



This meeting was additionally conducted by use of simultaneous communication

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. Gantt; 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

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

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

COMMENCEMENT

Mayor Gilbert called the meeting to order, read a statement of inclusion and diversity related to religion, and led the Invocation followed by a moment of silence. Mayor Gilbert then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Pro Tem Nicole Dozier

Presentation of Proclamation declaring Asian American Pacific Islander Heritage Month

Mayor Pro Tem Dozier read an opening statement embracing the history and heritage of Asian American Pacific Islanders. Each Council Member shared in the reading of the Proclamation.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

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
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
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
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
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
Repealing the Remote Participation Policy for Meetings of the Apex Town Council adopted on March 17, 2020
- CN7 Drew Havens, Town Manager
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
Temporarily dedicating and marking eight existing on-street parking spaces along Hunter Street to serve as a bus layover location for GoApex Route 1 beginning in March 2021

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

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Town Manager Havens requested that Public Hearing 05 be heard prior to Public Hearing 04.

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda with the requested change. Council Member Stallings made the motion;

Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Bridgett Taylor spoke about Council representing and honoring their oaths. Council should let the U.S. Constitution convey its actions so as to not impede upon the rights to which each individual is entitled. Ms. Taylor spoke about government Orders related to COVID-19 not being consistent with the Constitution. Civil rights under the Color of Law had been taken away.

PUBLIC HEARINGS

PH1 Dianne Khin, Director

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

Staff oriented Council to the site. Staff recommended approval.

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

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

The motion carried by a 5-0 vote.

PH2 Shannon Cox, Long Range Planning Manager

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

Staff oriented Council to the Amendment. The Planning Board unanimously recommended approval. The Amendment would be shared with the Parks, Recreation, and Cultural Resources Commission at their next meeting. Planning staff and Parks and Recreation staff recommended approval.

Council stated that because of the design of the map, it was a bit difficult to read. Even so, combining the maps could have some value.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Amendment; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

PH3 Amanda Bunce, Current Planning Manager

Various Amendments to the Unified Development Ordinance

Staff oriented Council to the Amendments. The Planning Board recommended approval.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Amendments; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH5 Jenna Shouse, Long Range Planner

Associated Amendments to the Transit Plan Map of the Comprehensive Transportation Plan

Staff oriented Council to the Amendments. Responding to Council, staff answered questions related to the routes and their associated stops. Staff and the Transit Committee unanimously recommended approval of the Amendments. The Planning Board recommended approval of all Amendments except route 311. They additionally expressed concern about GoTriangle not being able to adequately obtain public input on the service changes to route 305. If Council had concern about route 311, staff suggested asking GoTriangle delay the service changes to January 2021.

Responding to Council, staff elaborated on how adjustments were balanced based on ridership data, transfers, and wait times. Jennie Green (remotely), Transit Service Planner with GoTriangle, clarified ridership according to data they have collected.

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

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the Amendments; Council Member Gantt seconded the motion.

Council expressed concern about Planning Board comments related to public input for route 311 and if Council was satisfied with the response from GoTriangle. Staff stated the

change had been studied and that there had been public engagement for the long-range planning efforts. Staff clarified that Council could approve the Amendment and submit comment to GoTriangle that the service change be delayed until January.

Council Member Dozier amended her motion to approve the Amendments to the Transit Plan Map and the Comprehensive Transit Plan consistent with the time that there would be an increase in route 305 or January 2021; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH4 Shawn Purvis, Assistant Town Manager

Order Closing a portion of the right-of-way (ROW) located between two Sweetwater Property Owner Association Open Space tracts

Staff stated this was a realignment so that the road could be completed. Responding to Council, staff stated that the typography in the area did not quite line up.

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

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the Order; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH6 Shawn Purvis, Assistant Town Manager

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

Staff stated this budget was a culmination of past meetings, a public hearing, and workshops. A brief overview of the budget was presented, staff stating the budget was basically flat.

Mayor Gilbert declared the Public Hearing open.

Read from Elizabeth Brunner : *Hello: I feel strongly that there should not be any increased fees passed to town residents, given the pandemic, the recession, and the high unemployment rate. This is a time for compassion, when every penny counts to many local families. For example, our sewer rate already seems extremely high and should not increase. Similarly, the Municipal Vehicle Tax should not be increased. Instead, the town should look for ways to decrease all fees and taxes applied to individuals.*

The property tax rate should come down to the neutral rate of \$.3493. Many local homeowners saw an extreme increase in the county's appraised value of their home. I've owned my 1957 house for seventeen years and plan to live here for the rest of my life. Since I do want to sell, the housing market is irrelevant. But the increased property tax is an extraordinary burden, especially this year.

I am glad that sidewalks, pedestrian amenities, and a local bus route appear to be budget priorities.

Read from Carl Ziller : *Six years ago in 2015, Apex voters approved \$15 million in bonds for road projects, including the completion of the Apex Peakway. So far we have nothing but paper to show for it. The last mayor ran on that platform and nothing came of it. Traveling in, around, and through Apex would be much easier and less congested with the Peakway completed. We are talking about a bridge on the west side, and the Hwy55 to Schiefflin Road both of which have had plans out for years now. The Peakway should be a high priority for the town which would benefit both the residents and businesses along it. Start making the developers shoulder the financial responsibility of parks and/or park space in this booming housing market. Can this project be expedited, and when will contracts be awards and construction begin?*

Mayor Gilbert declared the Public Hearing closed.

Council discussed when there could be a follow up budget meeting, consensus being Tuesday, May 26th, at 4:00 p.m. For this upcoming meeting, Council asked for a possible response to what the County will be providing as far as cash assistance resulting from COVID-19.

OLD BUSINESS

OB1 Shawn Purvis, Assistant Town Manager

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

Staff stated this was to ask direction on letting its previous direction expire or to extend it. A payment plan would be devised based on this direction. He stated that we could delay disconnects and delay late fees further or extend the payment plan.

Council stated that in order to support the citizenry, she wished to extend what is currently in place and that we keep in close contact with other levels of government and cash assistance in supporting municipalities.

Council questioned if there was concern for the amount of money owed to the Town which was rising exponentially. Council stated she was concerned about people first over the amount of money owed the Town.

Council stated she also preferred to extend the payment plan and suspend disconnections.

Council stated he was concerned that the money would be gone forever and that taxpayers would be responsible for lost revenue. Staff explained efforts could be put in place, i.e., letters, to encourage those who can pay to pay.

Council stated he felt some of the amounts could be recoverable. He wondered if there was a middle ground to not make disconnects and to encourage people to pay as well.

Staff stated a payment plan agreement letter was being drafted. In that letter, we could easily remind citizens that the suspension does not remove the obligation to pay at some point – we cannot legally waive these payments. No letters have been sent since March. Staff, responding to Council, stated that bills show uncollected amounts. There was further conversation about the type of letter/notice to be sent.

There was brief discussion surrounding Council comment that he would never want to see utilities disconnected. Council was in agreement with extending the current suspension date.

Council questioned if we could separate out commercial and residential, staff stating this would be a lot of work because of the way our system is set up. Responding to Council, staff stated there hasn't been a lot of chatter on this subject. Many municipalities have tied themselves to Executive Order 124 and have payment plans and letters ready to be sent out.

Staff stated we will send out letters giving guidance on the payment plan. We will begin working with the public to try to get people who can pay to start moving in that direction. Council questioned what the increase would be in rates for those amounts we would not be able to recover.

Council Member Mahaffey made a motion to postpone the disconnect date to August 31st and to direct staff to try to convert balances to payment plans and to report progress to Council on a monthly basis; Council Member Killingsworth seconded the motion.

Council spoke briefly about our advocacy with the County on funding, payment plans, and programs which would help citizens with payment.

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

NEW BUSINESS

There were no New Business items for consideration.

CLOSED SESSION

There were no Closed Session items for consideration.

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.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor