



Apex Town Council Meeting

Tuesday, March 17, 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, March 17, 2020, at 6:00 PM will be held in the Council Chamber of Apex Town Hall, 73 Hunter Street. The meeting will adjourn when all business is concluded or at 10:00 PM, whichever comes first.

COMMENCEMENT

Call to Order : Invocation : Pledge of Allegiance

PRESENTATIONS

[PR1](#) Mayor Jacques K. Gilbert

Presentation of the Proclamation declaring March 20, 2020 as Arbor Day in the Town of Apex.

[PR2](#) Roy Jones, CEO

Presentation of Exceptional Achievement in the Area of Workforce Development from the Public Power Association

CONSENT AGENDA

All Consent Agenda items are considered routine, to be enacted by one motion with the adoption of the Consent Agenda, and without discussion. If a Council Member requests discussion of an item, the item may be removed from the Consent Agenda and considered separately. The Mayor will present the Consent Agenda to be set prior to taking action on the following items:

[CN1](#) Donna Hosch, Town Clerk

Motion to approve Minutes of the Joint Conversational Meeting with Cary Town Council on February 13, 2020, the Council Budget Retreat on February 14, 2020, the Regular Council Meeting on February 18, 2020, and the Regular Council Meeting on March 4, 2020

[CN2](#) Mayor Jacques K. Gilbert

Motion to appoint Tim Carley to the Environmental Advisory Board as the "Development Community" representative with the term expiring on 12/31/2020.

[CN3](#) Personnel Committee: Mayor Pro Tem Dozier and Mayor Jacques Gilbert

Motion to authorize the addition of a full-time Deputy Town Clerk to the current number of authorized positions and set the Pay Grade at 19.

[CN4](#) Dennis Brown, PE

Motion to approve and authorization for Town Manager to execute design agreement contract with Davis Kane Architects for design for Public Safety Station #6 in the amount of \$450,000.00.

REGULAR MEETING AGENDA

Mayor Gilbert will call for additional Agenda items from Council or Staff and set the Agenda prior to taking action

PUBLIC FORUM

Public Forum allows the public an opportunity to address the Town Council. The speaker is requested not to address an item that appears as a Public Hearing scheduled on the Regular Agenda. The Mayor will recognize those who would like to speak at the appropriate time. Large groups are asked to select a representative to speak for the entire group. Comments must be limited to 3 minutes to allow others the opportunity to speak.

PUBLIC HEARINGS

[PH1](#) Amanda Bunce, Current Planning Manager

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance.

OLD BUSINESS

UNFINISHED BUSINESS

[UB1](#) Colleen Merays, Downtown & Small Business Development Coordinator and David Wood, Halle Cultural Arts Center Manager

Review of Apex Special Event Policy and research on other local municipalities

NEW BUSINESS

[NB1](#) John M. Brown, Director Parks, Recreation, and Cultural Resources and Craig Setzer, Park Operations Manager

Motion to approve implementation of Adopt a Park / Adopt a Trail Program

CLOSED SESSION

WORK SESSION

ADJOURNMENT

PROCLAMATION

From the Office of the Mayor



Arbor Day in the Town of Apex

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday called Arbor Day was first observed with the planting of more than a million trees; and

WHEREAS, Arbor Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees in our town increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, the Apex Town Council, the Tree Citizen Advisory Panel (Tree CAP), and the Bee City Committee will commemorate Arbor Day by planting five trees, one for each year Apex has been designated as a Tree City USA, at Seagroves Farm Park on March 20, 2020;

NOW, THEREFORE, I, Jacques K. Gilbert, Mayor of the Town of Apex, do hereby proclaim March 20, 2020 as Arbor Day in the Town of Apex, and urge all citizens to celebrate our Arbor Day and to support efforts to protect our trees and woodlands.

IN WITNESS THEREOF, I have hereunto set my hand and
caused the Seal of the Town of Apex, North Carolina,
to be affixed this the 17th day of March 2020

Jacques K. Gilbert, Mayor

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: March 17, 2020

Item Details

Presenter(s): Mayor Jacques K. Gilbert

Department(s): Governing Body

Requested Motion

Presentation of the Proclamation declaring March 20, 2020 as Arbor Day in the Town of Apex.

Approval Recommended?

N/A

Item Details

N/A

Attachments

- Proclamation



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PRESENTATION

Meeting Date: March 17, 2020

Item Details

Presenter(s): Roy Jones, CEO

Department(s): ElectriCities

Requested Motion

Presentation of Exceptional Achievement in the Area of Workforce Development from the Public Power Association

Approval Recommended?

N/A

Item Details

Roy Jones, CEO of ElectriCities will be in attendance to present the award to Mayor Gilbert.

Attachments

- N/A



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 17, 2020

Item Details

Presenter(s): Donna Hosch, Town Clerk

Department(s): Administration

Requested Motion

Motion to approve Minutes of the Joint Conversational Meeting with Cary Town Council on February 13, 2020, the Council Budget Retreat on February 14, 2020, the Regular Council Meeting on February 18, 2020, and the Regular Council Meeting on March 4, 2020

Approval Recommended?

Yes

Item Details

N/A

Attachments

- Minutes as indicated





Apex Town Council Joint Conversational Meeting with the Cary Town Council

Thursday, February 13, 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 Joint Conversational Meeting between the
Apex Town Council and Cary Town Council
scheduled for Thursday, February 13, 2020, at
6:00 p.m. was held in at the Halle Cultural Arts
Center, 237 N. Salem Street, Apex

In attendance from the Town of Apex were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, 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, Assistant Town Manager Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

In attendance from the Town of Cary were District C Representative Jack Smith, At-Large Representative Ed Yerha, District D Representative Ya Liu, Mayor Harold Weinbrecht, District A Representative Jennifer Robinson, Mayor Pro Tem and District B Representative Don Frantz, At-Large Representative Lori Bush, Town Manager Sean Stegall, Deputy Town Manager Russ Overton, Town Attorney Chris Simpson, APR Chief Strategic Communications Officer Susan Moran, and Town Clerk Ginny Johnson.

COMMENCEMENT

Mayor Gilbert welcomed everyone to this casual meeting. All in attendance introduced themselves, stated their day job, and named their super hero.

In this casual environment, the following subjects were touched upon:

- managed growth
- affordable housing
- trusting experience and knowledge of staff
- Cary being successful because of mayor

- communication being key in development projects
- consequences of development
- how to keep business going and maintain friendships
- how valuable it is to develop the town
- how empowering council members are and can be
- legislative agendas and authorities
- all council showing up for important events
- water shed fee
- benefits of joint board and committee meetings
- cleaning up street names
- trail around the CSX line

It was agreed upon that both municipalities would benefit from continued collaboration in various areas of municipal operations and efforts. The meeting was felt to be successful, appreciated, and enjoyed.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor



Apex Town Council Budget Retreat

Friday, February 14, 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 Budget Retreat of the Apex Town Council
scheduled for Friday, February 14, 2020,
beginning at 8:30 a.m. was held at the Public
Works Administration Building, 105-B Upchurch
Street, Apex

In attendance were Mayor Jacques K. Gilbert, Mayor Pro Tem Nicole L. Dozier, 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, Assistant Town Manager Marty Stone, Town Clerk Donna B. Hosch, Town Attorney Laurie L. Hohe, and all Department Directors with the addition of the Current Planning Manager and the Transportation Manager

COMMENCEMENT

Mayor Gilbert welcomed the group, stating the purpose of the Retreat.

Alicia Arnold, Director of the Equitable Housing & Community Development Division at Wake County, presented on Housing Affordability in Wake County. The following subjects were covered:

- Housing affordability components
- Types of housing – naturally occurring affordable housing and legally-blind subsidized housing
- Eligibility requirements for subsidized housing
- Who in the community is served and why housing affordability is important
- Rental cost impact
- Understanding the housing affordability need
- Areas where preservation of subsidized units should focus
- Housing cost burden
- Creating municipal strategies

There was discussion based on the above and how it relates to supporting individuals who acquire affordable housing that would make their lives more whole and that would integrate them more into the community. Asked was how many citizens in Apex take advantage of the offered programs.

Natalie Britt, Vice President of Real Estate Development for DHIC, gave a brief overview of DHIC and what it's about. She spoke on subsidizing affordable housing and the various aspects involved in LIHTC. A flow of how the money works was presented. She showed pictures of redevelopment as well as development projects. She outlined the story behind each of the projects. Questions from Council were answered.

Dianne Khin, Planning and Community Development Director, presented on a DHIC project in Apex – Broadstone Apartments. A tax credit was applied for but denied. However, with assistance and advice from staff, the developer will attempt to acquire the tax credit again this year. Council questions were answered related to how the projects were chosen, the projects being affordable for a great many years,

Mayor Gilbert thanked staff for taking affordable housing seriously, as this is where he grew up. Standing ovation was given to Greg Warren, DHIC, who was present, was given a standing ovation for this 34 years of service. He is set to retire shortly.

Vance Holloman, Finance Director, presented a financial update. Last year the General Fund Balance increased by \$5 million, and it was explained why. Further questions as to why from Council were answered. Utility Fund Results were presented, staff stating that the figures were affected by a lawsuit against the Town. He reassured that the Town had money in capital reserve funds, and we were able to pay the suit without going into debt. A detailed explanation of outstanding debt as of December 2019 was presented.

Amanda Grogan, Budget and Management Analyst, presented the purpose and major objectives of the CIP, stating that the CIP had seven elements. Council conversation ensued as to what projects should be assigned to the four quartiles which indicate order of importance.

Council began stating those items they wished to see addressed under the headings of High Performing Government, Healthy and Engaged Community, Environmental Leadership and Responsible Development, Economic Vitality, and Safe Community and Reliable Infrastructure.

Shannon Cox, Long Term Transportation Manager, stated that further staff study as requested by Council had been completed. It was determined that a bus route in Apex could, in fact, be fare free. This could be an amenity and benefit to the community.

A paratransit update was presented. Staff presented the particulars and estimated operating costs for a fare-based route which would cost the Town approximately \$330,000. The Wake Transit FY21 Draft Work Plan was presented.

Shawn Purvis, Assistant Town Manager, presented the effects of a re-evaluation and the tax rate. There was Council discussion as to the tax rate.

Mike Deaton, Utility Engineering and Stormwater Manager, presented the current stormwater program. Most complaints received were nuisance flooding related. Our riparian buffers program is one of the best things that we do. Staff outlined what should be considered as far as future programs, i.e., private drainage assistance program, proactive floodplain tree/debris/beaver control program, tree canopy program, SCM retrofits/stream restoration, and grant opportunities.

The pros and cons of a proposed stormwater utility fee were presented. There was quite a bit of discussion between Council and staff on the fee, how it could be fairly calculated, and what it would be used for. Consensus was to not have a study done by consultants, to enhance the current stormwater level of service, to fund the additional cost associated with this through the General Fund, and to increase funding of the enhancements to the current level of service.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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Apex Town Council Meeting

Tuesday, February 18, 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, February 18, 2020, at
6:00 PM 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, 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 Marty Stone, Assistant Town Manager Shawn Purvis, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

COMMENCEMENT

Mayor Gilbert called the meeting to order and read a statement recognizing diversity in religion, J.C. Knowles, Apex Ambassador, gave the Invocation and led the Pledge of Allegiance.

PRESENTATIONS

PR1 Mayor Gilbert

Presentation of Women's History Month Proclamation

Mayor Gilbert and all Council Members shared in the reading of the Proclamation.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the January 7, 2020 Regular Town Council Meeting and the January 21, 2020 Regular Council Meeting

CN2 Dianne Khin, Director of Planning and Community Development

Resolution Directing the Town Clerk to Investigate Petition Received, Certificate of Sufficiency by the Town Clerk, and Resolution Setting Date of Public Hearing on the Question of Annexation – Apex Town Council’s intent to annex Ronald and Linda Padget (single-family) property containing 2.70 acres located at 7101 Beaver Trail, Annexation #684 into the Town’s corporate limits

CN3 Shawn Purvis, Assistant Town Manager

Cosponsored Special Event Permit request for 2020 St. Patrick's Day NC State Pipes and Drums at Salem Street Pub on March 17, 2020

CN4 Vance Holloman, Finance Director

Contract for audit services for the fiscal year ending June 30, 2020

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Gantt made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Killingsworth made the motion; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

No one wished to speak during Public Forum.

PUBLIC HEARINGS

PH1 Dianne Khin, Planning and Community Development Director

Ordinance on the Question of Annexation – Apex Town Council’s intent to Doug Behan & Sohini Sengupta property containing 2.208 acres located at 7617 Reams Court, Annexation #671 into the Town’s corporate limits

Staff oriented Council to the site and stated the applicant’s reasons for the request.

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 Dozier made the motion to adopt the Ordinance; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH2 Shelly Mayo, Planner II

Public Hearing and possible motion to adopt an Ordinance on the Question of Annexation – Apex Town Council's intent to annex Henry Steven Kastelberg, Carol B. Heelan Irrevocable Trust c/o George Heelan, Edward and Deborah Peart and Jerfi and Lisa Cicin (Heelan PUD) property containing 141.732 acres located at 0, 8824 and 8829 Humie Olive Road and 3108 and 3120 Olive Farm Road, Annexation #676 into the Town's corporate limits.

Heelan PUD Conditional Zoning #19CZ21 associated with this annexation was tabled at the February 10, 2020 Planning Board meeting. Therefore, neither the rezoning nor the annexation can be heard at the February 18, 2020 Town Council meeting. The public hearing for the annexation at Town Council will need to be re-advertised if and when the project moves forward in the future.

Mayor Gilbert stated there was a request to remove Public Hearings 2 and 3 from this Agenda, to be heard at a later date.

PH3 Shelly Mayo, Planner II

Public Hearing and possible motion on Rezoning Application #19CZ21 Heelan PUD. The applicant, Jason Barron for Morningstar Law Group, seeks to rezone approximately 141.73 acres from Wake Co. R-40W to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 8824 & 8829 New Hope Farm Road, 3108 & 3120 Olive Farm Road, and 0 Humie Olive Road.

The Heelan PUD Conditional Zoning #19CZ21 was tabled at the February 10, 2020 Planning Board meeting. Therefore, this rezoning cannot be heard at the February 18, 2020 Town Council meeting. Public hearings for both Planning Board and Town Council will need to be re-advertised if and when the project moves forward in the future.

PH4 Shelly Mayo, Planner II

Rezoning Application #19CZ25 Jenks and Wimberly Mixed Use PUD. The applicant, Taylor Morrison of the Carolinas, Inc., sought to rezone approximately 14.68 acres from Rural Residential (RR) to Planned Unit Development-Conditional Zoning (PUD-CZ). The proposed rezoning is located at 1533 Wimberly Road and 7912, 8000, and 8016 Jenks Road.

Staff oriented Council to the site and stated the applicant's proposal for rezoning.

Council expressed concern that commercial may not happen in this area. Staff stated the commercial applications in surrounding areas. Staff answered Council questions related to the gas easement and affordable housing.

Jason Barron, Morningstar Law Group, representing the applicant, answered Council questions related to affordable housing, stating their housing would start about at \$250,000. He gave the names of those who were in attendance accompanying him. The Plan is consistent with all Town Plans and policies. Mr. Barron stated the builder wished to install a pollinator garden. All of the neighborhood meetings went very well. Mr. Barron talked about commercial use in the area and its compatibility with the homes which would be built. Mr. Barron answered Council questions related to energy star certification, marketing commercial products, and affordability related to solar.

Mayor Gilbert declared the Public Hearing open.

Teri Costner spoke about their attempts to sell land and how previously approved development is hampering that.

Ken Lewis stated how his property is difficult to rent with everything that's going on around him. The developer has done an excellent job in presenting to the Town. He asked Council to approve the project.

James Costner stated they are trying to sell their home. They cannot even rent it. He hoped the project would go through.

Alison Cleary stated the building has come up with the best plan for the use at this time. She asked for approval of the project.

Mayor Gilbert declared the Public Hearing closed.

Mr. Barron stated he would need to come back to Council with a definitive answer to solar and affordability questions. Council stated his dissatisfaction with RCA and commercial use calculations. He did not see anything about the project which stood out. Council stated he was unhappy with the commercial use and how the property seemed very suitable for mixed use.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to deny the rezoning; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote to deny.

PH5 Vance Holloman, Finance Director

Resolution approving in principle, solely for purposes of meeting the requirements of the Internal Revenue Code and for the Bonds to be Issued by the Public Finance Authority to Thales Academy, the issuance of up to \$40,000,000 in Educational Facilities Revenue Bonds (the "Bonds") by the Authority which in no way obligates the Town for repayment of said bonds or creates any liability to the Town.

Staff briefly explained the project and debt and reiterated that this would not require funding from the Town.

Mayor Gilbert declared the Public Hearing open.

Mary Nash Rusher explained more in depth the bonds and their refinancing. She answered Council questions related to frequency of refinancing, why Apex's name was used in this request, the source of bonds between public and private schools, and who would hold the bonds.

Mayor Gilbert declared the Public Hearing closed.

Mayor Gilbert called for a motion. Council Member Gantt made the motion to approve the Resolutions; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

UB1 Drew Havens, Town Manager

Ordinance 2020-0218-09 to repeal Section 14-28 of the Town of Apex Code of Ordinances.

Staff stated this was at the request of Council. He stated we would now follow the State Statute, which was read by the Town Attorney. Council presented his reasons for asking for this option, stating that the State Statute gives our officers all they need to perform their duties in this instance.

Mayor Gilbert called for a motion. Council Member Mahaffey made the motion to adopt the Ordinance; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

NEW BUSINESS

There were no New Business items for consideration.

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 declared the meeting adjourned.

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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Apex Town Council Meeting

Wednesday, March 04, 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 Wednesday, March 4, 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, 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 Marty Stone,
Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe

COMMENCEMENT

Mayor Gilbert called the meeting to order and presented a statement regarding diversity and inclusion as it relates to religion and unity. Fernando Rodriguez gave the Invocation, after which Mayor Gilbert led the Pledge of Allegiance.

PRESENTATIONS

PR1 Amanda Bunce, Current Planning Manager

Special presentation on the importance of counting all Apex citizens in the 2020 Census

Staff stated that the census has been mandated by the US Constitution since 1790, and she explained how the figures are used in the community and by the government.

Staff stated Apex has grown by about 16,000 people. We lose between \$1,500 and \$2,500 per year for those not counted, and this would be our loss for another ten years. Staff explained what this affects. A

committee has been formed to get the word out about the importance of completing the forms accurately.

Staff spoke about reaching out to the historically undercounted and showed areas that had low response scores. We are reaching out to the Latino community, as they are one of the undercounted. The Mayor will be sending out a letter explaining the importance of the census, kiosks will be set up at various locations, and there will be a census mobile unit. Other efforts include banners, yard signs, a census day event, and representation at the farmer's market and PeakFest.

Staff explained the four ways to respond to the census, and presented some 'myth busters'. Council questions related to the Town's text features were answered.

PR2 Mayor Jacques Gilbert

Presentation of the Environmental Stewardship Award

Yume Iwakura, a junior at Apex Friendship High School, presented the history of award recipient Johan Tondeur having solar installed on his home. Mr. Tondeur's HOA is now encouraging others in his neighborhood to do so also.

Council Member Dozier gave the history of the Environmental Committee, noting that former Council Member Bill Jensen was a part of this Committee. We want to see better for our community. Mr. Tondeur spoke about wind power, going back to its use by Christopher Columbus to how it is being used currently.

Mayor Gilbert thanked Council Member Killingsworth for running in the County elections even though she didn't get her desired outcome. The outcome for Apex is that we will benefit from Council Member Killingsworth remaining a part of our Council.

CONSENT AGENDA

CN1 Donna Hosch, Town Clerk

Minutes of the Council Pre-Retreat on January 9, 2020, the Council Strategic Planning Retreat on January 10, 2020, and the Regular Council Meeting on February 4, 2020

CN2 Donna Hosch, Town Clerk

Apex Tax Report dated January 2, 2020

CN3 Amanda Bunce, Current Planning Manager

Set the Public Hearing for the March 17, 2020 Town Council meeting regarding various amendments to the Unified Development Ordinance

CN4 Shelly Mayo, Planner II

Statement of the Town Council for Rezoning Case #19CZ25, Jeremy Medlin, Taylor Morrison of Carolinas, Inc., Jason Barron, Morningstar Law Group, petitioners, for the property located on 7912, 8000, & 8016 Jenks Road & 1533 Wimberly Road

CN5 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 owners, David Lawrence Martin and Liesl Martin regarding Wake County, NC, PIN#0710-22-6578, Lot 382 Jordan Pointe, Phase 2D as shown and recorded in Book of Maps 2019, Page 664, 2836 Horton Elms Drive, New Hill, NC 27562

CN6 David Wood, Cultural Arts Center Manager

Close the Depot parking lot on April 1st, 2020 for Census Day Event from 8:00 a.m.-7:00 p.m.

CN7 Vance Holloman, Finance Officer

Budget Amendment No. 12 appropriating funds to reimburse a developer for additional public right of way (ROW) along Kelly Road dedicated as part of the Peak 502 project in accordance with UDO Section 13.15

CN8 Vance Holloman, Finance Officer

Capital Project ordinance Amendment No. 2020-11 appropriating funds for the Apex Peakway at NC 55 Project to pay project costs

CN9 Mayor Jacques K. Gilbert

Appointments, including Chair and Vice-Chair, to the Transit Advisory Committee

CN10 Vance Holloman, Finance Officer

Capital Project Ordinance Amendment No. 2020-12 appropriating funds for the James Street to Downtown Pedestrian Project to pay project costs

CN11 Mary Beth Manville, Human Resources Director

Position reclassification requests, as recommended from the Personnel Committee

Mayor Gilbert called for a motion to adopt the Consent Agenda. Council Member Killingsworth made the motion; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert called for a motion to adopt the Regular Meeting Agenda. Council Member Gantt made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

Ann Nylund spoke about the electric operations center. The Town is wrong – this use does not qualify as government use. Ms. Nylund presented her utility bill which showed her owing sales tax to the State of NC. So this is a business. Ms. Nylund stated the Town is in violation of State law. If this goes to court and the neighbors win, what will happen when the Town can't use the facility. The Town should examine the case law.

Beartha AlChacan stated she was working with the special events office to put on an international food festival type of event. She explained the benefits of such an event, especially since Apex has a large, diverse community. Their goal is to bring people together for good things.

PUBLIC HEARINGS

PH1 Amanda Bunce, Current Planning Manager

Ordinance on the Question of Annexation – Apex Town Council's intent to annex Ronald and Linda Padgett (single-family) property containing 2.70 acres located at 7101 Beaver Trail, Annexation #684 into the Town's corporate limits.

Staff oriented Council to the site.

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 Ordinance; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

OLD BUSINESS

There were no Old Business items for consideration.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

CLOSED SESSION

Laurie Hohe, Town Attorney

Pursuant to N.C.G.S. 143-318.11(a)(3) to preserve attorney-client privilege, and pursuant to N.C.G.S. 143-318.11(a)(1) to prevent the disclosure of information that is privileged or confidential pursuant to state law

Mayor Gilbert called for a motion to go into Closed Session. Council Member Dozier made the motion; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert called for a motion to return to Open Session with no objections from Council.

Mayor Gilbert called for a motion to adopt Resolution No. 20-0304-03 Resolution Authorizing Eminent Domain Proceedings to Acquire Sewer and Greenway Easements. Council Member Killingsworth made the motion; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

NEW BUSINESS

There were no New Business items for consideration.

Mayor Gilbert called for a 15 minute recess, after which the Work Session moved to the third floor Training Room.

WORK SESSION

WS1 Colleen Merays, Downtown & Small Business Development Coordinator & David Wood, Halle Cultural Arts Center Manager

Special Event Permit requests and Town Co-Sponsorship requests for 2020 and 2021.

Representatives requesting Town approval of their events were in attendance.

Staff explained the benefit of the events to our lives. Several have been going on for years, several are new. Explained was what Town services would be required, the closing of streets, and use of the Halle and the Depot.

Staff went through the list of 16 events and answered Council questions, in particular about the Farmer's Market. Council asked about the Town's funding of the Market. As expenses grow, it seems inappropriate that there is another Board governing the Market. The Town should have more say so in spending, operation of the board, etc. Council stated she brought up last year the Town possibly taking over this function.

Discussion ensued on the Bone Suckin Sauce Peak City Pig Fest. Council questions were answered by staff and event representatives. Council stated his preference was to pay for the dumpsters and not for police, which would be comparable to other festivals. Net proceeds and where they go in the community were stated by Pig Fest representative.

Council asked the Farmer's Market representative about their accepting SNAP. The representative stated their vendors are small and cannot accept SNAP at this time. However, they are working on this.

Information was presented on the international festival, and the representative answered questions posed by Council. Shown was a synopsis of the events of this festival which is held in Raleigh. Council requested that Apex people are included. Council was concerned about the possible impact of a for-profit organization from outside of Apex coming into Apex and how this would affect Apex organizers. There was further conversation from Council as to the impact of such a festival to the other businesses and its cost to the town. There was also some discussion about a cap on events downtown. Council will further consider approving this event request.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve as was presented, with the discussed change for Sunrise Rotary and the removal of the international festival; Council Member Dozier seconded the motion.

The motion carried by a 5-0 vote.

Staff will come back with answers to Council questions about the international festival at the next Council meeting. There was discussion regarding a cap on events so as to have a ratio of non-profit to profit events.

WS2 Steve Chandler, Chandlerthinks; Stacie Galloway, Communications Manager

Discussion of community branding study results and recommendations with consultant.

Mr. Chandler explained the purpose of branding and how challenging the process can be. He presented the proposed logo and its possible uses. Council expressed comments related to colors/color combinations, the logo being liked, but wanting to think about it more. Staff provided a history of the current logo. The new logo would look clean and work well with our signage.

ADJOURNMENT

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

Donna B. Hosch, MMC, NCCMC
Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor

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| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 17, 2020

Item Details

Presenter(s): Mayor Jacques K. Gilbert

Department(s): Governing Body

Requested Motion

Motion to appoint Tim Carley to the Environmental Advisory Board as the "Development Community" representative with the term expiring on 12/31/2020.

Approval Recommended?

N/A

Item Details

Members of the Environmental Advisory Board were appointed at the December 17, 2019 meeting of the Town Council. There was a seat not appointed due to there being no interest expressed to fill the required "Development Community" seat. Tim Carley (301 Satinwood Drive, Apex) recently completed the on-line interest form and communicated with the Mayor regarding his interest. Mr. Carley, a longtime resident of Apex is the General Manager of MLB Construction Services (offices in Malta, NY and Apex).

Attachments



| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 17, 2020

Item Details

Presenter(s): Personnel Committee: Mayor Pro Tem Dozier and Mayor Jacques Gilbert

Department(s): Governing Body

Requested Motion

Motion to authorize the addition of a full-time Deputy Town Clerk to the current number of authorized positions and set the Pay Grade at 19.

Approval Recommended?

Yes, by unanimous direction of the Personnel Committee.

Item Details

The Personnel Committee met on February 25, 2020 to hear from department directors about their personnel needs for the coming fiscal year. Among the positions described was a Deputy Town Clerk, a position that would help with the increasing workload handled by the Town Clerk. The Committee, subsequent to their meeting, directed that this position be authorized and filled in the current fiscal year.

Attachments

- Draft job description



DEPUTY TOWN CLERK

GENERAL DEFINITION AND CONDITIONS OF WORK:

Provides specialized administrative and office work supporting the Town Clerk, Council, and associated Committees and Boards. Spends a considerable amount of time performing Clerk duties, and serves in the absence of the Town Clerk. Performs related work as required by the Town Clerk or Council. Work is performed under the direct supervision of the Town Clerk.

ESSENTIAL FUNCTIONS/TYPICAL TASKS:

Performing the statutory role of the Town Clerk in the Clerk's absence as well as supporting assigned boards and committees; assisting with the maintenance of official records; preparing and assisting in the maintenance of Town's official files.

Examples:

- Performs duties of and acts as Town Clerk in the absence of the Clerk.
- Assists with preparation of Council agendas via Meetings software or other identified means; attends agenda review meetings; receives and compiles agenda materials; prepares cover sheets, as necessary, and gathers supporting material.
- Posts Public Notices to the website and on the Town Hall information board within timeframes required by Statute.
- Attends Council meetings in Town Clerk's absence, and prepares minutes for Council approval; will require evening work.
- Attends assigned committee meetings and work sessions and prepares minutes of such for committee chair approval; will require some evening work; follows through on Council actions such as sending correspondence, requesting information from various sources inside and outside the organization, etc.
- Maintains the Town's Records Retention Schedule and assures that all requested updates are forwarded to State Archives for action; informs requestors of the State's decisions.
- Prepares Annexation documents in accordance with Clerk procedures for the agenda and prepares the final documents and maps for Town Clerk's signature.
- Ensures that the Town is listed correctly on all annexations with the Register of Deeds via monitoring their website following
- Tracks and ensures that all legal documents approved by Council or otherwise are returned to the Clerk's office for filing; enters details of these records into the established database.
- Ensures that Council minutes are copied and forwarded to State Archives for processing and maintaining record of such.
- Assists Town Clerk with the training of staff in Meetings agenda software and other softwares which may be considered for use; troubleshoots with vendors when necessary.
- Assists with coordination of the details and set up of a variety of events in which the Mayor, Town Council, and/or Town Clerk are involved, including ordering food, preparing awards or recognition items, etc.
- Answers telephone calls into the Town's main line which are not processed through the call tree; processes and sorts daily mail.
- Uses official files to locate and/or disseminate requested information, particularly as it relates to the Legal Department.
- Writes/reviews proclamations and ceremonial documents for Mayor.

- Tracks and documents Town Council Advisory Committee and Board appointments.
- Prepares check requests.
- Performs related tasks as requested.

KNOWLEDGE, SKILLS AND ABILITIES:

Thorough knowledge of standard office practices, procedures, equipment and office assistance techniques; thorough knowledge of business English, spelling and arithmetic; thorough knowledge of town programs and policies; ability to type at a reasonable rate of speed; ability to make arithmetical calculations; ability to operate a variety of office equipment; skill in the use of data and word processing including proficient use of Word, Excel, Adobe, and Access. Ability to establish and maintain effective working relationships with associates and the general public; ability to follow oral and written instructions and work under minimal supervision.

EDUCATION AND EXPERIENCE:

High School or Diploma or equivalent and five years directly related experience or two years of college or Associate Degree; must be a Certified Municipal Clerk; must be a Notary Public or be able to complete course to become a Notary Public.

PHYSICAL REQUIREMENTS:

This is sedentary work requiring the exertion of up to 10 pounds of force occasionally and a negligible amount of force frequently or constantly to move objects; work requires reaching, fingering, and repetitive motions; vocal communication is required for expressing or exchanging ideas by means of the spoken word; hearing is required to perceive information at normal spoken word levels, and to receive detailed information through oral communications and/or make fine distinctions in sound; visual acuity is required for preparing and analyzing written or computer data, operation of machines, and determining the accuracy and thoroughness of work; the worker is not subject to adverse environmental conditions.

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: CONSENT AGENDA

Meeting Date: March 17, 2020

Item Details

Presenter(s): Dennis Brown, PE

Department(s): Administration

Requested Motion

Motion to approve and authorization for Town Manager to execute design agreement contract with Davis Kane Architects for design for Public Safety Station #6 in the amount of \$450,000.00.

Approval Recommended?

Yes

Item Details

This will be for the Design and Construction Administration for Public Safety Station #6 to be located on Town of Apex property on Wimberly Road.

Attachments

- Copy of Davis Kane Design Fee Proposal Dated March 5, 2020



March 5, 2020

Dennis Brown
Town of Apex
105 Upchurch St.
Apex, NC
27502

Re: Apex Fire Station No. 6

Dennis

We appreciate the opportunity to submit this fee proposal for the Town of Apex Fire Station No. 6.

A. Project Description

This project includes a new fire station building and associated site design. The station will include a secondary area for use by the Town of Apex Police Department. The facility needs of the Fire Department and Police Department are greater than the program met by this station but the most immediate needs will be met in this facility.

B. Base Scope of Services The following services are Base Scope of services, unless otherwise noted.

1. Programming services with Fire Department and Police Department to finalize the specific space needs of this facility.
2. Preparation of Schematic Design documents.
3. Preparation of Design Development documents.
4. Preparation and submission of Construction Documents for permitting and construction purposes.
5. Site investigation as required.
6. Assistance with bidding and negotiations
7. Construction administration activities.
8. Closeout activities
9. All required consulting disciplines including plumbing, mechanical, electrical, fire alarm, fire suppression (prescriptive only) and special system engineering design. Special systems include CCTV, access security and limited A/V.
10. All meetings, communication and coordination with the Owner as required to perform the work.
11. Coordination with Owner's third party testing and commissioning agents.

Additional Scope of Services

1. Public roadway improvements to Wimberly Road.
2. Annexation Petition
3. Rezoning Petition

C. Project Criteria The following services are Base Scope of services, unless otherwise noted.

1. The station will house a single company with two-apparatus bays.
2. The station will be designed as a single building housing both the fire and police components.
3. The building will include a small Police Department component that includes a separate entrance lobby and several rooms.

4. The station will be 9,000-10,000 SF gross.
5. The sleeping area will accommodate four personnel.
6. The station design will be configured in a way that can be readily expansion without substantial rework.
7. The station design should be inviting and healthy for users and occupants. Personnel health and well-being is paramount.
8. The public interface aspect of the station will be carefully considered. The needs of the Police Department and Fire Department may or may not have the same goals.
9. Audio/Visual design is limited to design of typical fire stations with TV locations per Owner direction and alert radio/speaker system per Fire Department standards.
10. You have not stated the total project budget. The Town CIP indicates the project budget is \$6,000,000. We estimate the construction cost to be 4.25 to 4.75 million dollars exclusive of secondary work such as off-site improvement, roadway widening, P.V. installations, etc. Soft costs and owners' costs are also above and beyond this amount.
11. You have stated the station should be "solar ready". We understand this to mean the building will have adequate infrastructure in place to readily accept future installation of roof-mounted solar panels.
12. Apex will allow the Designer of Record to utilize the federal tax credit 179D by signing the appropriate standard waiver as delivered by the designer.

D. Deliverables The following deliverables are included in our proposal and are considered part of our Base Scope of services.

1. Programming document
2. All documents for the bid and construction of the Work
3. Phase submittal documents for review as required. (Programming, Schematic Design, Design Development, Construction Documents, Site Plan)
4. Furniture and equipment layout
5. Meeting minutes and other routine project communication
6. One graphic renderings of front elevation of building
7. Opinions of Probable Cost for each document phase submission
8. All required documents during Construction Administration phase
9. Record documents based on the "as-built" documents as submitted by the contractor
10. Report of 11-month warranty walkthrough
11. Documents required for the rezoning, annexation and road way widening

E. Exclusions The following services are NOT included in the Base Scope of Services. If requested we can provide some of these services and add to our agreement via amendment.

1. Construction Materials testing
2. Geotechnical investigations
3. Commissioning specifications
4. Special Inspections. If requested we will forward a separate proposal for those services.
5. Pond or dam assessment or modification design.
6. Environmental Impact Statements
7. Flood Studies
8. Building automation
9. Emergency communications design
10. Fire flow testing
11. Land surveys (By Owner)
12. Tree surveys or studies
13. Wetlands and Stream Buffer Delineation; wetlands remediation design
14. Wetlands Permitting; Stream Crossing permitting

15. Surveying/Easement Mapping & Exhibits
16. Rezoning/Variance Applications
17. Off-site roadway improvements
18. Off-site utility improvements including storm water management
19. Irrigation design
20. LEED or other "green initiative" design or Project Registration

F. Schedule You have not relayed a project schedule other than the project should proceed as quickly as possible. You did state the construction funds would be available for the 2021 which should coincide well with the completion and approval of our documents. We will complete the documents and have them submitted for approval in this calendar year. We will prepare a defined project schedule in the near future.

G. Design Services Fee

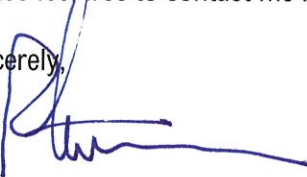
I propose to perform the base scope of services for a lump sum fee of **\$450,000** (four hundred fifty thousand dollars)

I propose to perform the Additional Services as follows.

- | | |
|--------------------------------|----------|
| 1. Public roadway improvements | \$21,000 |
| 2. Annexation Petition | \$7,800 |
| 3. Rezoning | \$25,500 |

Please feel free to contact me if you have any questions or require additional information.

Sincerely,



Robert Stevenson, AIA – Principal
Davis Kane, Architects, P.A.

Copy; file

Attachments; none

END OF PROPOSAL

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: PUBLIC HEARING

Meeting Date: March 17, 2020

Item Details

Presenter(s): Amanda Bunce, Current Planning Manager

Department(s): Planning and Community Development

Requested Motion

Public Hearing and possible motion regarding various amendments to the Unified Development Ordinance.

Approval Recommended?

The Planning and Community Development Department recommends approval.

The Planning Board heard these amendments at their March 9, 2020 meeting and unanimously recommended approval with the following exceptions:

1. For amendments to Sec. 2.1.2.B *Planning Board, Membership*, recommendation is to keep the Planning Board term length at three years and number of terms at three consecutive terms; and
2. For amendments to the multiple sections in Amendment #2, recommendation is for an up to \$50 per meeting reimbursement rather than compensation.

Item Details

UDO Amendment Summary:

Requested by Planning Committee:

1. Amendments to Sec. 2.1.2.B *Planning Board, Membership* and Sec. 2.1.2.D *Quorum* in order to increase the number of members to nine (9), provide new criteria for the composition of the Board, add a non-voting member from the Apex Historical Society, reduce the length of term to two (2) years, increase the number of terms allowed to four (4), and remove the requirement for a public hearing when removing a Planning Board member.



2. Amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* in order to add language to allow said bodies to receive compensation as authorized by Town Council in the annual budget.

Requested by Planning Staff:

3. Amendments to Sec. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* in order to permit the use "Hotel or motel" in the B1 Neighborhood Business zoning district and to amend the supplemental standards for the use.
4. Amendments to Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* in order to remove references to the Planning Board based on recent amendments to the subdivision process.

Attachments

- N/A



STAFF REPORT

Amendments to the Unified Development Ordinance

March 17, 2020 Town Council Meeting



Requested by the Planning Committee:

1. Amendments to Sec. 2.1.2.B *Planning Board, Membership* and Sec. 2.1.2.D *Quorum* in order to increase the number of members to nine (9), provide new criteria for the composition of the Board, add a non-voting member from the Apex Historical Society, reduce the length of terms to two (2) years, increase the number of terms allowed to four (4), and remove the requirement for a public hearing when removing a Planning Board member.

2.1.2 Planning Board

...

B) *Membership*

- 1) *Number.* The Planning Board shall consist of ~~eight~~ **nine (9) voting members and one (1) non-voting member.**
- 2) *Composition of the Members ~~between Town and ETJ.~~*
 - a) **Composition between Town and ETJ.** The composition of membership between the Town and ETJ shall be as follows:
 - ~~a)(i)~~ (i) The composition of the members shall reflect proportional representation between the Town's corporate limits and the ETJ.
 - ~~b)(ii)~~ (ii) ETJ membership shall be based on the proportionality of population between the Town and the ETJ. This shall be determined by estimating the total population in the ETJ as a percentage of the population in the Town's corporate limits and the ETJ and multiplying this percentage by ~~eight~~ **nine (9)** (the total required **voting** membership), rounding up to the next whole number. Members appointed from the ETJ shall be residents of the ETJ and citizens of Wake County.
 - ~~c)(iii)~~ (iii) The balance of the Planning Board's membership shall reside within the Town's corporate limits, **with the exception of the members referenced in Secs. 2.1.2.B.2.b and 2.1.2.B.2.c, whose residency requirements shall be determined by those Sections.**
 - ~~d)(iv)~~ (iv) Membership composition shall be adjusted to reflect changes in the population between the Town and the ETJ every ~~three~~ **two (2)** years.
 - ~~e)~~ All members of the Planning Board shall have voting power on all matters of business.

- b) One (1) member of the Planning Board shall reside outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map.
 - c) One (1) non-voting member of the Planning Board shall be a member of the Apex Historical Society and may reside either within or outside the Town's corporate limits. However, the Town Council is not authorizing the Planning Board to operate as a historic preservation commission pursuant to NCGS 160A-400.7.
 - d) All members of the Planning Board, except the non-voting member from the Apex Historical Society, shall have voting power on all matters of business.
- 3) *No elected official or Town employees.* No member of the Town Council or a Town employee shall serve on the Planning Board. To the greatest extent possible, a ~~majority~~ **half** of ~~the~~ membership on the Planning Board should consist of persons with special training or experience in planning, real estate and development, architecture, landscape architecture, and the law.
- 4) *Appointment.* Members shall be appointed as follows:
- a) Regular members of the Planning Board from the ETJ shall be appointed by the ~~Board of County Commissioners of Wake County~~ **Board of Commissioners.**
 - b) Regular members of the Planning Board from the Town shall be recommended by the ~~m~~**Mayor** and appointed by the Town Council.
 - c) **The regular member of the Planning Board who resides outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map shall be recommended by the Mayor and appointed by the Town Council.**
 - d) **The non-voting member of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.**
- 5) ~~*Initial establishment*~~***Terms.*** At the initial establishment of the Planning Board, ~~three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and two members shall be appointed for a term of one year. Thereafter, new appointments~~ **Members shall be appointed** for terms of ~~three~~ **two (2)** years shall be made. No member of the Planning Board may serve more than ~~three~~ **four (4)** consecutive ~~three~~ **two (2)** year terms.
- 6) *Removal.* Any member of the Planning Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge ~~and after a public hearing.~~

- 7) *Filling of vacancy.* Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.

...

D) Quorum

No meeting of the Planning Board shall be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of the majority of the Planning Board's membership excluding vacant seats and the non-voting member being present.

...

2. Amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* in order to add language to allow said bodies to receive compensation as authorized by Town Council in the annual budget.

2.1.2.I Planning Board, Compensation

The members of the Planning Board shall serve without compensation as authorized by Town Council in the annual budget.

2.1.3.H Board of Adjustment, Compensation

The members of the Board of Adjustment shall serve without compensation as authorized by Town Council in the annual budget.

2.1.4.I Transit Advisory Committee, Compensation

The members of the Transit Advisory Committee shall serve without compensation as authorized by Town Council in the annual budget.

2.1.5 Parks, Recreation, and Cultural Resources Advisory Commission

...

C) Compensation

The members of the Parks, Recreation, and Cultural Resources Advisory Commission shall serve with compensation as authorized by Town Council in the annual budget.

2.1.9.C Apex Environmental Advisory Board

...

C) Compensation

The members of the Apex Environmental Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.

Requested by Planning Staff:

3. Amendments to Sec. 4.2.2 Use Table and Sec. 4.4.5.F Supplemental Standards, Commercial Uses, Public Accommodation in order to permit the use "Hotel or motel" in the B1 zoning district and to amend the supplemental standards for the use.

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																						
		Residential										Business						Planned Development			Other			Standards
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	Section(s)	
Public Accommodation																								
Bed and breakfast	4.3.5.F.1	S	S							S	P		P	P				P	P		**	P*	4.4.5.F.1; 6.3	
Hotel or motel	4.3.5.F.2											<u>P</u>	P	P			P	P	P		**	P*	4.4.5.F.2; 6.3	

4.4.5 Supplemental Standards, Commercial Uses

...

F) Public Accommodation

...

2) Hotel or motel. A hotel or motel shall comply with the following standards:

- a) ~~The minimum lot area shall be one acre or the minimum required by the district, whichever is greater;~~
- b) ~~The minimum lot width shall be at least 100 feet or the minimum required by the district, whichever is greater; and~~
- c) ~~The number of sleeping units shall not exceed one per 1,000 square feet of lot area.~~
- a) In the B1 and B2 districts the following standards shall apply:
 - i. No more than 75 guest rooms for lodging shall be provided.
 - ii. Guest units shall be reached from an interior corridor.

4. Amendments to Sec. 7.1.7 Substitution of Fees in Lieu of Public Improvements in order to remove references to the Planning Board based on recent amendments to the subdivision process.

7.1.7 Substitution of Fees in Lieu of Public Improvements

- A) Where, because of topographical features or other conditions peculiar to the site, strict adherence to the provisions of this ~~a~~Article requiring public improvements would cause an unnecessary hardship or provide an unwarranted or unrealistic result, the Planning Board ~~may recommend and the Town Council~~ may authorize that the reasonable cost of

such improvement if made be paid into the Town treasury in lieu of the improvement so long as same can be done without materially altering the intent of this ~~an~~Article; provided, however, the amount of such fee paid in substitution of the public improvement shall reasonably relate to the applicant's fair share of the cost of such public improvements as determined by the Public Works and Transportation Director and the Water Resources Director or some other professional engineer approved by the Town; and provided, further, that the Town Council may in its discretion, use said fee to construct some other public improvement calculated to be of significant benefit to the said property of the applicant either directly or indirectly. Any such ~~recommendation for substitution or~~ substitution authorized as aforesaid shall be recorded in the minutes of ~~both the Planning Board and~~ the Town Council with a statement of the reasoning justifying the substitution.

...

PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the proposed UDO amendments.

PLANNING BOARD RECOMMENDATION:

The Planning Board heard these amendments at their March 9, 2020 meeting and unanimously recommended approval with the following exceptions:

1. For amendments to Sec. 2.1.2.B *Planning Board, Membership*, recommendation is to keep the Planning Board term length at three years and number of terms at three consecutive terms; and
2. For amendments to the multiple sections in Amendment #2, recommendation is for an up to \$50 per meeting reimbursement rather than compensation.

PLANNING BOARD REPORT TO TOWN COUNCIL

Unified Development Ordinance Amendments

March 9, 2020 Planning Board Meeting



Report Requirements:

Per NCGS 160A-387, all proposed amendments to the zoning ordinance or zoning map shall have a written report provided from the Planning Board to the Town Council within 30 days of referral of the amendment to the Planning Board, or the Town Council may proceed in its consideration of the amendment without the Planning Board report. Furthermore, in no case is the Town Council bound by the recommendations, if any, of the Planning Board.

Planning Board Recommendation:

Motion: Recommend approval with exception
Introduced by Planning Board member: of 2.1.2.B.5 Planning Board membership* and
Mark Steele Amendment #2 in
Seconded by Planning Board member: Reginald Skinner Staff report**

- ☐ Approval of the proposed UDO amendment(s)
☒ Approval of the proposed UDO amendment(s) with the following conditions:

* Recommendation is to keep the terms at
3 years and number of terms at 3
consecutive terms.

** Recommendation is for an up to \$50 per
meeting reimbursement rather than
compensation.

- ☐ Denial of the proposed UDO amendment(s)

With 6 Planning Board Member(s) voting "aye"

With 0 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

This report reflects the recommendation of the Planning Board, this the 9th day of March 2020.

Attest:

Michael Marks
Michael Marks, Planning Board Chair

Dianne F. Khin
Dianne Khin, Planning Director



TOWN OF APEX

POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE (UDO)

Notice is hereby given of a public hearing before the Town Council of the Town of Apex for the purpose of soliciting comments relative to the following amendment(s) to the Unified Development Ordinance:

Requested by Planning Committee:

1. Amendments to Sec. 2.1.2.B *Planning Board, Membership* and Sec. 2.1.2.D *Quorum* in order to increase the number of members to nine (9), provide new criteria for the composition of the Board, add a non-voting member from the Apex Historical Society, reduce the length of term to two (2) years, increase the number of terms allowed to four (4), and remove the requirement for a public hearing when removing a Planning Board member.
2. Amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* in order to add language to allow said bodies to receive compensation as authorized by Town Council in the annual budget.

Requested by Planning Staff:

3. Amendments to Sec. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* in order to permit the use "Hotel or motel" in the B1 Neighborhood Business zoning district and to amend the supplemental standards for the use.
4. Amendments to Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* in order to remove references to the Planning Board based on recent amendments to the subdivision process.

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Town Council Public Hearing Date and Time: March 17, 2020 6:00 PM

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 25-March 17, 2020



TOWN OF APEX
POST OFFICE BOX 250
APEX, NORTH CAROLINA 27502
PHONE 919-249-3426

PUBLIC NOTIFICATION OF PUBLIC HEARING

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Requested by Planning Committee:

1. Amendments to Sec. 2.1.2.B *Planning Board, Membership* and Sec. 2.1.2.D *Quorum* in order to increase the number of members to nine (9), provide new criteria for the composition of the Board, add a non-voting member from the Apex Historical Society, reduce the length of term to two (2) years, increase the number of terms allowed to four (4), and remove the requirement for a public hearing when removing a Planning Board member.
2. Amendments to Secs. 2.1.2.I *Planning Board, Compensation*; 2.1.3.H *Board of Adjustment, Compensation*; and 2.1.4.I *Transit Advisory Committee, Compensation* and the addition of Secs. 2.1.5.C *Parks, Recreation, and Cultural Resources Advisory Commission, Compensation* and 2.1.9.C *Apex Environmental Advisory Board, Compensation* in order to add language to allow said bodies to receive compensation as authorized by Town Council in the annual budget.

Requested by Planning Staff:

3. Amendments to Sec. 4.2.2 *Use Table* and Sec. 4.4.5.F *Supplemental Standards, Commercial Uses, Public Accommodation* in order to permit the use "Hotel or motel" in the B1 Neighborhood Business zoning district and to amend the supplemental standards for the use.
4. Amendments to Sec. 7.1.7 *Substitution of Fees in Lieu of Public Improvements* in order to remove references to the Planning Board based on recent amendments to the subdivision process.

Public Hearing Location: Apex Town Hall
73 Hunter Street, Apex, North Carolina
Council Chambers, 2nd Floor

Town Council Public Hearing Date and Time: March 17, 2020 6:00 PM

The UDO can be accessed online at: <http://www.apexnc.org/233>.

Dianne F. Khin, AICP
Planning Director

Published Dates: February 25-March 17, 2020

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED by the Town Council of the Town of Apex as follows:

Section 1. Sections 2.1.2.B and 2.1.2.D of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.2 Planning Board

...

B) *Membership*

- 1) *Number.* The Planning Board shall consist of ~~eight~~ **nine (9) voting members and one (1) non-voting member.**
- 2) *Composition* **of the Members** ~~between Town and ETJ.~~
 - a) **Composition between Town and ETJ.** The composition of membership between the Town and ETJ shall be as follows:
 - ~~a)(i)~~ The composition of the members shall reflect proportional representation between the Town's corporate limits and the ETJ.
 - ~~b)(ii)~~ ETJ membership shall be based on the proportionality of population between the Town and the ETJ. This shall be determined by estimating the total population in the ETJ as a percentage of the population in the Town's corporate limits and the ETJ and multiplying this percentage by ~~eight~~ **nine (9)** (the total required **voting** membership), rounding up to the next whole number. Members appointed from the ETJ shall be residents of the ETJ and citizens of Wake County.
 - ~~c)(iii)~~ The balance of the Planning Board's membership shall reside within the Town's corporate limits, **with the exception of the members referenced in Secs. 2.1.2.B.2.b and 2.1.2.B.2.c, whose residency requirements shall be determined by those Sections.**
 - ~~d)(iv)~~ Membership composition shall be adjusted to reflect changes in the population between the Town and the ETJ every ~~three~~ **two (2)** years.
 - ~~e)~~ ~~———— All members of the Planning Board shall have voting power on all matters of business.~~

- b) One (1) member of the Planning Board shall reside outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map.
 - c) One (1) non-voting member of the Planning Board shall be a member of the Apex Historical Society and may reside either within or outside the Town's corporate limits. However, the Town Council is not authorizing the Planning Board to operate as a historic preservation commission pursuant to NCGS 160A-400.7.
 - d) All members of the Planning Board, except the non-voting member from the Apex Historical Society, shall have voting power on all matters of business.
- 3) *No elected official or Town employees.* No member of the Town Council or a Town employee shall serve on the Planning Board. To the greatest extent possible, ~~a majority~~ **half** of ~~the~~ membership on the Planning Board should consist of persons with special training or experience in planning, real estate and development, architecture, landscape architecture, and the law.
- 4) *Appointment.* Members shall be appointed as follows:
- a) Regular members of the Planning Board from the ETJ shall be appointed by the ~~Board of County Commissioners of Wake County~~ **Board of Commissioners.**
 - b) Regular members of the Planning Board from the Town shall be recommended by the ~~m~~**Mayor** and appointed by the Town Council.
 - c) The regular member of the Planning Board who resides outside the corporate limits and ETJ, but within the area covered by the Town's 2045 Land Use Map shall be recommended by the Mayor and appointed by the Town Council.
 - d) The non-voting member of the Planning Board shall be recommended by the Mayor and appointed by the Town Council.
- 5) ~~Initial establishment~~ **Terms.** At the initial establishment of the Planning Board, ~~three members shall be appointed for a term of three years, three members shall be appointed for a term of two years, and two members shall be appointed for a term of one year. Thereafter, new appointments~~ **Members shall be appointed** for terms of ~~three~~ **two (2)** years shall be made. No member of the Planning Board may serve more than ~~three~~ **four (4)** consecutive ~~three~~ **two (2)** year terms.
- 6) *Removal.* Any member of the Planning Board shall be removed for cause (neglect of duty, malfeasance, misconduct, or failure to faithfully attend meetings) by the Town Council upon written charge ~~and after a public hearing.~~

- 7) *Filling of vacancy.* Vacancies occurring for reasons other than expiration of terms shall be filled for the period of the unexpired term by the same method as the original appointment.

...

- D) Quorum
No meeting of the Planning Board shall be called to order, nor may any business be transacted by the Planning Board, without a quorum consisting of the majority of the Planning Board's membership excluding vacant seats **and the non-voting member** being present.

...

Section 2. Sections 2.1.2.I, 2.1.3.H, and 2.1.4.I of the Unified Development Ordinance are amended and Sections 2.1.5.C and 2.1.9.C are created to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

2.1.2.I Planning Board, Compensation

The members of the Planning Board shall serve without compensation **as authorized by Town Council in the annual budget.**

2.1.3.H Board of Adjustment, Compensation

The members of the Board of Adjustment shall serve without compensation **as authorized by Town Council in the annual budget.**

2.1.4.I Transit Advisory Committee, Compensation

The members of the Transit Advisory Committee shall serve without compensation **as authorized by Town Council in the annual budget.**

2.1.5 Parks, Recreation, and Cultural Resources Advisory Commission

...

- C) Compensation**
The members of the Parks, Recreation, and Cultural Resources Advisory Commission shall serve with compensation as authorized by Town Council in the annual budget.

2.1.9.C Apex Environmental Advisory Board

...

- C) Compensation**
The members of the Apex Environmental Advisory Board shall serve with compensation as authorized by Town Council in the annual budget.

Section 3. Sections 4.2.2 and 4.4.5.F of the Unified Development Ordinance are amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

4.2.2 Use Table

Use Type	Definition Section	Zoning Districts																				Standards	
		Residential										Business						Planned Development			Other		
		R A	R R	L D	M D	H D S F	H D M F	M H	M H P	M O R R	O & I	B 1	B 2	P C	L I	T F	M E C	T N D	P U D	C B	S D	S T C	Section(s)
Public Accommodation																							
Bed and breakfast	4.3.5.F.1	S	S							S	P		P	P			P	P		**	P*	4.4.5.F.1; 6.3	
Hotel or motel	4.3.5.F.2										<u>P</u>	P	P			P	P	P		**	P*	4.4.5.F.2; 6.3	

4.4.5 Supplemental Standards, Commercial Uses

...

F) Public Accommodation

...

2) Hotel or motel. A hotel or motel shall comply with the following standards:

a) ~~The minimum lot area shall be one acre or the minimum required by the district, whichever is greater;~~

b) ~~The minimum lot width shall be at least 100 feet or the minimum required by the district, whichever is greater; and~~

c) ~~The number of sleeping units shall not exceed one per 1,000 square feet of lot area.~~

a) In the B1 and B2 districts the following standards shall apply:

i. No more than 75 guest rooms for lodging shall be provided.

ii. Guest units shall be reached from an interior corridor.

Section 4. Section 7.1.7 of the Unified Development Ordinance is amended to read as follows with additions shown as bold underlined text and deletions shown as struck-through text:

7.1.7 Substitution of Fees in Lieu of Public Improvements

A) Where, because of topographical features or other conditions peculiar to the site, strict adherence to the provisions of this ~~a~~Article requiring public improvements would cause an unnecessary hardship or provide an unwarranted or unrealistic result, the ~~Planning Board may recommend and the Town Council~~ may authorize that the reasonable cost of such improvement if made be paid into the Town treasury in lieu of the improvement so long

as same can be done without materially altering the intent of this ~~a~~Article; provided, however, the amount of such fee paid in substitution of the public improvement shall reasonably relate to the applicant's fair share of the cost of such public improvements as determined by the Public Works and Transportation Director and the Water Resources Director or some other professional engineer approved by the Town; and provided, further, that the Town Council may in its discretion, use said fee to construct some other public improvement calculated to be of significant benefit to the said property of the applicant either directly or indirectly. Any such ~~recommendation for substitution or~~ substitution authorized as aforesaid shall be recorded in the minutes of ~~both the Planning Board and~~ the Town Council with a statement of the reasoning justifying the substitution.

...

Section 5. The Planning Director and/or Town Manager are hereby authorized to renumber, revise formatting, correct typographic errors, to verify and correct cross references, indexes and diagrams as necessary to codify, publish, and/or accomplish the provisions of this ordinance or future amendments as long as doing so does not alter the terms of this ordinance.

Section 6. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to such section, paragraph, subdivision, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

Section 7. The ordinance shall be effective upon enactment on the ____ day of March 2020.

Introduced by Council Member _____

Seconded by Council Member _____

Attest: TOWN OF APEX

Donna Hosch, MMC, NCCMC
Town Clerk

Jacques K. Gilbert
Mayor

Approved As To Form:

Laurie L. Hohe
Town Attorney

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: UNFINISHED BUSINESS

Meeting Date: March 17, 2020

Item Details

Presenter(s): Colleen Merays, Downtown & Small Business Development Coordinator and David Wood, Halle Cultural Arts Center Manager

Department(s): Economic Development and Parks, Recreation & Cultural Resources

Requested Motion

Review of Apex Special Event Policy and research on other local municipalities

Approval Recommended?

No

Item Details

In my initial research into how other local community governments handle their special event applications. None of the municipalities I spoke to, or reviewed had special event policies that distinguish their event permitting between types of organizers. I will state, most applications where the Town is being asked to close public streets and/or sidewalks they do request the organizer to provide a statement on the public benefit for the closure. Additionally, most Special Event Applications are reviewed on a case-by-case basis and not as a large annual group even those Special Events Applications that are receiving Town service support.

For this initial review I spoke to and reviewed the policies for Fuquay-Varina and Cary, I also researched the policies for Chapel Hill and Hendersonville. Below is a brief synopsis of their Town's processes and links to their various policies and applications:

- **Fuquay-Varina:** Has their Special Event Request & Procedure online (<https://www.fuquay-varina.org/780/Special-Event-Request-Procedure>). Their only fee is \$50 for the Road Closing Permit. For police services they require larger events to hire off-duty officers (<https://www.fuquay-varina.org/569/Off-Duty-Officer-Employment>), but for not-for-profit events those fees may be paid for by the Town; but that is on a case-by-case basis, and there is no charge for trash bins, barricades, electricity, or any other public works/street cleaning services.
- **Cary:** Uses a Temporary Use Permit Application for Special Events (<https://www.townofcary.org/home/showdocument?id=1402>) that has a \$50 fee. For certain events such as a road race or larger special event may require the event organizer to pay for police. They are now in the position where the Planning Department and Heart of Cary Association are suggesting, new events consider the possibility of locating their event in a park or



another portion of Cary versus Downtown. This is due to the continued impact on the brick-and-mortar businesses in Downtown Cary and the constant closing of the main road in and out of Downtown.

- **Chapel Hill:** Has their Special Events Policy online (<https://www.townofchapelhill.org/home/showdocument?id=42176>) as well as their application (<https://www.townofchapelhill.org/home/showdocument?id=42180>). Additionally, they require the event to obtain and pay for their own security, waste disposal, vendor permits, street closure permits, and other applicable permits. Additional, detail about their process can be found here (<https://www.townofchapelhill.org/government/departments-services/community-arts-and-culture>).
- **Hendersonville:** They have their Special Events Policy online (https://www.hendersonvillenc.gov/sites/default/files/uploads/special-events/coh_specialeventpolicy_2019.pdf) as well as their application (https://www.hendersonvillenc.gov/sites/default/files/uploads/special-events/coh_special_event_app_only_2019.pdf). Additionally, the Henderson County Sheriff's department has a separate request application for Community Events.

Attachments

- Town of Apex - Special Events Policy Final
- Cary Temp Use Permit Application
- Chapel Hill - Outdoor Special Event Rules and Requirements
- Special Event Application – Town of Chapel Hill Community Arts & Culture
- City of Hendersonville - Special Events Policy
- Special Event Application – City of Hendersonville



For office use only:

Method of Payment: CASH ____ CHECK ____ CREDIT CARD ____ Amount: \$____ P&Z HTE# ____

TEMPORARY USE PERMIT APPLICATION

Completed applications should be submitted to the Development Services Department **at least two weeks prior to the planned event**. All applicants should please read the following requirement instructions before completing the application. **Incomplete applications may increase the permit processing time. If a person other than the property owner signs this application, written authorization from the property owner must be attached.**

A site plan/diagram (11x17" maximum) of event property MUST BE ATTACHED (see attachments)

STRUCTURES

- ☐ Construction Trailer
- ☐ Real estate office/model home
- ☐ Temporary Classroom
- ☐ Portable Medical Equipment
- ☐ Other (please describe) _____

SALES

- ☐ Agricultural products grown off-site
- ☐ Non-agricultural products
- ☐ Fireworks

EVENTS

- ☐ Special event (over 100 people)
- ☐ Athletic (walk/ride) event
- ☐ Town recognized event

Name of Event

Location of Event (exact street address)

Applicant name _____ (Please print clearly)

Email address _____
(Completed permits will be emailed to this address unless otherwise requested)

Address _____ Zip _____

Best Contact Phone _____ Sound amplification hours _____

Set-up/start time/date _____ Clean-up/end date/time _____

Events Only	Will food or goods be sold? (circle Yes No)	Will alcohol be sold? (circle Yes No)
	Security or Traffic direction & control provided by Cary Police or private agency? (circle Cary Private)	
	Private agency name & phone, if applicable: _____	
	Will any Town property be used (i.e., streets, parks, greenways)? _____	
	Will animals be restricted? (circle Yes No)	Prohibit Fireworks? (circle Yes No)

I hereby certify that the information contained in this application is true to the best of my knowledge and I further certify that this event will be conducted per all applicable local laws. I understand that failure to address any item listed on this application shall result in the application being returned to me for revision and resubmission. I certify that I have received the attached information concerning the regulations for Temporary Uses. I certify that I have notified all adjoining property owners of the planned temporary use.

Applicant's name (print)

Signature

Date

TEMPORARY USE PERMIT PROCEDURES AND SUBMITTAL REQUIREMENTS

The Town of Cary requires a Temporary Use Permit, approved by the Planning Department, for various uses. The applicant should contact Town departments directly to make arrangements for public safety personnel or Town property for the event. A list of departments and phone numbers are located at the bottom of this page. Failure to make timely arrangements may cause denial of the permit if the Town feels the public health or safety may be affected, or that inadequate steps have been taken to insure that no property damage will be done to Town property. Submittal requirements for Temporary Use Permits include:

Submittal Requirement	Const. Trailer	Sales/Model Home	Temporary Classroom	Portable Medical	Sales	Special Events	Walk/Ride Events
Completed Application	X	X	X	X	X	X	X
Property Owner Notification/Permission				X	X	X	X
Affidavit verifying adjoining property owners were notified						X	X
Sketch Plan (11"x17" maximum size) depicting the following:							
• Location, size & color of all temporary structures	X	X	X	X	X	X	X
• Traffic & pedestrian circulation				X	X	X	X
• Parking for Temporary Use	X	X			X	X	X
• Required Landscaping/underskirting	X	X					
• Location of all permanent structures	X	X	X	X	X	X	
• Location of all setbacks & buffers	X	X	X	X	X	X	
• Location & distance to nearest utilities		X					
• Location, size and colors of temporary signage	X	X	X	X	X	X	X
Complete Routes						X	X
Security Plan						X	X

GENERAL REQUIREMENTS FOR ALL TEMPORARY USES AND STRUCTURES

- Permanent alterations to the site are prohibited. At the conclusion of the event, the property must be restored to pre-event status. This includes removal of all temporary structures and the removal of debris.
- The temporary use or structure will not violate any applicable conditions of approval that applies to a principal use on the site.
- Temporary structures must be located outside any rights-of-way, buffers, or streetscapes.
- If the property is undeveloped, it contains sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic movement that may be associated with the temporary use, without disturbing protected resources, including required buffers.
- If the property is developed, the temporary use must be located in an area that is not actively used by an existing approved principal use, and which would support the proposed temporary use without encroaching or disturbing existing buffers or required setbacks from buffers or streetscapes, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- Tents and other temporary structures will be located so as to not interfere with the normal operations of any permanent use located on the property.
- Off-street parking is provided in accordance with the requirements set forth in the Land Development Ordinance.
- All inspections and permits required by applicable construction codes must be made and approved by the Inspections and Permits Department.
- Applications for temporary structures to be located in or near the one percent (1%) annual chance floodplain will be required to submit a plan to the Stormwater Management Engineer for the removal of such structure(s) in the event of a hurricane or flash flood notification. The plan must include the following information:
 - (1) The name, address, and phone number of the individual responsible for the removal of the temporary structures.
 - (2) The time frame prior to the event at which a structure will be removed;
 - (3) A copy of the contract or other suitable instrument with a trucking company to insure removal equipment when needed; and
 - (4) Designation, accompanied by documentation, of a location outside the floodplain to which the temporary structure will be moved.

Department	Phone	Purpose
Police Department	919-460-4901	To arrange for police assistance in traffic control, parking direction, route layout, etc. If Cary police officers will be needed, whether off or on duty, arrangements must be made no less than four weeks prior to the event.
Inspections & Permits	919-469-4351	Any tent 200 square feet (tents have sides) or any canopy 700 square feet (canopies do not have sides) will require a fire inspection and issuance of a North Carolina Fire Code Permit.
Permits and Inspections	919-469-4340	To apply for permits for stages or other types of temporary structures as well as for permits for temporary power needed for the event.
Public Works and Utilities	919-469-4361	To arrange for barricades, trash and/or rubbish removal by the Town, including arrangements for dumpsters.
Parks, Recreation, and Cultural Resources	919-469-4061	To arrange for using Town property, such as parks, greenways, Page Walker Arts & History Center, Community Centers, etc..

Temporary Use Permit Quick Reference Table

	Temporary Use	Use Specific Standards	Maximum Time Frame	Signs Permitted
Structures	Construction Trailer	<ul style="list-style-type: none">Underskirting required around trailerBuilding permit requiredParking required on the same lot/parcel	1-3 years	<ul style="list-style-type: none">Signs shall be located only on private property and only on such property where the activity is taking place.Only one (1) such sign per public street frontage.Ground sign shall not exceed forty-two (42) inches in height and sixteen (16) square feet in area per side, orIf attached to a wall, shall not exceed thirty-two (32) square feet in area per side.Signs shall be erected no sooner than five (5) days prior to and shall be removed no later than one (1) day following the activity.
	Sales/Model Home	<ul style="list-style-type: none">Must be aesthetically compatible with character of the communityParking must be provided on the same lot for at least one employee, one handicapped and one visitor spaceParking must be screened with minimum 24" shrubsA handicapped accessible restroom must be providedConnection to Town utilities required if within 450 feetFor single-family developments, at least three hundred (300) square feet of evergreen plantings must be provided around the base of the temporary use; one (1) upper-story tree shall be provided per forty (40) feet of street frontage of the lot on which the structure is located; and one (1) ornamental tree shall be provided per twenty (20) feet of street frontage	1-3 years	
	Temporary Classroom	N/A	N/A	
	Portable Medical Equipment	N/A	24 hours/week up to 1 year	
	Agricultural Product Sales	<div>The temporary sale of agricultural products grown off-site may be accomplished from a vehicle, trailer, or shipping container</div>	180 days and no more than three (3) occurrences per parcel per calendar year.	
Sales	Non-Agricultural Product Sales	<ul style="list-style-type: none">Peddler's license is requiredMust take place on a developed site where the principal use is retail sales, or on an immediately adjacent developed out-parcelGoods are limited in scope to similar or complimentary products, goods, and/or services to those offered by the principal useTemporary sales are limited between 7:30 a.m. and 10 p.m., or the same hours as the principal use, whichever is more restrictiveTemporary structures must match the predominant color of the principle structure or be of a neutral or earth tone colorThe temporary use will not occupy any existing parking required for the principal use	90 days and no more than three (3) occurrences per parcel per calendar year.	
	Firework Sales	<ul style="list-style-type: none">Temporary sales of fireworks must meet all requirements for temporary sale of non-agricultural goods; however, the temporary sale of fireworks are exempt from the similar product provisions		
	Special Events	<ul style="list-style-type: none">Adequate plan for security and safety must be implemented on, and around, the site of the event, including staffing, provision for pedestrian safety, restroom facilities (if necessary), traffic routing and emergency vehiclesAdequate plan for public health, safety, and welfare on, around, and outside the site of the event shall be implemented, including a showing that the event will not likely cause interference with the movement of emergency vehicles to such an extent that adequate police, fire, or other emergency services cannot be provided throughout the Town and will not likely cause unreasonable or unwarranted disruption to vehicular or pedestrian traffic		7 days per calendar year
Walk/Ride Events	N/A			
Town Sponsored Events				

STAFF USE ONLY

This is to advise you that your request for a Temporary Use Permit is **approved / denied** subject to the following:

- ☐ This approval is valid from _____ to _____.
- ☐ Any changes in event time or event plans are to be communicated to the Planning Department at (919) 469-4046.
- ☐ One temporary sign, 16 square-feet in area (per side) and a maximum of 42 inches in height is permitted in association with this event. If the sign is attached to a building, a maximum of 32 square feet in area per side is permitted. The sign shall be erected no sooner than five (5) days prior to the event and shall be removed no later than one day following the event. No other attention getting devices such as flags banners or balloons or off site signs shall be permitted.
- ☐ It is important that a safe environment is provided for the community during your event so if you plan to utilize electric energy to power any devices, appliances or equipment you may need an electrical permit no matter of the electrical power source (building outlets, generator or a temporary power board). Examples of electrically energized devices, appliances or equipment include lighting, tent lighting or exit lighting, sound amplification equipment, electrical cooking equipment, amusement rides, electric games or musical instruments. Please note that all outdoor electrical outlets supplying electrical power for equipment to be used by persons must be ground-fault circuit-interrupter (GFCI) protected. Do not use extension cords plugged into indoor electrical outlets as these receptacles are not likely GFCI protected. The State Electrical Code requires that temporary electrical installations which require an electrical permit must be inspected and approved prior to using. Questions regarding the North Carolina Electrical Code and electrical code requirements can be addressed to Gary Stafford, Town of Cary Chief Electrical Inspector at 919-469-4346 or gary.stafford@townofcary.org. A copy of the Commercial Application is available on our website at www.townofcary.org if needed.
- ☐ It is important that a safe environment is provided for the community during your event so if you plan to use a stage, raised platform or bleachers a building permit is required. Along with the completed Commercial Application you must provide the installation instructions and the third-party compliance report for equipment utilized or a stamped and signed design by a North Carolina design professional (architect or engineer) or a design compliant with ICC 300 for bleachers. Questions regarding the North Carolina Building Code and building code requirements can be addressed to Doug Beninate, Town of Cary Chief Building Inspector at 919-469-4345 or doug.beninate@townofcary.org.
- ☐ Your tent(s) requires an inspection by the Fire Dept. and a North Carolina Fire Code tent permit. Contact Kenneth Caudle at (919) 469-4351 approximately (3) days prior to schedule the inspection and issuance of the tent permit.
- ☐ It is your responsibility to obtain any necessary ABC permits for outside alcohol sales.
- ☐ Between 8 a.m. and 9 p.m. noise levels must not exceed 60 decibels, from any point on the closest residential property. After 9 p.m. and up to 8 a.m. noise levels may not exceed 50 decibels.
- ☐ No part of this event shall encroach into any areas designated for buffers, setbacks or public Right-of-Way along _____.
- ☐ Temporary use must be located in an area that is not actively used by an existing approved principal use, and which would support the proposed temporary use without encroaching or disturbing existing buffers or required setbacks from buffers or streetscapes, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- ☐ Adequate off-street parking is required for all employees, volunteers and participants of this event.
- ☐ This permit is contingent on your obtaining a building permit from the Inspections and Permits Department for non residential use of this home and to ensure the structure and bathroom meet NC State Building and Handicapped Accessibility Codes.
- ☐ Off-street parking shall be provided for at least one employee, one handicapped accessible space and one visitor space. Parking areas shall be screened from off-site views with evergreen shrubs. These plants shall be a minimum of 24 inches tall at the time of installation. When at all possible, all parking spaces shall be provided on the lot of the sales office or model unit. If parking is to be provided on an adjacent lot, the adjacent parking lot shall be removed and restored to its pre-parking lot status within 90 days of the model home being sold.
- ☐ The handicapped assessable Porta-John must be screened with brick walls or similar materials which match the home, and are at least as tall as the Porta-John. Access to the restroom facility shall meet North Carolina State Building and Handicapped accessibility codes. Contact David Thomas in Inspections and Permits at 460-4046 for additional information.
- ☐ Underskirting shall be installed around all temporary structures requiring site plan approval.
- ☐ This trailer is limited to use by employees and subcontractors and shall not be open to the general public, used for real estate transactions, membership, or hiring for the future principal use of the site. Adequate off-street parking for all employees is required.
- ☐ Place temporary structures in compliance with building setbacks and in a manner so not to interfere with normal operations of the permanent use located on the property. Structure should not be placed within any right-of-ways, buffers, or vehicular use areas (including ingress/egress) as designated on the site plan
- ☐ At the conclusion of the event, the property shall be completely restored to pre-event status. This includes the removal of all temporary structures and the removal of all debris.
- ☐ A copy of this letter shall be kept on site throughout the duration of this event.
- ☐ Other _____

Staff Name

Staff Signature

Date

Outdoor Special Event Rules & Requirements



COMMUNITY
ARTS & CULTURE

ACTIVITIES FOR PROFIT:

Admission may **not** be charged for entrance into Town-owned or controlled areas and facilities by private individuals and/or for profit organizations. Special exemptions may be made when entering into a cooperative agreement with the Town. The applicant must submit evidence to the Town Manager, or his designee, that the event constitutes a community service.

A NOTE ON FREE SPEECH:

The Town of Chapel Hill encourages free expression of ideas. No permit is required for non-commercial speech activities, but notification of Town officials and reservation of Town facilities is **required** to avoid conflict with other events. Any of the above stated activities that relate to free speech issues including picketing are specifically covered by other parts of the Town Code, and are subject to different requirements. If you have any questions about a particular event or activity, whether a permit is required, or what type of permit is required, please contact: Community Arts & Culture, artsandculture@townofchapelhill.org.

CONTENTS:

1. Town Parks
2. Noise
3. Security
4. Public Safety
5. Site Plan/Route Plan
6. Accessibility Plan
7. Parking / Shuttle Plan
8. Parades / Runs / Walks
9. Block Parties
10. Tents & Other Structures
11. Street, Lane, and Sidewalk Closures
12. Mitigation of Impact Requirements
13. Electricity
14. Vending
15. Food Sales
16. Alcoholic Beverage Sales & Consumption
17. Portable Toilets
18. Sanitation
19. Insurance & Liability
20. Marketing & PR
21. Fireworks

1. TOWN PARKS

The Town Park Fees are duly noted in the Chapel Hill Parks & Recreation Department User Fee Policy. Any Special Event utilizing a Town Park and/or accessing a portion of a Town Park is subject to the Town Park User Fee. Parking on the grass in any Town Park is strictly prohibited. Violators will be towed at the owner's expense. This includes Event Organizers and producers. All Town Parks have sundown curfew unless authorized for extended hours by the Director of Parks and Recreation. *(Soccer and softball ball fields and other special facilities may require additional fees.)*

2. NOISE

Permission to include music or amplified sound, including megaphones, as part of a special event may be given, provided that compliance with the Town's noise ordinance is assured (see Article III, Section 11-39 on Maximum permitted steady-state sound levels and Article III, Section 11-39.1 Nuisance Noise).

*([Application for Permit to Exceed Sound Limits](#)) Event Organizers should be sensitive to local businesses when preparing sound equipment for special events and are highly encouraged to perform sound checks and other same type activities after business operating hours (**5:00pm**). The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event. **Complaints of loud, disturbing, or unnecessary noise will result in the immediate revocation of the permit by the Town of Chapel Hill Police Department.**

3. SECURITY

As an Event Organizer, you are required to provide a safe and secure environment for your event. This is accomplished through detail preplanning by anticipating potential problems and concerns related to the event activities and surrounding environment. The size, type, time of day and location of your event, as well as the overall activities are all areas that need to be analyzed in depth and addressed through your security plan.

A representative of your event should make preliminary recommendations to rectify the concerns and/or potential problems and recommend the number of private security guards needed at your event.

If the Host Organization fails to meet security requirements for the event, or if security provided proves inadequate, the Chapel Hill Police Department maintains the right to shut down any or all components of the event and/or to provide additional police services that will be billed directly to the Host Organization at a minimum rate of \$30.00 per hour with a minimum of 3 hours per officer.

Many events will require the employment of a minimum of (2) two off-duty Chapel Hill Police Department officers for the event. **Contact the Chapel Hill Police Department at (919) 968-2760 for more information**

4. PUBLIC SAFETY

In compliance with the North Carolina State Fire Prevention Code, the Chapel Hill Fire Department requires any event with expected attendance over 300 persons to develop an Emergency Action Plan for provision of safety services, both for the participants of the event and for persons directly or indirectly affected by the event.

An Emergency Action Plan, or EAP, defines the coordination of necessary actions by the Host Organization and the responsible municipal, county, and State officials to provide for timely notification, warning, and evacuation in the event of an emergency.

Your EAP must be tailored to site-specific conditions as required by the Chapel Hill Fire Department before a permit can be issued. The deadline for submission of an EAP is no later than 14 days in advance of the event. The EAP outline should adhere to the following standard rules of order:

1. General Summary Paragraph
2. Purpose of Emergency Action Plan
3. Assumptions of Emergency Action Plan
4. Basic Plan
 - a. Event Director Contact: Name & Number
 - b. Emergency Notification Procedure
 - c. Severe Weather Every EAP must include reference to the “30/30 Rule for Lightning” (when length of time in seconds between a lightning flash and its subsequent thunder is 30 seconds or less, remain under cover until 30 minutes after the final clap of thunder).
 - d. Fire
 - e. Medical Emergencies
 - f. Law Enforcement
 - g. Emergency Vehicle Access
 - h. Evacuation or Egress
5. Event Emergency Contact Information (Primary, Secondary, Police, Fire & Rescue)
6. Event Area Map

In an effort to help you determine the appropriate medical services for your event, see on the next page, a matrix of Emergency Medical Services Resources & Fire Rescue to be provided.

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PUBLIC SAFETY RESOURCE MATRIX

In an effort to help you determine the appropriate medical services for your event, the following matrix of Emergency Medical Services Resources & Fire Rescue is provided. **Contact the Chapel Hill Fire Department at 919-968-2781 for additional information.**

Event Type	Anticipated Crowd Size	Knowledge of 911 Access and CPR	Basic First Aid Stations	First Aid Stations Including EMT	First Aid Stations Including Paramedic	Ambulances	Mobile Teams	Fire Rescue	Fire Marshall
Concert Music Festival Block-Party Street-Fair Outside Venue	Less than 1,000	R	R	S					
	1,000 to 3,000	R		R		S			
	3,000 to 12,000	R		R	S	R	R	S	
	Over 12,000	R			R	R	R	R	R
Athletic-or Sporting Event	Less than 1,000	R		R					
	1,000 to 3,000	R	R	R	S	S	S	S	
	3,000 to 12,000	R			R	R	R	R	
	Over 12,000	R			R	R	R	R	S
Parade	Less than 1,000	R			S				
	1,000 to 3,000	R	R	S		S	S	S	
	3,000 to 12,000	R	R	R	S	R	R	R	
	Over 12,000	R		R	R	R	R	R	S
R = Required Resource. (Multiple resources should be considered depending on boundaries of event or size of crowd.) S = Suggested Resource (Suggested resource intended to ensure safety of participants.)									

5. SITE PLAN/ROUTE MAP

To ensure appropriate review of your event, a site plan should be included in your special event application. It is preferred that you submit computer assisted drawings (CAD) of your event site. If CAD plans are not possible, your site plan should be produced in a clear and legible manner. Site plans should be submitted in an 8 ½" x 11" or 8 ½" x 14" standard format. Site plans/route maps should include location of all barricades, tents, portable/prefabricated and site built structures such as stages, platforms and bleachers, vendor booths, portable restroom facilities, electrical supply points, generators and key equipment locations, emergency egress and evacuation routes which are integral to the production of the event.

Based on your event plan and components, Chapel Hill Fire Department may require an inspection of your event site before and/or during the event

6. ACCESSIBILITY PLAN

As an Event Organizer, you are required to comply with all Town, County, State and Federal Disability Access Requirements applicable to your event.

All temporary venues, related structures, and outdoor sites for special events shall be accessible to persons with disabilities. If a portion of the area cannot be made accessible, an alternate area shall be provided with the same activities that are in the inaccessible areas. It cannot, however, be offered only to patrons with disabilities.

Disability access may include parking, restrooms, and telephones, clear paths of travel, transportation, signage, accessible vendors and booths. If all areas are not accessible, a map or program must be provided to attendees indicating the accessible restrooms, parking, telephones, drinking fountains, etc.

7. PARKING AND SHUTTLE PLAN

It is strongly suggested that you have a plan in place for the safe arrival and departure of event attendees, participants and vendors. As an Event Organizer you should develop a parking and/or shuttle plan that is suitable for the environment in which your event will take place and remember that parking, traffic congestion and environmental pollution are all factors of concern with events. Parking Services reviews all large events taking place downtown to determine if it is appropriate to institute special event rates. Any event estimating over 1,000 in participation may justify special event parking increases within Town parking decks. This increased parking rate helps to supplement lost meter revenue for downtown street closures. You should include the use of carpools, public transportation and alternate modes of nonpolluting transportation whenever possible. You must always include wheelchair accessible parking and/or access in your event plan.

8. PARADES/RUNS/WALKS

Groups or organizations wishing to hold a parade, run or walk that will impede the flow of pedestrian or vehicular traffic must secure a parade/run permit. Please complete the Application for Parade / Run Permit. *([Chapel Hill Police Department Application for Parade/Run](#))

9. BLOCK PARTY

Residents of the Town of Chapel Hill may apply for a street closure for the purpose of holding block parties. Along with the [Outdoor Special Event Application](#), the event coordinator must provide a traffic plan and/or site map showing the re-direction of traffic flow around the requested closure, locations of all directional/detour signage, location of barricades, and a signed petition by the homeowners that will be affected by the closure. The petition must state the date, time, and location of the block party.

Block party petitions will be approved subject to the following conditions:

- All residents in the block must be contacted.
- At least 60% of the households must sign the petition. All petitioners must be at least 21 years of age.
- One or more individuals accept responsibility for clean-up of litter at the completion of the block party
- One or more individuals accept responsibility for receiving directives from the Police Department, Fire Department, or other Departments.
- No residents' vehicles will be denied access to or from their homes during the hours of the block party.
- The street closing not affect fixed route public transportation
- Fire, police and rescue vehicles must be permitted access at all times during the block party.
- All barricades must be manned during full hours of closure.
- The block party is subject to the Town Noise Ordinance.
- The petitioners agree to a hold harmless agreement.

To receive a permit for a block party please complete the [Outdoor Special Event Application](#).

Contact the Chapel Hill Police Department at (919) 968-2760 for more information.

10. TENTS & OTHER STRUCTURES

The North Carolina State Building and Fire Codes regulate the construction and placement of any structure, including tents, canopies, and shelters constructed of canvas or other pliable materials no matter how supported. Erecting tents without the required Fire prevention permits may result in fines, orders to remove the structures, and other possible penalties. Tents with cooking or open flame shall be required to have an attached label indicating flame resistance by NFPA, North Carolina State Fire Marshall, or other approved testing agency, regardless of size.

Organizers of Special Events that take place in the Town of Chapel Hill must be aware of the permitting process for tent structures as indicated above. This applies to all Events regardless of their sponsorship status. Organizers are responsible for making sure that permits are applied for and in place prior to the Event date. The Organizer must have a copy of the approved Fire Permits (as applicable) on site during the course of the event.

The [Town of Chapel Hill Fire Department Tent Permit Application](#) must be accompanied by a site plan.

Requirements for tents include:

- No tents may be staked into asphalt.
- All tents must be secured or weighted down at all corners.
- No tent may be erected in front of a building used as a place of public assembly, within fifteen feet (15 feet) of a fire hydrant, or in any way obstructing any building exit or doorway.

- Tents may not block streets. A minimum of 20 feet clearance must be maintained on all streets.

- All tents must be inspected and approved before occupancy or use by the public. All tents large than 200 square feet, or canopies in excess of 400 square feet will require a permit *([Town of Chapel Hill Fire Department Tent Permit Application](#))

At least one UL rated 2A: 10B:C extinguisher shall be provided for all tents exceeding 400 square feet or any size tent where there is cooking. Additional extinguishers may be required after the inspection. (Continued on pg. 12) LP Gas use shall be restricted to cylinders no larger than 125 gallons water capacity (100 pounds of gas). Cylinders shall be adequately secured to prevent over turning. Cylinders may not be secured to items such as fire hydrants, temporary electric poles or barricades. Cylinders may be secured to the grill, a tent post, a table placed in a container with a flat bottom such as a plastic carton, a signpost or permanent electric pole.

For more information call the Chapel Hill Fire Department at (919) 968-2781 in advance of the event

11. TOWN STREET, LANE & SIDEWALK CLOSURES

If your event involves street or sidewalk closures, you will be required to obtain traffic and/or pedestrian safety equipment as well as proper detour signage at approaching intersections and crosswalks. Depending upon the type of event, you may need barricades, traffic cones, directional signage, etc. It is your responsibility to obtain and properly place this equipment prior to the beginning of your event. Street/Sidewalk closings require the use of traffic control devices as set forth in the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (<http://mutcd.fhwa.dot.gov>)

Along with the Outdoor Special Event application, the Event Organizer must complete the [Town of Chapel Hill Engineering Departments Permission Request Form for Street/Lane/Sidewalk Closure Permit Application](#) and provide a traffic plan and/or site map showing the re-direction of traffic flow around the requested closure, locations of all directional/detour signage and location of barricades, egress and evacuation routes. Separate diagrams maybe required with regards to set up and break down intervals. Additional charges may apply to a Street/Lane/ Sidewalk Closure as determined by Traffic Engineering, including the cost of closing parking meters, renting barricades, cones or for other town resources.

No posters, signs or similar materials may be attached to or placed on barricades. For emergency purposes barricades shall not be blocked in any manner and must be monitored by an assigned representative at all times. Vehicles obstructing barricades or fire lanes will be cited for a violation of the fire code and may be towed and stored at the owner's expense. Sidewalks are to be used for public refuge and pedestrian traffic only and must remain clear and unobstructed in case of emergency (unless the closure permit specifically states that the sidewalk is to be closed, or if the sidewalk is within the festival boundary area where streets are closed for a special event). Event Organizer must maintain a twenty (20) foot lane on all blocked streets/roads for emergency vehicle access.

For more information call Chapel Hill Engineering at (919) 968-2833 in advance of the event.

12. MITIGATION OF IMPACT

As an Event Organizer, you are required to develop mitigating measures to accommodate the negative impact your event may have on entities that may be affected by your activities. Most neighborhoods and business districts are represented by a number of community groups that are officially recognized by the Town of Chapel Hill. These groups include; Home owners Association, Community Planning Groups, Town Councils, Business Improvement Districts, and Recreation Councils. If your event venue is in an area that is governed by one or more of these groups, you must present your event concept to these organizations for their support or endorsement.

For any event of significant impact, the Town of Chapel Hill requires that notices be mailed or hand delivered 30 days in advance of the event to all entities impacted by the event activities. A copy of this notice should be included with your event application. Information in this notice should include, but not be limited to, the date(s), day(s), time(s), location(s) and types of activities taking place during your event. The notice must also give detour or alternate route information if regular access is affected or if transportation systems are impacted. The notice also must include a telephone number where members of the public can contact your organization if they have concerns or issues that need to be addressed both prior and during the event.

The Town of Chapel Hill may also require you to provide advisory signs placed a minimum of two weeks prior to your event if the event impacts a major use roadway. Advisory signs are intended to provide advanced notice to the regular users of a roadway of the scheduled closure.

13. ELECTRICITY

A licensed electrician contracted by the Event Organizer must provide for any and all electrical requirements beyond those, which already exist at the proposed event location. Any and all additional electrical work installed at the proposed event location must be inspected and approved by the Town of Chapel Hill Inspections Department. Specific requirements for the use of electricity must be submitted and approved at the time of application for a special event permit. All portable generators must be installed in accordance with the manufacturer's instructions. If grounding is required or recommended by the manufacturer, a licensed electrician will be required. Power provided by extension cords from a building shall not pass through doorways or windows but shall be supplied by an exterior outlet, which is protected by a Ground Fault Circuit Interrupter (GFCI). Extension cords shall be grounded and shall not be placed over walking surfaces without proper covering devices. Proper fire extinguishers must be supplied.

Contact the Inspections Department to discuss electrical requirements at (919) 968-2718.

14. VENDING

The Event Organizer is responsible for procuring vendors for the event. All vendors may be identified with uniform identification indicating that they are a part of the event. Event Organizers are to assure all vendors selling merchandise (including food vendors), to secure Specialty Market Privilege License with the Town of Chapel Hill. Vendors must provide copies of their privilege license to the event organizer to be submitted with Outdoor Special Event Application. [See Vending at Special Events – Check List.](#)

15. FOOD SALES

Health Department inspections are now required for the sale of all food at all events. It is the responsibility of the event organizer to contact the Orange County Health Department four weeks prior to the event and advise them of your food vendor participation. **Contact the Orange County Health Department with any questions regarding health inspections at (919) 245-2360.**

The Event Organizer should understand the following:

- The Event Organizer is responsible for attaining a TFE Application (Temporary Food Establishment) form the Orange County Health Department and distributing to any and all food vendors participating in your event.
- Event Organizer is responsible for following all rules and regulations regarding any food preparation and service as established by the Orange County Health Department.
- A fee may be required per booth per event.
- Inspectors have the right to close booths operating outside of health regulations.
- All permits must be clearly displayed.
- Beverages must be served in paper or plastic cups.
- Event Organizer is responsible for all clean-up including grease removal.

16. ALCOHOLIC BEVERAGE SALE & CONSUMPTION

TOWN CODE, Chapter 3, Sec. 3-5: **Possession and consumption of malt beverages and unfortified wines at special events in municipal parking lots and on the top level of the Wallace Parking Plaza.**

Notwithstanding the provisions of sections 3-2, 3-3, and 3-4, of this Code, the sale, purchase, and possession of malt beverages and unfortified wines, the possession of open containers of malt beverages and unfortified wines and their consumption shall be lawful on the Rosemary/Columbia lot and on the top level of the Wallace Parking Plaza when approved as part of a special event approved by the town council. The council shall by resolution establish rules and regulations for those events.

Both the Town of Chapel Hill by Ordinance and North Carolina by State Law regulate the possession, sale and consumption of alcoholic beverages. Special permits and licensing are unconditionally required for the sale and consumption of alcoholic beverages at an Outdoor Special Event held in the Town of Chapel Hill. Any event that includes the possession of alcohol is required to have a minimum of two (2) CHPD officers at coordinators expense in attendance.

If your event includes the use of alcohol on town property, Liquor Liability Coverage must be included on your certificate of insurance. The Event Organizer is responsible for filing for and obtaining all required permits and special licenses.

The four-part approval process includes:

Step 1 – Approval by Chapel Hill Town Council

Step 2 – Approval by the North Carolina Alcoholic Beverage Control Commission

Step 3 – Liquor Liability Coverage (see Insurance & Liability)

Step 4 – Hiring of Chapel Hill Police Department

17. PORTABLE TOILETS

It is the responsibility of the Event Organizer to provide adequate on-site toilets to facilitate the specific needs of their event. It is recommended that you provide one (1) chemical or portable toilet for every 250 people, or portion thereof who attends your event. Ten percent (10%) of these facilities must be ADA accessible. This figure is based upon the maximum number of attendees at your event during peak time. The location and delivery schedule for portable restrooms must be approved in advance by Chapel Hill Parks & Recreation. All portable toilets must be maintained daily if contracted for a multiple day event. **For more information contact the Orange County Health Department at (919) 245-2360.**

18. SANITATION

As an Event Organizer, you must properly dispose of waste and garbage throughout the term of your event and immediately upon conclusion of the event the area must be returned to a clean condition. If you, as an Event Organizer set a standard of leaving the venue better than you found it, you can have a highly beneficial impact on the Chapel Hill community. If domesticated animals are allowed to be present during the event, the Event Organizer will be fully responsible for the collection and proper disposal of all waste generated from the animals. Farm animals and undomesticated animals are restricted in proximity to residences and businesses.

Sanitation reserves the right to require a clean-up deposit in the amount of \$250.00 for any special event on Town or public property. Should you fail to perform adequate cleanup or damage occurs to city property and facilities due to your event, you will be billed at full cost recovery rates plus overhead for cleanup and repair. In addition, such failure may result in denial of future approval for an Outdoor

Special Event permit or the requirement of an increased cash deposit or surety bond for future events. The city does not provide street sweeping services for special events, so please plan accordingly.

It is recommended that the Event Organizer bring extra trash receptacle liners to replace full bags in permanent town receptacles. If Sanitation services are supported through a co-sponsorship agreement by the Town of Chapel Hill, all trash should be bagged, secured and placed in a central location for pickup. If additional trash barrels are provided within this agreement, trash barrels should be emptied and stacked in the area they were delivered.

Regarding responsibility for proper disposal of cooking oil and grease:

- The Event Organizer is responsible for arranging for the proper disposal of cooking oil, grease, tar, paper, food service matting and other similar waste, with a specialized private service agency.
- Improper disposal or spills may be classified as a hazardous waste and result in fine

19. INSURANCE AND LIABILITY

The Event Organizer must furnish a fully paid liability damage insurance policy procured from a company licensed to conduct business in North Carolina listing the Town of Chapel Hill as the Certificate Holder as well as Additional Insured. Remember that this must be listed as:

Town of Chapel Hill

405 Martin Luther King Jr. Blvd

Chapel Hill, NC 27514

All Event Organizers with co-sponsorship status are required to provide documentation of General Liability, Workers Compensation, Automobile Liability and if event includes alcohol, Liquor Liability Coverage. General Liability and Liquor Liability Certificates must list the Town of Chapel Hill as the Certificate Holder, as well as Additional Insured.

All food vendors participating in a cosponsored event by the Town of Chapel Hill must also adhere to these insurance requirements and will not be permitted to participate without satisfying the Town of Chapel Hill to this regard.

These policies must protect the Town of Chapel Hill, its officers, officials, employees and agents from any and all claims for damages to property and/or bodily injury which may result from or in connection with any of the operations carried on by the permittee of the Festival or Special Event. The Town of Chapel Hill must receive a copy of all policies before the Outdoor Special Event permit will be issued.

Insurance requirements are as follows:

Commercial General Liability:

Per Occurrence \$1,000,000

Personal & Advertising Injury \$1,000,000

Products/Completed Ops. \$1,000,000

General Aggregate Limits vary depending on size, location and type of event. Minimum limits for this coverage will be \$1,000,000

In addition to these minimum requirements, co-sponsored events by the Town of Chapel Hill require additional coverage, based upon the type of event, up to the following limits:

Automobile Liability – Including Owned, Hired and Non-Owned Vehicles

Combined Single Limit Per Accident \$1,000,000

(Bodily Injury and Property Damage)

Workers' Compensation – Statutory

Employer' Liability

Each Accident \$100,000

Disease - Policy Limit \$500,000

Disease – Each Employee \$100,000

Liquor Liability

Limits Vary Depending on Size, Location and Type of Event

Minimum Limits for This Coverage Will Be \$2,000,000

The Town of Chapel Hill at its discretion may waive the insurance requirements for small events.

20. MARKETING & PUBLIC RELATIONS

Please ensure that you have conditional approval of your event before you begin to promote market or advertise the event. Conditional approval may be made after your Outdoor Special Event Application has been submitted to the Town of Chapel Hill and initially screened by the Outdoor Special Events Team. Acceptance of your Special Event Application by the town is not a guarantee of the date and location, or an automatic approval of your event. The Event Organizer must complete the application requirements entirely before the Town of Chapel Hill will issue a Special Event Permit.

Due to the many changing components of an event, most Special Event Permits are issued only a few days in advance of the event date.

If you anticipate distribution of promotional materials within the event area, it is important that you consider a limit to the placement and/or distribution of flyers, stickers and signage. Items of particular concern are those that may damage public and private property, violate city sign code ordinances, or which may be difficult to clean or remove from the area.

5.14.3 Signs Exempt from Regulation:

Public event announcements by public or non-profit organizations of special events or activities of interest to the general public provided such signs do not exceed one sign per site of such events or activities nor twelve (12) square feet in area per display surface, and are removed within fourteen (14) days of erection.

Banners may be hung in conjunction with a permitted festival and/or special event in accordance with the following:

Allowed

Banners on freestanding polls

Banners on the side walls of buildings (w/permission of the owner)

Banners on tents

Not Allowed

Banners across or over streets or overpasses

Banners on light poles or utility poles

Banners on barricades

Banners on awnings or decks

21. FIREWORKS

There are limited locations within the Town of Chapel Hill that can be used to launch fireworks. A fireworks permit (\$300.00) is required to display fireworks in Chapel Hill. ([Chapel Hill Fire Department Application for Pyrotechnic Display](#)) Fireworks require Fire Department unit standby on site. This permit and fee are in addition to any other permits and fees required by State Law and Local Ordinance, including any applicable requirements for permits contained in Chapter 14, Article 54, of the North Carolina General Statute. Application must be made in writing to the **Town of Chapel Hill Fire Department (919) 968-2781** not less than sixty (30) days prior to the date of the proposed display of fireworks. A copy of general liability insurance in the amount of \$1,000,000 listing the Town of Chapel Hill as the certificate holder and as additional insured must accompany the application. Once the application is received along with payment for the permit, a code enforcement officer will conduct a pre-show set up and a walk through inspection. **Contact the Town of Chapel Hill Fire Department (919) 968-2781**

CITY OF HENDERSONVILLE

Special Events Policy



Updated June 2019

Executive Summary

The City of Hendersonville, NC is a vibrant community with a variety of municipal resources which lend themselves to use for special events. Special events require the coordination of a variety of city and event organizers' resources to come together successfully. Whether held downtown, in one of our many attractive public parks or elsewhere in the city, they have very specific impacts which are best considered and weighed prior to the event itself.

The following policy has been established to facilitate this planning process with the city. If you are planning a special event in the City of Hendersonville, it is essential that you review the policy well ahead of your planned event date to determine what you'll need to have in place for a successful event!

In this policy you will find information about:

1. What the City's definition of a "Special Event" is.
2. Fees, deposits and special conditions which may be applied to each event.
3. Application timelines and required special event permit documentation and information.
4. Grounds for application denial.
5. The Committees involved in the event approval process and their roles & responsibilities.



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Appendix

Special Event Application & Associated Forms I

Example General Liability Policy II

Recycling Bin Loan Program III

Code of Ordinances – Special Events IV

Special Event - Definitions

A special event is defined as a pre-planned event, whether publicly and/or privately sponsored, which is proposed to be held on public property, including but not limited to parks, streets and/or sidewalks. All special events require a Special Event Permit issued by the City of Hendersonville. There are two categories of Special Events listed below.

Park and/or Road Festival

Park and/or Road Festival means an organized neighborhood or public gathering on a public right-of-way (street, sidewalk, parking lot or alley) or public park (Patton, Berkley, etc.) on a specified date at a specific time, and confined to a designated area that may or may not require an admission fee to enter and participate.

Procession/Parade/Organized Competitive Event

Procession/Parade means a public or private march, run, cortege, walk, cavalcade, autocade, parade of any kind, other gathering of persons that occurs upon public right-of-way, park or both in an area used for vehicular traffic. **Organized Competitive Event** means any planned race, walk, derby, or event that involves a contest of skill and/or strength and takes place upon public right-of-way or park.

Special Event Application: Timelines

The Special Events Committee hears all event applications within the city. The timeline below outlines minimum requirements for Special Event Permit Applications.

SUBMIT SPECIAL EVENT APPLICATIONS TO:

Susan Frady - Special Event Committee Chair

Phone #: 828.697.3010, Fax #: 828.698.6185

E-mail: sfrady@hvlnc.gov

Address: 100 N. King St. Hendersonville, NC 28792



Special Event Application Submission & Approval Timeline	
<u>Minimum 90 Days Prior to Special Event Date – Application Submission</u>	
<ul style="list-style-type: none"> • Submission of Special Event Application Package • Special Event Site Plan • Street and/or Parking Closure Request(s) 	
<u>Minimum 60 Days Prior to Special Event Date – Committee Review (Applicant Attendance Required)</u>	
<ul style="list-style-type: none"> • Downtown Advisory Committee Review & Recommendation (where applicable) • Special Events Committee Review & Recommendation – includes review by Police, Fire and Public Works 	
<u>Minimum 30 Days Prior to Special Event Date – City Council Meeting</u>	
<ul style="list-style-type: none"> • Final Site Plan, Event Timeline & On-Site Contacts • Proof of Insurance • Vendor Permits • Formal Event Notice • City Council Review & Approval (Required) 	
Post-Event	
<u>Maximum 30 Days After Last Day of Event</u>	
<ul style="list-style-type: none"> • Final Payment as needed • Reserve Future Dates 	

Special Event Application: Component Parts

1. **Event Application Cover Page:**
 - a. **Event Organizer & Contact Information**
 - b. **Name of Event**
 - c. **Date(s) of Event**
 - d. **Past Attendance Trends & Predicted Attendance For Upcoming Event**
 - e. **Past Vendor Participation Trends & Predicted Vendor Participation for Upcoming Event**
2. **Event Description, Statement of Public Benefit and Public Services Required:** A basic overview of the event and its impact on the community and city services. Provide an overview of the event and how it will benefit the community? In addition, include information about what you, as the event coordinator, will need in terms of city services? Examples might include additional trash pick-up, police support, etc.
3. **Event Marketing Strategy & Budget:** A snapshot of the people and places you are targeting in your effort to “get the word out” about your event and the budget you are employing to reach your target market. Reviewing this snapshot is an important component of understanding the public benefit.
4. **Event Site Plan:** A visual representation of all the operational elements of your proposed event. To properly assess the event, the site map should be submitted along with the Special Event Application and include the following elements:

A	Direction North, indicated by directional arrow symbol.
B	The overall event area including: any requested street closures and/or the location and number of any parking closures
C	The location and dimensions of all physical equipment being placed, including, but not limited to, any stage(s), vendors, booths, sponsors, tents, signs, barricades, portable toilets, vehicles, shelters and shelter numbers, etc.
D	Location of temporary alcohol sales where both sales and consumption occur.
E	Indicate 20' wide fire lane clearances in all areas and the location of all fire hydrants.
F	Include electrical plans for vendors and stages, specifying how much each site requires, in terms of amps & volts.
G	Any other details you think are helpful in the physical description of your event.

5. **Event Impact Notification:** All events must notify impacted residents, businesses, places of worship and schools that are affected by street and sidewalk impacts related to the event by formal notice. The formal “Event Impact Notice” must be submitted with the special event application and will be reviewed by the Special Event Committee. The “Notification Guarantee” must be signed by the Authorized Event Coordinator. The formal Event Impact Notification must:
- Be completed by all event applicants.**
 - Be submitted to the Special Events Committee prior to distribution to impacted areas.**
 - Be distributed to impacted areas, at least, 20 days prior to the event by either hand or mail delivery.**
 - Include the name of the event, event date(s), time(s) of event and overall impacts (including set-up and tear down), specific location of impacts, type of activity and telephone number where the public can contact your organization about the event.**

IMPORTANT NOTE: New street closure requests, whether for an existing event or new event, require additional review and time for notification. Please consult with Special Events Committee Chair about the City’s policy to provide impacted stakeholders a minimum 90-day notification for new major street closure requests.

6. **Vendor Applications & Electrical Requirements Form (when applicable):** If your event includes food or retail vendors and any of those vendors or you as the event coordinator require electric, you must submit the vendor permit & electrical requirements form. The form will help you to calculate your total “Event Fees,” while providing city staff with a clear picture of your electrical needs. Event Fees must be submitted prior to the event @ 145 Fifth Avenue East, Hendersonville, NC 28792.
7. **Insurance:** The event organizer must furnish a current general liability insurance policy which names the City of Hendersonville as a co-insured on the policy. Insurance requirements are as follows:
- Commercial General Liability:**
 - Per occurrence \$1,000,000
 - Personal & Advertising Injury \$1,000,000
 - Products/Completed Ops. \$1,000,000
 - General Aggregate \$1,000,000

In addition to these minimum requirements certain events may require additional coverage, based upon the type of event. Examples of additional coverage could include Automobile Liability, Workers Compensation and Liquor Liability. Additional requirements will be conveyed to the event organizers.

8. **Police Support:** Events which exceed the attendance threshold established below and/or operate with an ABC special event permit are required to hire off-duty City of Hendersonville police officers. Hourly rates for off duty officers are included for budgeting purposes. Please note the Special Event Committee may require a larger or smaller number of officers depending on event specific conditions.

Attendance Range	Officers Required - NON-ABC EVENT	Officers Required - ABC EVENT
0 to 5,000	Zero	2 to 3
5,000 to 10,000	Zero	3 to 4
10,000 (plus)	# determined by Police Chief	# determined by Police Chief
Hourly Rate for Off Duty Officer	\$25.00	\$40.00

Special Event Application: Additional Considerations & Interpretations

1. **Special Event Applicant Priority Ranking:** The Special Event Committee will use the following priority list if there are conflicting requests for a particular time and date.

Priority will be given in the following order:

- a. Events that have established historic precedence and are in good standing.
 - b. Events organized by the City of Hendersonville.
 - c. Events organized by Henderson County Schools.
 - d. Events organized by Henderson County Governmental Units.
 - e. Events organized by Hendersonville based non-profit organizations with proceeds providing assistance to the organizer or another Hendersonville based non-profit organization (requires proof of 501c(3) status).
 - f. Events organized by private businesses, non-profit organizations; without or pending 501c(3) status, **not** based in Hendersonville, and/or individuals for the purpose of profit, personal gain, and/or proceeds that will be used to benefit other than those Hendersonville based non-profit organizations.
2. **Criteria Considered for All Street Closures & Other Event Impacts:** The following factors are carefully considered prior to recommending approval of proposed events, in particular those which require street closure (whether lane closures, local streets or major/secondary streets.) Organizers wishing to close any portion of a street will need to justify that need with a compelling case composed of information in the following categories.
 - a. Total number of event attendees, both historical trends and predicted increases.
 - i. These numbers will be considered both in terms of total attendance and attendance over time, i.e. a smaller total may still warrant closure if concentrated over a short period of time.
 - ii. Unless an event attracts more than 50,000 visitors per day it would typically not warrant the closure of a majority of Main Street.
 - iii. Smaller events may with fewer than 50,000 visitors per day may warrant the closure of one or more blocks of Main Street.
 - b. Total number of event vendors, both historical trends and predicted increases.

- i. Unless an event hosts more than 125 vendors it would typically not warrant the closure of a majority of Main Street.
 - ii. Smaller events with fewer than 125 vendors may warrant the closure of one or more blocks of Main Street.
 - c. Event Marketing Strategy & Budget
 - d. Verification that the event applicant or sponsor has committed to completing the “**Event Impact Notification.**”
 - e. Impact of the proposed event on residents, occupants or businesspersons of the block.
 - f. Impact of the proposed event on the accessibility of emergency vehicles in the closure areas.
 - g. Impact of the proposed event on vehicular traffic such as circulation, traffic movement and availability of alternate routes for traffic.
 - h. Potential interference with commercial and business activities in the immediate vicinity.
 - i. Conditions existing in the surrounding area that, when occurring in conjunction with a street closure, might create a hardship or an unnecessary inconvenience to the general public or persons residing in the area.
 - j. Relationship in regard to timing of proposed closure to other approved or proposed closures.
3. **Portable Toilets:** An essential but sometimes overlooked element of special event planning portable toilets are particularly important in downtown Hendersonville as the availability of public restrooms is limited. The guidelines included below are provided as a recommendation and reference. They are based on a four-hour long event. Longer or shorter duration events should consider modification to these numbers.

Attendance Range	Portable Toilets Recommended	
	NON-ABC EVENT	ABC EVENT
0 to 5,000	1 to 10	2 to 15
5,000 to 15,000	10 to 25	15 to 40
15,000 to 50,000	25 to 50	40 to 75
50,000 (plus)	50 plus	75 plus

Special Event Application: Grounds for Denial

The Special Event Committee may recommend that City Council deny a permit application on one or more of the following grounds:

- The event applicant does not generate a compelling case for the event's public benefit.
- Failure to submit an application within the time periods outlined herein.
- Failure to submit a complete application. A complete application is one which addresses all "required" elements of the application.
- The applicant owes the City of Hendersonville money from another event for services provided or as a result of damages to city property.
- The Special Events Committee has already received a completed application for the same date and/or space.
- The event would conflict with previously planned programs organized and conducted by the city or non-governmental agencies scheduled for the same time and/or place.
- An event requiring significant street closures, i.e. 3 or more blocks, occurs within ten (10) days of an existing event which also requires significant street closures.
- The applicant does not comply with all applicable city ordinances, traffic rules, park rules and regulations, state health laws, fire codes and/or ABC licensing regulations.
- The use or event proposed by the applicant would present an unreasonable danger to the health or safety of the public.
- The applicant cannot comply with applicable local, state and federal license requirements for all or part of the planned event.
- The use or event is prohibited by law.
- The application contains material misrepresentation or fraudulent information.

Special Events Committee – Roles & Responsibilities

This Committee is established to assure that all special event applicants follow the procedures outlined in this document and to provide assistance in event logistics as it relates to the health and safety of organizers and attendees at special events conducted within the City of Hendersonville.

Special Event applicants will submit their applications to the Committee Chair; Development Assistance Director Susan Frady, who will distribute copies to the committee according to the timeline outlined on page 4. The applicant will then meet with the Special Events Committee at least 60 days prior to their event; event coordinators are encouraged to schedule this even earlier if possible. For events within the Downtown Municipal Service Districts, the Downtown Economic Development Director will distribute copies to the Downtown Advisory Committees.

The Special Events Committee is made up of the following individuals:

1. Development Assistance Director – Committee Chairperson
2. Police Chief (or representative)
3. Fire Chief (or representative)
4. Public Works Director (or representative)
5. Downtown Economic Development Director (Ex-Officio Member)

The Special Event Committee's primary role is to coordinate the variety of special events which take place in the City of Hendersonville and to protect the health and safety of the community. To do so the Committee:

1. Maintains a running list of events that includes those that have:
 - a. Received City Council approval.
 - b. Received Special Events and Downtown Advisory Committee (as applicable) review and recommendation.
 - c. Requested an annually recurring date and which have established historic precedent for this request. Example, The Apple Festival occurs over Labor Day weekend each year.
2. Provides a comprehensive review of the event site plan, identifying and providing event organizers with cost estimates for any city services and personnel that their event will require.
3. Reviews the event site plan and application to identify any life safety issues that the proposed event presents the community.
4. May approve recurring events which have no material changes to the event proposal.
5. May approve events which have no impact on the streets or sidewalks of the City of Hendersonville and do not require more than \$1,000 in city resources.

Downtown Advisory Committees – Roles & Responsibilities

The Downtown Advisory Committees are City Council appointed volunteer groups tasked with helping implement the Main Street Four Point model of downtown economic development. The committees have two primary roles in regard to Special Events as they are defined in this document.

1. The primary role of the Downtown Advisory Committees is to organize and oversee special events of their choosing which support the Committees' vision for Historic Downtown Hendersonville, both Main Street and Seventh Avenue. The criteria used to guide the Committee in this role include, but are not limited to, the following:
 - a. Events should celebrate the community's culture, heritage and diversity.
 - b. Events should appeal to our diverse community.
 - c. Events should support the entrepreneurial and creative communities that call downtown home on a daily basis.
 - d. Events should support our efforts to highlight downtown as a cultural and market destination for the community & visitors.
2. The secondary role of the Downtown Advisory Committees is to provide Special Event Organizers, the Special Event Committee and City Council with recommendations and feedback in regard to any special event proposed for the downtown Municipal Service District(s). These recommendations and associated feedback will be presented to event organizers during the Special Events Committee meeting by the Downtown Economic Development Director or appointee. Event organizers are encouraged to attend the Downtown Advisory Committee meeting at which their event will be reviewed to answer questions and hear feedback firsthand.

Appendix

Example “Notice of Event Impact” I

Example General Liability PolicyII

Recycling Bin Loan ProgramIII

Code of Ordinances – Special EventsIV

NOTICE OF EVENT IMPACTS

{EVENT NAME}

The organizers of {EVENT NAME} have received approval from the City of Hendersonville to host {EVENT NAME} on {EVENT DATE(S)} from {EVENT START TIME} to {EVENT CONCLUSION TIME}.

{EVENT NAME} includes the closure of {STREET NAME} between {CROSS STREET NAME} and {CROSS STREET NAME}. To accommodate event set-up and tear down this street will close between {TIME & DATE} to {TIME & DATE}

The closure will be for the exclusion of vehicles only. A 20' emergency lane shall be provided on all streets within the said closure at all times.

Should you have questions or concerns {EVENT NAME} and the related event impacts you can speak with our team by calling:

{AUTHORIZED EVENT COODINATOR PHONE NUMBER}


CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/29/2013

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Morrow Insurance Agency, Inc. 800 Beverly Hanks Centre PO Box 1109 Hendersonville, NC 28793	CONTACT NAME: PHONE (A/C, No, Ext): 828 693-5396 FAX (A/C, No): 8286935496 E-MAIL ADDRESS: PRODUCER CUSTOMER ID #:														
INSURED 	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Cincinnati Ins. Co.</td> <td></td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Cincinnati Ins. Co.		INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :	
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INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		EPP0128028	03/30/2012	03/30/2015	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Dir/Off Liability		BCP8674394	03/24/2013	03/24/2016	\$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

CERTIFICATE HOLDER

CANCELLATION

To whom it may concern

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



EVENT RECYCLING BIN LOAN PROGRAM

Henderson County coordinates a recycling bin loan program designed for use at community events, fairs, festivals, and block parties. Use is restricted to events held in Henderson County.

The county has 75 blue 32-gallon bins available. They are available at no cost to municipalities, clubs, schools, churches, and other organizations on a first-come, first-served reservation basis. Any number can be reserved *as available, though users should provide their own bags to go inside the bins.* To do so, please complete the reservation request form below. Once approved, *the user will need to confirm/arrange pick-up and return drop-off times.* Bins should be returned clean and in good working order to ensure that this program can be continued for community groups. Bagged recyclables should be brought to the Transfer Station upon bin return, as well. Bins are stored at the Henderson County Solid Waste Department at 191 Transfer Station Drive. Location directions will be provided once your application is received and approved.

The Henderson County Environmental Programs Coordinator is available to assist all users with planning & implementing successful recycling programs at their events. Questions? Contact 828-694-6524 or 828-697-4505.

Please use this form to request recycling bins for your event. Email a signed copy to jroberts@hendersoncountync.org or mail the signed form to 1 Historic Courthouse Square, Suite 6, Hendersonville, NC 28792, ATTN: Recycling Bin Loan.

Name of Event/ Sponsoring Organization: _____

Contact Person Name: _____

Phone number: _ (____) _____ E-mail: _____

Requesting Organization's Mailing Address: _____

Event Location/Facility: _____

Event Date(s): _____

Estimated Attendance: _____

Number of units requested: _____

Pick-up date: _____ Time: _____

Return date: _____ Time: _____

Deposit Guarantee

These units may be borrowed with no money down by agreeing to guarantee that all bins are returned promptly, clean, and in good working order. By signing below at pick-up, the user accepts full responsibility for the bins and agrees to pay the full replacement costs for any bins that are not returned or are not returned intact. Replacement cost per bin is \$20, per lid is \$5.

Signature: _____ Date: _____

Office Use Only

Approval _____
Date _____
Units Returned _____
Return Damages? _____
Stack Bins _____
Stack Lids _____

Sec. 46-84. - Exception; permitted special events.

Notwithstanding the foregoing provisions of this article, the city council may authorize the temporary obstruction of streets or sidewalks, or the use of other public property, in conjunction with special events. Provided, however, the special event sponsor shall ensure that there is a continuous five foot width of unobstructed sidewalk. Anyone desiring a special event permit shall make application to the city manager by submitting a completed City of Hendersonville special event permit application. In deciding whether to issue a special event permit, the city council shall be guided by the city's special event policy.

(Code 1971, § 28-39; Ord. No. 08-0841, § 2, 8-7-08; Ord. No. 15-1269, § 1, 12-3-15)

Sec. 46-85. - Events committee established; membership; duties.

- (a) There is hereby officially designated an events committee, the purpose of which will be to review and evaluate applications for the temporary use of public property, including applications for special event permits pursuant to section 46-84
- (b) The membership of the events committee shall be as follows:
 - (1) The chief of police or his designee;
 - (2) The city manager or his designee;
 - (3) The director of public works or his designee;
 - (4) The zoning administrator or his/her designee,
 - (5) The fire chief or his designee; and
 - (6) The downtown economic development director or his designee shall be an ex officio member of the committee, having voice but no vote.
- (c) Requests for the use or obstruction of public property shall be made on forms promulgated by the city manager and shall be referred to the events committee.
- (d) The events committee shall review such requests and, in the case of an application requiring city council approval, shall prepare a report setting forth the anticipated public costs of the special event and the recommendation of the committee, and shall forward such report and recommendation to the city council.
- (e) The events committee itself shall have authority to issue special event permits in the following circumstances:
 - (1) When the proposed special event will not result in the obstruction or blocking of streets or sidewalks and the total cost in city services will not exceed \$1,000.00; or
 - (2) When the proposed special event has been approved previously by city council and the proposal does not materially differ from that previously approved by the city council.
- (f) When the events committee denies an application for a special event permit, the applicant shall have the right to have the matter considered by city council. In order to exercise that right, the applicant must make such request in writing to the city clerk within 15 days of the date of denial by the events committee.

(Code 1971, § 28-40; Ord. No. 13-0736, § 1, 7-11-13); Ord. No. 15-1269, § 2, 12-3-15)



City of Hendersonville SPECIAL EVENT APPLICATION



An application for a permit to conduct a special event pursuant to Section 28-39, Hendersonville City Code.

Please reference the City's Special Event Policy for additional information about the application process.

Note: The person responsible for the special event, or his/her designee, must be present for the duration of the event.

Submit This Completed Application & All Supporting Material Outlined Below To:

Development Assistant Department City of Hendersonville

100 N. King Street Hendersonville, NC 28792 Phone #: (828) 698-6185

Name of Special Event: _____

Event Sponsor: _____ Phone #: _____

Sponsor Address: _____

Authorized Event Coordinator: _____

Cell Phone #: _____ Email: _____

Requested Event Date(s): _____ Requested Event Hours: _____

Estimated Past Attendance: _____ Predicted Attendance: _____

Past Vendor Participation: _____ Predicated Vendor Participation: _____

"Hold Harmless Agreement"

By signing this agreement, the sponsor will hold harmless the City of Hendersonville, its officers, employees and agents, the Public Works Department and staff free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges professional and attorney's fee or other expenses or liabilities of every kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind and character in connection with or arising directly or indirectly out of this event and/or the performance hereof and caused by the negligence of the Sponsor. The Sponsor will take full responsibility. The City of Hendersonville will not be responsible for personal items or property used as part of event.

Signature of Authorized Event Representative: _____ Date: _____

APPLICANT CHECKLIST

Please reference the City of Hendersonville's Special Event Policy for additional information about the requirements listed in the checklist below.

- ☐ Event Description, Statement of Public Benefit & Public Services Required (REQUIRED) - Page #2 in application
- ☐ Event Marketing Strategy & Budget (REQUIRED) - Page #3 in application
- ☐ Event Site Plan (REQUIRED) - Page #4 in application
- ☐ Event Impact Notification (REQUIRED) - Page #5 in application
- ☐ Formal Event Notice (REQUIRED)
- ☐ Vendor Application & Electrical Needs (AS NEEDED) Page #6 in application
- ☐ Event Insurance (REQUIRED)



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT DESCRIPTION, STATEMENT OF
PUBLIC BENEFIT AND PUBLIC SERVICES REQUIRED



Please provide a detailed “Event Description” along with your “Statement of Public Benefit” and “Public Services Required” for review.

Please reference the City’s Special Event Policy for additional information about this application requirement. Feel free to attach your response to this sheet.

Name of Special Event: _____

Event Description:

Statement of Public Benefit:

Public Services Required:



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT MARKETING: STRATEGY AND BUDGET



Please provide an “Event Marketing Strategy” along with your “Marketing Budget” for review.
Please reference the City’s Special Event Policy - page 5 for additional information about this application.
Feel free to attach your response to this sheet.

Name of Special Event: _____

Event Marketing Strategy:

Marketing Budget:



City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT SITE PLAN



Please provide a detailed “Event Site Plan” and your notification guarantee. Please reference the City’s Special Event Policy - page 5 for additional information about this application requirement. Feel free to attach your site plan to this sheet.

Name of Special Event: _____

Event Site Plan:



**City of Hendersonville
SPECIAL EVENT APPLICATION
EVENT IMPACT NOTIFICATION REQUIREMENT
(FOR COMMERCIAL AREAS)**



Event applicants are required to notify, by a formal notice, all residents, businesses, places of worship and schools that are affected by street and sidewalk impacts related to your event. This notice must be submitted with the event application to the Special Events Committee for review prior to notification delivery, and example format for this notification is included in the City's Special Events Policy appendices.

Once approved by the Special Events Committee the notice must then be mailed or hand delivered to impacted areas at least twenty days prior to your event. Information on the notice should include, but not be limited to; the name of the event, event date(s), time(s) of event and overall impacts (including set-up and tear down), specific location of impacts, type of activity and telephone number where the public can contact your organization about the event.

Failure to comply with the notification requirement can result in the cancellation, postponement or other significant restrictions to your event or future events. The Special Event Committee requires that the Authorized Event Organizer verify that this notification will take place, please see below.

NOTIFICATION GUARANTEE: I hereby certify that all residents, businesses, places of worship and schools affected by any street closures and sidewalk impacts related to this event and outlined in this application's "Event Site Plan" will be notified at least 20 days prior to the event with the attached notice by the Authorized Event Coordinator or designee.

Authorized Event Coordinator's Signature _____



City of Hendersonville
SPECIAL EVENT APPLICATION
VENDOR PERMITS AND ELECTRICAL NEEDS



Complete the form below based on the number of vendors and types of electrical connections required for your event. If you have questions about the electrical requirements for your event please contact the City Public Works Department at (828) 697-3000.

Name of Special Event: _____

Authorized Vendor Coordinator: _____ Phone #: _____

Cell Phone #: _____ Email: _____

Please calculate your event vendor fees & electrical usage fees below.

Total #_____ of Retail Vendors X \$20 =_____

Total #_____ of Food Vendors X \$30 =_____

Total Vendor Fee Due:_____

Electrical Requirements: Location of electrical needs to be included on Event Site Plan.

((Total # of connections @ 20 Amps or less_____) x (# of days_____)) x \$25 =_____

((Total # of connections @ 21 to 50 Amps_____) x (# of days_____)) x \$50 =_____

((Total # of connections @ 50 Amps or more_____) x (# of days_____)) X \$100 =_____

Total Electrical Usage Fee:_____

Total of All Event Fees:_____

All Event and Vendor Fees are to be submitted prior to the event. Checks can be made out to the "City of Hendersonville." Payment is accepted in person at

145 Fifth Avenue East
Hendersonville, NC 28792

Please remit payment along with the final invoice you receive from the Development Assistance Department.

Special Event Application – Town of Chapel Hill Community Arts & Culture

Today's Date _____

Name of Organization _____

Primary Organizer Contact _____ Phone _____

Address _____ City _____ State _____ Zip _____

Email Address _____

Primary Event Category:

_____ Assembly/Rally _____ Race/Run/Walk _____ Festival _____ Concert

_____ Block Party _____ Performance _____ Education _____ Parade

_____ Filming/Photography _____ Other: _____

Name of Event _____

Location(s) of Event _____

Date(s) of Event _____ Estimated Attendance _____

Event Times (opening) _____ AM/PM (closing) _____ AM/PM

Setup Times _____ AM/PM to _____ AM/PM Take Down Times _____ AM/PM to _____ AM/PM

Primary On-Site Contact _____ Cell _____

Mission/Purpose of Event _____

Describe Event _____

Please provide a map showing the layout/route of your event and all event structures and equipment on-site (e.g. tents, stage, generator, inflatables, restrooms, etc.)

Will streets/sidewalks need to be closed?	Yes _____ No _____
Will parking spaces need to be closed?	Yes _____ No _____
Will any vehicles/trailers need to be located at the event?	Yes _____ No _____
Will alcohol be served/sold at the event?	Yes _____ No _____
Are sales/vendors being planned?	Yes _____ No _____
Are fireworks planned for the event?	Yes _____ No _____
Will animals be on site during this event?	Yes _____ No _____
Will tents be used for this event?	Yes _____ No _____
If so, what size? _____	Yes _____ No _____
Will banners or signs be used at the event?	Yes _____ No _____
Does your event require electricity?	Yes _____ No _____
Will sound amplification be used at the event?	Yes _____ No _____
Will there be any cooking with grease?	Yes _____ No _____
Will an open flame/grills be used for cooking?	Yes _____ No _____
Will additional trash receptacles be needed?	Yes _____ No _____
Will portable toilets be on-site?	Yes _____ No _____
Will the event be advertised?	Yes _____ No _____

If the date and/or location requested is not available, or if the requested location is not an appropriate site to conduct your proposed event, the department will contact you and an alternate location will be suggested if available. Your confirmation will be in the form of a permit, issued to the organization and/or person responsible for the event. **Do not publicize your event until the approval of your Special Event Application has been confirmed. Submitting a Special Event Application is NOT approval to hold your planned event.**

Special Event Application – Town of Chapel Hill Community Arts & Culture

Please place a check mark next to all items needed to complete this application:

_____ Special Event Application	_____ Site Plan or Route Map
_____ Event Permit/Streets or Parking Lots	_____ Fire Permit Application
_____ Parade/Run/Walk Application	_____ Street/Lane/Sidewalk Closure
_____ Specialty Market Permit (\$200)	_____ Electrical Generators in Use
_____ Emergency Planning Form or Action Plan	_____ Food Vending TFE Permit
_____ Liability Insurance Certificate	_____ Food/Merchandise Business License Application
_____ Parks/Facility Rental Form	_____ Noise Permit (\$50)

Everything that I have stated on this application is correct to the best of my knowledge. I have read, understand, and agree to abide by the policies, rules, and regulations listed within the accompanying *Outdoor Special Event Rules and Requirements* as applicable to all plans and requested usage. The permit, if granted, is not transferable and is revocable at any time at the absolute discretion of the Executive Director of Community Arts & Culture, Town of Chapel Hill, NC.

Name of Applicant (Print) _____

Signature _____ Date _____

Paperwork should be returned to Community Arts & Culture

artsandculture@townofchapelhill.org

100 Library Drive, Chapel Hill, NC 27514



Town of Apex

Special Events Guide

Special Events are very important to the quality of life for the residents of Apex. These events bring a special excitement and vitality to the community. Special Events can produce endless benefits such as personal, social and economic growth and development, as well social and environmental awareness. When determining the appropriateness of holding a special event in conjunction with the Town of Apex or located on Town Property or Public Rights-of-Way the overall context of whether Town resources are being managed appropriately needs to be evaluated. Approval of a Special Event will be determined once a completed application has been received, reviewed and evaluated by the appropriate Town staff and it has been decided that use of public space and allocation of public resources are appropriate.

Please review the attached Special Events Guide for the Town of Apex, which includes the Special Events Policy, Application and other information that will be necessary to plan, coordinate and receive approval for your event. Questions should be directed to the Halle Cultural Arts Center (919)249-1120.

All applications and support documents should be directed to:

APEX PARKS RECREATION AND CULTURAL RESOURCES DEPARTMENT
HALLE CULTURAL ARTS CENTER
ATTN: Special Events Permit
237 NORTH SALEM STREET
APEX, NC 27502

Approved by the Apex Town Council September 19, 2017

Special Events Guide

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January 1, 2016

Special Events Organizer,

The Town of Apex has established a Special Events Policy for individuals or organizations that plan to organize and hold a Special Event, Town of Apex Co-Sponsored Event, Parade, Festival, Race/Run or other Recreational, Cultural, Entertainment, Community or Social Awareness Event. In order to host one of these types of events with the intent that they will be sponsored/ co-sponsored by the Town of Apex, utilize Town staff or resources, or be held on Town of Apex property or public rights-of-way within Town limits, the guidelines established in the Special Event Policy must be followed. Special Events sponsored/ co-sponsored by the Town of Apex and all special events requiring the closing of public facilities or rights-of-way must be approved by the Apex Town Council.

It is the intent of the Town that Special Event Permit applications will follow the schedule set out in the Special Events Policy. Special Event Permit Applications must be completed with all associated documentation included at the time the request is submitted, unless otherwise noted. When additional documents are requested by staff, the applicant should provide requested material by the deadline provided.

All Special Event Organizers (including other Town Departments) should contact the Apex Parks, Recreation, and Cultural Resources Department for assistance. Contact the Special Events Permit Coordinator at (919)249-1120 for more information.

Sincerely,

John Brown, Director
Parks, Recreation and Cultural Resources Department

Instructions to Apply for a Special Event Permit

1. Read the Special Event Permit Guide thoroughly.
2. Complete the Town of Apex Special Events Permit Application.
3. Provide a site map showing streets to be closed, tent placement, parade/run routes or other similar events or activities. Include your site map with your permit application.
4. If your Special Event requires other permits or approvals as indicated in the Special Event Permit guide, complete the necessary forms/ actions and include them with any applicable fees along with the Special Events Application.
5. Return the application with a \$25 non-refundable processing fee to:
Halle Cultural Arts Center
Attn: Special Events Permit
237 North Salem Street
Apex, NC 27502
6. All applications and related forms must be submitted to the Town of Apex no less than **60 days** prior to the start of the event.
7. Special Event Organizers applying for co-sponsorship consideration by the Town of Apex must have their event approved by the Apex Town Council. Co-sponsorship requests must be submitted by **December 1** of the calendar year. The application will be reviewed by staff and presented to the Town Council for consideration.
8. Once a Special Event Permit Application has been received, the application will be distributed to all associated departments for review. Based on these reviews the permit will be: 1) approved, 2) approved with conditions or 3) denied. The final determination will be provided in writing to the point of contact indicated on the application. The payment of all fee(s), with the exception of hourly staffing costs, is required prior to issue of the final Special Event Permit. *The processing fee is non-refundable.* Examples of additional fees could include but are not limited to tent permitting/inspection, or charges to cover the cost of road closure, Town staff support, sanitary station or waste container set up and removal.

All Questions should be directed to the Special Events Coordinator at the Halle Cultural Arts Center at (919)249-2210 or by emailing david.wood@apexnc.org with Special Events in the subject line.

TOWN OF APEX SPECIAL EVENT POLICY

SPECIAL EVENT PERMITS

1. Permit Required

A) *General*

- 1) For purposes of this Policy, “Special Event” is defined as an event or festival or other Recreational, Cultural, Entertainment, Community or Social Awareness activity held to engage the community and promote tourism, showcase local talent, expose artists and performers to new audiences, invigorate community spirit, provide economic, health and wellness, or social benefits to a community or organization. Special Events may or may not be sponsored or co-sponsored by the Town of Apex. Events such as Fairs, Carnivals, Circuses, Tent Revivals, or other gatherings held on private property require a Temporary Use Permit (issued by the Planning Department) and are not covered under the Special Event Permit requirements.
- 2) All Special Events are required to submit an application for their event each year. Previously held Special Events and Special Events which have received Town Sponsorship must reapply each year that the event is held and request sponsorship from the Town if desired as there is not an automatic renewal.

B) *General Regulations*

The general regulations of this subsection shall apply to all allowed special events unless otherwise expressly stated.

- 1) **Signs.** All special event signage must meet the requirements of Town of Apex Sign Ordinance as administered by the Planning Department.
<http://www.apexnc.org/documentcenter/view/567>
- 2) **Conditions of Approval.** Special Events shall not violate or deviate from any applicable laws, rules, regulations, Town Ordinances, conditions of approval for the site or conditions noted in the Special Event Permit approval.
- 3) **Obtain all other applicable permits and approvals.** The Event Organizer must obtain all other required permits and approvals prior to the event. This may include but is not limited to tent permits, ABC permits, authorization for road closures, use of public property and/or rights-of-way.
<http://www.wakegov.com/food/festivals/Pages/tfe.aspx>
- 4) **Evaluation Criteria.** The Town of Apex utilizes the following criteria when evaluating and scheduling Special Events:
 - a) The nature of the event and how it can serve the Town of Apex and its residents.
 - b) The dates and times during which the proposed event will occur including setup and breakdown time.
 - c) The location(s) of the Special Event and whether the location(s) inhibit the safe flow of vehicular and pedestrian traffic in the Town.
 - d) Whether the activities are in compliance with other applicable laws and Town ordinances.

- e) Whether the event is to benefit non-profit community service organizations.
- f) The general health, safety and welfare of the participants in/or attending the event and the citizens of Apex.
- g) The impact and /or cost of the event on Town support services.
- h) The frequency of the event or similar event(s).
- i) If alcohol will be served.

C) ***Types of Special Events.***

Special Event Permits are required for the following:

1) **Major Special Events** shall be allowed as follows:

- a) A Special Event Permit is required for any event with over 250 visitors which is held on Town Property or any event to be held on Public Rights-of-Way.
- b) Any event planned for Town Property where regular use by residents is impacted or restricted due to the event exclusive of private shelter and amphitheater rentals under 250 visitors.
- c) Commercial events or festivals that generate profit for the private sector shall be permitted only if the applicant submits evidence to the Town Manager or her/his designee that the festival constitutes a community service.

2) **Parades / Runs / Walks** shall be allowed as follows:

- a) A Special Event permit is required for any parade, run or walk. The Event Organizer **is responsible for the cost of all Town services incurred in connection** with the parade/ run/ or walk. The Town of Apex Police Department and EMS may require the organizer to provide for one or more off-duty personnel as deemed necessary. The Apex Police Department will determine final safety plan. If officers and/or cars and EMS services are deemed necessary by the Apex Police Department the Event Organizer is responsible for the costs incurred.

D) ***Additional Requirements***

1) **Fire Safety.** In compliance with the Town of Apex and North Carolina State Fire Prevention Code, the Apex Fire Department may require the applicant to develop a plan for provision of safety service, both for the participants of the event and for person(s) directly or indirectly affected by the event. This plan must be reviewed and approved by the Apex Fire Department before a permit can be issued.

- a) **Emergency Action Plan.** In compliance with the North Carolina State Fire Prevention Code, the Apex Fire Department may require an event to develop an Emergency Action Plan for provision of safety services, both for the participants of the event and for persons directly or indirectly affected by the event.

An Emergency Action Plan, or EAP, defines the coordination of necessary actions by the Host Organization and the responsible

municipal, county, and State officials to provide for timely notification, warning, and evacuation in the event of an emergency.

The EAP must be tailored to site-specific conditions as required by the Apex Fire Department before a permit can be issued. The deadline for submission of an EAP is no later than 90 days in advance of the event. The EAP outline should adhere to the following standard rules of order:

1. General Summary Paragraph
2. Purpose of Emergency Action Plan
3. Assumptions of Emergency Action Plan
4. Basic Plan
 - a. Event Director Contact: Name & Number
 - b. Emergency Notification Procedure
 - c. Severe Weather. Every EAP must include a reference to the "30/30 Rule for Lightning."
 - d. Fire. A fire protection plan if the event includes activities that may present a fire risk.
 - e. Medical Emergencies. An EMS 'first responder' and/or ambulance service coverage plan.
 - f. Law Enforcement
 - g. Emergency Vehicle Access. An emergency vehicle access Map into and out of the event area.
 - h. Egress/Evacuation/Location map. A map showing the routes for egress and evacuation which are integral to the production of the event, a parking plan and a concession placement map.
5. Event Emergency Contact Information (Primary, Secondary, Police, Fire and Rescue).
6. Based on your event plan and components, Town of Apex Fire Department may require an inspection of your event site before and/or during the event.

- 2) **Sanitation and Recycling.** The Event Organizer is responsible for making arrangements for litter and debris cleanup of the special event site both during and after the event. The Event Organizer is responsible for all costs should the Town be required to clean up following the event.

a) **The Town of Apex encourages recycling at all events.**

b) **The Event Organizer should understand the following:**

1. The Event Organizer is responsible for arranging for the proper disposal of grease and other similar waste with a private service or agency in advance of the event.
2. The Event Organizer will post an additional refundable clean-up deposit if the event is approved.
3. Improper disposal or spills may be classified as a hazardous waste and result in fines in accordance with Chapter 2703.3 of the North Carolina Fire Prevention Code.

- 3) **Insurance & Liability.** Event Organizers shall assume all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or

indirectly arising out of or in connection with the permitted activity or the conduct of the Organizer's operation. The Event Organizer shall indemnify, defend and save the Town harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims or suits for damages or losses (including, but not limited to, attorney's fees and other litigation expenses) for personal injury and for property damage directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of the Event Organizer or its officers, agents, volunteers and employees.

a) The Event Organizer should understand the following:

- 1.** If required by the Town's Safety and Risk Manager, the Event Organizer must furnish a fully paid liability damage insurance policy procured from a company licensed to do business in North Carolina. **All event organizers with co-sponsored status must provide for this requirement.** This policy must protect the Town of Apex, its officers, officials, employees and agents from any and all claims for damages to property and/or bodily injury which may result from or in connection with any of the operations carried on by the organizer of the Special Event. The Town of Apex must also be named as an additional insured. The Town of Apex must receive a copy of insurance policy included with the Event application. Insurance requirements are as follows:

b) Special Events Insurance

Insurance coverage for a special event normally requires the provision of commercial general liability coverage in the minimum amount of \$1 million. Depending on the nature of the event, automobile liability coverage in the minimum amount of \$2 million may be required, and if alcohol is served or sold, alcohol liability or host liquor liability insurance is also required.

Commercial general liability insurance in the minimum amount of \$1 million is required and must include completed operations coverage. The policy must name the Town of Apex as an additional insured by endorsement to the policy and the endorsement must be written on ISO Form CG 20 26 04 13 or equivalent. The certificate of insurance and policy endorsement must be attached to the Special Events Application.

Automobile liability coverage in the minimum amount of \$2 million is required. The policy must name the Town of Apex as an additional insured by endorsement to the policy. The certificate of insurance and policy endorsement must be attached to the Special Events Application.

If event is serving alcohol, liquor liability or host liquor liability insurance in the minimum amount of \$1 million is required as part of the general liability insurance coverage. The policy must name the Town of Apex as an additional insured by endorsement to the policy.

Note. Alcohol which is sold or served by a server, bartender, or caterer requires general liability and liquor liability coverage be provided by the server, bartender, or caterer; and

the policy must name the Town of Apex as an additional insured by endorsement to the policy. This coverage must also include completed operations coverage. Alcohol provided at an event which charges an admission fee is considered "sold". Refer to NC ABC Commission for permit requirements. <http://abc.nc.gov/Permit>

Other insurance as deemed necessary to adequately insure an event:

- ☐ *Evidence of workers compensation and employers liability insurance.*

- 4) **Electricity.** Any and all electrical requirements beyond those that already exist at the proposed event location must be provided for by a licensed electrician contracted by the Event Organizer. Any and all additional electrical work installed at the proposed event location must be permitted, inspected and approved by the Town of Apex. Specific requirements for the use of electricity must be submitted and approved at the time of the application for a special event permit. Power provided by extension cords from a building shall not pass through doorways or windows but shall be supplied by an exterior outlet, which is protected by a Ground Fault Circuit Interrupter (GFCI). Extension cords shall be grounded and shall not be placed over walking surfaces.
- 5) **Toilets.** The Event Organizer is responsible to provide adequate on-site toilets to facilitate the specific needs of their event.
 - a) Events with co-sponsorship agreements with Town of Apex are not exempt from this requirement and are responsible for the costs incurred.
 - b) The number of toilets is determined by the type and size of event in consultation with the Town of Apex.
 - c) Handicapped accessible toilets are required for all special events requiring portable toilets.
 - d) All portable toilets must be maintained daily if contracted for a multiple day event.
 - e) The planned use of Town of Apex restroom facilities as sole or primary restrooms for the event may require a fee for use.
- 6) **Noise.** Permission to include music or amplified sound, including megaphones, as part of a special event may be given, provided that compliance with the Town's noise ordinance is assured. Event Organizers should be sensitive to local businesses and residences when preparing sound equipment for special events.
 - a) The Town reserves the right to limit the sound amplification equipment so that it will not unreasonably disturb non-participating persons around the event.
 - b) Complaints of loud, disturbing, or unnecessary noise in violation of the Noise Ordinance can result in the immediate revocation of the permit by the Town of Apex Police Department.
https://library.municode.com/nc/apex/codes/code_of_ordinances
- 7) **Food Sales.** The Event Organizer is responsible for arranging for all food permits and approvals a minimum of (4) four weeks prior to the event, from the Wake County Health Department. <http://www.wakegov.com/food/festivals/Pages/tfe.aspx>
 - a) **The Event Organizer should understand the following:**
 - a) All rules and regulations regarding any food preparation and service as established by the Wake County Environmental

- Health Department must be followed.
 - b) A fee may be required per booth per event.
 - c) A Fire Inspection is required to make sure all fire safety equipment is in place.
 - d) Inspectors have the right to close booths operating outside of health regulations.
 - e) All permits must be clearly displayed.
 - f) No glass bottles are allowed on Town property.
 - g) All clean-up including grease removal is the responsibility of the Event Organizer.
- 8) **Vending.** The Event Organizer is responsible for procuring vendors for the event. Vendors approved by the organizer for the special event shall be required to secure applicable Town of Apex Licenses for the time period of the event. If vendors are part of the Town Council approved “special event”, the event coordinator is responsible for any permits required by vendors and Town of Apex Licenses would not be required in those cases.
- 9) **Alcohol.** Alcoholic beverages are prohibited on Town property without special permission from the Apex Town Council or their designee.
- a) Such use may be authorized only when the Town of Apex determines that such use will not materially endanger the public safety and will not unreasonably disrupt surrounding property owners and when the Chief of Police or the Chief’s designee has reviewed and approved the application and permit, and when the applicant establishes to the Town
 - 1. It is a not-for-profit entity;
 - 2. Any license for the sale or distribution required by the Alcoholic Beverage Commission has been obtained and
 - 3. The outdoor special event is within the Central Business District.
 - 4. The permit will specify whether malt beverages or wine are permitted at an outdoor special event and, if so, what conditions are required.
- 10) **Tents, Stages, Accessories, etc.** Temporary structures, containers or storage tanks required for the event may require a safety inspection by the Apex Fire Marshal. The Town of Apex defines and classifies any structure, enclosure, or shelter constructed of canvas or pliable material supported in any manner as a tent. Temporary structures such as decks, platforms, stages and kiosks will in most cases require a permit.
- a) Tents are limited to 120 square feet.
 - b) All tents are required to have flame retardant certification and this must be verified by the Town. The Event Organizer must provide the following:
 - 1. A copy of flame retardant certification (This should be attached to the tent, and inspector will check and approve in the field)
 - 2. A site plan showing the location of the tents
 - 3. A description of the activity(s) to be conducted under the tent(s)
 - 4. A method of providing adequate anchorage against collapse from winds or other loads.
 - 5. No tents may be staked into asphalt.
 - 6. All tents must be secured or weighted down at all corners.

7. No tent may be erected in front of a building used as a place of public assembly, within fifteen (15) feet of a fire hydrant, or in any way obstructing any building exit or doorway.
 8. Tents may not block streets such that Public Safety deems the layout / location dangerous or in appropriate for public safety.
 9. All tents may be inspected and approved before occupancy or use by the public
 10. No enclosing side walls are present,
 11. At least one UL rate 2A: 10BC extinguisher shall be provided for all tents where there is cooking. Additional extinguishers may be required after the inspection.
- c) LP Gas use shall be restricted to cylinders no larger than 60 gallons water capacity. Cylinders shall be adequately secured to prevent over turning. Cylinders may not be secured to items such as fire hydrants, temporary electric poles or barricades. Cylinders may be secured to the grill, a tent post, a signpost or permanent electric pole.

11) **Town of Apex Use Fees.** Special Event Use Fees may be charged for the use of Town Parks, Streets, Lanes, Sidewalks, Greenways, Multi-Use Paths, Personnel or other Town facilities.

a) Town Parks. Because of heavy use and demand the Town does not rent or close entire parks for special events. In rare cases, approved by the Director of Parks, Recreation, and Cultural Resources, the Town may close a portion or specific area within a park provided it does not disrupt the day to day operation or use by Apex citizens. A rental fee may be charged to cover costs associated with the use of Town facilities. The rental fee(s) for use of Town park facilities shall be based on residency and/or the home location of the organization which is holding the event. Preference will always be given to organizations which are based in Apex, consideration as to whether the host organization is a 501(c) 3 not-for-profit, and whether or not the event is will impact the day to day operation of the park and programs offered by the Town of Apex.

b) Town of Apex Vehicle and Pedestrian Rights-Of-Way. Blocking of all or a portion of a Right-of-Way will require a traffic control plan by the Apex Police Department. The Event Organizer must provide a high quality 8' by 10' map of the area of the festival and proposed street closings The Event Organizer is responsible for all charges and rental fees incurred by the use of traffic control devices used for street/sidewalk closings. Cones, barricades, etc may be rented by area companies that carry such equipment and must be approved by Apex Police Department. {For emergency purposes barricades shall not be blocked in any manner. Vehicles obstructing barricades or fire lanes will be cited for a violation of the fire or parking code and may be towed and stored at the owner's expense.

1. Procedures for Street Closure
 - a. Complete the temporary street closure section of the special events application which must contain a description, length, purpose, date and time of the

- closure.
 - b. Submit a high quality 8 ' by 10' map of the proposed closure and identify if any of the streets requested for closure are NCDOT maintained roads. Indicated number and location of proposed barricades. Include directions for vendor set-up/ drop off and timeframes where limited vehicular access will be allowed.
 - c. The Apex Police Department reviews and/or develops a traffic control plan for the closure.
 - d. The Apex Police Department will approve or disapprove the street closure and notify all other applicable departments as to the decision. In some cases, meetings will be held among these parties prior to the permit approval.
 - e. Events such as Festivals, Walks, Runs, Races and any similar activities held on Town-owned property or on public rights-of-way within the Town require a traffic control plan, in coordination with Apex Police Department.
 - f. Closings require the use of traffic control devices as set forth in the MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
2. **Sidewalks, Greenways and Multi-Use Paths.** Sidewalks, Greenways and Multi-Use paths are to be used for public refuge and pedestrian traffic only and must remain clear and unobstructed in case of emergency (unless the closure permit specifically states that the sidewalk, greenway or multi-use path is to be closed.)
3. **NCDOT Roadways.** Any North Carolina Department of Transportation State Highway or road must receive permission to be closed by NCDOT.
- b) **Personnel.** Special Events which requires manpower to either be pulled away from Town of Apex daily job tasks or for additional staff to be scheduled to cover workloads will be charged by Departments which determine that staff needs to allocated.
 - c) **Town Facilities.** Special events where public buildings or facilities are designated to accommodate all or a majority of needed restroom or other staging or event activities must have approval from the Director of the appropriate department. A fee may be charged based on the impact to the facilities programs and resources.
- 12) **Public Notification.** Event Organizer must provide public notification to all adjacent businesses and residents of the date and time of the event with a description of the roads to be closed a minimum thirty (30) days before the event. A copy of the notification must be submitted to the Town of Apex.
- a) Event Organizers planning events to be held in Downtown Apex need to have approval by the Apex Downtown Business Association prior to submitting an application.

- b) Event Organizers planning events to be held in Town Parks or on Public Greenways need approval by the Director or his designee prior to submitting the application for use of Town Park Facilities.

15) **Co-Sponsored Events.** The Town of Apex has acted as a co-sponsor for various Special Events such as Peak Fest and Christmas Parade. Much time and planning in addition to financial resources, goes into these events. Through co-sponsorship, the Town may provide: staff support, logistical support, equipment usage, technical assistance and other in-kind support. While recognizing that these events add to the quality of life in the community, help to bring the community together, and foster economic growth the Town also must be very careful in which events it chooses to co-sponsor. Because of the number of requests and demands placed on Town Departments during these events, it is impossible to co-sponsor every event where a request is made. Staff time, availability of equipment, the nature of the event, and several other factors are taken into account on deciding whether or not to co-sponsor an event.

As much as possible, the Town tries to plan for events on an annual basis. Therefore, if you desire for your event to be co-sponsored with the Town of Apex **your application must be received by December 1st**, following the criteria set forth in the festivals and special events policy. These co-sponsored events are submitted for approval each year.

- a) **Criteria for Co-Sponsorship.** The following criteria are used when determining co-sponsored Events:
 - 1. The requesting applicant must represent a non-profit organization as defined by state or federal tax law.
 - 2. Priority will be given to Apex based groups/ chapters / organizations.
 - 3. The proposed event is community focused and / or recreational in nature.
 - 4. The proposed event is open to the general public.
 - 5. The proposed event has been planned to facilitate a positive impact to the community.
 - 6. **Eligibility for co-sponsorship status is based on successful completion and submittal of application, agreements, and letters of petition and/or contracts by December 1st of the calendar year prior to that the event is scheduled.**
- b) **Conditions of Co-Sponsorship.** The Event Organizer should understand and agree to the following if requested:
 - ~~1.~~ All requests for sponsorship or co-sponsorship must be approved by the Apex Town Council. Requests for co-sponsorship must be received **December 1st of the calendar year prior to that the event is scheduled**
 - 2. Applicant will provide to the Town a clear and detailed record of the event's requested needs from the Town at the time of application for co-sponsorship status.
 - 3. Where applicable, the applicant shall provide at no cost, one booth space (or the equivalent thereof), at a mutually agreeable location at the event for the use by the Town of Apex as

determined by the Town.

4. Group or organization must include in **all publicity, including print, video, television and radio**, that the event is co-sponsored by the Town of Apex. Any expense associated with this recognition shall be borne by the applicant and approved at least 30 day in advance by the Town.
5. The Town of Apex will be given name, logo and banner representation in tandem with the co-sponsors name, logo and banner representation. Any expense associated with that representation shall be borne by the applicant.
6. Applicant will provide clear spoken recognition of the Town of Apex and its contribution at any events or functions utilizing live entertainment or speakers. Any expense associated with that representation shall be borne by the applicant.
7. Applicant will provide for the Town of Apex, a wrap up package consisting of copies of all media coverage including, radio, print and television ads and feature stories that relate to the event. Any expense associated with that representation shall be borne by the applicant.

SPECIAL EVENTS SPONSOR/ CO-SPONSOR AGREEMENT

We, _____ do hereby agree to the following conditions in order to be considered for sponsorship or co-sponsorship by the Town of Apex.

1. Group or organization must be recreational in nature or principle, or provide tangible benefit to the community.
2. Group or organization must be a non-profit group as defined by N.C. State Law and be accountable for all income and expenditures to the Town of Apex. Provide a detailed financial statement to the Town annually or after completion of the event. Any or all financial records are subject to audit by Town of Apex.
3. Group or organization must submit **by December 1st of the calendar year prior to your event is scheduled** an *event application, which includes the following*:
 - a written plan for the event together including a narrative description of the event
 - a budget for the event
 - a marketing plan for the event
 - a logistics plan for the event.
4. Group or organization's activities must be open to the general public.
5. Group or organization must include in **ALL PUBLICITY**, including print, video, television and radio, that the activity is co-sponsored by the Town of Apex with the Town receiving significant name, logo and banner representation in tandem with the co-sponsors name, logo and banner representation.
6. No activities/events may be held at a facility, which – would result in monetary gain for an individual.
7. NO ALCOHOLIC BEVERAGES will be allowed at any outdoor event, without prior approval and all necessary permits.
8. Partisan political events or activities will not be permitted during a town sponsored or co-sponsored event. If political figures are invited to participate, it must be clearly understood that it is because of the office they now hold and not because of the office for which they are seeking election or re-election.
9. Group or organization must provide a \$1,000,000 certificate of insurance which specifically lists the Town of Apex as an additional insured.
10. Group or organization hereby assumes all risks incident to or in connection with the permitted activity and shall be solely responsible for damage or injury, of whatever kind or nature, to person or property, directly or indirectly arising out of or in connection with the permitted activity or the conduct of the Permittee's operation. Event Organizer hereby expressly agrees to indemnify, defend and save the Town harmless from any penalties for violation of law, ordinance, or regulation affecting its activity and from any and all claims or suits for damages or losses (including, but not limited to, attorney's fees and other litigation expenses) for personal injury and for property damage directly or indirectly arising out of or in connection with the permitted activity or conduct of its operation or resulting from the negligence or intentional acts or omissions of Permittee or its officers, agents and employees.
11. Group or organization must provide information and/or perform such other duties as may be required by the Town of Apex
12. The Event Organizer will provide a booth space (or equivalent thereof), at a mutually agreeable location at the event, for the use of Town of Apex free of cost. Any cost associated with this shall be borne by the applicant.
13. Applicant will provide clear spoken recognition of the Town of Apex and its contribution at any events or functions utilizing live entertainment or speakers. Any cost associated with this shall be borne by the applicant.
14. The Event Organizer will provide for The Town of Apex a wrap up package of copies of all media coverage including, radio, print and television ads and feature stories that relate to the event. Any cost associated with this shall be borne by the applicant.

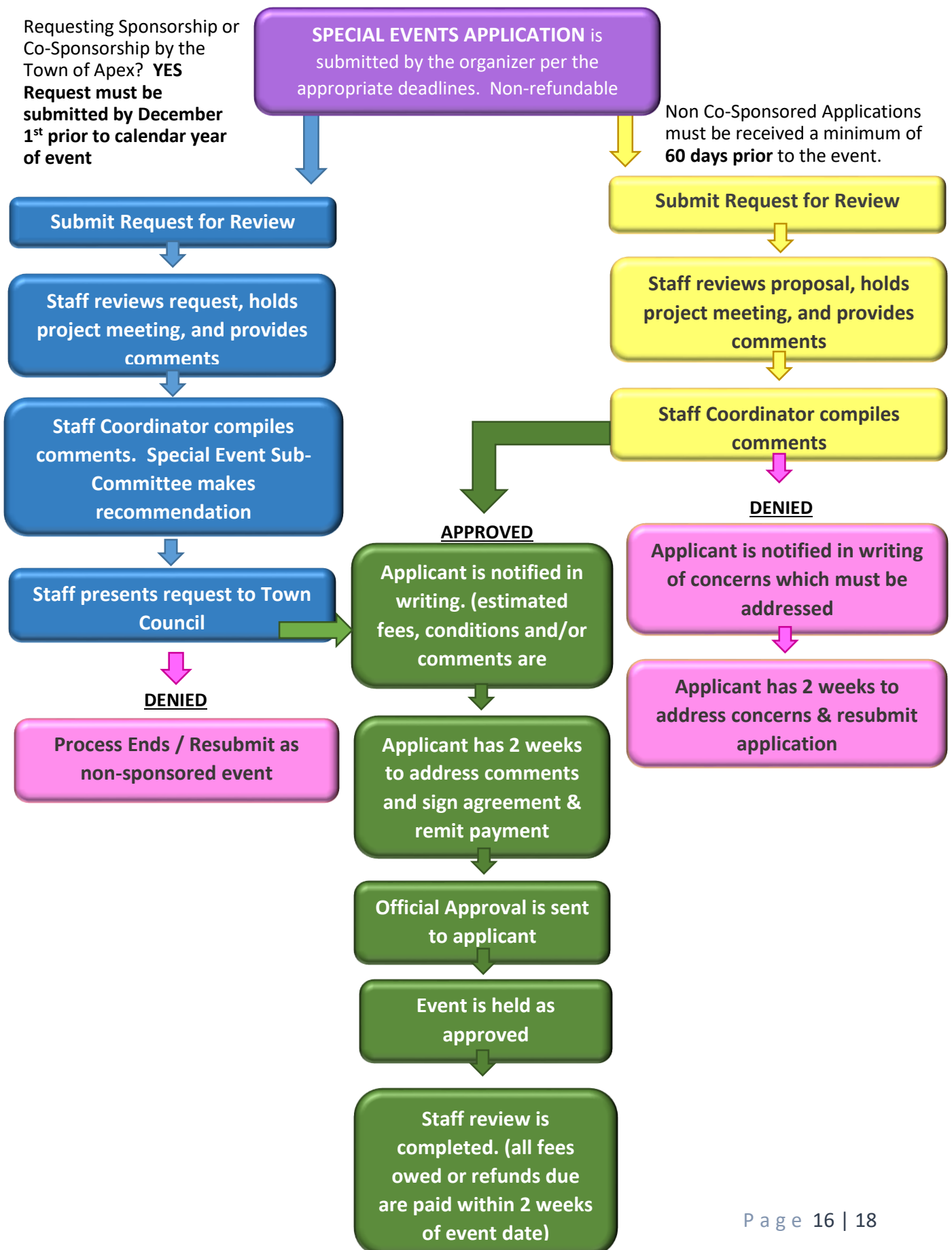
Special Event Organizer Date _____

President of Group/Organization Date _____

Address _____ City _____ State _____ Zip _____

Primary Phone _____ Email Address _____

ACCEPTED: _____ Date _____
Town of Apex



Personnel Rate Sheet (for internal use only)

Parks, Recreation, and Cultural Resources

Position	Hourly Rate	Hours	Total Cost
Parks & Rec Supervisor/Manager	\$47		
Parks Maintenance Worker	\$33		
Parks Maintenance Crew Leader	\$39		
Parks and Rec Program/Specialist	\$39		
Parks & Rec Admin Support	\$35		

Fire

Position	Hourly Rate	Hours	Total Cost
Firefighter	\$26		
Fire Engineer	\$31		
Fire Officer	\$36		
Battalion Chief	\$41		
ATV	\$9.45		
Fire Truck (Engine)	85		
Fire Truck (Aerial)	\$135		
Staffed Fire Truck	\$178		

**Fire staff unlikely to accrue 1.5 overtime liability for assignment so rate does not include overtime calculation.*

Police

Position	Hourly Rate	Hours	Total Cost
Event Supervisor (Sgt. or Lt.)	\$57		
Police Officer	\$42		
Telecommunicator	\$24		

Public Works

Position	Hourly Rate	Hours	Total Cost
Solid Waste/Street Worker	\$35		
Solid Waste Supervisor	\$45		
Utility (Water/Sewer) Personnel	\$35		
Electric Line Technician	\$47		

Public Works

Position	Hourly Rate	Hours	Total Cost
Solid Waste/Street Worker	\$35		
Utility (Water/Sewer) Personnel	\$35		
Electric Line Technician	\$47		

| Agenda Item | cover sheet

for consideration by the Apex Town Council

Item Type: NEW BUSINESS

Meeting Date: March 17, 2020

Item Details

Presenter(s): John M. Brown, Director Parks, Recreation, and Cultural Resources and Craig Setzer, Park Operations Manager

Department(s): Parks, Recreation, and Cultural Resources

Requested Motion

Motion to approve implementation of Adopt a Park / Adopt a Trail Program

Approval Recommended?

Yes

Item Details

Those using our public parks and greenways are sometimes our best eyes and ears as to how to make the parks and greenways the best they can be. Each year, numerous groups reach out to offer their help and assistance in cleaning and helping maintain our public parks and greenways. Think Apex Day is a great example where citizens work with our Park Operations Team to mulch trails, pick up trash, paint, and otherwise improve our public parks and greenways.

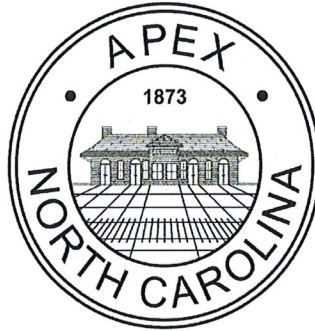
The proposed Adopt-A-Park / Adopt-A-Trail Program will allow individuals and citizens to partner with our Park Operations team in helping keep our parks and greenways in great condition while promoting community pride and ownership in our parks and greenways. The program has been reviewed by the Parks, Recreation, and Cultural Resources Advisory Commission and has received their unanimous support and recommendation for approval and implementation.

Attachments

- Adopt-A-Park / Adopt-A-Trail Program*



Town of Apex Parks, Recreation and Cultural Resources



Adopt-A-Park/Trail (APAT) Program

What is the Adopt-A-Park/Trail (APAT) Program?

The Town of Apex Adopt-A-Park/Trail Program (APAT) is designed to encourage the community to work hands-on to help keep Apex's parks and trails clean and attractive. This program creates a framework under which citizens and citizen groups/agencies or organizations can contribute to the Town by "adopting" a section of a Town trail or park, and agreeing to improve it through litter pick-up, maintaining flower beds, painting, spreading playground mulch and other safety surfacing and other manual labor. The program also offers the opportunity for people to get more involved in their community in a way that promotes civic pride, appreciation and awareness.

Currently the Town of Apex Parks, Recreation and Cultural Resources manages and maintains approximately 618 acres of developed /undeveloped park land and open space as well 12 Town-owned parks and 16 miles of greenways/trails. It also has maintenance and upkeep responsibilities on 4 school campuses. Groups and individuals who agree to adopt parks and trails provide an invaluable resource by supplementing park operation staff, ensuring that our parks and greenways are well-maintained, safe, and inviting to users.

Who can participate?

The APAT program welcomes any individual(s), youth groups, neighborhood associations, civic groups, faith based organizations, athletics organizations, service organizations, schools (groups and teams) business and other community organizations that are interested in bettering our parks and greenways. Priority will always be given to those who are residents of Apex, those who own/operate a business in Apex, and those groups who are based in Apex.

If selected to participate in APAT, what is the time commitment?

The adoption commitment follows the Town's fiscal year, beginning July 1st and ending June 30th of each year. Adopting individual/organizations are asked to make a one-year commitment to their park or trail and complete a minimum of two (2) projects per year. However, applications may be taken during the year and the number of expected cleanup projects may be pro-rated according to the adoption approval date. Once approved, it is the participant's responsibility to organize 2 yearly clean-ups, track the total volunteer hours, and coordinate projects with Park Operations Staff. The Town of Apex will provide supplies necessary for the clean-up / project. In addition, it is the responsibility of the adopting individual / organization to:

- 1) Schedule the cleanup dates with the APAT Coordinator no less than two (2) weeks in advance so that arrangements can be made for trash removal and to avoid program conflicts
- 2) Pick up litter/debris and place the filled trash bags in the designated areas
- 3) Adhere to the Safety Guidelines as provided by the APAT Coordinator
- 4) Report any vandalism or potential safety hazards found in your adopted space
- 5) Complete and return APAT Progress Report, Volunteer Applications, and Volunteer Service Record within 14 days of project completion. These can be returned in person, by mail or electronically.

What about Special Projects and Improvements to Parks?

Any adopting individual or group who wants to materially change their adopted space, such as by landscaping or other area improvements, should contact their APAT Coordinator to discuss their proposed project. The appropriate Town departments will then review the request to ensure that the project complies with applicable safety, environmental, and legal restrictions, that it is consistent with the overall design, use, and maintenance of the park or trail. The APAT Coordinator will then follow up the request with the requesting group.

What materials / equipment will be provided for the clean-up?

The Town of Apex will provide trash and recycling bags, recycling information, safety guidelines, and trash removal at the end of the project. The Town will also provide "trash grabbers", safety vests and work gloves for the project.

How will my adoption be recognized?

After completing a 12 month cycle including a minimum of 2 scheduled clean-ups, signage will be displayed in a prominent location within the adopted boundaries of the adopted park or trail acknowledging the organization /individual service and commitment to maintaining the park or trail. Adopters will also have their name highlighted on the Town of Apex Parks, Recreation and Cultural Resources web site.

How do I get started?

The first step is for the interested group or individual to fill out an application to become part of the Town's APAT program and appoint a contact person to ensure clear communication. Once you are notified that request has been approved, contact the Adopt-A-Park and Adopt-A-Trail program coordinator to discuss the parks and trails currently available for adoption. At this meeting, the APAT coordinator will also answer questions and fully explain the specifics of the program. Potential dates for the first clean-up will also be discussed and agreed upon.



ADOPT A PARK / ADOPT A TRAIL PROGRAM PARK AND TRAIL OPPORTUNITIES

Park Opportunities

1. Apex Community Park

Front (3 baseball fields, 2 batting cages, soccer field, camp building/restroom, playground)

Back (6 tennis courts, 3 sand volleyball courts, playground, 4 basketball courts, restroom, 2 picnic areas shelters, nature trails, elevate course)

Lake Pine Entrance (Restroom, Dam, Bridge)

2. Hunter Street Park (Softball field, picnic shelter/restroom, playground, greenway, soccer field)

3. Jaycee Park (Softball field, playground, picnic shelter/restroom, soccer field)

4. Kelly Road Park (Playground, tennis courts, picnic shelter/restroom, softball field)

5. Nature Park

Phase 1 (Picnic shelter/restroom, greenway)

Phase 2/Seymour Athletic Fields (Picnic shelter/restroom, tennis courts, soccer fields, greenway, sand volleyball courts)

Disc Golf Course

6. Salem Pond Park (Greenway, Soccer field)

7. Clairmont Neighborhood Park (Picnic shelter, playground, basketball court)

8. Kelly Glen Neighborhood Park (Picnic shelter, playground)

9. Seagroves Farm Neighborhood Park (Shelter/restroom, playground, greenway, fishing dock)

10. Sue Helton Neighborhood Park (Gazebo, playground)

11. West Street Neighborhood Park (Picnic shelter, playground, basketball court)

Greenway / Trail Opportunities

1. Apex Community Park Greenway / 2.17 miles

2. Beaver Creek Greenway

(Jaycee Park – Townside Drive) / **.9 Miles**

(Townside Drive – Pendula Path) / **.55 Miles**

(Pendula Path – Kelly Rd) / **.9 Miles**

2. Clark Branch

(Crestmont Subdivision) / **.57 miles**

(Enclave to Regency) / **.33 miles**

3. Haddon Hall Greenway (Haywards Heath Lane – Blackburn Rd.) / .52 miles

4. Little Beaver Creek (Jordan Manors) / .72 miles

5. Milano Connector (Stillwater) / .32 miles

6. North Beaver Creek Greenway

(Becketts Crossing – Beaver Creek Commons Drive) / **.6 Miles**

(Charleston Village – Sutton Place) / **.58 miles**

7. White Oak Creek

(Clark Branch to Weddington) / **.8 miles**

(Green Level Estates to Clark Branch) / **.4 miles**

(Green Level Church Rd. to Green Level Estates) / **.77 miles**

(Weddington to American Tobacco Trail) / **.2 miles**



Adopt-A-Park/Adopt-A-Trail Application

The Town of Apex believes that well-maintained parks and trails areas are essential to the beauty and appeal of our community. The Town of Apex Adopt-A-Park and Adopt-A-Trail (APAT) programs were established to improve the appearance of the Town of Apex, and to encourage community involvement.

By this agreement, _____ (applicant) agrees to abide by the Adopt-A-Park/Adopt-A-Trail Program Requirements and Adopt-A-Park/Adopt-A-Trail Safety Guidelines set forth by the Town of Apex, and to enforce compliance with the program requirements and safety guidelines by volunteers working on APAT projects sponsored by its organization.

The Town of Apex recognizes the applicant as the adopting organization of the following park/trail:

Park Name: _____

Trail Name: _____ from _____ to _____

Beginning Date: _____ Ending Date: _____

The terms of this agreement are to be followed from the date the adoption is approved until June 30th of the same year. The number of clean-ups required during the first year will be no less than _____ after the adoption approval date.

Adoptions will be automatically renewed each year, unless another group/individual wants to adopt that specific park or trail, applicants fail to complete and report the required number of cleanups, or they request to be removed from the program. There is a maximum of a two year adoption period if a waiting list exists for that facility. Failure to complete obligations will prevent future adoptions by your organization. The Town of Apex reserves the right to cancel this privilege at any time.

Signature of Adoption Coordinator

Date

Town of Apex Parks, Recreation and Cultural Resources Representative

Date

Name of Organization as you would like it to appear on the sign

Abbreviated Organization Name

Name of Adoption Coordinator

E-Mail

Address

Home Phone

City, State, Zip

Work Phone

Fax

Cell Phone

TOWN OF APEX

The Peak of Good Living

PO Box 250 Apex, NC 27502 | (919) 249-3402 | www.apexnc.org



Volunteer Job Description: Adopt -A-Park /Adopt-A-Trail

Position: Adopt-A-Park/Trail Volunteer

Department: Parks, Recreation and Cultural Resources

Job Category: Volunteer

Incumbents serve as ambassadors to the Adopt-A-Park/Trail (APAT) program with responsibilities for conducting minor trail maintenance and reporting on trail conditions. Volunteers report directly to APAT program coordinator.

Nature of Work:

Work involves responsibility for planning, organizing, supervising and participating in volunteer projects, such as clean-ups, in a specified park or trail.

Duties:

1. Responsible for visiting park or trail at least 2 times per year to perform clean-up and report on conditions of park/trail
2. Responsible for committing to the program for at least one year.
3. Responsible for ensuring that each volunteer submits Town of Apex Volunteer Application prior to work day
4. Responsible for completing APAT Service Record on work performed at the park or trail and submitting to APAT program coordinator.
5. Responsible for completing an adoption agreement with the Town of Apex for the specific park or trail.
6. Responsible for contacting APAT program coordinator when a scheduled clean-up is planned.

Knowledge, Skills, and Abilities:

- Ability to deal courteously with the public.
- Ability to take directions from program coordinator
- Ability to prepare clear written reports.
- Dependable, flexible and willing to work evenings, weekends and holidays as needed
- Follows safe working procedures.
- Knowledge of skills required for agreed upon service project.
- Willingness to commit to the program for at least one year
- Willingness to commit to volunteer experience which includes at least 2 projects per year



Adopt-A-Park/Adopt-A-Trail Progress Report

Basic Information

Location (Name of park or trail)_____
Adopting Agency_____
Adoption Coordinator_____
Adoption Coordinator's Daytime Phone Number_____
Project Coordinator (If different from adoption coordinator)_____
Project Coordinator's Daytime Phone Number_____
Date Work Performed_____
Time Work Performed

Project Description:

Volunteers involved for a total of _____ volunteer hours.

Results

bags of trash collected and left at __________
bags of recycling collected and left at _____

Other Accomplishments: _____

Work still to be completed: _____

Adoption/Project Coordinator Comments:

TOA Staff Comments:

Maintenance or Security Issues

Examples: graffiti, broken equipment, vandalism, dead/damaged trees or shrubbery, missing/damaged bollards, fencing or locks, drug paraphernalia.

For Office Use Only:

Security Follow-up: _____ Work Order#: _____

APAT Coordinator: (Initials/Date) _____

Comments: _____

TOWN OF APEX

The Peak of Good Living

PO Box 250 Apex, NC 27502 | (919) 249-3402 | www.apexnc.org



Service Project Volunteer Record

Basic Information			
<hr/> <div>Location (Name of park, trail or center) Adopting/Volunteer Agency</div>		<hr/> <div>Date Work Performed</div> <hr/> <div>Time Work Performed</div>	
Waiver			
<p>I hereby state that I am acting in a volunteer capacity for the Town of Apex Parks, Recreation and Cultural Resources Department. While serving in this role, I agree to follow the policies and procedures for the program as outlined by the Parks Operations Manager. I waive and release any potential claims against the Town of Apex for damages or injuries received while acting as a volunteer, including and not limited to volunteer efforts during park/trail maintenance or improvement activities. In the event that I become incapacitated during the course of my volunteer activities, I give my permission to the project coordinator, volunteer supervisor and/or the Town of Apex to provide first aid, to request emergency medical care on my behalf, and to release information on this form or learned through personal conversations with me or my family members or friends to appropriate medical or rescue personnel.</p>			
<hr/> <div>Participant Name (please print)</div>		<hr/> <div>Address</div>	<div><hr/><div>Phone</div><hr/><div>e-mail</div></div>
<hr/> <div>Parent/Guardian/Emergency Contact Name (please print)</div>		<hr/> <div>Phone</div>	
<hr/> <div>Participant Signature</div>		<div><hr/><div>Parent/Guardian Signature</div><hr/><div>Hours</div></div>	
<hr/> <div>Participant Name (please print)</div>		<hr/> <div>Address</div>	<div><hr/><div>Phone</div><hr/><div>e-mail</div></div>
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TOWN OF APEX*The Peak of Good Living*PO Box 250 Apex, NC 27502 | (919) 249-3400 | www.apexnc.org



Adopt-A-Park & Adopt-A-Trail Program

Safety Guidelines / Suggestions

1. Stay clear of all construction areas.
2. Be aware of loose pets; do not bring unattended pets with you to your work site.
3. Work is to be completed during park/trail hours only (dawn to dusk).
4. Always provide adult supervision for your organization/group.
5. Place all bagged litter/trash at the designated locations to assure pick-up.
6. Use the litter pick-up devices (Easy Reacher's) and plastic trash bags properly.
7. Be aware of snakes, bees, wasps, and spiders (bug spray is recommended).
8. Have a first-aid kit available on site in case of an emergency.
9. **DO NOT** attempt to work in inclement weather.
10. **DO NOT** remove hazardous substances. (e.g., car batteries, needles or pesticide containers) Notify the Volunteer Coordinator if these substances are found.
11. Avoid contact with noxious weeds (poison ivy, sumac) and areas where herbicides have been applied.
12. If you are near a roadside, work facing on-coming traffic. Wear safety vests if possible if working within 10 feet of any roadway. **DO NOT** pick up litter on bridges, overpasses or in tunnels.
13. **DO NOT** over-exert yourself, especially on hot days. Drink plenty of water and stay hydrated.
14. Cross streets only at cross walks.
15. Wear light colored clothing, appropriate for the task at hand.
16. Work gloves should be worn at all times. Work gloves will be provided upon request.
17. Always wear a hat.
18. Wear sturdy closed toe shoes or boots with puncture resistant soles.
19. Use a buddy system when possible.
20. Always have a cell phone available.
21. Be aware of unusual objects (anything that may expose blood borne pathogens), and dispose of them with caution (contraceptive, diapers, and feminine hygiene products). If you're not comfortable handling / disposing of a particular item, notify the Volunteer Coordinator as soon as possible.
22. If "syringes" are found please contact TOA immediately with the whereabouts of the items and **DO NOT** attempt to remove.

REMEMBER: Call us at 919-249-9385 immediately following a cleanup project.

Ask for the Volunteer Coordinator and leave me a message with the precise location of where the trash bags are located so we can arrange for timely pick-up and disposal. Thank you for keeping the parks and trails in the Town of Apex clean and beautiful.

Questions or Problems: Call the Town of Apex @ 919-249-3402 or in case of an immediate threat or emergency call 911.

Apex Community Park: Front



Copyright nearmap 2015

0 62.5 125 250 375 500 Feet

Apex Community Park: Back



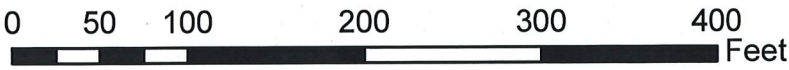
Copyright nearmap 2015

0 50 100 200 300 400 Feet

Apex Community Park: Lake Pine



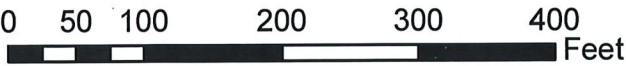
Copyright nearmap 2015



Hunter Street Park & Dog Park



Copyright nearmap 2015



Jaycee Park



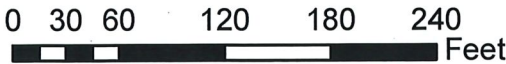
Copyright © 2016



Kelly Road Park



Copyright nearmap 2015



Nature Park: Phase 1



0 50 100 200 300 400 Feet

Nature Park: Phase 2



Copyright nearmap 2015

0 50 100 200 300 400 Feet

Nature Park: Disc Golf Course



Copyright Inearmap 2015



Salem Pond Park



Copyright hearmap 2015

0 50 100 200 300 400 Feet

Clairmont Park



Copyright nearmap 2015



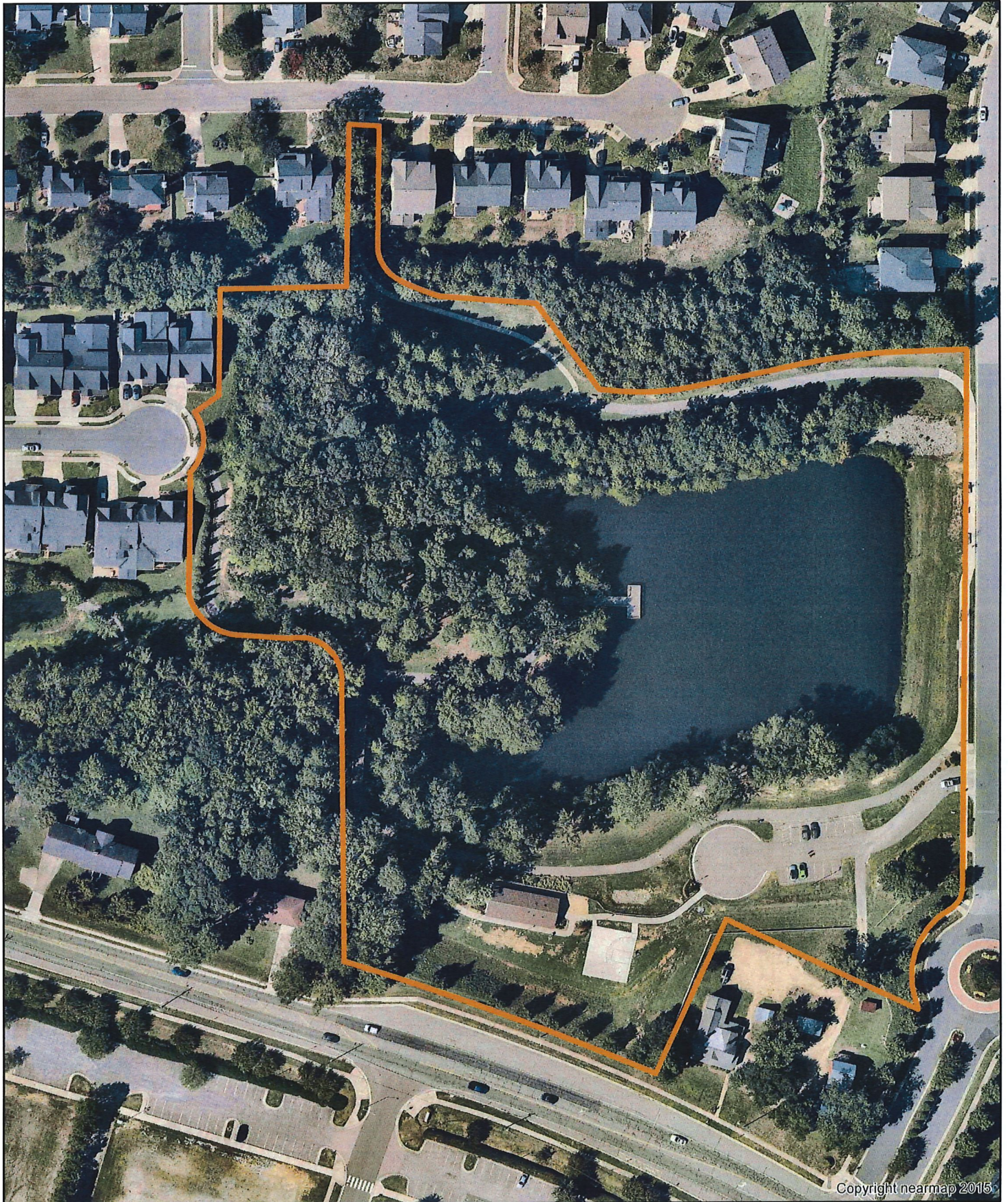
Kelly Glen Park



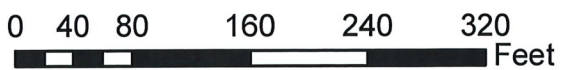
Copyright nearmap 2015

0 5 10 20 30 40
Feet

Seagroves Park



Copyright nearmap 2015



Sue Helton Memorial Park



Copyright nearmap 2015

0 5 10 20 30 40
Feet

West Street Park



Copyright nearmap 2015

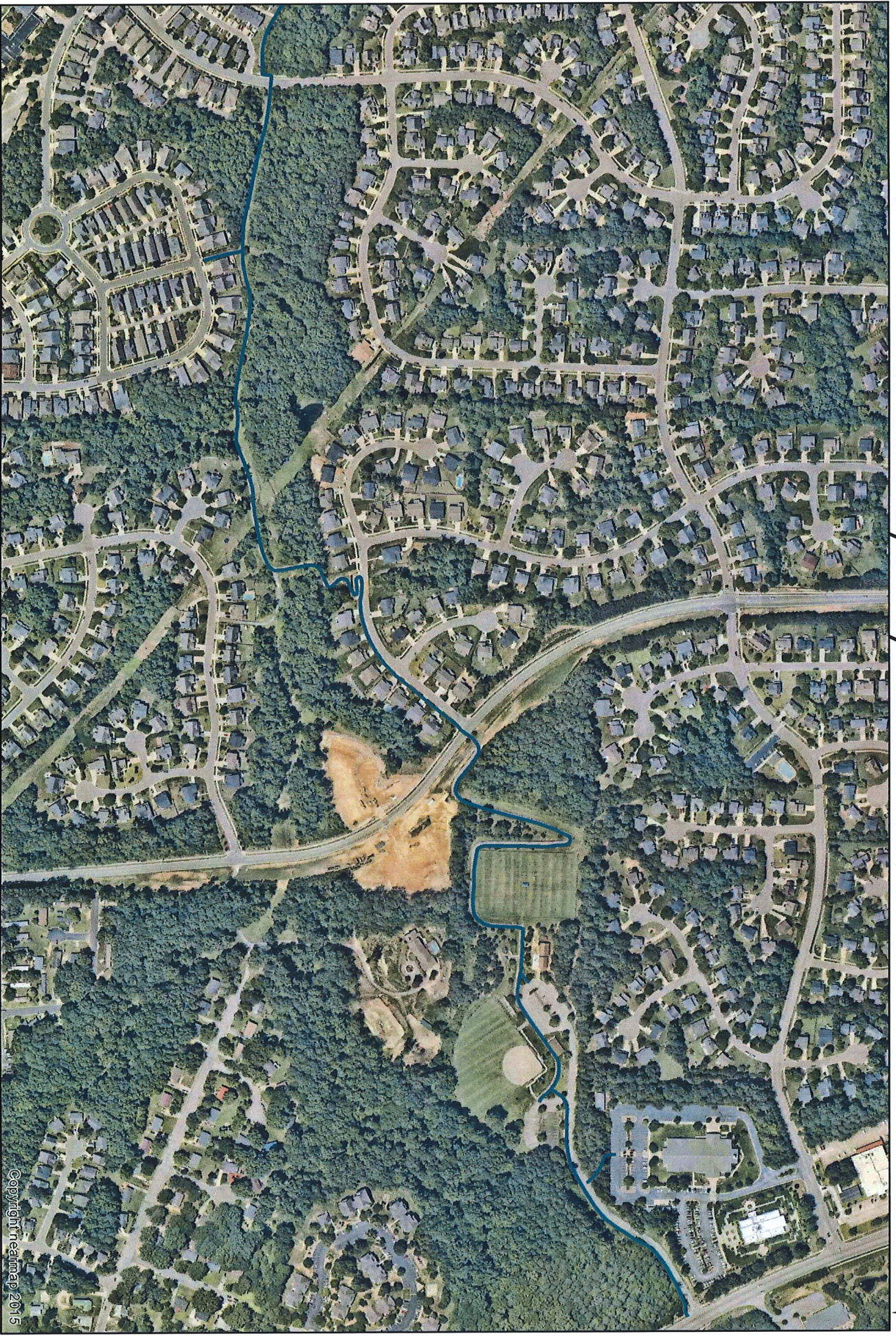


Apex Community Park Greenway



0 125 250 500 750 1,000
Feet

Beaver Creek Greenway: Jaycee Park to Town Side Dr.



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Beaver Creek Greenway: Town Side Dr. To Pendula Path



0 125 250 500 750 1,000 Feet

Copyright nearmap 2015

Beaver Creek Greenway: Pendula Path to Kelly Rd.



0 125 250 500 750 1,000
Feet

Clark Branch Greenway:
Crestmont



Copyright nearmap 2015

0 60 120 240 360 480 Feet

Clark Branch Greenway:
Enclave / Regency at White Oak Creek



0 70 140 280 420 560 Feet

Haddon Hall Greenway



Copyright nsairmap 2015

0 50 100 200 300 400
Feet

Little Beaver Creek Greenway:
Jordan Manors



0 125 250 500 750 1,000 Feet

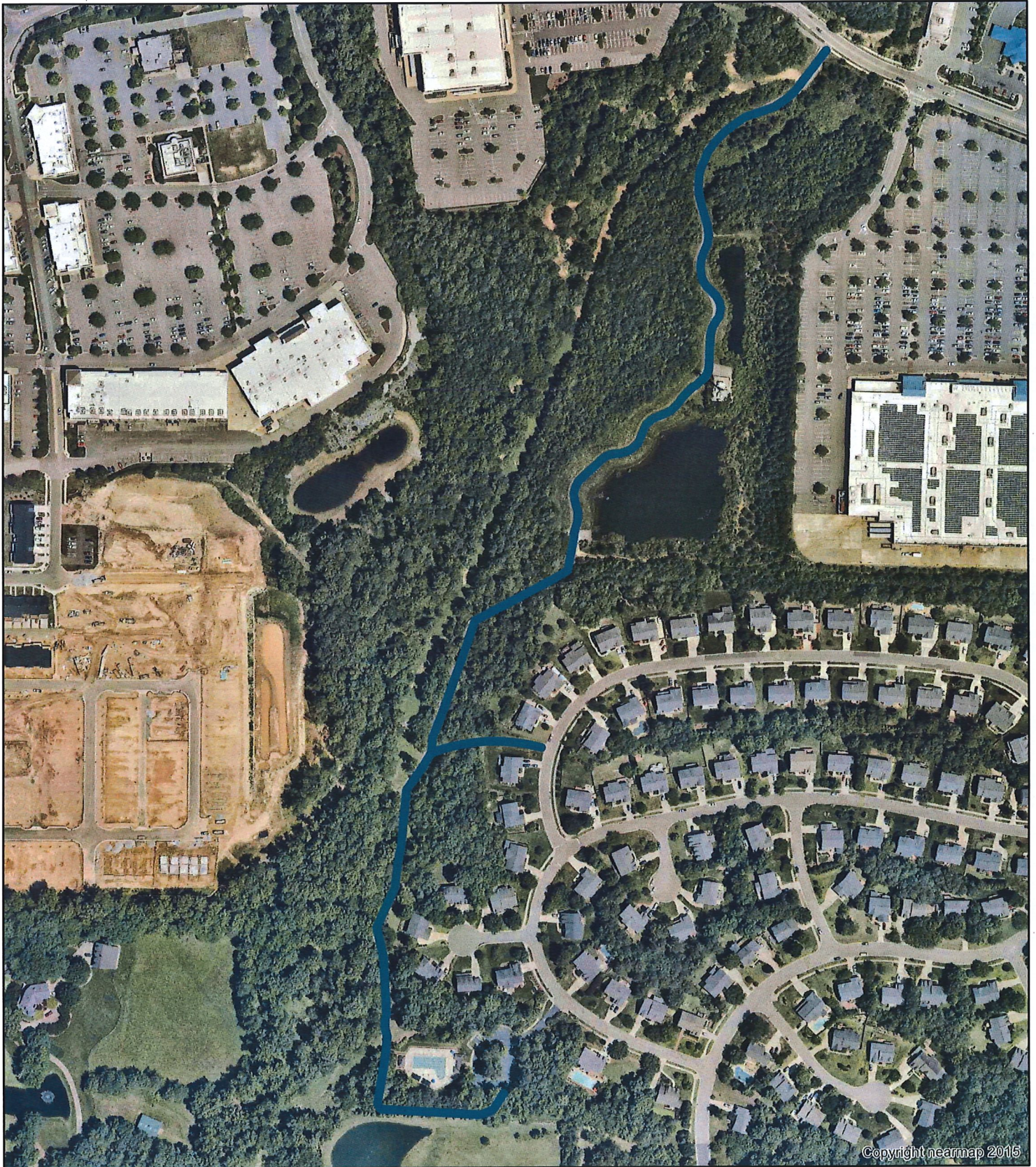
Milano Connector (Stillwater):
Ragan Road to Richardson Road



Copyright nearmap 2015

0 80 160 320 480 640 Feet

North Beaver Creek Greenway: Beckett Crossing-Beaver Creek Commons Dr.



Copyright nearmap 2015

0 135 270 540 810 1,080 Feet

North Beaver Creek Greenway: Charleston Village to Sutton Place



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0 125 250 500 750 1,000 Feet

White Oak Creek Greenway Clark Branch to Weddington



Copyright hearmap 2015

0 95 190 380 570 760
Feet

White Oak Creek Greenway Green Level Estates to Clark Branch



0 70 140 280 420 560 Feet

White Oak Creek Greenway Green Level Church Road to Green Level Estates



0 140 280 560 840 1,120
Feet

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White Oak Creek Greenway Weddington to American Tobacco Trail



0 25 50 100 150 200 Feet