

DRAFT MINUTES
TOWN OF APEX
REGULAR TOWN COUNCIL MEETING
TUESDAY, JUNE 13, 2023
6:00 PM

The Apex Town Council met for a Regular Town Council Meeting on Tuesday, June 13, 2023 at 6:00 PM in the Council Chambers at Apex Town Hall, located at 73 Hunter Street in Apex, North Carolina.

This meeting was open to the public. Members of the public were able to attend this meeting in-person or watch online via the livestream on the Town’s YouTube Channel. The recording of this meeting can be viewed here: <https://www.youtube.com/watch?v=OV1Flh78eL0>

[ATTENDANCE]

Elected Body

- Mayor Jacques K. Gilbert (presiding)
- Mayor Pro-Tempore Audra Killingsworth
- Councilmember Brett Gantt
- Councilmember Ed Gray
- Councilmember Terry Mahaffey
- Councilmember Arno Zegerman
- Absent: None

Town Staff

- Town Manager Catherine Crosby
- Deputy Town Manager Shawn Purvis
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman
- Deputy Town Clerk Ashley Gentry
- All other staff members will be identified appropriately below

[COMMENCEMENT]

Mayor Gilbert called the meeting to order, and thanked all in attendance for engaging in the town business as a community.

Mayor Pro Tempore Killingsworth then offered a statement acknowledging the importance of diversity and tolerance, and recognized that there are many different faiths represented in Apex. She invited everyone to take a personal moment of silence.

Mayor Gilbert then invited Elder Creason from the Church of Jesus Christ of Latter-Day Saints to offer the invocation.

Elder Creason offered words of thanks, and asked for strength to be given to Council as they work to make decisions that can better the lives of those in the community.

Mayor Gilbert then led those in attendance in the pledge of allegiance.

DRAFT MINUTES

1 **[CONSENT AGENDA]**

2 **Mayor Gilbert** announced that Old Business Items 1 and 2 would be continued to the June
3 27th Regular Town Council Meeting. He said Council would be holding an additional Public Hearing
4 on June 27th, in order to receive additional input from the community on the Annual Operating
5 Budget and Capital Investment Plan.

6
7 **Mayor Gilbert** asked if there were any requested alterations to the Consent Agenda.

8
9 **Councilmember Zegerman** requested that Consent Item 10 be moved to New Business.

10
11 A **motion** was made by **Councilmember Arno Zegerman**, seconded by **Mayor Pro**
12 **Tempore Audra Killingsworth**, to approve the Consent Agenda, with the removal of Consent Item
13 10 to New Business One (1).

14
15 **VOTE: 5-0 (UNANIMOUS)**

16
17 **CN1 Agreement Amendment - Renewal of ADA Paratransit Service Agreement with Wake**
18 **County - FY2023-24 (REF: CONT-2023-142)**

19 Council voted to approve an Amendment to the Americans with Disabilities Act (ADA) Paratransit
20 Services Agreement with Wake County, effective July 1, 2023 through June 30, 2024; and to
21 authorize the Town Manager to execute on behalf of the Town.

22 **CN2 Annexation No. 757 - Alderwood Pond - 0.67 acres (REF: RES-2023-033, RES-2023-**
23 **034, and OTHER-2023-051)**

24 Council voted to adopt a Resolution Directing the Town Clerk to Investigate Petition Received, to
25 accept the Certificate of Sufficiency by the Town Clerk, and to adopt a Resolution Setting the Date of
26 a Public Hearing for June 27, 2023, on the Question of Annexation - Apex Town Council's intent to
27 annex 0.67 acres Alderwood Pond, Annexation No. 757 into the Town Corporate limits.

28 **CN3 Annual Operating Budget and Capital Improvement Plan FY 2023-2024 - Schedule 2nd**
29 **Public Hearing**

30 Council voted to schedule a second budget public hearing for June 27, 2023 on the Annual
31 Operating Budget and Capital Improvement Plan (CIP) for fiscal year 2023-2024.

32 **CN4 Budget Ordinance Amendment No. 18 - Electric System Expansion (REF: ORD-2023-**
33 **044)**

34 Council voted to adopt Budget Ordinance Amendment 18 to appropriate funds for electric system
35 expansion.

36 **CN5 Capital Project Ordinance Amendment No. 2023-08 - Town Wayfinding Project and**
37 **Hunter Street Bike Track Project (REF: ORD-2023-045)**

38 Council voted to approve a Capital Project Ordinance Amendment No. 2023-08 to transfer
39 appropriate funds for the Town Wayfinding Project and Hunter Street Bike Track Project.

DRAFT MINUTES

1 **CN6 Contract Amendment Multi-Year - CDM Smith, Inc. - leadCAST - July 1, 2023 through**
2 **June 30, 2026 (REF: CONT-2023-143)**

3 Council voted to approve an Amendment to Task Order No. 2, effective July 1, 2023 through June
4 30, 2026, with CDM Smith, Inc. under a Master Services Agreement for On-Call Professional Services
5 (No. 2019-0025) approved on September 4, 2018, for implementation of the data management
6 solution, leadCAST, and migration of the Lead Service Line (LSL) data into an inventory file within the
7 leadCAST platform; and authorize the Town Manager to execute the agreement on behalf of the
8 Town.

9 **CN7 Contract Multi-Year - Axon Enterprises Inc. - Technology and Software Support - July 1,**
10 **2023 through June 30, 2026 (REF: CONT-2023-144)**

11 Council voted to approve a Master Services Agreement (MSA), effective July 1, 2023 through June
12 30, 2026, with Axon Enterprises Inc. for technology and software support for the following in the
13 Apex Police Department (APD): Body Worn Cameras (BWC), Mobile Video Recorders (MVR), and
14 Taster 7 Electronic Control Weapons (ECW); and authorize the Town Manager to execute the
15 agreement(s) on behalf of the Town.

16 **CN8 Council Meeting Minutes - Various**

17 Council voted to approve, as submitted or amended, Meeting Minutes from the following meetings:
18 May 16, 2023 - Town Council Work Session Meeting Minutes
19 May 23, 2023 - Regular Town Council Meeting Minutes

20 **CN9 Encroachment Right-of-Way (ROW) Agreement - NCDOT - GoApex Bus Stop Sidewalk**
21 **Art Project (REF: CONT-2023-145)**

22 Council voted to approve a right-of-way (ROW) encroachment agreement with North Carolina
23 Department of Transportation (NCDOT) to allow the Town to paint art on the public right-of-way at
24 select GoApex bus stops (Attachment No.2) as part of the GoApex Bus Stop Sidewalk Art Project;
25 and to authorize the Town Manager to execute the agreement on behalf of the Town.

26 **CN10 Interlocal Agreement with Wake County Board of Education (BOE) - Infrastructure**
27 **Provision to Support Public School Facilities - Felton Grove High School Project -**
28 **Thriftwood Drive and Derry Down Lane**

29 *Russell Dalton, Traffic Engineering Manager, Transportation and Infrastructure Dev. Dept.*

30 Consent Item 10 was pulled from consent and moved to New Business 1, by request of
31 Councilmember Zegerman.

32 **CN11 Resolution to Collect Taxes - Chatham County (REF: RES-2023-035)**

33 Council voted to adopt a Resolution authorizing the Chatham County Tax Administrator to collect
34 taxes on behalf of the Town of Apex.

35 **CN12 Resolution to Collect Taxes - Wake County (REF: RES-2023-036)**

36 Council voted to adopt a Resolution authorizing the Wake County Revenue Director to collect taxes
37 on behalf of the Town of Apex.

38 **CN13 Rezoning Case No. 23CZ05 - Pleasant Park - Statement and Ordinance (REF: ORD-**
39 **2023-046)**

DRAFT MINUTES

1 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning
2 Application No. 23CZ05, Town of Apex, petitioner, for Pleasant Park, property located at 3400
3 Pleasant Plains Road (PIN 0731407544).

4 **CN14 Rezoning Case No. 23CZ06 - Hunter Street Park Addition - Statement and Ordinance**
5 **(REF: ORD-2023-047)**

6 Council voted to approve the Statement of the Town Council and Ordinance for Rezoning
7 Application No. 23CZ06, Town of Apex, petitioner, for Hunter Street Park Addition, located at 1250
8 Ambergate Station (portion of PIN 0742531455).

9 **CN15 Tax Report - April 2023 (REF: OTHER-2023-052)**

10 Council voted to approve the Apex Tax Report dated May 18, 2023.

11 **CN16 Town Standard Specifications & Standard Details - Revisions (REF: OTHER-2023-053)**

12 Council voted to approve revisions to the Town Standard Specifications and Standard Details.

13 **CN17 Unified Development Ordinance (UDO) Amendments - May 2023 - Statement (REF:**
14 **OTHER-2023-054)**

15 Council voted to approve the Statement of the Apex Town Council pursuant to G.S. 160D-605(a)
16 addressing action on the Unified Development Ordinance (UDO) Amendments of May 23, 2023.

17
18 **[PRESENTATIONS]**

19
20 **PR1 Proclamation - Apex High School "Lady Cougars" Softball Team - NCHSAA 4A State**
21 **Champions (REF: PRO-2023-020)**

22 **Mayor Gilbert** and the rest of Town Council read the proclamation honoring the Apex High
23 School Softball State Champions in unity.

24 Each member of the team then received individual recognition from Mayor Gilbert and
25 Council, and were each given a copy of the proclamation.

26 **Mayor Gilbert** shared a story from Game 2 of the Championship series, when an opposing
27 fan asked him which one of the players was his daughter. Mayor Gilbert said he replied that the
28 whole team was his family. He thanked the team for bringing the championship back to the Peak,
29 and said it was a big thing for the community. He said the championship convoy through Salem
30 Street reminded him of a scene from Remember the Titans, and thanked the team for representing
31 Apex so well.

32 After taking a group picture, **Mayor Gilbert** once again congratulated the team on their
33 accomplishment, and thanked Town Clerk Allen Coleman, Deputy Town Manager Shawn Purvis, and
34 all other staff members involved in putting together the celebration.

35
36 **PR2 Proclamation - Apex Public Works Week 2023 (REF: PRO-2023-021)**

37 **Mayor Gilbert** and the rest of Town Council read the Public Works Week 2023 Proclamation
38 in unity.

39 **John Mullis**, Public Works Director, and other Public Works employees, accepted the
40 proclamation and took a picture with the Mayor and Council.

DRAFT MINUTES

1 **PR3 Proclamation - Year of the Trail 2023 (REF: PRO-2023-022)**

2 **Mayor Gilbert** and the rest of Town Council read the Year of the Trail 2023 Proclamation in
3 unity,

4 **Craig Setzer**, Director of Parks, Recreation, and Cultural Resources, and other Parks staff
5 members, accepted the proclamation and took a picture with the Mayor and Council.
6

7 **[REGULAR MEETING AGENDA]**

8
9 **Mayor Gilbert** noted that Old Business Items 1 and 2 were requested to be continued to
10 June 27th, 2023, and Consent Item 10 was requested to be moved to New Business 1.
11

12 A **motion** was made by **Councilmember Brett Gantt**, seconded by **Councilmember Terry**
13 **Mahaffey**, to approved the Regular Meeting Agenda, with the continuance of Old Business 1 and 2,
14 and the adoption of Consent Item 10 as New Business 1.
15

16 **VOTE: UNANIMOUS (5-0)**

17
18 **[PUBLIC FORUM]** (To view Public Forum sign-up sheets, see **OTHER-2023-055**)
19

20 **Mayor Gilbert** opened Public Forum, and invited the first person signed up to speak, William
21 Gentry.
22

23 First to speak was **William Gentry** of 8528 Raegan Road. (To view Mr. Gentry's handout, see
24 **OTHER-2023-056**)
25

26 "Good evening, ladies and gentlemen of the Town Council. My name is William Gentry, and I live at
27 8528 Raegan Road, west of Apex out on the Lake Jordan game lands. First. I want to thank you for
28 the hard work you guys are doing in helping shepherd Apex into becoming a progressive and
29 dynamic city, and at the same time, protecting private property owner's rights. I know that can get
30 kind of sticky sometimes, and that's one of the things I wanted to talk about. In front of you, you'll see
31 a little map I drew. There's a project the planning department is working on to extend the greenway.
32 When the development of Stillwater was developed a year or so ago, the developers promised
33 residents access to the American Tobacco Trail. Well, the developers are long gone, but the
34 residents still don't have access. So they petitioned the town Planning Board to give them access,
35 and from the Planning Board, there is an existing pathway this far up into Stillwater, Planning Board
36 wants to continue down Raegan Road, and go right through the middle of my property. That is the
37 old roadhead for Raegan Road, but when the corps of engineers bought all that land, they closed off
38 the secondary roads, and the DOT gave me documents that said we are abandoning the roadway at
39 the edge of your property. So that's the end of Raegan Road right there, so now the town planners
40 feel like they're going to go through my property again, and through the corps of engineer's
41 property, to connect to the trail. That's marked in green, they've got two routes. One over on Richard
42 Jenks' property off of Richardson Road, and the other one coming through my property. I proposed
43 to the planners a couple of alternate routes that won't have that kind of impact, and there's even a
44 third one that they can consider, which is go along the present course, along the property lines of

DRAFT MINUTES

1 Stillwater. And that will connect them to the trail. And I forgot to mention that we're a historic
2 property, and we can't make changes to the property or the house without the historic commission's
3 permission, so I'd like to ask the Town Council to really take a serious look at this, and try to help me
4 maintain my property in the form that it's in. If this trail were to go through it, it would probably cost
5 about a half million dollars in property valuation to me, so thank you for your time."

6 William Gentry's wife Kathy added a few comments: "We just feel very passionately that, we
7 came her 30 years ago, and we restored an 1890's farmhouse, it's on the state, local, and national
8 registries, and it has protections against this kind of invasion. It's just a group of people who would
9 like access to the trail, that live up the road from us. 3 years, we've been longtime residents and I find
10 this very disheartening, and I hope you will do the right thing. Thank you."

11
12 **Mayor Gilbert** thanked them for their comments.

13
14 Next to speak was **Darren Hoch** of 1931 Gray Meadow Drive. (To view Mr. Hoch's handout,
15 see **OTHER-2023-057**)

16
17 "City Council, Mayor Gilbert, residents of Apex, thanks for allowing us to speak, we're here
18 representing Woodall Estates Community and would like to share some ideas on how we could
19 make Woodall Crest Drive safer after the unfortunate death of Ayan, which you can imagine has
20 been very difficult for the parents, for any parent who has children and likes the spaces of Apex. I'll
21 be the first of 4 speakers, and I'd like to spend my time sharing our history of concerns about the
22 safety of Woodall Crest Drive. As our subdivision filled from 2017 to 2020, and more cars exited the
23 subdivision, it became clear that we started to see some safety risks then. Never mind the future, we
24 saw it a couple years ago. The first thing we noticed, as we all know, is that Woodall Crest Drive is a
25 1,000 yard straightaway collector road, and despite everyone's best intentions, no matter what we
26 do, it's a 1,000 yard road, and people are going to want to go fast on it. The other thing we noticed
27 as a community of having a lot of children is that there were no crosswalks between Gray Meadow or
28 Meadow Mill, which are the two streets that are adjacent to the sidewalk that leads to Scott's Ridge
29 Elementary. We noticed there's not a well-marked across Apex Barbecue, and there's really no safe
30 way to get over to Scott's Mill from our side. The other thing we noticed is that on the street there is
31 no real rules there about parking, so people can park there creating blind spots, and as we all know,
32 all these conditions culminated in what happened a few weeks ago. We attended a bunch of public
33 hearings in 2020 with Lennar, and we learned about mixed-use development, and our takeaway
34 from that was that there wasn't anything that could be done. There was no way to do speed bumps,
35 there was no way to do stop signs, roundabouts, and I think we as a community kind of left
36 disheartened, and since then, I've shared with you some packets of some correspondence, members
37 of the board and certain residents have had with the town and with Lennar. We did a traffic study, it
38 did result in a reduction of the speed limit, it went down to 25. I think there's still some concern that
39 we haven't done enough yet, so I think really, the others will give some solutions here, so in
40 conclusion, we're not trying to point fingers or assign blame, I think none of use were surprised that
41 this happened, we saw it in the making over the years, and it's extremely unfortunate. Since that
42 happened, no kids are out playing. Everyone is scared to death now. So, we just want to see if we
43 can figure out here and over the next couple months, we talk about it, right, we've gotta figure out a
44 way to make that stretch safe for the 30 kids that are inevitably going to spill there, and then

DRAFT MINUTES

1 inevitably for the couple hundred or thousands behind us that are also going to use that road. So
2 thank you for the time.”

3
4 **Mayor Gilbert** thanked Mr. Hoch for his comments.

5
6 Next to speak was **Chris Chandler** of 1936 Gray Meadow Drive: (To view Mr. Chandler’s handout,
7 see **OTHER-2023-058**)

8
9 “Thank y’all again very much, we just want to touch base on some things. One of the things I
10 want to bring up is through studies from the national highway association and federal transportation,
11 roads in the past have been designed to move cars down the road, move them fast. That has been
12 changing for the last decade, according to national transportation. There’s a lot of studies, a lot of
13 groups, some of the handouts I handed you will show you some of that, I’m not going to go through
14 that we don’t have the time. They are now trying to redesign for the pedestrians and the people
15 moving around in the communities like we do in Apex. It’s not about the traffic anymore, because
16 deaths in ‘21, 7,388 pedestrians were killed. That’s one every 71 minutes. Some of the other people
17 that this is affecting is also the drivers, we’re all pedestrians at some point. A child’s brain is not
18 always developed. They’re still growing. One thing I gave you, in ‘23 the average height of a car or
19 small SUV is 5 to 6 foot. I’m 6 foot. You’ll see on that paper, an 8-year-old is 47 inches to 54 inches.
20 For a full-size truck or SUV, 6 to 7 foot. You’ve still got an 8-year-old that’s at 48 inches. Cargo vans,
21 Amazon, FedEx, they’re 9 foot plus. With cars on the side, kids travelling, kids playing, they’re much
22 smaller than the traffic passing each other, creates a lot of blind spots. One of the things is about
23 speed reductions in all neighborhoods, one of these studies is showing as you’re slowing speed
24 down, which is not always everything, you’re going to hear about a lot of electric vehicles now for
25 kids at play. So if you’ve got a car that’s driving 25 miles an hour or 30, and one of these electric
26 vehicles, scooters or bikes at 15 or 20, that impact now is higher. And you’ll see in the study from the
27 national transportation, it will talk about the speed and impact the rate of death at 30 miles an hour
28 impact, 40% are going to die. 40 miles an hour, here’s an electric scooter at 15, now you’re even
29 higher than that, 73% are going to die. So we’ve got to change form where we used to be to accept
30 a lot of new things kids are doing, and adults ride. We have been travelling places, and we’ll get on
31 those electric scooters and bikes that will get you around at 15 miles an hour. 18 in some places. But
32 that now has created an impact that is at a higher speed and runs the death rate up. Plus, in the
33 study, you’ll also see in one of them I handed you, the demographic, a lot of them, the Black,
34 American Indian, Alaskan Native children and adults are even at some of the greater risk, so this
35 impacts all of us in all aspects. And there’s a walkability checklist I handed you that comes from the
36 national transportation, there’s things that we can do as a community for all of Apex, not just ours,
37 but all of Apex, and we want to see our kids and all the rest of the kids growing up to be the next
38 Apex High School State Champions, or Friendship, where our 20-year-old had went. I want to see all
39 those go up and do that, and make Apex even bigger and brighter, and I thank y’all for y’all’s time.”

40
41 **Mayor Gilbert** thanked Mr. Chandler for his comments.

42
43 Next to speak was **Karen Davis** of 1914 Woodall Crest Drive:
44

DRAFT MINUTES

1 “We moved from Cary to Apex in 2018 because of how Apex was developing into a walkable,
2 bikeable community with so much to offer. We enjoyed the location of our home, where we can walk
3 to Wake Zone at Publix Pointe on a Saturday morning for coffee, or bike to downtown for the
4 sculpture walk, lunch, shopping. But we had to strategize in order to do this safely, in order to go out
5 of our way in some case to safely reach a place to cross the street to get to a greenway trail. We’re
6 healthy adults, and we can easily go out of our way to reach a crosswalk to cross the street safely, but
7 this isn’t the case for everyone. I’m excited about the future plans for Apex, but with our small part of
8 town slated to be anchored by two elementary schools, additional greenway trails, potential
9 commercial space on Salam Street between Apex Barbecue and the 540 interchange, and additional
10 housing, we’re sure to see an uptick in all kinds of traffic. Drivers, walkers, bikers alike all want to
11 have safe access to all the things that are being offered to us in Apex. So we’re asking that the Town
12 Council take some serious consideration into making proactive decisions for moving around our
13 town efficiently and safely on foot or by car. One step to this end is to add designated and marked
14 crosswalks with stripes, specifically across Woodall Crest Drive at Apex Barbecue, Gray Meadow,
15 and Aspen River Drives, there are already curbside cutouts at these intersections, and ideally these
16 crosswalks could be raised. We would love to limit parking on Woodall Crest Drive’s non-residential
17 section by adding bike lanes, and see a three-way stop at one intersection on Woodall Crest Drive,
18 but for now our priority is to have clearly designated crosswalks and bike lanes to provide visual cues
19 to drivers to be mindful of pedestrians, bikes, and scooters. I should say that I have addressed this
20 Council at two meetings in 2020 about safety concerns, and I thank engineers and all of you for
21 reevaluating and reducing the speed limit to 25 miles an hour on Woodall Crest Drive in the past.
22 We hope safety is at the forefront of your minds when you are contemplating decisions about
23 continued growth and development in our town. The engineers have done a remarkable job at
24 planning a road system that efficiently gets cars from one place to another, but communities are
25 changing, people are moving towards other priorities when it comes to getting around. To promote
26 walkability, pedestrian safety cannot end at the curb. Pedestrians of all ages need to be able to cross
27 the street safely. Thank you.”

28
29 **Mayor Gilbert** thanked Ms. Davis for her comments.

30
31 Next to speak was **Tabitha Smith** of 1936 Gray Meadow Drive: (To view Ms. Smith’s handout, see
32 **OTHER-2023-059**)

33
34 “So, I’m the final speaker here today. In summary, we’re here to represent our neighborhood,
35 we have other neighborhoods that are represented who will speak as well. We are advocating for
36 our neighborhood, and some safety that involved our children. While we understand the accident
37 that occurred in our neighborhood, our aim is to figure out how to keep our kids safe as we move
38 forward. We are asking to put in a raised crosswalk that would be marked, there’s a map on the map
39 that I’ve indicated there’s only one marked crosswalk that our kids can use to safely get to school.
40 Everybody in the Woodall Estates neighborhood is not allowed to be bussed, they do have to walk.
41 We would like to see a marked crosswalk that they have in place that, like Karen said, will draw
42 attention to the fact that there are parents, kids, adults, we all use that and walk. We would like to ask
43 for a bike lane to be put on Woodall Crest Drive to help with traffic, with parking. We do find that
44 parking does aid in blocking and creating blind sights for both people who are walking/biking, and

DRAFT MINUTES

1 the cars who are using the roads. In regards to safe neighborhoods, we're just respectfully asking
2 for a review of the 25 mile an hour speed limit that is currently in neighborhoods. We are
3 appreciative of it being brought down from 35 to 25, but we are also recognizing that there is a lot of
4 electric bike use, scooters, skateboards, other speed propelling devices that kids and adults are
5 using that are now evident on our streets. The combined speeds, coupled with 25 miles an hour,
6 does increase injury and death rates. So, we are asking for just consideration for all neighborhoods
7 here in Apex to reconsider whether 25 is actually safe. Thank you for your time."

8
9 **Mayor Gilbert** thanked Ms. Smith for her comments.

10
11 Next to speak was Tanya Jeter of 2775 Jordan Pointe:

12
13 "Before I get started I have to say this because it's Pride, my first time getting in front of a
14 Town Council was 1997, in Colorado Springs, Colorado. And my high school had, someone had
15 written an article for the school about being gay, and they didn't put their name on it but the whole
16 town was upset about it. Like "they shouldn't be in our school", so I came out in front of a whole
17 room of angry people that I was gay and I appreciated the article. So anyways, since it's Pride it just
18 made me think of that and I just wanted to bring that up. Moving on. It's funny, our neighborhood
19 has the same concerns, and has gone through the same process where we have reached out to
20 engineering, I'm in Jordan Pointe, we were given a study about traffic and where we are right now
21 it's a 35 mile an hour zone, and just an example, 35 miles an hour goes through, and then in Jordan
22 Pointe there's a two-sided sidewalk, double sidewalk, that the whole community uses to ride bikes,
23 to walk their dogs, and when it gets to this Horton Ridge Road it goes to a single, and there's no sign
24 telling you when you're coming into the neighborhood or that you're about to cross a very busy
25 street. And even for myself, I've seen my 5-year-old just take off in his little ride-about thing without
26 looking both ways. I've seen my dog cross there, and as we're talking about solutions, really just
27 having a sign of kids playing, that would be an easy thing to do that would make an immediate
28 impact to get people to slow down. Also, I love the idea of the crosswalk. You know, our community
29 on our Facebook we're talking about it too, we're worried as well, and I wanted to show my support
30 for this community and also just say that it is a big issue that we're all aware of. Thanks a lot."

31
32 **Mayor Gilbert** thanked Ms. Jeter for her comments.

33
34 Next to speak was **Tim Ruscher** of 3457 Barn Road

35
36 "My name is Tim Ruscher and I live in the Deer Creek community at 3457 Bar Road, just right
37 next to the new TMSA building out there. Our community had brought up with the city engineers a
38 couple different times, and now a third time that we're trying to address with them again in terms of
39 traffic in our neighborhood, it doesn't connect to anywhere, there's us, there's the Retreat at Cedar
40 Crossing, and the TMSA. The first concern we had brought up to them is that when they were
41 developing The Retreat at Cedar Crossing, they made the entrance to their neighborhood a right-in-
42 right-out, so that you can't turn left in to their neighborhood, sending all of their traffic down Barn
43 Road. What we had asked for them to do was, why don't you make there's the left team, we'll take
44 the right-in-right-out because we can always use the other entrance to our neighborhood if that's not

DRAFT MINUTES

1 convenient for us. And frankly we were actually literally laughed at by the City engineer for making
2 those suggestions or thinking that our input was important. The second time we conversed with
3 them was when the development at TSA was starting, and concerns over traffic routing and how that
4 was going to work. One of the main concerns was we were worried people were going to come
5 down Barn Road because of the way there's a weird triangle there, and you have to turn in off of 64
6 and then practically make a U-turn to get around there or whatever, and we were asking can they
7 make a left cut-across on 64 so that all the people that would invariably be coming from the eastern
8 direction, would be able to just cut across 64 and go scoot right in and stay off of Barn Road, and
9 again he said well we have nothing to do with that, that would be NCDOT, but you'll never get them
10 to approve something like that. Next day, called NCDOT and of course, they had been contacted by
11 the school that had requested that, and it was already in process, it was literally like the next week
12 that it was starting to be built and it's great, without that I think it would be a disaster, the disaster is
13 just over on their side and not really in our neighborhood which is good. But with the candor we
14 experienced in conversing with the engineers, and that I know our friends over in Woodall Estates
15 has had, it's condescending, it's smug, and it's dismissive. Every single time that we interact with the
16 City traffic engineers. Couple that with the fact that the federal highway administration and the
17 documents you have in front of you have common recommendations that are out there. And a quick
18 Google search, you don't even need to print that or go into the PDF, it's right on the summary page
19 that in residential neighborhoods, such as where there is not a center line or where there are houses
20 on either side, they federally recommend that that be no higher of a speed limit than 20 miles an
21 hour, and I know you're just operating on the recommendations of the engineers and what they're
22 telling you is that every residential road nationwide is 25 miles an hour across the country. Well I
23 moved here from Minneapolis, a lot of people have moved here from other places, and it's
24 laughable that they would try and insist that that's still the case. I mean there's people from
25 everywhere in Apex, and that's simply not true. Default speeds where I moved from are 15 miles an
26 hour in a residential neighborhood, and so like they've been saying, things can be done, more
27 things can be done, what I would request and what I would recommend is that perhaps it's time for a
28 change in staffing, because they're not in tune with what's being federally recommended, they're
29 being dismissive and lying to the media about how much they're being contacted by the residents,
30 they're also lying to you by not conveying the concerns we all have, and maybe they're just not the
31 right people for the job. Thanks."

32

33 **Mayor Gilbert** thanked Mr. Ruscher for his comments.

34

35 Next to speak was **Marvin Hymanson** of 2907 Sunflower Road:

36

37 "Good evening Mayor and Councilmembers, thank you for the opportunity for me to speak,
38 my name is Marvin Hymanson, and I live at 2907 Sunflower Road, Apex, North Carolina, 27502. I will
39 be brief. I am inquiring about the backlog of construction projects that are delayed, such as the
40 Peakway Bridge, Pleasant Park, and the turn lanes for Friendship Roads. Additionally, the lack of
41 businesses towards New Hill, and much needed transportation projects for our growing community
42 haven't been completed. How does the Council plan to address this backlog? I provided my email
43 on the sign-up sheet for response, and I am also here to support the next speaker, Ms. Ray Stitt.
44 Thank you very much, Council, for allowing me this opportunity,"

DRAFT MINUTES

1
2 **Mayor Gilbert** thanked Mr. Hymanson for his comments.

3
4 Next to speak was **Elizabeth Ray Stitt** of 3113 Friendship Road:

5
6 "Mayor, Town Council, good evening. So, you've heard from a lot of speakers tonight about
7 the needs to improve the safety of our roads. I've been in front of you guys many times saying hey,
8 your budget survey from January of last year said transportation was the number 2 priority. This
9 year's budget survey said transportation was the number 1 community priority. The economic
10 development report that was presented to you in December said transportation was the number 1
11 concern for economic development. We all know from the truck study done back in 2016 with
12 Pleasant Park that Friendship Road is rated at a level of service of F, which is the lowest level of
13 service you can have. I have to thank a couple of people here tonight for helping us get our stop
14 sign back up and our street sign put back up, and I know there's been some contact with the DOT.
15 But our turn lanes are still slated out for 2026, even though you know that we have a level of service
16 of F. So, when everybody talks about the concerns, we know that transportation needs to be funded
17 as number 1, currently in the budget last year it wasn't funded as number 1, this year it's budgeted
18 as number 1 priority, I know there's not a lot of time between now and June 27th to tweak numbers,
19 but the turn lanes for Friendship Road are listed at \$250,000, and if you look at the general fund
20 fund balance there are monies there that you could prioritize the safety of adding the street
21 crossings that they're talking about, putting bumps in the road, putting in our turn lanes, we do need
22 to prioritize the safety of our people more than bringing more people in, and I feel like the focus in
23 on the Big Branch. The Big Branch Force Main was listed at \$26 million dollars in last year's budget,
24 and this year it's at 40 million, and I have yet to see any discussion of why it jumped 14 million in one
25 year. We need to put that on the backburner and prioritize our people who are here, we do not
26 need anybody else getting hurt, so I ask you to please do what you can in the next two weeks, to try
27 to accommodate some of the requests we have. Thank you."

28
29 **Mayor Gilbert** thanked Ms. Stitt for her comments.

30
31 Next to speak was **Ashutosh Bahaduk** of 1941 Melta Mill Lane

32
33 "Good evening House members, I'm the President of Woodall Estates. Just like my fellow
34 neighbors here, we're shocked by two weeks ago the horrible incident in our community. Ayan was
35 hit by a car and died, and we were all shocked, I have an 8-year-old who goes to Scott's Ridge, and
36 we're kind of afraid to cross now, Woodall Crest Drive from Melta Mill Lane. And just like all the
37 residents here, we request more crosswalks, so we can cross safely from Melta Mill Lane to go to
38 Scott's Ridge, and maybe a speed bump at the intersection of Woodall Crest Lane, and Melta Mill
39 Lane and Woodall Crest, and Gray Meadow and Woodall Crest, that would help more people to
40 slow down when they're crossing. And another thing I've seen is people coming taking a left turn
41 from Apex Barbecue towards Woodall Crest, and they're trying to beat the oncoming traffic and
42 make a very fast left turn coming inside the community, so maybe a traffic light would help, you
43 know that would slow down people coming in and they get their own turn to make a left turn. So, all
44 in all, I'm in the same sentiment that my neighbors have expressed, that we need some plan to make

DRAFT MINUTES

1 Woodall Estates safer for our kids. I thank you very much for your service, I really enjoy staying in
2 Apex, thanks for that, but I sincerely believe this will help address our concern. Thank you very much,
3 have a good evening.”
4

5 **Mayor Gilbert** thanked Mr. Bahaduk for his comments.
6

7 With no sign ups remaining, **Mayor Gilbert** closed public forum. He emphasized that he and
8 Council is listening, and that he invited several of the speakers tonight in order to hear concerns and
9 information in front of Council and staff. He said they are taking this seriously. Mayor Gilbert then
10 invited everyone to join him in a moment of silence for Ayaan Vachery.

11 After the moment of silence, **Mayor Gilbert** said they had been listening and taking notes,
12 and will be communicating with staff throughout the process moving forward. He invited members
13 of Council to share their thoughts.

14 **Councilmember Gray** thanked the community for coming out and talking. He said it helps
15 provide Council with the necessary details. He said incidents like this necessitate a deep dive into all
16 of the factors. He said the town has failed in its “Vision Zero” goal. He said the town should look hard
17 at this incident in order to learn lessons to prevent them in the future. He added that all options are
18 back on the table. He said that he believes, and all others on Council agree, that the death of one
19 child is one too many, and the same goes for the injury of one. He said often the strategy the town
20 uses is looking at traffic safety standards, but Vision Zero enables them to look at how things can be
21 fixed and move away from status quo. He said community comments and suggestions are important
22 in putting together the best and safest plan. He said Council would be instructing staff to provide
23 details and data regarding potential solutions, including ones suggested by community members
24 tonight, and that it would be discussed in a future Work Session.

25 **Mayor Gilbert** noted that there were other requests made tonight, and that staff would be
26 directed to follow up on those as well.

27 **Mayor Pro Tempore Killingsworth** said they were all devastated when they heard the news,
28 and the biggest thing they can do is to get the right information that can help make decisions that
29 ensure this doesn't happen again. She said they will be working hard to achieve this. She said staff is
30 good at reassessing concerns like this.

31 **Councilmember Gantt** said a focus on safety was a priority of this Council. He said the town
32 has made first of their kind safe routes to school investments in the past several years. He said the
33 Council has the most control over are the new neighborhoods, and how they are able to direct
34 developers through rezoning. He said he has noticed that a lot of these traffic and pedestrian safety
35 concerns have come from developments that preceded everyone on the current Council. He said he
36 hopes they are able to apply these unfortunate lessons in new neighborhoods moving forward. He
37 said they will still be looking at ways to invest in traffic safety across town, and that reducing
38 pedestrian injury and deaths is a quantifiable metric to indicate efficient spending.

39 **Councilmember Zegerman** said he spoke to some residents before the meeting, and he
40 appreciates all of their input. He reiterated the importance of investments in sidewalks and
41 pedestrian safety. He said it was important to recognize that the usage of town roads are changing,
42 and alternate forms of personal transportation are becoming more popular. He said a lot of the
43 roads in town are not built to accommodate that. He said there is work still to be done on filling in
44 the gaps there. He added that it was important to note that this was a town-wide issue, and would

DRAFT MINUTES

1 impact the use of future funds. He said he appreciated all of their comments, and that the death of a
2 child hits home.

3 **Councilmember Mahaffey** thanked his fellow Councilmembers for their comments, and said
4 Councilmember Gray's description of what needed to be done was on point. He said it was
5 important to acknowledge that this was a failure, because a child in the community died. He said he
6 can't explain what he felt when he heard the news, or how he is feeling now. He said he wished there
7 was an easy solution to this, but that they had to analyze the systems that led to this. He said it
8 involve retrofitting older communities, designing new communities differently in the future, and
9 considering new forms of transportation. He said all the speakers were brave for coming out and
10 speaking about something that hurts and is difficult to talk about, and he promised this wouldn't be
11 the last time they discussed this.

12 **Councilmember Gray** added that one system that hasn't been discussed is a change in
13 mindset. He said the town has to change how they think about roads. He said it's shocking that some
14 people would stop in the street to let geese cross, but not give 4 feet of space when passing a
15 bicycle. He said the speakers tonight give him hope that there is a potential for mindset change, and
16 asked them to continue telling their story, and that the Council will shout it.

17 **Mayor Gilbert** once again thanked all of those who came out tonight, and moved the
18 meeting on to public hearings

19
20 **[PUBLIC HEARINGS]** (To view public hearing sign ups, see **OTHER-2023-055**)

21 22 23 **PH1 Right-of-Way (ROW) Road Closure Request - Portion of Burma Drive**

24 **Mayor Gilbert** noted that the public notice requirements were not fully met for this item, so
25 staff was requesting it to be moved to the August 8, 2023 Regular Town Council Meeting.

26
27 A **motion** was made by **Mayor Pro Tempore Audra Killingsworth**, seconded by
28 **Councilmember Ed Gray**, to be continued to the August 8, 2023 Regular Town Council Meeting.

29
30 **VOTE: UNANIMOUS (5-0)**

31 32 **PH2 Water and Sewer System Fee Analysis and System Development Fees**

33 **Michael Deaton**, Water Resources Director, introduced Ms. Elaine Vazquez to give a
34 presentation.
35
36
37
38
39
40
41
42
43

1 **[SLIDE 1]**

SYSTEM DEVELOPMENT FEE ANALYSIS

June 13, 2023

2
3 **[SLIDE 2]**

System Development Fee Analysis

- ▶ Must be prepared in accordance with Article 8 of GS 162A-8 as amended by HB 436 and modified by HB 344
- ▶ The Town's Analysis was prepared by Raftelis Financial Consultants, Inc.
 - ▶ Served as a consultant to local governments in NC and across the US since 1993
 - ▶ General Statutes require the Analysis be prepared by a financial or licensed engineering professional qualified to do so by their experience, training and education
- ▶ The analysis must document the facts and data used, application of the costing methods to the facts and data, all assumptions and any limiting conditions
- ▶ Use a 5 to 20-year time horizon

4
5
6
7
8
9
10
11
12
13
14
15
16

1 [SLIDE 3]

System Development Fee Analysis

- ▶ Prior to adoption of the Analysis and the Fee, the provider must post the Analysis to its website for a period of 45 days
 - ▶ A means for readers to comment to the unit must be provided
 - ▶ All comments must be shared with the professional who prepared the Analysis
 - ▶ All comments must be evaluated to determine if a change in the Analysis or Fee is necessary
 - ▶ *No comments were received*
- ▶ Also, a public hearing must be held by the unit prior to adoption of the Analysis and Fee
- ▶ The Analysis and Fee must be reviewed and updated at least once every 5 years.

2
3 [SLIDE 4]

System Development Fees

- ▶ One time fees charged to new customers, developers or builders to recover a share of the cost of providing service availability and capacity
- ▶ HB 436 creates uniform ability for all public water and sewer providers to charge system development fees
- ▶ All system development fees charged on and after July 1, 2018 must be calculated in accordance with HB 436
- ▶ The Analysis must document the fee per service unit and include a table for various level of demand or an equivalent unit costs per unit of demand
- ▶ Fees are determined using one of three costing methods, the Buy-In Approach, the Incremental Cost Approach or the Combined Approach

4
5 [SLIDE 5]

Water System Development Fee Cost Method

- ▶ The Water Development Fee was determined using the Buy-In Method
 - ▶ The capacity for current and future customers during the 5- year planning horizon has already been constructed
- ▶ Based upon fixed assets in place on June 30, 2022
 - ▶ The depreciated value is adjusted to the replacement costs new less depreciation (RCNLD)
- ▶ Adjustments to the RCNLD
 - ▶ Add construction in progress and developer reimbursements
 - ▶ Deduct contributed assets and outstanding principal
- ▶ Costs per gallon per day are determined based upon treatment capacity and the adjusted RCNLD

6
7
8
9
10

1 **[SLIDE 6]**

Water System Development Fee

Buy-In Method	Water
Adjusted RCNLD	\$90,038,989
Total Treatment Capacity (gallons)	12,880,000
Costs per Gallon per Day (GPD)	\$6.99
GPD per ERU (1)	256
Calculated Fee per ERU	\$1,788
Existing Fee per ERU	\$1,783

(1) Based on information provided in the Service Area Planning Forecast Technical Memorandum: Long Range Water Resources Plan prepared by HDR in October of 2022.

2
3 **[SLIDE 7]**

Sewer System Development Fee Cost Method

- ▶ The Sewer System Development Fee was determined using the Combined Method, a combination of the Buy-In and Incremental Cost Methods
 - ▶ Big Branch 2 pump station and force main is needed over the next 5 years to serve new sewer customers
- ▶ The Buy-In Method calculation was prepared in the same manner as was used for the Water Development Fee calculation
- ▶ The Incremental Costs Method used the costs of assets whose construction was in progress or would begin during the 5-year planning horizon.
 - ▶ Incorporate 25% for a debt/revenue credit as required by HB 436
- ▶ The costs and capacity are then combined and an average cost per day calculated.

4
5 **[SLIDE 8]**

Sewer System Development Fee

Sewer Fee	Buy-In Method	Incremental Cost	Combined
Adjusted RCNLD/Cost of Improvements	\$133,316,000	\$36,720,000	\$170,036,040
Less: Debt/Revenue Credit	-\$39,982,689	-\$2,526,321	-\$42,509,010
Net Cost	\$93,333,351	\$34,193,679	\$127,527,030
Treatment Capacity (1)			8,920,000
Weighted Average Cost per Day			\$14.30
GPD per ERU (2)			300
Calculated Fee			\$4,290
Current Fee			\$3,675

(1) The Big Branch 2 pump station will provide additional pumping capacity of 1.44 MGD but will not add any additional treatment capacity.

(2) Reflects the amount of permitted capacity required by the state of North Carolina Department of Environmental Quality (NCDEQ) for planning and engineering design purposes and the sewer permitting flow reduction authorized by NCDEQ.

6
7
8
9

1 [SLIDE 9]

Comparison of Proposed System Development Fees to Other Local Governments

Local Government	Water Development Fee	Sewer Development Fee	Combined
Apex (proposed)	\$1,788	\$4,290	\$6,078
Cary (1)	\$2,548	\$3,581	\$6,129
Holly Springs (2)	\$6,162	\$5,538	\$11,700
Fuquay-Varina (3)	\$3,912	\$3,891	\$7,803
Chatham County	\$3,431	Not Applicable	
Harnett County	\$2,000	\$2,500	\$4,500
Hillsborough	\$3,864	\$3,243	\$7,107

(1) Source: Town of Cary FY 2024 Recommended Budget - Schedule of Fees and Charges
 (2) Source: Town of Holly Springs FY 2024 Recommended Budget - Fee Schedule
 (3) Source: Town of Fuquay-Varina FY 2024 Recommended Budget - Fee Schedule

2
3

4 **Councilmember Zegerman** asked how an average unit could create more sewage than tap
5 water it takes in.

6 **Ms. Vazquez** said on the sewer side of things, state guidelines have a requirement over
7 what is necessary to avoid overflows. She said it looks at what the system is designed rather than at
8 overall water use.

9 **Councilmember Zegerman** asked if developers understand this distinction.

10 **Ms. Vazquez** said that most are familiar with state guidelines, and that they cite the sources
11 in the report. She added that the standard specifications also mention the 300 gallons per day.

12 **Councilmember Mahaffey** said he was assuming they should choose the one that calculates
13 the highest fee. He was wondering if they didn't have multiple options in certain circumstances.

14 **Ms. Vazquez** said they do have discretion, but in their report, they used what they felt was
15 most appropriate, factoring in project timelines.

16 **Councilmember Mahaffey** wondered if the fees wouldn't be calculated based on the town's
17 plan to build a new water tower or something similar.

18 **Ms. Vazquez** said yes, they looked at projects planned for the next 5 years, and there were
19 no water projects with significant capacity planned in that timeframe.

20 **Councilmember Zegerman** asked if the planned water tower by Pleasant Park was included.

21 **Director Deaton** said that was already funded, so it was not included in the current CIP. He
22 said they are in the design process for that now.

23 **Councilmember Mahaffey** asked if there was an explanation for the water development fees
24 for Apex being so much lower than the surrounding areas it was compared to.

25 **Ms. Vazquez** said it depends on what is in their CIP and the denominators used.

26 **Councilmember Mahaffey** said he thought the town used the same system as Cary.

27 **Ms. Vazquez** said the treatment system was the same, but all of the other factors are where
28 the differences are.

29 **Councilmember Mahaffey** asked if the GPD per ERU value was something they could set,
30 and they could just set it at 300 gallons.

31 **Ms. Vazquez** said per the legislation, it needs to be what is used for planning and
32 engineering purposes.

DRAFT MINUTES

1 **Councilmember Mahaffey** said they could tell everyone to plan and engineer for 300
2 gallons.

3 **Councilmember Gantt** said this would open the town up to potential lawsuits, and that
4 something like this has happened before.

5 **Councilmember Mahaffey** said he just thinks that people should have adequate access to
6 water.

7 **Ms. Vazquez** said engineering studies and state guidelines typically inform what the gallons
8 per day is set at.

9 **Councilmember Mahaffey** wanted to know where the 256 gallons per day came from.

10 **Ms. Vazquez** said it was based on the master plan, looking at multiple factors, and these
11 numbers are the most current for water as the master plan was released in October 2022.

12 **Councilmember Mahaffey** asked Director Deaton where the number came from.

13 **Director Deaton** said the consultant group who did the study came up with the number
14 using raw water usage data, number of units, and population. He said on the sewer side, the 300 is a
15 permitting number. He said new developments have to have sewer capacity for 300 gallons a day.
16 He said the state requirement is 360 gallons per day, but around 2000, the town got a reduction to
17 300 based on flow data. He said the number is 250 for condo and apartment units.

18 **Councilmember Zegerman** asked if the CIP included the Western Wake Reclamation Plant.

19 **Director Deaton** replied that it was outside the 5-year timeframe.

20 **Councilmember Zegerman** wondered why this wouldn't be accounted for now, since it is a
21 major project in the future and one that would need a lot of funding. He said he was concerned
22 about this skyrocketing fees on the next revision of this in 5 years, since it would all be accounted for
23 in a shorter timeframe. He said the town may want to use a 10-year timeframe, since that is allowed
24 by the legislation, in order to account for this project.

25 **Ms. Vazquez** said they could change the timeframe, but they chose to look at a 5-year time
26 period since projects in the future have a higher likelihood of shifting their timeframes.

27 **Councilmember Zegerman** said it would still be prudent to start collecting money for a
28 major project like this earlier, rather than having to do something like taking out a bond in the future.

29 **Ms. Vazquez** said system development fees collected could still go towards projects outside
30 of the 5-year scope.

31 **Councilmember Zegerman** asked if the project was anticipated to be fully covered by the
32 fees that are collected and saved up, or if debt was anticipated in order to fund it. He said if the plan
33 was to take on debt, then the current fee proposal was too low.

34 **Ms. Vazquez** said customers would continue to connect even after these 5 years, and would
35 offset any cost of potential debt incurred at the beginning of a project.

36 **Councilmember Zegerman** asked if that analysis has been done. He said it feels like it would
37 be a decision made with incomplete information without it.

38 **Director Deaton** said the CPI takes into account the Long-Range Water Resources planning
39 process.

40 **Councilmember Zegerman** said his question was if the future CIP needs were adequately
41 covered based on the fees recommended.

42 **Director Deaton** said he didn't have that answer.

43 **Transportation and Infrastructure Director Johnson** said they didn't know the cost of it yet.

44 **Councilmember Zegerman** said they could estimate it, and that it should still be considered.

DRAFT MINUTES

1 **Councilmember Gantt** said he wondered if the request should be to extend to a 10-year
2 CIP. He said he usually thinks 5 is too long, but in this case, it makes sense.

3 **Councilmember Zegerman** said he feels this analysis should include a 10-year timeframe in
4 order to capture the Western Wake Reclamation facility, since it is such a large project.

5 **Mayor Pro Tempore Killingsworth** said Councilmember Zegerman has a good point, and
6 that it may be a good idea to plan for that large expansion now rather than in 5 years.

7 **Councilmember Mahaffey** said growth in Apex is starting to slow down, and looking at the
8 projections and the fees over the next 5 years, he believed it would result in lost revenue. He said he
9 is concerned the homes connecting in 5 years wouldn't be able to compensate for the increase in
10 the fee, if it was adjusted then to include the Western Wake project.

11 **Councilmember Zegerman** said he agreed, and said not accounting for it now may
12 jeopardize the possibilities of it coming to fruition.

13 **Town Manager Crosby** asked if there was a way to do the analysis accounting for 10 years
14 down the road.

15 **Ms. Vazquez** said yes, but there would be questions about the process for advertising and
16 republishing a new report.

17 **Councilmember Mahaffey** wanted to confirm that this could be revised annually, and that a
18 different analysis could be used for next year's budget.

19 **Ms. Vazquez** said yes.

20 **Mayor Pro Tempore Killingsworth** said it would be much better to fund it than to take on
21 new debt.

22 **Mayor Gilbert** opened public hearing for this item. With no one signed up, he closed public
23 hearing and moved discussion back to Council.

24 **Councilmember Gray** said that knowing they could change this annually, it would be good
25 to approve this now, and allow staff a year to do a new report for the next budget. He said he was
26 concerned about looking as if there was an arbitrary increase in fees simply just to increase revenue.
27 He said it's important to have a reason for it, which could be found in an analysis including the future
28 projects farther down the road.

29 **Councilmember Zegerman** said he would want this process next year to start earlier, so they
30 aren't having to discuss these things 2 weeks before passing the budget.

31 **Councilmember Mahaffey** said he wanted to have a broader discussion regarding the
32 slowing growth of the town. He said they need to plan for how to manage that, as fee revenue across
33 the board will be decreasing. He said he wanted to know if staff could look at the impact on the
34 budget over the next few years of this projected growth. He said a work session on that topic would
35 be good. He said he agreed that they should pass this tonight, since staying with last year's fees
36 would be lower than this.

37
38 A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember Terry**
39 **Mahaffey**, to approve the Water and Sewer System Development Fees.

40
41 **VOTE: UNANIMOUS (5-0)**
42

DRAFT MINUTES

OLD BUSINESS

1
2 **~~OB1—Fiscal Year 2023-2024 - Annual Operating Budget and Fee Schedule Adoption~~**

3 *Amanda Grogan, Director, Budget and Performance Management Department*

4 This item was pulled and placed on June 27, 2023 Regular Council Meeting.

5 **~~OB2—Fiscal Year 2023-2024/2027-2028 - Capital Improvement Plan (CIP)~~**

6 *Amanda Grogan, Director, Budget and Performance Management Department*

7 This item was pulled and placed on June 27, 2023 Regular Council Meeting.

8
9 **[NEW BUSINESS]**

10 **NB1 Interlocal Agreement with Wake County Board of Education (BOE) - Infrastructure**
11 **Provision to Support Public School Facilities - Felton Grove High School Project -**
12 **Thriftwood Drive and Derry Down Lane**

13
14 **Councilmember Zegerman** said this was the item he requested to be moved to new
15 business. He said he wanted to pull this from consent mostly for the sake of transparency. He said it
16 was important to discuss items with costs this high. He said either way they would have to fund this,
17 because of state law requiring them to fund road improvements near new school developments. He
18 said the allocations have already been made, and he just wanted to be transparent about 2.25
19 million dollars, and how they didn't have a choice in spending it.

20 **Councilmember Mahaffey** said he would never pass up an opportunity to complain about
21 this law. He said it's a terrible law, and essentially it means state dollars for school construction
22 cannot go to surrounding and supporting roads and infrastructure. He said towns have to build the
23 roads. He said it's the same process as roads being constructed as part of a development, but at the
24 end the town has to pay for it rather than a developer. He said this isn't the first time it has
25 happened, and it won't be the last. He said there will likely be improvements needed with any new
26 school. He added that the state would be incentivized to make better choices if the cost of the
27 infrastructure was also connected to the cost of the land for the school for them. He said it also
28 encourages town to avoid new schools, and that some towns can't afford the requirements new
29 schools bring for this. He said the cost fully falls on the municipality the school is physically in, even if
30 it serves students from other municipalities.

31 **Councilmember Gantt** said he agreed about Councilmember Mahaffey's point regarding
32 incentives, and led to a divided vote on the Council for the school in 2020. He said he felt the school
33 was in a poor location, and that he was on the losing side of that vote in voting against in for that
34 reason.

35 **Councilmember Gray** said he didn't think this was that bad. He said it was good that they
36 would be able to control the street. He said he trusts the town's traffic engineers more than the
37 states. He said this was a cost he didn't mind.

38 **Councilmember Zegerman** said this was 2.25 million dollars that could have been spent
39 elsewhere. He said the school is in the very southeast of the municipality, and would mostly support

DRAFT MINUTES

1 students from Cary and Holly Springs. He reiterated they didn't have a choice here, but wanted to
2 discuss for transparency.

3
4 A **motion** was made by **Councilmember Ed Gray**, seconded by **Councilmember Terry**
5 **Mahaffey**, to approve the Interlocal Agreement with Wake County Board of Education for
6 Infrastructure Provisions for Felton Grove High School

7
8 **VOTE: UNANIMOUS (5-0)**

9
10 **[UPDATES BY TOWN MANAGER]**

11
12 **Town Manager Crosby** said Pride Weekend was great, and she enjoys events being at the
13 town campus. She said she was looking forward to the Juneteenth event this Saturday from 11-6.
14 She said the town would be closed Monday, June 19th in recognition of Juneteenth. She gave a
15 shout out to Shannon Cox, who was recognized as a "mover and shaker" in Cary Magazine.

16
17 **[CLOSED SESSION]**

18
19 A **motion** was made by **Councilmember Gray**, seconded by **Councilmember Arno**
20 **Zegerman**, to enter into Closed Session for the two items as noted below (CS1 and CS2).

21
22 **VOTE: UNANIMOUS (5-0)**

23
24 Council moved into closed session at 7:52 p.m.

25
26 **CS1 Laurie Hohe, Town Attorney, Legal Department**

27 **NCGS §143-318.11(a)(3):**

28 *"To consult with an attorney employed or retained by the public body in order*
29 *to preserve the attorney-client privilege between the attorney and the public body."*

30
31 **CS2 Audra Killingsworth, Mayor Pro-Tempore**

32 **NCGS §143-318.11(a)(3):**

33 *"To consult with an attorney employed or retained by the public body in order*
34 *to preserve the attorney-client privilege between the attorney and the public body."*

35
36 Council returned to open session at 8:41 p.m.

37
38 **Councilmember Gray** said he wanted to ask Personnel Committee to look at the process for
39 how town employees can bring up grievances or concerns to the proper level. He said this may can
40 include the use of someone like an inspector general. He said he thinks this should also be
41 something that is available to immediate former employees as well.

DRAFT MINUTES

[ADJOURNEMENT]

Mayor Gilbert adjourned the meeting at 8:43 p.m.

Jacques K. Gilbert
Mayor

Allen Coleman, CMC, NCCCC

Town Clerk to the Apex Town Council

Submitted for approval by Town Clerk Allen Coleman and approved on _____.