



## **AGENDA | REGULAR TOWN COUNCIL MEETING**

August 8, 2023 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

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

### Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro-Tempore: Audra Killingsworth

Council Members: Brett D. Gantt; Terry Mahaffey; Edward Gray; Arno Zegerman

Interim Town Manager: Shawn Purvis

Assistant Town Managers: Demetria John and Marty Stone

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

## **COMMENCEMENT**

Call to Order | Invocation | Pledge of Allegiance

## **CONSENT AGENDA**

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

**CN1   Annexation No. 756 - Yellowbridge Capital - 52.375 acres**

*Allen Coleman, Town Clerk*

**CN2   Annexation No. 758 - Estates at White Oak - 9.186 acres**

*Allen Coleman, Town Clerk*

**CN3   Annexation No. 759 - 5925 Farmpond Road - 2.747 acres**

*Allen Coleman, Town Clerk*

**CN4   Annexation No. 760 - 2633 Whistling Quail Run - 3.806 acres**

*Allen Coleman, Town Clerk*

**CN5   Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Board- Chair/Vice-Chair**

*Allen Coleman, Town Clerk*

**CN6   Appointment(s) - Parks, Recreation, and Cultural Resources Advisory Board**

*Allen Coleman, Town Clerk*

**CN7   Appointment(s) - Public Art Committee - Vice-Chair**

*Allen Coleman, Town Clerk*

**CN8 Appointment(s) - Public Art Committee**

*Allen Coleman, Town Clerk*

**CN9 Agreement - Construction Agreement - CSX Transportation, Inc - Apex Peakway Bridge - South Salem Street and Closure of Tingen Road**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept.*

**CN10 Agreement - North Carolina Department of Transportation (NCDOT) - Tingen Road Bicycle and Pedestrian Bridge Design and Capital Project Ordinance Amendment No. 2024-1**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept*

**CN11 Agreement - North Carolina Department of Transportation (NCDOT) - Saunders Street and Hinton Street Sidewalk Project - Capital Project Ordinance Amendment No. 2024-4**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept*

**CN12 Agreement - P&A Administrative Services Inc. - Peak Lifestyle Account Management**

*Mary Beth Manville, Director, Human Resources Department*

**CN13 Agreement - Town of Cary - Remix Transit Planning Software Cost Reimbursement**

*Katie Schwing, Senior Planner - Long Range Transit, Planning Department*

**CN14 Agreement Amendment - Wake County - Municipal Fire Protection**

*Tim Herman, Chief, Fire Department*

**CN15 Budget Ordinance Amendment No. 3 - Facilities Master Plan Study and Downtown Parking Lease Extension**

*Daniel Edwards, Senior Capital Projects Manager, Transportation & Infrastructure Dev. Dept.*

**CN16 Budget Ordinance Amendment No. 4 - Debt Service Funds Transfer**

*Amanda Grogan, Director, Budget and Performance Management Department*

**CN17 Budget Ordinance Amendment No. 5 and Capital Project Ordinance Amendment 2024-3 - ARPA Capital Project Fund**

*Amanda Grogan, Director, Budget and Performance Management Department*

**CN18 Construction Contract - North Carolina Department of Transportation (NCDOT) - Beaver Creek Greenway (Phase 1, Phase 1A, and Phase 2) - Budget Ordinance Amendment No. 2 and Capital Project Ordinance Amendment No. 2024-02**

*Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources Dept.*

**CN19 Contract Multi-Year - J & D Tree Pros, Inc. - Tree Trimming and Stump Grinding Services - August 1, 2023 through June 30, 2026**

*Michael Deaton, P.E., Director, Water Resources Department*

**CN20 Council Meeting Minutes - Various**

*Allen Coleman, Town Clerk*

**CN21 Encroachment Agreement - 3588 Lovage Drive, Lot 41**

*Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept*

**CN22 Encroachment Agreement - 3592 Lovage Drive, Lot 40**

*Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept*

**CN23 Encroachment Agreement - Regency at White Oak Creek**

*Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept*

**CN24 Encroachment Agreement - 2941 Rise and Shine Road**

*Chris Johnson, P.E., Director, Transportation & Infrastructure Dev. Dept*

**CN25 Hatcher Property - Fee-In-Lieu (FIL)**

*Angela Reincke, Parks Planning Project Manager, Parks, Recreation, and Cultural Resources Dept.*

**CN26 Ordinance Amendment - Chapter 14 - Section 14 - Alcohol Consumption**

*Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept.*

**CN27 Ordinance Amendment - Chapter 20 Traffic - Section 61(a) - Laura Duncan Road, No U-Turns**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept*

**CN28 Ordinance Amendment - Chapter 20 Traffic - Section 164 - Homestead Park Drive and Evening Star Drive; No Parking**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept*

**CN29 Ordinance Amendment - Chapter 20 Traffic - Article V. Traffic Control Devices - Traffic Schedules I & II, Stop & Yield Updates**

*Russell Dalton, P.E., Traffic Engineering Manager, Transportation & Infrastructure Dev. Dept*

**CN30 Real Property Acquisition - 215 Templeton Street and Budget Ordinance Amendment No. 1**

*Steve Adams, Utilities Acquisition and Real Estate Specialist, Transportation & Infra. Dev. Dept.*

**CN31 Rezoning Case No. 23CZ07 - 940 Tingen Road - Statement and Ordinance**

*Liz Loftin, Senior Planner, Planning Department*

**CN32 Rezoning Case No. 23CZ09 - Hatcher Property Revision - Statement and Ordinance**

*Shelly Mayo, Planning II, Planning Department*

**CN33 Rezoning Case No. 23CZ11 - Smith Farm Ph 5 PUD Amendment - Statement and Ordinance**

*Shelly Mayo, Planning II, Planning Department*

## **CN34 Tax Report - May 2023**

*Allen Coleman, Town Clerk*

## **CN35 Town Council Meeting Calendar Amendment(s) - 2023**

*Allen Coleman, Town Clerk*

## **PRESENTATIONS**

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

*Councilmember Mahaffey, Sponsor*

## **REGULAR MEETING AGENDA**

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

## **PUBLIC FORUM**

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

## **PUBLIC HEARINGS**

### **PH1 Annexation No. 752 - Castleberry Assemblage - 90.24 acres**

*June Cowles, Senior Planner, Planning Department*

**AND**

### **PH2 Rezoning Case No. 23CZ04 - Castleberry Reserve PUD**

*June Cowles, Senior Planner, Planning Department*

### **PH3 Rezoning Case No. 23CZ10 - Salem Church Road Parcels**

*June Cowles, Senior Planner, Planning Department*

### **PH4 Rezoning Case No. 23CZ12 - Sweetwater PUD Amendment**

*Amanda Bunce, Planning Manager, Planning Department*

### **PH5 Right-of-Way (ROW) Road Closure Request - Portion of Burma Drive**

*Allen Coleman, Town Clerk*

### **PH6 Transportation Plan Amendments - Jenks Road and Goodwin Road, US 64**

*Shannon Cox, Long Range Planning Manager, Planning Department*

**PH7 Transportation Plan Amendments - East Williams Street, NC 55**

*Shannon Cox, Long Range Planning Manager, Planning Department*

**NEW BUSINESS**

**NB1 Resolution - Authorizing Public Improvement Bonds**

*Antwan Morrison, Finance Director, Finance Department*

**NB2 Special Events Policy - Addendum A: Fee Structure**

*Taylor Wray, Cultural Arts Center Manager, Parks, Recreation, and Cultural Resources Dept.*

**UPDATES BY INTERIM TOWN MANAGER**

**CLOSED SESSION**

Council will enter into closed session pursuant to:

**CS1 Steve Adams, Utilities Acquisition and Real Estate Specialist**

**NCGS §143-318.11(a)(5):**

*"To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract."*

**CS2 Laurie Hohe, Town Attorney, Legal Department**

**NCGS §143-318.11(a)(3):**

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

**CS3 Jacques K. Gilbert, Mayor**

**NCGS §143-318.11(a)(6):**

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

**ADJOURNMENT**