



# **AGENDA** | REGULAR TOWN COUNCIL MEETING

January 24, 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 Tem: Audra Killingworth  
Council Members: Brett D. Gantt; Ed Gray; Terry Mahaffey; Arno Zegerman  
Town Manager: Catherine Crosby | Deputy Town Manager: Shawn Purvis  
Assistant Town Managers: Demetria John and Marty Stone  
Town Clerk: Allen Coleman | Town Attorney: Laurie L. Hohe

## **SPECIAL ANNOUNCEMENT**

The public is invited to attend a welcome reception for Councilmember Arno Zegerman on Tuesday, January 24, 2023, from 5:30 - 6:00 PM, just prior to the Town Council meeting. The reception will be held in the lobby of the Apex Town Hall located at 73 Hunter Street in Apex, North Carolina. Light refreshments will be provided. Councilmember Zegerman was appointed to the Apex Town Council on January 10, 2023 following an open and extensive application and selection process. Councilmember Zegerman was sworn-in at the January 12, 2023, Town Council Retreat meeting.

## **COMMENCEMENT**

Call to Order | Invocation | Pledge of Allegiance

### **Remarks by Councilmember Arno Zegerman**

## **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 Agreement - CSX Transportation Inc. - Walkway Crossing Maintenance Agreement - Pleasant Park Project**

*Daniel Edwards, Senior Capital Projects Manager, Administration*

### **CN2 Agreement - Duke Energy Progress LLC - Lease Agreement for Police Firearms and Training Site**

*Jason Armstrong, Chief of Police*

### **CN3 Agreement Amendment - Apex Fire Department Station #2 Ground Lease**

*Steve Adams, Utility Acquisition Specialist, Transportation and Infrastructure*

- CN4 Annexation No. 743 - 7624 Reams Ct. (Bhat Property) - 5.45 acres**  
*Allen Coleman, Town Clerk*
- CN5 Annexation No. 745 - 1305 Holt Road - 5.367 acres**  
*Allen Coleman, Town Clerk*
- CN6 Annexation No. 751 - 2705 Richardson Road - 3.677 acres**  
*Allen Coleman, Town Clerk*
- CN7 Appointments - Environmental Advisory Board**  
*Allen Coleman, Town Clerk*
- CN8 Appointments - Environmental Advisory Board Chair/Vice-Chair**  
*Allen Coleman, Town Clerk*
- CN9 Appointments - Planning Board**  
*Allen Coleman, Town Clerk*
- CN10 Appointments - Planning Board Chair/Vice Chair**  
*Allen Coleman, Town Clerk*
- CN11 Contract Multi-Year - Kantola Training Solutions - Employee E-Learning Training Services - February 1, 2023 through January 31, 2026**  
*Mary Beth Manville, Director, Human Resources*
- CN12 Council Meeting Minutes**  
*Allen Coleman, Town Clerk*
- CN13 Encroachment Agreement - 470 Grand Highclere Way Lot 8**  
*Marty Stone, Assistant Town Manager*
- CN14 Resolution of Support - Bus Stop Sidewalk Art Project**  
*Katie Schwing, Senior Planner - Long Range Transit, Planning*
- CN15 Richardson Road - Temporary Closure**  
*Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure*
- CN16 Position Authorization List Update - Fiscal Year 2023**  
*Mary Beth Manville, Director, Human Resources*
- CN17 Rezoning Case No. 21CZ27 - Tingen Road Residential - Statement & Ordinance**  
*Shelly Mayo, Planner II, Planning*
- CN18 Rezoning Case No. 22CZ20 - The Preserve at Holt - Statement and Ordinance**  
*Shelly Mayo, Planner II, Planning*
- CN19 Unified Development Ordinance (UDO) Amendments - January 2023**  
*Dianne Khin, Director, Planning*

## **PRESENTATIONS**

### **PR1 Financial Update - Fiscal Year 23 Mid-Year Review**

*Shawn Purvis, Deputy Town Manager*

### **PR2 Proclamation - Human Trafficking Prevention Month 2023**

*Jacques K. Gilbert, Mayor*

## **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 Budget Public Hearing - Fiscal Year 2023-2024**

*Amanda Grogan, Director, Budget & Performance Management*

### **PH2 Rezoning Case No. 22CZ13 - 2021 N Salem St PUD**

*Amanda Bunce, Current Planning Manager, Planning*

### **PH3 Rezoning Case No. 22CZ23 - Yellowbridge PUD Amendment**

*Lauren Staudenmaier, Planner II, Planning*

### **PH4 Rezoning Case No. 22CZ24 - Apex Gateway Ph 1 (Project Real amendment) Public Hearing**

*Amanda Bunce, Current Planning Manager*

## **NEW BUSINESS**

## **UPDATES BY TOWN MANAGER**

## **CLOSED SESSION**

Council will enter into closed session pursuant to:

**CS1 Laurie Hohe, Town Attorney**

**RE: Town of Apex v. Marcia M. Lund; 22-CVS-11706 and  
Town of Apex v. Susan S. Mills, et al; 22-CVS-11707**

**NCGS §143-318.11 (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."*

**CS2 Allen Coleman, Town Clerk**

**NCGS §143-318.11 (1):**

*"To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes."*

**CS3 Jacques K. Gilbert, Mayor**

**NCGS §143-318.11 (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**