



# AGENDA | REGULAR TOWN COUNCIL MEETING

Tuesday, May 19, 2020 at 6:00 PM

Council Chamber at Apex Town Hall, 73 Hunter Street

## Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier

Council Members: Brett D. Gant; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey

Town Manager: Drew Havens | Assistant Town Managers: Shawn Purvis and Marty Stone

Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

## COMMENCEMENT

Call to Order | Invocation | Pledge of Allegiance

## PRESENTATIONS

[PR1](#) Mayor Pro Tem Nicole Dozier

Presentation of Proclamation declaring Asian American Pacific Islander Heritage Month

## 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](#) Donna Hosch, Town Clerk

Motion to approve Minutes of the April 23, 2020 Budget Workshop, the April 27, 2020 Special Meeting, and the May 5, 2020 Regular Meeting

[CN2](#) Donna Hosch, Town Clerk

Motion to approve the sell-back of cemetery plots to the Town from Mr. and Mrs. Dalton in the amount of \$1,200.00

[CN3](#) Steve Adams, Real Estate and Public Utilities Specialist

Motion to approve contract between the Town and Jordan Oil company to trade portions of property as related to the construction of the Apex Senior Center

[CN4](#) Amanda Bunce, Current Planning Manager

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 5, 2020.

[CN5](#) Russell H. Dalton, PE, Senior Transportation Engineer

Motion to approve an Ordinance amending Section 20-164 with the addition of subsection (37) to enforce a No Parking restriction along both sides of both directions of Great Lawn Road and along both sides of Sunflower Road.

[CN6](#) Laurie Hohe, Town Attorney

Motion to repeal the Remote Participation Policy for Meetings of the Apex Town Council adopted on March 17, 2020.

[CN7](#) Drew Havens, Town Manager

Motion to approve amending the current Apex Farmers Market Special Event Permit to allow for drive-thru pickup along Seaboard Street on Saturday, May 16, 23, and 30, and June 6, 13, 20, and 27, and Friday, July 3, to close marked parking spaces along the east side of Seaboard Street from 8:00 a.m. until 1:00 p.m. these days.

[CN8](#) Jenna Shouse, Long Range Planner

Motion to temporarily dedicate and mark eight existing on-street parking spaces along Hunter Street to serve as a bus layover location for GoApex Route 1 beginning in March 2021.

### 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](#) Dianne Khin, Director

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 1800 N Salem, LLC property containing 1.97 acres located at 1800 N Salem Street, Annexation #688 into the Town's corporate limits.

[PH2](#) Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding an amendment to the Bicycle, Pedestrian, and Equestrian Plan map of the Comprehensive Transportation Plan; the Bike Network map of the Comprehensive Bicycle Plan; and the Parks, Recreation, Greenways, and Open Space Master Plan map.

[PH3](#) Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance.

[PH4](#) Shawn Purvis, Assistant Town Manager

Public hearing and possible motion to approve an Order Closing a portion of the right-of-way (ROW), located between two Sweetwater Property Owner Association Open Space tracts

[PH5](#) Jenna Shouse, Long Range Planner

Public hearing and possible motion regarding associated amendments to the Transit Plan Map of the Comprehensive Transportation Plan.

[PH6](#) Shawn Purvis, Assistant Town Manager

Public Hearing to receive citizen input on the Fiscal Year 2020-2021 Annual Budget including proposed economic development expenditures

OLD BUSINESS

[OB1](#) Shawn Purvis, Assistant Town Manager

Receive information regarding Executive Order 124 and the Town's suspension of utility late fees and disconnects, including the Town's proposed payment plan agreement.

UNFINISHED BUSINESS

NEW BUSINESS

CLOSED SESSION

WORK SESSION

ADJOURNMENT

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Mayor Pro Tem Nicole Dozier

Department(s): Governing Body

### Requested Motion

Presentation of Proclamation declaring Asian American Pacific Islander Heritage Month

### Approval Recommended?

N/A

### Item Details

N/A

### Attachments

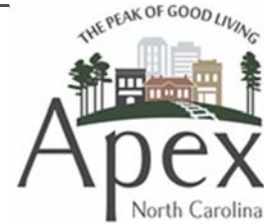
- Proclamation



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# PROCLAMATION

*From the Office of the Mayor*



## Asian American Pacific Islander Heritage Month

Whereas, in 1977, United States Representatives Frank Horton (New York), and Norman Y. Mineta (California), introduced a Resolution to proclaim the first ten days of May as Asian-Pacific Heritage Week that President Jimmy Carter signed into law in 1978; and

Whereas, in 1990, President George H.W. Bush signed a bill passed by the United States Congress to extend the week-long celebration to a month; and in 1992, the official designation of May as Asian-Pacific American Heritage Month became law; and

Whereas, North Carolina has been home to members of the Asian American Pacific Islander community since the mid-nineteenth century, when the first Chinese immigrants began to settle in our state; and

Whereas, the Raleigh and Charlotte areas are home to the largest communities of Asian American Pacific Islanders in North Carolina; and

Whereas, while Asian American Pacific Islander communities are diverse, throughout history the communities have had diverse experiences relative to opportunity, inequity, and adversity; and

Whereas, during national celebrations, the story of inventor, An Wang, PhD is often shared as his helping shape the technology revolution, holding forty patents, and founding Wang Laboratories, later selling his core memory patent to IBM; and

Whereas, there were also less talked about stories like that of attorney Patsy Takemoto Mink, the first woman of color elected to US Congress in 1964, championing gender equity by being one of the principal authors and cosponsors of Title IX legislation later named, Patsy T. Mink Gender Equity in Education Act, and being well known for encouraging gender equity and prohibiting discrimination and sexual harassment in educational settings; and

Whereas, industrial draftsman Vincent Chin was killed on the eve of his wedding, his death being a turning point for civil rights engagement of Asian American Pacific Islanders; and

Whereas, the efforts, resilience, and contributions of Asian American Pacific Islanders can be seen in every aspect of society, including education, military, politics, health care, economics, and science, playing a pivotal role in America's history; and

Whereas, the Federal Asian Pacific American Council, the Federal Government, and the State of North Carolina has proclaimed May as Asian American Pacific Islander Heritage Month; and

Whereas, the Town of Apex proclaims Asian American Pacific Islander Heritage Month to recognize the contributions of Asian Pacific Islander Americans;

Now, therefore, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim May 2020 as Asian American Pacific Islander Heritage Month in the Town of Apex and encourage all Apex residents to learn more about those of Asian American, Native Hawaiian, and Pacific Islander heritage, moving us closer to a beloved community.

IN WITNESS THEREOF, I have hereunto set my hand and  
caused the Seal of the Town of Apex, North Carolina  
to be affixed this the 19th day of May 2020

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Jacques K. Gilbert, Mayor

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

### Requested Motion

Motion to approve Minutes of the April 23, 2020 Budget Workshop, the April 27, 2020 Special Meeting, and the May 5, 2020 Regular Meeting

### Approval Recommended?

Yes

### Item Details

N/A

### Attachments

- Minutes of the April 23, 2020 Budget Workshop
- Minutes of the April 27, 2020 Special Meeting
- Minutes of the May 5, 2020 Regular Meeting





# Special Apex Town Council Meeting

Monday, April 27, 2020

Jacques K. Gilbert, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,  
and Terry Mahaffey, Council Members  
Drew Havens, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Special Meeting of the Apex Town Council  
scheduled Monday, April 27, 2020, at 4:00 p.m.  
was held in the Council Chamber of Apex Town  
Hall, 73 Hunter Street

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier (remotely), and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey (remotely)

Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe

## COMMENCEMENT

Mayor Gilbert called the meeting to order, read a diversity and inclusion statement as it relates to religion, gave the Invocation, and led the Pledge of Allegiance.

## PUBLIC HEARING

PH1 Joanna Helms, Economic Development Director

Appropriation of funds in the amount of \$1,000,000 to establish a Small Business Emergency Loan Program to assist small businesses in Apex that are experiencing hardships as a result of the COVID-19 pandemic. The Town intends to appropriate fund balance in the General Fund to cover the aforementioned costs. The purpose of the proposed loans is to increase the business prospects of the Town by assisting small businesses impacted by the pandemic in maintaining their employment and business opportunities.

Staff stated the purpose of the Public Hearing. The loan was intended to be a bridge to help businesses get through this emergency. The loan cap/business would be \$50,000/business, the administrator of the program being the NC Rural Economic Development Center. Staff stated it was anticipated that the program would open within a day or two, pending finalization of the agreement.

Responding to Council, staff stated the Rural Center acts as administrator for several funding initiatives. Golden Leaf had provided funds for the recovery. The Apex program would be only for Apex Businesses. Staff thought the Rural Center might again receive funds which would be available across the state. If some businesses in Apex had not received funding, they could possibly receive those coming in at a later date.

Mayor Gilbert declared the Public Hearing open.

Nicholas Blatchford's comments submitted via online form were read:

*"I commend the Town Council for its foresight in establishing this program. Our local businesses are key to keeping Apex the Peak of Good Living and the loans will help them survive this crisis and will help maintain the commercial tax base in the future. So, I support this program, but was interested in how it is funded. So here are my questions:*

- 1. Where did the Council find the \$1 million for this program--from the Rainy Day Fund, the operating budget, the capital budget? Did anything have to be deferred to pay for this?*
- 2. When (and if) the loans are repaid, do those funds go back into the budget where they came from?*
- 3. Do we have any sense from the businesses that will get these loans how they will use the money? Will it enable them to keep employees on their payroll?*
- 4. Do we have any sense of how much of a bridge this will be for these businesses, that is, how long it will keep them afloat?*

*Thanks, and keep up the good work! Mark Blatchford"*

Mayor Gilbert declared the Public Hearing closed.

Staff stated when loan payments come in, the funds would go as Council directs. Unless other specified, the funds would go back into General Fund.

Responding to Council, staff stated there were no specific restrictions on how the businesses could use the money whether it be for rent, mortgages, utilities, ecommerce, day to day operations, etc. Council asked how this would bridge the needs in Apex, staff responding that this was hard to estimate because of the various kinds of businesses. However, we would estimate funding would last for two months' operating expenses.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve Budget Amendment #14 in the amount of \$1,050,000.00;

Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.



Mayor Gilbert referenced an article in the Triangle Business Journal which reflected the great work by [Economic Development Director] Joanna Helms and her team and the entire staff.

## ADJOURNMENT

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With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor



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# Apex Town Council Budget Workshop

Thursday, April 23, 2020

Jacques K. Gilbert, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,  
and Terry Mahaffey, Council Members  
Drew Havens, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Budget Workshop of the Apex Town  
Council scheduled for Thursday, April 23, 2020,  
at 2:30 p.m. was held in the Third Floor Training  
Room, 73 Hunter Street

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, Budget and Management Analyst Amanda Grogan, Human Resources Director Mary Beth Manville, Police Chief John Letteney, Fire Chief Keith McGee, Electric Utilities Director Eric Neuman, Parks and Recreation Director John Brown, Budget Technician Jessica Hoffman, Economic Development Director Joanna Helms, Public Works and Transportation Director Jose Martinez, Water Resources Director Mike Deaton, Building and Inspections Director Rudy Baker, Communications Manager Stacie Galloway, Finance Director Vance Holloman, and IT Director Erika Sacco.

## COMMENCEMENT

Mayor Gilbert welcomed everyone to the workshop. He thanked staff for the work that has been done on the budget. He was proud of how things have been kept moving through COVID-19.

Assistant Town Manager Purvis presented the agenda and explained how the meeting would progress. He presented the Town's vision, mission, and strategic goals.

### Specific Council Initiatives

Purvis stated Council initiatives were showing in the budget. We have already started working on some of these. Work with the school system is ongoing.

### Total Budget

Purvis presented the General, Electric, Water and Sewer, and Minor Fund numbers totaling \$150,241,900.

### COVID-19 Response and Adjustments

Purvis showed figures on the economic impact from the current quarter and fiscal year 20/21. He presented an overview of how the impact will be mitigated. The first few months, we were exceeding budget projections. Purvis hoped we would still end on a positive note at the end of this fiscal year. The first three quarters of the year, we were really strong. Explained were the challenges and how we're going to be progressing.

As for disaster response, we have a bit of this but nothing to offset any losses. We may be able to recoup a small amount of our expenses. Responding to Council, Purvis stated our sales tax distribution is based on population. We will get a bigger share of the pie because of our growth. There has been some talk about bankruptcy in municipalities, but this will probably be unlikely in North Carolina.

### General Fund Revenue Summary

Purvis spoke about the \$71,642,400 total revenues and the \$.38 tax rate which included \$2,070,000 from Fund Balance. The tax rate is a bit over revenue neutral. Ad valorem taxes mitigate against other economic impacts.

Purvis went over General Fund revenues by source, motor vehicle and waste collections, property tax rates, and other rates for planning and the cemetery. Council was glad to see increases for commercial properties. Responding to Council, Purvis explained the discount for military persons purchasing cemetery plots, Council stating the 20% discount was fair. Purvis explained tier rates that are in place for commercial but not residential. Council expressed concern about residents being penalized for their specific situations, i.e., having a moderate income but being home during the day. Havens stated this would be looked at this structure during the coming year.

Purvis showed the expenditure summary. There was some conversation about how our sales tax compares to other municipalities. The General Fund is balanced at this point. General Fund Revenues vs. Expenditures were presented. Each year since 2011, these have been close.

Responding to Council, Purvis answered questions related to the deputy clerk and sustainability positions.

Purvis stated there would be a one-year hiatus from the standard merit-based compensation plan and that there would be a change in healthcare and dental insurance carriers. He further stated that some employees were not earning a living wage. The Mayor expressed thanks to those who instituted the 7% increase in order to get to that living wage. Havens stated the cost to implement this 7% was close to what it would have otherwise been. Havens explained the decision to change insurance carriers. Council stated she felt it very good to move to CIGNA.

Responding to Council about the impact of OPEB, Purvis stated the recommendation was to cease this for employees hired after July 1, 2020, which is something other municipalities are doing. Right now, this is not a high recruiting factor. Staff stated we can find other ways for employees to plan for their retirement. Further explained was that OPEB was not in any collective bargaining agreements. The Town is looking at what it can do now for employees, such as health savings accounts. This change would not affect any current employees. Council was interested in any push back once this change is published.

Purvis stated we are not making any swap outs on rolling stock capital. He showed those items which had been backed out of large capital. He spoke about how and when revenues and expenditures can be adjusted. Purvis stated that improvements to the Eva Perry Library, a Town building, had been taken out of the budget at this point. He explained the County is making improvements and explained how they will be reimbursed.

Purvis showed the capital reserves and projects, stating that Council could re-prioritize these if desired. He spoke a bit about the Salem Street study, responding to Council question. Council were disappointed about the study being taken out of the budget. Conversation ensued on possible swap out alternatives, i.e., for Richardson Road. Purvis spoke about the grants which had been applied for and how getting them would affect some of the projects.

Purvis presented the Fund Balance and explained what the figures represented. Speaking about non-profit support, Purvis cleared up the legality of funding the school. He explained we don't have statutory authority to fund this. Council stated she wanted to know more about Jobs for Life. She had not received any further information on them, so she did not recommend funding.

#### Water Sewer Fund Revenues

Purvis presented these figures. Council asked if we expected these revenues to increase, Purvis explaining how the process works. He presented revenue trends, fund rates, and the expenditures summary, which

was balanced. Responding to Council, Purvis spoke about the renovation of Sunset Hills pump station that correlates with a high school.

Purvis reviewed the Water Sewer Fund and Electric Fund revenues. He presented Electric Fund revenue trends and the Electric Fund rates to which no changes were proposed. Electric Fund rates were overviewed and summarized. Purvis showed those items which were removed and decreased. Responding to Council, conversation ensued about replacing all the street lights, which would cost about \$2 million. There was also conversation about lighting the Tingen Road water tower, even if it were with the current system as on the Hunter Street tower, since lighting was taken out of the budget. Purvis would look at making adjustments for this. Purvis showed the cumulative effect of rate changes on residents.

Council spoke about COVID-19 and its unknown impacts. She wants us to be in a good starting place and in a healthy situation. Growth and staff have helped with this. Because of the economic recession, we want to be as responsible as possible.

Council expressed appreciation for all the work and the predictions. She did not want Apex to be forgotten in funding just because we're an affluent town.

Council Members thanked everyone for their work on the budget. The budget is broadly in line with what was talked about at the retreat earlier this year.

## ADJOURNMENT

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With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor



# Apex Town Council Meeting

Tuesday, May 5, 2020

*This meeting was additionally conducted by use of simultaneous communication*

Jacques K. Gilbert, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,  
and Terry Mahaffey, Council Members  
Drew Havens, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council  
scheduled for Tuesday, May 05, 2020, at 6:00  
p.m. was held in the Council Chamber of Apex  
Town Hall, 73 Hunter Street

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier (remotely), and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey. Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe. All attendees participating remotely arrived prior to 6:00 p.m.

## COMMENCEMENT

Mayor Gilbert called the meeting to order, read a statement recognizing diversity in religion, gave the Invocation, and led the Pledge of Allegiance.

## PRESENTATIONS

PR1 Chief John Letteney

Presentation of National Police Week Proclamation

Mayor Gilbert stated he believed the Apex Police Department to be one of the best in America, and that he was proud to have served on the police force and to see what it is today. Mayor Gilbert read the Proclamation, stating it was his honor to sign such.

PR2 Drew Havens, Town Manager

Proclamation recognizing May 3-9 as Public Service Recognition Week

Council Member Gantt read the Proclamation, stating it was his honor to do so. Mayor Gilbert signed the Proclamation.

PR3 Chief John Letteney  
Presentation of National Telecommunicator Week Proclamation

Council Member Mahaffey read the Proclamation before it being signed by Mayor Gilbert.

## CONSENT AGENDA

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- CN1 Donna Hosch, Town Clerk  
Minutes of the April 7, 2020 Special Council Meeting and the April 21, 2020 Regular Council Meeting
- CN2 Donna Hosch, Town Clerk  
Apex Tax Report dated March 4, 2020
- CN3 Mayor Jacques Gilbert and Mayor Pro Tem Nicole Dozier  
Request to the General Assembly for a Charter amendment regarding Clerk appointment
- CN4 Shannon Cox, Long Range Planning Manager  
Resolution Supporting the Development of the Rail Corridors Referred to as the S-Line and SA-Line for the Benefits of Improved Passenger Rail, Improved Freight Movement, Improved Commuting Options and Economic Development
- CN5 Shannon Cox, Long Range Planning Manager  
Resolution of the Apex Town Council to the North Carolina General Assembly supporting rail as an integral component of North Carolina's transportation future
- CN6 Amanda Bunce, Current Planning Manager  
Set the Public Hearing for the May 19, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance as requested by Planning staff
- CN7 Mary Beth Manville, Human Resources Director  
Reclassification of one of the Water Resources Department's Senior Engineer positions, Grade 28, to Environmental Engineering Manager, Grade 29, and Stormwater & Utility Engineering Manager position, Grade 31, to Utilities Engineering Manager, Grade 29
- CN8 Dianne Khin, Director of Planning and Community Development  
Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation -

Apex Town Council's intent to annex 1800 N Salem, LLC property containing 1.97 acres located at 1800 N Salem Street, Annexation #688 into the Town's corporate limits

CN9 Adam Stephenson, Engineering Supervisor

Revisions to the Town Standard Specifications and Details.

CN10 Shawn Purvis, Assistant Town Manager

Set the Public Hearing concerning the proposed Fiscal Year 2020-2021 Budget including expenditures for Economic Development (pursuant to NCGS 158-7.1), for Tuesday, May 19, 2019 at 6:00 p.m. at the Apex Town Hall

CN11 Michael Deaton, Water Resources Director

Sewer main construction contract to Carolina Civilworks, Inc. and authorization for the Town Manager to execute the contract on behalf of the Town

CN12 Adam Stephenson, Engineering Supervisor

Capital Project Ordinance Amendment No. 2020-14 appropriating an additional \$5,935 in funds for the Laura Duncan Multi Use Path project

CN13 Marty D. Stone, Assistant Town Manager

Resolution to authorize Town Manager or his designee to execute Right of Way Encroachment Agreements with North Carolina Department of Transportation

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Stallings made the motion; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

## REGULAR MEETING AGENDA

Council Member Mahaffey requested a Closed Session prior to New Business.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to adopt the Regular Meeting Agenda with the requested modification; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.



## PUBLIC FORUM

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Public comment from Mark Urban submitted via online form was read:

*"I want to express concern that Apex Police seem to be poorly used. These brave men and women protect this community and investigate the crimes that happen here, but I'm shocked at the number of times I see them doing speed traps, especially on state roads that are already patrolled by the SHP (64, 55). What a waste, and the additional contact during the pandemic just underscores the hazards of this activity. If this is being done because of funding needs, then that's just wrong: the Police are our shield, not our piggy bank. I ask the Council to consider directing the Chief to re-prioritize the Officers towards more criminal enforcement. Thank you for your time. [If the Council is curious, I haven't gotten a ticket in 15 years]"*

## PUBLIC HEARINGS

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PH1 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance

Staff oriented Council to the amendments related to composition of the Planning Board. The Planning Board recommended approval but disagreed with the change to the length of terms and the number of terms, recommending both remain as they are currently. Council clarified the reasons the Planning Committee unanimously recommended its changes. Staff stated the terms of the other advisory boards. Conversation ensued surrounding all the terms being consistent.

Staff oriented Council to the proposed compensation to boards as authorized by the Town Council in the annual budget. The Planning Board recommended Council approve up to a \$50 per meeting reimbursement rather than compensation. Responding to Council, staff stated the amount was as suggested by the Planning Board. Staff also clarified that compensation could cause more paperwork for staff. Council stated he preferred the stipend-type compensation [reimbursement] and making this a straight model. Council expressed her views on compensation, pointing out the possible paperwork and rules that would be involved, several Council Members being in agreement.

Staff oriented Council to the amendments recommended by staff related to uses and standards. She detailed what staff recommended. A clean up item was also detailed. Planning Board recommended approval of these items.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Council outlined the items he initially took to the Planning Committee for consideration and thanked Council for his assistance with these. He stated his intentions and reasons for suggesting the changes to the Planning Board.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to approve the request as presented; Council Member Killingsworth seconded the motion.

Council Member Gantt requested an amendment to extend Planning Board terms from four to five, to which Council Members Mahaffey and Killingsworth had no objection.

The motion carried by a 5-0 vote.

## OLD BUSINESS

There were no Old Business items for consideration.

## UNFINISHED BUSINESS

UB1 Vance Holloman, Finance Director

Resolution Providing for the Sale and Issuance of \$1,800,000 General Obligation Parks and Recreation Bonds, Series 2020A, the Resolution Providing for the Sale and Issuance of \$28,000,000 General Obligation Parks and Recreation Bonds, Series 2020B and the Resolution Providing for the Sale and Issuance of Not to Exceed \$3,200,000 General Obligation Refunding Bonds, Series 2020

Giving some good news, staff stated that on this day, the Local Government Commission approved the issuance of \$1.8 of our requested bonds. In addition, Standard and Poor's and Moody's Investors Services gave the Town a AAA rating for all three of our bond issues, reaffirming our AAA rating. He stated this reflects on the leadership of Council and the Manager and of all departments.

Staff detailed the request. He pointed out the inclusion of language to allow the Finance Director to shorten the length of the term of the two-thirds bonds as suggested by our financial advisor. He detailed the financial impact of this.

Responding to Council, staff spoke on his thoughts on the current debt market. He stated he saw good improvement and that we will be very successful.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to Approve the request; Council Member Killingsworth seconded the motion.  
The motion carried by a 5-0 vote.

## CLOSED SESSION

Mayor Gilbert called for a motion to go into Closed Session. Council Member Gantt made the motion; Council Member Stallings seconded the motion.  
The motion carried by a 5-0 vote.

## NEW BUSINESS

NB1 Marty D. Stone, Assistant Town Manager

Future use of Town properties located at 320 and 322 N. Mason Street and direction on the same  
Staff stated these properties are the site of the Old Grocery Boy Junior purchased in 2017 because of its proximity to Town campus and the potential for office space in the future. In 2019, we purchased the residential house on the site, which would open up flexibility for us. The intention was to demolish the house when it was purchased. There are now options to consider: the Old Junior Boy could be renovated adding new space, or it could be taken down to start the whole site with a clean slate. Staff presented reasons why keeping the Old Junior Boy may not be a good decision because of its closeness to the road and the structural elements of the building.

Raising both structures would allow a new building design that would be in keeping with the Town's architectural standards for the small town overlay district without the need for exceptions. Once a decision was made for the property, staff would move forward with the consultant for a design that would be efficient and effective for the citizens.

Responding to Council, staff answered questions about the surrounding neighbors being consulted. Staff stated that the zoning for the property has been changed, and we are within our rights to develop for office space. We have had conversations with the owner of the surrounding houses, ensuring her that there would be a good buffer between our property and her houses. Signage will go up, and we can mail something out to the HOA and adjacent neighbors informing them of what would be coming. Staff added that being able to start with a blank canvass would allow us easier building of something more fitting to the neighborhood.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to move forward on these properties with a clean slate, taking down the two existing buildings; Council Member Stallings seconded the motion.

Council Member Gantt stated he initially wanted to reuse the building, but it didn't make sense in this case.

The motion carried by a 5-0 vote.

Mayor Gilbert wished Mr. Stone Happy Birthday on behalf of the Council!

## WORK SESSION

There were no Work Session items for consideration.

## ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor

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# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

### Requested Motion

Motion to approve the sell-back of cemetery plots to the Town from Mr. and Mrs. Dalton in the amount of \$1,200.00

### Approval Recommended?

Yes

### Item Details

Paul and Faye Dalton wish to sell back Lot 155 Plots B and C to the Town, their requesting a refund of \$1,200.00. This request was made via telephone conversation, and I've asked the Dalton's for an email reflecting this request. A copy of the Grants of Burial Rights are in the Clerk's Office.

### Attachments

- None



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

---

Presenter(s): Steve Adams, Real Estate and Public Utilities Specialist

Department(s): Administration

### Requested Motion

Motion to approve contract between the Town and Jordan Oil company to trade portions of property as related to the construction of the Apex Senior Center

### Approval Recommended?

Yes

### Item Details

As a part of the construction of the Apex Senior Center there have been ongoing discussions with Jordan Oil Company to trade property from their lot at 314 North Hughes Street to and from the Apex Community Center property. As a conclusion to these discussions the attached contract and exhibit maps have been developed to facilitate the transaction.

### Attachments

- Contract for land swap between Jordan Oil and the Town of Apex
- Exhibit A of the contract
- Exhibit B of the contract
- Exhibit C of the contract



NORTH CAROLINA

LAND EXCHANGE AGREEMENT

WAKE COUNTY

THIS LAND EXCHANGE AGREEMENT (“**Agreement**”) is made and entered into this \_\_\_ day of \_\_\_\_\_, 2020, by and between Larry M. Jordan (“**Jordan**”) and the Town of Apex (“**Town**”).

**WITNESSETH:**

WHEREAS, Section 160A-271 of the North Carolina General Statutes expressly provides that a city may exchange any real property belonging to the city for other real property by private negotiations if the city receives full and fair consideration in exchange for its property; and

WHEREAS, Jordan and the Town desire to exchange with each other certain tracts of real property of like value.

NOW, THEREFORE, in consideration of the mutual covenants set forth herein and other good and valuable consideration, the receipt and legal sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

**Section 1. Land Exchange.**

(a) The Town is the owner of a certain tract of land comprising 10.7992 acres located in the County of Wake, State of North Carolina, which is designated as PIN #0742-52-5165 by the Wake County Revenue Department, and is more particularly described in the deeds recorded in Deed Book 9105, Page 2240; Deed Book 8062, Page 0374; Deed Book 7765, Page 0232; Deed Book 2391, Page 0439; and Deed Book 8322, Page 1864; and as “Lots 1, 2, 3, and 4” as shown in “Recombination Survey for Town of Apex,” recorded in Book of Maps 2001, Page 0324, Wake County Registry. The portion of PIN #0742-52-5165 to be exchanged is comprised of 0.0103 acres and shall be known as the Town Tract, and is shown on the attached Survey, labeled as Exhibit A.

(b) Jordan is the owner of a certain tract of land comprising 1.4629 acres located in the County of Wake, State of North Carolina, which is designated as PIN #0742-51-4793 by the Wake County Revenue Department, and is more particularly described in the deed recorded in Deed Book 1209, Page 0380 and as “Lots Nos. 17, 18, 19, 21, and 23 of Block ‘C’” as shown and recorded in Book of Maps 1911, Page 0078, Wake County Registry. The portion of PIN #0742-51-4793 to be exchanged is comprised of 0.0421 acres and shall be known as the Jordan Tract, and is shown on the attached Survey, labeled as Exhibit A.

(c) Subject to the terms and conditions of this Agreement, Jordan agrees to exchange the Jordan Tract for the Town Tract and the Town agrees to exchange the Town Tract for the Jordan Tract (the “**Exchange**”). The consideration provided by each party to the other shall be



the simultaneous conveyance of the Jordan Tract by Jordan to the Town and the conveyance of the Town Tract by the Town to Jordan, as well as the items described in Section 2.

**Section 2. Additional Items for Supplemental Consideration.**

(a) The Town will provide a fence along the eastern property line as shown by the red line on Exhibit B attached. The fence will be of like kind and quality as the fence to be installed throughout the eastern property line of the Town Tract for the Senior Center project. The Town will purchase and install the fence on Jordan property and Jordan will own the fence and be responsible for maintenance of the fence as a fixture upon the Jordan property. The Town will be responsible for cleaning up and restoring the Jordan property to its status prior to commencing work on the new fence.

(b) The generator on the Jordan property, as shown on Exhibit C attached, will be relocated to a new location on the Jordan property, as shown on Exhibit C. The brick enclosure around the generator will be rebuilt with a wall and roof in the new generator location as part of the relocation process. The Town will pay for all costs associated with the relocation of the generator, including construction of a new generator pad, permits, any government entitlements, and clean up and restoration of the Jordan property following the relocation of the generator.

**Section 3. Survey.**

The Survey, titled Recombination Plat for Town of Apex and Larry Mack Jordan, dated on March 13, 2020, is attached hereto as Exhibit A, and the Parties agree to use it for the purposes of effecting this Agreement.

**Section 4. Commissions; Agency.**

Neither party shall be responsible for payment of any commission payable to a broker or agent arising out of this transaction except as specifically retained and agreed by that party, and each party agrees to otherwise indemnify the other, non-retaining, party from liability for any such commission.

**Section 5. Cooperation.**

Each party agrees to take such action and execute such documents as are reasonably necessary to enable the other party to use the property it acquires under this agreement for the use intended by the acquiring party.

**Section 6. Environmental.**

Each party warrants that, to the best of that party's knowledge, the property being conveyed by that party is free of underground storage tanks, pollution, contamination, hazardous materials, toxic wastes, asbestos, and products containing same, and is in compliance with all environmental regulations. Each party shall, upon signing this contract, furnish the other party with any available environmental reports or audits pertaining to the property being conveyed by

that party.

**Section 7. Property Condition.**

Except as specifically set forth above, neither party warrants the physical condition of the property being conveyed by that party or any improvements thereon, and each tract is conveyed “as-is” as to physical condition.

**Section 8. Closing.**

The closing (the “**Closing**”) of the Exchange shall occur no later than \_\_\_\_\_, 2020 (the “**Closing Date**”), at a location designated by the Town. At Closing, the following shall occur:

(a) Each party shall deliver to the other party the items set forth below, to the reasonable satisfaction of each party’s counsel:

(i) A General Warranty Deed (the “**Deed**”) fully and duly executed and acknowledged by the party, that conveys to the other party the tract as provided in Section 1. Each party agrees to pay at Closing the cost of the excise tax if any due and payable in connection with recording the General Warranty Deed from it to the other party and to pay at Closing the cost of recording the General Warranty Deed to it from the other party;

(ii) Each party shall provide the other with an affidavit (the “**Title Affidavit**”) stating that there are no unpaid debts for work performed on or materials provided to that party’s tract as of the Closing Date;

(iii) Each party shall provide the other with a certificate (the “**FIRPTA Certificate**”) executed and sworn to by it that it is not a "foreign person" as defined under Section 1445 of the Internal Revenue Code;

(b) Each party shall pay for the cost of the title insurance policy (if any) obtained by it for the tract to be conveyed to it. Each party shall pay its own costs and expenses incurred in connection with this Agreement, including its respective attorneys' fees and any other expenses specifically allocated hereunder.

(c) Each party shall pay the real estate taxes due on its own tract that it is conveying to the other party, or will be due in the year at closing. Each party shall be responsible for any special assessments which are owing or due on its property as of the Closing Date. The provisions of this Section shall survive the Closing.

**Section 9. Title.**

(a) At Closing, each party shall deliver to the other the Deed, subject to Acceptable Encumbrances (as defined below), conveying to the other, an indefeasible, fee simple, marketable title to the Property, insurable at regular rates by a reputable title insurance company

of Purchaser's choice (the “**Title Company**”).

(b) Within **ten (10) days** after the Execution Date of this Agreement, each party agrees to deliver to the other copies of all relevant title information and title policies in possession of, or reasonably available to it.

(c) As a condition to being obligated to close, each party shall be able to obtain a commitment for a policy of title insurance insuring title to the property it will receive at standard rates from the Title Company, subject only to the following (collectively the "**Acceptable Encumbrances**"):

(i) Real property taxes for the year in which the sale and purchase shall be closed.

(ii) Any other exceptions that specifically approved in writing.

(d) Acceptable Encumbrances are limited to the following: any easements to the Town of Apex.

(e) Each party shall have until fifteen (15) days before the Closing Date within which to cause the title to the Property to be examined and then to notify the other party of any objections thereto that render title other than good, marketable and insurable. If a party so notifies the other party and the other party does not cure the title defect within **ten (10) days** of the mailing of the Notice, then notifying party shall have the right to terminate this contract by written Notice to the other party.

#### **Section 10. Further Warranties.**

The parties respectively make the following representations to each other. Such representations also shall be deemed made as of the Closing.

(a) Each party has the full right, power, and authority to execute, deliver, and perform this Agreement.

(b) There are no unpaid bills for labor or materials related to the tracts. There are no taxes, charges or assessments that would constitute a lien against the tracts that are unpaid other than ad valorem taxes for the current year now due and payable.

(c) Each party has complied with all applicable laws, ordinances, regulations, and restrictions relating to its tracts.

#### **Section 11. Notices.**

Any notice required under this Agreement shall be in writing and shall be delivered in person, by certified mail, return receipt requested, or by a nationally recognized overnight delivery service. Notices shall be effective as of the time of delivery. Notices shall be addressed as follows:

To Jordan: Larry M. Jordan, P.O. Box 220, Apex, NC 27502-0220

To Town: Drew Havens, Town Manager, Town of Apex, P.O. Box 250, Apex, NC, 27502

Either party may, at any time, and from time to time, designate in writing a substitute address by giving notice to the other party.

**Section 12. Further Assurances.**

Each of the parties hereto agrees to perform, execute, acknowledge and deliver and cause to be performed, executed, acknowledged and delivered all such further acts, assignments, transfers and assurances as shall reasonably be requested of it in order to carry out this Agreement. Without in any manner limiting their specific rights and obligations set forth in this Agreement, the parties declare their intention to cooperate with each other in effecting the terms of this Agreement.

**Section 13. Other Terms or Conditions.**

This Agreement is the entire agreement between Jordan and the Town concerning the properties and no modification hereof is effective unless it be in writing and signed by the parties. This Agreement shall be binding and inure to the benefit of Jordan and the Town, their heirs, legal representatives, successors and assigns.

**EXECUTED** the date and year noted beside the respective signatures.

**Larry M. Jordan**

By: \_\_\_\_\_

NORTH CAROLINA  
\_\_\_\_\_ COUNTY

I, a Notary Public of the County and State aforesaid, certify that Larry M. Jordan personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this \_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*[Signature of Notary]*

\_\_\_\_\_  
*[Print of Type Notary Name]*

My Commission Expires: \_\_\_\_\_

**Town of Apex**

(Corporate Seal)

\_\_\_\_\_  
Jacques K. Gilbert, Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, Town Clerk

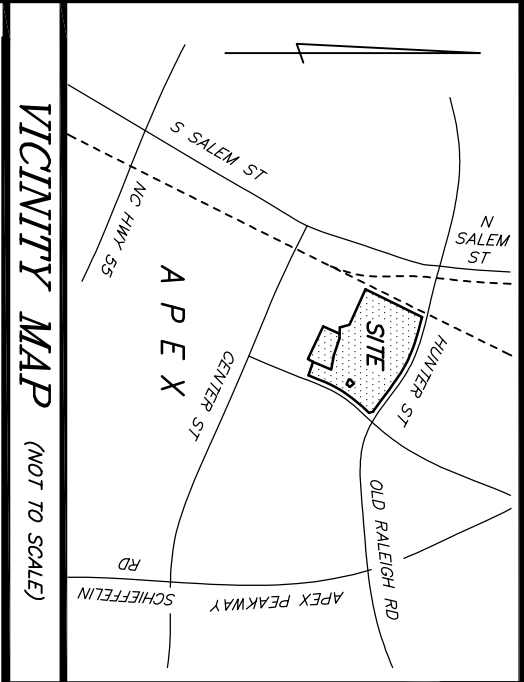
STATE OF NORTH CAROLINA  
COUNTY OF WAKE

I, a Notary Public of the County and State aforesaid, certify that Donna B. Hosch personally came before me this day and acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal Corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her as its Town Clerk. Witness my hand and official stamp or seal, this the \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
*[Notary Signature]*

\_\_\_\_\_, Notary Public  
*[Print or Type Notary Name]*

My Commission Expires: \_\_\_\_\_



VICINITY MAP (NOT TO SCALE)

1. STALEY C. SMITH, CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY SUPERVISION FROM AN ACTUAL FIELD SURVEY OR DESCRIPTION(S) AS RECORDED IN: ESTIMATE FILE 77-E-990 D.B. 16791, PG. 2709 D.B. 16791, PG. 2709

THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS SUCH AND WERE PLOTTED FROM INFORMATION AS REFERENCED:

- D.B. 2391, PG. 439
- D.B. 2765, PG. 232
- D.B. 8062, PG. 374
- D.B. 9125, PG. 2240
- D.B. 9288, PG. 572
- D.B. 9645, PG. 2140
- B.M. 1976, PG. 109
- B.M. 2001, PG. 947
- B.M. 2002, PG. 249

2. THAT THE RADIO OF PRECISION AS CALCULATED WAS 1:10,000 + AND THAT THIS PLAT MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA AS SET FORTH IN THE RULES AND REGULATIONS OF THE BOARD OF SURVEYING AND MAPPING, WHICH IS AS FOLLOWS: 1. STALEY C. SMITH, CERTIFY THE GRID HE USES SHALL BE DETERMINED FROM AN ACTUAL CLASS SURVEY MADE UNDER HIS PERSONAL SUPERVISION AND THAT THE INFORMATION WAS OBTAINED FROM HIS SURVEY.

Class of survey: A

Positional Accuracy: 0.03 U.S. SURVEY FOOT

Type of GPS field procedure: RTN/MRS

Dates of survey: 2-08-2018

Datum/EPOCH: NAD 83/2011

Published/Field-control user: NC CORS "NCL"

Geoid model: 2012

Combined grid reference: 0.999927099

Units: U.S. SURVEY FOOT

THIS SURVEY SHOWN HEREON IS OF ANOTHER CATEGORY, SUCH AS A RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION, WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL THIS 31ST DAY OF MARCH, A.D., 2020.

# PRELIMINARY

THIS IS A PRELIMINARY DRAWING AND IS NOT TO BE USED AS A SURVEY OR TO TRANSFER ANY PROPERTY SHOWN HEREON.

Professional Land Surveyor  
L-3786  
License Number

1. Review Officer of Wake County, certify that this Plat meets all statutory requirements for recording:

Date \_\_\_\_\_ Review Officer \_\_\_\_\_  
Approval expires if not recorded on or before \_\_\_\_\_

I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Apex, and all streets related hereto, and that I hereby adopt this exempt plat with my free consent.

TOWN OF APEX \_\_\_\_\_ Date \_\_\_\_\_

Wake County, North Carolina  
I, DONNA B. HOSCH, a Notary Public for Wake County, North Carolina, certify that Andrew L. Howers, Town Manager, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

DONNA B. HOSCH, Notary Public  
My commission expires: \_\_\_\_\_

- TOWN OF APEX NOTES:
- WHERE TOWN OF APEX PUBLIC UTILITIES ARE INSTALLED WITHIN EASEMENTS CROSSING PRIVATE PROPERTY, THE TOWN'S WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL HAVE THE RIGHT TO ENTER THE PROPERTY FOR THE PURPOSES OF MAINTENANCE, REPAIRING, OR REPLACING THE SEWER MAIN AND APPURTENANCES, WHERE PAID PRIVATE STREETS, DRIVEWAYS, PARKING LOTS, ETC. HAVE BEEN INSTALLED OVER PUBLIC SEWER MAINS. THE TOWN OF APEX WILL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE SEWER MAINS, INCLUDING THE INSTALLATION OF PUBLIC UTILITY DEPARTMENT AND ELECTRIC UTILITIES DEPARTMENT. THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, AND ELECTRIC UTILITIES DEPARTMENT SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE PUBLIC UTILITY DEPARTMENT. THE TOWN OF APEX SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE PUBLIC UTILITY DEPARTMENT. THE TOWN OF APEX SHALL BE RESPONSIBLE FOR MAINTENANCE AND REPAIRS OF THE PUBLIC UTILITY DEPARTMENT. ETC. SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER AND/OR HOMEOWNERS' ASSOCIATION.
  - ALL OFF-SITE EASEMENTS SHALL BE ACQUIRED BY THE DEVELOPER AND THESE OFF-SITE EASEMENTS SHALL BE RECORDED BY A DEED OF EASEMENT PRIOR TO UTILITY INFRASTRUCTURE CONSTRUCTION APPROVAL. THESE EASEMENTS SHALL BE RECORDED IN THE TOWN OF APEX AND LABELED TOWN OF APEX PUBLIC UTILITY EASEMENT.
  - NO PERSON SHALL PLACE ANY PART OF A STRUCTURE, ANY PERMANENT EQUIPMENT, OR IMPROVEMENT UPON THE TOWN OF APEX PUBLIC UTILITY EASEMENT. STRUCTURES, HOUSES, AIR CONDITIONING UNITS, HEAT PUMP UNITS, STORAGE/TOOL SHEDS, SWIMMING POOLS, WALLS, RETAINING WALL MECHANISMS/APURTENANCES, DECKS, GARAGES, AND FENCES, UPON OR OVER THE TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT WRITTEN APPROVAL FROM THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT. APPROVAL MAY BE PERMITTED ACROSS EASEMENTS PROVIDED THAT AN ACCESS GATE IS INSTALLED FOR THE FULL WIDTH OF THE EASEMENT.
  - NO PERSON SHALL PLANT TREES, SHRUBS, OR OTHER PLANTS WITHIN A TOWN OF APEX PUBLIC UTILITY EASEMENT WITHOUT WRITTEN APPROVAL FROM THE WATER RESOURCES DEPARTMENT, PUBLIC WORKS AND TRANSPORTATION DEPARTMENT, OR ELECTRIC UTILITIES DEPARTMENT, AS APPROPRIATE.
  - CONTACT THE PLANNING DEPARTMENT TO GET A COPY OF THE ZONING CONDITIONS.

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	6.86'	62.669'	S 65°48'45" E	6.86'
C2	3.86'	62.669'	S 65°19'13" E	3.86'
C3	7.78'	26.00'	S 55°52'24" W	7.75'

LINE	BEARING	LENGTH
L1	S 30°53'56" W	25.24'
L2	S 30°53'56" W	15.18'
L3	N 58°28'00" W	43.42'
L4	N 64°33'40" W	42.16'
L5	N 08°34'27" E	11.25'
L6	N 51°27'12" E	42.48'
L7	S 40°17'27" E	41.74'
L8	S 44°55'30" W	13.12'
L9	S 44°56'47" W	20.52'
L10	S 60°46'00" E	34.90'

- SURVEYOR NOTES:
- THE PROPERTY SHOWN HEREON IS SUBJECT TO ALL EASEMENTS OF RECORD AFFECTING SAME.
  - NO TITLE SEARCH HAS BEEN PERFORMED BY THIS FIRM DURING THE COURSE OF THIS SURVEY.
  - THIS SURVEY DOES NOT CERTIFY TO THE EXISTENCE OR NON-EXISTENCE OF ANY UNDERGROUND UTILITIES, BURIAL GROUNDS, OR ANY SUBSURFACE FEATURES THAT MAY OR MAY NOT BE PRESENT ON THIS SITE.
  - ALL DISTANCES ARE HORIZONTAL U.S. SURVEY FOOT UNIT GROUND MEASUREMENTS.
  - AREA DETERMINED BY THE COORDINATE METHOD.
  - THIS SITE IS LOCATED WITHIN BOTH THE PRIMARY & THE SECONDARY WATERSHED PROTECTION OVERLAY DISTRICT.
  - THIS SITE IS NOT WITHIN A 100-YR FLOOD PLAIN PER FEMA FIRM No. 3720074200 WITH AN EFFECTIVE DATE OF MAY 2, 2006.
  - CURRENT ZONING DISTRICTS: B2-CU, L1, & MD
  - ANNEXATION No. 1
  - THE BROKEN (DASHED) BOUNDARY LINES OF THE SUBJECT PARCEL AS SHOWN HEREON WERE PHYSICALLY SURVEYED BY THIS FIRM ON OR ABOUT FEBRUARY 9, 2016.

I hereby certify that I am the owner of the property shown and described herein, which is located in the jurisdiction of the Town of Apex, and all streets related hereto, and that I hereby adopt this exempt plat with my free consent.

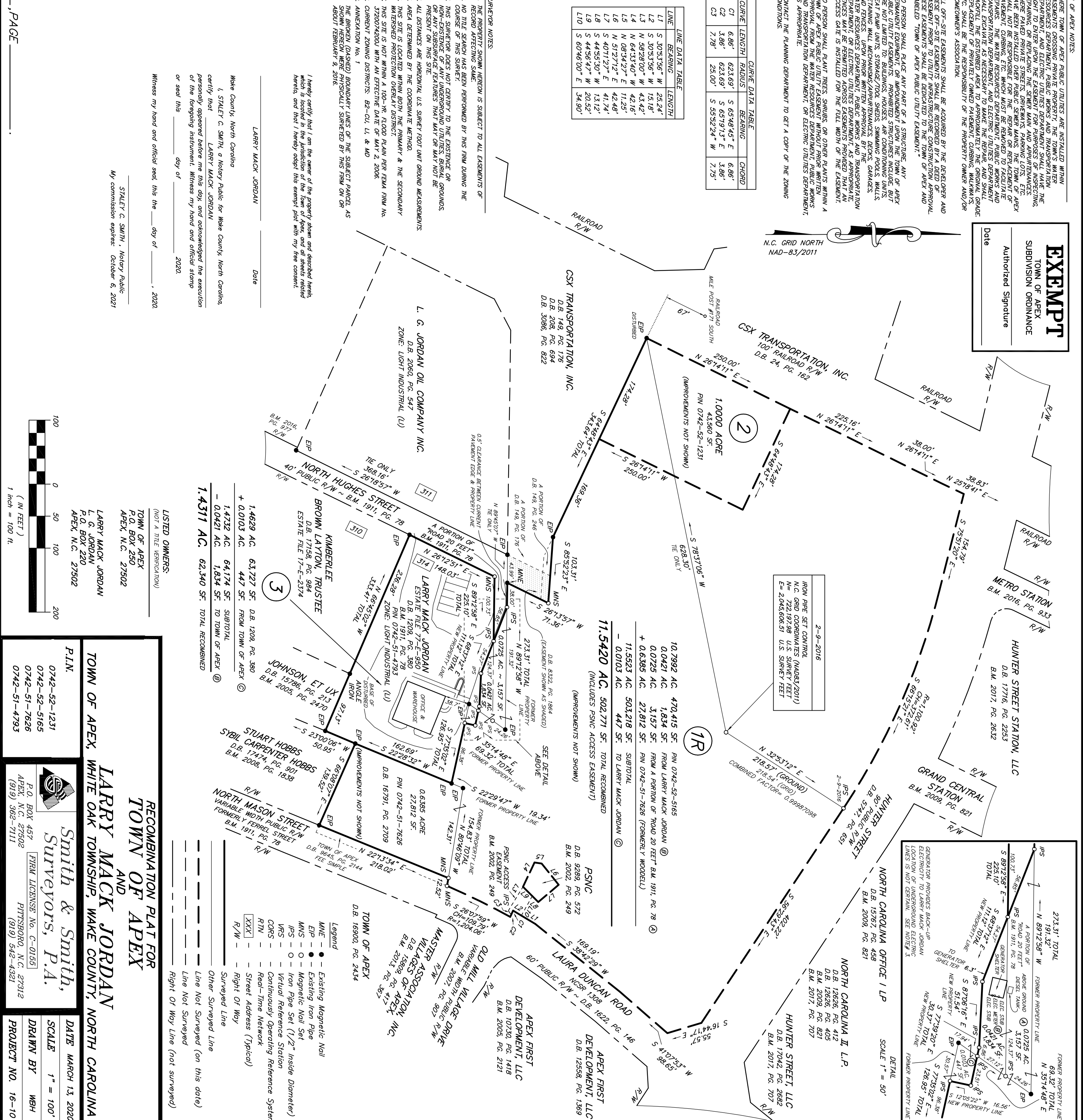
LARRY MACK JORDAN \_\_\_\_\_ Date \_\_\_\_\_

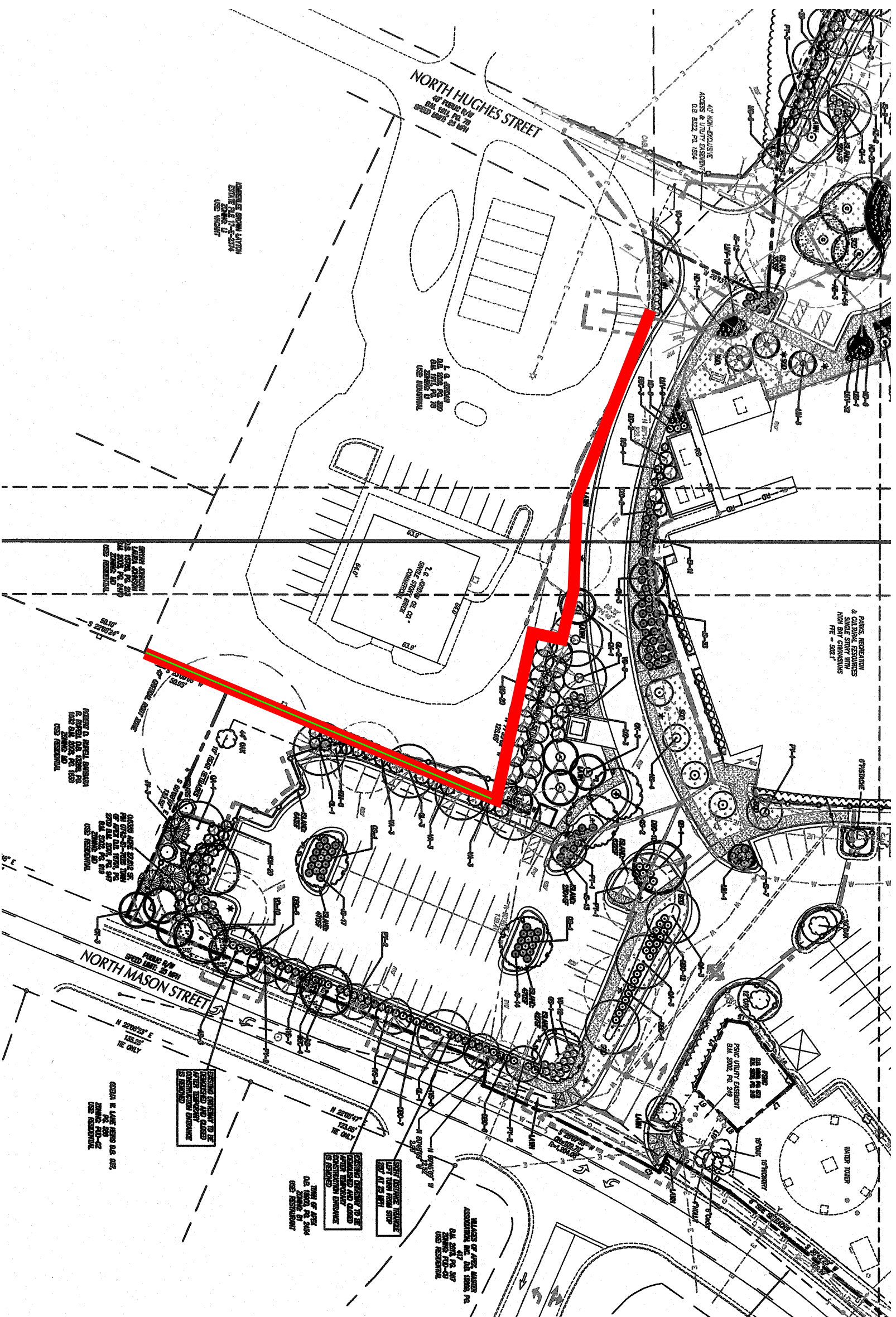
Witness my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

DONNA B. HOSCH, Notary Public  
My commission expires: October 6, 2021

**EXEMPT**  
TOWN OF APEX  
SUBDIVISION ORDINANCE

Authorized Signature \_\_\_\_\_  
Date \_\_\_\_\_





New Fence Line at Jordan Property

# GENERATOR RELOCATION LG JORDAN OIL COMPANY

## 314 N HUGHES STREET, APEX, NC 27502

### DESIGN PROFESSIONALS

**ARCHITECTURE:**  
SMITH SINNETT ARCHITECTURE  
4600 LAKE BOONE TRAIL, SUITE 205  
RALEIGH, NC 27607  
919.781.8382  
POC: JAY SIKES, AIA  
jsikes@smithsinnett.com

**OWNER:**  
LG JORDAN OIL CO.  
314 NORTH HUGHES STREET  
APEX, NC 27502  
919.287.2446 (P)

**MECHANICAL, ELECTRICAL, AND FIRE PROTECTION:**  
PROGRESSIVE DESIGN COLLABORATIVE, LTD  
3101 POPLARWOOD COURT, SUITE 320  
RALEIGH, NC 27604  
919.790.9989 (P)  
POC: SCOTT ENNIS, PE  
seninis@pdceengineers.com

**PROJECT CONTACT:**  
TOWN OF APEX  
73 HUNTER STREET, P.O. BOX 250  
APEX, NC 27502  
919.249.3414 (P)  
POC: DENNIS BROWN, PROJECT MANAGER  
dennis.brown@apexnc.org

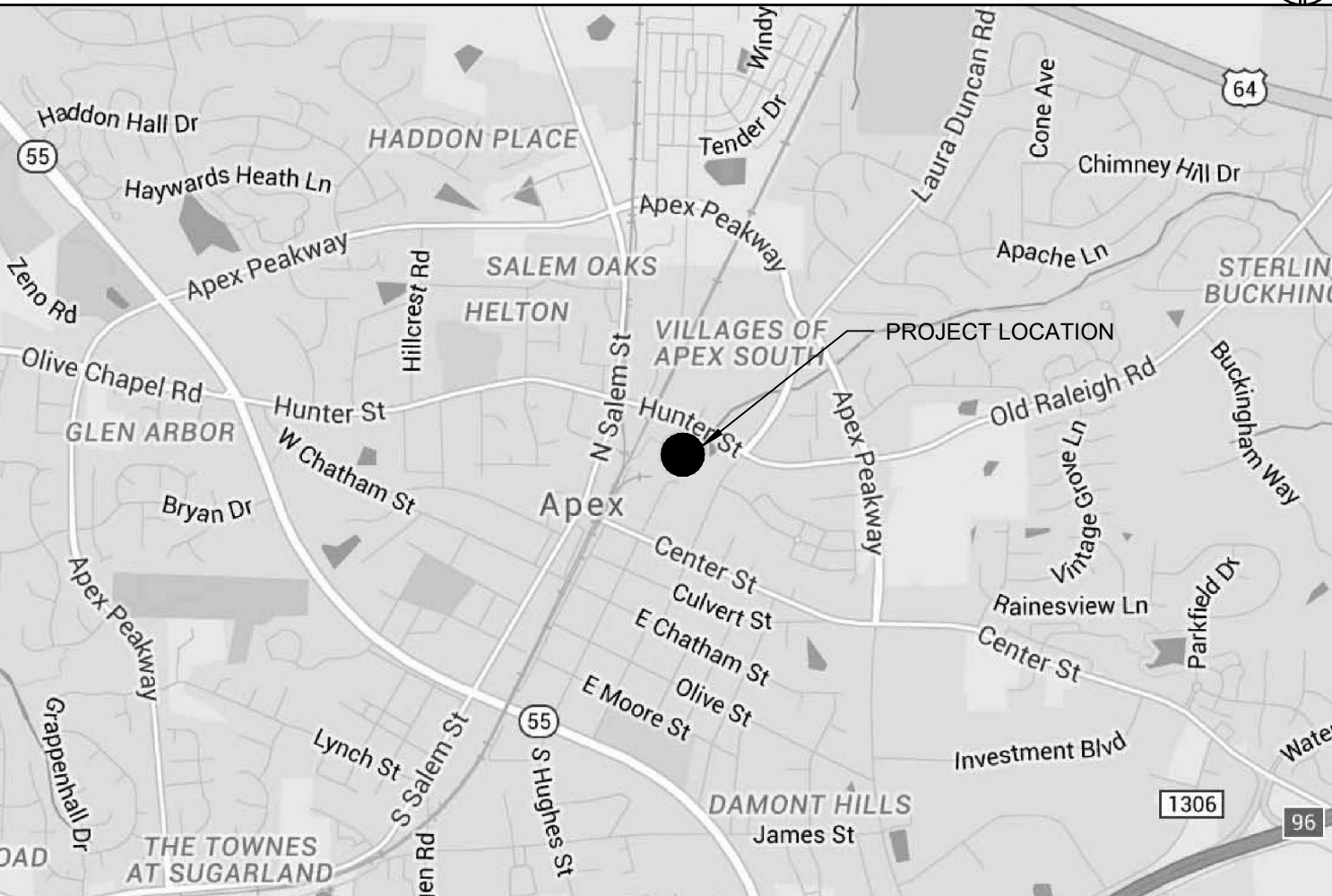
### EXISTING PROJECT PHOTOS



This drawing and the design shown is the property of Smith Sinnett Architecture, P.A., the reproduction or use of this drawing without the written consent of the Architect is strictly prohibited. All copies of this drawing must be returned to the Architect at the completion of the contract.

Smith Sinnett Architecture, P.A., 2019  
THIS DRAWING IS FORMATTED TO BE PRINTED ON A 24" X 36" SHEET

### VICINITY MAP



### BIRDS EYE



### INDEX OF DRAWINGS

GENERAL	ARCHITECTURAL	ELECTRICAL
G0-01 COVER SHEET	A0-00 DEMO PLANS & ELEVATIONS A1-00 PLANS, ELEVATIONS, & DETAILS	E0-01 ELECTRICAL LEAD SHEET E1-01 SITE POWER PLAN

### ABBREVIATIONS

@ AREA DRAIN	EJ EXPANSION JOINT	NIC NOT IN CONTRACT	TC TERRA COTTA
AB ACCENT COLOR	EN ENAMEL	NOM NORMAL	T&G TONGUE AND GROOVE
ACC ACoustical CEILING TILE	EPT HIGH PERFORMANCE EPOXY PAINT	OC ON CENTER	TCA TILE COUNCIL OF AMERICA
ACOUS ACoustical WALL PANELS	EQ EQUAL EXISTING	OD OUTSIDE DIAMETER	TELE TELEPHONE
ACW ACoustical WALL PANELS	EST EXISTING	OFOI OWNER FURNISHED	TEMP TEMPERED
ADJ ADJUSTABLE	EXT EXTERIOR EXPOSED CEILING	OFCI OWNER FURNISHED CONTRACTOR INSTALLED	TEXT TEXTURED
AE APPROVED EQUAL ABOVE FINISH FLOORING	EXP EXPOSED CEILING	OZ OUNCE	TFT TERRAZZO FLOOR TILE
AFF ABOVE FINISH FLOORING	EWC ELECTRIC WATER COOLER	FC FIRECODE	TOC TOP OF CURB
AFL ATHLETIC FLOORING	FC FIRE EXTINGUISHER	FD FLOOR DRAIN	TOS TOP OF STEEL
AHU AIR HANDLING UNIT	FC FIRE EXTINGUISHER	FEB FIRE EXTINGUISHER BRACKET	TP TELEPHONE POLE
ALB ALUMINUM BASE	FC FIRE EXTINGUISHER CABINET	FF FINISH FLOOR	TVB TELEVISION MOUNTING BRACKET TYPICAL
ALT ALUMINUM TILE	FF FINISH FLOOR	FH FIRE HYDRANT	TYP TYPICAL
ALUM ALUMINUM ANODIZED	FH FIRE HYDRANT	FLU FLOURESCENT	UL UNDERWRITERS LABORATORY UTILITYLIGHTS
ANOD ANODIZED	FF FINISH FLOOR	FOF FACE OF FRAME	UIL UTILITYLIGHTS UNLESS OTHERWISE NOTED
ANSI AMERICAN NATIONAL STANDARDS INSTITUTE ATTENUATION	FF FINISH FLOOR	FOM FACE OF MASONRY	UON UNLESS OTHERWISE NOTED
ATTEN ATTENUATION	FF FINISH FLOOR	FTG FOOTING	VACT VINYL ACOUSTICAL TILE
AWP ACRYLIC WALL PANELS	FF FINISH FLOOR	FTG FOOTING	VB VAPOR BARRIER
BBT BIOBASED TILE	FF FINISH FLOOR	FTG FOOTING	VCT VINYL COMPOSITION TILE
BF BLOCK FILL	FF FINISH FLOOR	FTG FOOTING	VERT VERTICAL VERIFY IN FIELD
BFC BROOMED FINISHED CONCRETE	FF FINISH FLOOR	FTG FOOTING	VIF VINYL WALL COVERING
BL BLINDS	FF FINISH FLOOR	FTG FOOTING	W WITH WATER CLOSET
BLDG BUILDING	FF FINISH FLOOR	FTG FOOTING	WD WOOD WOOD FLOORING
BLKG BLOCKING	FF FINISH FLOOR	FTG FOOTING	WF WELDED WIRE FABRIC
BOT BOTTOM	FF FINISH FLOOR	FTG FOOTING	WWM WELDED WIRE MESH
BFG BULLET PROOF GLASS	FF FINISH FLOOR	FTG FOOTING	
CBF CATCH BASIN	FF FINISH FLOOR	FTG FOOTING	
CEM CEMENTIOUS SIDING	FF FINISH FLOOR	FTG FOOTING	
CF CONTRACTOR FURNISHED, CONTRACTOR INSTALLED	FF FINISH FLOOR	FTG FOOTING	
CFCI CONTRACTOR FURNISHED, CONTRACTOR INSTALLED	FF FINISH FLOOR	FTG FOOTING	
CFT CERAMIC FLOOR TILE	FF FINISH FLOOR	FTG FOOTING	
CG CURVED CEILING GRID	FF FINISH FLOOR	FTG FOOTING	
CI CAST IRON	FF FINISH FLOOR	FTG FOOTING	
CI# CURB INLET	FF FINISH FLOOR	FTG FOOTING	
CJ CONTROL JOINT	FF FINISH FLOOR	FTG FOOTING	
CLG CEILING	FF FINISH FLOOR	FTG FOOTING	
CL CENTERLINE	FF FINISH FLOOR	FTG FOOTING	
CMU CONCRETE MASONRY UNIT	FF FINISH FLOOR	FTG FOOTING	
CO CLEAN OUT	FF FINISH FLOOR	FTG FOOTING	
COL COLUMN	FF FINISH FLOOR	FTG FOOTING	
CONC CONCRETE	FF FINISH FLOOR	FTG FOOTING	
CONSTR CONSTRUCTION	FF FINISH FLOOR	FTG FOOTING	
CONTR CONTRACTOR	FF FINISH FLOOR	FTG FOOTING	
CORR CORRUGATED	FF FINISH FLOOR	FTG FOOTING	
CPT CARPET	FF FINISH FLOOR	FTG FOOTING	
CPTT CARPET TILE	FF FINISH FLOOR	FTG FOOTING	
CTB CERAMIC TILE BASE	FF FINISH FLOOR	FTG FOOTING	
CRG COLD ROLLED CHANNEL	FF FINISH FLOOR	FTG FOOTING	
CRF CORK RUBBER FLOORING	FF FINISH FLOOR	FTG FOOTING	
CS COUNTERSUNK	FF FINISH FLOOR	FTG FOOTING	
CWT CERAMIC WALL TILE	FF FINISH FLOOR	FTG FOOTING	
DET DETAIL	FF FINISH FLOOR	FTG FOOTING	
DEPT DRY FOG PAINT	FF FINISH FLOOR	FTG FOOTING	
DIA DIAMETER	FF FINISH FLOOR	FTG FOOTING	
DISP DISPENSER	FF FINISH FLOOR	FTG FOOTING	
DN DOWN	FF FINISH FLOOR	FTG FOOTING	
DP DEEP	FF FINISH FLOOR	FTG FOOTING	
DR DOOR	FF FINISH FLOOR	FTG FOOTING	
DS DOWNSPOUT	FF FINISH FLOOR	FTG FOOTING	
E/W EACH WAY	FF FINISH FLOOR	FTG FOOTING	
EDG EDGE BANDING	FF FINISH FLOOR	FTG FOOTING	
EES EMERGENCY EYE WASH	FF FINISH FLOOR	FTG FOOTING	
AND SHOWER	FF FINISH FLOOR	FTG FOOTING	
EFC EPOXY FLOOR COATING	FF FINISH FLOOR	FTG FOOTING	
EFS EXTERIOR INSULATION SYSTEM	FF FINISH FLOOR	FTG FOOTING	
FINSH FINISH	FF FINISH FLOOR	FTG FOOTING	
EIP EXISTING IRON PIPE	FF FINISH FLOOR	FTG FOOTING	
ELEV ELEVATION	FF FINISH FLOOR	FTG FOOTING	

### SYMBOL LEGEND

DRAWING NO.	DRAWING NAME		DOOR MARK
SHEET NO.	SCALE		CASEWORK MARK
DETAIL NO.	SECTION MARK		EQUIPMENT MARK
SHEET NO.	DOOR MARK		WALL MARK
MAXIMUM EGRESS LOAD	EGRESS CALCULATION MARK		ACCESSORIES MARK
EGRESS WIDTH	REQUIRED WIDTH		DEMO MARK
ANTICIPATED EGRESS LOAD	CALLOUT DETAIL		CEILING TYPE / HEIGHT
SHEET NO.	EXTERIOR ELEVATION MARK		REVISION AREA / NUMBER
DETAIL NO.	INTERIOR ELEVATION MARK		NORTH ARROW
SHEET NO.	CONTROL / ELEVATION MARK		ROOM NAME/NUMBER
REFERENCE DESCRIPTION			

### SHEET NUMBERING LEGEND

SECTION	DISCIPLINE	PAGE NUMBER
0 DEMOLITION / GENERAL PLANS	G GENERAL	
1 EXTERIOR ELEVATIONS	C CIVIL	
2 BUILDING / WALL SECTIONS	L LANDSCAPE	
3 ELARGED PLANS, CASEWORK, INTERIOR ELEVATIONS & RELATED DETAILS	S STRUCTURAL	
4 WINDOW & DOOR SCHEDULES	EQ EQUIPMENT	
5 FINISH PLAN & SCHEDULES	P PLUMBING	
6 VERTICAL CIRCULATION	M MECHANICAL	
7 BID ALTERNATES	E ELECTRICAL	
	FP FIRE PROTECTION	
	X MISCELLANEOUS	

**A1-01**

**GENERATOR RELOCATION  
LG JORDAN OIL COMPANY**  
314 N HUGHES STREET  
APEX, NC 27502

ID	DATE	DESCRIPTION

DRAWN BY: JBS  
CHECKED BY: RC  
COVER SHEET

2017016 03 SEPT 2019

**G0-01**



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Smith Sinnett Architecture, P.A., 2019

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GENERATOR RELOCATION  
LG JORDAN OIL COMPANY

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APEX, NC 27502

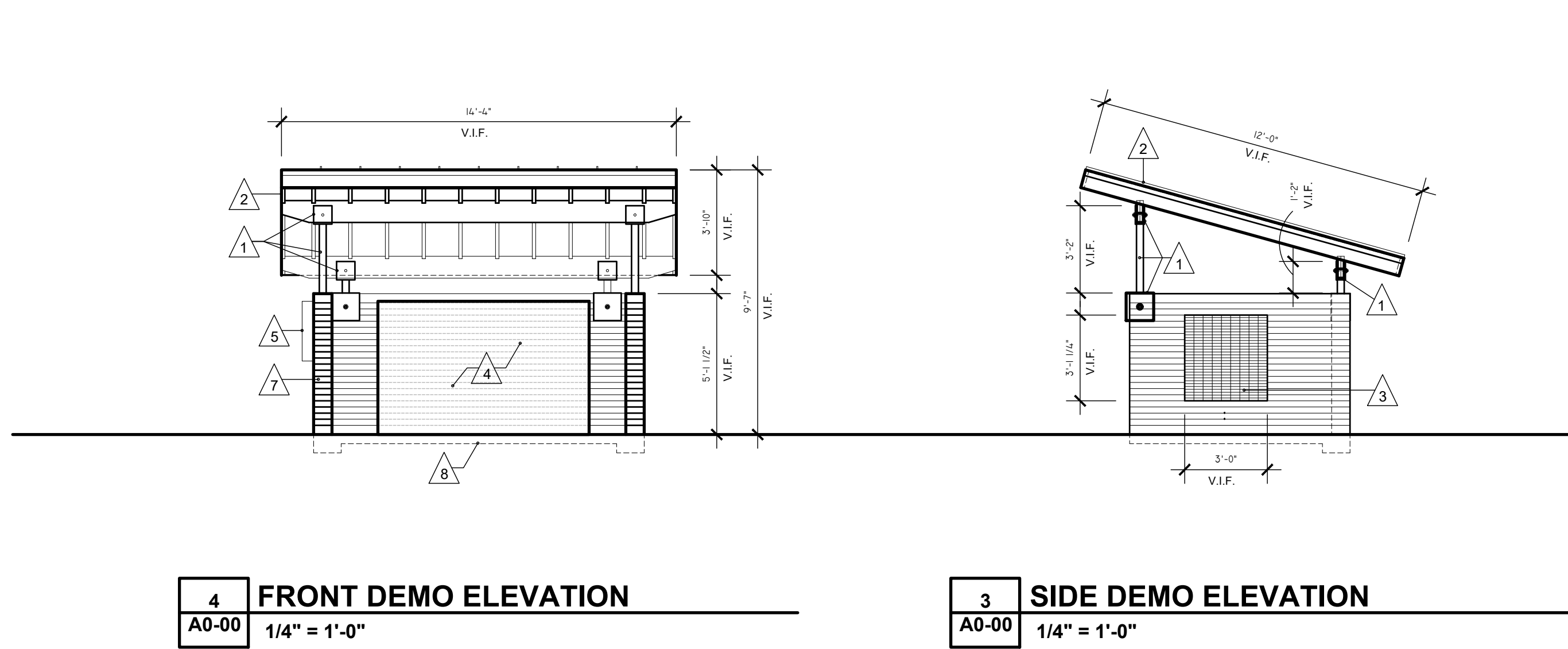
ID	DATE	DESCRIPTION

DRAWN BY: JBS  
CHECKED BY: RC

DEMO PLANS & ELEVATIONS

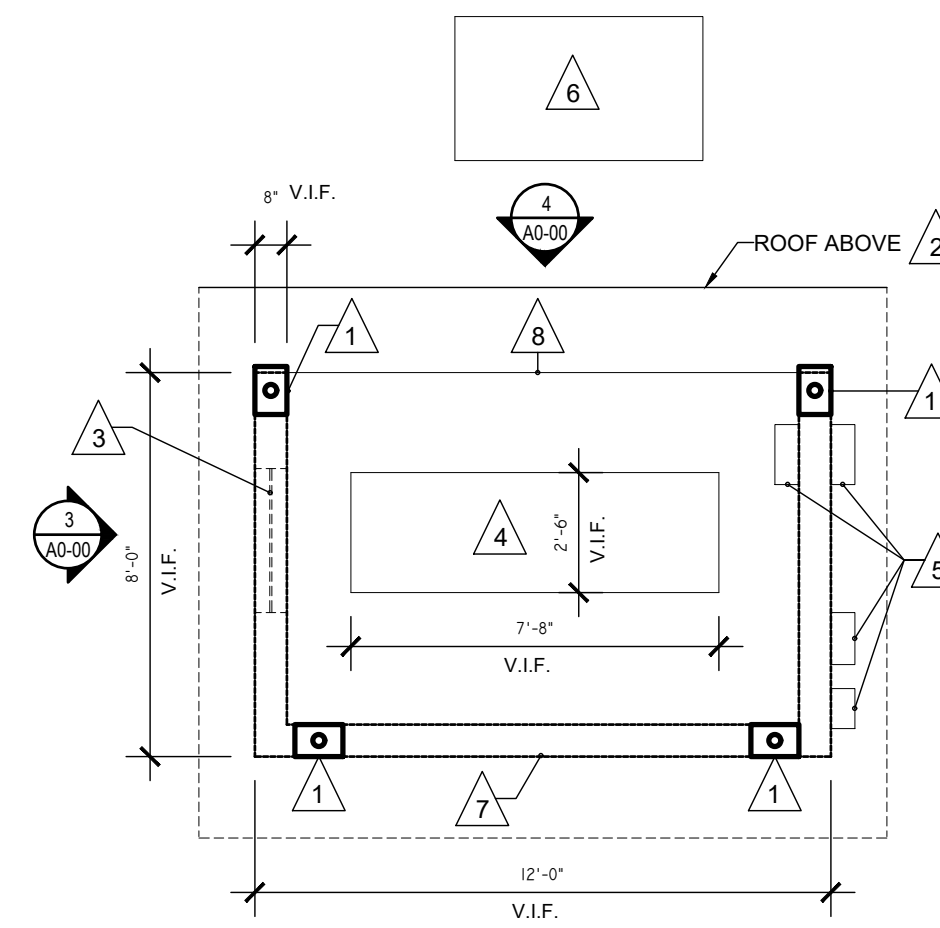
2017016 03 SEPT 2019

A0-00



**4** FRONT DEMO ELEVATION  
A0-00 1/4" = 1'-0"

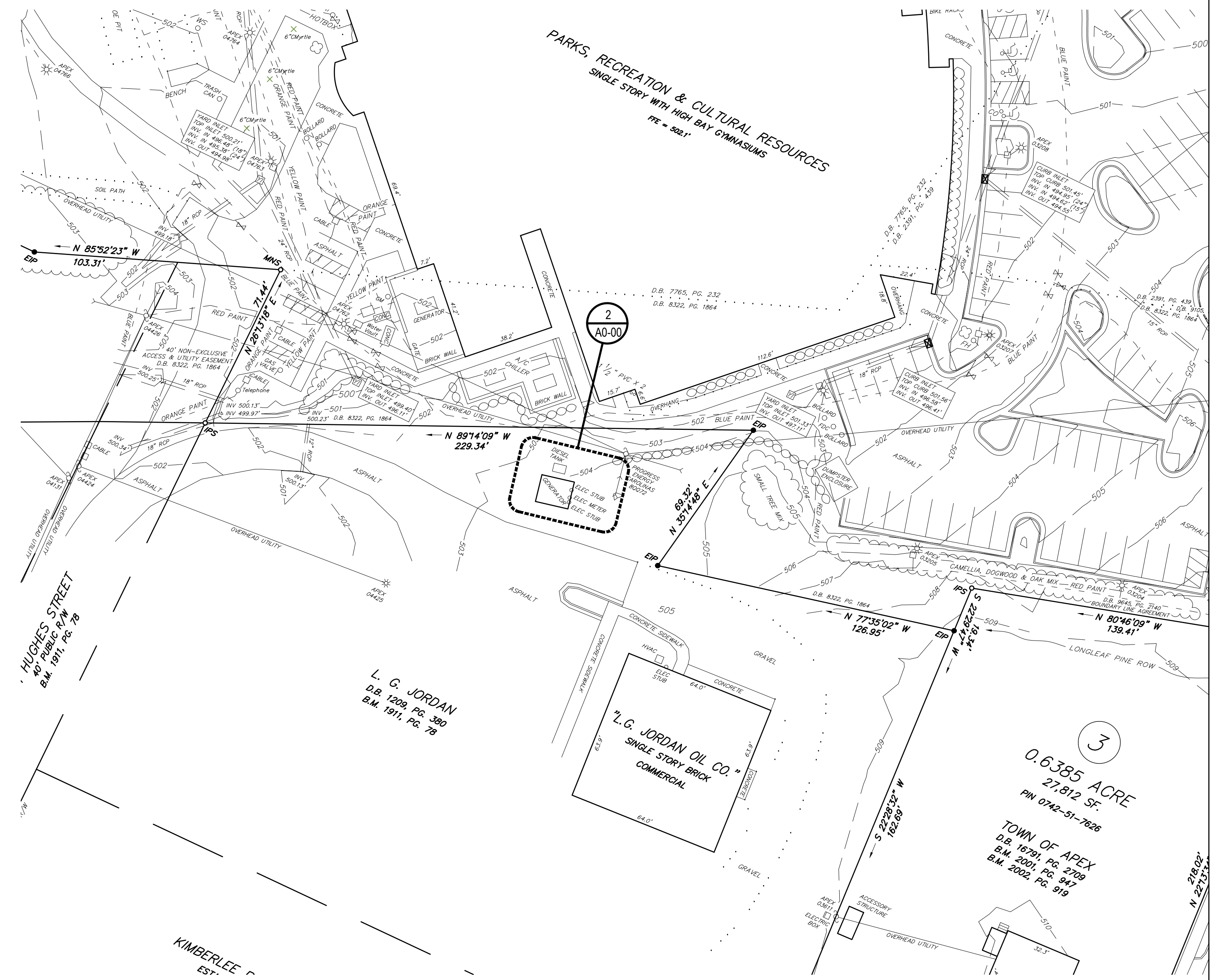
**3** SIDE DEMO ELEVATION  
A0-00 1/4" = 1'-0"



**2** DEMO PLAN  
A0-00 1/4" = 1'-0"

DEMO KEYNOTES

- 1 REMOVE EXISTING STEEL POSTS & BRACKETS & STORE FOR REASSEMBLY AT NEW LOCATION.
- 2 REMOVE EXISTING ROOF & STORE FOR REASSEMBLY AT NEW LOCATION.
- 3 REMOVE EXISTING METAL GRATE & STORE FOR REASSEMBLY AT NEW LOCATION.
- 4 RELOCATE EXISTING GENERATOR - SEE ELECTRICAL DRAWINGS.
- 5 RELOCATE EXISTING ELEC. EQUIPMENT - SEE ELECTRICAL DRAWINGS.
- 6 RELOCATE & RECONNECT EXISTING DIESEL TANK
- 7 DEMOLISH EXISTING BRICK WALL IN ITS ENTIRETY.
- 8 DEMOLISH EXISTING CONCRETE SLAB IN ITS ENTIRETY.



**1** OVERALL DEMO PLAN  
A0-00 1/32" = 1'-0"

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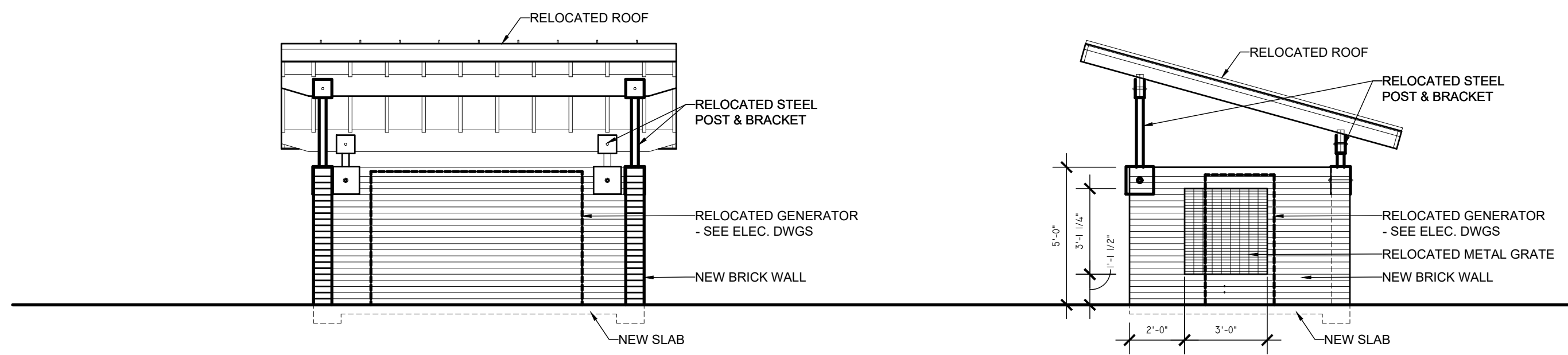
ID	DATE	DESCRIPTION

DRAWN BY: JBS  
CHECKED BY: RC

PLANS,  
ELEVATIONS, &  
DETAILS

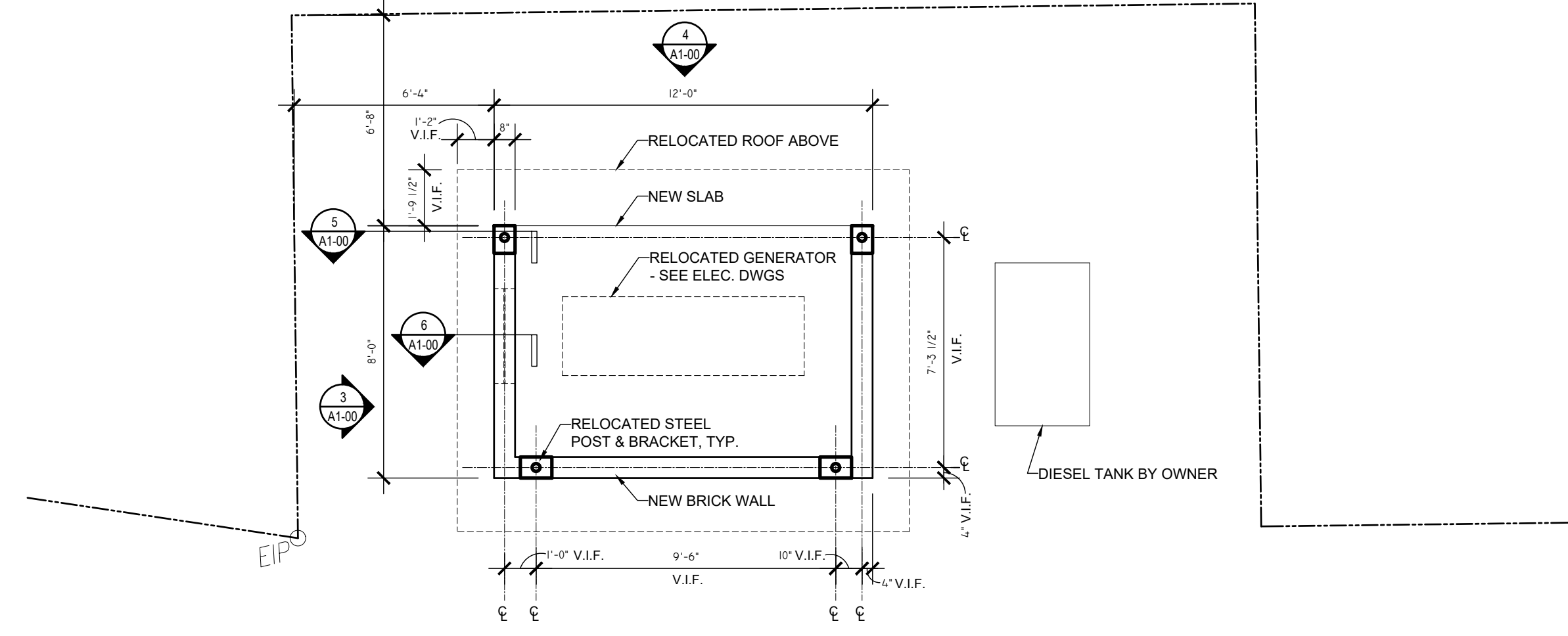
2017016 03 SEPT 2019

A1-00

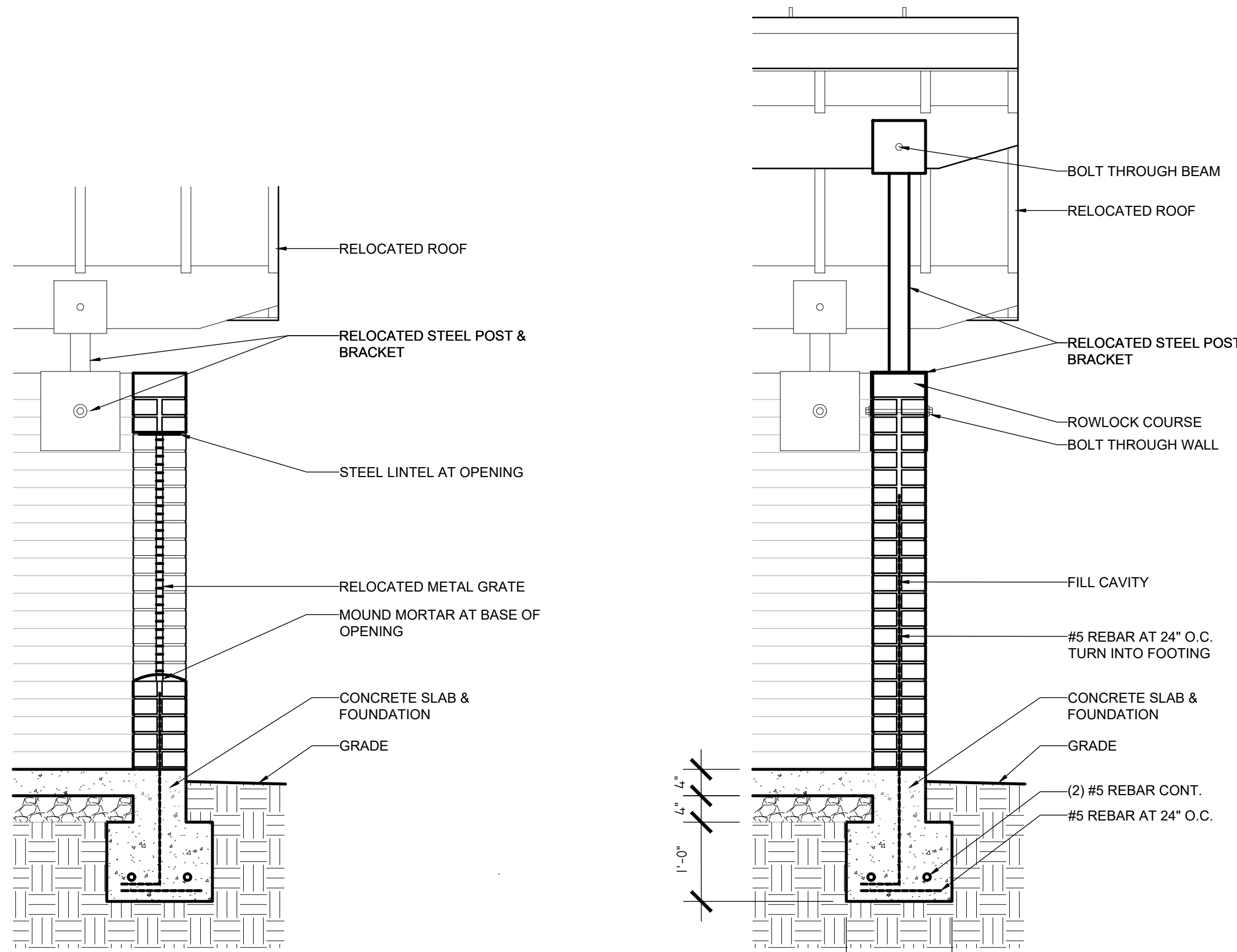


4 FRONT ELEVATION  
A1-00 1/4" = 1'-0"

3 SIDE ELEVATION  
A1-00 1/4" = 1'-0"

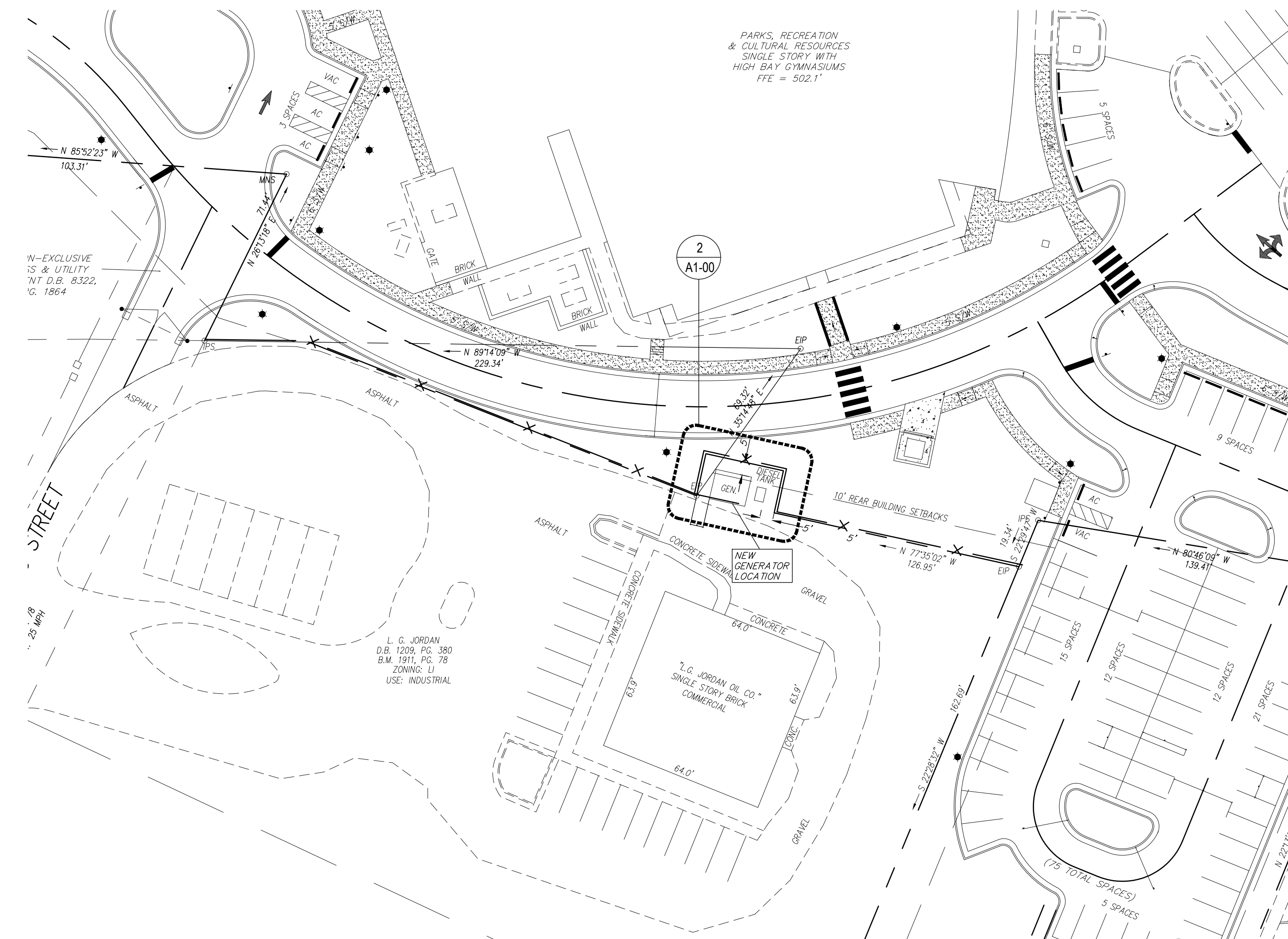


2 PLAN  
A1-00 1/4" = 1'-0"



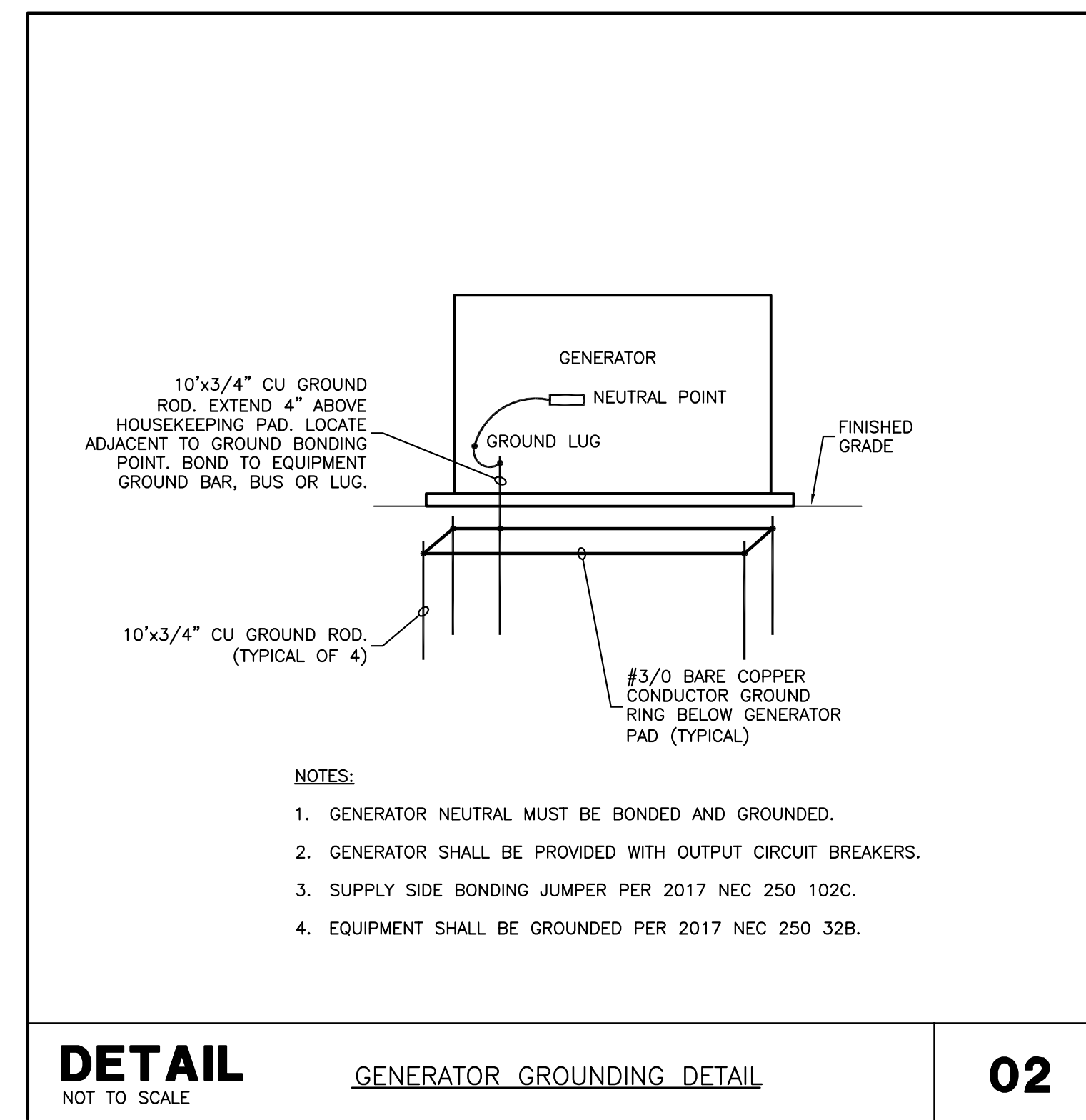
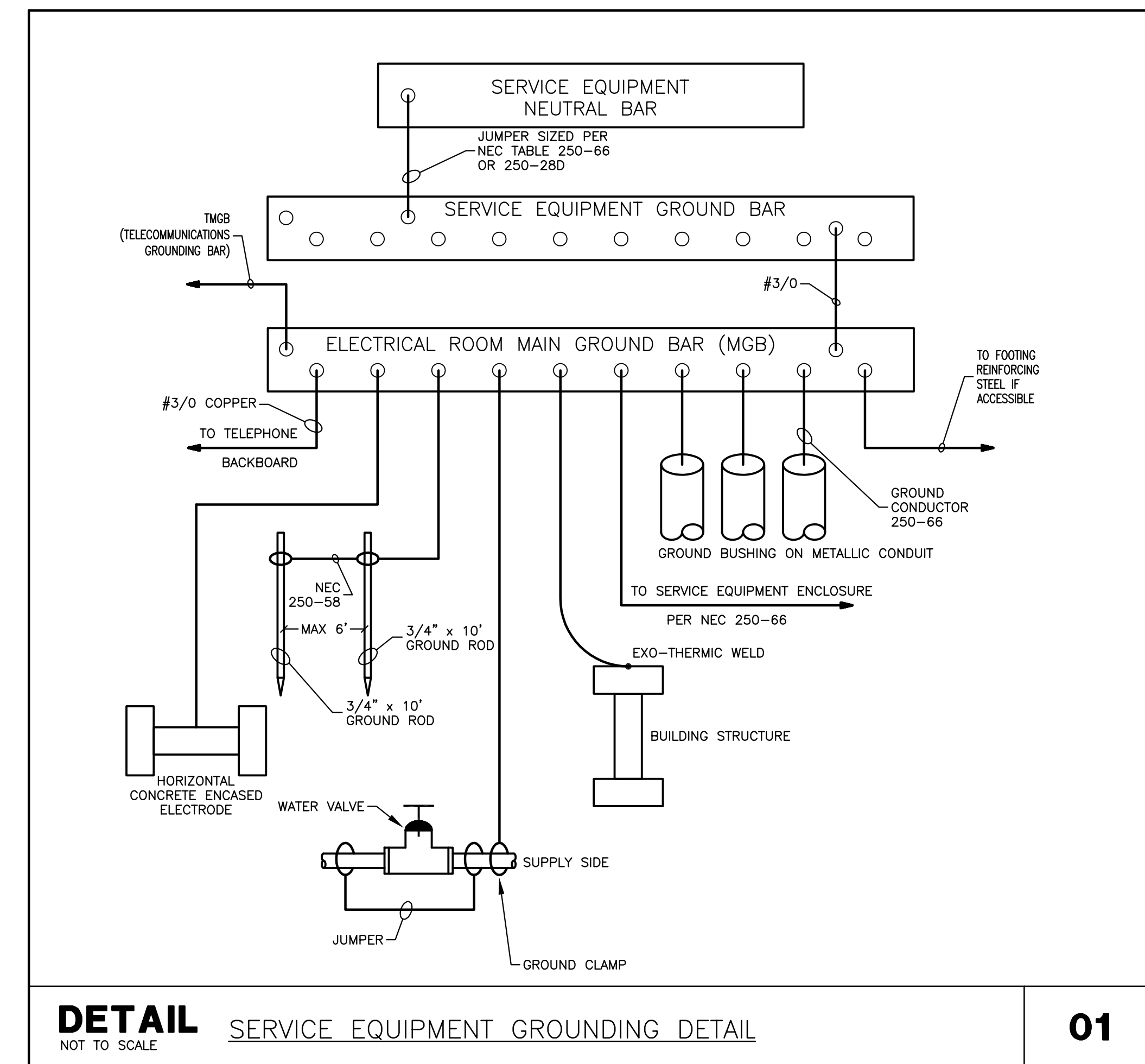
6 SECTION  
A1-00 3/4" = 1'-0"

5 SECTION  
A1-00 3/4" = 1'-0"



1 OVERALL PLAN  
A1-00 1/32" = 1'-0"

SHEET INDEX - ELECTRICAL	
Sheet Number	Sheet Name
E0-01	ELECTRICAL LEAD SHEET
E1-01	SITE POWER PLAN



- ### GENERAL NOTES
- THE CONTRACTOR SHALL REFER TO THE ARCHITECTURAL PLANS FOR FLOOR PLAN DIMENSIONS. DO NOT SCALE THESE DRAWINGS.
  - THE ELECTRICAL CONTRACTOR SHALL COORDINATE ANY AND ALL WORK WITH OTHER TRADES INVOLVED IN THE PROJECT, PRIOR TO INSTALLATION OF HIS EQUIPMENT, SO TO AVOID CONFLICTS DURING CONSTRUCTION AND TO ALLOW FOR OPTIMAL MAINTENANCE AND WORKING SPACE.
  - USE OF THE CONDUIT SYSTEM FOR EQUIPMENT GROUNDING SHALL NOT BE ACCEPTABLE. A SEPARATE GREEN GROUND WIRE SHALL BE RUN WITH THE CIRCUIT CONDUCTORS IN EACH CONDUIT.
  - IN ALL AREAS WHERE FIRE RATED WALL, FLOOR, OR CEILINGS ARE INSTALLED, ALL PENETRATIONS OF ELECTRICAL CONDUITS OR OTHER RELATED ELECTRICAL MATERIAL SHALL BE PROPERLY SEALED WITH APPROVED FIRE RATED MATERIALS TO MAINTAIN THE RATINGS OF THE BUILDING CONSTRUCTION.
  - ALL WORK AND MATERIAL SHALL BE PROVIDED IN ACCORDANCE WITH THE STATE, LOCAL AND NATIONAL CODES AND ORDINANCES.
  - THE ELECTRICAL CONTRACTOR SHALL VERIFY ALL CEILING TYPES AND FINISHES BEFORE PURCHASE OF ANY LIGHT FIXTURES SO THAT THE PROPER TRIM WILL BE PROVIDED FOR THE CEILING TO BE INSTALLED. ANY DIFFERENCES SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR.
  - EACH CONTRACTOR SHALL PROVIDE HIS OWN SUPPORT OF ALL DEVICES AND EQUIPMENT PROVIDED BY HIM AND SHALL SUPPORT SUCH EQUIPMENT PER APPROVED GOVERNING CODES OR PER APPROVAL REQUEST OF THE ENGINEER. UNACCEPTABLE WORKMANSHIP OR MATERIALS SHALL BE REPLACED AT THE REQUEST OF THE ENGINEER AT THE CONTRACTORS EXPENSE.
  - ALL CONDUITS (WITH OR WITHOUT WIRES) SHALL BE COLOR CODED WITH 1/2" WIDE PAINT OR TAPE, 10' ON CENTER.
  - THE MOUNTING HEIGHTS AND LOCATIONS OF ALL WALL MOUNTED OUTLETS AND JUNCTION BOXES SHALL BE REVIEWED AND COORDINATED WITH THE ARCHITECT, PRIOR TO INSTALLATION FOR USE WITH THE ACTUAL EQUIPMENT, CASEWORK AND MILLWORK TO BE FURNISHED.
  - ALL WIRE AND CONDUIT SIZES ARE BASED ON 75°C COPPER WIRE UNLESS OTHERWISE NOTED.
  - THE ELECTRICAL CONTRACTOR SHALL PROVIDE ALL REQUIRED SWITCHES, RECEPTACLES, CONDUIT, WIRING, PANELS, ETC. UNDER THE ELECTRICAL BID AND SHALL INCLUDE ALL NECESSARY CIRCUITS TO AND FINAL CONNECTIONS TO THE EQUIPMENT PROVIDED BY ALL SUPPLIERS, UNLESS NOTED OTHERWISE BY OTHER DISCIPLINES. COORDINATE CLOSELY.
  - ALL RECEPTACLE AND SWITCH COVER PLATES SHALL BE SELECTED TO MATCH EXISTING FIELD DEVICES.
  - RACEWAY LESS THAN 2" SHALL BE EMT. RACEWAY LARGER THAN 2" SHALL BE RIGID STEEL. THE MINIMUM RACEWAY SIZE ALLOWED IS 3/4".
  - ALL CONDUCTORS SHALL BE COPPER. THE MINIMUM CONDUCTOR SIZE IS AWG #12. CONDUCTORS AWG #10 AND SMALLER SHALL BE SOLID, AWG #8 AND LARGER SHALL BE STRANDED. CONDUCTORS FOR 120/208V SYSTEMS SHALL BE COLOR CODED AS FOLLOWS: PHASE A - BLACK, PHASE B - RED, PHASE C - BLUE, NEUTRAL - WHITE, GROUND - GREEN. ALL CONDUCTOR INSULATION SHALL BE THWN/THHN.
  - ALL RACEWAYS SHALL BE NEATLY RUN HIGH AND AS TIGHT TO STRUCTURE AS POSSIBLE PARALLEL OR PERPENDICULAR TO BUILDING LINES.
  - APPROVED 3RD PARTY BOXES, RATED FOR THE WALLS IN WHICH THEY ARE INSTALLED SHALL BE USED. FIRE SEALING SUCH INSTALLATIONS SHALL BE THE RESPONSIBILITY OF THE ELECTRICAL CONTRACTOR.
  - UNLESS NOTED OTHERWISE, ALL EXISTING PANELS ARE SHOWN FOR REFERENCE ONLY AND SHALL REMAIN.
  - ANY ITEMS REMOVED SHALL BE OFFERED TO THE OWNER. THE OWNER MAY RETAIN ANY ITEM REMOVED. ANY ITEM THAT THE OWNER DOES NOT RETAIN BECOMES THE PROPERTY OF THE CONTRACTOR AND SHALL BE REMOVED FROM THE SITE. UNLESS OTHERWISE NOTED, THE OWNER SHALL REMOVE AND REINSTALL ALL AV EQUIPMENT.
  - THE ELECTRICAL CONTRACTOR SHALL BE RESPONSIBLE FOR PATCHING ANY HOLES IN REMAINING WALLS RESULTING FROM THE REMOVAL OF ELECTRICAL DEVICES.
  - WHERE CONDUITS ARE CONCEALED IN EXISTING WALLS OR FLOORS NOT SUBJECT TO REMOVAL, THE CONTRACTOR MAY ABANDON THE CONDUIT BUT SHALL REMOVE ALL EQUIPMENT AND WIRING. PROVIDE BLANK FACEPLATES TO MATCH EXISTING TO COVER EMPTY JUNCTION BOXES.
  - REMOVE ALL ELECTRICAL DEVICES, CONDUCTORS, AND RACEWAYS WHETHER SHOWN ON PLANS OR NOT, WHICH ARE LOCATED IN WALLS SUBJECT TO REMOVAL OR IN AREAS SPECIFICALLY REFERRED TO IN NOTES.
  - THE ELECTRICAL CONTRACTOR SHALL MAINTAIN ALL CIRCUIT CONTINUITY TO ALL REMAINING CIRCUITS IN AREAS WHERE PART, BUT NOT ALL, OF THE CIRCUIT IS BEING REMOVED.
  - EXISTING BRANCH CIRCUITS SHALL BE REUSED FOR NEW LOAD AS INDICATED ON NEW WORK PLANS. IF CIRCUIT SHARES A NEUTRAL WITH OTHER CIRCUITS CONTRACTOR SHALL COMPLY WITH NEC 210.4(B) AS REQUIRED.
  - WHERE EXISTING BRANCH CIRCUITS ARE NOT REUSED, REMOVE CONDUCTORS AND RACEWAY BACK TO SOURCE.
  - DEMOLITION ITEMS ARE SHOWN BOLD AND DASHED. EXISTING DEVICES TO REMAIN ARE SHOWN LIGHT OR WITH AN EX DESIGNATION.
  - UPDATE PANEL SCHEDULES TO REFLECT NEW AND CHANGED LOAD. ALL PANEL SCHEDULES SHALL BE TYPE WRITTEN OR COMPUTER GENERATED.

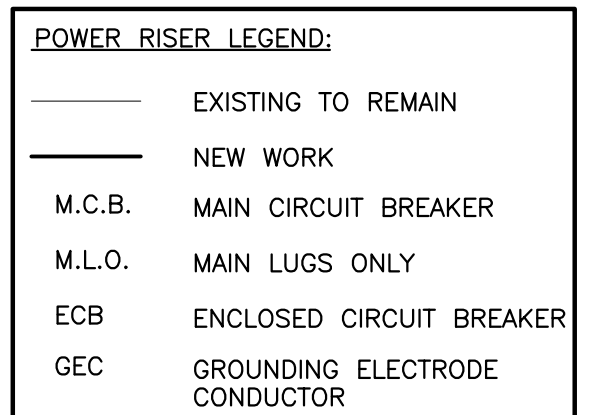
GENERATOR RELOCATION  
LG JORDAN OIL COMPANY

314 N HUGHES STREET  
APEX, NC 27502

ID	DATE	DESCRIPTION

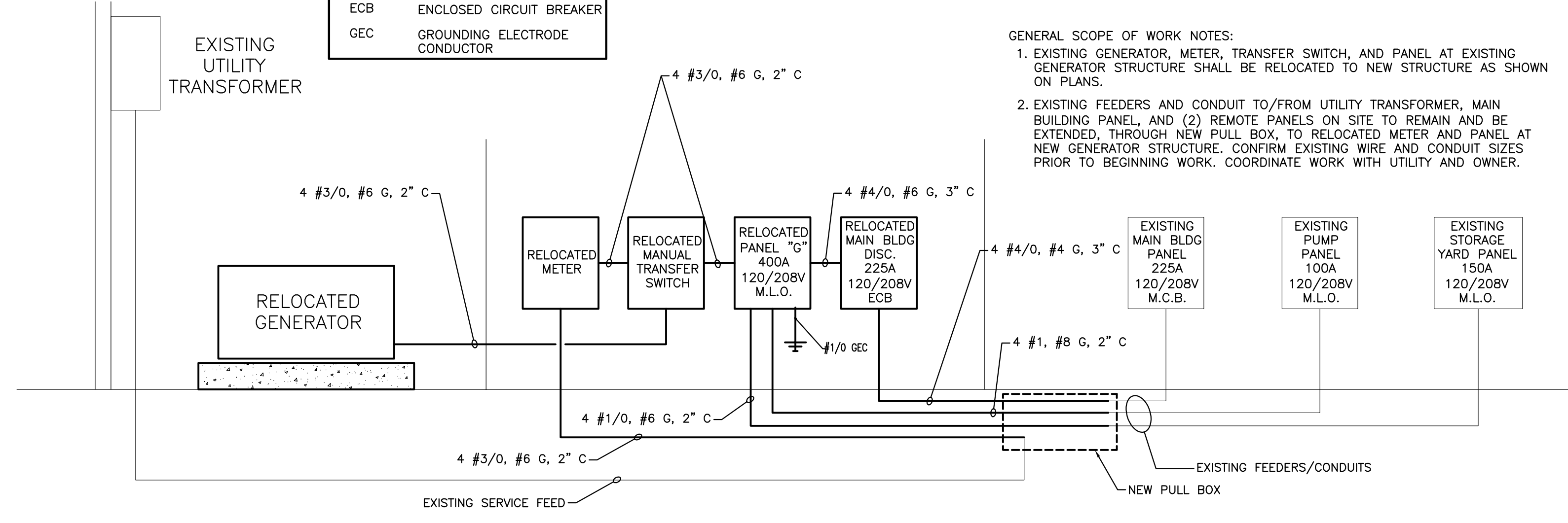
DRAWN BY: TDA  
CHECKED BY: TDA

ELECTRICAL  
LEAD SHEET



**GENERAL SCOPE OF WORK NOTES:**

- EXISTING GENERATOR, METER, TRANSFER SWITCH, AND PANEL AT EXISTING GENERATOR STRUCTURE SHALL BE RELOCATED TO NEW STRUCTURE AS SHOWN ON PLANS.
- EXISTING FEEDERS AND CONDUIT TO/FROM UTILITY TRANSFORMER, MAIN BUILDING PANEL, AND (2) REMOTE PANELS ON SITE TO REMAIN AND BE EXTENDED, THROUGH NEW PULL BOX, TO RELOCATED METER AND PANEL AT NEW GENERATOR STRUCTURE. CONFIRM EXISTING WIRE AND CONDUIT SIZES PRIOR TO BEGINNING WORK. COORDINATE WORK WITH UTILITY AND OWNER.



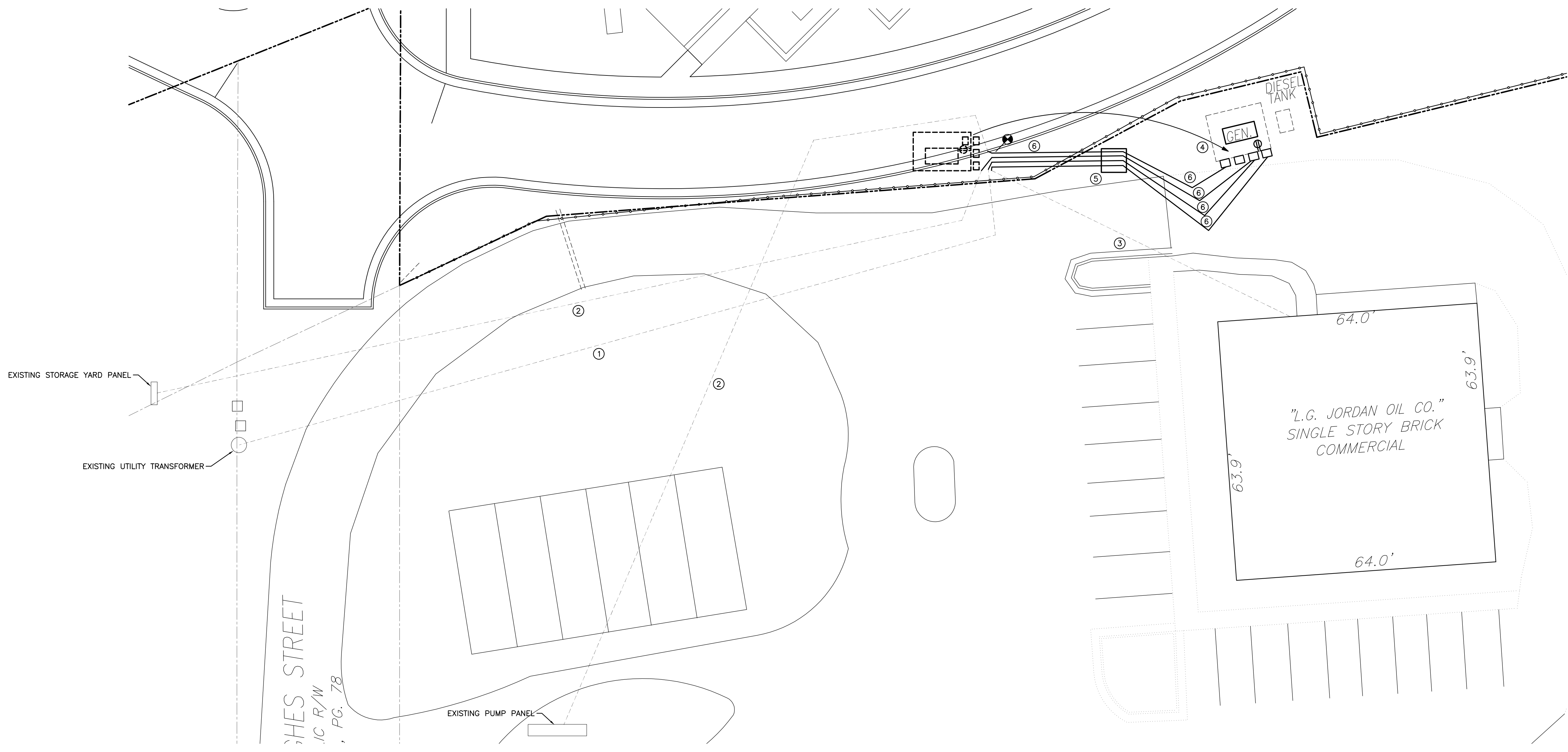
**GENERAL NOTES:**

- CONFIRM EXISTING CONDUIT/FEEDER LOCATIONS AND SIZES PRIOR TO BEGINNING WORK.
- COORDINATE ALL WORK WITH UTILITY, OWNER, AND CIVIL PLANS.
- PROPERTY LINE IS ASSUMED BASED ON LAYOUT OF ROADWAY AND FENCE LINE.

**NOTES:** (AS INDICATED ON THIS PLAN BY A NUMBER IN A ○)

- EXISTING UTILITY POWER FEED TO REMAIN.
- EXISTING FEED TO REMOTE PANEL TO REMAIN.
- EXISTING FEED TO MAIN BUILDING PANEL TO REMAIN.
- RELOCATE EXISTING GENERATOR, MANUAL TRANSFER SWITCH, UTILITY METER BASE, RECEPTACLE, AND PANELS TO NEW GENERATOR ENCLOSURE. FUEL TANK TO BE RELOCATED BY OTHERS. COORDINATE WITH OWNER AND CIVIL PLANS.
- PROVIDE NEW PULL BOX. ENSURE PULL BOX IS LOCATED FULLY WITHIN JORDAN OIL'S PROPERTY.
- EXTEND EXISTING CONDUIT AND WIRING FROM EXISTING GENERATOR LOCATION, THROUGH NEW PULL BOX, TO NEW GENERATOR ENCLOSURE. REUSE EXISTING CONDUCTORS WHERE POSSIBLE. SEE POWER RISER FOR MORE INFORMATION.

02 PARTIAL POWER RISER  
E1-01 NO SCALE



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Smith Sinnett Architecture, P.A. 2018

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APEX, NC 27502

ID	DATE	DESCRIPTION

DRAWN BY: PDC  
CHECKED BY: TDA  
SITE POWER PLAN

01 JORDAN OIL ELECTRICAL SITE PLAN  
E1-01 1" = 15'-0"

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

### Requested Motion

Motion to approve the Statement of the Apex Town Council pursuant to G.S. 160A-383 addressing action on the various Unified Development Ordinance (UDO) Amendments of May 5, 2020.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

### Attachments

- Statement of Town Council



## STATEMENT OF THE APEX TOWN COUNCIL PURSUANT TO G.S. 160A-383 ADDRESSING ACTION ON UNIFIED DEVELOPMENT ORDINANCE (UDO) AMENDMENTS OF MAY 5, 2020

Pursuant to G.S. §160A-384 and Sec. 2.2.11.E of the Unified Development Ordinance, the Planning Director for the Town of Apex, Dianne Khin, caused proper notice to be given (by publication and posting), of a public hearing on UDO Amendments before the Town Council on the 17<sup>th</sup> day of March 2020. The public hearing was continued to the 5<sup>th</sup> day of May 2020.

The Apex Town Council held a public hearing via remote participation pursuant to G.S. §166A-19.24 on the 5<sup>th</sup> day of May 2020. Amanda Bunce, Current Planning Manager, presented the Planning Board's vote to recommend approval with recommendations by a vote of 6-0 at the public hearing.

All persons who desired to present information relevant to the UDO Amendments and who were residents of Apex or its extraterritorial jurisdiction were allowed to present evidence prior to the public hearing and up to 24 hours after the close of the public hearing. No one who wanted to provide comment was turned away, and no written comments were submitted within 24 hours of the close of the public hearing.

The Town Council by a vote of 5 to 0 approved the Ordinance for UDO Amendments.

The Apex Town Council finds from information and testimony provided at the public hearing that the approval of the UDO Amendments of May 5, 2020 is consistent with the Advance Apex: The 2045 Plan and reasonable and in the public interest for the following reason(s):

1. The amendments to UDO Sec. 2.1.2.B *Planning Board, Membership* and 2.1.2.D *Quorum* accomplish the following:
  - a. increases the number of voting members to nine (9) in order to add a member residing outside of the corporate limit and ETJ and within the area covered by the 2045 Land Use Map;
  - b. adds a non-voting member who is a member of the Apex Historical Society in order to provide input on sites with historical significance;
  - c. provide new criteria for the composition of the Board in order to address residency requirements for the new members added;
  - d. reduces the number of members with special training or experience in planning, real estate development, architecture, landscape architecture, and the law from a majority to half in order to allow more people without such training to serve;
  - e. reduces the length of term to two (2) years in order for the terms to more closely align with the Council election cycle and increases the number of terms allowed to five (5) in order to add an additional year to the maximum length of service; and
  - f. removes the requirement for a public hearing when removing a Planning Board member in order to rely solely on the criteria for removal.
2. The amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* allow for members of said groups to receive compensation as authorized by the Town Council in the annual budget in order to encourage residents to apply to said groups who may not otherwise due to financial obligations.
3. The amendments to UDO Secs. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* add the use "Hotel or motel" to the Neighborhood

Business (B1) zoning district and update the supplemental standards by removing antiquated standards currently applicable in all districts and adding new standards applicable only in the B1 and B2 districts that ensure the use's compatibility with others in those districts.

4. The amendments to UDO Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* removes references to the Planning Board that are no longer applicable based on past amendments to the subdivision process and makes minor formatting changes.

---

Jacques K. Gilbert  
Mayor

ATTEST:

---

Donna B. Hosch, MMC, NCCMC  
Town Clerk

---

Date

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Russell H. Dalton, PE, Senior Transportation Engineer

Department(s): Public Works & Transportation, Police, and Fire

### Requested Motion

Motion to approve an Ordinance amending Section 20-164 with the addition of subsection (37) to enforce a No Parking restriction along both sides of both directions of Great Lawn Road and along both sides of Sunflower Road.

### Approval Recommended?

Yes

### Item Details

PW&T Transportation staff were contacted by Fire Department concerning parking along Great Lawn Road in Smith Farm. From Deputy Fire Marshal David Dillon: "Per a request from Lennar I conducted a site visit today to put eyes on a parking issue, the residents on Great Lawn between Richardson and Farmhouse are parking in front of their homes rather than on the alleys designed for rear loading. I measured 9.5' of clearance between the parked car and edge of pavement, a fire apparatus would not have clearance without trying to onboard the curb and landscaping, during aerial firefighting the ladder trucks would not be able to deploy outriggers. Lennar is requesting the Town consider making Great Lawn a no parking area, I agree with the request." In addition, PW&T Transportation staff identified a similar geometric issue for the narrow one-way loop of Sunflower Road around a large median, and based on the aforementioned request also recommend the same parking restriction on Sunflower Road. Those homes are also served by an alley. Staff recommend the posting of signs as shown in the attached map.

### Attachments





- Ordinance 20-164(37)
- Map of proposed "No Parking Both Sides of Street"



**ORDINANCE NO. 2020-**

**AN ORDINANCE TO AMEND SECTION 20-164 OF THE CODE OF ORDINANCES OF THE TOWN OF APEX**

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

**Section 1.** Section 20-164 of the Code of Ordinances of the Town of Apex is hereby amended to add subsection (37) as follows:

**Sec. 20-164. - No parking zones.**

(37) Along both sides of both directions of Great Lawn Road and along both sides of Sunflower Road.

**Section 2.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any part of this ordinance shall be adjudged invalid, such adjudication shall apply only to such part so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**Section 3.** This ordinance shall be effective on the 19<sup>th</sup> day May 2020.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX, NORTH CAROLINA

\_\_\_\_\_  
Donna B. Hosch, CMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe,  
Town Attorney

**Town of Apex Ord 20-164 (37) Proposed:**

**Smith Farm “No Parking” Great Lawn Rd & Sunflower Rd – May 2020**



**Yellow dots signify “No Parking Both Sides of Street” signs to be posted on Great Lawn Road and on Sunflower Road upon entering the street.**

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Laurie Hohe, Town Attorney

Department(s): Town Attorney

### Requested Motion

Motion to repeal the Remote Participation Policy for Meetings of the Apex Town Council adopted on March 17, 2020.

### Approval Recommended?

Yes

### Item Details

The Town Council adopted a Remote Participation Policy to allow council members to participate in meetings of the Town Council using video meeting and/or telephonic platforms. On May 4, 2020, Session Law 2020-3 (Senate Bill 704) was signed into law enabling remote meetings during a state of emergency and providing detailed procedures to be followed when meeting remotely. Due to the enactment of Session Law 2020-3, the Council's Remote Participation Policy is no longer necessary. When meeting remotely, the Council will follow the provisions of Session Law 2020-3.

### Attachments

- Remote Participation Policy



## **REMOTE PARTICIPATION POLICY FOR MEETINGS OF THE APEX TOWN COUNCIL**

Members of the Apex Town Council (Council), may remotely participate in briefings and official meetings of the Council, subject to the following rules and procedures:

1. Remote participation may be used only in limited circumstances. A Councilmember desiring to participate in a meeting remotely must assert one or more of the following reasons for being physically unable to attend the meeting:
  - i. Personal illness or disability;
  - ii. Employment purposes; or
  - iii. Family or other emergency.
2. Remote participation may be allowed only during open sessions when a quorum of the Council is physically present at the meeting and the Councilmember participating remotely is not necessary to establish a quorum.
3. Remote participation shall not be allowed during the following:
  - a. Quasi-judicial hearings; and
  - b. Closed sessions.
4. A Councilmember desiring to participate in a meeting remotely must notify the Clerk of the need for remote participation and request approval by the Mayor of his/her remote participation at least 24 hours prior to the start of the meeting, unless advance notice is impractical.
5. At the start of the official meeting and prior to participating in deliberations, the Mayor shall announce that a Councilmember is participating remotely. Such Councilmember shall identify himself or herself and state the reason that he/she is participating remotely.
6. A Councilmember participating remotely shall be allowed to participate in all open session Council-briefing discussions and open session official Council meeting discussions with the exception of quasi-judicial hearings. A Councilmember participating remotely shall be able to vote on matters allowed under the policy.
7. A Councilmember participating remotely shall be provided with all documents to be considered during the briefing session and the official meeting.
8. A Councilmember participating remotely shall participate via simultaneous and/or electronic communication and must be fully heard and if possible seen by other members of the Council and any other individuals in attendance at the official meeting. Use of telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another is necessary. If clear audio is not available, the Mayor may elect to disallow or discontinue the remote participation.
9. A Councilmember participating remotely shall provide a voice vote which can be heard and recorded if participating by telephone and shall provide a voice and hand vote if participating by video.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 2020.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Drew Havens, Town Manager

Department(s): Economic Development

### Requested Motion

Motion to approve amending the current Apex Farmers Market Special Event Permit to allow for drive-thru pickup along Seaboard Street on Saturday, May 16, 23, and 30, and June 6, 13, 20, and 27, and Friday, July 3, to close marked parking spaces along the east side of Seaboard Street from 8:00 a.m. until 1:00 p.m. these days.

### Approval Recommended?

Yes

### Item Details

The Apex Farmers Market and ADBA created a drive-thru farmers' market along Seaboard Street for the Feed Apex program and operated this successfully on May 2<sup>nd</sup> and 9<sup>th</sup>. The Farmers' Market created an online store where customers can pre-order their items for pick-up. Then on Saturday mornings between 9:00am-1:00pm customers are able to drive-up and pick-up their orders from vendors in a contact free transaction. This new drive-thru is in place of the typical Apex Farmer's Market on the dates noted. Additional dates may be added should current COVID-19 restrictions limit the full market's return.

### Attachments

- Photo/Map Location of event space





Item Type: CONSENT AGENDA

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Jenna Shouse, Long Range Planner

Department(s): Planning and Community Development

### Requested Motion

Motion to temporarily dedicate and mark eight existing on-street parking spaces along Hunter Street to serve as a bus layover location for GoApex Route 1 beginning in March 2021.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

### Item Details

The purpose of this motion is to provide a dedicated space for the bus serving GoApex Route 1 to park during layover periods. A layover location is needed for approximately 10 minutes during every transit hour of operation to provide the bus operator an opportunity for a brief break. The Hunter Street parking spaces are anticipated to be a temporary layover location until the Inspections Facility on N Mason Street is complete. GoApex Route 1 is planned to operate Monday through Saturday from 6:00am-10:00pm. Eight on-street parking spaces along Hunter Street, fronting Town Campus, would be used as a layover location. These parking spaces would be marked as GoApex Bus Only to ensure that this space is always available for the bus. The layover location was selected as it meets the safety and operational needs identified by GoCary, the anticipated operator of GoApex Route 1, and is located in close proximity to the transit route as well as Town facility restrooms.

### Attachments





- GoApex Bus Layover



# GoApex Bus Layover

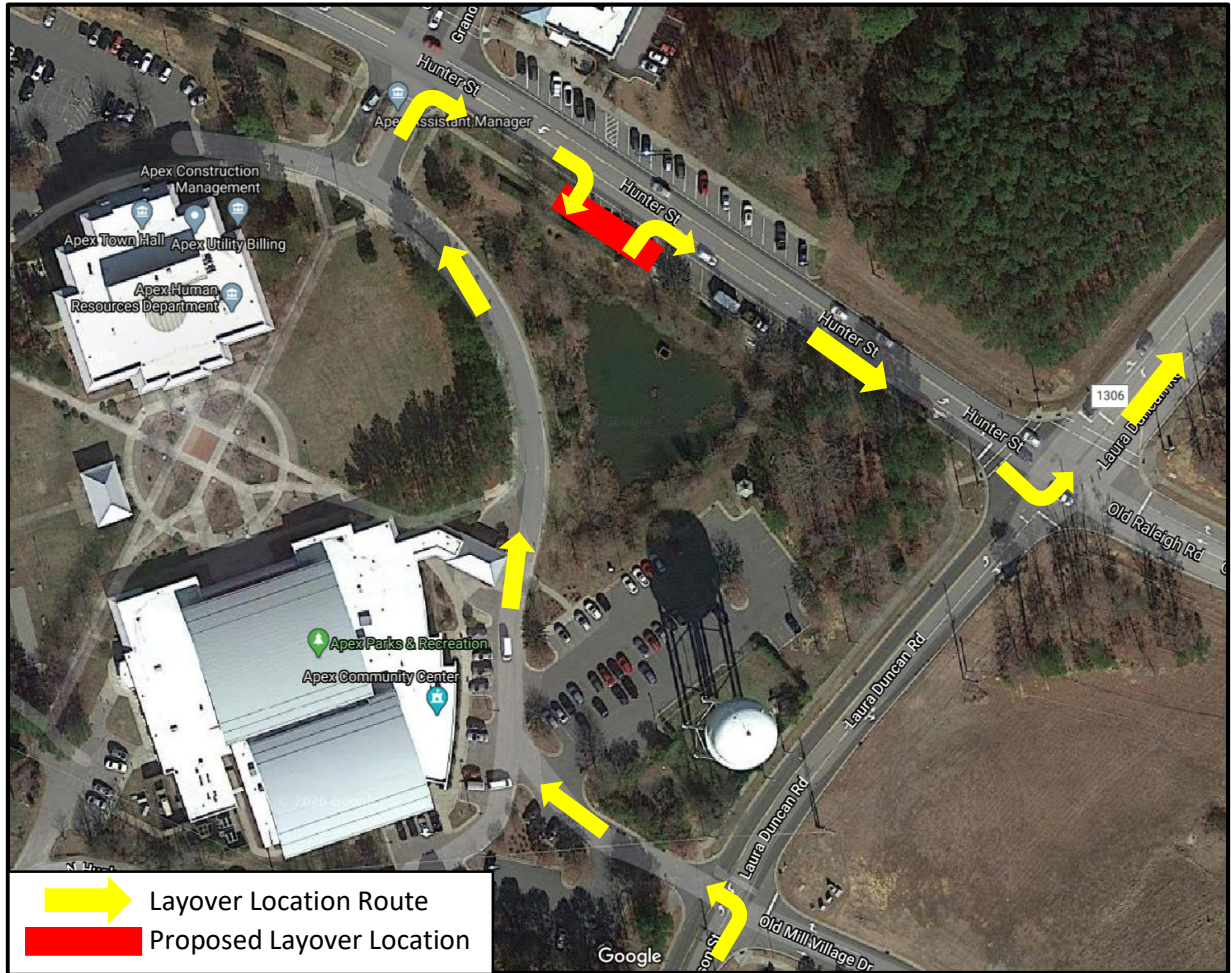


Figure 1. Proposed Bus Layover – Routing

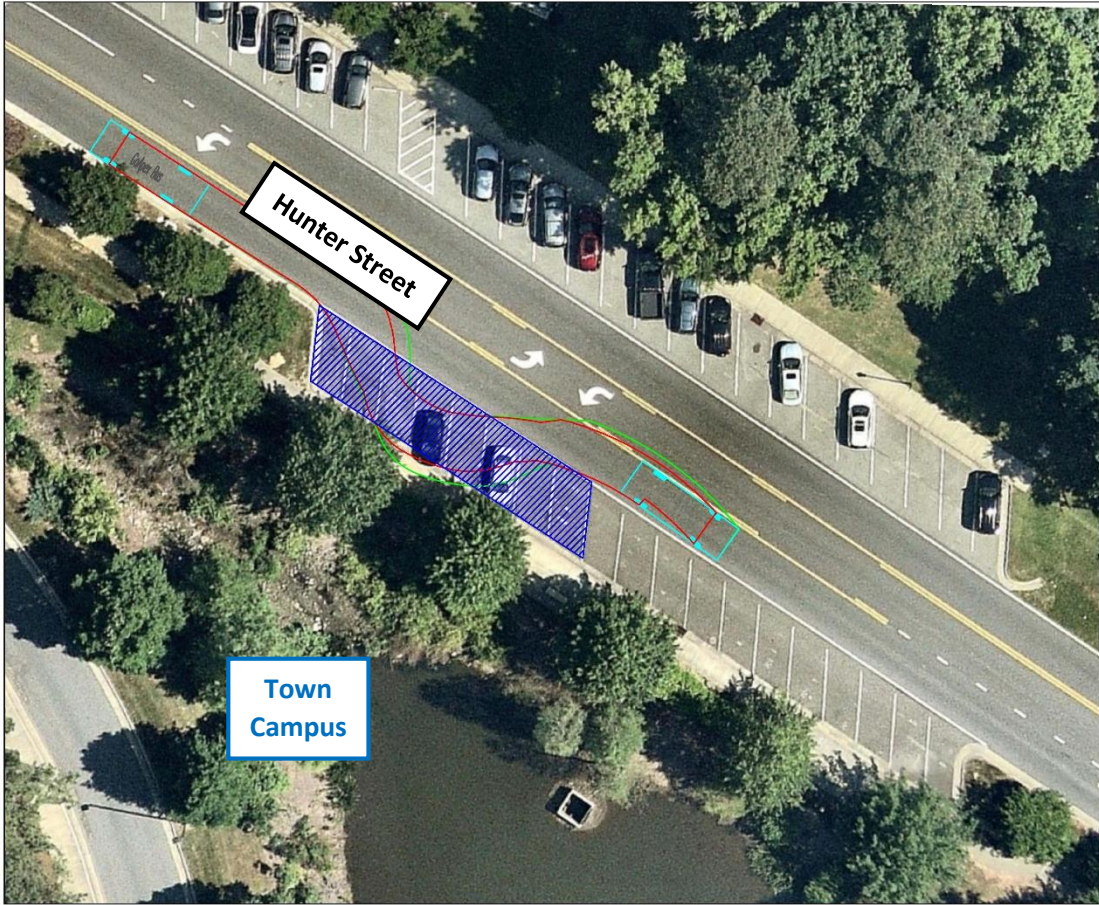


Figure 2. Proposed Bus Layover – Parking Impacts

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Dianne Khin, Director

Department(s): Planning and Community Development

### Requested Motion

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex 1800 N Salem, LLC property containing 1.97 acres located at 1800 N Salem Street, Annexation #688 into the Town's corporate limits.

### Approval Recommended?

Yes, by the Planning and Community Development Department.

### Item Details

The Town Clerk certifies to the investigation of said annexation.

### Attachments

- Annexation Ordinance
- Annexation Petition
- Legal Description
- Preliminary Plat





TOWN OF APEX, NORTH CAROLINA  
Municipality No. 333

After recording, please return to:  
Donna Hosch, MMC, NCCMC, Town Clerk  
Town of Apex  
P.O. Box 250  
Apex, NC 27502

ORDINANCE NO. 2020-0519-14  
ANNEXATION PETITION NO. #688  
1800 N. Salem LLC

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS  
OF THE TOWN OF APEX, NORTH CAROLINA  
P.O. Box 250, Apex, North Carolina 27502

WHEREAS, the Apex Town Council has been petitioned under G.S.§160A-58.1, as amended, to annex the area described herein; and

WHEREAS, the Apex Town Council has by Resolution directed the Town Clerk to investigate the sufficiency of said petition; and

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at Apex Town Hall at 6:00 p.m. on May 19, 2020, after due notice by posting to the Town of Apex website, <http://www.apexnc.org/news/public-notices-legal-ads>; and

WHEREAS, the Apex Town Council does hereby find as a fact that said petition meets the requirements of G.S.§160A-58.1, as amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Apex, North Carolina:

Section 1. By virtue of the authority granted by G.S.§160A-58.1, as amended, the territory described in the attached property description and also shown as "Annexation Area" on the below identified survey plat is hereby annexed and made part of the Town of Apex, North Carolina, as of the date of adoption of this Ordinance on May 19, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "1800 N. Salem Street, Satellite Annexation Map, Town of Apex, Wake County, North Carolina" McAdams (surveyors), dated April 6, 2020" and recorded in Book of Maps book number 2020 and page number [REDACTED], Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the territory described herein and its citizens and property shall be subject to all debts, laws, ordinances and regulations in force in the Town of Apex, North Carolina, and shall be entitled to the same privileges and benefits as other parts of the Town of Apex. Said territory shall be subject to municipal taxes according to G.S.§160A-58.10, as amended.

Section 3. The Clerk of the Town of Apex, North Carolina shall cause to be recorded in the Office of the Register of Deeds of Wake County and in the Office of the Secretary of State at Raleigh, North Carolina and in the Office of the Wake County Board of Elections an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of this Ordinance.

Adopted this the 19<sup>th</sup> day of May 2020.

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

Legal Description

BEGINNING AT AN IRON PIPE, ON THE SOUTHERN RIGHT OF WAY OF NORTH SALEM STREET, THE NORTHEAST CORNER OF THE LOT SHOWN ON BOOK OF MAPS 2008 PAGE 1891 OF THE WAKE COUNTY REGISTRY; THENCE LEAVING SAID RIGHT OF WAY SOUTH 00°11'06" EAST A DISTANCE OF 571.26 FEET TO AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF U.S. HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY NORTH 54°24'01" WEST A DISTANCE OF 60.84 FEET TO AN IRON PIPE; THENCE NORTH 45°18'57" WEST A DISTANCE OF 88.78 FEET TO AN IRON PIPE; THENCE NORTH 30°20'09" WEST A DISTANCE OF 90.36 FEET TO A CONCRETE MONUMENT; THENCE NORTH 24°44'50" WEST A DISTANCE OF 215.25 FEET TO AN IRON PIPE; THENCE NORTH 18°32'24" EAST A DISTANCE OF 61.44 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF NORTH SALEM STREET; THENCE WITH SAID RIGHT OF WAY NORTH 58°01'23" EAST A DISTANCE OF 267.55 FEET TO THE POINT OF BEGINNING; CONTAINING 85,943 SQUARE FEET OR 1.97 ACRES.

STATE OF NORTH CAROLINA

COUNTY OF WAKE

CLERK'S CERTIFICATION

I, Donna B. Hosch, MMC, NCCMC, Town Clerk, Town of Apex, North Carolina, do hereby certify the foregoing is a true and correct copy of Annexation Ordinance No. 2020-0519-14, adopted at a meeting of the Town Council, on the 19<sup>th</sup> day of May 2020, the original of which will be on file in the Office of the Town Clerk of Apex, North Carolina.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Apex, North Carolina, this the 19th day of May 2020.

---

Donna B. Hosch, MMC, NCCMC  
Town Clerk

(SEAL)

## PETITION FOR VOLUNTARY ANNEXATION

This document is a public record under the North Carolina Public Records Act and may be published on the Town's website or disclosed to third parties.

Application #: \_\_\_\_\_ Submittal Date: \_\_\_\_\_  
Fee Paid \$ \_\_\_\_\_ Check # \_\_\_\_\_

### TO THE TOWN COUNCIL APEX, NORTH CAROLINA

1. We, the undersigned owners of real property, respectfully request that the area described in Part 4 below be annexed to the Town of Apex, Wake County, North Carolina.
2. The area to be annexed is  contiguous,  non-contiguous (satellite) to the Town of Apex, North Carolina and the boundaries are as contained in the metes and bounds description attached hereto.
3. If contiguous, this annexation will include all intervening rights-of-way for streets, railroads and other areas as stated in G.S. 160A-31(f), unless otherwise stated in the annexation amendment.

### Owner Information

1800 N Salem LLC Owner Name (Please Print)	0742-58-9083 Property PIN or Deed Book & Page #
919-606-2983 Phone	frank@monumentpg.com E-mail Address
_____ Owner Name (Please Print)	_____ Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address
_____ Owner Name (Please Print)	_____ Property PIN or Deed Book & Page #
_____ Phone	_____ E-mail Address

### Surveyor Information

Surveyor: McAdams (contact: Ronald Frederick, PLS)  
Phone: 919-361-5000 Fax: \_\_\_\_\_  
E-mail Address: mills@mcadamsco.com; frederick@mcadamsco.com

### Annexation Summary Chart

Property Information		Reason(s) for annexation (select all that apply)	
Total Acreage to be annexed:	<u>1.97 ac</u>	Need water service due to well failure	<input type="checkbox"/>
Population of acreage to be annexed:	<u>0</u>	Need sewer service due to septic system failure	<input type="checkbox"/>
Existing # of housing units:	<u>0</u>	Water service (new construction)	<input type="checkbox"/>
Proposed # of housing units:	<u>0</u>	Sewer service (new construction)	<input type="checkbox"/>
Zoning District*:	<u>LI-CU</u>	Receive Town Services	<input checked="" type="checkbox"/>

\*If the property to be annexed is not within the Town of Apex's Extraterritorial Jurisdiction, the applicant must also submit a rezoning application with the petition for voluntary annexation to establish an Apex zoning designation. Please contact the Planning Department at 919-249-3426 for questions.



**PETITION FOR VOLUNTARY ANNEXATION**

Application #: \_\_\_\_\_

Submittal Date: \_\_\_\_\_

**COMPLETE IF IN A LIMITED LIABILITY COMPANY**

In witness whereof, 1800 North Salem, LLC a limited liability company, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the 7<sup>th</sup> day of APRIL, 2020.

Name of Limited Liability Company 1800 N SALEM, LLC

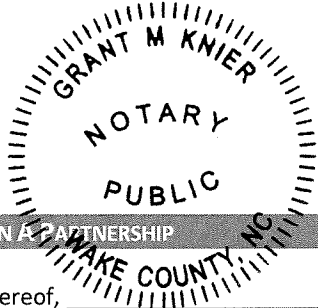
By: [Signature]  
Signature of Member/Manager

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, Grant M. Knier, a Notary Public for the above State and County, this the 7<sup>th</sup> day of April, 2020.

[Signature]  
Notary Public

SEAL



My Commission Expires: May 05, 2024

**COMPLETE IF IN A PARTNERSHIP**

In witness whereof, \_\_\_\_\_, a partnership, caused this instrument to be executed in its name by a member/manager pursuant to authority duly given, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Name of Partnership \_\_\_\_\_

By: \_\_\_\_\_  
Signature of General Partner

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

Sworn and subscribed before me, \_\_\_\_\_, a Notary Public for the above State and County, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

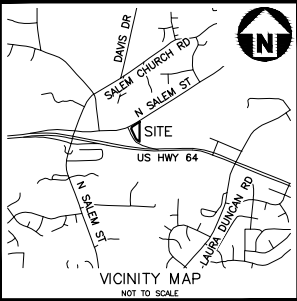
\_\_\_\_\_  
Notary Public

SEAL

My Commission Expires: \_\_\_\_\_

1800 N. SALEM ST.

BEGINNING AT AN IRON PIPE, ON THE SOUTHERN RIGHT OF WAY OF NORTH SALEM STREET, THE NORTHEAST CORNER OF THE LOT SHOWN ON BOOK OF MAPS 2008 PAGE 1891 OF THE WAKE COUNTY REGISTRY; THENCE LEAVING SAID RIGHT OF WAY SOUTH 00°11'06" EAST A DISTANCE OF 571.26 FEET TO AN IRON PIPE ON THE NORTHERN RIGHT OF WAY OF U.S. HIGHWAY 64; THENCE WITH SAID RIGHT OF WAY NORTH 54°24'01" WEST A DISTANCE OF 60.84 FEET TO AN IRON PIPE; THENCE NORTH 45°18'57" WEST A DISTANCE OF 88.78 FEET TO AN IRON PIPE; THENCE NORTH 30°20'09" WEST A DISTANCE OF 90.36 FEET TO A CONCRETE MONUMENT; THENCE NORTH 24°44'50" WEST A DISTANCE OF 215.25 FEET TO AN IRON PIPE; THENCE NORTH 18°32'24" EAST A DISTANCE OF 61.44 FEET TO AN IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF NORTH SALEM STREET; THENCE WITH SAID RIGHT OF WAY NORTH 58°01'23" EAST A DISTANCE OF 267.55 FEET TO THE POINT OF BEGINNING; CONTAINING 85,943 SQUARE FEET OR 1.97 ACRES.



I, RONALD T. FREDERICK, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION FROM DEED DESCRIPTION RECORDED IN BOOK AND PAGE (AS SHOWN); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AND DRAWN FROM INFORMATION FOUND IN BOOK AND PAGE (AS SHOWN); THAT THE RATIO OF PRECISION AS CALCULATED IS 1:22,000; AND THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.



I HEREBY CERTIFY THAT THIS PLAT IS OF THE FOLLOWING TYPE: G.S. 47-30 (0)(1)(a). THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY, OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER, AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D. 20\_\_\_\_

RONALD T. FREDERICK PLS L-4720

**PRELIMINARY PLAT  
NOT FOR RECORDATION  
CONVEYANCES OR SALES**



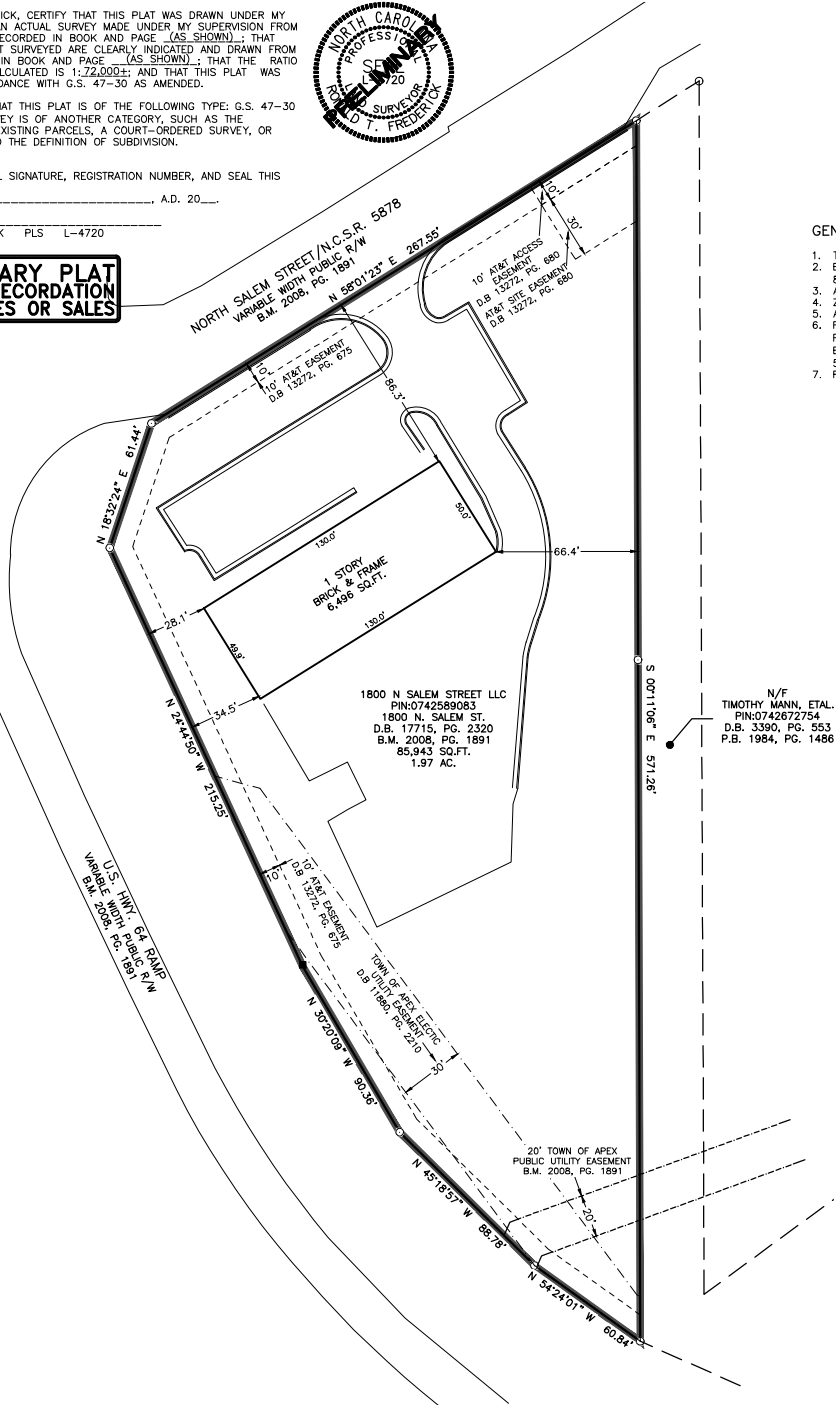
The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713  
phone 919. 361. 5000  
fax 919. 361. 2269  
license number: C-0293, C-187  
www.mcadamsco.com

**CLIENT**  
MONUMENT PROPERTY GROUP, LLC  
140 CRESCENT GREEN DRIVE  
SUITE 212  
CARY, NC 27518

**CERTIFICATE OF ANNEXATION**

ANNEXATION # \_\_\_\_\_  
I, DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK, APEX, NORTH CAROLINA, CERTIFY THIS A TRUE AND EXACT MAP OF ANNEXATION ADOPTED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ BY THE TOWN COUNCIL. I SET MY HAND AND SEAL OF THE TOWN OF APEX, \_\_\_\_\_ DAY/MONTH/YEAR  
DONNA B. HOSCH, MMC, NCCMC, TOWN CLERK

**AREA OF ANNEXATION  
1.97 ACRES+**

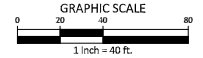


**GENERAL NOTES:**

1. THIS IS A SATELLITE ANNEXATION PLAT.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NC GRID NAD 83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: LI-CU
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "X" AS DEFINED BY F.E.M.A F.I.R.M COMMUNITY PANEL #3720074200J DATED 5/2/2006.
7. REFERENCES: AS SHOWN

**LEGEND**

■	CONCRETE MONUMENT
○	EXISTING IRON PIPE
—	AREA OF ANNEXATION
—	PROPERTY LINE
- - - - -	PUBLIC UTILITY EASEMENT
- - - - -	ELECTRIC UTILITY EASEMENT
- - - - -	COMMUNICATION EASEMENT



**REVISIONS**

NO.	DATE
1	...
2	...

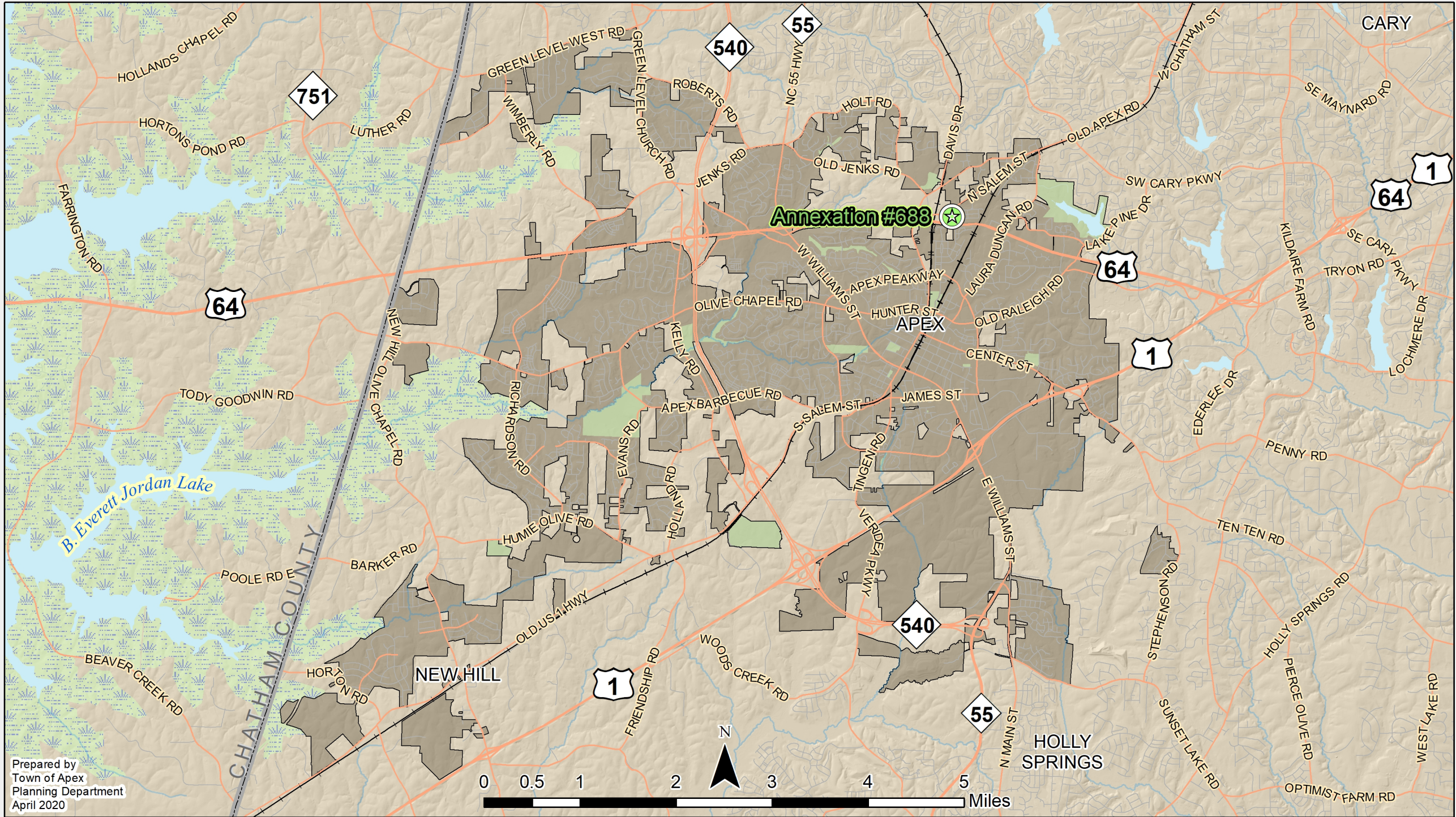
**PLAN INFORMATION**

PROJECT NO. SPEC-19280  
FILENAME SPEC19280-A1  
CHECKED BY RTF  
DRAWN BY DJM  
SCALE 1"=40'  
DATE 04/06/2020  
**SHEET**

**1800 N. SALEM STREET  
SATELLITE ANNEXATION PLAT**  
TOWN OF APEX, WAKE COUNTY, NORTH CAROLINA

**1-1**

X:\Projects\SPEC\2019\SPEC-19280\02\_Geomata\02\_Survey\Exhibits\Survey\19280-A1.dwg, 4/14/2020 10:01:52 AM, Mills, David



Prepared by  
Town of Apex  
Planning Department  
April 2020

**Annexation #688**



Old Jenks Rd

N Salem St

N Salem St To Us 64 Ramp Eb

64

US 64 Hwy W

Us 64 To N Salem St Ramp

Windy Rd

Amley Pl

Danvers Loop

Townes at North Salem

Larabee Ln

Grafton Peak Ln

Lathrop Ln

The Enclave at Trackside

Bell Apex





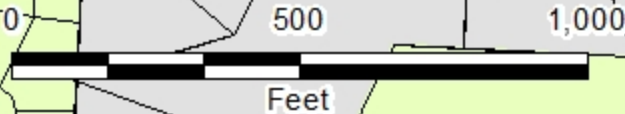
**Annexation #688**

**Apex  
ETJ**

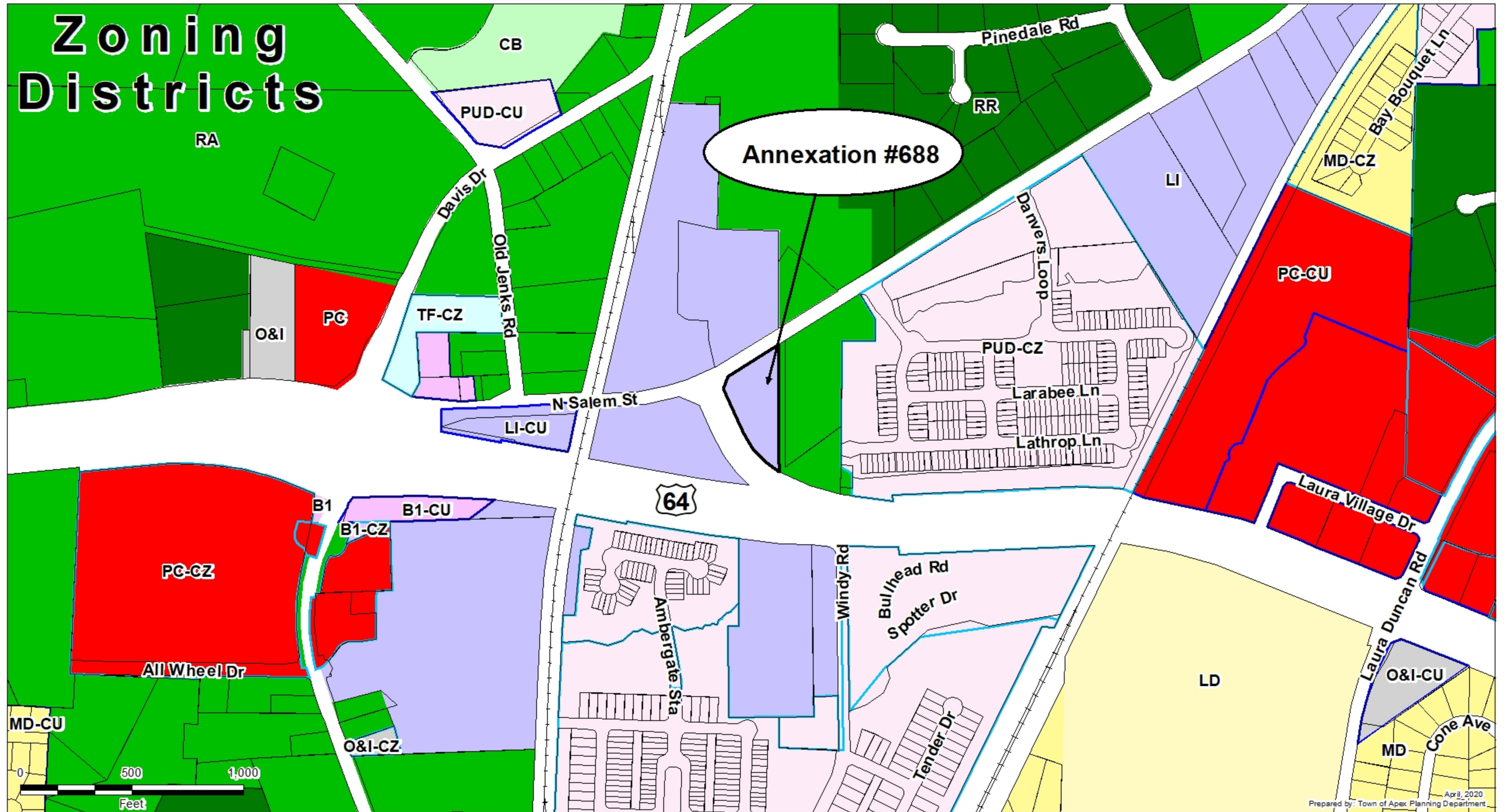
**Apex  
Corporate  
Limits**

**64**

US 64 Hwy W



# Zoning Districts



Annexation #688

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Shannon Cox, Long Range Planning Manager

Department(s): Planning and Community Development

### Requested Motion

Public hearing and possible motion regarding an amendment to the Bicycle, Pedestrian, and Equestrian Plan map of the Comprehensive Transportation Plan; the Bike Network map of the Comprehensive Bicycle Plan; and the Parks, Recreation, Greenways, and Open Space Master Plan map.

### Approval Recommended?

The Planning and Community Development Department and Parks, Recreation, and Cultural Resources Department recommend approval.

The Planning Board considered the amendment at their May 11, 2020 meeting and unanimously recommended approval.

### Item Details

The purpose of this hearing is to consider consolidating bicycle and pedestrian network recommendations currently maintained on three separate maps on one Bicycle and Pedestrian System Plan map. No substantive changes are proposed with this amendment.

### Attachments

- Staff report





# STAFF REPORT

## Transportation Plan Amendment

May 19, 2020 Town Council Meeting



The purpose of the public hearing is to consider the facts in order to formulate a decision. The Bicycle, Pedestrian, and Equestrian Plan map of Advance Apex: The 2045 Comprehensive Transportation Plan; the Comprehensive Bike Network map of Bike Apex: The Comprehensive Bicycle Plan; and the Parks, Recreation, Greenways, and Open Space Master Plan map represent a network of current and future facilities that provide guidance on what is likely to be suitable for long term growth. The plans do not require a schedule for implementation nor do they set aside funding for improvements. Instead, the plans help the Town establish long term priorities. The three maps were last amended in September 2019.

### **Proposed Amendment:**

The proposed amendment does not involve any substantive changes to the planned bicycle and pedestrian network; rather, it would consolidate recommendations currently maintained on three separate maps on one Bicycle and Pedestrian System Plan map. This will result in an overall system plan that is more transparent to all stakeholders and more efficiently and effectively maintained by staff.

The Department of Planning and Community Development maintains the Bicycle, Pedestrian, and Equestrian Plan map and the Bike Network map. Any changes to these maps are brought forward to the Planning Board and Town Council for consideration in a public hearing setting. The Parks and Recreation Department maintains the Parks, Recreation, Greenways and Open Space Master Plan map. Changes to this map are brought forward to the Parks, Recreation and Cultural Resources Advisory Commission for consideration. In September 2019, amendments to the three maps were approved so that they currently all reflect the same existing and proposed bicycle and pedestrian system facilities. While new maps and recommendations may result from future planning processes, the proposed Bicycle and Pedestrian System Plan map is proposed to serve as the “living” document, maintained and updated in cooperation by both departments, and referenced in coordination with citizens, developers, regional agencies, and other stakeholders.

The proposed Bicycle and Pedestrian System Plan map is available for viewing online at <https://www.apexnc.org/DocumentCenter/View/31442/>. Some of the features and improvements include:

- Reference links to the three planning processes that inform the system plan map;
- Improved labeling of existing and proposed greenways, bicycle routes, places, and roadways
- Updated color scheme;
- Updated symbols that clearly distinguish facility types;
- Inclusion of future thoroughfares and collector streets to provide context for on-road recommendations; and,
- Inclusion of parcel lines to provide location-based reference for recommendations.

### **Planning Board Recommendation:**

The Planning Board considered the amendment at their May 11, 2020 meeting and unanimously recommended approval.

### **Parks and Recreation Advisory Commission Recommendation:**

The Parks and Recreation Advisory Commission will not meet until after the Town Council public hearing. The Bicycle and Pedestrian System Plan map will be presented for information during their next meeting.

### **Staff Recommendation:**

Planning and Community Development staff and Parks and Recreation staff recommend approval of the proposed amendment.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

### Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board heard these amendments at their May 11, 2020 meeting and unanimously recommended approval.

### Item Details

Summary of UDO amendments requested by Planning staff:

1. Amendments to Sec. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.
2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.
3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use "Manufacturing and processing, minor". Supplemental standards do not exist for that use.

### Attachments

- Staff Report
- Ordinance



AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

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

**Section 1. Section 2.3.5.C of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

2.3.5 Special Use

...

C) *Procedures*

...

2) *Town Council Quasi-judicial Hearing Procedures*

...

d) At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, ~~the recommendation of the Planning Board~~, the testimony and/or evidence submitted by the applicant, and any testimony and/or evidence submitted by other persons.

**Section 2. Section 3.2 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

3.2 Zoning Districts Established

In order to carry out and implement the purpose and intent of this Ordinance, the following ~~thirty-eight (38)~~ **39** zoning districts are hereby established:

...

3.2.9 Overlay Districts

- A) *Watershed Protection Overlay Districts; and*
- B) *Flood Damage Prevention Overlay District; and*
- C) *Small Town Character Overlay District.*

**Section 3. Section 4.2.2 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:**

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																				Section(s)		
		Residential								Business					Planned Development			Other			Standards			
		R A	R R	L D	M D	H D S F	H D M F	M H P	M O R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D			S T C	
Production																								
Manufacturing and processing, minor	4.3.6.B.11														P	P						*	*	4.4.6.B.6

**Section 4.** The Planning Director 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 5.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

**Section 6.** The ordinance shall be effective upon enactment on the \_\_\_\_\_ day of May 2020.

Introduced by Council Member \_\_\_\_\_

Seconded by Council Member \_\_\_\_\_

Attest:

TOWN OF APEX

\_\_\_\_\_  
Donna Hosch, MMC, NCCMC  
Town Clerk

\_\_\_\_\_  
Jacques K. Gilbert  
Mayor

Approved As To Form:

\_\_\_\_\_  
Laurie L. Hohe  
Town Attorney

# STAFF REPORT

## Amendments to the Unified Development Ordinance

May 19, 2020 Town Council Meeting



### Requested by Planning Staff:

#### 1. Amendments to Sec. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.

##### 2.3.5 Special Use

...

##### C) *Procedures*

...

##### 2) *Town Council Quasi-judicial Hearing Procedures*

...

- d) At the public hearing, the Town Council shall consider the application, the relevant support materials, the Staff Report, ~~the recommendation of the Planning Board,~~ the testimony and/or evidence submitted by the applicant, and any testimony and/or evidence submitted by other persons.

#### 2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.

##### 3.2 Zoning Districts Established

In order to carry out and implement the purpose and intent of this Ordinance, the following ~~thirty-eight (38)~~ 39 zoning districts are hereby established:

...

##### 3.2.9 Overlay Districts

- A) *Watershed Protection Overlay Districts; and*
- B) *Flood Damage Prevention Overlay District; and*
- C) *Small Town Character Overlay District.*

3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use “Manufacturing and processing, minor”. Supplemental standards do not exist for that use.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																Standards					
		Residential						Business						Planned Development			Other						
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C		T N D	P U D	C B	S D	S T C
Production																							
Manufacturing and processing, minor	4.3.6.B.11													P	P						*	*	4.4.6.B.6

**PLANNING STAFF RECOMMENDATION:**

Planning staff recommends approval of the proposed UDO amendments.

**PLANNING BOARD RECOMMENDATION:**

The Planning Board heard these amendments at their May 11, 2020 meeting and unanimously recommended approval.

# PLANNING BOARD REPORT TO TOWN COUNCIL

## Unified Development Ordinance Amendments

May 11, 2020 Planning Board Meeting



### Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

### Planning Board Recommendation:

Motion: Motion to approve UDO amendments as proposed.

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Introduced by Planning Board member: Tina Sherman

Seconded by Planning Board member: Reginald Skinner

- Approval of the proposed UDO amendment(s)  
 Approval of the proposed UDO amendment(s) with the following conditions:

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- Denial of the proposed UDO amendment(s)

With 7 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

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This report reflects the recommendation of the Planning Board, this the 11th day of May 2020.

Attest:

**Michael Marks** Digitally signed by Michael Marks  
Date: 2020.05.12 11:45:34 -04'00'

Michael Marks, Planning Board Chair

**Dianne Khin** Digitally signed by Dianne Khin  
Date: 2020.05.11 17:53:16 -04'00'

Dianne Khin, Planning Director



**TOWN OF APEX**  
 POST OFFICE BOX 250  
 APEX, NORTH CAROLINA 27502  
 PHONE 919-249-3426

**PUBLIC NOTIFICATION  
 OF PUBLIC HEARING**

**AMENDMENTS TO THE  
 UNIFIED DEVELOPMENT  
 ORDINANCE (UDO)**

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

**Requested by Planning Staff:**

1. Amendments to Sec. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.
2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.
3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use "Manufacturing and processing, minor". Supplemental standards do not exist for that use.

**Special Notice regarding Public Hearing Participation Related to the COVID-19 Pandemic:**

At the time of publication of this notice, it is not known whether the Apex Town Hall will be open for in-person participation in the public hearings. Please visit <https://www.apexnc.org/calendar.aspx> prior to the public hearing date to determine whether comments will be accepted remotely or in-person. Both methods are summarized below.

**Town Council Public Hearing Date and Time: May 19, 2020 6:00 PM**

<b>To Participate in a Remote Meeting:</b>	<b>To Participate in an In-Person Meeting (if available):</b>
<p>View the meeting through the Town’s YouTube livestream at: <a href="https://www.youtube.com/c/townofapexgov">https://www.youtube.com/c/townofapexgov</a>.</p> <p>Meeting presentation materials will be posted at <a href="http://www.apexnc.org/182">http://www.apexnc.org/182</a> the day of the meeting.</p> <p>Share comments by noon on Monday, May 18, 2020, following instructions in the <a href="#">Remote Participation policy</a>. The policy includes options to provide comments by email (<a href="mailto:public.hearing@apexnc.org">public.hearing@apexnc.org</a>, 350-word limit) or voicemail (919-372-7300, 3-minute limit).</p>	<p>Apex Town Hall            73 Hunter Street, Apex, North Carolina            Council Chambers, 2<sup>nd</sup> Floor</p> <p>Share comments during the meeting following the <a href="#">Public Hearing Participation Policy</a>.</p>

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
 Director of Planning and  
 Community Development

Published Dates: April 28-May 19, 2020





**TOWN OF APEX**  
POST OFFICE BOX 250  
APEX, NORTH CAROLINA 27502  
PHONE 919-249-3426

## PUBLIC NOTIFICATION OF PUBLIC HEARING

### AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

**Requested by Planning Staff:**

1. Amendments to Sec. 2.3.5.C *Special Use, Procedures* in order to remove the reference to the Planning Board in subsection 2.3.5.C.2.d.
2. Amendments to Sec. 3.2 *Zoning Districts Established* in order to correct a reference to the number of zoning districts and to correct a typographical error.
3. Amendments to Sec. 4.2.2 *Use Table* in order to remove the reference to Sec. 4.4.6.B.6 in the Standards column for the use "Manufacturing and processing, minor". Supplemental standards do not exist for that use.

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**Town Council Public Hearing Date and Time: May 19, 2020 6:00 PM**

To Participate in a Remote Meeting:	To Participate in an In-Person Meeting (if available):
View the meeting through the Town's YouTube livestream at: <a href="https://www.youtube.com/c/townofapexgov">https://www.youtube.com/c/townofapexgov</a> .	Apex Town Hall 73 Hunter Street, Apex, North Carolina Council Chambers, 2 <sup>nd</sup> Floor
Meeting presentation materials will be posted at <a href="http://www.apexnc.org/182">http://www.apexnc.org/182</a> the day of the meeting.	Share comments during the meeting following the <a href="#">Public Hearing Participation Policy</a> .
Share comments by noon on Monday, May 18, 2020, following instructions in the <a href="#">Remote Participation policy</a> . The policy includes options to provide comments by email ( <a href="mailto:public.hearing@apexnc.org">public.hearing@apexnc.org</a> , 350-word limit) or voicemail (919-372-7300, 3-minute limit).	

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP  
Director of Planning and  
Community Development

Published Dates: April 28-May 19, 2020

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Public hearing and possible motion to approve an Order Closing a portion of the right-of-way (ROW), located between two Sweetwater Property Owner Association Open Space tracts

### Approval Recommended?

Yes

### Item Details

The purpose for the ROW closing request is to realign the street connection between the Sweetwater and Linden subdivisions. The alignment will create a connection between HWY 64 and Olive Chapel Road. Staff has reviewed the request. The town will need to retain appropriate utility easements in the area and receive a new ROW dedication. Staff has conducted all necessary public hearing notices and postings per N.C.G.S. 160a-299 and town policy.

### Attachments

- Owner Request for Street (ROW) Closing
- Area Map of Request (Exhibit A)
- Order to Close Right-of-Way



April 2, 2020

Mr. Shawn Purvis  
Town of Apex  
73 Hunter Street  
Apex, North Carolina 27502

**RE: Linden Subdivision – Hasse Avenue Extension  
ROW Closure Letter  
McAdams Project #CRS-16000**

Dear Mr. Purvis,

Field Homes on behalf of Crescent Apex, LLC is requesting the closure/abandonment of 0.295 acres of dedicated public right of way of Hasse Avenue. The portion of right of way being referenced is between two Sweetwater Property Owner Association Open Space tracts (PIN #0722-42-8669 & #0722-42-1400). This right of way is most recently recorded in Wake County Book of Maps 2017 pg 2550-2552). The Most of this public right of way is unimproved and is needed to be shifted to account for a street realignment with the Sweetwater Subdivision. Subsequent to this ROW closure there will be an immediate ROW dedication of a 0.300 AC parcel (net add of 0.005 acres) that will appropriately align the continuation of Hass Ave between Sweetwater and Linden Subdivisions making comprehensive connection between HWY 64 and Olive Chapel Road via Apex Public Street right of way. A draft plat map of this right of way removal is attached for reference. Please call or email me if you have questions.

Sincerely,

**MCADAMS**



Ryan Akers,  
Senior Project Manager, Residential

RA/ca

WAKE COUNTY, NORTH CAROLINA

TOWN COUNCIL OF THE TOWN OF APEX

**ORDER CLOSING A PORTION OF HASSE AVENUE**

THIS MATTER coming on to be heard before the Town Council for Town of Apex, Wake County, North Carolina pursuant to a public hearing held in Apex, North Carolina on the 19th day of May, 2020. At said public hearing, the Council found the following facts:

**FACTS**

1. On April 21, 2020, the Town of Apex adopted a Resolution of Intent to consider the closing of a portion of Hasse Avenue. The portion of Hasse Avenue that the Town of Apex intends to close is described as follows:

That certain area designated as “RIGHT OF WAY AREA TO BE ABANDONED” consisting of 0.071 acres (3,109 square feet) on that certain survey entitled “HASSE AVENUE RIGHT OF WAY ABANDONMENT” by The John R. McAdams Company, Inc. and dated 05-11-2020 (the “**Survey**”). A copy of the Survey is attached hereto as Exhibit A.

2. This Order shall not be effective until a plat identifying the abandonment and the new dedication of right-of-way for the revised location of Hasse Avenue is offered by Crescent Apex, LLC and accepted by the Town of Apex official with the authority to sign said plat.

3. Pursuant to the requirements of North Carolina General Statute § 160A-299, the Town Council adopted a Resolution declaring its intent to close a portion of Hasse Avenue and setting a date, time and place for a public hearing as required by said statute.

4. Said Resolution and a Notice of Hearing was published once a week for four successive weeks prior to the date of hearing in a newspaper published and having general circulation in Wake County, North Carolina.

5. A copy of the Resolution and Notice of Hearing was mailed by certified mail to each owner (as shown on the Wake County tax records) of property adjoining Hasse Avenue who did not join in or consent to the request to close said street.

6. Notice of the proposed closing and public hearing was prominently posted in at least two places along Hasse Avenue.

7. That the public hearing was held on May 19, 2020 at the Apex Town Hall, Town Council Meeting Room.

8. The Town Council is satisfied that the closing of a portion of Hasse Avenue is not contrary to the public interest.

9. The Town Council is satisfied that the closing of a portion of Hasse Avenue would not deprive any individual owning property in the vicinity of reasonable means of ingress and egress to his or her property.

UPON THE foregoing findings of fact, the Town Council for the Town of Apex concludes of law that the closing of a portion of Hasse Avenue is not contrary to the public interest, that no individual owning property in the vicinity of the street would be deprived of reasonable means of ingress and egress to his property, and that same should be closed.

NOW, THEREFORE, the Town Council for the Town of Apex, North Carolina orders:

1. A portion of Hasse Avenue as described in Paragraph 1 of the Facts as the Subject Area.
2. The Town Council orders that said portion of Hasse Avenue shall be and the same hereby is closed.
3. A copy of this Order shall be certified and filed in the office of the Register of Deeds of Wake County, North Carolina.

This the 19th day of May 2020.

THE TOWN COUNCIL OF THE  
TOWN OF APEX, NORTH CAROLINA

BY: \_\_\_\_\_  
Jacques K. Gilbert  
Mayor

(Corporate Seal)

ATTEST:

\_\_\_\_\_  
Donna B. Hosch, MMC, NCCMC  
Town Clerk

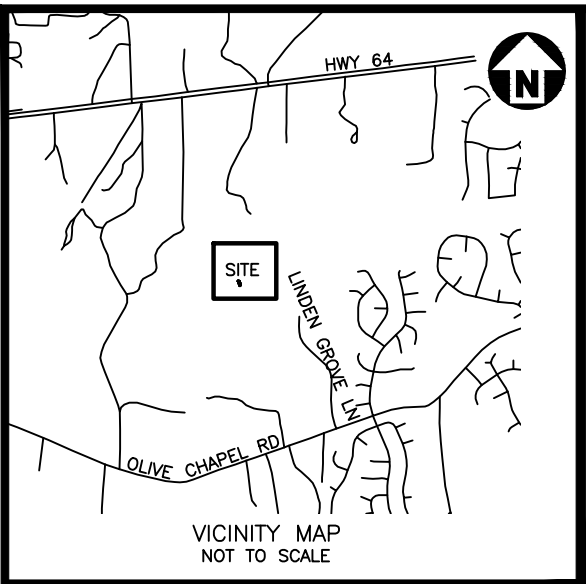
STATE OF NORTH CAROLINA

COUNTY OF \_\_\_\_\_ [*county in which acknowledgement taken*]

I, \_\_\_\_\_, a Notary Public of \_\_\_\_\_  
County, North Carolina, certify that Donna B. Hosch personally came before me this day and  
acknowledged that she is Town Clerk of the Town of Apex, a North Carolina Municipal  
Corporation, and that by authority duly given and as the act of the corporation, the foregoing  
instrument was signed in its name by its Mayor, sealed with its corporate seal and attested by her  
as its Town Clerk. Witness my hand and official stamp or seal, this the \_\_\_\_\_ day of  
\_\_\_\_\_ 2020.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_



**SURVEYOR'S CERTIFICATE**

I, JAMES S. ARMSTRONG, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK OF MAPS 1984, PAGE 1577); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK \_\_\_\_\_, PAGE \_\_\_\_\_; THAT THE RATIO OF PRECISION OR POSITIONAL ACCURACY IS 1:59,600+; AND THAT THIS MAP MEETS THE REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA (21 NCAC 56.1600). WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D., \_\_\_\_\_.

JAMES S. ARMSTRONG, PROFESSIONAL LAND SURVEYOR L-4411

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	580.00'	89.77'	89.68'	N 16°36'00" W
C2	520.00'	90.57'	90.46'	S 16°02'40" E
C3	330.00'	65.31'	65.20'	N 15°21'52" W

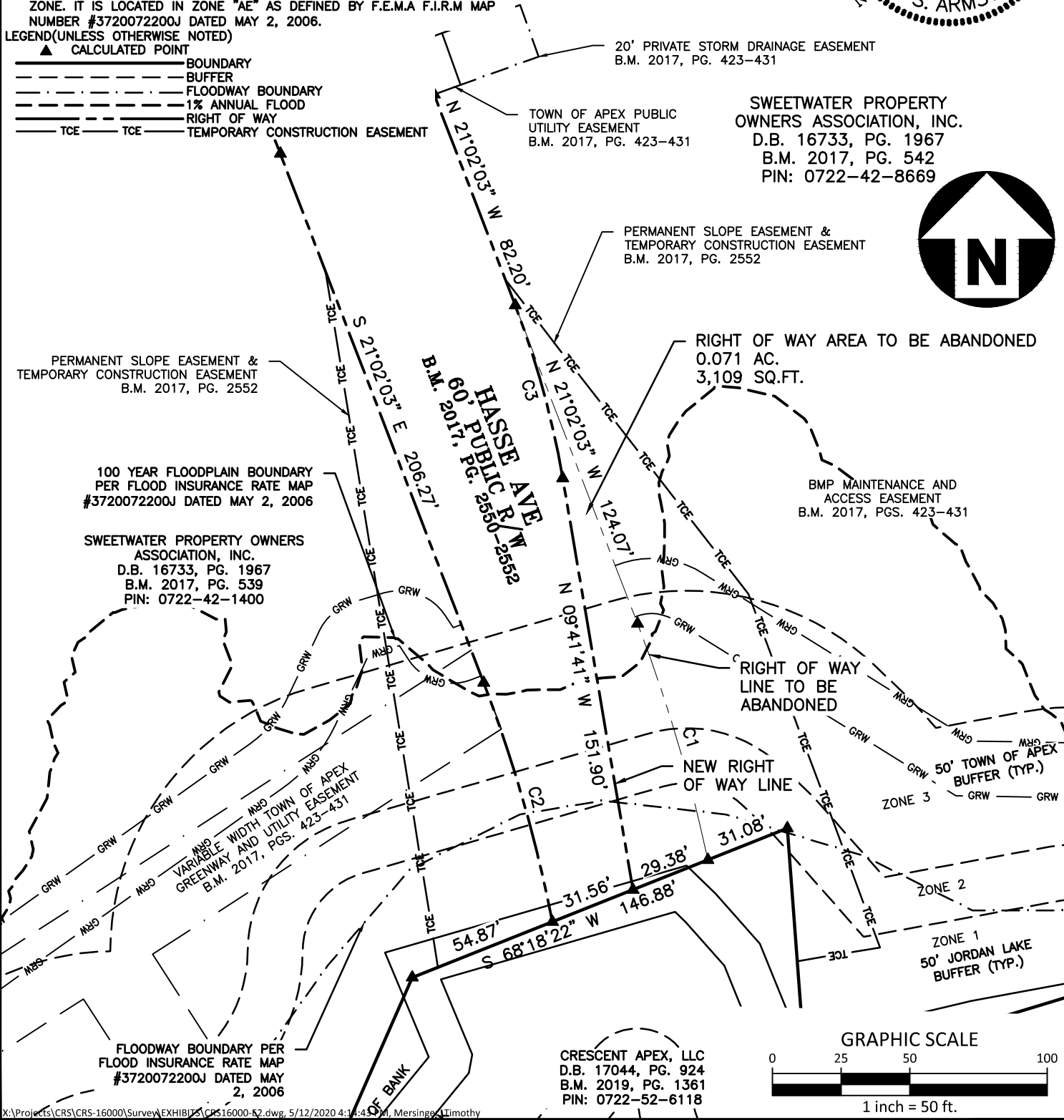


**GENERAL NOTES**

1. THE PURPOSE OF THIS EXHIBIT IS TO ABANDON A PORTION OF HASSE AVENUE.
2. BEARINGS FOR THIS SURVEY ARE BASED ON NAD 83(2011).
3. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES.
4. ZONING: PUD-CZ, #17CZ21
5. AREA BY COORDINATE GEOMETRY.
6. FLOOD NOTE: THIS PROPERTY IS LOCATED IN A SPECIAL FLOOD HAZARD ZONE. IT IS LOCATED IN ZONE "AE" AS DEFINED BY F.E.M.A F.I.R.M MAP NUMBER #3720072200J DATED MAY 2, 2006.

LEGEND (UNLESS OTHERWISE NOTED)

- ▲ CALCULATED POINT
- BOUNDARY
- - - BUFFER
- - - FLOODWAY BOUNDARY
- - - 1% ANNUAL FLOOD
- - - RIGHT OF WAY
- - - TCE
- - - TCE
- - - TEMPORARY CONSTRUCTION EASEMENT



X:\Projects\CRS\CRS-16000\Survey\EXHIBIT\CRS16000-E2.dwg, 5/12/2020 4:14:43 PM, Mersinger, Timothy



The John R. McAdams Company, Inc.  
2905 Meridian Parkway  
Durham, NC 27713  
  
phone 919. 361. 5000  
fax 919. 361. 2269  
license number: C-0293, C-187  
  
www.mcadamsco.com

**EXHIBIT A  
HASSE AVENUE  
RIGHT OF WAY ABANDONMENT**  
WHITE OAK TOWNSHIP, WAKE COUNTY, NC

**PLAN INFORMATION**

PROJECT NO.	CRS-16000
FILENAME	CRS16000-E2
CHECKED BY	JSA
DRAWN BY	TAM
SCALE	1"=50'
DATE	05/11/2020

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Jenna Shouse, Long Range Planner

Department(s): Planning and Community Development

### Requested Motion

Public hearing and possible motion regarding associated amendments to the Transit Plan Map of the Comprehensive Transportation Plan.

### Approval Recommended?

The Planning and Community Development Department recommends approval.

The Town of Apex Transit Committee unanimously recommended approval at their April 22, 2020 meeting.

The Planning Board considered the proposed amendments at their May 11, 2020 meeting and recommended approval (in a vote of six to one) of the proposed amendments to existing GoTriangle Route 305, Future GoCary Route Apex-Cary Express, and Future GoApex Route 1, and denial of the proposed amendment to GoTriangle Route 311.

### Item Details

The purpose of this hearing is to consider the following amendments to the Transit Plan Map of the Comprehensive Transportation Plan:

Revise GoTriangle Route 305, GoTriangle Route 311, Future GoCary Holly Springs Express (proposed Apex-Cary Express), and Future GoApex Route 1. The overall purpose of the proposed amendments is to align these four routes to meet in downtown Apex and provide transit connections from Apex to Cary, Holly Springs, Raleigh, and the Research Triangle Park.





Attachments

- Staff report



# STAFF REPORT

## Transportation Plan Amendment

May 19, 2020 Town Council Meeting



The *Transit Plan* map of the Comprehensive Transportation Plan represents a network of current and future transit services that provide guidance on what is likely to be suitable for long term growth. The Comprehensive Transportation Plan does not require a schedule for implementation nor does it set aside funding for improvements. Instead, it helps the Town establish long term priorities. The *Transit Plan* map was last amended in October 2019.

In October 2019, Planning and Community Development Department staff presented the Future Holly Springs Express, a transit route that would provide service to downtown Cary, downtown Apex, and Holly Springs. When the proposed route was presented to elected officials in the Town of Holly Springs; it was determined that the Future Holly Springs Express would not provide a reasonable connection from Holly Springs to Raleigh.

Town staff partnered with transit staff at GoTriangle and the Town of Cary to develop route amendments to four routes on the Transit Plan Map including Route 305, Route 311, Future Holly Springs Express, and Future Local Route 1. The purpose of these amendments is to provide a direct transit connection from Holly Springs to Raleigh, while maintaining transit connections from Apex to Cary, Holly Springs, Raleigh, and the Research Triangle Park. Additionally, these four routes have been designed to meet in downtown Apex to facilitate transfers between routes, serve existing park and ride locations, and serve areas with high propensity to use transit. An overview of the four routes, if approved as proposed in the amendments, is shown in Figure 1. A detailed map of the amendments can be found online at: <https://www.apexnc.org/DocumentCenter/View/31445>. An explanation of the proposed changes to each route follows the map.

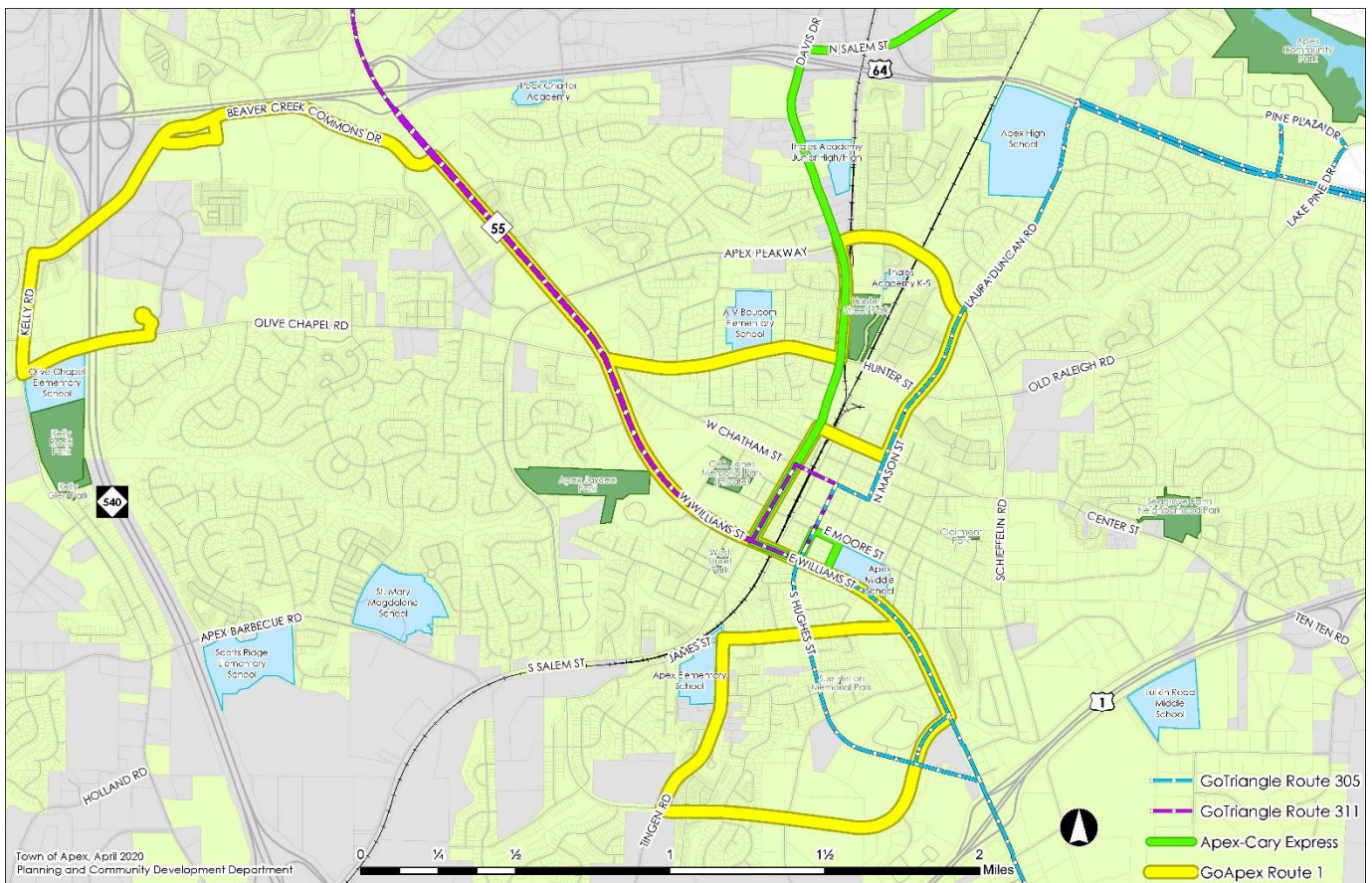


Figure 1. Proposed Route 305, Route 311, Apex-Cary Express, and GoApex Route 1



**Comprehensive Transportation Plan Amendments:**

Planning staff request the following changes to the *Transit Plan* map in the Comprehensive Transportation Plan:

1. **Revise Route 305** to extend through downtown Apex and to Holly Springs. Proposed changes include rerouting along US 64, Laura Duncan Road, N Mason Street, E Chatham Street, S Hughes Street, E Williams Street, and Apex Peakway. Proposed revisions also include removal of Route 311 (incorrectly labeled on the Transit Plan Map as Existing Route 305) along Old Raleigh Road, Center Street, and N Hughes Street.

Route 305 currently provides service between Apex and Raleigh from the Lake Pine Plaza Park-and-Ride on Shepherds Vineyard Drive. The proposed changes would extend Route 305 to Holly Springs to replace the Apex to Holly Springs segment of the former Future Holly Springs Express. The Apex-Cary Express would replace the Apex to Cary segment of the former Future Holly Springs Express. Route 305 would operate along Laura Duncan Road instead of Old Raleigh Road as Laura Duncan Road has a higher propensity for transit use. A map showing the proposed amendment is below. This map details the proposed Route 305 and specifies the alignment depending on the time and day.

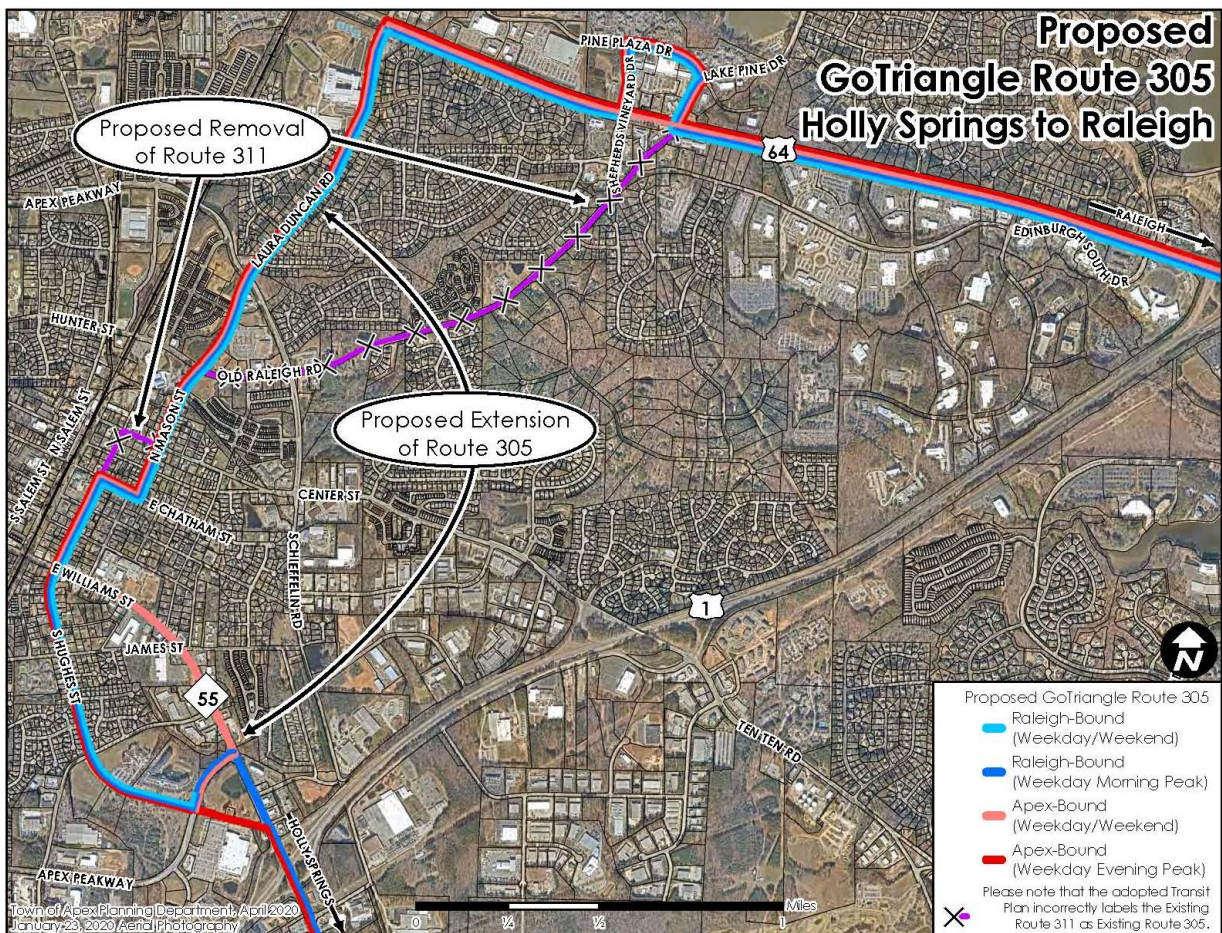


Figure 2. Proposed amendments to Route 305



- 2. **Reroute Route 311** (Apex to Research Triangle Park) through downtown Apex along S Hughes Street, E Chatham Street, and S Salem Street. Proposed revisions also include removal of Route 311 along E Williams Street, east of S Hughes Street; S Mason Street; and E Moore Street.

The proposed Route 311 would allow transfers to a GoApex Route 1 bus stop on S. Salem Street. Under the proposed amendments to Routes 311 and 305, Route 311 would no longer provide service to Lake Pine Plaza Park-and-Ride on Shepherds Vineyard Drive. Route 305 would continue to serve the Lake Pine Plaza Park-and-Ride. Routes 305 and 311 would both serve the Compare Foods Park-and-Ride on S Hughes Street. A map showing the proposed amendment is below.

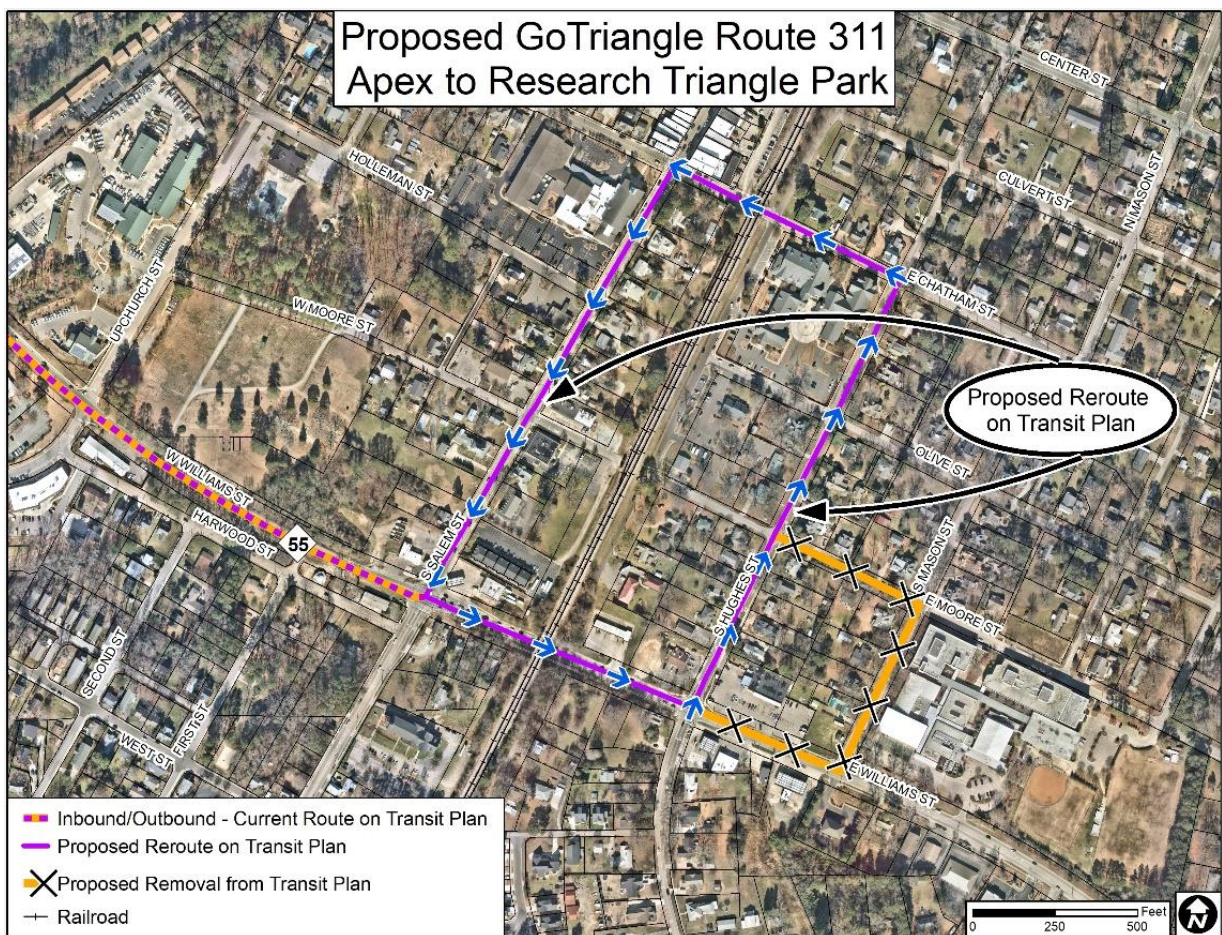


Figure 3. Proposed amendments to Route 311

- 3. **Change the Holly Springs Express to the Apex-Cary Express.** The proposed Apex-Cary Express is designed to replace the Apex to Cary segment of the former Future Holly Springs Express. Route 305 would replace the Apex to Holly Springs segment of the former Future Holly Springs Express. Proposed revisions include removal of the Future Holly Springs Express (proposed Apex-Cary Express) along S Hughes Street, south of E Williams Street; James Street; Apex Peakway; and E Williams Street, east of S Mason Street. A map showing the proposed amendment is below.

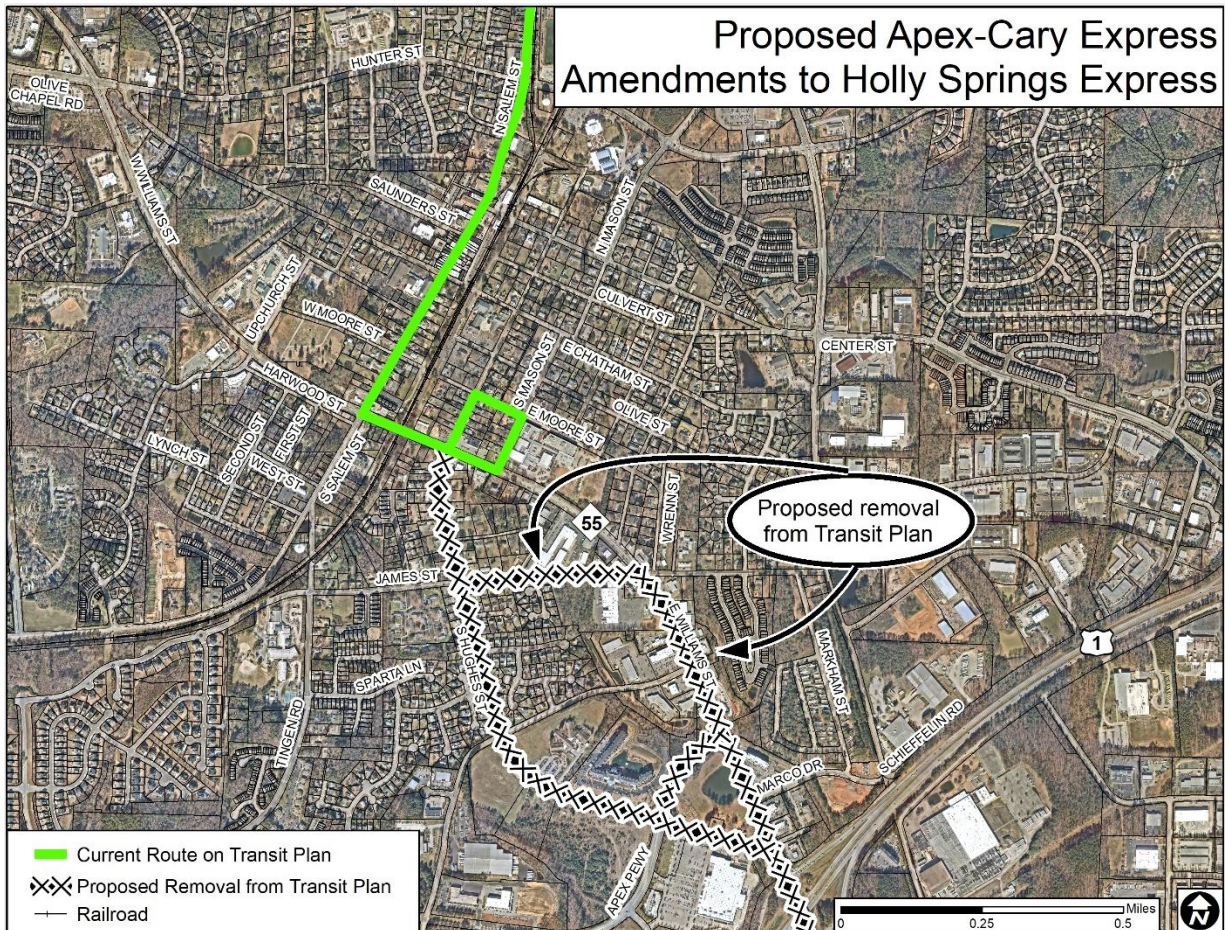


Figure 4. Proposed amendments to Future Holly Springs Express

4. **Reroute the Future Local Route 1** (GoApex Route 1) through downtown Apex along N Salem Street, Center Street, and Hunter Street and reroute through the Beaver Creek Crossings development. Proposed revisions include removal of GoApex Route 1 along Apex Peakway, west of N Salem Street; Chatham Street; and N Mason Street, south of Center Street.

The proposed route amendments are divided into three sections:

1. Reroute through Beaver Creek Crossings. Previous plans for this route included a bus stop on Beaver Creek Commons Drive at the intersection with Creekside Landing Drive. A bus stop is infeasible at this location due to space constraints and steep grade in this area. The proposed amendment is to reroute westbound trips through the Beaver Creek Crossings development to provide westbound transit riders with access to Beaver Creek Crossings.
2. Reroute along N Salem Street and Hunter Street. The proposed amendment would remove service along Apex Peakway between N Salem Street and W Williams Street. Route 1 would be rerouted along N Salem Street and Hunter Street to W Williams Street. The proposed rerouting would remove one proposed bus stop on Apex Peakway that would not be served by a



proposed nearby stop. The purpose of this amendment is to provide service to a bus stop on N Salem Street that would also be served by the proposed Apex-Cary Express.

3. Reroute along N Salem Street and Center Street. The proposed amendment would remove service along Chatham Street and N Mason Street, south of Center Street, and extend service along N Salem Street and Center Street. The previous plans for the route included a stop on S Salem Street at the intersection with Chatham Street. This stop would require removal of three on-street parking spaces on S Salem Street to make the right turn movement from S Salem Street onto W Chatham Street. The proposed rerouting would remove one proposed bus stop on E Chatham Street at the intersection with S Hughes Street. Continuing the route north along Salem Street provides an opportunity to have a bus stop in the heart of downtown without impacts to on-street parking.

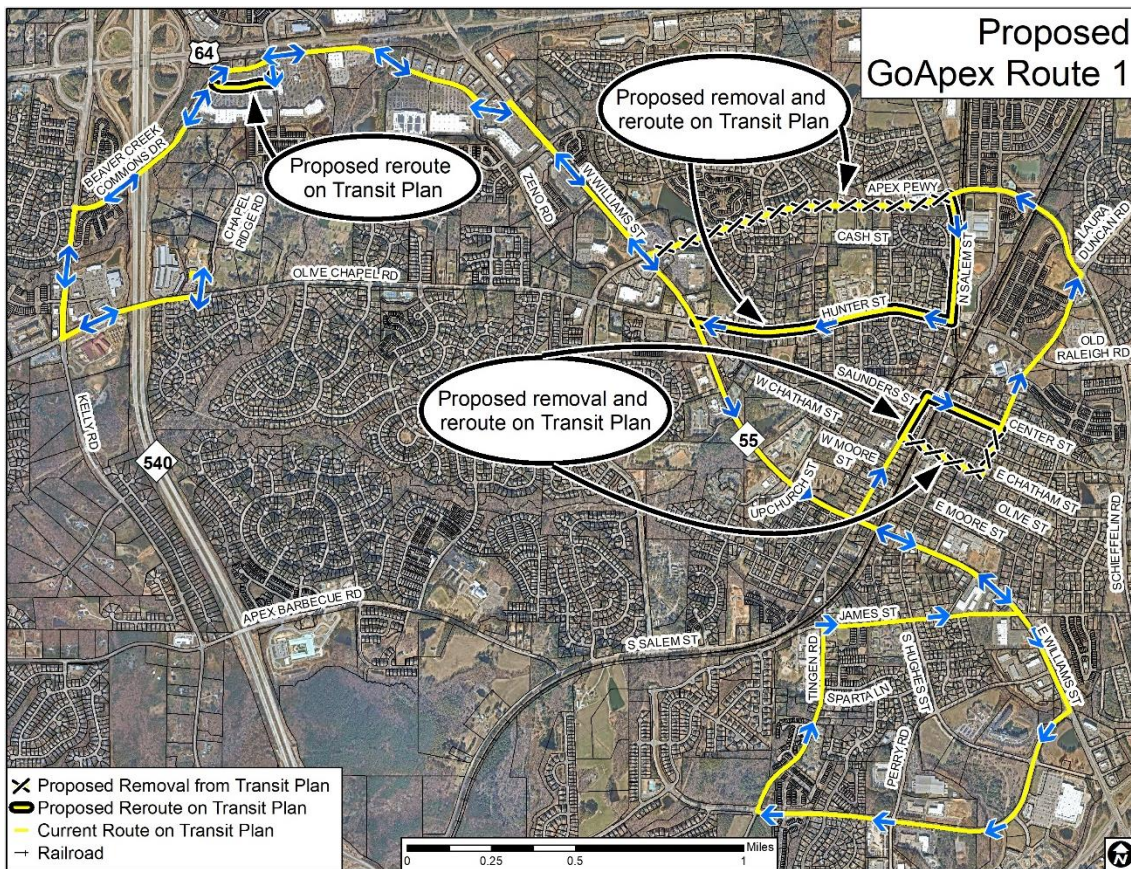


Figure 5. Proposed amendments to Future Local Route 1

**Planning Board Recommendation:**

The Planning Board considered the proposed amendments at their May 11, 2020 meeting and recommended approval (in a vote of six to one) of the proposed amendments to existing GoTriangle Route 305, Future GoCary Route Apex-Cary Express, and Future GoApex Route 1, and denial of the proposed amendment to GoTriangle Route 311. Regarding the proposed amendment to GoTriangle Route 311, the Planning Board expressed concern that GoTriangle has not be able to adequately collect public input or share information about the

**STAFF REPORT**  
**Transportation Plan Amendment**

May 19, 2020 Town Council Meeting



proposed route change at this time due to social distancing requirements and reduced bus service. The Planning Board requested additional public engagement prior to making a recommendation regarding changes to Route 311.

Based on Planning Board's recommendation, staff will gather additional information on previous and current public engagement as well as future plans for engagement related to the proposed changes to Route 311. This information will be presented to Town Council at the May 19, 2020 meeting.

**Transit Advisory Committee Recommendation:**

The Town of Apex Transit Advisory Committee has reviewed the proposed route amendments and also recommends approval.

**Staff Recommendation:**

Planning and Community Development Department staff recommend approval of the proposed amendments to be shown on the Transit Plan Map of the Comprehensive Transportation Plan.

The Senior Traffic Engineer reviewed the proposed route amendments and has no concerns.

# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Public Hearing to receive citizen input on the Fiscal Year 2020-2021 Annual Budget including proposed economic development expenditures

### Approval Recommended?

N/A

### Item Details

The proposed Budget is summarized as follows:

General Fund	\$71,936,100
Electric Fund	\$44,067,300
Water/Sewer Fund	\$22,786,800
Other Funds	\$11,713,800
<b>TOTAL</b>	<b>\$150,504,000</b>

The Proposed Budget includes various rate adjustments to solid waste fees, electric and sewer rates.

Included in the Annual Budget will be information regarding the appropriation of funds for economic development purposes designed to increase employment opportunities and add value to the tax base for the Town of Apex through industry recruitment, retention, and other support activities. Pursuant to NCGS 158-7.1, notice is hereby given that said information will be a part of the Annual Budget Hearing of the Apex Town Council for the purpose of soliciting comments relative to the following monetary appropriations for economic development purposes:





Economic Development Personnel Salaries, Expenses and Benefits:	\$377,200
Operations, Training, Supplies and Equipment:	\$95,100
Professional Services - Potential site development:	\$38,500
Co-Working Space (lease and utility charges):	\$25,800
Think Apex – Initiative to promote local spending and awareness:	\$2,500
Cash Corporate Site Property Purchase (CIP)*	\$750,000
<b>TOTAL</b>	<b>\$1,289,100</b>

Attachments

- None



# | Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: OLD BUSINESS

Meeting Date: May 19, 2020

## Item Details

Presenter(s): Shawn Purvis, Assistant Town Manager

Department(s): Administration

### Requested Motion

Receive information regarding Executive Order 124 and the Town's suspension of utility late fees and disconnects, including the Town's proposed payment plan agreement.

### Approval Recommended?

N/A

### Item Details

On March 17, Town Council approved suspending disconnection of utility services as well as all late fees and penalties that would normally be incurred until June 5. Executive Order 124 from the Governor enacted similar provisions from March 31 through June 1. The attached information includes the Town's proposed payment plan agreement per EO124 and data illustrating the effects of the pandemic/recession on the ability of customers to pay and the potential financial implications for the town.

### Attachments

- Utility Payment Plan Agreement
- Staff memo (will be distributed at Council Meeting)
- Executive Order 124



# Town of Apex

## Payment Plan for Utility Services Mandated by Executive Order 124

North Carolina Governor's Executive Order 124 (EO 124) requires residential water, wastewater, electric, and natural gas service providers to suspend disconnections of residential service(s) for nonpayment through June 1, 2020, and suspend assessment of all fees, charges, interest, and penalties for late payments of monthly utility charges incurred from March 31, 2020, through June 1, 2020.

The Town of Apex approved the suspension of penalties and services fees beyond what is required in the EO 124. The Town will not charge delinquent fees from March 18, 2020, through June 5, 2020. The Town's typical practice is to charge a one-percent late penalty on utility accounts with an unpaid bill after the due date and to assess a \$25.00 service fee to utility accounts with an unpaid balance as of the disconnection date as specified on the bill and on the final notice.

Executive Order 124 does not extinguish or waive account balances. Customers remain legally responsible to pay all amounts due on their account. If a customer has charges that were due prior to March 18, 2020, and remain unpaid on June 5, 2020, their services may be subject to immediate disconnection.

After June 5 2020, the Town of Apex will resume normal disconnection and late fee policies. Customers will, however, have until December 1, 2020, to pay any delinquencies incurred from March 18, 2020 through June 5, 2020.

Recognizing the financial hardship some customers now face, and in compliance with EO 124, the Town of Apex is offering the following payment plan agreement to customers who are unable to pay the bills that became due before June 5, 2020.

If you wish to set up a payment plan for the bills that became due prior to June 5, 2020 please complete the form below. You will receive a confirmation email to let you know that your payment plan agreement has been received. If you have any questions please contact Customer Service at 919-362-8676, (select option 2).

### **Payment Plan Terms**

To participate in the Town of Apex's Payment Plan Agreement, the undersigned agrees to pay a minimum of one sixth (1/6th) of the account balance owed as of 5/31/2020. After submitting your Payment Plan Agreement you will receive an email within 1 -2 business days informing you of your monthly payment amount due.

Payment methods include:

- Telephone 919-362-8676, (select option 1)
- Drop box in the parking lot of Town Hall located at 73 Hunter Street
- Town of Apex website <https://www.apexnc.org/239/Utility-Account-Access-Payment>
- Payment counter located in Town Hall at 73 Hunter Street, Monday – Friday, 8:00 am to 5:00 pm

The undersigned acknowledges that this Payment Plan Agreement does not extinguish or waive their account balance. The undersigned remains legally responsible to pay the account balance in full. After June 5, 2020, the Town of Apex will resume its normal practices of applying late penalties to any new charges not paid on time on or after that date. The Town will also resume its normal policy of disconnecting services if charges incurred after June 5, 2020, are not paid on time or if the minimum payment plan amounts under the terms of this agreement are not paid on time.

The undersigned acknowledges that failure to make the minimum payment on the first business day of each month will result in the utility services for this account to be subject to disconnection.

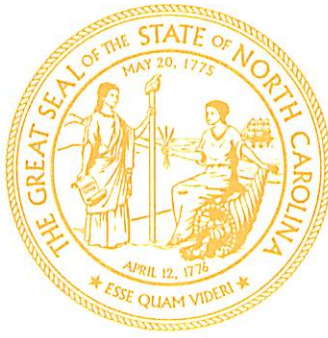
I hereby acknowledge and agree to the terms of this payment plan.

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Account Holder's Signature

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Date



# State of North Carolina

**ROY COOPER**  
GOVERNOR

March 31, 2020

## EXECUTIVE ORDER NO. 124

### **ASSISTING NORTH CAROLINIANS BY PROHIBITING UTILITY SHUT-OFFS, LATE FEES, AND RECONNECTION FEES; PROVIDING GUIDANCE ABOUT RESTRICTIONS ON EVICTIONS; AND ENCOURAGING TELECOMMUNICATIONS PROVIDERS, BANKS, AND MORTGAGE SERVICERS TO PROVIDE ASSISTANCE AND FLEXIBILITY TO THEIR CUSTOMERS**

**WHEREAS**, on March 10, 2020, the undersigned issued Executive Order No. 116 which declared a State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency"); and

**WHEREAS**, on March 11, 2020, the World Health Organization declared COVID-19 a global pandemic; and

**WHEREAS**, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the "Stafford Act"); and

**WHEREAS**, on March 13, 2020, the President of the United States pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. § 1601, *et seq.* and consistent with Section 1135 of the Social Security Act, as amended (42 U.S.C. § 1320b-5), declared that the COVID-19 pandemic in the United States constitutes a national emergency, retroactive to March 1, 2020; and

**WHEREAS**, the undersigned has issued Executive Order Nos. 117 – 122 for the purposes of protecting the health, safety and welfare of the people of North Carolina; and

**WHEREAS**, on March 25, 2020, the President of the United States, pursuant to Section 401 of the Stafford Act, approved a Major Disaster Declaration, FEMA-4487-DR, for the State of North Carolina; and

**WHEREAS**, the North Carolina Department of Health and Human Services ("NCDHHS") has confirmed the number of cases of COVID-19 in North Carolina continues to rise and has lab documentation that community spread has occurred; and

**WHEREAS**, hospital administrators and health care providers have expressed concerns that unless the spread of COVID-19 is limited, existing health care facilities may be insufficient to care for those who become sick; and

**WHEREAS**, to mitigate further community spread of COVID-19 and to reduce the burden on the state's health care providers and facilities, it is necessary to limit person-to-person contact in workplaces and communities; and

**WHEREAS**, such limitations on person-to-person contact are reasonably necessary to address the public health risk posed by COVID-19; and

**WHEREAS**, due to the State of Emergency, many North Carolinians must stay home, many must also work from home, and many businesses have been ordered closed, to slow the spread of COVID-19, and any dislocations that require people to leave their homes increase the risk of spread; and

**WHEREAS**, any disruptions or dislocations that would require people to leave their homes increase the risk of spread of COVID-19; and

**WHEREAS**, the economic effects of the pandemic have broadly affected utility customers across the state; and

**WHEREAS**, utility services are essential to the continued health and safety of residential utility customers, to the ability of workers and employers to engage in teleworking, and to the continued economic viability of business utility customers, even as the economic effects of the pandemic threaten customers' ability to pay for those utility services; and

**WHEREAS**, on March 19, 2020, the North Carolina Utilities Commission ("Utilities Commission" or "Commission") issued an Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees; and

**WHEREAS**, the Utilities Commission's March 19, 2020 order applied to only some of the utilities that are necessary for the continued well-being of North Carolina residents and the continued viability of North Carolina businesses; and

**WHEREAS**, the undersigned has determined that it is in the best interest of the people of North Carolina to enact, for all utilities, prohibitions and restrictions similar to and consistent with the Utilities Commission's March 19, 2020 order; and

**WHEREAS**, during this emergency, North Carolinians rely heavily on mass media and telecommunications systems as part of multiple critical activities, including (1) the public dissemination of critical information regarding governmental orders and advisories in response to COVID-19, including stay at home orders, shifts in the public school calendar, and announcements regarding the availability of resources; (2) educational activities, as students and educators have been required to stay at home but are continuing to participate in educational and instructional activities, many of which require the use of online resources and means of communication; (3) the provision of remote tele-medicine services, as urged by NCDHHS, to preserve healthcare system capacity to address the COVID-19 pandemic; and (4) teleworking that allows many businesses, non-profits, governmental agencies, and other organizations to continue to carry out their essential functions; and

**WHEREAS**, to minimize the possibility of mandatory measures that may need to be taken in the future, the undersigned urges all telecommunications companies serving North Carolina customers to voluntarily provide flexibility to their customers, including through the measures set forth below; and

**WHEREAS**, the economic effects of the COVID-19 pandemic have led to loss of income for many in North Carolina, making it difficult for many to make timely rental housing payments, creating a risk of eviction; and

**WHEREAS**, evictions and disconnections of utility services would exacerbate public health and safety risks because of dislocated customers; and

**WHEREAS**, in orders issued on March 13 and March 19, 2020, the Chief Justice of the Supreme Court of North Carolina exercised her authority under N.C. Gen. Stat. § 7A-39(b)(2) to order most district court and superior court proceedings to be scheduled or rescheduled no sooner than April 17, 2020; and to order that pleadings, motions, notices, and other documents and papers that were or are due to be filed in any county of this state on or after March 16, 2020 and before the close of business on April 17, 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely filed if they are filed before the close of business on April 17, 2020; and to order that all other acts that were or are due to be done in any county of this state on or after March 16, 2020 and before the close of business on 17 April 2020 in civil actions, criminal actions, estates, and special proceedings shall be deemed to be timely done if they are done before the close of business on April 17, 2020; and

**WHEREAS**, the U.S. Department of Housing and Urban Development issued an order dated March 18, 2020, imposing a sixty (60) day moratorium on evictions and foreclosures for single family homeowners with FHA-insured mortgages; and

**WHEREAS**, the undersigned and the Attorney General wish to provide clear guidance to the public about the effect of the Chief Justice's order on evictions; and

**WHEREAS**, because of the economic effects of the COVID-19 pandemic, many North Carolinians are enduring financial hardship and financial insecurity; and

**WHEREAS**, the undersigned encourages North Carolina-licensed or North Carolina-regulated financial institutions, including but not limited to banks and mortgage servicers, to provide assistance and flexibility to their customers; and

**WHEREAS**, Executive Order No. 116 invoked the Emergency Management Act, and authorizes the undersigned to exercise the powers and duties set forth therein to direct and aid in the response to, recovery from, and mitigation against emergencies; and

**WHEREAS**, N.C. Gen. Stat. § 166A-19.10(b)(3) authorizes and empowers the undersigned to delegate any Gubernatorial vested authority under the Emergency Management Act and to provide for the subdelegation of any authority; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.10(b)(7), the undersigned is authorized and empowered to utilize the services, equipment, supplies, and facilities of political subdivisions, and their officers and personnel are required to cooperate with and extend such services and facilities to the undersigned upon request; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(1), the undersigned may utilize all available state resources as reasonably necessary to cope with an emergency, including the transfer and direction of personnel or functions of State agencies or units thereof for the purpose of performing or facilitating emergency services; and

**WHEREAS**, pursuant to N.C. Gen. Stat. §§ 75-14, 75-15, 114-2(2), and 114-2(8), the Attorney General has the authority to bring civil actions to enforce compliance with the State's Unfair or Deceptive Trade Practices Act, to represent State agencies in litigation, and to institute or intervene in proceedings before any courts and regulatory bodies on behalf of the State and the using and consuming public; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(2), during a Governorially declared State of Emergency, the undersigned has the power to “give such directions to state and local law enforcement officers and agencies as may be reasonable and necessary for the purpose of securing compliance with the provisions of this Article”; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(a)(3), the undersigned may take steps to assure that measures, including the installation of public utilities, are taken when necessary to qualify for temporary housing assistance from the federal government when that assistance is required to protect the public health, welfare, and safety; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(3), the undersigned, with the concurrence of the Council of State, may regulate and control the maintenance, extension, and operation of public utility services and facilities; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(4), the undersigned, with the concurrence of the Council of State, may waive a provision of any regulation or ordinance of a State agency or political subdivision which restricts the immediate relief of human suffering; and

**WHEREAS**, pursuant to N.C. Gen. Stat. § 166A-19.30(b)(5), the undersigned, with the concurrence of the Council of State, may perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population; and

**WHEREAS**, the undersigned has sought and obtained concurrence from the Council of State consistent with the Governor’s emergency powers authority in N.C. Gen. Stat. § 166A-19.30; and

**WHEREAS**, under the terms of N.C. Gen. Stat. § 166A-19.70(a), utilities are considered critical infrastructure for the State of North Carolina.

**NOW, THEREFORE**, by the authority vested in me as Governor by the Constitution and the laws of the State of North Carolina, **IT IS ORDERED**:

**Section 1. Assistance for North Carolina Utility Customers**

For the reasons and pursuant to the authority set forth above, the undersigned orders as follows:

**A. Definitions**

1. In this Section of this Executive Order, “Utility Service Providers” means all political subdivisions, organizations, quasi-governmental entities, and businesses that provide directly to end-user residential customers electric, natural gas, water, or wastewater services, as well as all providers of a combination of these services.
2. This Section applies to all Utility Service Providers, regardless whether they are investor-owned public utilities, are private companies, are member-owned cooperatives, or are owned or operated by a political subdivision of the State or a quasi-governmental agency. This Section applies whether services are pre-paid or post-paid.
3. The restrictions placed on Utility Service Providers by this Section should, in cases of any ambiguity, be interpreted to be consistent with the restrictions imposed upon certain Utility Service Providers by the North Carolina Utilities Commission in its March 19, 2020 Order Suspending Utility Disconnections for Non-Payment, Allowing Reconnection, and Waiving Certain Fees, Docket M-2, Sub 158.

**B. Prohibiting utilities from terminating service.** No Utility Service Provider shall terminate the service of a residential customer for nonpayment. Utility Service Providers may terminate service of a customer when necessary as a matter of safety or when requested by the customer.



- C. **Late fees and payment arrangements.** A Utility Service Provider shall not bill or collect any fee, charge, penalty, or interest for a late or otherwise untimely payment that becomes due from the date of this Executive Order. Customers shall be provided the opportunity to make reasonable payment arrangements to pay off over at least a six (6) month period any arrearages accumulated during the effective period of this Executive Order and any order extending this Executive Order and 180 days thereafter. The six (6) month payoff period shall be calculated from the date of termination of this Section of this Executive Order or, if other applicable Executive Orders extend the protections of this Section, from the date of termination of the last Order that extends such protections; provided, however, that Utility Service Providers subject to the Utilities Commission's March 19, 2020 Order shall remain subject to the terms of that order after this Executive Order expires. No interest or late fee shall be charged on arrearages. No provision in this Executive Order shall be construed as relieving a customer of their obligation to pay bills for receipt of any service covered by this Executive Order.
- D. **Reconnection of service.** A Utility Service Provider is encouraged to reconnect previously disconnected service to the extent practicable and waive any penalties or reconnection fees, and any policies or ordinances that prevent re-connection of disconnected customers are suspended.
- E. **Payment assistance.** NCDHHS and the North Carolina Department of Environmental Quality shall work with Utility Service Providers to publicize payment assistance programs to aid customers, particularly customers qualified for the Low Income Energy Assistance Program, in the payment of their utility bills.
- F. **Notification.** Utility Service Providers shall reasonably inform their customers of the applicable provisions contained in this Executive Order through the means those providers most typically use to communicate urgent messages to customers, such as print, email, SMS text message, Internet, and phone calls. Utility Service Providers shall maintain reasonable records that show the notifications provided under this Section of this Executive Order and to whom those notifications were delivered.
- G. **Duration.** This Section shall remain in effect for sixty (60) days, unless rescinded or superseded by another applicable Executive Order; provided, however, that after that date, the provisions of this Section shall continue to apply to arrearages that accumulated while this Executive Order was in effect.
- H. **Limitations on this Section**
1. This Section applies to all ordinary monthly (or other periodically-issued) charges for service to residential customer locations in North Carolina by all Utility Service Providers, whether for their customers' business or personal use.
  2. This Section does not apply to additional optional services ordered by customers above their usual periodic charges, including, by means of example, options or services that the customer added on or after the date of this Executive Order in addition to their normal services.
  3. This Section does not apply to issuance or collection of special fees or penalties issued to customers for unusual use, such as fines or penalties for improper disposal or charges for extraordinary discharges of wastewater.
- I. **Effect on regulations and ordinances.** The effect of any regulation, policy, or ordinance of a political subdivision or agency of the state inconsistent with this Section is hereby suspended.

- J. **Implementation and enforcement.** The undersigned directs that the North Carolina Utilities Commission monitor responses and provide assistance and guidance to Utility Service Providers, including to the extent possible Utility Service Providers not under the Commission's regulatory jurisdiction, in implementing the provisions of this Section of this Executive Order. Utility Service Providers shall report implementation information weekly to the North Carolina Utilities Commission, including the following: (1) number of accounts by type (e.g., residential or business account) for which service termination was forborne, (2) number of reconnections by type of account, (3) amount of late fees and other penalties not collected, (4) number of accounts on an extended repayment plan, (5) customer notification information, and any other information determined by the Utilities Commission. The Utilities Commission and the Attorney General shall have the authority to enforce the provisions of this Executive Order through any methods provided by current law. The Utilities Commission, and to the extent necessary for any Utility Service Providers not within the Utilities Commission's jurisdiction, the Attorney General may waive provisions in their discretion and order an effective alternative. The Commission shall provide a weekly report to the Governor's Office on implementation of this Executive Order.

## **Section 2. Guidance on Cable, Telecommunications, and Related Services**

- A. Telecommunications, mobile telecommunications, cable, Internet, and wi-fi or wireless Internet service providers are urged to follow the guidelines outlined in Section 1 of this Executive Order, including the following measures:
1. Ceasing, for the duration of this State of Emergency, termination of customers' service for nonpayment; and
  2. Waiving any fee, charge, penalty, or interest for a late or otherwise untimely payment that has come due or becomes due during the State of Emergency; and
  3. Allowing customers to make reasonable payment arrangements to pay off, over at least a six (6) month period, any arrearages that accumulate during the effective period of this Executive Order, starting after the end of this State of Emergency; and
  4. Reconnect, to the extent feasible, practicable and appropriate, any customers who wish to be re-connected during the duration of this State of Emergency, with penalties and reconnection fees waived.
- B. In addition to the provisions included in this Section, all telecommunications service providers are urged to lift or greatly expand data caps where they have not done so already.
- C. The undersigned requests that the Attorney General convene cable, telecommunications, and related service providers in the state to identify specific and effective measures they can take individually and collectively to ensure that necessary services continue to be provided to people in the State of North Carolina to the maximum extent practicable.

## **Section 3. Guidance Concerning Eviction Proceedings**

As guidance to North Carolinians, the undersigned highlights and explains the effect on evictions of the March 13, 2020 and March 19, 2020 orders by the Chief Justice of the North Carolina Supreme Court. The Attorney General has consulted with the undersigned on this Section of this Executive Order and joins in this guidance.

Pursuant to the Chief Justice's orders referenced above, there should be no new eviction proceedings until the orders expire. The current expiration date is April 17, 2020, unless extended by further order of the Chief Justice.

During this time period, there should also be no new rental bonds due.

The Clerks of Superior Court may, in their discretion, delay, until regular court operations resume, issuing Writs of Possession for Real Property, which are the legal documents under which sheriffs perform evictions. The undersigned and the Attorney General strongly encourage all Clerks of Superior Court to follow the spirit of the Chief Justice's order and to hold the issuance of all Writs of Possession of Real Property until April 17 or any later date subsequently ordered.

Further, the undersigned and the Attorney General strongly encourage sheriffs to delay, until regular court operations resume, the execution of any Writs of Possession for Real Property that have already been issued, consistent with the spirit of the order and in support of public health and public safety.

Finally, the undersigned and the Attorney General strongly encourage all property owners to work with tenants to the best of their abilities to implement payment plans and avoid evictions, in light of the State of Emergency in North Carolina, including cancelling pending evictions by notifying the relevant Sheriff's Office. Similarly, the undersigned and the Attorney General strongly encourage all lenders to work with property owners to the best of their abilities to provide loan payment flexibility that enables property owners to avoid evictions of tenants, in light of the State of Emergency in North Carolina.

#### **Section 4. Assistance for Bank and Mortgage Companies' Customers**

For the reasons and pursuant to the authority set forth above:

- A. The undersigned urges that all North Carolina-licensed or -regulated (i) banks, (ii) savings banks, (iii) savings and loan associations, (iv) trust companies, (v) mortgage-lenders, (vi) servicers, (vii) brokers and mortgage loan originators, (viii) consumer finance companies, (ix) check cashers, (x) money transmitters or prepaid card providers, (xi) tax refund anticipation loan facilitators, and (xii) credit unions operating in the State of North Carolina should immediately implement the following reasonable and prudent measures for individual and business customers who are North Carolina residents and can demonstrate financial hardship caused by COVID-19.
1. Waive overdraft fees.
  2. Extend new credit to creditworthy borrowers on lenient terms, subject to safety and soundness considerations.
  3. Waive late fees for credit card and other loan balances.
  4. Waive automated teller machine (ATM) fees.
  5. Increase daily ATM daily cash withdrawal limits.
  6. Increase credit card limits for creditworthy customers.
  7. Lower or waive fees on prepaid credit or debit cards.
  8. Waive early withdrawal penalties on time deposits.
  9. Offer payment accommodations, such as allowing loan customers to defer payments at no cost, extending the payment due dates or otherwise adjusting or altering terms of existing loans, which would avoid delinquencies, trigger events of default or similar adverse consequences.
  10. Cease reporting derogatory information (e.g., late payments, but not including forbearances) to credit reporting agencies for a period of ninety (90) days.

11. Ensure that customers do not experience a disruption of service if financial institutions close their physical offices. This may include shifting call centers to teleworking, making services available through Internet chat, or other electronic avenues for customers to continue to manage their accounts and to make inquiries.
  12. Alert customers to the heightened risk of scams and price gouging during the COVID-19 pandemic.
  13. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.
- B. The undersigned urges that all entities covered by Subsection A of this Section that service mortgages ("mortgage servicing entities") shall voluntarily, but immediately take actions to alleviate the adverse impact caused by COVID-19 on those North Carolina resident mortgage borrowers ("mortgagors") who attest that they are not able to make timely payments. Mortgage servicing entities are urged to take the following reasonable and prudent actions to support those adversely impacted mortgagors:
1. Forbear mortgage payments for at least 180 days from their due dates and give mortgagors the option to extend loan terms by that number of days without a lump sum payment due at the end of the forbearance period.
  2. Refrain from reporting late payments to credit reporting agencies for at least 180 days.
  3. To the extent possible under existing law, offer mortgagors an additional ninety (90) day grace period to complete trial loan modifications, and ensure that late payments during the COVID-19 pandemic do not affect their ability to obtain permanent loan modifications.
  4. Waive late payment fees and any online or telephonic payment fees for a period of ninety (90) days.
  5. Postpone foreclosures and evictions for at least ninety (90) days.
  6. Notify customers by various means, including but not limited to the entity's website, apps, and (if authorized by the customer) texts or emails, to explain the above-listed assistance being offered to customers.

#### **Section 5. Savings Clause**

If any provision of this Executive Order or its application to any person or circumstances is held invalid by any court of competent jurisdiction, this invalidity does not affect any other provision or application of this Executive Order, which can be given effect without the invalid provision or application. To achieve this purpose, the provisions of this Executive Order are declared to be severable.

#### **Section 6. Distribution**

I hereby order that this Executive Order be: (1) distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (2) promptly filed with the Secretary of the North Carolina Department of Public Safety, the Secretary of State, and the superior court clerks in the counties to which it applies, unless the circumstances of the State of Emergency would prevent or impede such filing; and (3) distributed to others as necessary to ensure proper implementation of this Executive Order.

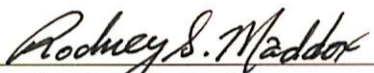
**Section 7. Effective Date**

This Executive Order is effective immediately. This Executive Order shall remain in effect for sixty (60) days unless rescinded or replaced with a superseding Executive Order. An Executive Order rescinding the Declaration of a State of Emergency will automatically rescind this Executive Order.

**IN WITNESS WHEREOF**, I have hereunto signed my name and affixed the Great Seal of the State of North Carolina at the Capitol in the City of Raleigh, this 31<sup>st</sup> day of March in the year of our Lord two thousand and twenty.

  
\_\_\_\_\_  
Roy Cooper  
Governor

**ATTEST:**

  
\_\_\_\_\_  
Rodney S. Maddox  
Chief Deputy Secretary of State

