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# Apex Town Council Meeting

Wednesday, March 04, 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 Regular Meeting of the Apex Town Council  
scheduled for Wednesday, March 4, 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, 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 Marty Stone,  
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

## COMMENCEMENT

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Mayor Gilbert called the meeting to order and presented a statement regarding diversity and inclusion as it relates to religion and unity. Fernando Rodriguez gave the Invocation, after which Mayor Gilbert led the Pledge of Allegiance.

## PRESENTATIONS

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PR1 Amanda Bunce, Current Planning Manager

Special presentation on the importance of counting all Apex citizens in the 2020 Census

Staff stated that the census has been mandated by the US Constitution since 1790, and she explained how the figures are used in the community and by the government.

Staff stated Apex has grown by about 16,000 people. We lose between \$1,500 and \$2,500 per year for those not counted, and this would be our loss for another ten years. Staff explained what this affects. A

committee has been formed to get the word out about the importance of completing the forms accurately.

Staff spoke about reaching out to the historically undercounted and showed areas that had low response scores. We are reaching out to the Latino community, as they are one of the undercounted. The Mayor will be sending out a letter explaining the importance of the census, kiosks will be set up at various locations, and there will be a census mobile unit. Other efforts include banners, yard signs, a census day event, and representation at the farmer's market and PeakFest.

Staff explained the four ways to respond to the census, and presented some 'myth busters'. Council questions related to the Town's text features were answered.

PR2 Mayor Jacques Gilbert

Presentation of the Environmental Stewardship Award

Yume Iwakura, a junior at Apex Friendship High School, presented the history of award recipient Johan Tondeur having solar installed on his home. Mr. Tondeur's HOA is now encouraging others in his neighborhood to do so also.

Council Member Dozier gave the history of the Environmental Committee, noting that former Council Member Bill Jensen was a part of this Committee. We want to see better for our community. Mr. Tondeur spoke about wind power, going back to its use by Christopher Columbus to how it is being used currently.

Mayor Gilbert thanked Council Member Killingsworth for running in the County elections even though she didn't get her desired outcome. The outcome for Apex is that we will benefit from Council Member Killingsworth remaining a part of our Council.

## CONSENT AGENDA

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CN1 Donna Hosch, Town Clerk

Minutes of the Council Pre-Retreat on January 9, 2020, the Council Strategic Planning Retreat on January 10, 2020, and the Regular Council Meeting on February 4, 2020

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated January 2, 2020

- CN3 Amanda Bunce, Current Planning Manager  
Set the Public Hearing for the March 17, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance
- CN4 Shelly Mayo, Planner II  
Statement of the Town Council for Rezoning Case #19CZ25, Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, petitioners, for the property located on 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road
- CN5 Marty Stone, Assistant Town Manager  
Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owners, David Lawrence Martin and Liesl Martin regarding Wake County, NC, PIN#0710-22-6578, Lot 382 Jordan Pointe, Phase 2D as shown and recorded in Book of Maps 2019, Page 664, 2836 Horton Elms Drive, New Hill, NC 27562
- CN6 David Wood, Cultural Arts Center Manager  
Close the Depot parking lot on April 1st, 2020 for Census Day Event from 8:00 a.m.-7:00 p.m.
- CN7 Vance Holloman, Finance Officer  
Budget Amendment No. 12 appropriating funds to reimburse a developer for additional public right of way (ROW) along Kelly Road dedicated as part of the Peak 502 project in accordance with UDO Section 13.15
- CN8 Vance Holloman, Finance Officer  
Capital Project ordinance Amendment No. 2020-11 appropriating funds for the Apex Peakway at NC 55 Project to pay project costs
- CN9 Mayor Jacques K. Gilbert  
Appointments, including Chair and Vice-Chair, to the Transit Advisory Committee
- CN10 Vance Holloman, Finance Officer  
Capital Project Ordinance Amendment No. 2020-12 appropriating funds for the James Street to Downtown Pedestrian Project to pay project costs
- CN11 Mary Beth Manville, Human Resources Director  
Position reclassification requests, as recommended from the Personnel Committee

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

The motion carried by a 5-0 vote.

## REGULAR MEETING AGENDA

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

The motion carried by a 5-0 vote.

## PUBLIC FORUM

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Ann Nylund spoke about the electric operations center. The Town is wrong – this use does not qualify as government use. Ms. Nylund presented her utility bill which showed her owing sales tax to the State of NC. So this a business. Ms. Nylund stated the Town is in violation of State law. If this goes to court and the neighbors win, what will happen when the Town can't use the facility. The Town should examine the case law.

Bearta AlChacan stated she was working with the special events office to put on an interntional food festival type of event. She explained the benefits of such an event, especially since Apex has a large, diverse community. Their goal is to bring people together for good things.

## PUBLIC HEARINGS

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PH1 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Ronald and Linda Padget (single-family) property containing 2.70 acres located at 7101 Beaver Trail, Annexation #684 into the Town's corporate limits.

Staff oriented Council to the site.

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 adopt the Ordinance; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

## OLD BUSINESS

There were no Old Business items for consideration.

## UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

## CLOSED SESSION

Laurie Hohe, Town Attorney

Pursuant to N.C.G.S. 143-318.11(a)(3) to preserve attorney-client privilege, and pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to state law

Mayor Gilbert called for a motion to go into Closed Session. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a motion to return to Open Session with no objections from Council.

Mayor Gilbert called for a motion to adopt Resolution No. 20-0304-03 Resolution Authorizing Eminent Domain Proceedings to Acquire Sewer and Greenway Easements. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

## NEW BUSINESS

There were no New Business items for consideration.

Mayor Gilbert called for a 15 minute recess, after which the Work Session moved to the third floor Training Room.

## WORK SESSION

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WS1 Colleen Merays, Downtown & Small Business Development Coordinator & David Wood, Halle Cultural Arts Center Manager

Special Event Permit requests and Town Co-Sponsorship requests for 2020 and 2021.

Representatives requesting Town approval of their events were in attendance.

Staff explained the benefit of the events to our lives. Several have been going on for years, several are new. Explained what Town services would be required, the closing of streets, and use of the Halle and the Depot.

Staff went through the list of 16 events and answered Council questions, in particular about the Farmer's Market. Council asked about the Town's funding of the Market. As expenses grow, it seems inappropriate that there is another Board governing the Market. The Town should have more say so in spending, operation of the board, etc. Council stated she brought up last year the Town possibly taking over this function.

Discussion ensued on the Bone Suckin Sauce Peak City Pig Fest. Council questions were answered by staff and event representatives. Council stated his preference was to pay for the dumpsters and not for police, which would be comparable to other festivals. Net proceeds and where they go in the community were stated by Pig Fest representative.

Council asked the Farmer's Market representative about their accepting SNAP. The representative stated their vendors are small and cannot accept SNAP at this time. However, they are working on this.

Information was presented on the international festival, and the representative answered questions posed by Council. Shown was a synopsis of the events of this festival which is held in Raleigh. Council requested that Apex people are included. Council was concerned about the possible impact of a for-profit organization from outside of Apex coming into Apex and how this would affect Apex organizers. There was further conversation from Council as to the impact of such a festival to the other businesses and its cost to the town. There was also some discussion about a cap on events downtown. Council will further consider approving this event request.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve as was presented, with the discussed change for Sunrise Rotary and the removal of the international festival; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Staff will come back with answers to Council questions about the international festival at the next Council meeting. There was discussion regarding a cap on events so as to have a ratio of non-profit to profit events.

WS2 Steve Chandler, Chandlerthinks; Stacie Galloway, Communications Manager

Discussion of community branding study results and recommendations with consultant.

Mr. Chandler explained the purpose of branding and how challenging the process can be. He presented the proposed logo and its possible uses. Council expressed comments related to colors/color combinations, the logo being liked, but wanting to think about it more. Staff provided a history of the current logo. The new logo would look clean and work well with our signage.

## ADJOURNMENT

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

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor

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