



VIRTUAL REGULAR TOWN COUNCIL MEETING

October 26, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

Town 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: Catherine Crosby | 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 Audra M. Killingsworth, Brett D. Gantt, Terry Mahaffey, and Cheryl F. Stallings. Also in attendance were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Deputy Town Clerk Tesa Silver, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order, roll called attendance, and led the pledge of allegiance.

PRESENTATIONS

PR1 Apex Town Council and Apex Public School Foundation

Presentation by the Apex Public School Foundation

Council Member Mahaffey stated that the Town has partnered with the Apex Public School Foundation to present the Peak STAR (Staff Teacher Administration Recognition) Award. The award honors staff members for their contributions and impact on students and the education system.

Stephanie Mitchell, President of The Apex Public School Foundation, recognized the 1st honoree of the Peak STAR Award, Mr. Terrell Olive, Custodian at Apex Elementary School. Katie Caggia, Principal of Apex Elementary School shared comments received about Mr. Olive and praised Mr. Olive for always making everyone feel good, for his work ethic, and maintaining a safe and clean environment for the best student experience. Mr. Olive thanked the Apex Elementary School staff. Council

congratulated Mr. Olive and thanked him for his hard work in assisting with the process to keep children in school during these times.

PR2 Vance Holloman, Finance Director

Presentation of an Update on the Town's Customer Assistance Program.

Staff provided Council with an update on the Town's Customer Assistance Program as of September 30, 2021. Staff stated that the program has a 90% approval rate, and that average amount received is approximately \$600 per applicant.

CONSENT AGENDA

CN2 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Edwards Pond, LLC to install a concrete driveway that will encroach 157 S.F. onto the Town's 20' Public Drainage Easement and authorize the Town Manager to execute the same.

CN3 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Lennar Carolinas, LLC to install a concrete driveway that will encroach 7 S.F. onto the Town's 39 S.F. Public Drainage Easement and authorize the Town Manager to execute the same.

CN4 Jacques K. Gilbert, Mayor

Appoint Audra Killingsworth, Town Council Member, Tina Sherman, Town Planning Board Member, Philip J. Welch, Jr., Rhett Fussell, Valeria Cesanelli, Paul Kane, Seth Friedman, Jacob Rogers and Martha L. Rodgers to the Housing Advisory Board.

CN5 Michael Deaton, Water Resources Director

Set a Public Hearing concerning the proposed amendments to Article III of Chapter 12 to add a Stormwater Utility Ordinance for Tuesday, November 9, 2021 at 6:00 p.m.

CN6 Colleen Merays, Downtown & Small Business Development Coordinator & Captain Ann Stephens

Town Sponsored Event request for the Town of Apex to host Apex Night Out on Saturday, November 6, 2021 at The Depot Parking Lot, Plaza and Seaboard St.

CN7 Donna B. Hosch, Town Clerk & Tesa Silver, Deputy Town Clerk

Minutes of the October 6, 2021 Special Council Meeting and the October 12, 2021 Regular Council Meeting

- CN8 Michael Deaton, PE, Director
Interlocal Agreement (ILA) with the Town of Cary to provide water service to a single family residence located at 5921 Farmpond Road.
- CN9 Taylor Wray, Cultural Arts Marketing and Events Specialist
Reappoint Tom Colwell as Chair and Bethany Bryant as Vice-Chair on the Apex Public Art Committee.
- CN10 Mary Beth Manville, Human Resources Director
Organization and Workforce Study contract between the Town and Baker Tilly-US, LLC, authorizing the Town Manager to execute the same, and approve corresponding Budget Ordinance Amendment No. 8.

Council Member Stallings requested that Consent Agenda Item 1 be pulled for discussion to New Business 1.

Mayor Gilbert called for a motion to approve the Consent Agenda.

Council Member Killingsworth made the motion
to approve with the requested change;
Council Member Mahaffey seconded.
The motion carried by a 5-0 roll call vote

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to approve the Regular Agenda.

Council Member Gantt made the motion to approve;
Mayor Pro Tem Dozier seconded.

The motion carried by a 5-0 roll call vote.

PUBLIC FORUM

There were no Public Forum comments to be heard.

PUBLIC HEARINGS

There were no Public Hearings.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business Items for consideration.

NEW BUSINESS

CN1 Marty Stone, Assistant Town Manager

Master Encroachment Agreement with Google Fiber North Carolina, LLC and authorize the Town Manager to execute the same.

Assistant Town Manager Stone explained that the questions posed by Council are standard business practices for Google. Assistant Town Manger Stone stated that Google will send a notification through IDT and the TRC reviews everything to ensure that the town's infrastructure is protected and safe. Staff is being proactive by being involved in the process ensuring utilities are protected. Council asked if Google would use AT&T's existing infrastructure and staff stated that if that occurred a discussion between the two private companies would occur with no town involvement. Council asked if this was the only area Google would be entering and staff stated that the Town is not currently aware of additional plans. Staff stated that the process and encroachment agreement are being utilized as a mechanism to be notified of upcoming projects.

Mayor Gilbert called for a motion.

Council Member Gantt made the motion

to approve the encroachment agreement and authorize the Town Manager to execute the same;

Council member Killingsworth seconded.

The motion carried by a 5-0 roll call vote.

UPDATES BY TOWN MANAGER

TM1 Catherine Crosby, Town Manager

Updates on Town operations by Town Manager Catherine Crosby

Town Manager Crosby shared her experiences observing staff at various department throughout the town, thanked staff for their involvement with her visits, and acknowledged the recent Peak Performers. She stated that the grand opening for the Senior Center would occur on Monday, the Depot reopening would occur tomorrow, and that a swearing in ceremony was held for Police Chief Armstrong.

CLOSED SESSION

CS1 Steve Adams, Real Estate & Utilities

Possible motion to go into closed session pursuant to NCGS 143-318.11(a)(5) to discuss the town's negotiating position with respect to acquisition of real property.

Mayor Gilbert called for a motion to go into Closed Session.

Council Member Stallings made the motion;

Council Member Gantt seconded.

The motion carried by a 5-0 roll call vote.

Mayor Gilbert called for a motion to return to Open Session.

Council Member Killingsworth made the motion;

Council Member Stallings seconded.

The motion carried by a 5-0 roll call vote.

WORK SESSION

There was no Work Session.

ADJOURNMENT

With no further business and with no objections from Council, Mayor Gilbert adjourned the meeting.

Tesa Silver, CMC, Deputy Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor