

## DRAFT MINUTES

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

The Apex Town Council met for a work session on Tuesday, September 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:

[2024.09.17 Town Council Work Session - You Tube](#)

#### [ATTENDANCE]

##### Elected Body

Mayor Jacques K. Gilbert (presiding)

Mayor Pro-Tempore Ed Gray

Councilmember Brett Gantt (*arrived late*)

Councilmember Arno Zegerman

Councilmember Audra Killingsworth (*arrived late*)

Councilmember Terry Mahaffey

Absent: None

##### 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

Parks, Recreation, and Cultural Resources Director Craig Setzer

Special Events Manager Lisa Raschke

Planning Director Dianne Khin

All other staff members will be identified appropriately below.

#### [COMMENCEMENT]

**Mayor Gilbert** called the meeting to order at 3:34 p.m., welcomed everyone, and led everyone in the pledge of allegiance.

**[SPECIAL EVENTS PROCESS REVIEW]**

**Mayor Gilbert** asked Town Manager Randy Vosburg to begin with the Special Events Process Review.

**Town Manager Vosburg**, thanked the Mayor and the Council. He said that there were two documents to review. He said that the first one was a slideshow, and one is the policy. He said that they were in draft form and that this presentation was for discussion. He thanked the Staff that have worked on this. He introduced Lisa Raschke, Special Events Manager of Parks, Recreation and Culture Resources Department, to give an overview of the Special Events Process.

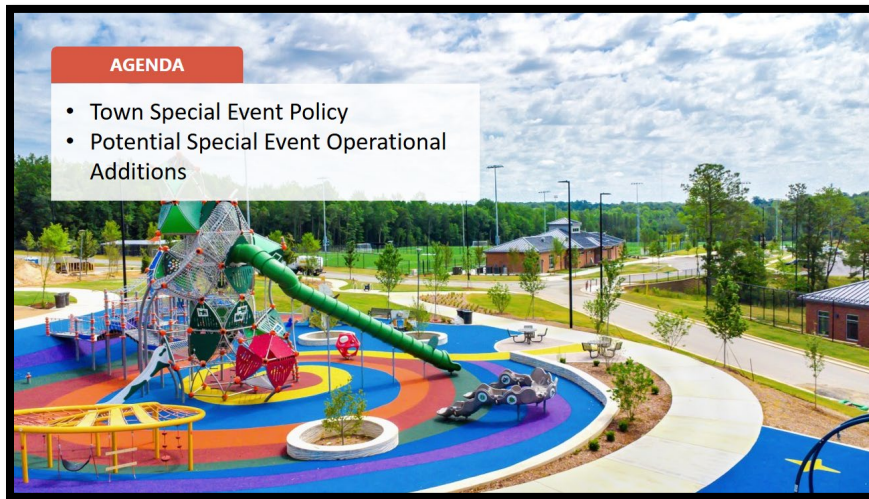
**Councilmember Gantt** arrived at 3:36 p.m.

**Ms. Raschke** gave the following presentation on Special Events Process Review.

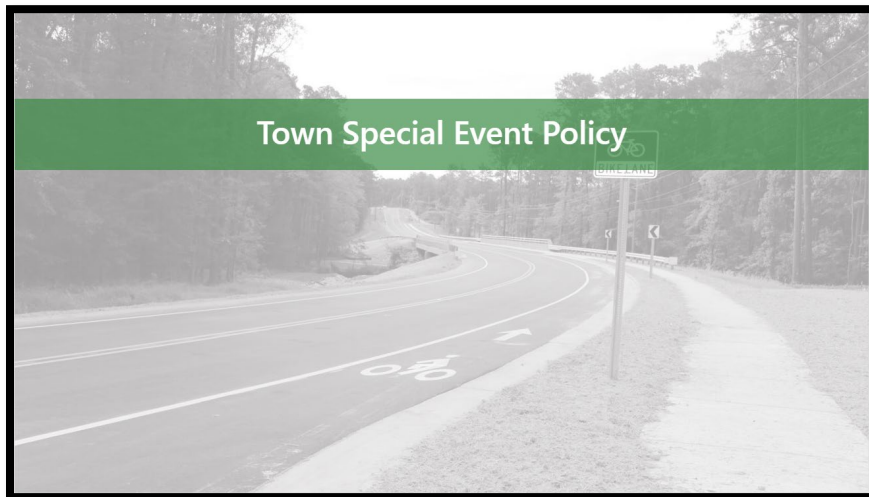
**[SLIDE 1]**



1 **[SLIDE 2]**



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3 **[SLIDE 3]**



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5 **[SLIDE 4]**



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1       **Ms. Raschke** said that at this time it is at the discretion of the community organizer if  
2 they want to have political parties at community events. She said that Peakfest had allowed  
3 both the Republicans and the Democrats at the event. She said for Town events there was  
4 information in the policy that the Town may not want to have political parties at events.

5       **Councilmember Mahaffey** asked for clarity of what the political parties could not do.

6       **Ms. Raschke** said that all political parties can walk around and hand out fliers, but that  
7 they may not be allowed to be a vendor and set up tables. She said that there is no verbiage  
8 at this time about if there can or can't be political parties and they want to clarify the  
9 ordinance.

10       **Councilmember Mahaffey** said that makes sense, but that there could be  
11 organizations which are viewed as highly partisan and that they may want a table.

12       **Ms. Raschke** said that when the Latino Arts Festival had groups that wanted to do  
13 voter registration and she checked with Legal, and that were allowed. She said that when she  
14 gets requests, she asks Legal if it is safe to move forward. She clarified that they would not  
15 have political parties be able to table at the events.

16       **Mayor Pro Tempore Gray** asked what the concern is for having political parties.

17       **Ms. Raschke** said that the concern is trying to stay as nonpartisan as possible, and that  
18 once they say yes to one, then they say yes to all. She said that having some verbiage that say  
19 no political parties, and then she would work with Legal if there were questions. She said it  
20 would be up to the Council, but having parameters would help.

21       **Town Manager Vosburg** said that it went beyond political parties when you get an  
22 individual. He said that when there is an individual candidate is where there could be issues.  
23 He said the approach was not to allow any political parties at Town events but did open up for  
24 discussion.

25       **Councilmember Zegerman** gave examples of how this could be an issue. He said  
26 that they could not say one or the other parties can't participate. He added that this could go  
27 against the goal of inclusion, and some groups would have close political affiliations even if  
28 they aren't parties.

29       **Councilmember Gantt** asked Councilmember Zegerman to clarify.

30       **Councilmember Zegerman** said that March for Liberty could be an example.

31       **Mayor Gilbert** asked Town Attorney Laurie Hohe to speak.

32       **Town Attorney Hohe** said that this was like the Town's rules about signage on Town  
33 property, so that there is not an appearance that the Town is supporting one group or another  
34 or one candidate.

35       **Mayor Gilbert** remarked about the amount of events the town does.

36       **Ms. Raschke** said that anybody is welcome to be at the events but who the Town  
37 chooses to table is something different.

38       **Councilmember Zegerman** wondered if this was creating more problems. He said  
39 that asking Legal makes this an arbitration scenario.

40       **Mayor Gilbert** said that it puts the Town staff in the position to make decisions about  
41 this, and he doesn't like that.

1       **Councilmember Gantt** asked Mayor Gilbert if adding stronger language to the policy  
2 helps with that.

3       **Mayor Gilbert** said yes.

4       **Director Setzer** said space for vendors was also a concern, and the possibility of bad  
5 appearance if one party or candidate wanted to table and another didn't.

6       **Town Attorney Hohe** said that this would not prohibit them from coming to the event,  
7 talking to people, handing out fliers etc., it would only prohibit political groups/candidates  
8 from having vendor space.

9       **Councilmember Mahaffey** asked if a currently elected official who wanted to meet  
10 with their constituents be allowed to be a vendor.

11       **Town Attorney Hohe** said that it would still be a partisan political activity.

12       **Councilmember Gantt** said that they are effectively running all the time.

13       **Councilmember Mahaffey** said that he had some concerns that making judgement  
14 calls might not work. He said that that the only place where this is happening is a Community  
15 Festival so this is not actually happening today.

16       **Councilmember Zegerman** said he shared some concerns, but was willing to go with  
17 staff recommendations. He said that he did have concerns of proxies that now need to be  
18 checked instead of the party of the candidate alone.

19       **Town Manager Vosburg** said that this would also come up later in the discussion  
20 when sponsorships are talked about. He said that they would ask a little grace from Council  
21 and that they were going to navigate this the best way that they can. He said that there may  
22 be some things they don't know about an organization.

23       **Mayor Pro Tempore Gray** said that he liked where this was going but wanted to think  
24 about the benefits, consequences, and how this could create some unintended issues.

25       **Councilmember Zegerman** asked what language was added and the problem in  
26 regards to inclusion.

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28       **Councilmember Killingsworth** arrived at 3:47 p.m.  
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30       **Ms. Raschke** said that she wanted to bring attention to the non-discrimination clause  
31 and that she was on a special event committee for Regional People of the Southeast. She said  
32 that they talk about inclusion and that all people are included in the festivals. She said it was a  
33 big focus for the event this year.

34       **Mayor Gilbert** asked if everyone was ok with this.  
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1 **[SLIDE 5]**

**SECTIONS OF NOTE**

**Alcohol**

Do you want alcohol allowed at Town Events?

- **Vendor Fee**  
We surveyed other municipalities on their fees, which range from \$0 - \$500.00. All vendors face the same risks in attending an event. They do not have any guaranteed revenue and have to pay for a vendor fee, merchandise, supplies, and staffing up front. We currently charge the following rates:

TYPE	FEE
Non-Profit	\$0
Small Business	\$50
Commercial Business	\$100
Food Truck	\$100
Alcohol	\$300

- **Security** – The APD’s direction is to have extra officers to patrol the ABC permit areas.
- **Social District** – Alcohol vendors prefer social districts where guests can walk more freely with their beverages.

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3 **Ms. Raschke** said that there was alcohol at the Juneteenth event. She said she had 4  
4 questions for Council. She asked if the Council wanted to allow alcohol at Town Events.

5 **Mayor Gilbert** said yes

6 **Councilmember Killingsworth** said yes.

7 **Councilmember Gantt** said no.

8 **Councilmember Mahaffey** said no, and that it was a liability issue for the Town.

9 **Councilmember Gantt** said that he thought that Town Sponsored events are  
10 supposed to be usually more family friendly and not just adults. He said that Pigfest is more  
11 adult focused, and it’s a community event.

12 **Ms. Raschke** said that she has a table that shows what other municipalities are doing.  
13 She said that she wanted to know what direction the Council wanted to take and if they say  
14 yes to alcohol, then there are 3 other follow-up questions.

15 **Mayor Gilbert** asked what Cary was doing.

16 **Ms. Raschke** said that Cary does have a social district downtown, and they contract  
17 with a third-party, and everything goes through the third party. She said that Cary does not try  
18 to make any money off their vendors because they already have a third-party vendor that  
19 handles most of their events.

20 **Councilmember Zegerman** said that setting up alcohol vending at events is different  
21 than a social district.

22 **Ms. Raschke** said that the first piece is whether the Town wants to have alcohol at  
23 Town events.

24 **Mayor Gilbert** asked if there were any issues at the one that had alcohol recently.

25 **Ms. Raschke** said that there were no issues with alcohol.

26 **Mayor Gilbert** said that there can be alcohol on Town property in a Community Event.  
27 He asked what the difference was if this is on Town property for Town Event versus  
28 Community event.

1       **Ms. Raschke** said that we can't hold an ABC permit, so when they do it they assume  
2 liability. She said that what they were trying to put forward if we do have alcohol that the  
3 liability is with the vendor and not with the Town, which is part of the next question.

4       **Councilmember Zegerman** asked if most of the vendors already have an ABC permit  
5 and if that would have to be checked.

6       **Ms. Raschke** said yes. She said that most breweries already have an ABC offsite  
7 permit.

8       **Mayor Gilbert** said that there are police officers with the operation with alcohol.

9       **Ms. Raschke** said that was question number three. She said Apex goes a step above  
10 and beyond with security. She said that they have security at the event and if they have an  
11 ABC boundary, they have extra police that is determined by the Apex Police Department.

12       **Mayor Gilbert** said that his point was whether the Town sponsored the event versus  
13 Community events you still have to have police officers there to control the alcohol concern.  
14 He asked was the difference in the liability was if Apex was providing police, wouldn't the  
15 liability still be on Apex?

16       **Mayor Pro Tempore Gray** said that the concern is being associated with a community  
17 event that has to go through all of the ABC permitting. He said vendors would be doing this.

18       **Ms. Raschke** explained which types of vendors would have or have to get ABC  
19 permits and which ones are not allowed. She said it would vary by the vendor that would be  
20 chosen.

21       **Mayor Pro Tempore Gray** said that would be seems to be where the real limiting  
22 factor will be and the extension of the of the ABC permitting.

23       **Ms. Raschke** said that some municipalities just use local distributors, or Cary goes  
24 through the third party a lot.

25       **Councilmember Zegerman** asked what the impact on the Town for liability if Apex  
26 doesn't hold ABC permits, and what the expense for security was.

27       **Ms. Raschke** said that was a complicated question. She said that right now the Apex  
28 Police Department has security fees, but that could change. She said that is something that  
29 she would like Council to decide that. She said that if there are fees another question is would  
30 the vendor be responsible for the fees. She said that extra security is not mandatory, but Apex  
31 would like to have it and if they do have it who is going to pay for it. She said it would be  
32 Apex's responsibility for the alcohol fencing for Town events.

33       **An APD Officer** said that it's not required to have any police presence at any kind of  
34 event. That was something that the former Chief Police had extra police officers, but they do  
35 not have to have extra police officers there. He said the current Chief of Police doesn't have a  
36 strong feeling either way about extra police officers being there. He said it could save money,  
37 but that it is good having increased presence.

38       **Town Manager Vosburg** said in his experience, it's a good idea to have increased  
39 security if there is alcohol present.

40       **Mayor Gilbert** asked for consistency, by the size of events, how it is determined how  
41 many police officers you have and who holds that cost.

1       **An APD Officer** said supervisors control that area and then there are officers who  
2 walk the block. He said something on the Town campus like October Fest are small and the  
3 amount of people decides cost.

4       **Mayor Pro Tempore Gray** said that there had been community events that served  
5 alcohol. He asked if there was any tangible increase in fights, public issues or other  
6 unlawfulness.

7       **Ms. Raschke** said not that she had seen, not at October Fest or Pig Fest and that  
8 speaks to historically.

9       **Mayor Pro Tempore Gray** said that it is easy to say that we don't have those issues  
10 because we have a large police presence. He said he is not sure if that's a correlation not an  
11 official fact. He said that it was an interesting data point.

12       **Ms. Raschke** said that vendors are shying away from ABC permitted areas because  
13 they are not inclusive with the festival officially. She said that they are doing Festa Italiana  
14 differently and that all of Hunter Street is going to be the ABC permitted area and will be  
15 fenced off. She said that Raleigh, Cary and Fuquay Varina do have social districts. She said  
16 Wake Forest does not have a social district, but they are talking about having it again. She  
17 said that a lot of vendors don't like the idea of having to stay in a small area because they feel  
18 like they don't get as many sales and people are brought away from the event itself and it  
19 doesn't flow.

20       **Mayor Pro Tempore Gray** asked what the recommendation was from staff.

21       **Town Manager Vosburg** said that there were two issues. He said that the issues are  
22 liability and cost. He said the other piece is about the family feel of events and that's a policy  
23 decision.

24       **Councilmember Zegerman** said that he would like to keep it as a family friendly  
25 event, and his preference for Town events would be to exclude alcohol at the event. He said  
26 community events would have their own themes, and Town events were often cultural.

27       **Councilmember Gantt** said that he was still a no.

28       **Mayor Gilbert** asked if they were still on Town property.

29       **Ms. Raschke** said yes. She said they are exploring Hunter Street and the Town  
30 Courtyard.

31       **Mayor Gilbert** asked if the issue was the vendor of the alcohol and who has the  
32 liability.

33       **Ms. Raschke** said the vendors don't have a problem with the liability, but they have a  
34 problem with committing funds ahead of time without knowing ahead of time. She said that  
35 they feel like they don't make much money when it is roped off in an ABC area. She also said  
36 that they have to get to the event early.

37       **Councilmember Zegerman** said that is not the Town's responsibility to make sure that  
38 the vendors are profitable.

39       **Councilmember Gantt** said that there were 3 no's. He asked could they move  
40 forward.

41       **Councilmember Mahaffey** said that there were only so many festivals that Apex  
42 could have and at a certain point they have to define what is a Town Festival.



**Councilmember Gantt** asked Councilmember Mahaffey if he means how much it adds to the effort of for the Town.

**Councilmember Mahaffey** said yes, and scalability is another thing. He said there's 20 plus events that have be managed.

**Mayor Gilbert** asked if they were going to talk about community comments.

**Ms. Raschke** said yes, and that she received staff comments and organizations comments, and she just was looking for the Council to say where to go and what to do.

**Councilmember Zegerman** said to go through the commentary and then they could make a decision based on the complete picture.

**Ms. Raschke** continued with the presentation.

**[SLIDE 6]**

SECTIONS OF NOTE			
MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Wake Forest	No	Need board approval, liability policy, additional police officers, only beer & wine  \$500 beer vendor \$300 wine vendor (talk about all moving to \$300)	PD determines numbers. For external events \$65/hr/officer plus one \$20 vehicle fee and the Organizer assumes the costs.
Fuquay Varina	Yes, but not in the main event space, only for a beer garden for one event	\$75/beer vendor (they only allow beer vendors for now)	Extra security is determined by PD. Payment comes out of PD budget
Holly Springs	They only have temporary social districts in pre-determined facilities at specific events like Hollyfest, the International Festival and SpringFest. Their cultural arts center has an ABC permit. The other areas are Ting Field (with the baseball team), Sugg Farm, and Womble Park.	\$175 for the larger events \$125 for the smaller events They are working towards increasing this price now.  At this time, they are only working with their three local breweries.	The vendors are responsible for paying the off-duty officer fees.

**[SLIDE 7]**

SECTIONS OF NOTE			
MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Morrisville	Yes Patrons are limited to a designated sip and stroll area  Only sip and stroll during event – doubles as Healthy Food Hub	No charge	2 officers at the beer garden plus traffic officers in the vicinity just in case. Town pays – usually takes an officer from another area
Garner	They do not allow alcohol at Town Events.  The Downtown Association handles the events with alcohol within a social district; <a href="https://downtowngarner.com/social-district/">https://downtowngarner.com/social-district/</a>	N/A	Extra security is determined by PD. Payment comes out of PD budget

1 [SLIDE 8]

SECTIONS OF NOTE			
MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Raleigh	Yes  The Special Events Office handles only third-party or community events. At this time, they do not know of any City events that serve alcohol.  The City provides additional trash bins to the event organizers and the event organizers decide if they want to participate in the social district	Up to the event organizer	Security is the responsibility of the event organizer

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3 [SLIDE 9]

SECTIONS OF NOTE			
MUNICIPALITY	SOCIAL DISTRICT	VENDOR FEES	SECURITY
Cary	Yes	They contract through one food and beverage vendor who handles all of the food and alcohol sales for their venue. This is a multi-year contract so they do not start getting into any percentages for the Town until the number has several zeros after it. With that, they are not looking to make any money. They feel they are providing a service to their residents and guests.  When they have a festival like the Pimento Cheese Festival, they defer to the <u>above mentioned</u> vendor.  For Lazy Daze, they said it is too hard to get a percentage of sales because they have concerns about vendors being honest about their sales and they do not have the manpower to follow up. They find taking a percentage from smaller vendors is just too much work so they focus and rely on their one main food and beverage vendor.	They have on-site security with the park.


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5 [SLIDE10]

## ALCOHOL AT TOWN EVENT

### JUNETEENTH ALCOHOL FEEDBACK

#### Re-Evaluate Vendor Fees for Alcohol Vendors

- "Alcohol vendors cannot guarantee a profit from an event. It is not a good business practice to have them create a loss before they have a chance to sell any product."
- "The overhead that an alcohol vendor faces to be a part of an event is different from any other vendor with an exception of food being the closest to it. They must provide their product, pay workers, pay for items they will be using to serve the public, and pay for an additional permit."
- "We understand that the town charges all vendors but being more business minded for Alcohol Vendors would be beneficial in cooperation. Charging them a percentage of their sales or just charging them the same \$100 fee as a food vendor."
- "Seeing what other municipalities are doing , looking into big events in the area that have a ton of alcohol vendors (such as Brewgaloo in Downtown Raleigh / Pimento Cheese Festival, Cary) and see what their protocols are, see what the industry average is for vendor payment, speaking with local alcohol vendors to hear what works best for them, etc. and providing that research to event committees to help aid them in their conversations with the alcohol reps."



1       **Mayor Pro Tempore Gray** asked if the fees were for the vendors to attend or the ABC  
2 fees.

3       **Ms. Raschke** said it is two fees. She said it is the vendor fees of \$300.00 and if they ask  
4 that they assume part of the cost of the off-duty officers.

5       **Mayor Pro Tempore Gray** asked if is separate from any ABC license.

6       **Ms. Raschke** said yes.

7       **Councilmember Killingsworth** said her preference was food and drinks be the same.

8       **Councilmember Zegerman** said that alcohol vendors would need to pick up the cost  
9 of the extra police.

10       **Councilmember Mahaffey** asked if other municipalities made the distinction  
11 between town events and community events.

12       **Ms. Raschke** said yes. She said that Raleigh doesn't do town events with alcohol  
13 unless they go with a partner. She said that their special events office only handles community  
14 third-party events. She gave other examples of what other communities do. She said it looks  
15 like other towns are picking and choosing except for Raleigh and Cary.

16       **Councilmember Mahaffey** asked if setting up a Social District would be easier for  
17 vendors.

18       **Councilmember Gantt** said based on Pig Fest people would love that.

19       **Ms. Raschke** said from personal experience that it would be easier. She said that  
20 when you have a Social District it would have to be worked out with the breweries if they  
21 would be part of it or not. She said there would have to be strict rules in place and some  
22 parameters, and they could allow downtown businesses to always participate.

23       **Councilmember Zegerman** asked to clarify that they were talking about the  
24 temporary Social District.

25       **Councilmember Gantt** said he would be in favor of a permanent Social District  
26 especially after the streetscape is finished.

27       **Councilmember Zegerman** said that's different.

28       **Councilmember Gantt** said he would lean towards wanting to do one before the  
29 streetscape was done, but especially after.

30       **Councilmember Killingsworth** asked if the list of fees were just for town events.

31       **Ms. Raschke** said yes. She said that the \$300.00 was mid-range.

32       **Mayor Gilbert** said that based on the concerns to pay fees and then also pay for  
33 security, he asked how the fees could be adjusted.

34       **Ms. Raschke** said Juneteenth used sponsorship money, but for other events it's more  
35 of a questions.

36       **Mayor Pro Tempore Gray** said that if they are going to have to pay for security,  
37 anyway, why not drop the price and treat a food truck and a beer truck the same.

38       **Councilmember Mahaffey** asked if it was a community event they could charge for  
39 what they want.

40       **Councilmember Killingsworth** said that she was in favor of allowing alcohol.

41       **Mayor Gilbert** said that maybe the organization doesn't have the foundation and  
42 support and funding.

1       **Councilmember Zegerman** said that he was still not in support of the alcohol. He said  
2 that if the organizer wanted to serve alcohol and it becomes a primary event then they can  
3 opt out of Town event and make it a community event.

4       **Councilmember Mahaffey** said that working on a temporary Social District may make  
5 it easier.

6       **Councilmember Zegerman** said he was ok with a temporary Social District.

7       **Councilmember Gantt** said he was still against it.

8       **Mayor Gilbert** said community events are still family friendly.

9       **Councilmember Gantt** said that Peak Fest was more family friendly than Pig Fest and  
10 part of it is the alcohol.

11       **Councilmember Mahaffey** said the point is there could be more flexibility to define  
12 family friendliness.

13       **Councilmember Gantt** said they have the flexibility.

14       **Mayor Pro Tempore Gray** said that he was leaning towards the distinction between  
15 community events and town events. He said he wasn't convinced alcohol at Town events was  
16 the right choice yet. He asked what the difference between something that's on Town  
17 property and the town event itself is.

18       **Councilmember Gantt** said it's the liability of someone consuming alcohol and  
19 getting in a car and killing somebody. He said the event can be on Town property but it's the  
20 Pig Fest who are responsible, and for the Town Event the Town is responsible.

21       **Councilmember Mahaffey** said that if you go through the list of towns that have a  
22 third-party, they all have a clever way of trying to find a way for the vendor to be responsible.  
23 He said that we will still be advertising. He said but we are the ones serving the alcohol, but if  
24 it is a Community Event we are just hosting and hosting and providing space. He asked if it's a  
25 Town event that's serving alcohol, who gets sued.

26       **Councilmember Gantt** said the town and the vendor would likely both be sued.

27       **Ms. Hohe** said that in either event the Town is likely to be sued but with the  
28 Community event there are things in place to shift that liability.

29       **Mayor Gilbert** asked to move forward. He said the consensus seemed to be for no  
30 alcohol at Town events.

1 **[SLIDE 11]**


## ALCOHOL AT TOWN EVENTS

### Re-Evaluate Vendor Fees for Alcohol Vendors

- "Providing research and or detailed reasoning behind fees. This would be helpful to share when in conversations with potential all vendors."

### Off-Duty Officer Fees

- "If an event is a town sponsored event, the off-duty officer fees should be paid for by the Town because the Town will already assume responsibility for anything that happens in the permitted area. This should not come from sponsorship money. Having off duty officers is a safety requirement for the Town of Apex but is not mandatory by any legal statute in NC."
- "If, the town is to continue making it a requirement, they should have funds allocated to ensure safety is a priority. *The fees charged for all vendors (food, alcohol, vendor) can help pay for it as well when applicable.*"
- "Notation on special event policy that ensures refunds for all vendors when applicable (if an event is canceled by the town, etc.)"



2  
3 **[SLIDE 12]**

## SECTIONS OF NOTE

### Sponsorship

Do you want to have sponsorship opportunities for Town Events?

- Grant Opportunities  
Below are the Town's current vetting criteria. The Town will refuse a Sponsorship that:
  - is in conflict with Town's policies, regulations or rules;
  - includes alcohol, tobacco, firearms and/or gaming companies or distributors. These are not permitted absent special circumstances and approval by the Town Manager;
  - could disparage, impair, or adversely impact the mission, reputation, image, integrity, or best interests of the Town;
  - appears to create an **Endorsement** by the Town of a particular company, product, political candidate or position regarding public policies;
  - is considered to contain obscene, indecent or profane material; or
  - ridicules, exploits, or demeans persons on the basis of their race, color, religion, sex, sexual orientation, actual or perceived gender identity, age, national origin, disability, veteran status, or genetic information.

4  
5 **[SLIDE 13]**

## SECTIONS OF NOTE

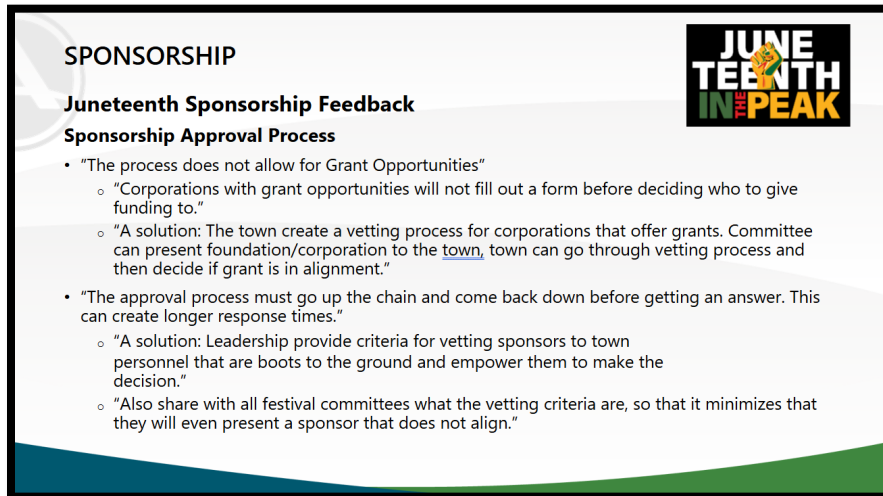
### Sponsorship

- Grant Opportunities Continued  
When applying for grant opportunities, the Town considers the number of requests, the time commitment, and the need for checks and balances to maintain that a sponsor, donor or grant opportunity does not open up the Town for conflicts or liability.
- Approval Process  
Each Town Cultural Event is unique in nature and logistics. A uniform incentive package that may not encompass of each of our Cultural Advisory Groups missions and visions. We could create standard incentive packages for each Town Cultural Event, however, events tend to evolve and it may be necessary to revisit the package each year in the event planning process.
- Online Payment Option  
The Town has created an online payment option for sponsors, donors and vendors.
- Extra Funds  
The Town will move any leftover Sponsorship monies forward, per event, for use the following year.



1       **Ms. Raschke** said the next section was sponsorships and she and Town Manager  
2 Vosburg continued with the presentation.

3  
4 **[SLIDE 14]**



5  
6       **Councilmember Zegerman** asked about the Turkey Run and if it was a Town Event.  
7       **Ms. Raschke** said that this was a Town event, and she said it was an "in kind" donation.

8       **Councilmember Mahaffey** said that there was money given to the Town.

9       **Ms. Raschke** said this was her first year doing Turkey Trot.

10       **Director Setzer** said that there are sponsorship opportunities. He said with verbiage  
11 and vetting that is gone through, that's the concern and this could affect several different  
12 areas.

13       **Councilmember Mahaffey** asked if there was a demand for sponsorships.

14       **Director Setzer** said there were from local businesses.

15       **Councilmember Mahaffey** said that the work on the staff and the events are getting  
16 larger. He said he hears that the community wants to be involved.

17       **Councilmember Zegerman** asked if there was a way to separate the town events  
18 linked to sports team sponsorships.

19       **Town Manager Vosburg** said that for Juneteenth the committee worked to get the  
20 sponsorships and not Ms. Raschke.

21       **Ms. Raschke** said that she would take the inquiry and would pass it up and then  
22 process the money.

23       **Councilmember Mahaffey** said it's the vetting if it is endorsed by the Town that is  
24 some concern.

25       **Councilmember Gantt** said that is what bothered him the most.

26       **Town Manager Vosburg** said that if a company slipped through then we would be  
27 held accountable.

28       **Mayor Gilbert** asked what the expectations were from the sponsor.

29       **Town Manager Vosburg** said that this goes back to donations versus sponsorships.  
30 He said that the way they have tried to define sponsorship is that it's this for that. He gave an

1 example of if they sponsor, we are putting you on the back of a t-shirt or putting you on signs  
2 for promotion.

3 **Mayor Pro Tempore Gray** asked what other municipalities are doing.

4 **Ms. Raschke** said that she worked with Cary, they have a fully vetted process, and she  
5 worked with NC State and at the State level. She said that she worked really with Cary and  
6 they try to separate and have certain people that work at certain events. She said Cary gives  
7 the sponsors information, but they can't control how they handle their social media and what  
8 really happens.

9 **Director Setzer** said he knows that other towns operate with some forms of  
10 sponsorships.

11 **Councilmember Zegerman** said that it is just taking on more work by accepting  
12 sponsorships.

13 **Mayor Gilbert** asked if a third-party had been identified to help out with special  
14 events.

15 **Ms. Raschke** said that Officer Conley from the Police Department was here to talk  
16 about that from a police perspective. She said that she had talked to Public Works and Parks  
17 and Rec and that they were against it and didn't feel comfortable that to the third-party. She  
18 said that she would let Conley speak to the third-party police.

19 **Officer Conley** spoke about third-party perspective for PD and the challenges it  
20 creates.

21 **Ms. Raschke** said that they have the volunteer coordination but there are certain  
22 things they can't do. She said that she would talk about this later.

23 **Mayor Gilbert** asked if Ms. Raschke had the amount of time that would be scheduled  
24 to work on this.

25 **Ms. Raschke** said that they did track the number of volunteer hours monthly. She said  
26 that she did not have that information with her.

27 **Mayor Gilbert** clarified that he was asking about the sponsorships and the estimated  
28 time spent administratively.

29 **Ms. Raschke** said that the grant piece is very time-consuming. She said there is an  
30 approval process, there is an agreement and that goes to Craig and then it goes to  
31 Administration. She said that then the money has to be collected, which is the harder part.  
32 She said they should be on a strict deadline so that they will have the money on hand to  
33 spend while the event is still relevant.

34 **Director Setzer** said that the process for the application process was quick. He spoke  
35 on the application process.

36 **Town Manager Vosburg** said that it was not necessarily the time, it is the  
37 accountability of the sponsor.

38 **Mayor Gilbert** said he was fine with this.

39 **Mayor Pro Tempore Gray** asked if they were just looking for direction. He said he  
40 would like to explore sponsorship and would like to get more clarity. He said some of the  
41 finer details of the partnerships and basic details like what level of participation and who to  
42 align with would come at a later date.

**Councilmember Mahaffey** said that he was good with it as well. He said that it's traditional that community members, business, and individuals are able to participate in. He said that he trusted their judgement and if they miss something they will catch it on the back.

**Councilmember Gantt** said that he was a no. He said that he didn't like the idea of endorsing one local business over another.

**Councilmember Zegerman** said that this was being done to some degree. He said that he thought it was an opportunity to improve events with some additional funding and help get local events exposure.

**Ms. Raschke** asked if it was a yes to sponsorships and if the Council was ok with the checks and balances process that is in place.

**Councilmembers** said yes.

**[SLIDE 15]**

**SPONSORSHIP**

**Sponsorship Approval Process**

- "Uniform sponsorship package incentives that align with communications capabilities for all events. It provides a consistent experience for donors who are involved in other town events. The prices could vary depending on the event but having the incentives the same would be beneficial."

**Sponsorship Process**

- "Online option for Donors to pay on the spot. It is key to make the sponsor payment option as easy is possible for those interested. (We think this has been solved via Square but ensuring the capabilities will allow for online functions as well is important)"
- "Notation in the special event policy that states "leftover sponsorship money" from the previous year will float over to the next year. (It should not go into General Funding when specific festivals have worked to find and create partnerships) (We know that this has been resolved but want ensure it is written in the policy for other committees)"



**Ms. Raschke** continued with the presentation.

**[SLIDE 16]**

**SECTIONS OF NOTE**

**CULTURAL ADVISORY GROUPS**

**Town**

Cultural Advisory Groups are used as consultants for different Town cultural events such as MLK, Juneteenth, Indigenous Peoples Day, Latino Arts Festival and Holi. Each group would consist of PRCR staff and at least three and no more than 6 community members that serve 3-year terms. Their duties include:

- To assist in the development and production of defined Town of Apex Cultural Events such as the Martin Luther King Jr Commemoration Weekend, Holi Festival, Juneteenth, Latino Arts Festival, and Indigenous Peoples Day.
- To promote cooperative partnerships between the Cultural Events and the Town's merchants, vendors and residents.
- To serve as consultants for Town staff on cultural elements for the event such vendors, food options and performer suggestions.



**Ms. Raschke** asked the Council how they felt about opening up the Cultural Advisory Group to other community members that were interested in getting involved.

1 **Councilmember Gantt** asked what the status of the advisory group was.

2 **Ms. Raschke** said that they work with individuals with each event and that the idea is  
3 they would open it up to the community to help with the planning.

4 **Councilmember Killingsworth** said that her preference would be to have the  
5 majority of the members have vested interest in these events.

6 **Ms. Raschke** said that they would keep everyone that has been working on the event  
7 but allow others to come in.

8 **Councilmember Zegerman** said that this was more of an enforcement function. He  
9 said he wasn't sure what was trying to be achieved other than having people working  
10 together.

11 **Ms. Raschke** said that making sure that people in the community who want to have a  
12 voice and a part get the opportunity to.

13 **Councilmember Zegerman** said that this is inventing another procedure for people  
14 to work together when it's already in our control to invite people to conversations about  
15 events.

16 **Councilmember Killingsworth** said that it's giving the authority to say how many  
17 people will participate with each group in events.

18 **Councilmember Zegerman** said that he thinks that Ms. Raschke already has that  
19 authority.

20 **Mayor Gilbert** asked how much time it would take to create this process.

21 **Ms. Raschke** said that this is something that has just come up.

22 **Town Manager Vosburg** said that they have gotten conflicting feedback from the  
23 groups that we have talked about. He said that they would move forward if they had a  
24 consensus.

25 **Councilmember Killingsworth** said she was not in support.

26 **Mayor Pro Tempore Gray** said that he thought there was some value to having these  
27 advisory groups.

28 **Councilmember Mahaffey** said that if there are interests, then there could be more  
29 than one event.

30 **Councilmember Gantt** asked about these groups.

31 **Councilmember Mahaffey** said all of them. He said maybe six.

32 **Town Manager Vosburg** said that there would be some people that may ask why they  
33 weren't allowed to be on the committee.

34 **Mayor Pro Tempore Gray** said that there would be a natural bit of attrition.

35 **Councilmember Mahaffey** said that for sustainability of these committees for the  
36 long term need to cycle through new people.

37 **Councilmember Zegerman** asked how this would be managing the three-year term.

38 **Councilmember Gantt** suggested that Ms. Raschke could manage them and appoint  
39 them, and not the Council.

40 **Ms. Raschke** asked if this was okay to be informal.

41 **Director Setzer** said to be prepared to be approached because people want to be  
42 involved with events.

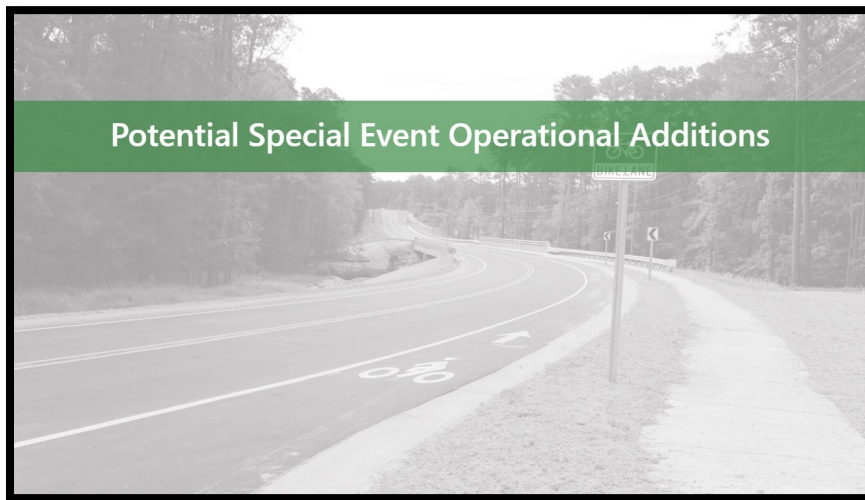
**Mayor Gilbert** said that he would like to be involved in some way because he has a connection with people.

**Councilmember Zegerman** clarified that it should be clear that as long as this is a Town event, there is no exclusivity. He said that this was too formal. He said that Ms. Raschke already had the authority to choose her partners.

**Mayor Gilbert** said that there needed to be effective communication. He said that some communication had gone out but wasn't sure how far out into the community. He said working with the Communications team would be important.

**Ms. Raschke** resumed her presentation.

**[SLIDE 17]**



**[SLIDE 18]**

## SPECIAL EVENT GROWTH

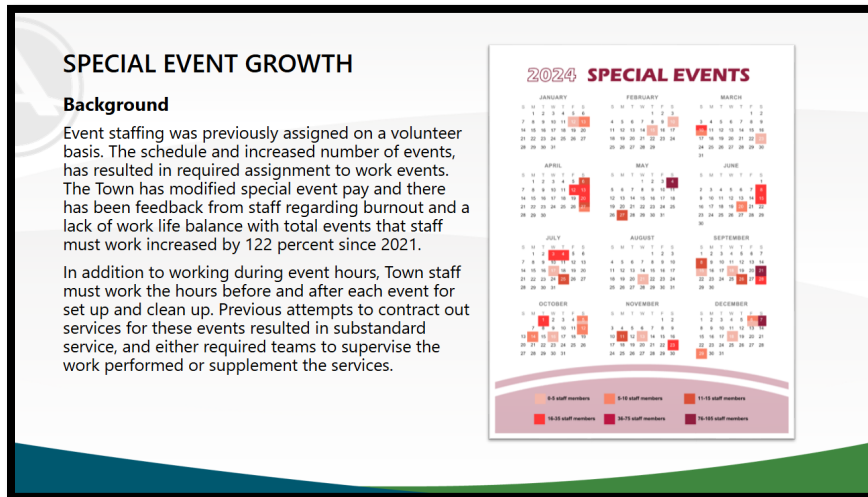
### Background

The Special Events Policy was adopted October 10, 2023 to aid the growth and direction of the Town of Apex's special events program. This policy created a formalized the process for events; however, a core group of staff is required to work the 20 community events in addition to 20 Town events. For the past three years, Community and Town events have grown at an average of 31 and 32 percent, respectively.

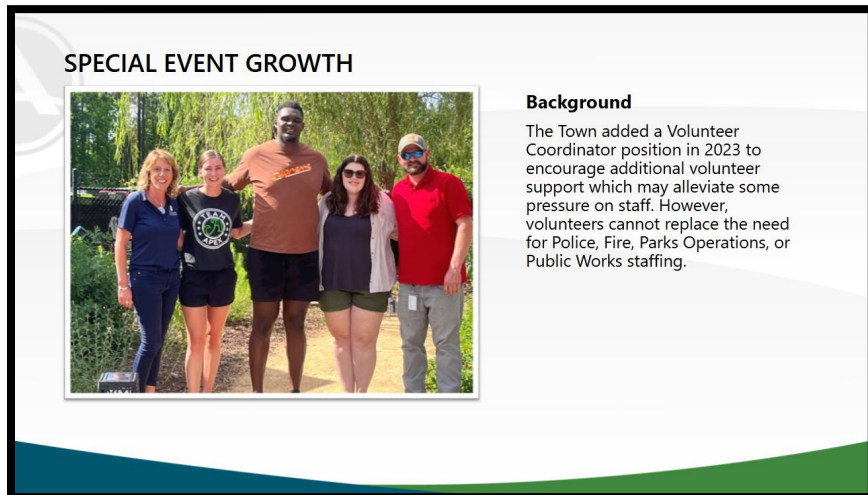




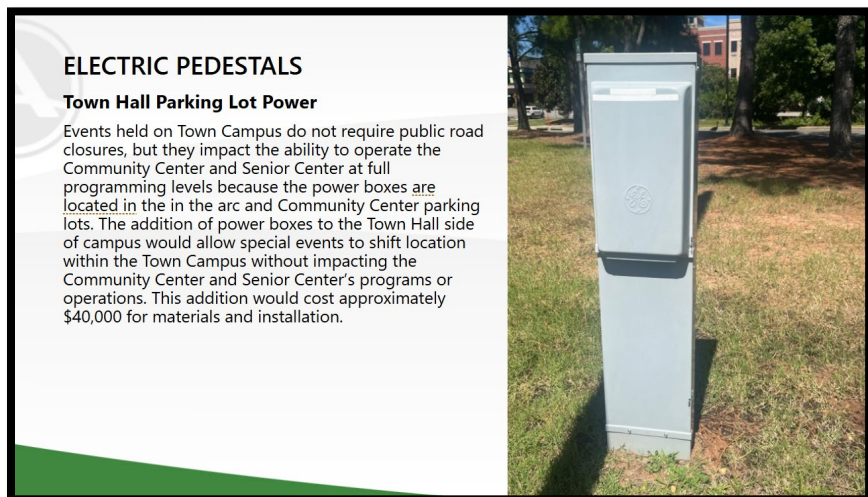
1 [SLIDE 19]



2  
3 [SLIDE 20]



4  
5 [SLIDE 21]



6

1       **Councilmember Killingsworth** said that she thought that they had already said yes to  
2 these. She said that they were trying to figure out where to put this all-around campus so that  
3 if they decided to shut down the entire campus to have events, they would be available.

4       **Director Setzer** said that was the original conversation that was recalled, but this  
5 would be addition to that.

6       **Ms. Raschke** said this was for the Town Hall.

7       **Assistant Town Manager Stone** said that it was two years ago, and this side was not  
8 discussed then

9       **Councilmember Gantt** asked if the electric pedestals on Saunders Street parking lot  
10 would be paid for as well.

11       **Ms. Raschke** said that was a different conversation and that this was just for Town Hall.

12       **Councilmember Zegerman** said that Saunders Street has them and they don't want  
13 them to be removed.

14       **Councilmember Gantt** said people may want to have events even more than Town  
15 Hall in the future behind that area.

16       **Ms. Raschke** continued with the presentation.

17  
18 **[SLIDE 22]**

**DEDICATED SPECIAL EVENTS TEAM**

**Parks Operation Crew**

Parks and Recreation staff is required to attend all events so adding a four-person Special Events Team under park operations would alleviate pressure on existing staff. A Special Events Team would consist of four members: Park Operations Supervisor, Parks Operations Team Leader, and two Park Operations Workers. These positions would supplement Pleasant Park staffing needs when not working on event needs. Schedules for this team would be structured to include weekends to cover events. Three of these four positions are already identified in FY 26-27 of the staffing plan. The first year operating and personnel costs for adding this team would be \$500,000 and the recurring annual personnel costs moving forward would be approximately \$370,000.



19  
20       **Councilmember Zegerman** asked the difference between a supervisor and a team  
21 lead.

22       **Director Setzer** said that a supervisor position would be the supervisor over all the  
23 crews plus the parks. He said that this would be an additional group at Pleasant Park, so he  
24 would be over at least two crews.

25       **Councilmember Zegerman** asked if this new crew would be part of next year's  
26 budget.

27       **Director Setzer** said that they would like to have it sooner, but it would be in the 25-  
28 26' budget.

29       **Councilmember Gantt** was concerned about the heat map and asked if she could  
30 spread out the events.

1       **Ms. Raschke** said she was the liaison between staff, the event organizer, Council and  
2 the Administration. She said that they would come to her for a town event or community  
3 event and then she would write it up and send it forward for approval. She said that she works  
4 with different departments, and they strategize and work on logistics of the events and then  
5 recommendations are made for approvals.

6       **Councilmember Gantt** asked if they have flexibility of the Town events.

7       **Ms. Raschke** said that most of them are standard. She said that if they are new then  
8 she processes and sends it for approval.

9       **Mayor Gilbert** asked Mr. Vosburg if there were any personnel issues with adding the  
10 new crew that was mentioned.

11       **Town Manager Vosburg** said that would go through the Personnel Committee and  
12 then through the budget process.

13       **Mayor Pro Tempore Gray** said that he wanted to consider whether or not the current  
14 model of how staffing these special events is operating under the assumption as if these  
15 things are not really happening. He said to make a more expansionist view so that they can  
16 make a real budget analysis as to what can be absorbed.

17       **Councilmember Mahaffey** said that there is a high-level demand for special events  
18 that is growing. He said that as the demand is growing, they are having an issue with saying  
19 no. He said there were probably another 20 other requests.

20       **Ms. Raschke** said that an algorithm so if they do keep adding events that they know  
21 every cycle so that they can stay ahead on resources and staffing.

22       **Councilmember Mahaffey** said that the solution is that the events run for a certain  
23 amount of town, and spin them off into a community event that the town supports, other than  
24 certain festivals like Fourth of July the Town would always do.

25       **Mayor Pro Tempore Gray** said that even if these events are limited there is still a  
26 substantial amount of staff time, effort, money and resources. He said that figuring out the  
27 max staffing and then decide what events can be added.

28       **Councilmember Zegerman** said that the other concern is the space the events are  
29 taking. He said that there may need to be a limit for capacity not just based on staff and  
30 dollars but also how many days of the year can resources be committed to these events. He  
31 said he wasn't sure how to be selective.

32       **Mayor Pro Tempore Gray** said that with every event there is still significant resources  
33 needed.

34       **Councilmember Gantt** said that there could be a score of the effort level is required  
35 and a desirability criteria.

36       **Councilmember Zegerman** said that desirability criteria can be tricky.

37       **Ms. Raschke** went through some of the events and said that lots of them are large.  
38 She said that working for these events and still having to work to prepare for future events.

39       **Councilmember Killingsworth** asked if there should be a cap on the events and a  
40 cap per month because this is an operation issue.

41       **Town Manager Vosburg** asked if they wanted to retract any events. He said we could  
42 decide we're holding the line on the events we have now. He said that they are at capacity for

events. He said that he thought it should be an analysis on what the Town does as core events and then have Community assisted events.

**Councilmember Gantt** asked what the difference in effort or money if it is a community event or Town event and also an event on the Town campus versus an event in downtown.

**Ms. Raschke** said yes there are differences. She said it depends on the numbers. She said trash is a big deal, and things like Peak Fest and Italiana Fest has a lot of trash. She said it is much easier if it is on campus, it's a lot easier to close campus. She said that it was because of police closing roads. She said the bigger the event the more food and more resources.

**Director Setzer** said that they always have issues with trash.

**Mayor Gilbert** asked if they had tried working with a third party.

**Ms. Raschke** said they had not, but they do have great support from Public Works.

**Town Manager Vosburg** said that needs to be looked at as we approach budget is a contraction option, especially to help with staff exhaustion.

**Councilmember Mahaffey** said that if they are worried about quality of service at the events, we can free up our Town staff to work at the events. He said that contracting the normal routine things, and have the town staff work on the special events in those cases.

**Councilmember Mahaffey** said that getting outside help could be part of solving the scaling issue.

**Mayor Gilbert** said this was a good conversation. He asked if there was one more slide.

**Ms. Raschke** continued with the presentation.

**[SLIDE 23]**

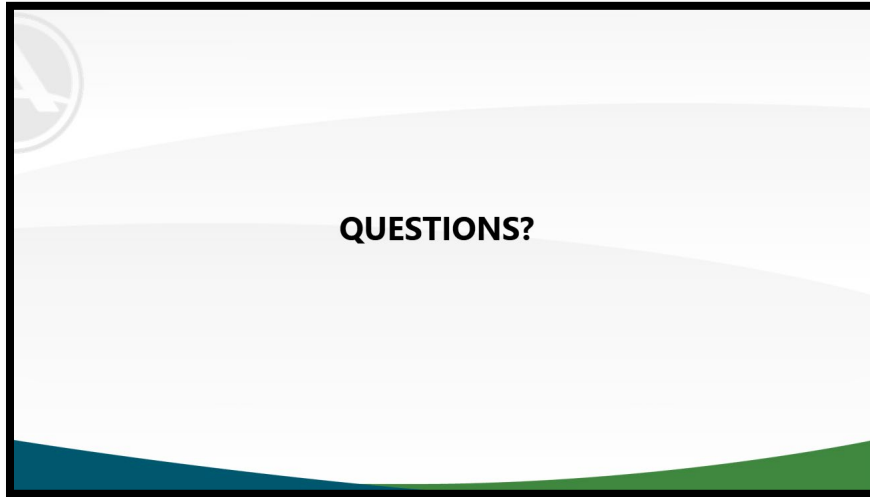
### DEDICATED SPECIAL EVENTS TEAM

#### Special Events Intern

A partnership with the NC State Parks, Recreation & Tourism Department would provide internship opportunities in the spring and summer to support the administrative staff working special events and allow interns to learn about the Town and PRCR Department. Tasks would vary based on event but may include assisting with event planning and day-of event management, attending event planning and logistics meetings, answering event-related emails, analyzing event and volunteer surveys, communicating with volunteers, assisting with volunteer environmental work days, and maintaining a volunteer database. The interns would be paid at the Town's standard undergraduate intern rate of \$20/hour.



**[SLIDE 24]**



**Ms. Raschke** asked if the intern and pedestals were ok.  
**Council** members said yes.

**Mayor Gilbert** called for a 10-minute break at **5:19** p.m.

**Mayor Gilbert** reconvened the meeting **5:30** p.m.

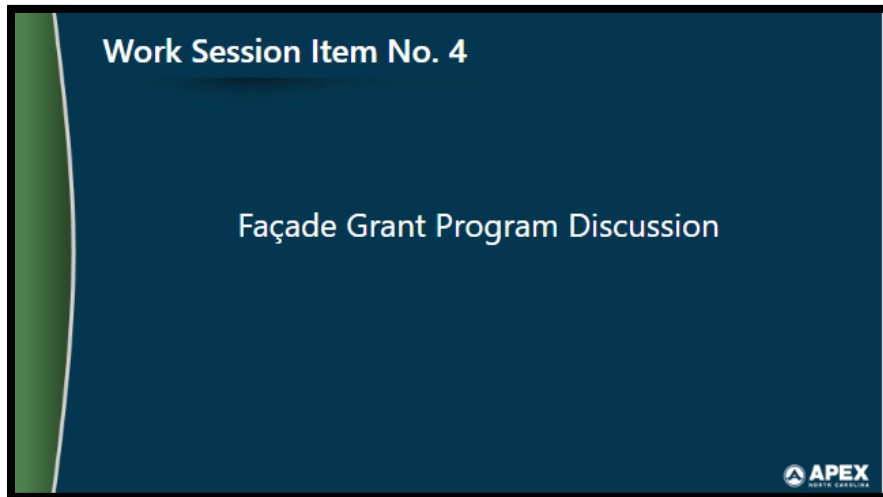
**Mayor Gilbert** announced that the discussion of the Zoning Condition Recommendations for Rural Areas would be moved to a Work Session during the Regular Town Council Meeting on September 24<sup>th</sup>. He stated that the meeting and discussion would be open to the public.

**[FAÇADE GRANT PROGRAM DISCUSSION]**

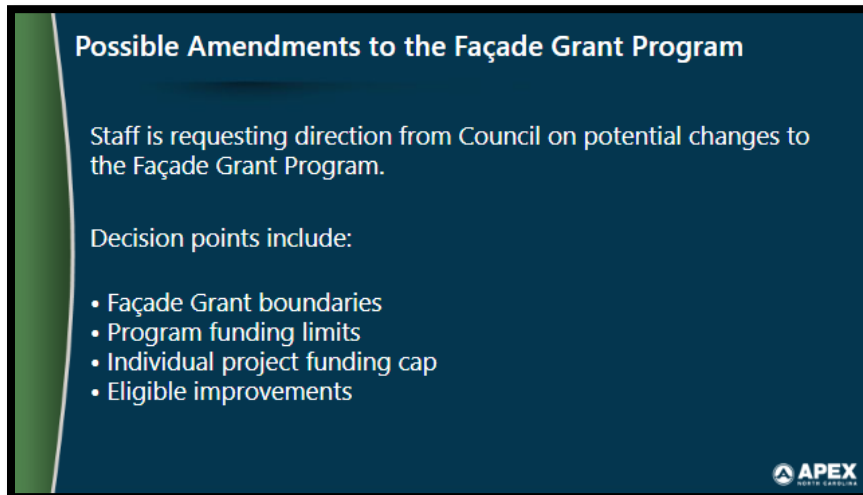
**Dianne Khin**, Director of the Planning Department gave the following presentation. She said this item was on the August 13<sup>th</sup> agenda. She said that she was asking for direction on potential changes to the Façade Grant Program. She said the decision points include the Facade Grant boundaries, the program funding limits, the individual project funding cap and eligible improvements.



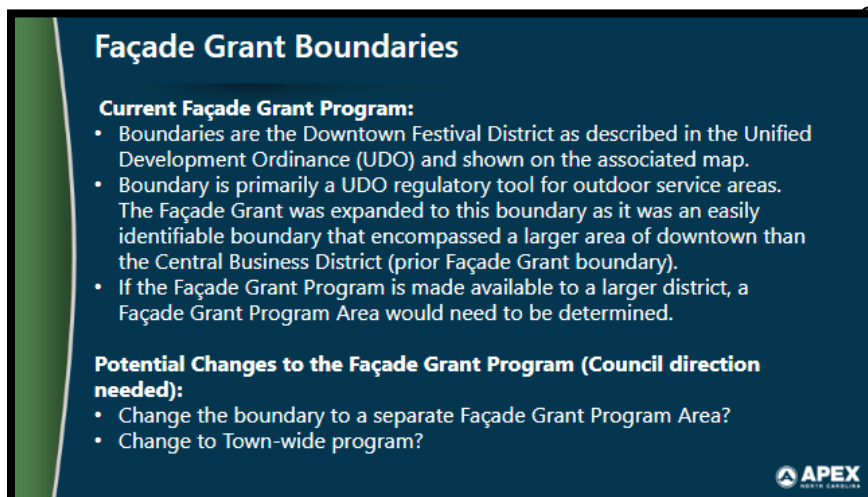
1 [SLIDE 1]



2  
3 [SLIDE 2]



4  
5 [SLIDE 3]



15

1 [SLIDE 4]



2  
3 [SLIDE 5]

**Program Funding Limits**

**Current Façade Grant Program:**

- Staff approval
- First-come, first-served
- \$20,000 total budget

**Potential Changes to the Façade Grant Program  
(Council direction needed):**

- Possible approval by Planning Board or Town Council?
- Keep approval process first-come, first-served?
- Authorize higher total program budget?

**APEX**  
TOWN COUNCIL

4  
5 **Councilmember Gantt** asked to clarify what was the purpose of this grant and if it had  
6 been around for a while.

7 **Ms. Khin** said that when she came in 1999 that it was already an existing grant  
8 program. She said at the time downtown was boarded up and lots of improvements needed  
9 to be made. She said that overtime as development and businesses moved in and folks  
10 improved it became more for visual improvements.

11 **Councilmember Gantt** asked if they were required to make improvements.

12 **Ms. Khin** said if there are changes of use. She continued with the presentation.

1 **[SLIDE 6]**

**Individual Project Funding Cap - formula changes**

**Current Façade Grant Program:**

The Façade Grant provides up to 50% of the cost of the exterior rehabilitation based on the following:

- a. **Tier 1** - up to a maximum of \$2,000.00 per façade for paint and awnings, or 50% of the cost, whichever is less.
- b. **Tier 2** - up to a maximum of \$5,000.00 per façade for structural improvements including window replacement, brick repair and repointing, door replacement, ADA accessible entrance improvements, and similar structural repairs or replacement, or 50% of the cost, whichever is less.
- c. Applicants can submit for one Tier 1 grant and one Tier 2 grant within the same fiscal year; if both are granted, no one property can receive more than \$7,000 in one year.
- d. No more than \$10,000 can be issued to any one property within any 36 month period.
- e. Total grants issued per fiscal year shall not exceed the amount budgeted for that given year.

**Potential Changes to the Façade Grant Program (Council direction needed):**

- Change the formula to be a percentage based on investment with a higher overall cap per project?
- Should investment considered in the cap represent just the exterior improvements or total cost invested in business?

**APEX**  
NORTH CAROLINA

2  
3 **[SLIDE 7]**

**Eligible Improvements**

**Current Façade Grant Program:**

Eligible exterior improvements include:

- Removal of false fronts (such as aluminum panels)
- Repair or replacement of windows, doors, and cornices
- Repair or replacement of façade materials
- Repair or replacement of character defining architectural features
- Repair, replacement, or new ADA accessible entrance (e.g. ramp)
- New awnings
- Decorative exterior lighting
- Exterior painting
- Design and construction costs

**Potential Changes to the Façade Grant Program (Council direction needed):**

Change the program to allow additional improvements in the public space on private property, including but not limited to:

- Creation of patios or other outdoor service areas
- Outdoor furniture (tables, chairs, benches)
- Planters (recommend not to include vegetation as it is not permanent)
- Streetscape elements (pavers/bricks/bus stops) on private property
- Other Downtown Plan elements like twinkle lights, ground murals, etc.

**APEX**  
NORTH CAROLINA

4  
5 **Director Khin** said that Town Attorney Hohe was asked to some research about  
6 Façade easements.

7 **Town Attorney Hohe** said that she wanted to give different mechanisms that the  
8 Council would have to help facilitate this program and potentially expand the program if that  
9 is the Council's desire. She said that some of the things that had been considered was a  
10 downtown revitalization project or projects Urban revitalization project, façade easements  
11 and other is an option of a loan. She went through each of these.

12 **Councilmember Gantt** asked if it was taxed higher for more services.

13 **Town Attorney Hohe** said that it could be, but not necessarily.

14 **Councilmember Gantt** said that's what he had heard commonly done in North  
15 Carolina.

16 **Councilmember Zegerman** asked if they tax in the Overlay District.

17 **Councilmember Gantt** said yes, and asked if it was different.

1       **Town Attorney Hohe** said yes. She said that this is more focused on public  
2 infrastructure, not urban revitalization.

3       **Mayor Pro Tempore Gray** asked if they could do an easement as well as policy if  
4 there was someone that wanted a larger project to offset the percentage. He asked the  
5 amount of the façade.

6       **Town Attorney Hohe** said that there would be two separate programs. She said one  
7 for the more traditional façade grants and the second one would be a higher level for  
8 easements.

9       **Mayor Pro Tempore Gray** said it may make sense as a sort of tier program for varying  
10 sizes.

11       **Town Attorney Hohe** said that the Council would have to determine what  
12 improvements they would want to see based on the third tier.

13       **Councilmember Gantt** asked from the legal standing of the façade grant is this better  
14 than what is currently being done.

15       **Councilmember Zegerman** asked why the \$20,000 is not being spent. He asked if  
16 there was any feedback from business or property owners why they are not taking advantage  
17 of the grant.

18       **Director Khin** said that they work with the people that are interested or the ones that  
19 submit a small-town character application which is required. She said that lots of time it is the  
20 business owner not the building owner that is interested. She said that the building owners  
21 would be much more interested in the façade easement with a higher dollar amount.

22       **Mayor Pro Tempore Gray** said that this would be more consistent and that also there  
23 could be negotiations on the façade. He said there would be more flexibility.

24       **Councilmember Zegerman** said that this is an investment in the Downtown area and  
25 making it more attractive for people to come. He asked how to determine if the project is a  
26 good investment for Apex. He asked if there was a guideline of the amount for the project.

27       **Councilmember Killingsworth** said businesses would be asking for different things,  
28 and they would need to talk about what the tier 3 looked like. She said this would be  
29 complicated and would need some work.

30       **Councilmember Gantt** said he was looking at the legal standing. He said that going  
31 to the higher dollar amount seems less risky. He said changing it in a way that would be  
32 better for everybody could be better.

33       **Town Attorney Hohe** said that Council has the authority to make infrastructure  
34 improvements. She said that the Downtown plan Street Scape could extend between Hunter  
35 Street and Williams Street. She said as far as easements there should be defined terms as to  
36 what the Town is willing to participate in to make sure that Downtown continues to thrive and  
37 expand. She said with the higher dollar amount needs to be a longer easement so that you  
38 get more of the public benefit. She said there would need to be some criteria and a cap for  
39 what the dollar amount would be.

40       **Councilmember Zegerman** asked what happens after five years to the easement.

41       **Town Attorney Hohe** said it would be terminated based on its terms.

1       **Councilmember Mahaffey** said that Town Attorney Hohe had found an example  
2 outside of North Carolina and asked if she was certain that we had the authority inside of  
3 North Carolina to require such an easement.

4       **Town Attorney Hohe** said that there are various avenues to take to require such an  
5 easement in North Carolina.

6       **Councilmember Mahaffey** asked if there would be an appraisal when acquiring the  
7 easement.

8       **Town Attorney Hohe** said that an appraisal can be requested at the value of the  
9 property in the current condition. She said that it may be difficult to get an appraiser that  
10 would give a dollar figure for the easement.

11       **Mayor Pro Tempore Gray** said that the Town could negotiate how much they feel is  
12 appropriate on a particular easement.

13       **Town Attorney Hohe** said that it will be fair across the board.

14       **Councilmember Gantt** said the easement would be voluntary. He said that the  
15 easement could be the value of the project or a portion of it.

16       **Councilmember Gantt** asked if the easements could be used for gathering space for  
17 people.

18       **Councilmember Mahaffey** asked if something like patios would be allowed and in  
19 the public benefit.

20       **Director Khin** said yes but they would have to keep it up to certain standards.

21       **Councilmember Killingsworth** said she liked this idea but would want to talk more  
22 about numbers, and only have it come to Council for tier 3.

23       **Councilmember Zegerman** asked if this would go to the Planning Board first or to  
24 Council.

25       **Town Attorney Hohe** said that it would be good to have a Public Hearing first, but it is  
26 not required.

27       **Councilmember Gantt** said that staff would be determining if the projects meet the  
28 criteria.

29       **Councilmember Mahaffey** said that it would be based on the project and if it is worth  
30 the money for the public benefit.

31       **Councilmember Zegerman** asked if it could be put on New Business for now.

32       **Director Khin** said that is what she would recommend.

33       **Councilmember Killingsworth** said that there would be a cap by the tiers.

34       **Councilmember Gantt** asked if they were changing the entire program to easements.

35       **Councilmember Killingsworth** said that everything else would stay the same.

36       **Councilmember Gantt** said that tier 3 is the biggest one and would have the  
37 easement.

38  
39       **Councilmember Mahaffey** left the meeting at **5:57** p.m.

40       **Director Khin** said that she talked with Liz Loftin who administers the program and  
41 she assist applicants a lot through the process. She said applicants would be required to hire  
42 an attorney for an easement, and it may be worth that for a large project.



1       **Town Attorney Hohe** said that there is an opportunity to partner with the business  
2 that is renovating and pay them to do some street scape improvements while they are doing  
3 the improvements.

4       **Councilmember Killingsworth** asked about the total budget for this.

5       **Town Manager Vosburg** said that if the Council wanted to start the program now  
6 versus next budget year, so that would change based on when they wanted to start.

7       **Councilmember Killingsworth** said it seems like staff needs more time to work the  
8 details out. She said next year's budget may be best.

9       **Councilmember Zegerman** asked to see if there were any benchmarks to get  
10 funding.

11       **Mayor Gilbert** asked if there were opportunities to bring it back.

12       **Town Manager Vosburg** said that it would have to be looked at to see what would be  
13 involved.

14       **Mayor Pro Tempore Gray** said that he would be open to an amendment for funding if  
15 they had the answers in time.

16       **Town Manager Vosburg** said that he would bring it back to Council after he had  
17 looked into it more with staff.

18       **Councilmember Gantt** asked if this could be summarized.

19       **Councilmember Killingsworth** said that tier 3 would be for easements, on a first-  
20 come-first-served basis, and the amount has not yet been decided, and it would include  
21 some of the additional proposed uses.

22       **Councilmember Zegerman** asked what type of planters would be used. He said that  
23 the planters that can be picked up or get broken, so it may not be permanent.

24       **Director Khin** said that they are considered street furniture, and they are heavy.

25       **Town Attorney Hohe** said they wouldn't be included in an easement unless they were  
26 actually permanent.

27       **Councilmember Killingsworth** asked about the total budget.

28       **Councilmember Gantt** asked if they would be keeping tier one and tier two at  
29 \$20,000 and if the extra will be for tier three.

30       **Councilmember Zegerman** said that using 50% in tier one and tier two and then  
31 having a cap.

32       **Councilmember Killingsworth** said that it would depend on the project.

33       **Councilmember Zegerman** asked if there may be a certain budget amendment  
34 considering that this avoids certain future costs.

35       **Councilmember Killingsworth** said that they may not want a dedicated amount  
36 because of negotiating for these projects.

37       **Town Attorney Hohe** said that she would recommend some parameters and  
38 standards for consistency and fairness.

39       **Councilmember Gantt** said that someone may not want to participate but if it's  
40 temporary and less money, that it may be more desirable.

41       **Town Attorney Hohe** said that there would be a way to distinguish permanent  
42 improvements versus a temporary easement.

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**Councilmember Gantt** asked if Seaboard Street would fall into this category.

**Town Manager Vosburg** said that they could be flexible on these projects. He said that a budget hasn't been set or the cap and they would come back with those to Council.

**Councilmember Gantt** asked if there had been projects rejected because of amounts.

**Town Manager Vosburg** said that he didn't think so. He said that he could ask Economic Development to see what they have experienced.

**Director Khin** said that on historic buildings it is typically \$1 million dollars that the owners are investing. If it is not a historic building, then it is not as many rules, it may be less money.

**Ms. Bunce** said that also the sidewalks have to be installed. She said that there is a lot that goes into improving and restoring buildings.

**Town Attorney Hohe** said that this is where most of these façade grant projects are.

**Town Manager Vosburg** said that in the concept of 50% of a \$1 million project this would have a substantial impact of possibly \$200,000.00.

**Councilmember Gantt** asked if this was for each project.

**Town Manager Vosburg** said yes.

**Councilmember Zegerman** asked how many projects were projected. He said that the idea is to expand the Downtown area and expanding the corridor. He said that there was still a significant amount of work that could be done for \$200,000.00.

**Mayor Gilbert** asked if there were any other questions.

**Director Khin** asked if there were any concerns about the current boundary for the expansion.

**Council Members** collectively said they were good with it.

**Mayor Gilbert** thanked the staff for all their hard work.

**[ADJOURNEMENT]**

**Mayor Gilbert** adjourned the meeting at **6:12** p.m.

Jacques K. Gilbert  
Apex, Mayor

Allen Coleman, CMC, NCCCC  
Town Clerk to the Apex Town Council

Submitted for approval by Apex Town Clerk Allen Coleman

Minutes approved on \_\_\_\_\_ of \_\_\_\_\_, 2024.