



Apex Town Council Meeting

Tuesday, March 17, 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 Tuesday, March 17, 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, Town Clerk Donna B. Hosch,
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.

Mayor Gilbert stated that [due to the Coronavirus situation] there would not be a Public Form or Public Hearings at this meeting. This additionally included Presentations.

PRESENTATIONS

- PR1 Mayor Jacques K. Gilbert
Presentation of the Proclamation declaring March 20, 2020 as Arbor Day in the Town of Apex.
- PR2 Roy Jones, CEO
Presentation of Exceptional Achievement in the Area of Workforce Development from the Public Power Association

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the Joint Conversational Meeting with Cary Town Council on February 13, 2020, the Council Budget Retreat on February 14, 2020, the Regular Council Meeting on February 18, 2020, and the Regular Council Meeting on March 4, 2020

CN2 Mayor Jacques K. Gilbert

Appointment of Tim Carley to the Environmental Advisory Board as the "Development Community" representative with the term expiring on 12/31/2020

CN3 Personnel Committee: Mayor Pro Tem Dozier and Mayor Jacques Gilbert

The addition of a full-time Deputy Town Clerk to the current number of authorized positions and set the Pay Grade at 19

CN4 Dennis Brown, PE

Approval of and authorization for Town Manager to execute design agreement contract with Davis Kane Architects for design for Public Safety Station #6 in the amount of \$450,000.00

The Town Manager requested additional Consent Agenda items regarding traffic calming devices and a revised Caregiver Leave Policy. He also requested the addition of three items for New Business. Council Member Gantt asked that the traffic calming request be moved to New Business.

Being polled by Mayor Gilbert, Council were in unanimous agreement to set the
Consent Agenda with the modifications as stated.

REGULAR MEETING AGENDA

The Town Manager requested amendments to the Regular Agenda. (1) Removing Public Forum, adding that the required one Forum for the month had been satisfied. (2) Continuing Public Hearing 01 to the first meeting in May. (3) Rescheduling New Business 01 as the applicant had withdrew the request. This would come back before Council as staff would need direction from Council. (4) Not hearing New Business 01, as there was no sense of urgency related to this request.

The Town Manager also requested the following items to be added under New Business: the item related to traffic calming as stated earlier; Ordinance 2020-0317 regarding utility billing and collections; a Remote Participation Policy for Meetings by the Apex Town Council prepared by the Town Attorney; amendment of the Town Council Meeting Schedule to cancel the first meeting in April and also canceling the first meeting in April of the Planning Board.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the Regular Agenda as requested; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

As stated earlier, Public Forum was not held at this meeting.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

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

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to continue the Public Hearing to the May 5, 2020 Council Meeting; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business Session items for consideration.

UNFINISHED BUSINESS

UB1 Colleen Merays, Downtown & Small Business Development Coordinator and David Wood, Halle Cultural Arts Center Manager

Review of Apex Special Event Policy and research on other local municipalities

As stated earlier, Unfinished Business was not heard at this meeting.

NEW BUSINESS

NB1 John M. Brown, Director Parks, Recreation, and Cultural Resources and Craig Setzer, Park Operations Manager

Motion to approve implementation of Adopt a Park / Adopt a Trail Program

As stated earlier, New Business 1 was not heard at this meeting.

Added N2 : Russell Dalton, Senior Transportation Engineer

Construction contract to Eastern Services LLC DBA Raleigh Paving in the amount of \$8,140.00 for installation of two asphalt speed humps with signs and markings on Straywhite Avenue in the Miramonte subdivision recommended in accordance with the UDO process

Staff provided history on the request. Council asked if there was a process to re-evaluate the standards in order to avoid negative issues. Staff explained the re-evaluation policy, stating that the Town has a scientific process for studying traffic for humps. The humps will be paid for in part by the Town and in part by the HOA.

Council asked what was the criteria for setting the petition boundary, and staff explained how the boundary was devised. Staff explained the HOA has to approve the Town's plan; about 70% of the residents are in agreement. Staff spoke about perception vs. actual data collected. Council thanked staff for his knowledge.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the contract; Council Member Stallings seconded the motion,
The motion carried by a 5-0 vote.

Added NB3 : Drew Havens, Town Manager

Ratification of actions taken by the Town Manager and Ordinance 2020-03-17 ...

Staff stated he was seeking ratification of actions he'd previously taken to suspend disconnection of customer utilities for non payment because of the Coronavirus. The Ordinance would modify the fee

structure reaching through May 12, 2020, an eight week window. Staff would let customers know they still have to pay their bills, and staff was working on ways for customers to make payment arrangements.

Council Member Killingsworth made the motion to adopt the Ordinance
with a May 12, 2020 extension date.

Council asked if the date could be extended if needed. Staff stated the situation would be re-evaluated as times go on, and that the matter may come back before Council with further modifications.

Council stated he would be more comfortable extending the date now.

Council Member Dozier seconded the motion.

She then spoke about executive orders and the Town's possible flexibility via these orders. She appreciated what staff was doing in this situation and being proactive. Conversation ensued with the Town Attorney regarding payments and fees and extending the date.

Council Member Mahaffey made a substitute motion to amend the date to July 1, 2020.

Council asked staff if this could be done, his stating 'yes' if this was the direction of Council. But we would have to be careful in messaging this to people so they truly understand they would still have to pay their utility bills. This was not a waiver but our not charging late fees accrued during this time and not doing disconnects.

Council Member Killingsworth stated she was in agreement with the July 1 date.

Mayor Gilbert redirected Council to the motions on the table.

Conversation ensued about the Town's flexibility and ability to operate effectively. Staff stated there could be a compromise of a June 5 date. Council mentioned the possibility of never having a shut off date. Council stated the latter would be a separate conversation. There was agreement with the June 5 date. Council asked the Town Attorney could the Town Manager be directed to extend beyond the decided date, the Town Attorney explaining that this would need to be done via Ordinance, ratifying if necessary.

Council Member Killingsworth was in agreement with a June 5, 2020 date,
with extending if necessary, as was Council Member Dozier.

The motion carried by a 5-0 vote.

ADDED NB 3 – Laurie Hohe, Town Attorney

Remote Participation Policy for Meetings of the Apex Town Council

Staff stated that in the event one or more Council Members were unable to attend a Council meeting in this current climate, this policy would provide some degree of remote participation. This would still require a quorum to be present – a minimum of three Council Members. This would make it less likely to be a possible legal challenge.

Council questioned if we could have the same type of policy for Public Hearings. He thought it a good way to go in the future. There was brief discussion about online signup, which one Council Member was in disagreement. Conversation ensued about alternate way to make it easier for the public. She suggested the question going to the School of Government and League of Municipalities so that they could do the research and come back to us with suggestions. The Town Attorney stated that while it would not be the same as speaking in Public Forum, Council's contact information is available to the public.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the policy as presented; Council Member Dozier seconded the motion with the addition that staff ask the League and School of Government for information on how we could be more accessible to the public.

The motion carried by a 5-0 vote.

Added NB 4 – Amending the Apex Town Council schedule of Regular Meetings to remove the April 7, 2020 Meeting from the official calendar and to amend the Apex Planning Board regular schedule of meetings to remove the April 13, 2020 meeting from the official calendar

Staff stated the building would be closed to the public during these times, extending to April 15. Conversation ensued on the impact of this to upcoming meetings. Council asked that upcoming Public Hearings be spread out as much as possible to more than just one meeting. Staff stated that Council might want to consider having a two-night Council Meeting if the workload is too high. Responding to Council question, staff stated the budget process would not be affected if we could get back to a normal way of life.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt amending the schedule as presented; Council Member Stallings seconded the motion.

Council express concern if the situation continues or gets worse; at some point we have to just do Town business. Council discussed Council having flexibility as far as time.

The motion carried by a 5-0 vote.

Mayor Gilbert stated it was Women's History Month and recognized Mayor Pro Tem Dozier, Council Members Killingsworth and Stallings, and Town Clerk Hosch and Master Officer Kalinowski who was in attendance.

He praised "our great leader" Town Manager Drew Havens in getting things done during this pressing time along with Town Attorney Hohe.

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 declared the meeting adjourned.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor