



"The Peak of Good Living"

OFFICE OF THE TOWN CLERK

TOWN OF APEX NORTH CAROLINA

CLERK'S CERTIFICATION

I, Allen L. Coleman, Town Clerk to the Apex Town Council, North Carolina, do hereby certify the following **ORDINANCE** and action(s) taken by the Apex Town Council:

ORD-2022-073

AN ORDINANCE AMENDING ARTICLE VIII "PARKING" OF CHAPTER 20 OF THE TOWN OF APEX CODE OF ORDINANCES

The Apex Town Council, at their Regular Meeting on April 26, 2022, voted in open session 5-0, with Councilmember Audra Killingsworth voting virtually, to amend Article VIII "Parking" of Chapter 20 of the Town of Apex Code of Ordinances.

This amendment decriminalized parking violations. Language regarding parking violations being an infraction punishable by North Carolina General Statutes (NCGS) § 14-4 was removed throughout the ordinance and criminal summons are no longer issued for unpaid violations. Instead, Section 20-174, Enforcement was added, specifying that all offenses to this ordinance will be pursued as civil offences pursuant to NCGS § 160A-175.

The attached ordinance was adopted but was not fully executed, therefore, an unsigned copy is attached and a copy of the meeting minutes documenting the approval.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 29th day of September, 2024.



Allen L. Coleman, CMC, NCCCC
Town Clerk to the Council

SEAL

ORDINANCE NO. 2022-_____

**AN ORDINANCE AMENDING ARTICLE VIII “PARKING” OF
CHAPTER 20 OF THE TOWN OF APEX CODE OF ORDINANCES**

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. That Article VIII of the Town of Apex Code of Ordinances is hereby amended as shown below with additions shown by underlined text and deletions shown as struck-through text:

Sec. 20-150. Stopping, standing or parking prohibited in certain places.

No person shall stop, stand or park a vehicle, attended or unattended, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device in any of the following places:

- (1) On a sidewalk. For the purpose of this subsection the sidewalk will be deemed to continue in front of all businesses and residences from a direct line of the sidewalk on each side of such business or residence.
- (2) Within 15 feet of a residential driveway unless permitted by the owner(s) of the property for which the driveway accesses.
- (3) On a crosswalk or within 15 feet of a crosswalk.
- (4) Within 30 feet of any crossing roadway, flashing beacon, stop sign, yield sign, or traffic control signal.
- (5) On either side of any street approaching an underpass or overhead bridge or within 50 feet in any direction of the outer edge of such underpass or overhead bridge.
- (6) On either side of any street approaching a railroad grade crossing within 50 feet of the closest rail; provided, that where existing permanent structures are located along the street which are closer than 50 feet, parking may be permitted in front of such structures, unless otherwise prohibited, if such parking does not interfere with the view in either direction of an approaching railroad train.
- (7) Within 30 feet of a street excavation or temporary obstruction in such manner that would obstruct the flow of traffic.
- (8) Upon any bridge or other elevated structure or within an underpass, except to repair such place.
- (9) Within 15 feet of a public facility driveway, commercial driveway, or alley.
- (10) Along any portion of a street without marked parking spaces where the clear distance from the side of the parked vehicle to the marked street centerline or to the edge of a left turn lane is less than ten feet.

(11) In any area designated as a fire lane including designated fire lanes in shopping center or mall parking lots and all other public vehicular areas. Provided, however, persons actively engaged in loading or unloading supplies or merchandise may park temporarily in a fire lane located in a shopping center or mall parking lot as long as the vehicle is not left unattended.

(12) Within 15 feet of a fire hydrant.

~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-151. Moving another's vehicle into a prohibited position.

No person shall move a vehicle, not owned by such person or without the consent of the owner of such vehicle, into any prohibited area or sufficiently away from the curb to make such distance unlawful. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-152. Obstructing passage of other vehicles, etc.

No person shall park a vehicle, whether attended or unattended, so as to interrupt or interfere with the passage of public conveyances or other vehicles. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-153. Double parking and parking within traffic lane.

No person shall park a vehicle, whether attended or unattended, on the roadway side of another vehicle parking at the edge of the roadway or curb or on the main traveled portion of any street unless so directed by competent authority or when a special hazard exists. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-154. Prohibited purposes—Generally.

No person shall stand or park a vehicle upon any street or in any parking space along such street for principal purposes of:

- (1) Displaying it for sale.
- (2) Washing, greasing or repairing it, except repairs necessitated by an emergency.
- (3) Storage thereof by garages, dealers or other persons when such storage is not incidental to the bona fide use and operation of such vehicles.
- (4) Storage of any detached trailer or van when the towing unit has been disconnected, or for the purpose of transferring merchandise or freight from one vehicle to another.

~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-155. Parallel parking.

Where not otherwise indicated by this chapter and where the street is not marked to show how vehicles shall park, all vehicles shall park parallel to the curb or edge of pavement when curb is not present and not more than 12 inches therefrom. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-156. Setting brakes and stopping motor.

No person having control or charge of a vehicle shall allow such vehicle to stand on any highway or public street without first effectively setting the brakes thereon and stopping the motor of such vehicle. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-157. Turning wheels on grades.

Any person having control or charge of a vehicle shall, when such vehicle is standing on a grade, turn the front wheels of such vehicle into the curb or shoulder of the road. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-158. Lights.

Lights will not be required for any vehicle legally parked on any public street or highway where there is sufficient light to reveal a person within 200 feet on such street or highway.

Sec. 20-159. Backing to curb.

No vehicle shall be parked by backing the vehicle to a curb unless in the actual process of loading or unloading provided such vehicle does not block the flow of traffic. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-160. Side of vehicle to curb.

No vehicle shall be parked either attended or unattended with its left side to the curb except on one-way streets where parking is permitted on the left side. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-161. Alleys.

No person shall park a vehicle within any alley or entrance thereto so as to block the alley from the free movement of other traffic. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-162. Parking within lines of designated parking spaces; duration.

- (a) Where parking spaces are marked with lines indicating parking spaces, vehicles shall be parked within the lines of a parking space. No person shall park a vehicle in a marked parking space on a street for a continuous period of time longer than the time that applies to such street or portion thereof pursuant to this chapter. Parking in two or more parking spaces by moving a vehicle from one marked parking space directly to another marked parking space on a street in the same block shall be deemed one continuous parking event and shall not defeat the application of this section.
- (b) Where parking spaces are marked with lines indicating parking spaces in a parking lot owned or leased by the town, vehicles shall be stopped or parked only within the lines of a single marked parking space. No person shall park a vehicle on or along the entranceway, driveway, or access route to a town owned or leased parking lot at any time except in a designated parking space. Except for town owned vehicles, no person shall park a vehicle in any spot designated for town vehicles or personnel. Except for town owned vehicles and equipment or by direction of the police chief or his designee, no vehicle, trailer, boat, or device by which any person or property may be transported shall be stopped or parked overnight in any parking lot owned or leased by the town, whether parking spaces are marked with lines or not. For the purposes of this subsection, overnight is defined as the hours between 11:00 p.m. and 6:00 a.m. This subsection shall not apply to vehicles and trailers owned by vendors participating in town council approved special events in which the parking lot is closed to general parking or to vehicles used by town employees and officials in the prosecution of town business or in the course of their employment.
- (c) In a town owned or leased parking lot, when necessary to maintain safe access, movement, ingress or egress for emergency vehicles, the chief of police, or his designee, is authorized to prohibit on a temporary basis the parking of any vehicle, trailer, boat, or device by which any person or property may be transported.
- ~~(d) A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-163. Reserved parking zones.

- (a) No person except authorized personnel shall park a vehicle in a zone or parking space designated by a sign or signs indicating such areas to be for reserved parking only. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

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- (b) For the purpose of this section the following area is designated as "reserved parking":
- (1) Two parking spaces in the parking lot of the Apex Chamber of Commerce southwesterly from Center Street are reserved for staff members of the chamber of commerce.

Sec. 20-164. No parking zones.

No person shall park a vehicle, whether attended or unattended, within a zone designated as no parking by signs or yellow markings. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~ Signs or yellow markings shall be erected or applied designated "no parking at any time" in the following areas:

- (1) Purple Glory Drive, on the south side beginning at the intersection with White Dogwood Road and continuing along the inside edge of Purple Glory Drive as it curves back to the intersection with Silky Dogwood Drive.
- (2) Saunders Street, north side, from the westernmost Apex Police Station driveway to West Chatham Street.
- (3) Saunders Street, south side, from North Salem Street to West Chatham Street except as designated public parking within marked spaces.
- (4) Silky Dogwood Trail, on the west side beginning at the intersection with Purple Glory Drive to the intersection with Xanthacarpa Lane.
- (5) On the west side of Salem Street in front of the fire station from Saunders Street northwardly to a point 65 feet north of the center of the driveway located at 201 N. Salem Street.
- (6) Along the west side of Mason Street between East Williams and Moore Streets; provided, however, such no parking areas along side section of Mason Street shall be appropriately marked for no parking, which will also provide for no parking within 10 feet of the entrance of any private drive on to Moore Street between said East Williams and Mason Street.
- (7) Along the east or left side of Seaboard Street beginning at the curblineline of North Salem Street and extending easterly as the street curves to the right for a distance of 225 feet.
- (8) Along both sides of Laura Village Drive and along both sides of Merchant Drive.
- (9) Along that portion of the west side of Lake Pine Drive that has been widened and borders the property located at 1900 Lake Pine Drive.
- (10) Along the south side of Holleman Street.
- (11) Along the north side of Investment Boulevard for its entire length.

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- (12) Along that portion of the south side of Haywards Heath Lane beginning at the intersection with Blackburn Road and extending westerly for a distance of 500 feet.
 - (13) Along both sides of Commerce Street for its entire length except as allowed in designated parking spaces.
 - (14) Along the east side of Town Side Drive from Magdala Place to Oak Pine Drive.
 - (15) Along the south side of East Moore Street from South Ellington Street to South Tunstall Avenue.
 - (16) Along the east side of Windy Road from Caboose Trail to US 64 except as allowed in designated parking spaces.
 - (17) On the north side of Center Street from Parkfield Drive to Investment Boulevard overnight, between the hours of 6:00 p.m. and 6:00 a.m. Monday through Saturday, and at all times on Sunday.
 - (18) On the south side of Center Street for a distance of 200 feet east and 200 feet west of Investment Boulevard.
 - (19) Reserved.
 - (20) On both sides of Pine Plaza Drive, from Shepherds Vineyard Drive to Laura Duncan Road.
 - (21) On the west side of Hinton Street, from Saunders Street to Pearson Street.
 - (22) On the west side of Jones Street.
 - (23) On the west side of N. Elm Street, from E. Chatham Street to Center Street.
 - (24) On the west side of Grove Street, from Hunter Street to Thompson Street.
 - (25) On the north side of Thompson Street, from N. Salem Street to Grove Street.
 - (26) On the east side of that portion of Scotts Ridge Trail which is directly opposite of the Scotts Ridge Elementary School driveway, from Apex Barbecue Road to the western entrance of Scotts Mill recreation center driveway.
 - (27) On the south side of Reedybrook Crossing from Creekside Landing Drive to a point 300 feet west.
 - (28) On the west side of Lake Pine Drive from Town of Cary Corporate Limits to a point 350 feet south of the Apex Community Park driveway, and on the east side of Lake Pine Drive from a point 650 feet south of the Apex Community Park driveway to a point 300 feet south of Versailles Drive.
 - (29) Along both sides of Evans Road, from Apex Barbecue Road to Marazzi Trail.
 - (30) At the intersection of E. Chatham Street and N. Hughes Street: on both sides of E. Chatham Street for a distance of 80 feet west of N. Hughes Street and 80 feet east of N. Hughes Street, both sides of N. Hughes Street for a distance of 100 feet north of E. Chatham Street, on the east side of N. Hughes Street for a distance of

80 feet south of E. Chatham Street, and on the west side of N. Hughes Street for a distance of 50 feet south of E. Chatham Street.

- (31) Along both sides of North Hughes Street from Center Street extending north to the end of North Hughes Street.
- (32) On the east side of Blazing Trail Drive from Humie Olive Road to Masonboro Ferry Drive.
- (33) Along the east side of Glaston Court from Sparta Lane northward to the corner, and along the south side of Glaston Court east of the corner for a distance of 70 feet.
- (34) Along the north side of Rapp Land from a point 460 feet south of Red Barn Way westward to Kellerhis Drive.
- (35) Along both sides of Marco Drive from East Williams Street to a point 600 feet east.
- (36) Along the south side of Olive Street and S. Elm Street to S. Hughes Street.
- (37) Along both sides of both directions of Great Lawn Road and along both sides of Sunflower Road.
- (38) Along both sides of Sunny Creek Lane and Windy Creek Lane, north and south of Evening Star Drive.
- (39) Along both sides of Perry Road from Apex Peakway to American Way.

Sec. 20-165. No parking in school zones and time designated zones.

- (a) It shall be unlawful to park any motor vehicle between the hours of 10:00 a.m. and 2:00 p.m. on school days upon those streets or sections of streets within Knollwood and Brookfield Subdivisions as follows:
 - (1) Knollwood Drive.
 - (2) Cone Avenue.
 - (3) Greenleaf Street.
 - (4) Maple Avenue (but only east of its intersection with Knollwood Drive).
 - (5) Boxwood Lane.
 - (6) Eastham Drive.
 - (7) Pinewood Drive (in Brookfield Subdivision only).
 - (8) Fair Oaks Lane.
 - (9) Fallen Oak Drive.
 - (10) Charred Oak Circle.
 - (11) Black Oak Court.
 - (12) Autumn Wood Court.
 - (13) East Beechmont Court.
 - (14) West Beechmont Court.

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- (b) In order to inform motorists of subsection (a), signs shall be erected and maintained on each side of the streets above-named on each block containing language substantially as follows:

"NO PARKING
SCHOOL DAYS
between 10:00 a.m.
and 2:00 p.m."

- (c) Along the north side of Moore Street between Ellington and Mason Streets on school days between the hours of 7:00 a.m. and 8:00 a.m. and 2:00 p.m. and 3:00 p.m.; provided, however, signs are placed on said section of Moore Street reading substantially as follows: "No Parking, School Days, 7:00—8:00 a.m. and 2:00—3:00 p.m."
- (d) The chief of police or designee may in his discretion, temporarily suspend the "no parking" requirement on any of the above-named streets, or on any combination of the same, if he finds that a need exists for parking on same on account of an emergency involving fire or other hazard, illness or death of a resident of the area affected by this section.
- ~~(e) A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-166. Loading zones.

- (a) No person shall park a vehicle in a loading zone designated by a sign or signs indicating such area to be a loading zone, except for the express purpose of loading and unloading only of such vehicle. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~
- (b) The following areas are designated as "loading zones":
- (1) The first parking space on the north side of East Chatham Street adjacent to Salem Street.
 - (2) Both parking spaces on the north side of West Chatham Street between Salem Street and Commerce Street.
 - (3) The first four parking spaces on the north side of Saunders Street west of North Salem Street, large trucks or vehicle-trailer combination may occupy multiple spaces.
 - (4) The first parking space on the west side of North Salem Street south of Center Street.
 - (5) The first three parking spaces on the west side of North Salem Street south of the intersection with Saunders Street, large trucks or vehicle-trailer combination may occupy multiple spaces.

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- (c) Loading zones shall limit loading and unloading activities to 15 minutes and be in effect from 6:00 a.m. to 5:00 p.m. Monday through Friday. Vehicles shall be required to display 4-way flashers in operation while parked in a loading zone during those hours. Outside of the time when the loading zone is in effect there shall be no restriction on the duration of parking.

Sec. 20-167. Time-limited areas during certain hours.

- (a) When official signs are placed, erected or installed giving notice thereof, no person shall park a vehicle for longer than the limits stated on the signs, as set out in the following subsections at any time between the hours of 8:00 a.m. and 6:00 p.m., on any day, except Sunday and public holidays, upon any of the areas so posted. The changing of the position of a vehicle from one point directly to another point within the same block shall be deemed one continuous parking period, and shall not defeat the application of this section. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~
- (b) Official signs shall be erected designating one-hour parking zones in the following areas:
- (1) In the first four marked parking spaces not designated as handicap accessible spaces on the west side of Town Side Drive north of its intersection with Heritage Village Lane, which are the two spaces to the south of the handicap accessible spaces and two spaces to the north of the handicap accessible spaces.
- (c) Official signs shall be erected designating three-hour parking zones in the following areas:
- (1) In all areas of Salem Street designated for parking from Center Street southwardly on both sides of said street to E. Williams Street; and
 - (2) In all areas of Chatham Street designated for parking from Salem Street easterly on both sides of said street to Seaboard Street, and from Salem Street westerly on both sides of said street to Commerce Street, and including the two existing parking spaces located at 104 W. Chatham Street.

Sec. 20-168. Designation of parking for persons with disabilities.

It shall be unlawful to park or leave standing any vehicle in a space designated with a sign displaying "Reserved Parking" for handicapped persons in conformance with G.S. 20-37.6(d), when the vehicle does not display the distinguishing license plate or placard as required by state statute. ~~A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-169. Registered owner prima facie liable for parking violation.

Whenever evidence shall be presented to any court of the fact that any automobile, truck or other vehicle was found upon any street, alley or other public place, contrary to and in

violation of the provisions of any statute or municipal ordinance limiting the time during which any such vehicle may be parked or prohibiting or otherwise regulating the parking of any such vehicle, it shall be prima facie evidence in any court in the state that such vehicle was parked and left upon such place by the person in whose name such vehicle is then registered and licensed according to the records of the department or agency of the state, by whatever name designated, which is empowered to register such vehicles and issue licenses for their operation upon the streets and highways of this state; provided, that no evidence tendered or presented under the authorization in this section shall be admissible or competent in any respect in any court or tribunal, except in cases concerned solely with violations of statutes or ordinances limiting, prohibiting or otherwise regulating the parking of automobiles or other vehicles upon public streets, highways or other public places.

Sec. 20-170. Processing of parking violation citations; fines and penalties for parking violations.

- (a) All citations received for the violation of a parking offense shall be presented at the Apex Finance Department at 73 Hunter Street during normal business hours for payment processing or mail the citation and payment to the Apex Finance Department - Parking Violations, PO Box 250, Apex, NC 27502, within five days from the time of the offense, except when the time limit expires on a holiday or weekend, and then the time limit will be extended to the next working day. ~~A criminal summons shall be issued for the registered owner of the vehicle in question following the expiration of this time period.~~
- (b) The following parking violations shall be subject to fines as indicated:
- (1) No parking zones\$30.00
 - (2) Spaces reserved for handicapped parking\$100.00
 - (3) Too close to an intersection\$30.00
 - (4) Too far from curb or street edge\$30.00
 - (5) Double parked\$30.00
 - (6) Fire lane\$50.00
 - (7) Restricted time zones\$30.00
 - (8) Wrong side of the street\$30.00
 - (9) Blocking fire hydrant\$50.00
 - (10) All other\$30.00

~~All violations of the requirements of this section shall be prosecuted as violations of a town ordinance, pursuant to G.S. 160A-175, but violations shall not be subject to civil penalties in the nature of a debt, as allowed in G.S. 160A-175(e). Violations shall be infractions pursuant to G.S. 14-4.~~

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- (c) Towing of illegally parked vehicles. Nothing herein is intended to provide that vehicles parked in violation of a law or ordinance may not be towed away as provided by law. Failure to pay parking fines as indicated above may be cause for vehicle towing or immobilization.

Sec. 20-171. Removal of certain illegally parked vehicles.

- (a) Any vehicle found parked in a time limiting area, loading zone or other prohibited zone for a period of 24 hours shall be removed to a place of storage and safety, except in the case of publicly sanctioned events or emergencies a police officer may order immediate removal of such vehicle.
- (b) Any vehicle parked in a position or location so as to cause a danger to other users of the public streets shall be removed to a place of storage and safety.
- (c) Removal of vehicles for any of the above-listed reasons shall be at the registered owner's expense as well as whatever storage fee there might be incurred.

Sec. 20-172. Construction related vehicles.

In the event that it is necessary for a construction related vehicle to park in a manner that would otherwise violate town parking ordinances in order to obtain direct access to a construction site, a police officer may direct parking of such construction-related vehicle temporarily as the conditions there require, notwithstanding other provisions of chapter 20 of this Code; provided that the same can be done in a manner which is safe and reasonable in light of all relevant traffic considerations, and further provided that a police officer shall direct the manner and place of parking and the use of traffic safety devices or personnel to insure the public safety. Nothing in this section relieves the owner or operator of a construction-related vehicle from the duty to operate or park the vehicle in a safe and reasonable manner with due regard for the safety of others.

Sec. 20-173. Electric vehicle charging stations

- (A) Electric vehicle charging stations are reserved for parking and charging by electric vehicles only. When a space has been so marked no person shall park or stand any non-electric vehicle in that space.
- (B) No person shall park or stand an electric vehicle in an electric vehicle charging station without being plugged in and charging. The electric vehicle must be moved within 30 minutes after charging is complete.
- ~~(C) A violation of this section is punishable as an infraction as provided by G.S. 14-4.~~

Sec. 20-174. Enforcement.

All offenses set out in Article VIII of this Chapter shall be punished as civil offenses pursuant to G.S. 160A-175. Violations shall not be misdemeanors or infractions pursuant to G.S. 14-4.

Secs. 20-174~~5~~—20-189. Reserved.

Section 2. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances and the sections of this ordinance may be renumbered to accomplish such intention.

Section 3. The Town Clerk and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this Ordinance or future amendments as long as doing so does not alter the terms of this Ordinance.

Section 4. Severability, Conflict of Laws. If this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 5. Effective Date. This ordinance shall be effective upon adoption.

Introduced by Council Member: _____

Seconded by Council Member: _____

This the _____ day of _____, 2022.

Jacques K. Gilbert
Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Laurie L. Hohe
Town Attorney



MINUTES - REGULAR TOWN COUNCIL MEETING

APRIL 26, 2022 AT 6:00 PM

COUNCIL CHAMBERS – APEX TOWN HALL, 73 HUNTER STREET

WELCOME AND COMMENCEMENT

The regular meeting of the Apex Town Council was called to order by Mayor Gilbert. The Mayor began the meeting with a welcome and invocation saying

“The Town of Apex values and celebrates diversity and inclusion. We see diversity as a strength that binds the community together. Inviting members from different faith communities to deliver an invocation at the beginning of our council meetings supports this unity, recognizes that not everyone practices the same traditions, we welcome you to have a private moment of silence.”

The mayor asked those attending to join in the Pledge of Allegiance.

Town Council and Administration:

In attendance were Mayor Jacques K. Gilbert, and Council Members Brett D. Gantt, Terry Mahaffey, Cheryl F. Stallings and Edward Gray. Mayor Pro Tem Killingsworth attended virtually. Also, in attendance were Town Manager Catherine Crosby, Assistant Town Manager Shawn Purvis, Interim Town Clerk Julie Reid, and Town Attorney Laurie L. Hohe.

CONSENT AGENDA

The Mayor explained that 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 presented the Consent Agenda to be set prior to taking any action on the following items:

He said item CN7 has been requested to be removed from the consent agenda. A motion was made to approve the amended consent agenda. (Motion: Council Member Gray\Second: Council Member Gantt, Vote: Approved 5-0, with Killingsworth voting virtually).

CN1 Approval of the minutes of the April 12, 2022 meetings of the Regular Town Council Meeting.

CN2 Approval of Wake County Tax Report for the Town of Apex, dated March 1, 2022.

CN3 Approval of amendment to Article VIII “Parking” of Chapter 20 of the Town of Apex Code of Ordinances.

- CN4** Approval 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** Approval to set the Public Hearing for the May 10, 2022 Town Council meeting regarding various amendments to the Unified Development Ordinance (UDO).
- CN6** Approval of and authorizing the Town Manager to sign and execute, the GoApex Agreement with Town of Cary and MV Transportation.
- CN7** Removed from the agenda.
- CN8** Approval 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** Approval of 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 authorizing the Town Manager to execute the agreement on behalf of the Town.
- CN10** Approval of 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 authorizing the Town Manager to execute the same.
- CN11** Adopting 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. This annexation had been re-scheduled previously.
- CN12** Adopting 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. This annexation had been re-scheduled previously.
- CN13** Adopting 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. This annexation has been re-scheduled previously.

PRESENTATIONS

- PR1** Apex Town Council and Stephanie Mitchell, President of the Apex Public School Foundation awarded the Peak S.T.A.R. Award to Ashley Miller of Oakley Elementary School.

- PR2** Mayor Jacques Gilbert and the Town Council members read a proclamation regarding the "Think Apex Day" and encouraged the community to participate in volunteer activities on that day.
- PR3** Mayor Gilbert and the Town Council read a Foster Care Awareness Month proclamation recognizing those that provide foster care for children in the Town of Apex and recognizing the need for more homes to care for children.
- PR4** Mayor Gilbert and the Town Council read a Public Service Recognition Week Proclamation. He thanked the federal, State, county and Town of Apex employees for providing service to the public.
- PR5** Mayor Gilbert and the Town Council read a Civilian Law Enforcement Professionals Week Proclamation recognizing the necessary and valuable services provided.

REGULAR MEETING AGENDA

Mayor Gilbert called for additional Agenda items from Council or Staff and to set the Regular Meeting Agenda prior to Council actions. Mayor Gilbert noted removal of the second closed session from the agenda. (Motion: Council Member Stallings /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PUBLIC FORUM

The Mayor recognized Phil Welch who wished to express support for the Town's contributions for affordable housing efforts and encouraged the Town Council to continue increase funding for this effort. He expressed the need for additional senior housing.

PUBLIC HEARINGS

- PH1** Planner Lauren Staudenmaier presented 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. She noted the land was vacant and wooded.

Ms. Staudenmaier asked the Council to note zoning condition ten, the requirement for a 20-foot Greenway easement along the western property line and zoning condition twelve requiring the recordation of a cross-access agreement between the two parcels in the request prior to Site Plan Final Plat. Concern was expressed by the Transportation Planning due to the road configuration creating a poorly aligned "Y" intersection, high volume traffic further aggravated by the proximity of two existing schools and the construction of a third school underway, and the proximity of the development to the intersection of Humie Olive Road and Old US 1 Highway. Cross-access and connectivity would provide safe movement by limiting access onto these two busy roads. The staff requested that the applicant agree to a maximum of one point of full movement access for each road. The applicant has stated they are not willing to agree to this condition.

The Planning Board and Staff support the rezoning, but *only* if they meet the single access condition. Traffic Engineer Russell Dalton noted that all construction and development in this area must be evaluated in addition to this development and anticipating further traffic congestion. He noted additional driveways would require expensive traffic control measures such as medians. He noted existing traffic at this intersection actually exceeds the length of the project frontage. If this agreement is not imposed at this time, each parcel in the rezoning could develop independently and apply for driveway permits, avoiding the need for consideration of the impacts of multiple driveways at this intersection and possible mitigation required.

There was interest in the possible realignment of Humie Olive Road at the time of development. Improvements to this intersection are not scheduled by the Town and NCDOT at this time.

Mayor Gilbert asked the applicant to address the Council. He indicated that they were not necessarily opposed to limiting access, but they did not want to commit to it at this point. They do not know how the property will be developed.

Mayor Gilbert opened the public hearing, there being no requests to speak closed the hearing.

Council Member Gantt made a motion to deny the request. The applicant then asked that the Council to continue the case. Council Member Gantt withdrew the motion. He noted in addition to the traffic issue, he also was concerned about a daycare facility at this location and was concerned about the number of environmental concerns that were not addressed and not agreed to by the applicant. A motion was made to continue the case until May 24, 2022. (Motion: Council Member Mahaffey /Second: Council Member Gantt /Vote 5-0, with Mayor Pro Tem voting virtually)

PH2 Current Planning Manager Amanda Bunce briefed the Council on 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.

This previously approved development has staged development and construction and had been revised since its original approval. They have asked to have the minimum office space reduced to 55,000 square feet. None of the Environmental Advisory Board's suggested conditions were agreed to or met.

A major revision to the project requested is the requirement for land to be set aside for the improvements to the US 64 interchange. This interchange is shown on both NCDOT and Town of Apex transportation documents and remains an important improvement to the transportation thoroughfare system. A revision allowed temporary use of the land set aside as parking and related facilities like lighting and storm drainage until the right-of-way is purchased. Staff expressed concern that any permanent construction within the set aside area would have to be purchased or redeveloped at the time of road construction and could have a detrimental effect on the ability to get the best design for the interchange. Further, any businesses and citizens in the newly developed area would be adversely impacted.

This condition was agreed to with the original approval of the development and played an important role in the development and approval of the project. The project approval was also the basis for public expenditure to provide services to the development. The developer stated that they only agreed to the condition to move the project forward.

The developer has suggested uses for adjacent property to the reserved property, but the reserved area is also necessary for their new plan to move forward.

Paul Stam, State Conditional Law attorney, for the developer gave the Town Council an overview of their legal position.

A motion was made to go into closed session. (Motion: Council Member Gantt /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem Killingsworth voting virtually)

A motion was made to go back into regular session. (Motion: Stallings /Second: Gantt /Vote:5-0 with Mayor Pro Tem voting virtually)

The Mayor asked for additional public comment. Hearing none, he closed the public hearing.

There was discussion on whether the NCDOT has a time line for the construction of US 64. Staff indicated it was not on the 10-year plan. A motion was made to continue the case until the June 14, 2022 Regular Council meeting. (Motion: Council Member Gray /Second: Council Member Gantt /Vote:4-1 with Mayor Pro Tem affirmatively voting virtually, Council Member Gantt voting against)

PH3 The staff requested this case, #22CZ04, be continued to the May 24, 2022. A motion was made to continue this case to the May 24, 2022 Regular Council meeting. (Motion: Council Member Mahaffey /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually)

OLD BUSINESS

There was no old business.

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

NB1 Christopher "C.J." Valenzuela, Housing Program Manager, briefed the Town Council to possibly 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. There was discussion of ways to leverage additional funds from all Wake County Communities.

A ten minutes break was held.

A motion was made to approve a loan in the amount of \$500,000 (Motion: Council Member Stallings /Second: Council Member Gray /Vote:5-0 with Mayor Pro Tem voting virtually.)

UPDATES BY TOWN MANAGER

Manager Catherine Crosby talked about the Success of the Earthfest held on the Town Campus. She said it was run well by staff and the community really enjoyed it. She said she was looking forward to more activities being held on the Town Campus.

She wanted to congratulate Belinda in Finance Department for receiving the Peak performer award. She went above and beyond to help a fellow employee and their family. She said this was the example we want to set for our employees for helping fellow workers and for the community.

She reminded the group that Think Apex day is April 30th. She said she would be volunteering at the Habitat for Humanity housing and encouraged everyone to also volunteer in the community.

She also wanted to thank the Town's employees for their service. She said when she started her career she had not been aware of how much was done by public service employees. She said she had discovered it was a meaningful career opportunity. She said how much the employees enjoy providing service to the community.

Happy Birthday to Shawn today and Marty next Friday.

CLOSED SESSION

CS1 A motion was made 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. (Motion: Gantt /Second: Council Member Stallings /Vote 5-0 with Mayor Pro Tem voting virtually.)

WORK SESSION

ADJOURNMENT

There being no further business, the Mayor adjourned the meeting.