



# Apex Town Council Meeting

Tuesday, April 21, 2020

Jacques K. Gilbert, Mayor  
Nicole L. Dozier, Mayor Pro Tempore  
Brett D. Gantt, Audra M. Killingsworth, Cheryl F. Stallings,  
and Terry Mahaffey, Council Members  
Drew Havens, Town Manager  
Shawn Purvis, Assistant Town Manager  
Marty Stone, Assistant Town Manager  
Donna B. Hosch, MMC, NCCMC, Town Clerk  
Laurie L. Hohe, Town Attorney

The Regular Meeting of the Apex Town Council  
scheduled for Tuesday, April 21, 2020, at 6:00  
p.m. was held in the Council Chamber of Apex  
Town Hall, 73 Hunter Street

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier (remotely),  
and Council Members Audra M. Killingsworth, Brett D. Gantt, Cheryl F. Stallings, and Terry Mahaffey  
Also in attendance were Town Manager Drew Havens, Assistant Town Manager Shawn Purvis,  
Town Clerk Donna B. Hosch (remotely), and Town Attorney Laurie L. Hohe

## COMMENCEMENT

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Mayor Gilbert called the meeting to order and read a diversity and inclusion statement as it related to religion. Council Member Cheryl Stallings gave the Invocation, and Mayor Gilbert led the Pledge of Allegiance.

## PRESENTATIONS

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There were no presentations to be made.

## CONSENT AGENDA

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- CN1 Donna Hosch, Town Clerk  
Apex Tax Report dated February 4, 2020
- CN2 Shawn Purvis, Assistant Town Manager  
Proposed changes to Non-Profit Funding Policy
- CN3 Michael Deaton, Water Resources Director

Multi-year Master Services Agreement with J & D Tree Pros, Inc., valid until June 30, 2023, for tree trimming/removal and stump grinding services for multiple departments and authorization for the Town Manager to execute same on behalf of the Town

CN4 Shannon Cox, Long Range Planning Manager

Capital Project Ordinance Amendment No. 2020-13 appropriating funds for the preliminary project costs related to the GoApex Route 1 Bus Stop Improvements

CN5 Marty Stone, PE

Contract with ElectriCities of North Carolina, valid until July 31, 2020, for Electric Vehicle Strategic Plan for the Town and authorization for the Town Manager to execute same on behalf of the Town

CN6 Marty Stone, Assistant Town Manager

Approval and authorization for the Town Manager to execute the same for an Encroachment Agreement between the Town and property owner, ITM Real Estate Management, LLC regarding Wake County, NC PIN#0741-29-1415, 400 West Street, as recorded in Deed Book 17269, Page 1555, Apex, NC 27502

CN7 Russell Dalton, Sr. Transportation Engineer

Amendment to Traffic Schedule I and Traffic Schedule II of the Town of Apex Code of Ordinances in accordance with the provisions of Sections 20-60.1, 20-68, 20-69, and 20-70

CN8 Shawn Purvis, Assistant Town Manager

Resolution of Intent for the closing of a right-of-way (ROW) on Hasse Avenue, located between two Sweetwater Property Owner Association Open Space tracts, and to call for a Public Hearing at the May 19, 2020 Council Meeting

Town Manager Havens requested add-on items for a cemetery refund of \$1,500 to Mr. and Mrs. William Spillane and closing parking spaces on Seaboard Street on May 2 and May 9 for the Farmers Market to hold a drive through market.

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion with the requested additions; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

## REGULAR MEETING AGENDA

Town Manager Havens requested the addition of an Unfinished Business item related to the Emergency Loan Program.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to adopt the Regular Agenda with the additional requested item; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

## PUBLIC FORUM

No one wished to speak during Public Forum. No citizens provided input by any of the three methods available to them to do so.

## PUBLIC HEARINGS

PH1 Vance Holloman, Finance Director

Order authorizing \$1,800,000 General Obligation Park and Recreational Facilities Bonds and a Resolution to adopt that Order

Staff stated the preliminary Resolution was adopted at the previous Council meeting. Tonight the request was to hold a Public Hearing adopting the Order which is required prior to issuing any new general obligation bonds. The next step would be going to the LGC for approval before going to market.

Mayor Gilbert declared the Public Hearing open. With no one wishing to speak, Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to adopt the Order; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

## OLD BUSINESS

There were no Old Business items for consideration.

## UNFINISHED BUSINESS

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Added UB 01 Joanna Helms, Economic Development Director

### Small Business Emergency Loan Program

Staff reviewed the previous decisions of Council: Council approved a \$1 million loan fund with a \$25,000 cap per loan per business. Staff was directed to finalize the details with a third party administrator, the NC Rural Center being selected. The Rural Center, however, prefers and is more familiar with loan caps of \$50,000. Staff noted that some Apex businesses in the pipeline are asking for loans more in the amount of \$37,000. In more conversations with the Rural Center, talk was focused on how a loan cap could be determined. The Center is supportive of our goals and wants to be flexible in the process.

Staff pointed to the funding cap information forwarded to Council earlier this day which detailed three scenarios. Joining the meeting as a resource was Barry Ryan, Vice President of the Rural Center. Council asked if staff had a strong preference for either of the options and if either option had any administrative restrictions which would delay the program. Staff stated there was not a preference, outlining the pros and cons of each. The Rural Center did not see businesses asking for the \$50,000 cap, and staff did not see any administrative restrictions.

Council questioned if the terms of our program were similar to those of the NC Rapid Recovery Program. Mr. Ryan complimented the great working relationship with Ms. Helms and her staff. He felt the terms were aligned.

Council asked if a business is awarded through the Golden Leaf Fund, would it prevent them from applying for the Apex program. Staff stated some businesses will get funded through Golden Leaf, which is managed through the Rural Center. They would, therefore, not be able to ask for the Apex loan which would also be funded through the Rural Center. Staff clarified that for those businesses which applied and were not provided a loan because funding ran out, they could apply again should another round of funding become available.

Council stated he did not want our program to push Golden Leaf out of Apex. However, he was interested in trying to give a leg up to small businesses in Apex – which our program would do. Mr. Ryan explained how Apex businesses would be considered.

Council asked about the State's stimulus package and how people would know funds were available and how they would apply. Mr. Ryan stated they would work with Ms. Helms to ensure that any information the Rural Center had was passed on for advertisement to businesses. He stated businesses

would not need to apply, that the Rural Center would contact the businesses to ask if they wished to apply for Apex funds or wait for something else.

Council Members each stated their preference for the three options. There was some conversation about fairness, the possible gambling aspect of the situation, and putting more money in the program if necessary.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve Option A; Council Member Stallings seconded the motion.

Council stated he hoped this program would be used as a tool in the future to show that Apex is willing to help its businesses in time of need. Staff stated that Council being this proactive speaks volumes for support of our businesses. It will help going forward with business opportunities. None of her counterparts had anything in the works until they found out what Apex was doing. Staff stated that checks would be written following the public hearing, and that finalizing details with the Rural Center was underway. Council thanked staff for all the work done on this effort.

The motion carried by a 5-0 vote.

## NEW BUSINESS

NB1 Shawn Purvis, Assistant Town Manager

General Fund appropriations to non-profit agencies providing a public service and the subsequent budget amendment

Staff stated this was in response to Council request from the last Council meeting. Staff reached out to the non-profits, and the \$36,000 Budget Amendment reflected additional monies requested by four agencies. Staff outlined what the additional monies would cover. The amount was a recommendation to which modifications could be made.

Responding to Council, staff explained why the amount shown for White Oak was \$3,000 less than their ask – the \$3,000 would go for stipends to the volunteers. Council stated we should think about respecting volunteers' time and supporting them if needed.

Council agreed stating that volunteers need gas money, i.e., and she was fine with the extra \$3,000.

Council agreed, asking if this would be the first time stipends were being asked for by an agency. Staff stated this was not something that we typically do. Organizations typically apply for program needs or other tangibles needed by the organization.

Council stated with this being a crisis of a different level, White Oak identified what they felt was a need in helping to provide for people who are trying to help other people.

The Town Attorney stated her concerns for being careful about gifts. She explained how, in her opinion, giving stipends crossed the line a little bit. Caution in this case was warranted.

Council stated we are providing taxpayer money to charities which citizens can donate to. It feels good to give this kind of money, but donated money could be used, for example, for stipends.

Council stated he understood the concern, but did not see this as a showstopper.

Council reiterated the concern of the Town Attorney and that she should be listened to.

There was some conversation as to whether or not other organizations are providing stipends. Council stated Western Wake has full time employees, and did not specify specifically where the \$20,000 that they asked for was going to be spent. It certainly could be going to stipends as well. She did not have a problem providing stipend money for White Oak but understood the concerns.

The Mayor stated that even though there was legal question about funding stipends, it seemed Council wanted to move forward with this.

Council stated all four entities have staff and volunteers. In a crisis, there are things that are being waived at all levels of government with the understanding that this situation is different. She stated older volunteers, for example, may be making efforts to support the people of Apex. We, in turn, need to support them. She wished she could volunteer but did not have the time. Therefore, she was fine helping those who did have the time.

Council asked if language could be inserted stating a waiver for stipends in this situation. The Town Attorney stated this was a constitutional provision that we could not waive.

Mayor Gilbert expressed his concern about the constitutional aspect. He knew of other opportunities being worked on in the community which would help White Oak, Council stating this was good to know. He did not want to delay monies getting to the organizations.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the item as presented; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

### CLOSED SESSION

There were no Closed Session items for consideration.

### WORK SESSION

There were no Work Session items for consideration.

### ADJOURNMENT

With there being no further business and without objection from Council, Mayor Gilbert adjourned the meeting.

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Donna B. Hosch, MMC, NCCMC  
Town Clerk

ATTEST:

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Jacques K. Gilbert, Mayor

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