

DRAFT MEETING MINUTES

**TOWN OF APEX
TOWN COUNCIL WORK SESSION
TUESDAY, DECEMBER 17, 2024
3:30 P.M.**

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The Apex Town Council met for a work session on Tuesday, December 17, 2024 at 3:30 p.m. at the 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: <https://www.youtube.com/watch?v=SSYvrRJRpcl>

[ATTENDANCE]

- Elected Body
- Mayor Jacques K. Gilbert (presiding)
- Councilmember Brett Gantt
- Councilmember Arno Zegerman
- Councilmember Audra Killingsworth
- Councilmember Terry Mahaffey
- Absent:* Mayor Pro-Tempore Ed Gray

Town Staff

- Town Manager Randy Vosburg
- Deputy Town Manager Shawn Purvis
- Assistant Town Manager Demetria John
- Assistant Town Manager Marty Stone
- Town Attorney Laurie Hohe
- Town Clerk Allen Coleman

All other staff members will be identified appropriately below.

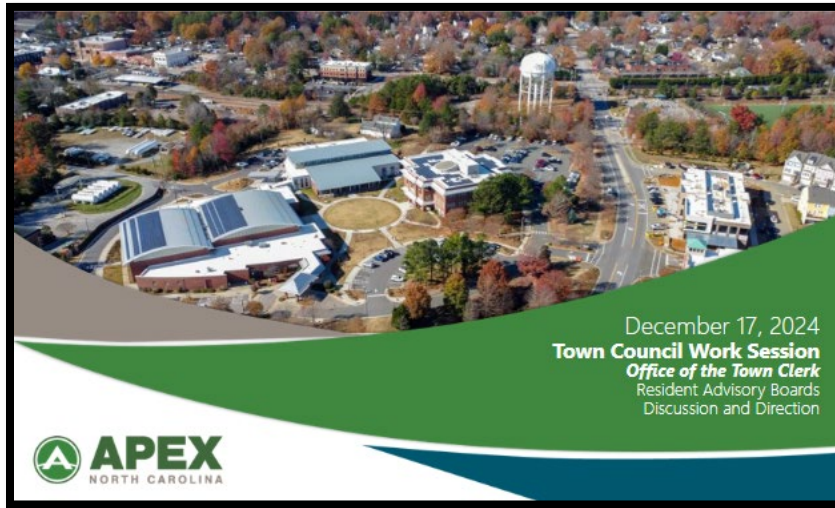
[COMMENCEMENT]

Mayor Gilbert called the meeting to order at 3:30 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

[RESIDENT ADVISORY BOARDS DISCUSSION AND DIRECTION]

Allen Coleman, Town Clerk and **Ashley Gentry**, Deputy Town Clerk gave the following presentation:

1 [SLIDE 1]



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3 [SLIDE 2]



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5 **Councilmember Gantt** asked how this item came up as a topic.
6 **Town Clerk Coleman** said that some of the Council Members and Advisory Boards
7 had wanted to discuss some of the roles and responsibilities to provide more direction.
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1 **[SLIDE 3]**

Who, What, When . . .

- The purpose of Town appointed boards is to provide expert advice, guidance, and recommendations to the elected body within the organization and community on a specific focus area or Town priority.
- Serving as an advisory board member is an opportunity to collaborate with local government officials and to help shape decisions and policies that impact our Town to ultimately make a difference.
- **Statutorily Required** vs. Town Established

- **Nine (9) Advisory Boards**
 - Bee City Committee (2020)
 - **Board of Adjustment**
 - Environmental Advisory Board (2019)
 - Housing Advisory Board (2021)
 - Parks & Recreation Advisory Commission (1987)
 - **Planning Board**
 - Public Art Committee (2017)
 - Transit Advisory Committee (2017 and 2019)
 - Tree CAP (2016)

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3 **Councilmember Gantt** asked if it had been thought about the different kinds of
4 boards and how staff would not have the expertise in. He said that these boards have
5 changed over time and how the priorities for the Boards may have changed.

6 **Town Clerk Coleman** asked if he had one that staff would not have the expertise.

7 **Councilmember Gantt** said that the Arts Committee would be one. He said there a lot
8 of artists on that committee, but less staff in that area.

9 **Town Clerk Coleman** said that they need direction on expectations from the Council.
10 He said that this will be how to measure their success. He discussed how Council will be
11 deciding the future of boards and if their scope/responsibilities would be adjusted.

12 **[SLIDE 4]**

Why?

IMPACT

- The School of Government (SOG) at The University of North Carolina at Chapel Hill (UNC-CH) recommends that municipal appointed boards, commissions, and committees be reviewed on a regular basis for applicability and effectiveness.
- Purpose to understand how advisory boards are currently operating and identify opportunities for improvement.

Just the beginning . . .

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1 **[SLIDE 5]**

Research and Discovery Process

- Surveyed neighboring municipalities and counties
- Staff Liaison and Department Director Meetings
- Chair and Vice-Chair Meetings
- Advisory Member Handbook

Themes

- Unclear roles and responsibilities
- Measurements of Success and Reporting
- Inconsistent Practices




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3 **[SLIDE 6]**

**Resident Advisory Board
Administrative Policy Recommendations**

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5 **[SLIDE 7]**

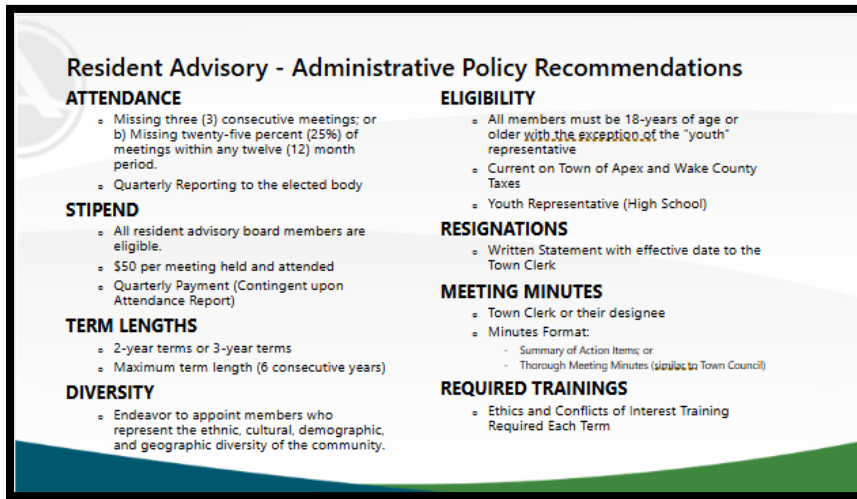
Resident Advisory - Administrative Policy Recommendations



- Attendance Guidance
- Stipend Clarification
- Membership
 - Corporate Limits
 - Non-Voting
 - Ex-Officio
 - Youth
 - ETJ and County Representation
- Term Lengths
- Meeting Minutes Format
- Resignations
- Required Trainings

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1 **[SLIDE 8]**



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3 **Councilmember Zegerman** asked if the proposal was that once a term is over, the
4 member is dismissed from the Board, instead of serving until a replacement is appointed, if
5 they had not yet been.

6 **Town Clerk Coleman** said that 90 days prior to the term expiring, the Clerk's office
7 will reach to the member to let them know and ask them if they are planning on continuing to
8 serve, and having them update their application if so. He said the goal would be to have their
9 replacement appointed before their term expires.

10 **Councilmember Zegerman** said that he would like there to be a hard cut off for most
11 cases. He said for the attendance piece, over 25% absences would be automatic dismissal.

12 **Councilmember Mahaffey** said that there should be excused absences, but if they
13 are not excused they should go towards the 25% absence policy.

14 **Deputy Town Clerk Gentry** asked if there should be excused and unexcused
15 absences established.

16 **Councilmember Mahaffey** said yes.

17 **Councilmember Killingsworth** said that she disagreed with this attendance policy of
18 excused and unexcused absences. She said that if you are not able to attend and unable to
19 give input to the meetings then you shouldn't be on the Board.

20 **Mayor Gilbert** said that he agreed with Councilmember Killingsworth.

21 **Town Clerk Coleman** said that absences would be reported in the quarterly report to
22 Council. He said if someone had been out for two meetings in that quarter, they would have
23 been contacted by the Town Clerk's office to warn them about their absence status.

24 **Councilmember Mahaffey** asked how other City or Towns implement this policy. He
25 asked if it required Council action or would it count as an automatic resignation.

26 **Town Clerk Coleman** said that it is some of both. He said some have it as a Council
27 action and some have given the Town Clerk the authority to remove the member.

28 **Councilmember Zegerman** asked if there were legal issues for this, for example in
29 the case of pregnancy of a member, and if there were any potential discrimination issues.

1 **Town Attorney Hohe** said that if there is an excused or unexcused absence it should
2 be fine. She said that as far as holdovers are concerned, it is allowed by the constitution to
3 allow holdovers to continue in their seat until their replacement is appointed. She said that is
4 to ensure the continued operations of the Board.

5 **Councilmember Zegerman** said that they should have a function to vote for
6 replacements on time unless there are specific circumstances.

7 **Town Attorney Hohe** said that the process that should be put into place is how you
8 appoint the successor, and not to remove the holdover status of the member of the body so
9 that there is not situation where the boards do not have a quorum.

10 **Councilmember Zegerman** said that making these processes more streamlined
11 would be good.

12 **Town Attorney Hohe** said that this is in this Council's control.

13 **Councilmember Gantt** said that if appointments are on time and everyone is
14 organized, this should not be a problem.

15 **Town Attorney Hohe** said she would not recommend changing the holdover status
16 with the Boards that are statutorily required, the Board of Adjustments and Planning Board.

17 **Councilmember Zegerman** said that he would like to have internal pressure on Staff
18 and Council to make sure these happen on time.

19 **Councilmember Mahaffey** said he thinks removal should be automatic if someone
20 goes over the unexcused absence threshold.

21 **Town Clerk Coleman** said that if this is set up for automatic removal, then they could
22 be reconsidered in the future. He said that getting an excuse and unexcused definition has
23 not been established. He said that if all the Council agreed that the policy would be for
24 automatic removal that would be the decision for the policy.

25 The Council was in approval for this policy as a group.

26 **Town Clerk Coleman** said that right now, the Boards are on 3-year terms. He said this
27 could be discussed, but that the Board of Adjustment would have to be a 3-year term.

28 **Councilmember Gantt** asked why it had to be a 3-year term.

29 **Assistant Town Attorney Welch** explained it's due to the Alternates being on the
30 board.

31 **Mayor Gilbert** asked Director Khin if extended terms would impact operations.

32 **Director Khin** said that 10 years is too long, and 6 years terms may not be long
33 enough. She said that for the Board of Adjustments, typically their first two to three years do
34 not have many cases, so their experience is limited even as a second-term member. She said
35 that the Planning Board has lots of agenda items. She said that 10-year terms may be too
36 long.

37 **Councilmember Zegerman** asked if there was any other Board other than Board of
38 Adjustment that has statutory requirements like that.

39 **Assistant Town Attorney Welch** said it was just Board of Adjustment.

40 **Councilmember Mahaffey** asked if they could make the two positions alternate and
41 the Board have separate terms so a term as an alternate doesn't count as a term on the Board.

1 He said that he wasn't sure what the right answer was but that he did like the idea of term
2 limits in principle.

3 **Town Clerk Coleman** said that from Ashley's surveys of other municipalities that a lot
4 have gone to 2-year terms, and some have kept 3-year terms, and some have a maximum of
5 nine years and some ten, and it can be varied. He said that this would become consistent.

6 **Councilmember Zegerman** asked if there could be a 2-year term limit as an active
7 board member with 1 term as an alternate, for a total of 9 years.

8 **Town Clerk Coleman** said that it may be easier to keep Board of Adjustments as it is.

9 **Council Member Mahaffey** said that his preference was to leave the Board of
10 Adjustments as it is.

11 **Councilmember Zegerman** said that he preferred 2-year terms to increase the
12 rotation.

13 **Councilmember Gantt** asked if there was a plan for when the youth would age out.
14 He asked if they would serve for six years as long as they are 18 years old when they start.

15 **Town Clerk Coleman** said they could start when entered High School and go until
16 they are in college.

17 **Councilmember Gantt** said that they would likely resign when they go to college
18 unless it was a local college.

19 **Councilmember Mahaffey** said it was a great resume builder. He agreed they would
20 likely resign once they were in college so rotation would happen.

21 **Councilmember Zegerman** asked about the composition of the total number of
22 board members.

23 **Councilmember Gantt** asked if they wanted to have different number of members for
24 the boards.

25 **Town Clerk Coleman** said they would discuss those topics later. He spoke about the
26 minutes and that they all became centralized to the Clerk's office back in August for
27 consistent format and structure. He said that it had been brought up if the Advisory Board
28 needs to be as thorough as Council minutes.

29 **Councilmember Mahaffey** said that they requested that minutes be sent out once
30 they have been approved by the Board so that they can be put on the Consent Agenda for
31 the Council to accept them.

32 **Councilmember Gantt** asked if the Boards accept the minutes.

33 **Councilmember Mahaffey** said he would want them included so the public could see
34 them easier.

35 **Councilmember Gantt** said that the summary at the end of the year would be more
36 appropriate.

37 **Councilmember Mahaffey** said it wouldn't do any harm.

38 **Town Attorney Hohe** said the Board of Adjustment minutes have a different standard
39 with the quasi-judicial hearing, and should be more detailed.

40 **Town Clerk Coleman** said that researching is much easier to do a text search when
41 meeting minutes are more detailed.

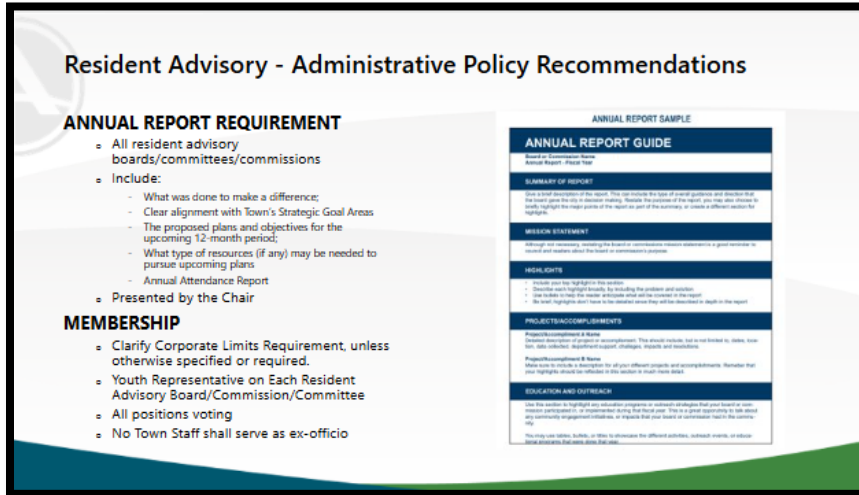
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1 **Town Manager Vosburg** asked if they had talked about adding an informational
2 section to the agenda.

3 **Town Clerk Coleman** said yes.

4 **Town Manager Vosburg** said these minutes could go there, since they didn't
5 necessarily need to be approved by Council.

6 **[SLIDE 9]**



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8 **Councilmember Gantt** asked if the annual report would be like a lightning round, if
9 they would have 3 or 4 minutes to go over the material and each Board comes in after the
10 other.

11 **Councilmember Zegerman** said he would prefer that each Board be staggered.

12 **Director Khin** said that Wake County resident to the Planning Board is not a statutory
13 requirement.

14 **Councilmember Zegerman** asked could there be an exception. He said that some
15 other board needed an ETJ representative.

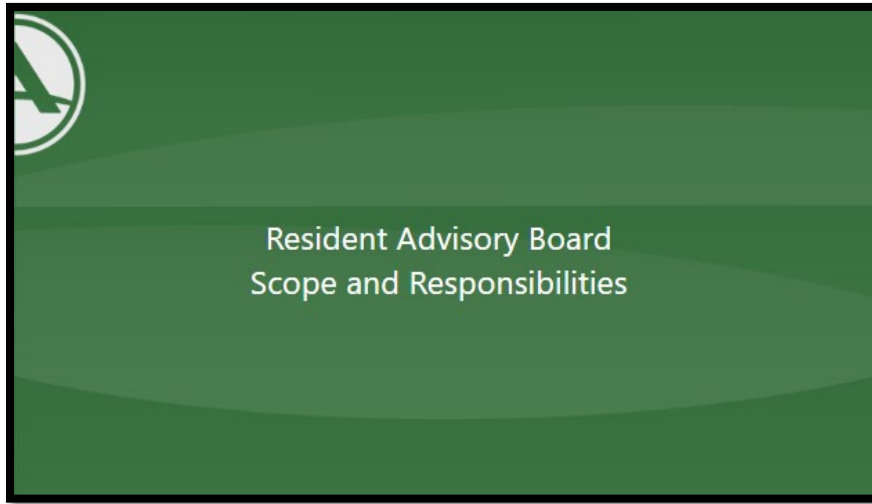
16 **Councilmember Gantt** asked which Board.

17 **Councilmember Zegerman** said he wasn't sure.

18 **Councilmember Killingsworth** said that it says that unless otherwise as part of the
19 Charter.

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1 [SLIDE 10]



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3 [SLIDE 11]

Bee City Committee – Scope of Responsibilities

MISSION
The Bee City Committee is a group of Apex residents who raise awareness of the role native pollinators play in our community and what each of us can do to provide them with healthy habitat. They provide feedback to the Environmental Committee and Town Staff, meeting Bee City USA standards. The Bee City Advocates help plan and guide Pollinator Day/Week and other bee awareness, education, and healthy habitat protection.

DEPARTMENT ALIGNMENT
• Parks, Recreation, and Cultural Resources

DETAILS

- Advisory Format
- Established July 2020
- 6 members appointed for one-year terms
- Currently No Active Members
- Achievements:
 - Launched Pollinator Program
 - Refreshed Pollinator Garden
 - Actively Engaged the Apex Youth Council (AYC)

RECOMMENDATION(S)
Dissolve and responsibility consumed by the Town's Environmental Advisory Board.



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5 **Councilmember Gantt** asked to be a part of that Committee you had to have a
6 committee called The Bee City Committee.

7 **Town Clerk Coleman** said that the EAB could be designated as that, and that it didn't
8 have to be solely for the purposes of Bee City.

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1 **[SLIDE 12]**

Board of Adjustment – Scope of Responsibilities

PURPOSE
The Board of Adjustment shall:
1) Review and approve, approve with conditions, or deny; To review, hear, consider and approve, approve with conditions, or deny:
a) Applications for Variance Permits.
b) Applications for Special Use Permits.
2) Appeals. To review, hear, consider, and reverse or affirm, in whole or in part, or modify:
a) Written orders, decisions, interpretations, requirements, or determinations of the Planning Director or other administrative officials charged with enforcement of any other ordinance that regulates land use or development.
b) Master Subdivision Plans.
c) Construction Plans.
d) Master Subdivision Final Plans.
e) Soil Erosion and Sedimentation Control Plans.
3) Studies. To make studies of the resources, possibilities, and needs of the Town upon the authorization of the Town Council and to report its findings and recommendations with reference thereto, from time to time, to the Town Council.

DEPARTMENT ALIGNMENT
• Planning / Legal

DETAILS
• Quasi-Judicial Format- Statutorily Required
• The Board of Adjustment consists of 5 regular members and 3 alternates who are residents appointed by, and serving as a board to, the Apex Town Council on planning, zoning, and subdivision issue.
• Monthly Meetings (As needed)

RECOMMENDATION(S)
1. Two (2) year terms
(term length consistent with Planning Board)
1. Maximum of three (3) consecutive years

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3 **Town Clerk Coleman** clarified that based on the earlier conversation, they will not be
4 changing the terms structure for the Board of Adjustment.

5 **[SLIDE 13]**

Environmental Advisory Board (EAB) – Scope of Responsibilities

PURPOSE
The Environmental Advisory Board shall have the following powers and duties:
1. Advise the Planning Committee of the Apex Town Council regarding suggested changes to the Unified Development Ordinance related to the impacts of development upon the natural environment.
2. Review, with applicants, during the staff review phase of a proposal, certain requests for conditional rezoning and recommend zoning conditions to the applicant and Town Council that will mitigate anticipated impact to the natural environment as a result of the project under consideration. The following conditional rezoning requests shall be exempt from review by this Board:
a) Rezoning to amend zoning conditions which have no environmental impact on a site including but not limited to revisions to architectural standards, building height, setbacks, and uses;
b) Rezoning to resolve nonconformities;
c) Rezoning of one (1) acre or less; and
d) Rezoning within the Small Town Character Overlay District.

DEPARTMENT ALIGNMENT
• Planning (new Environmental Programs Coordinator)

DETAILS
• Advisory Format and Established July 2019
• 9 members appointed for three-year terms
• Achievements:
a) Environmental Zoning Conditions
a) Lighting Ordinance Recommendations

RECOMMENDATION(S)
1. Increase number of positions to 11 seats to add one (1) Voting member from Tree CAP/Bee City and one (1) Voting Youth Rep.
2. Revise Development Review Process
3. 2-year terms (three term max)

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7 **Councilmember Gantt** asked if he wanted discussion on whether to change the
8 development review process for EAB.

9 **Town Clerk Coleman** said that Council could discuss if there were advantages to
10 cases still going through EAB for review.

11 **Councilmember Killingsworth** said that the recommendation to remove the review
12 phase would be her preference.

13 **Councilmember Mahaffey** said that he would disagree with the recommendation. He
14 said that the review process was where there were conversations and discussions, and a lot of
15 conversations that happen at EAB would then have to be had at Council, which should be the
16 final vote. He said it may push things back further.

1 **Councilmember Gantt** said that the EAB gets projects early and not formed yet and
2 the recommendations are hard for the Developer to commit to, because they don't know
3 enough details.

4 **Councilmember Zegerman** Said the Planning Team environmental standards are set.
5 He asked if they could look at the environmental items that could be looked at during the
6 Planning Board Review meeting to free up the EAB to review more project phases and more
7 items that are more advisory in nature.

8 **Councilmember Gantt** said that the check-off list should be shorter if this is going to
9 every developer so that they can say yes or no instead of having things be open ended.

10 **Councilmember Zegerman** said that there is a standard table that comes in the staff
11 packet.

12 **Councilmember Gantt** said that the EAB makes a recommendation and fills in some
13 of the information.

14 **Councilmember Mahaffey** said that this is a negotiation, for instance some of the 25
15 items there may be more important than others based on the project, and that is what the
16 review is for.

17 **Councilmember Killingsworth** asked if the EAB influence on if they choose those
18 things would be more or less than the Planning Board.

19 **Councilmember Mahaffey** said that he wished the EAB was able to give a full
20 recommendation on the project, rather than just adding in specific conditions.

21 **Town Clerk Coleman** said that Shelly Mayo in Planning had served as the staff liaison
22 to the EAB and so Director Khin may have some input.

23 **Director Khin** said that it could be set up like the Housing Advisory Board, that they
24 have their own policy with a checklist of items they want to see for review with a staff member
25 that reviews these and then makes recommendations. She said that there is an Environmental
26 Programs Coordinator that will be starting in February, so the idea is to move away from
27 reviewing every single rezoning application. She said that they did have to do it to set up the
28 criteria, but these have been set up and they could be reviewed twice a year. She said it
29 seemed like there was too much time being spent on rezoning.

30 **Councilmember Gantt** agreed.

31 **Councilmember Zegerman** asked where to draw the line for the rezoning.

32 **Director Khin** said it may encourage people to rezone. There would be more leeway
33 on more complicated projects like PUDs, so that might could be reviewed.

34 **Councilmember Killingsworth** said that the checklist wasn't in place but it is now,
35 because the EAB put that in place. She said that it is an advisory board and that the focus
36 should be on environmental issues.

37 **Mayor Gilbert** asked who was in support of Councilmember Killingsworth's
38 suggestion.

39 **Councilmember Gantt** asked for clarification that the larger acreage or PUD would go
40 to them for review and everything else would go to the staff person and the EAB would revise
41 the broad conditions accordingly.

1 **Councilmember Zegerman** asked could the EAB make a recommendation of what
2 they want to draw the line.

3 **Councilmember Gantt** said that they are working for the Council, and the Council
4 should be the ones to decide.

5 **Councilmember Zegerman** said they are speaking on behalf of nine people that we
6 believe spent too much time on re-zoning request, so what is the proper way.

7 **Mayor Gilbert** said that it can be changed when it comes in the process.

8 **Councilmember Gantt** said having the PUD map would really help the EAB evaluate
9 those projects once they have those maps.

10 **Councilmember Mahaffey** asked if there was a threshold they don't review.

11 **Councilmember Gantt** said that he thought it was less than five acres.

12 **Councilmember Mahaffey** said that the review is positive, and the members have
13 impact.

14 **Councilmember Gantt** asked if it could be a five-acre policy that would lower the
15 reviews.

16 **Councilmember Mahaffey** said that they did not have to decide today.

17 **Director Khin** said that she could ask Amanda Bunce.

18 **Councilmember Zegerman** said that when they look at the scope of work, that he
19 would like to also look at the 11 Board members, he said it seemed like a high number.

20 **Councilmember Gantt** agreed.

21 **Town Clerk Coleman** said that it seemed to be consistent to continue with the 2-year
22 terms and a maximum 3 terms.

23 **[SLIDE 14]**

Housing Advisory Board (HAB) – Scope of Responsibilities

PURPOSE
The Housing Advisory Board shall have the following powers and duties:

1. Recommend Policies and Funding Recommendations related to Affordable Housing to the Elected Body
2. Provide Housing Advocacy Advice to Elected Body and Planning Board
3. Assist with Annual Housing Report creation

DEPARTMENT ALIGNMENT

- Community Development and Neighborhood Connections (CDNC)

DETAILS

- Advisory Format and Established July 2021
- 7 members appointed for three-year terms, plus 2 non-voting members from Council and Planning Board
- Quarterly Meetings
- Achievements:
 - Affordable Housing Incentive Zoning Policy
 - Affordable Housing Report
 - Housing Fair

RECOMMENDATION(S)
With dedicated Housing Staff, provide clarity on scope of responsibilities.

24 **Mayor Gilbert** asked Councilmember Killingsworth to start the discussion, since she
25 has been the Council liaison.

26 **Councilmember Killingsworth** said that the responsibilities could be turned over to
27 staff and any decisions could be taken to Council. She said that she felt the HAB has done
28 everything they set out to do, and she doesn't think it needs to remain.
29

1 **Councilmember Zegerman** said that the town has hired staff that have absorbed a lot
2 of work that the Housing Advisory Board did. He asked if it would be possible to have an
3 advisory committee specific to the entire department to include affordable housing as part of
4 the scope to absorb some of the duties.

5 **Councilmember Killingsworth** suggested an ad-hoc Council Committee to be used
6 as needed and meets as needed.

7 **Mayor Gilbert** asked staff where they were about this.

8 **Town Manager Vosburg** said that they had worked to align all of the Town
9 Departments and functions with the new committees. He said they would talk in January or
10 February about the concepts.

11 **Town Clerk Coleman** clarified that the Housing Board Committee would be dissolved
12 due to this work being done by staff.

13 Council agreed.

14 **[SLIDE 15]**

Parks, Recreation, and Cultural Resources Advisory Commission (PRCR)
Scope of Responsibilities

PURPOSE
The Parks, Recreation, and Cultural Resources Advisory Commission serves in an advisory capacity to department staff and the Town Council, providing recommendations on parks and recreation priorities in the Apex community. The commission also reviews and makes recommendations on public recreation requirements for proposed residential developments and provides input on long range plans related to parks and recreation.

DEPARTMENT ALIGNMENT
• Parks, Recreation, and Cultural Res. Dept.

DETAILS
• Advisory Format and Established 1987
• 9 members appointed for three-year terms
• Public Art is a Sub-Committee (see future slide)
• Meet Monthly

RECOMMENDATION(S)
1. Establish Term Limits – maximum of three two (2) year terms
2. Shift Cultural Arts Component to Public Art Committee

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16 **Mayor Gilbert** asked if everyone approved of this. Everyone was in agreeance for this
17 recommendation.

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1 **[SLIDE 16]**

Planning Board – Scope of Responsibilities

PURPOSE

The Planning Board shall have the following powers and duties: 1) Review and make recommendations to approve or disapprove. To review, hear, consider, and make recommendations to the Town Council to approve or disapprove:

- The adoption of an ordinance to amend the Official Zoning District Map (Rezoning).
- The adoption of an ordinance to amend the text of this Ordinance (text amendment).

2) Review and make recommendations to approve, approve with conditions, or disapprove. To hear, review, consider, and make recommendations to the Town Council to approve, approve with conditions, or disapprove:

- The adoption of an ordinance to amend the Official Zoning District Map.
- The adoption of an ordinance approving a PUD-CZ, SD-CZ, TND-CZ, or MEC-CZ zoning district designation.

3) Long range plans. To consider and/or make recommendations to the Town Council to adopt or amend long range plans.

4) Make special knowledge and expertise available. To make its special knowledge and expertise available upon written request and authorization of the Town Council to any official, department, board, commission or agency of the Town.

5) Studies. To make studies of the resources, possibilities and needs of the Town upon the authorization of the Town Council, and report its findings and recommendations, with reference thereto, to the Town Council.

6) Recommendations of recognition of Appearance Awards. To consider and make recommendations on nominees for Residential, Non-Residential, and Tree Appearance Awards to the Town Council.

DEPARTMENT ALIGNMENT

- Planning

DETAILS

- Statutorily Required
- Nine (9) voting members, one (1) non-voting member (Historical Society)
- Meet Monthly

RECOMMENDATION(S)

1. Limit term lengths to three (2) year terms
2. Add Voting Youth Representative
3. Historical Rep – Voting

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3 **Councilmember Gantt** asked if similar to the EAB, if the Planning Board was
4 spending their time on rezonings and never getting to items # 4 & 5. He also asked if they
5 were allowed to have a similar size of development that would not have to go through this
6 committee as the EAB does.

7 **Councilmember Mahaffey** said no.

8 **Director Khin** said that all rezonings had to go before Planning Board.

9 **Councilmember Gantt** said that he would like to see more ordinance suggestions
10 and policy suggestions from the Planning Board.

11 **Councilmember Zegerman** agreed.

12 **Councilmember Mahaffey** said that the Planning Board could be initiating more
13 items and opposing more rules. He said that there were so many rezonings, so in a lot of
14 cases they don't have the bandwidth to.

15 **Director Khin** said that the main things that they have done is participation in the
16 long-range planning process over the years. She said that they should be required to
17 participate and not just get updates at the meetings.

18 **Mayor Gilbert** said that this should be discussed later.

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1 **[SLIDE 17]**

Apex Public Art Committee (APAC)- Scope of Responsibilities

PURPOSE
The Apex Public Art Committee (APAC) will be responsible for gathering public input through surveys, focus groups, meeting with civic groups, neighborhood groups etc. and liaising with Town Departments and other Town Committees as needed. They shall recommend projects, programs, and potential artists. They shall also evaluate submissions and advise the PRCR Advisory Commission and the Town Council on matters related to Public Art. The APAC's primary mission will be to increase community awareness and appreciation of public art.

DEPARTMENT ALIGNMENT
• Parks, Recreation, and Cultural Res. Dept.

DETAILS
• Advisory Format and Established 2017
• 7 members appointed for three-year terms
• Achievements
 • Apex Sculpture Walk
 • Wall Murals (Various Locations)
 • Bus Stop Public Art (Various Locations)

RECOMMENDATION(S)
1. Stand-Alone "Arts and Culture Advisory Board"
2. Discuss Broadening the Scope of Responsibilities
3. Add Voting Youth Representative

2 **Councilmember Gantt** asked what "broadening" means.
3 **Town Clerk Coleman** said it would include to broaden the art related initiatives.
4 **Councilmember Zegerman** asked if they were keeping the 2-year terms as previously
5 discussed.
6 **Town Clerk Coleman** said yes.
7 **Councilmember Mahaffey** said that the Arts Committee had done a great job and
8 was a great example of how an advisory board works.

9 **[SLIDE 18]**

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Transit Advisory Committee (TAC)- Scope of Responsibilities

PURPOSE
The Transit Advisory Committee shall have the following powers and duties
1) Review transit plans and services. Review proposed local transit plans, policies, capital improvements, and service changes, and provide recommendations regarding revisions and/or approval. Review regional transit plans, policies, capital improvements, and proposed services changes relevant to the Town of Apex and provide recommendations regarding revisions and/or approval.
2) Recommendations to Mayor and Town Council. Recommend to the Mayor and Town Council local transit plans, policies, capital improvements, and service changes.
3) Provide information to the Mayor and Town Council. Provide information to the Mayor and Town Council regarding transit customer experience and stakeholder opinions and needs.

DEPARTMENT ALIGNMENT
• Planning

DETAILS
• Advisory Format and Established 2019
• 6 members appointed for three-year terms
• 3 members Ex-Officio (Staff)

RECOMMENDATION(S)
1. Incorporate Bicycle and Pedestrian – titled "Multimodal Transportation Advisory Board"
2. Discuss Broadening the Scope of Responsibilities
3. Add Voting Youth Representative and increase membership to 9 total voting members, excluding staff.

12 **Councilmember Gantt** confirmed that this was a 2-year term with 3 term maximum.
13 **Town Clerk Coleman** confirmed that was correct. He said that this was the Board with
14 the least number of seats with 3 ex-officio staff members, but the committee would benefit
15 from broader membership.

16
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1 **[SLIDE 19]**

Tree Citizen Advisory Panel (Tree CAP)- Scope of Responsibilities

PURPOSE/MISSION
The Tree Citizen Advisory Panel (Tree CAP) is a group of appointed citizens who represent the voice of the citizen as it relates to tree programs, management and regulations. They provide guidance and feedback to the Environmental Committee (Tree Board), meeting Tree City USA standards, and help plan and guide Arbor Day and other tree planting events.

DEPARTMENT ALIGNMENT

- Electric

DETAILS

- Advisory Format and Established 2016
- 5 members appointed for one-year terms
- Currently 2 active members
- Achievements/Projects
 - Plant the Peak
 - Heritage Tree Proposal
 - Tree Archive and
 - Tree Education/Outreach

RECOMMENDATION(S)
Dissolve and responsibility consumed by the Town's Environmental Advisory Board.

2
3 **Councilmember Mahaffey** said it may be helpful to form a subcommittee for the Bee
4 City and the Tree CAP.

5 **Town Clerk Coleman** said that usually if you form an ad hoc Committee of the
6 membership then it would become a subcommittee of the non-member board and that
7 wouldn't be another set of members.

8 **[SLIDE 20]**

Resident Advisory – Summary of Recommendations

BEE CITY COMMITTEE

- Dissolve and responsibilities consumed by Apex Environmental Advisory Board

BOARD OF ADJUSTMENT (BOA)

- Reduce Terms to two (2) year terms
- Reduce Term Max to 3 consecutive (6 total)

ENVIRONMENTAL ADVISORY BOARD

- Reduce Terms to two (2) year terms
- Reduce Term Max to 3 consecutive (6 total)
- Add Voting Youth Representative
- Add one (1) seat for Tree CAP/Bee City Representation

HOUSING ADVISORY BOARD (HAB)

- Clarify roles and responsibilities

PARKS AND RECREATION ADVISORY

- Establish Term Limits
- Shift Cultural Arts and Public Art to new Committee
- Add Voting Youth Representative

PLANNING BOARD

- Reduce Terms to two (2) year terms
- Reduce Term Max to 3 consecutive (6 total)
- Add Voting Youth Representative
- Switch Non-Voting Historical Society Seat to Voting

ARTS AND CULTURE ADV. BOARD

- Clarify roles and responsibilities
- Add Voting Youth Representative
- Stand-alone separate from Parks and Rec.

MULTIMODAL TRANSPORTATION ADVISORY BOARD

- Clarify roles and responsibilities to include Bicycle and Pedestrian modes of transportation
- Add Voting Youth Representative
- Add 2 additional voting positions, remove ex-officio members

TREE CITIZEN ADVISORY PANEL (CAP)

- Dissolve and responsibilities consumed by Apex Environmental Advisory Board

9
10 **Councilmember Zegerman** asked if this comes back in February.

11 **Town Clerk Coleman** said yes, and that some of the Committees are referenced in
12 the UDO and Town Code. He said that they would be communicating with the Department
13 Directors that are affected by the feedback from Council.

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1 **[SLIDE 21]**



Next Steps

- Initiate Unified Development Ordinance (UDO) Changes and Town Code of Ordinance Changes – **March 1, 2025**
 - Current Advisory Board Terms will not be effected. Changes will take effect at the end of their current appointment.
- Meet with Staff Liaisons, Department Directors, and Applicable Chair and Vice-Chairs – **January 2025**
- Resident Advisory Board Administrative Policy – **February 2025**
- Recruiting for vacant positions – **February/March 2025**
- Quarterly Attendance Reports – **Beginning April 2025**
- Annual Report Requirement – **Due December 2025**

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3 **[SLIDE 22]**



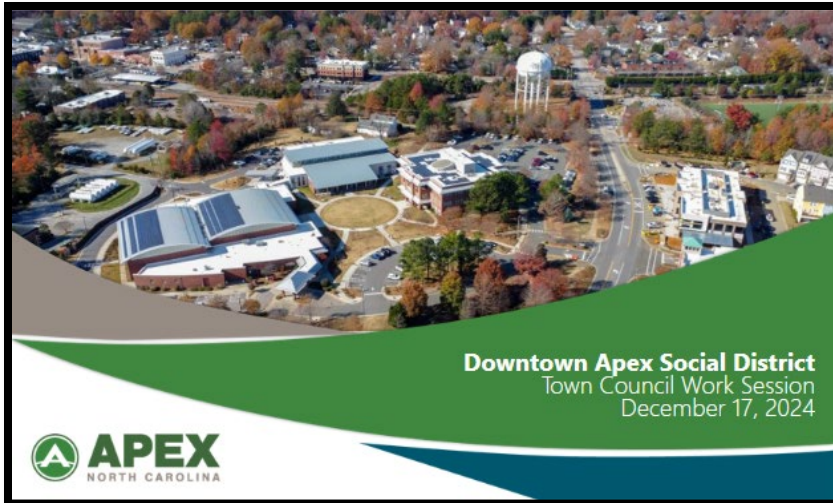
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Questions?

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6 **[DOWNTOWN APEX SOCIAL DISTRICT]**

8 **Joanna Helms**, Economic Development Director gave the following presentation:

9 **[SLIDE 1]**



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[SLIDE 2]

Background on a Proposed Social District in Downtown Apex

Overview

- **Purpose:** Allows open consumption of alcoholic beverages within a designated area and during specific hours, potentially enhancing vibrancy and economic growth.
- **History:** The concept of a social district in downtown Apex has been under consideration since September 2021, involving multiple stages of research, public input, and legislative updates.
- **Scope:** May include privately owned properties (ABC-permittee and non-permittee businesses), multi-tenant establishments, and public spaces (streets, crosswalks, parking areas).

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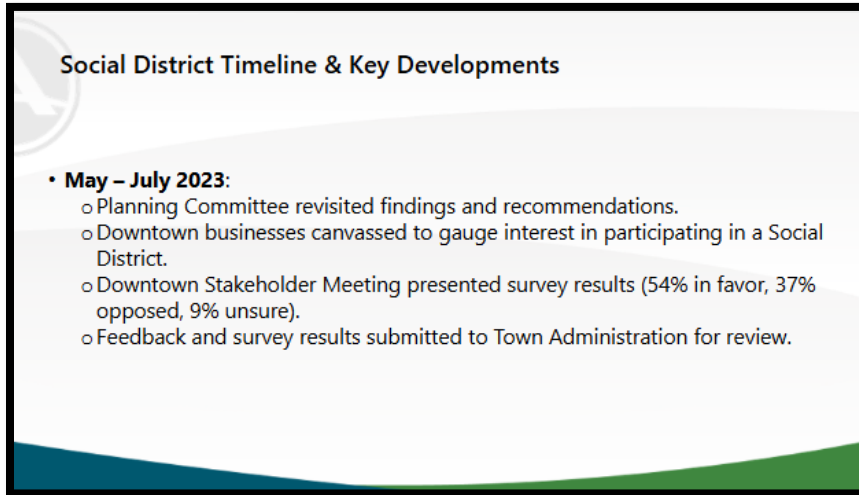
[SLIDE 3]

Social District Timeline & Key Developments

- **September 2021:**
 - NC ratified Session Law 2021-150, allowing municipalities to create Social Districts for alcohol consumption in designated areas.
 - Council members initiated discussions on establishing a Social District in downtown Apex.
- **February - August 2022**
 - Research on Social District implementation in Apex.
 - Special Project Team formed.
 - Special Project Team met with NC ABC staff.
 - NC House Bill 211 passed, revising Social District rules.
 - Special Project Team presented findings and recommendations to Town Administration.

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1 **[SLIDE 4]**



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3 **Councilmember Gantt** asked about the feedback on the Social Districts.

3

4 **Director Helms** said they had done some research in several communities and all of
5 the feedback was positive.

4

6 **Councilmember Gantt** asked if sales and socializing have gone up in these types of
7 areas?

5

8 **Director Helms** said some areas, Cary for example, haven't had negative comments.
9 She said that she could get the survey to Council.

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8 **[SLIDE 5]**



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1 **[SLIDE 6]**

Proposed Social District Boundaries

- **Salem Street** (Salem Heritage Plaza to Williams Street)
- **Chatham Street** (Elm Street to 202 W. Chatham Street)
- **Elm Street** (E Chatham Street to Olive Street)
- **Saunders Street** (N Salem Street to 215 Saunders Street)



2
3 **[SLIDE 7]**

The proposed Downtown Apex Social District would allow the consumption of alcoholic beverages within district boundaries Monday through Sunday.

Proposed Hours of Operation						
Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.	11:00 a.m. - 10:00 p.m.

4
5 **[SLIDE 8]**

ABC-Permitted & Non-Permitted Businesses in Social District

Opt-In/Opt-Out: Businesses within Social District boundaries can choose to "opt in" or "opt out" of participation. No action is required to "opt out."

ABC-Permitted Businesses (Opt-In):

- **Selling & Serving:** Can sell and serve alcoholic beverages only on licensed premises.
- **Designated Container Criteria:**
 - Must clearly identify the permittee from which the beverage was purchased.
 - Must display a logo or mark indicating it's part of the Social District.
 - Must be made of non-glass material.
 - Must include the statement "Drink Responsibly – Be 21" in at least 12-point font.
 - Must not exceed 16 fluid ounces.

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1 **[SLIDE 9]**

Non-Permitted Businesses (Opt-In)

- **Alcohol Consumption:** May allow alcoholic beverages purchased from an ABC-permittee within the Social District to be consumed on their premises.
- **Alcoholic Beverage Requirements:**
 - Must be in designated Social District containers.
 - Must be consumed within designated hours (11:00 a.m. to 10:00 p.m. daily).
- **Signage:** Must display signs at exits which do not open to the social district indicating alcohol cannot be taken beyond that point.
- **Law Enforcement Access:** Must grant law enforcement access to customer-accessible areas during Social District operating hours.

2
3 **[SLIDE 10]**

Patron Responsibilities

General Rules for Patrons:


- Alcoholic beverages consumed within the Social District must be purchased from an ABC-permitted business located within the district.
- Alcoholic beverages must:
 - Be in designated Social District containers.
 - Be consumed during the specified hours (11:00 a.m. to 10:00 p.m. daily).
- A patron may not be sold or delivered more than:
 - Maximum of 2 alcoholic beverages (beer or wine) at one time.
 - Maximum of 1 alcoholic beverage (liquor) at a time.
- Patrons must dispose of any alcoholic beverages before exiting the Social District, unless entering a participating business within the district.

4
5 **[SLIDE 11]**

Social District Designated Containers

For Discussion:

- Who will provide/purchase the social district designated container that meets the requirement of NC law?
- In Cary, the Town provides/purchases the cups. The businesses reimburse the Town for the cost of a standard 16oz. plastic cup. The Town subsidizes the remaining expense.



6

1 **[SLIDE 12]**

Town Responsibilities

Enforcement & Oversight:

- The Town of Apex Police Department will be responsible for enforcing the rules of the Social District.
- The Town reserves the right to prohibit an ABC permittee from participating in the district if they violate the Social District management plan.

2
3 **[SLIDE 13]**

Signage & Communication

The Town will:

- Create a logo for the Social District
- Install boundary markers to clearly define the area.
- Design, order, and distribute the designated cups.
- Design, print, and distribute signage and window clings to businesses within the district.

Required signage to indicate a status:

- **SOLD HERE** – Social District drinks available for purchase.
- **YES!** – Social District drinks allowed on premises.
- **NO!** – No Social District drinks allowed for purchase or consumption. (“No” sign is optional, but recommended)

Wendell Downtown Social District

SOCIAL DISTRICT HOURS

Monday - Saturday
11AM - 10PM

Sunday
12PM - 9PM

ALCOHOLIC BEVERAGES IN THE SOCIAL DISTRICT MUST BE CONSUMED OR DISPOSED OF BEFORE LEAVING THE SOCIAL DISTRICT.

For more information please visit the website by scanning the QR code.

Garner? Get them. NC ALE Division at (310) 778-8888 or Wendell Police Department (252) 345-4444

Garner MAY ENTER WITH DRINKS

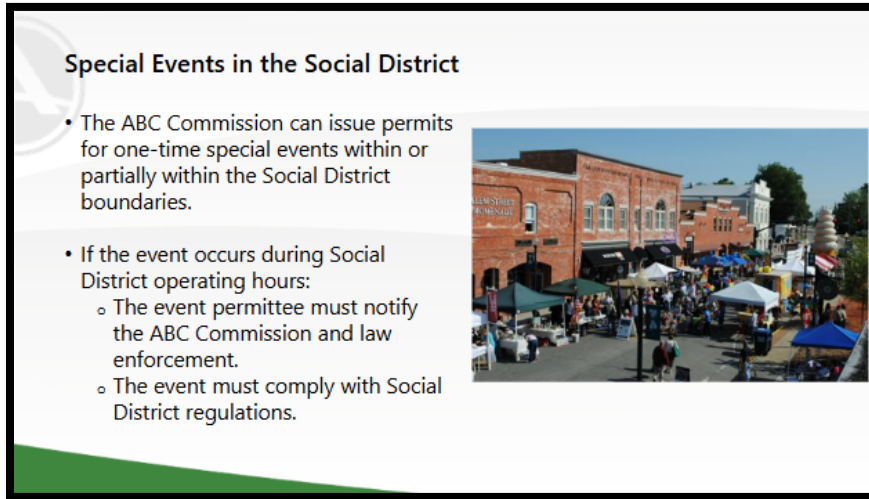
Garner SOLD HERE

Garner NO DRINKS NOT WELCOME

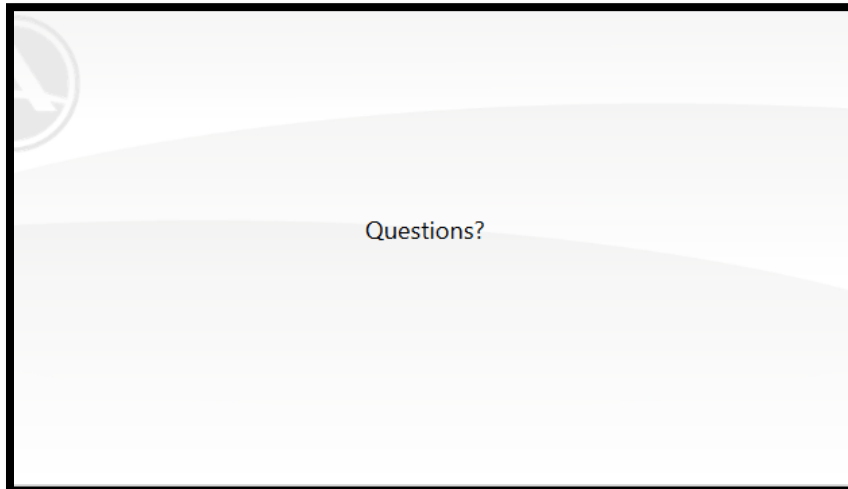
4
5 **Councilmember Gantt** asked if the signs helped having the signs for “No Social
6 District” helped with businesses having to tell customers that they were not participating.
7 **Director Helms** said that this is why they recommended the “NO!” signs.

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1 **[SLIDE 14]**



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3 **[SLIDE 15]**



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5 **Councilmember Gantt** asked if the festivals such as Peak Fest could opt out of alcohol
6 in that area.

7 **Director Helms** asked Chris Welch for information.

8 **Mayor Gilbert** said that they could ask staff.

9 **Town Manager Vosburg** said that they needed general consensus about this and
10 some guidance if there is any at this time.

11 **Mayor Gilbert** said that there were a lot of positive reviews and there has been a lot
12 of staff time on this, and that they needed to make some decisions.

13 **Councilmember Zegerman** said he did not agree. He said that he would like to get
14 feedback again from the businesses. He said he isn't opposed, but he wants to be fleshed out
15 more.

16 **Mayor Gilbert** asked what percentage of the businesses he would be looking for to
17 move forward with this.

DRAFT | DECEMBER 17, 2024 TOWN COUNCIL WORK SESSION MINUTES

1 **Councilmember Zegerman** said more than 50%. He said that there were things to
2 work out on this. He agreed that he wanted to make forward momentum, but he doesn't think
3 downtown has changed much in the past year.

4 **Mayor Gilbert** said that Cary, Holly Springs, Fuquay, and Garner do this.

5 **Councilmember Killingsworth** said that it will be 6 months' worth of looking at what
6 the percentage is.

7 **Councilmember Mahaffey** said that he would rather do the survey again and we may
8 have better results. He said that there may be a more positive experience. He said that ideally,
9 we want to build consensus, so everyone opts in. He said some businesses have had changed
10 in ownership too. He added he thinks this should move forward eventually, but he wants to
11 reach out to owners again. He said it would be really awkward if the district was created but
12 most shops opted out.

13 **Mayor Gilbert** said he agreed to a point. He said that he had spoken to several
14 Mayors from other municipalities and talks to several downtown businesses. He asked what
15 we were waiting for to make the decision.

16 **Councilmember Gantt** said that they can do it now, work out the kinks, then it will be
17 ready for the streetscape.

18 **Mayor Gilbert** said that a lot of business owners are nervous when construction
19 comes up. He said this will help people come to downtown.

20 **Councilmember Zegerman** said there is nowhere to go, no parks to sit in, no
21 benches on the streets, and not any destinations.

22 **Councilmember Gantt** said stores, and there would be more later.

23 **Councilmember Zegerman** said he prefers a slow roll out and asked if things have
24 changed now. He said that a year ago it was 50-50.

25 **Councilmember Gantt** said that nothing has changed and probably would be the
26 same result.

27 **Councilmember Mahaffey** said he just wanted to do the homework making sure that
28 we get the survey.

29 **Mayor Gilbert** said that he understands. He said he had talked to some of the
30 business owners, and they are ready to go with this. He asked if there was a motion.

31 **Councilmember Mahaffey** asked to make an amendment to the motion to do a two-
32 question survey regarding if they wanted to do this, and if they would opt in or out if it
33 happened.

34 **Mayor Gilbert** said that would delay more.

35 **Councilmember Zegerman** asked what the rush was.

36 **Councilmember Gantt** asked if they wanted to tie the results to the metrics and say if
37 it is more than 55% that it would move forward.

38 **Mayor Gilbert** asked why a decision would not be made.

39 **Councilmember Mahaffey** said that the survey was done 12 or so months before and
40 people said that they would not opt in, so it was stopped.

41 **Mayor Gilbert** asked when the last survey was done.

42 **Director Helms** said in June of 2023.

