of the Civilian Law Enforcement Professionals Week Proclamation

### REGULAR MEETING AGENDA

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

### PUBLIC FORUM

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

### PUBLIC HEARINGS

PH1 Lauren Staudenmaier, Planner II  
Public Hearing and possible motion to approve Rezoning Application #21CZ26 Humie Olive Commercial. The applicant, Jeff Roach, Peak Engineering & Design PLLC., seeks to rezone

approximately 7.69 acres from Rural Residential (RR) to Neighborhood Business-Conditional Zoning (B1-CZ). The proposed rezoning is located at 0 & 7525 Humie Olive Road.

PH2 Amanda Bunce, Current Planning Manager

Public Hearing and possible motion to approve Rezoning Application #22CZ03 Sweetwater PUD Amendment. The applicant, David Schmidt, ExperienceOne Homes, LLC, seeks to rezone approximately 44.76 acres from Planned Unit Development-Conditional Zoning (PUD-CZ #18CZ01) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 0 & 3233 US 64 Hwy W, 0 Core Banks St, and 1051 & 1075 Newland Ave.

PH3 Lauren Staudenmaier, Planner II

Public Hearing and possible motion to approve Rezoning Application #22CZ04 804 & 808 Wimberly Road and Ordinance. The applicant, Zak Shipman, Shipman Engineering, PLLC., seeks to rezone approximately 5.84 acres from Wake County Residential-80W (R-80W) to Rural Residential-Conditional Zoning (RR-CZ). The proposed rezoning is located at 804 & 808 Wimberly Road.

**The staff requests for this to be continued.**

#### OLD BUSINESS

#### UNFINISHED BUSINESS

#### NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager

Possible motion to provide financial support to Evergreen Construction Company for the residential affordable housing senior (55 yrs. +) rental project known as Abbey Spring in the form of a loan from the Affordable Housing Fund for permanent financing contingent upon final project approval, and authorize the Town Manager to execute loan and compliance project documentation.

#### UPDATES BY TOWN MANAGER

#### CLOSED SESSION

CS1 Steve Adams, Real Estates & Public Utilities

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the Town's negotiating position to the acquisition of real property

WORK SESSION

ADJOURNMENT