



## AGENDA | REGULAR TOWN COUNCIL MEETING

April 12, 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 March 8, 2022 and March 22, 2022 meetings of the Regular Town Council Meeting.

CN2 Colleen Merays, Downtown & Small Business Coordinator

Motion to approve Town Co-Sponsored Special Event Requests for 2022.

CN3 Adam Stephenson, Transportation Engineering Manager

Motion to approve revisions to the Town Standard Specifications and Details.

CN4 Lauren Staudenmaier, Planner II

Motion to set Public Hearing for the April 26, 2022 Town Council meeting regarding 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.

CN5 Amanda Bunce, Current Planning Manager

Motion to set Public Hearing for the April 26, 2022 Town Council meeting regarding 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.

CN6 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 April 26, 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.

CN7 Lauren Staudenmaier, Planner II

Motion to set Public Hearing for the April 26, 2022 Town Council meeting regarding 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.

CN8 Liz Loftin, Senior Planner

Motion to approve Statement of the Town Council and Ordinance for Rezoning Case #21CZ32 Chapel Ridge Towns PUD, Toll Bros., Inc., petitioner, for the properties located at 1412 Olive Chapel Road; 1400, 1401, 1408, 1409 Barnside Lane; and Barnside Lane right-of-way.

CN9 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 April 26, 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.

CN10 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 April 26, 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.

CN11 Michael S. Deaton, PE, Director

Motion to approve a 3-year agreement with Buckhorn Vegetation Control, LLC., and to authorize the Town Manager to execute the agreement on behalf of the Town.

CN12 Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve an amendment to Ordinance 20-61, with the addition of part (2) under subsection (a) prohibiting the left turn movement on Knollwood Drive approaching Laura Duncan Road on days that school is in session for Apex High School between the hours of 6:45 a.m. and 7:30 a.m.

CN13 Russell H. Dalton, PE, Traffic Engineering Manager

Motion to approve installation of a traffic calming speed hump device on Blackburn Road.

CN14 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a driveway that will encroach 334 square feet (SF) onto the Public Utility Easement and a sidewalk that will encroach 14 square feet (SF) onto the Public Drainage Easement and authorize the Town Manager to execute the same.

CN15 Marty Stone, Assistant Town Manager

Motion to approve an encroachment agreement between the Town and property owners Colin John McGinley and spouse Melissa Beth McGinley to install a fence that will encroach 370 square (SF) onto the Town's Public Utility Easement and authorize the Town Manager to execute the same.

CN16 Matt Echols, PE, Utilities Engineer

Motion to adopt the enclosed resolution to apply for an Asset Inventory and Assessment (AIA) grant from the NC Division of Water Infrastructure (DWI).

CN17 Marty Stone, PE, Assistant Town Manager

Motion to amend the electric / finance policies to remove the solar capacity limit.

CN18 Vance Holloman, Finance Director

A motion to approve Budget Ordinance Amendment No. 18 which appropriates insurance proceeds to be used for the purchase of a replacement Police vehicle.

CN19 Dennis Brown, PE Senior Capital Projects Manager

Approval of Duke Energy Progress (DEP) easement and authorization for Town Manager to sign easement.

CN20 Matt Echols, PE, Utilities Engineer

Motion to award a sewer rehabilitation contract to Pipeline Utilities, Inc and to authorize the Town Manager to execute the contract on behalf of the Town and approve Budget Ordinance Amendment 17 and Capital Project Ordinance Amendment 2022-03.

CN21 Marty Stone, PE, Assistant Town Manager

Motion to approve amendment to Section 12-21 of the Apex Town Code.

CN22 Chad Lemasters, Operations Manager

Motion to approve Apex Yard Waste Agreement with Greenway Waste Solution of Apex LLC.

CN23 Amanda Grogan, Budget and Performance Manager

Motion to approve the American Rescue Plan Act policies (Nondiscrimination, Cost Principles, Eligible Use, Project Review, ARPA Real Property, Record Retention, Providing Pandemic Recovery Grants to Nonprofit Agencies) Uniform Guidance Procurement and Conflict of Interest Policy.

CN24 Mary Beth Manville, Human Resources Director

Motion to approve the authorization of seven (7) full-time positions, increasing the FTE of the Lab Supervisor position from .875 FTE to 1.0 FTE, and corresponding Budget Ordinance Amendment 19.

## PRESENTATIONS

PR1 Jason Armstrong, Chief of Police

Presentation of National Telecommunicator Week Proclamation

PR2 Jacques Gilbert, Mayor

Presentation of the 7th Annual "Think Apex" Awards

PR3 Donald Gintzig, President and CEO, WakeMed Health and Hospitals

Rick Shrum, Vice President and Chief Strategy Officer, WakeMed Health & Hospitals

WakeMed Mental Health Presentation

PR4 Mayor and Council

Presentation of National Science Appreciation Day Proclamation

PR5 Mayor and Town Council

Presentation of the Autism Awareness & Acceptance Month Proclamation and encourages the community to join advocacy efforts.

## REGULAR MEETING AGENDA

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

## PUBLIC FORUM

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

Comments must be limited to 3 minutes to allow others the opportunity to speak.

## PUBLIC HEARINGS

- PH1 Jenna Shouse, Senior Long Range Planner  
Public hearing and possible motion regarding an amendment to the Transportation Plan for Pristine Water Drive.
- PH2 Jenna Shouse, Senior Long Range Planner  
Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to add a proposed greenway connection from the proposed Huxley subdivision to the proposed Reedy Branch Greenway.
- PH3 Jenna Shouse, Senior Long Range Planner  
Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to remove a segment of proposed greenway from the future Felton Grove High School site, realign and extend a proposed greenway through the future Felton Grove High School site, and add proposed side path along the south side of a proposed extension of Thriftwood Drive.
- PH4 Jenna Shouse, Senior Long Range Planner  
Public hearing and possible motion to amend the Bicycle and Pedestrian System Plan map to add a proposed greenway between Termini Drive and Humie Olive Road.

## OLD BUSINESS

## UNFINISHED BUSINESS

## NEW BUSINESS

## UPDATES BY TOWN MANAGER

## CLOSED SESSION

- CS1 Joanna Helms, Economic Development Director  
Possible motion to go into Closed Session pursuant to NCGS 143-318.11(a)(4) to discuss matters related to the location or expansion of business in the area.

CS2 Possible motion to go into closed session pursuant to NCGS 143-6318.11(a)(3) to preserve attorney-client privilege.

WORK SESSION

ADJOURNMENT