

DRAFT MINUTES

**TOWN OF APEX
TOWN COUNCIL WORK SESSION
THURSDAY, NOVEMBER 30, 2023
3:30 P.M.**

The Apex Town Council met for a work session on Thursday, November 30, 2023 at 3:30 p.m. at the Apex Police Department located at 205 Sanders 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:

<https://www.youtube.com/watch?v=XUmqlsr1Xc8>

[ATTENDANCE]

Elected Body

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

Town Staff

- Interim Town Manager Shawn Purvis
- Assistant Town Manager Demetria John
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman
- Police Chief Jason Armstrong
- All other staff members will be identified appropriately below.

[COMMENCMENT]

Mayor Gilbert called the Work Session to order, and led in a recitation of the Pledge of Allegiance. He noted that Mayor Pro Tempore Killingsworth would be arriving in about 15 minutes.

Interim Town Manager Purvis said they are at a point where they need some direction from Council on some ordinances they are working on.

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1 **[AGENDA ITEM NO. 1 - PUBLIC SAFETY BI-ANNUAL UPDATES - APEX POLICE**
2 **DEPARTMENT (APD)]**

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4 **Chief Armstrong** said one of the things they were going to talk about today was e-
5 bikes and e-scooters, and looking at how other places handles those things. He said they
6 were looking to review how they defined those things and what they have on the books in
7 regards to them. He gave the following presentation:

8 **[SLIDE 1]**



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10 **[SLIDE 2]**



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1 [SLIDE 3]

North Carolina Definitions

Vehicle. – Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks; provided, that for the purposes of this Chapter bicycles and electric assisted bicycles shall be deemed vehicles and every rider of a bicycle or an electric assisted bicycle upon a highway shall be subject to the provisions of this Chapter applicable to the driver of a vehicle except those which by their nature can have no application.

Motor Vehicle. – Every vehicle which is self-propelled and every vehicle designed to run upon the highways which is pulled by a self-propelled vehicle. Except as specifically provided otherwise, this term shall not include mopeds or electric assisted bicycles.

Motorcycles. – Vehicles having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, including autocycles, motor scooters, and motor-driven bicycles, but excluding tractors and utility vehicles equipped with an additional form of device designed to transport property, three-wheeled NC General Statutes - Chapter 20 10 vehicles while being used by law-enforcement agencies, electric assisted bicycles, and mopeds as defined in sub-subdivision d1. of this subdivision.

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3 [SLIDE 4]

North Carolina Definitions

Electric Assisted Bicycle. – A bicycle with two or three wheels that is equipped with a seat or saddle for use by the rider, fully operable pedals for human propulsion, and an electric motor of no more than 750 watts, whose maximum speed on a level surface when powered solely by such a motor is no greater than 20 miles per hour.

Motor-driven bicycle. – A vehicle with two or three wheels, a steering handle, one or two saddle seats, pedals, and a motor that cannot propel the vehicle at a speed greater than 20 miles per hour on a level surface. This term shall not include an electric assisted bicycle as defined in subdivision (7a) of this section.

Moped. - A vehicle, other than a motor-driven bicycle or electric assisted bicycle, that has two or three wheels, no external shifting device, a motor that does not exceed 50 cubic centimeters piston displacement and cannot propel the vehicle at a speed greater than 30 miles per hour on a level surface. The motor may be powered by electricity, alternative fuel, motor fuel, or a combination of each.

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5 **Councilmember Zegerman** asked if these e-bikes not covered would classify as
6 motorcycles.

7 **Chief Armstrong** said it depends. He said some of them have a classification that only
8 accounts for the speed that can be reached by the engine only without pedal assist.

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1 [SLIDE 5]

E-Bike Class System

- o **Class 1:** e-Bikes that are pedal-assist only, with no throttle, and have a maximum assisted speed of 20 mph.
- o **Class 2:** e-bikes that also have a maximum speed of 20 mph, but are throttle -assisted.
- o **Class 3:** e-Bikes that are pedal-assist only, with no throttle, and a maximum assisted speed of 28 mph. **(Not covered within State Law)**

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3 [SLIDE 6]

Apex Local Ordinances

Sec. 20-3. - Protective helmets required.

Every person less than 16 years of age operating or riding a bicycle, moped, inline skates, roller skates, skate board, scooter, or other similar vehicle or device on a public street, sidewalk, greenway, or other right-of-way or on any property owned or controlled by the town shall wear a protective helmet on his head, with the chin strap securely fastened under the chin. Such helmet shall be fitted to the size of the wearer and shall meet or exceed the standards for bicycle helmet use and wear asset by ANSI (American National Standards Institute) or the Snell Memorial Foundation. Riding a vehicle or device includes riding as a passenger. No parent or guardian of any juvenile shall knowingly allow such juvenile to violate this section.

Sec. 20-143. - Riding bicycles, scooters and skateboards on sidewalk.

No person shall ride a bicycle, scooter or skateboard on any public sidewalk without due caution and shall yield the right-of-way to all pedestrians and persons on other permitted devices using said sidewalks. Speed shall be limited to ten miles per hour on sidewalks and paths of five feet or less in width and when crossing the intersection of a public street or driveway along any sidewalk or path. No person shall ride a bicycle, scooter or skateboard on the sidewalks along North Salem Street between Chatham Street and Templeton Street or along Chatham Street between Seaboard Street and Commerce Street.

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5 **Councilmember Zegerman** asked about e-bikes that went faster than 20 miles per
6 hour.

7 **Chief Armstrong** said in his research, there weren't instances of those in other place's
8 ordinances that classified those as e-bikes. He said most were classified as motorcycles.

9 **Councilmember Zegerman** said there were a lot of cases of bike modification that
10 could make things go faster than the base limits.

11 **Chief Armstrong** said that makes it all become a different animal. He said the e-bike
12 community outlines things a bit differently to help capture that, and that it caps out at about
13 28 miles per hour. He said above 30 miles per hour it really gets to be a motor vehicle.

14 **Councilmember Gray** said his understanding was that the class system was based on
15 what was allowed in New York City. He said lots of place don't allow the sale or operation of
16 Class 3's, but with modifications other ones can get to that range.

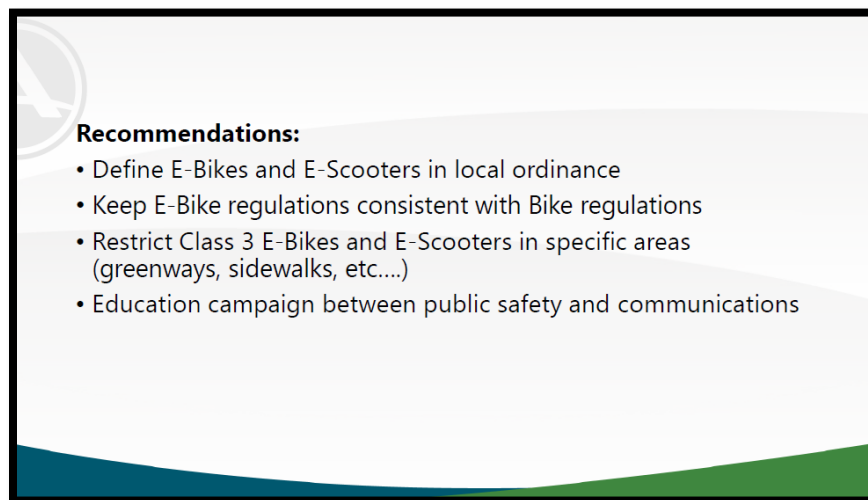
17 **Chief Armstrong** said most that are sold are around the 20 mile per hour range,
18 sometimes up to 22. He said less are 28, but they do exist.

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1 **Councilmember Zegerman** said it was still important to look at classifying ones that
2 get to 28 miles per hour.

3 **Chief Armstrong** said that would be coming in the recommendation piece of his
4 presentation later.

5 **[SLIDE 7]**



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7 **Councilmember Zegerman** said there should be a cutoff at a certain speed when
8 they are classed as motorcycles.

9 **Chief Armstrong** said the cut-off miles per hour should be 20 miles per hour (MPH),
10 and that's what it is in state law. He said that would be his recommendation, and anything
11 faster would not be allowed on sidewalks/greenways, or require an additional license.

12 **Councilmember Gantt** said he thought this conversation was going to be about kids,
13 not about the industry of E-Bikes and E-Scooters.

14 **Chief Armstrong** said this will encompass everyone and not just kids. He said the E-
15 Bike and Bikes are not being split up and keeping the same regulations. He said there will be
16 some additional conditions and protections for kids, but in general they are consistent.

17 **Councilmember Mahaffey** asked why the town couldn't make a distinction between
18 the two.

19 **Chief Armstrong** said the elected body could do that if Council chooses. He said
20 from what he has seen, there is a line where it becomes parental jurisdiction rather than the
21 role of Council. He said kids are going to ride bikes, and often they aren't going to know the
22 rules. He said there is going to be a large education campaign for parents, and that
23 additional ordinances likely won't change how kids behave on bikes.

24 **Councilmember Mahaffey** asked are there enforcement concerns if such ordinance
25 were to exist.

26 **Chief Armstrong** said yes. He said this would take away from their other concerns,
27 and some kids may not even have IDs. He said they can't give a 13-year-old a ticket, it would
28 go to the parent. He said the Education Campaign is to help with these concerns as well as
29 parental control. He added that overall there is not a high frequency of incidents of kids on

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1 bikes. He believes there is not a need to enact an ordinance on how old a kid needs to be to
2 ride a bike.

3 **Mayor Gilbert** said the District Attorney's (DA) office would need to weigh in.

4 **Chief Armstrong** said yes. He said the DA's office may go against the ordinance, but
5 they are not going to govern how the town enforces the laws.

6 **Councilmember Gray** said there is an element of soft enforcement that is still very
7 important to define exactly what is a scooter and a bike. He said the town is going to run into
8 the same problem that parents are thinking their kids are on scooters but may actually be
9 motorcycles by definition. He said having certain things on the books allows a justification for
10 why behaviors should be encouraged, such as requiring a helmet.

11 **Chief Armstrong** said the biggest objective in the Education Campaign is informing
12 people on the new laws and rules, and communicating on the front end with the community.

13 **Mayor Gilbert** said he wants to revisit the conversation of the DA's office. He said
14 when you take a case to the DA's office, he said they will count that. He said that needs to be
15 factored in before making ordinances.

16 **Councilmember Mahaffey** asked how many cases were taken to the DA's office
17 about kids wearing helmets.

18 **Mayor Gilbert** said the town can't write a 13-year-old a ticket for not wearing a helmet
19 on a bike. He said the skate park doesn't have an enforceable helmet rule. He said making it
20 more enforceable moves away from the community policing principles.

21 **Councilmember Zegerman** said something needs to be on the books, and they can
22 also do positive reinforcements.

23 **Councilmember Gray** asked what is the vision for how the Education Campaign will
24 unfold.

25 **Chief Armstrong** said the first one is being able to post on social media. He said he
26 has received some positive feedback on digital videos that are being posted, and changes
27 can be included in those. He said as a light enforcement, police can do a campaign with the
28 Traffic Unit. He said if he starts to see more violations in certain areas then they would get out
29 in the community with the helmet tickets, ice cream tickets, and get people to stop in and
30 look at the education piece. He said this will help people understand what the ordinances are
31 and understand some of the dangers and concerns that some of the devices have especially
32 for young people. He said he would also like to look at other community entities to partner
33 with and do different initiatives for neighborhoods.

34 **Assistant Town Manager John** said a question came up during a meeting is how
35 could the Police Department partner with the schools.

36 **Councilmember Zegerman** said it's important to have definitions laid out in the
37 ordinance to know what kind of vehicle goes where in the regulations and lanes. He said the
38 other issue is there aren't really separations for different modes of transportation, it's all
39 within roads that include cars.

40 **Councilmember Gantt** said presumably if they were these scooters were not allowed
41 on sidewalks and greenways, they would have to use roads, which would make it much less

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1 safe for them, while making it safer for walkers. He asked about the framework for this
2 concern.

3 **Chief Armstrong** said some of the concerns are already built into the ordinance. He
4 said most people have not read the towns ordinance and they go out and ride. He said that's
5 where the education component comes in at. There needs to be a way to get people to
6 follow the rules to preserve safety.

7 **Councilmember Gantt** said he feels unsafe on his personal scooter on the road in
8 downtown Apex. He uses the sidewalk until downtown, then switches to the road to follow
9 the rules. He said he feels safer on a bike than a scooter on busy roads.

10 **Chief Armstrong** said he thinks it's more dangerous for bikes and scooters to be on
11 roads from all the cars, open car doors, and other factors than trying to govern those vehicles
12 on sidewalks along with pedestrians.

13 **Councilmember Mahaffey** said the difference between the E-Bikes and regular bikes
14 is E-Bikes have throttles and that's what makes them different. He said the throttles are hard
15 to control for someone who is inexperienced and it makes it more dangerous. He said to Chief
16 Armstrong that he had emailed regarding the road access for E-Bikes in Durham being
17 restricted to only ages 16 and up.

18 **Chief Armstrong** said to Councilmember Mahaffey that the statute was specific to the
19 rental bike system.

20 **Councilmember Mahaffey** said there is an interpretation of state law that it's
21 restricted to 16 and over on the road. He said in GS § Chapter 20 - Section 4.01 - Sub
22 Paragraph 49 it talks about Vehicles. He read the paragraph and asked if that means they
23 need a driver's license.

24 **Chief Armstrong** said he does not think so. He said there is a difference in definition
25 of vehicle and motor vehicle.

26 **Councilmember Gray** said the town could make a similar statute that would govern all
27 class two's if they wanted to. He said Class one, two and three, or even non-classifications is
28 not anywhere in the North Carolina statutes. He said the town could create the definitions of
29 e-bikes and e-scooters, regular bikes, etc. and that would make it a lot easier to regulate
30 within each one of those classes.

31 **Mayor Gilbert** asked Council what their direction is in this recommendation.

32 **Mayor Pro-Tempore Killingsworth** said she would like to have a really thorough
33 definition of bikes, e-bikes, scooters and e-scooters, so residents know exactly what it means.
34 She said it seems like the North Carolina General Statute (NCGS) is due for an update.

35 **Chief Armstrong** said the North Carolina General Statute (NCGS) in 2019 or 2020
36 where legislation introduced to address stand up scooters but it never made it into law.

37 **Mayor Pro-Tempore Killingsworth** said it's to the town's benefit to define each one
38 thoroughly and break down the different classes. She said the throttle on the e-scooters and
39 e-bikes need to be pointed out because it's worth restricting in certain areas.

40 **Councilmember Mahaffey** said his question was related to the email he sent Chief
41 Armstrong was ages 16 and under on roads who may not know the rules of the road and
42 provide higher danger on throttles compared to ages 16 and over.

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1 **Mayor Gilbert** asked to hear from legal on this subject.

2 **Town Attorney Hohe** said there are some regulations under state law. She said
3 Council will want to make sure that whatever definitions that the town is applying are still
4 consistent with state law. She said they don't want to try to outlaw something that is lawful
5 under state law. She asked Councilmember Mahaffey to his point of e-bikes on sidewalks and
6 not roadways, what would happen if the e-bike came to an intersection.

7 **Chief Armstrong** said there is a state law provision, even for kids they can cross over
8 the roadway just like pedestrians.

9 **Councilmember Zegerman** asked wouldn't the town have the exact same situation
10 there because of pedestrians because they are not allowed technically in the roadway.

11 **Chief Armstrong** said when we talk about kids and their knowledge based on if they
12 are allowed to ride in the roadway at various places potentially is a dangerous deal.

13 **Councilmember Mahaffey** said he's still processing the idea, so it's just a question he
14 had asked in the email. He said it makes sense to him that the throttles are different and that's
15 what's creating the danger. He said his concern is specifically the rules of the road and
16 someone younger than 16 who hasn't gone through the licensing procedure may not know
17 when to stop or when to turn.

18 **Councilmember Zegerman** said it looks like everyone agrees that better definitions
19 are needed. He asked to get a proposed set of definitions and then lay that out against a grid
20 of different types of roadways where the town could allow bicycles, versus a class one e-bike,
21 versus a class two e-bike, etc. to determine which one is more prevalent and more important
22 for the town to account for.

23 **Councilmember Mahaffey** said many other towns are also struggling with the same
24 question because of the safety concerns that are being created. He said it's really only the
25 past couple years that this has been an issue and new ground for all of us.

26 **Interim Town Manager Purvis** asked was the focus of defining definitions with
27 locations was for 16 and under.

28 **Mayor Pro-Tempore Killingsworth** said council should lay out everything.

29 **Interim Town Manager Purvis** said Council is looking at all ages and said to look at
30 type and location.

31 **Councilmember Zegerman** asked for part of it to be where would we see the users of
32 the vehicles in the town when the new definitions are created.

33 **Councilmember Gantt** said instead of regulating type, just regulate speed on the
34 Greenways.

35 **Councilmember Mahaffey** said his primary concern is a vehicle hitting a bicyclist or
36 other similar vehicle. He said he's not interested in restrictions for adults or those over 16.

37 **Councilmember Gantt** said adults need to be driving slower on greenways if they're
38 using those kinds of vehicles.

39 **Councilmember Mahaffey** said he would be fine with a speed limit on greenways if
40 one didn't exist.

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1 **Councilmember Gantt** said that could also apply to all sidewalks so that people
2 didn't have to get onto and off of roadways in areas like downtown. He said it may need to be
3 5 mph in downtown.

4 **[SLIDE 8]**



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6 **[SLIDE 9]**

Apex Local Ordinance

Sec. 14-29. - Noise; definitions.

Construction means on-site erection, fabrication, installation, alteration, repair, demolition or removal of any structure, facility or addition thereto, including all related activities including, but not restricted to, clearing of land, earth moving, blasting and landscaping. Construction does not include owner occupied residential projects completed solely by the property owner and which do not require a building permit.

Sec. 14-31. - Sound emission standards and limitations.

Unless otherwise specifically indicated, it shall be unlawful during the daytime or nighttime hours for any person to cause or allow the emission of sound from any source or sources which when measured pursuant to [section 14-30](#), exceed the maximum decibel limits specified in table 1 more than ten percent of any measuring period, which shall be the length of time to take 100 readings at consecutive ten-second intervals.

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1 [SLIDE 10]

Apex Local Ordinance

Sec. 14-33. - Other prohibited noises.

The following acts are specifically declared to be unreasonably loud, annoying, frightening, loud or disturbing noise, the emission of which shall be unlawful:

15. The collection of garbage, recyclables and yard waste between the hours of 11:00 p.m. and 6:00 a.m. This prohibition shall not apply to industrial facilities located in industrial zoning districts including LI (light industrial) and TF (tech/flex) as defined by the unified development ordinance

Sec. 14-35. - Inference in prosecution for noise violation.

The complaints of two or more persons, at least one of whom resides in a different home from the other complaining person or persons, or the complaint of one or more persons, when combined with the complaint of a duly authorized investigating person, shall be prima facie evidence that such sound is a loud and annoying, frightening, loud and disturbing, or unreasonably loud noise.

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3 [SLIDE 11]

Recommendations:

- Define “loud and excessive” noise
- Restrict specific construction noise (nail gun, hammering/banging, machine operating noise, vehicle noise)
- Remove “loud and excessive” as a requirement for construction noise during set time periods

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5 **Councilmember Gantt** asked regarding a particular neighborhood is it actually
6 excessive or if they oppose the development they’re using this as a way to go against it.

7 **Chief Armstrong** said he doesn’t think they are not opposed to it because they
8 bought one of the new houses that had just been built.

9 **Councilmember Zegerman** said the construction noise isn’t realistic if someone is
10 laying down a floor on a Sunday inside of a closed house using a nail gun, he asked if the
11 town really want to restrict that, and that it seems excessive.

12 **Chief Armstrong** said there are some things that can be restricted such as outdoor or
13 indoor construction.

14 **Mayor Pro-Tempore Killingsworth** said it would be by defining outside construction
15 noise.

16 **Chief Armstrong** said Council can make it as specific as they choose.

17 **Councilmember Mahaffey** said this ordinance was just written in 2021. He said at
18 that time there was a conversation about what was excessive noise. He said there is a

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1 difference between commercial needs and the quality of life people living in subdivisions. He
2 said its what people who live their think is loud and excessive noise. He said having two
3 people that need to be part of a complaint is a good rule because it gives balance between
4 the neighbors and the construction noise. He said the original proposal was more restrictive
5 as far as the times.

6 **Mayor Gilbert** asked when the police officers respond, do they decide that's it's an
7 excessive noise.

8 **Chief Armstrong** said he would have to go look back and see what those interactions
9 look like. He said what would also need to be taken into consideration is the backing up of
10 vehicles.

11 **Mayor Gilbert** said he received several calls in the past year about modified exhausts,
12 and asked if the Chief has received anything about that.

13 **Chief Armstrong** said he recalls about two, and he will send an officer out in the
14 neighborhoods to catch them.

15 **Councilmember Mahaffey** asked when someone calls now, it has only been one
16 person calling and complaining. He said if you get multiple people complaining it wouldn't
17 be an issue.

18 **Chief Armstrong** said that was correct. He said for the Linden Property, the
19 developers have restrictions, and they have fined work crews which are higher than what the
20 town would do.

21 **Councilmember Gantt** asked is the time or day of the week more of the problem.

22 **Chief Armstrong** said both. He said sometimes it's vehicle reversing noise from
23 people parking at sites before 7, but not actually beginning work.

24 **Mayor Pro-Tempore Killingsworth** said her preference would be to define outside
25 construction noise so we have a specific set of rules to go by for working outside of the
26 house.

27 **Chief Armstrong** asked if that included the 100 readings.

28 **Mayor Pro Tempore Killingsworth** said yes.

29 **Councilmember Mahaffey** said that 100 readings thing has come up in other
30 properties. He said this can be used in other scenarios other than construction as well.

31 **Councilmember Gray** asked Town Attorney Hohe in regards to loud and excessive
32 noise, is the recommendation that one definition applies throughout all aspects of the
33 ordinance.

34 **Town Attorney Hohe** said loud and excessive was added in 2020 when there was a
35 change regarding the hours and it's not in the definition section. She said council would
36 definitely would want to make sure that the definition is going to be consistently applied.

37 **Councilmember Mahaffey** asked if the definition of two people complaining is
38 defining excessive noise complaint.

39 **Chief Armstrong** said what he is referencing is prima facia evidence of a violation and
40 that would be separate from a loud and excessive definition.

41 **Councilmember Gray** said the closest that we have to a definition of loud and
42 excessive is in 14.31 and that means 100 readings.

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1 **Chief Armstrong** said that’s correct.
2 **Councilmember Gantt** asked if Chief was suggesting to get rid of the readings
3 entirely.
4 **Councilmember Gray** said he would.
5 **Town Attorney Hohe** said the County just proposed an amendment to their noise
6 ordinance which removes the decimal readings requirement.
7 **Chief Armstrong** said other places consider something a violation if it can be heard
8 from a certain distance away.
9 **Councilmember Mahaffey** said to look at what Wake County just did and look at
10 adopting their standards directly so it will not only apply to the unincorporated area but also
11 the town for that section.
12 **Councilmember Gantt** asked if there’s was related to gunshot complaints.
13 **Town Attorney Hohe** said it appears they are overhauling their ordinance
14 substantially.
15 **Councilmember Mahaffey** said he said he worries about specifics that are
16 prohibited, because the noise could apply to other stuff not what’s on the list.
17 **Councilmember Gray** said he agrees that it’s probably easier to figure out a loud and
18 excessive definition.
19 **Councilmember Mahaffey** said he found the Wake County ordinance and it defined
20 their standards as a reasonable person and unreasonable noise and have definitions for both.
21 He said the standard will either be subjective or objective. He said if it isn’t decibels, it will
22 somewhat be subjective. He said at the time you couldn’t specifically outlaw construction so it
23 was a noise ordinance and the intention was for if someone wanted to work inside on a
24 Sunday they could
25 **Councilmember Gray** said the intention of the ordinance was to provide a day where
26 no construction would work, but it didn’t say that.
27 **Mayor Pro-Tempore Killingsworth** asked does he need direction from council.
28 **Interim Town Manager Purvis** asked if Council is good on the noise ordinance and
29 where were the discussion is headed.
30 **Chief Armstrong** and Councilmembers said yes.

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1 [SLIDE 12]



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3 [SLIDE 13]

National Incident Based Reporting System (NIBRS)

An "incident" is defined for NIBRS reporting purposes as one or more offenses committed by the same offender, or group of offenders acting in concert, at the same time and place. "Acting in concert" requires offenders actually commit or assist in the commission of the crime(s). The offenders must be aware of, and consent to, the commission of the crime(s); or even if nonconsenting, their actions assist in the commission of the offense(s). This is important because all of the offenders in an incident are considered to have committed all of the offenses in the incident. If one or more of the offenders did not act in concert, then there is more than one incident involved.

"Same time and place" means that the time interval between the offenses and the distance between the locations where they occurred were insignificant. Normally, the offenses must have occurred during an unbroken time duration and at the same or adjoining location(s). However, incidents can also be comprised of offenses which by their nature involve continuing criminal activity by the same offender(s) at different times and places, as long as the activity is deemed to constitute a single criminal transaction.

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5 [SLIDE 14]

Public Dashboards

- [Crime Dashboard](#)
- [Community Policing Dashboard](#)

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1 **Councilmember Gantt** asked about the tracking of incidents in the system.

2 **Chief Armstrong** explained that certain crimes have to be tracked separately with
3 separate incident reports, even if they occurred at the same time and place. Some crimes
4 may start as a group robbery, but expand into an individual committing different crimes at
5 the scene.

6 **Mayor Gilbert** asked what is the process of navigating through the varying reports
7 crime and reports over the years.

8 **Chief Armstrong** said Crime Analyst Jennifer Conley will put a remark in there to
9 explain the transition from year to year and how it's being reported. He said Jennifer Conley
10 is still working on how to pull victim information to highlight that aspect of the report. He said
11 a tab to the dashboard so people in the community can have some insight to the reports.

12 **Mayor Gilbert** asked if UCR is different to FBI at how they look at areas
13 geographically as far as where crimes occur. He asked is that victim based or is it incident
14 based.

15 **Chief Armstrong** said it is incident based at well. He said this is a part of the transition
16 as the difference in reporting and tracking made crime look different. He said it looks like
17 there is more crime as NIBRS tracks things differently than incident based.

18 **Mayor Gilbert** asked what is the definition of adjoining locations.

19 **Chief Armstrong** said it doesn't give a definition. He said a parking lot will have more
20 incidents in the same location than a subdivision, because they are different properties, even
21 though they may be similar absolute distances apart.

22 **Councilmember Gray** said with NIBRS that it's much more of an educational piece.
23 He said the tool will help the public to understand where these clusters keep happening, but
24 there is less clarity on what is within the cluster.

25 **Chief Armstrong** said NIBRS focuses on capturing the criminal act.

26 **Mayor Gilbert** asked how do we get the message out to the community regarding
27 these crimes and the people they are impacting.

28 **Chief Armstrong** said there are multiple ways. He said there is an internal tracking
29 event log that report information out and is shared internally. He said this report is sent out
30 twice a day and updated every shift. He said the police department doesn't have any real
31 public component other than a dashboard that residents can go and open a link and read
32 things. He said what he's looking at with this moving forward is the community to have the
33 information at their fingertips so they have the same information as the police department
34 and can see what's going on in Apex.

35 **Councilmember Zegerman** said a concern is that data from 2018 is not comparable
36 to 2023 because there were different things being applied.

37 **Mayor Gilbert** said yes. He asked if there were 15 break-ins, is the suspect is being
38 charged with 15 counts or charged for one incident.

39 **Chief Armstrong** said it's still 15 counts for the suspect. He said the charge is based
40 off the victims and the number of victims doesn't change with how the reports are done.

41 **Councilmember Gray** said this is just an aggregation.

DRAFT MINUTES

1 **Mayor Gilbert** said we report crime in 2023 and it's being compared to previous
2 years. He asked when did the NIBRS reporting change.

3 **Jennifer Conley, Apex Police Crime Analyst**, said the town has been doing incident
4 base reporting since 2006.

5 **Councilmember Zegerman** said there needs to be historical data comparable on
6 how to bridge the old data linked to the new data, which will help to be more transparent on
7 how the numbers are presented to the community.

8 **Councilmember Mahaffey** asked what was the change that was made.

9 **Chief Armstrong** said when he first started with Apex his assessment was different
10 than previously before so he changed how police were doing reports and incidents.

11 **Councilmember Mahaffey** said it's always been incident based, it's a matter of what
12 counts as one incident, and how that is reported.

13 **Mayor Gilbert** asked if police were doing separate reports for one incident.

14 **Chief Armstrong** said yes, until he started as Police Chief.

15 **Councilmember Mahaffey** asked does the NIBRS alter our reporting data.

16 **Chief Armstrong** said looking at the number of incidents or number of victims does
17 not give you your crime rate because you have to factor in population.

18 **Councilmember Zegerman** said the concern is we how we now view our crime rate
19 or incident statistics by changing the separate reports to one report.

20 **Councilmember Mahaffey** said its more complicated this is all happening roughly at
21 the same time as the pandemic which had a massive impact on crime rates.

22 **Chief Armstrong** said one thing has never changed is the number of victims and how
23 that's reported.

24 **Councilmember Mahaffey** asked will we have that data out to the public.

25 **Chief Armstrong** said that's what he's working on building that out right now.

26 **Mayor Gilbert** said he appreciate what is being done but he does get a lot of calls
27 about the crime rate.

28 **Interim Town Manager Purvis** said we have the data and now it's figuring out how to
29 get the data out there and updating it regularly, in order to provide an "apples to apples"
30 comparison.

31 **Councilmember Zegerman** said he would like to see an assessment of change from
32 the past few years and how that has impacted the overall data.

33 **Interim Town Manager Purvis** said if you put it out there you would have to state the
34 changing of methodology and its important to have transparency. He said to Councilmember
35 Zegerman about building data, he said the data is all there and can be looked into. He said
36 methodology is important because that's the source of the data.

37 **Councilmember Gray** said it's important that Council is communicating that the idea
38 of crime rate and safety is much more complicated than it seems on the surface. He said
39 different crimes become more prevalent over time as well.

40 **Mayor Gilbert** asked if this also includes crimes that are found within an existing
41 traffic stop.

DRAFT MINUTES

1 **Jennifer Conley** said this dashboard is just crime so it's going to be case report
2 information.

3 **Councilmember Zegerman** said if data is going to be out there then the town needs
4 to have a description of what the data tells us.

5 **Councilmember Gray** said the tough part when it comes to the national reporting's
6 and trying to do the tracking and identify a number that is necessarily not a binary question.

7 **Chief Armstrong** said laws change as people get into legislative positions. He said
8 something that's going to be in the crime data 5 years ago could be completely void today.

9 **Councilmember Mahaffey** asked are there any public facing dashboards from the
10 FBI or NIBRS or is it only local agencies have to pull data and make their own dashboards.

11 **Chief Armstrong** said NIBRS reports a public facing dashboard.

12 **Jennifer Conley** said the state does one too and after the month is complete
13 everybody sends their data to the state and you can go on the state's website and look at
14 different counties and sometimes different agencies.

15 **Councilmember Mahaffey** asked is the state pulling from NIBRS too.

16 **Jennifer Conley** said we send it to the state and then the states pushes it to the
17 federal government.

18 **Interim Town Manager Purvis** asked Council do they want a map on the public
19 facing dashboard, or are there certain categories they want to see, or if they want to have full
20 access to seeing the numbers for the different types of crimes. He said the map cannot be
21 changed and can be zoomed in on to see detailed locations.

22 **Councilmember Zegerman** asked if they could simply group them into a higher-level
23 category and to not make the crimes so specific.

24 **Jennifer Conley** said they could do crimes against property, or crimes against
25 persons, and crimes against society, and just have those three categories. She said that
26 would eliminate residents from seeing specific information on what crime was committed
27 near them. She also suggested to have a static map of the last 30 days of crime.

28 **Councilmember Zegerman** asked how is the map the police are using different from
29 the Lexus Nexus map that we are already have publicly.

30 **Jennifer Conley** said both are very similar except one is kind of a contour map and
31 the other states individual points and it can also do a density map as well. She said she didn't
32 think rapes were on the report.

33 **Mayor Pro-Tempore Killingsworth** asked there are zones up right now.

34 **Jennifer Conley** said yes, they group things by zones.

35 **Councilmember Zegerman** asked if rapes and sexual assaults are on the map.

36 **Jennifer Conley** said they don't report sexual assaults on the map to protect the
37 integrity of the victim's information.

38 **Councilmember Zegerman** asked if it could be included as a filter.

39 **Jennifer Conley** said it doesn't map to their specific address.

40 **Councilmember Gray** said its important for residents to know if there is a crime spree
41 going on around town.

DRAFT MINUTES

1 **Councilmember Gantt** said the EPA reports on neighborhoods that are polluted, and
2 it impacts property values, even though they are working on it.

3 **Councilmember Mahaffey** said there is a balance between the right of the public to
4 know what's going on and the rights of the victim of the crimes to not have their information
5 on the map.

6 **Chief Armstrong** said the map can be taken out if Council chooses too.

7 **Councilmember Mahaffey** said he likes the idea of the map but having broader
8 categories but still being able to filter on the charts.

9 **Councilmember Zegerman** said he liked the look of the bar charts and grids for the
10 dashboard.

11 **Mayor Gilbert** said the map wasn't what he was looking for but thanked them for
12 providing the map. He said he is more into the numbers.

13 **Interim Town Manager Purvis** said he has consensus from council to move the map
14 but continue to work with police on building a map for the transparent piece to be
15 aggregated into the dashboard.

16 **Councilmember Zegerman** asked from the community dashboard if he can see a
17 police officer is patrolling certain neighborhoods on Monday, Wednesday and Fridays and
18 never on Tuesday and Thursday.

19 **Chief Armstrong** said what he sees is not all the movement. He said these categories
20 are things we have identified that falls under that umbrella. He said officers are not able to
21 track every street they drive down or doing. He said they are targeting things that are related
22 to crime or related for specific purposes. He said at the end of the day, this is the way officers
23 get credit for their work because were able to see it and quantify it.

24 **Councilmember Mahaffey** asked what happens on Tuesday's shift.

25 **Chief Armstrong** said Tuesdays is when the most people are on shift and that's why
26 Tuesdays have the highest number.

27 **Mayor Gilbert** asked about DWI.

28 **Chief Armstrong** said DWI would be on the crime dashboard.

29 **Councilmember Mahaffey** asked is there an overlap between the Crime Dashboard
30 and the Community Dashboard.

31 **Chief Armstrong** said it depends on the situation and the crime. The community
32 dashboard shows what a police officer is doing when not responding to a specific incident,
33 which would be tracked on the crime dashboard.

34 **Councilmember Gray** said he appreciates the data gathering and finds it useful. He
35 said his concern is about police officers not policing and inputting in data. He asked will this
36 interfere from them doing their job.

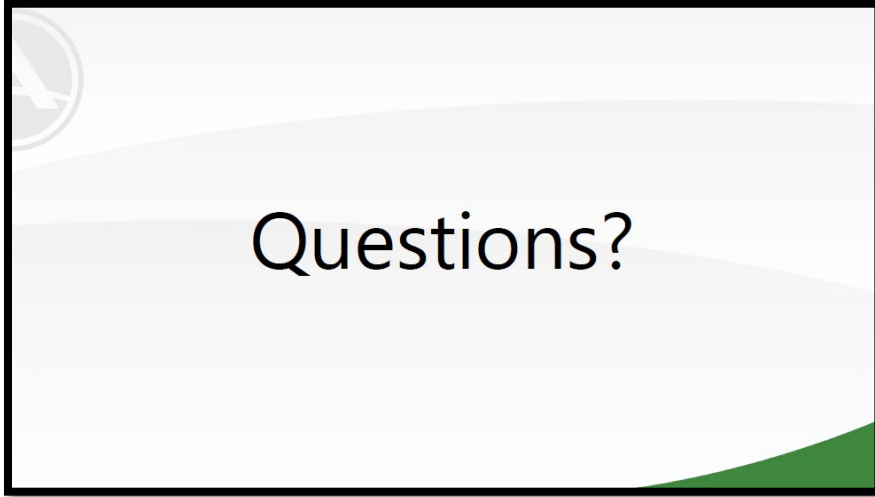
37 **Chief Armstrong** said it's all at the police officers' fingertips by a click of a button. He
38 said they do not have to type anything in with this.

39 **Mayor Pro-Tempore Killingsworth** said she really likes the community policing
40 board and it's showing what we're doing and how we're responding to the community.

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[SLIDE 15]



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Councilmember Zegerman asked for a follow-up on what’s going on with the Civilian Advisory Committee.

Town Clerk Coleman said he sent an email about that earlier this week.

[ADJOURNMENT]

Mayor Gilbert thanked everyone and adjourned the meeting at 5:26 p.m.

Jacques K. Gilbert
Apex, Mayor

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16 Allen Coleman, CMC, NCCCC

17 Apex, Town Clerk

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19 Submitted for approval by Apex Town Clerk Allen Coleman.

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21 Minutes approved on _____ of _____, 2023.