



| REGULAR TOWN COUNCIL MEETING

June 22, 2021 at 6:00 PM

Council Chambers - Apex Town Hall, 73 Hunter Street

The meeting will adjourn when all business is concluded or 10:00 PM, whichever comes first

Town Council and Administration

Mayor: Jacques K. Gilbert | Mayor Pro Tem: Nicole L. Dozier
Council Members: Brett D. Gantt; Audra M. Killingsworth; Cheryl F. Stallings; Terry Mahaffey
Interim Town Manager: Shawn Purvis | Assistant Town Manager Marty Stone
Town Clerk: Donna B. Hosch, MMC | Town Attorney: Laurie L. Hohe

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

Also in attendance at the Work Session were Traffic Engineering Manager Russell Dalton, Long Range Planning Manager Shannon Cox, and Stantec (Consultants for the project). There were also many audience attendees.

COMMENCEMENT

Mayor Gilbert called the meeting to order.

WORK SESSION

WS1 Russell Dalton, Traffic Engineering Manager

Schematic designs to carry forward to final design phase for the Saunders St Parking Lot, Commerce St Alley, Seaboard St Alley, The Peak on Salem Alley, Saunders St Gathering Place, and Salem Streetscape, as well as "Smart Parking" solutions.

Staff stated the process that got us to where we are today on this project.

Staff stated the various options and gave the preferences of the public about Saunders Street. While parking is not being considered at this time, there was public preference for such. The cost estimate summary and the options included were given.

The Commerce Street option was detailed. Responding to Council, staff spoke about parking and trash consolidation. The public was 70%+ in favor of the option, and staff spoke about the concerns which were voiced. The cost estimate summary was given.

Seaboard Street was detailed. 81% of public comments were favorable. Concerns were outlined. The cost estimate summary was given, which was higher than that for Commerce Street. Responding to Council, staff spoke about parking and how this would affect deliveries. Staff stated deliveries had not been accounted for as far as a loading zone. Delivery trucks, however, could be accommodated in the space. The cost estimate summary was given.

The Peak on Salem Alley option was explained. Overall, people were receptive to cars not being allowed in the alley. The cost estimate summary was stated.

The Salem Streetscape three options were overviewed. Public preferences for all three were presented. Staff stated people are excited to see this move forward, but others felt it would be hard to get this started at this point. Council asked about the maintenance of curb vs. curbless in this area. The cost estimate summary was given.

Saunders Street Gathering Space was overviewed which would involve turning this area into a hardscape and gathering space. 80% of the public was in favor of this idea.

Smart parking was presented for a possible motion. Council conversation ensued related to the three presented options.

Mayor Gilbert called for a motion related to the options. Council Member Killingsworth made the motion to approve Option 2; Council Member Mahaffey seconded the motion.

Council Members Killingsworth, Mahaffey, Dozier, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

The Saunders Street solar canopy was presented for a possible motion. Council conversation ensued related to conduit and further exploring this.

Mayor Gilbert called for a motion. Council Member Killingsworth made the motion to approve the solar canopy; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

Commerce Street utilities was presented for a possible motion.

The owner of Fresh Ice Cream stated that utilities are a big problem. We need to make these as functional and attractive as possible. He did not wish to address parking because of limited space in this area. He asked about trash options and possible ways to get rid of the smell.

Luke Dobbins spoke about the sometimes odor from the trash and how his current employee parking would be affected by the Plan. He didn't want to lose staff because of an inconvenience to parking.

Marshall Barnes stated he felt parking would drive the whole project and detailed why he felt that way. He asked for the process to be slowed until determination could be made for parking and then move forward with what would happen with the aspects of the Plan.

An audience participant stated he didn't want the process to slow down; we've been waiting for this for 10 years. It makes sense to think about getting rid of the parking spaces. He talked about needing to buy the land that has been under consideration.

An audience couple talked about access to their store being limited and what it would mean for their staff to have to walk long distances to the store. The reserved parking they have now is essential. They felt merchants would be punished because of the opinion of a miniscule amount of the population. This needs to be slowed down and thought about. It's about more than parking - it's also about merchants surviving.

Fresh Ice Cream stated businesses will thrive if we can bring and keep people downtown.

Anna's Pizza owner stated that without parking, no one will come downtown. Amazon's running them out of business because of convenience. He talked about no mass transit or bicycle lanes to bring in people. We need a parking deck like other municipalities. Council clarified spaces would be added

in either of the options, to which Anna's Pizza disagreed. He talked about having to utilize the space that we do have.

The Mayor thanked staff for the great job they did. The consultants were asked if they've transformed any other area similar to Apex. They stated there was not a lot of data related to removing parking in downtown. Studies have been done related to bike lanes and that type of study was explained. They definitively could not say removing parking would work or not work.

Council stated she felt we should take a pause, take the input and feedback and think on it, and not make any more decisions this evening. We could set a date to revisit this. Staff stated what was presented were their recommendations and they would not make changes to Council input.

Staff briefly detailed the remainder of the options, stating that they were asking for a possible motion to move forward to the next design stage.

Consensus of Council was to discuss this again as a public hearing at the first Council Meeting in September.

COMMENCEMENT (continued)

Mayor Gilbert started the Invocation speaking about how blessed we are in Apex. He spoke about seeing our Ambassador, JC Knowles, as he was walking downtown with our new intern. JC had been in the house the past 14 months because of the COVID pandemic. JC loves this town and connecting with people, and that's what Apex is about - being connected no matter what problems we have. Mayor Gilbert stated, "Let's keep moving in the right direction. There is nothing we can't accomplish when we work together. This is Apex". He then led the Pledge of Allegiance.

PRESENTATIONS

PR1 Jacques Gilbert, Mayor
Presentation of National Parks and Recreation Month Proclamation

Council shared in the reading of the Proclamation. The Mayor presented the Proclamation to Interim Parks, Recreation, and Cultural Resources Director Craig Setzer, complementing Setzer for the good job that he has been doing.

PR2 Jacques Gilbert, Mayor

Presentation of Night of Light for Survivors of Trafficking Proclamation

Council shared in the reading of the Proclamation. The Mayor presented the Proclamation to Britney Williams. Ms. Williams explained the upcoming event that they will hold, stating that there are resources for survivors of trafficking. She asked everyone to join them to boost awareness in the community, and she thanked everyone for their support.

CONSENT AGENDA

CN1 Vance Holloman, Finance Director

Amendment of agreement between the Town and Western Wake Crisis Ministry, Inc. for administrative services for the Town's Utility Customer Assistance Program to include in the fees to be paid by the Town compensation for cost incurred that were not included in the original agreement.

CN2 Vance Holloman, Finance Director

Budget Ordinance Amendment No. 23 which reduces the appropriation for a transfer from the Water Sewer HB 463 Capital Reserve Fund to the Water Sewer Operating Fund and appropriates funds for the transfer in the Water Sewer Capital Reserve Fund.

CN3 Russell Dalton, Traffic Engineering Manager

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

CN4 Jacques K. Gilbert, Mayor

Appointment of Veronika Maynard-Simon and Mary Miskimon to the Tree CAP Committee.

CN5 Russell Dalton, Traffic Engineering Manager

Substitution of a fee in lieu from the Developer of the Westford project for design and installation of offsite traffic signals at Jenks Road at Green Level Church/Kelly Road, pursuant to UDO Sec. 7.1.7 and the Town Council hereby finds that the substitution is reasonable because an adjacent project currently in construction plan review is required to install turn

lanes and upgrade the traffic signal, and a fee in lieu would permit Apex to coordinate directly with that project developer on signal installation according to proposed roadway improvement plans.

- CN6 Adam Stephenson, Transportation Engineering Manager
Construction contract for 2021 Road Rehabilitation Project (R-21-05), Base Bid and Alternates 1, 2, and 3 to Barnhill Contracting Company, and authorization for the Interim Town Manager to execute the contract on behalf of the Town, and to approve corresponding Capital Project Ordinance Amendment 2021-17.
- CN7 Jenna Shouse, Long Range Planner II
Statement of the Apex Town Council pursuant to G.S. 160D-605(a) addressing action on the Unified Development Ordinance (UDO) Amendments of June 8, 2021.
- CN8 Dianne Khin, Director of Planning and Community Development
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding a request to amend Section 4.2.2 *Use Table* of the Unified Development Ordinance.
- CN9 Shelly Mayo, Planner II
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding Rezoning Application #21CZ16 Heelan PUD Amendment. The applicant, Jason Barron, seeks to rezone approximately 142.42 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #19CZ21) 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.
- CN10 Shelly Mayo, Planner II
Set the Public Hearing for the July 27, 2021 Town Council meeting regarding 2045 Land Use Map amendment and Rezoning Application #21CZ09 Alderwood PUD. The applicant, Jessie Hardesty for McAdams Co., seeks to amend the 2045 Land Use Map from Mixed Use: Commercial Services, Office Employment, and High Density Residential to Mixed Use: Commercial Services, Office Employment, and Medium/High Density Residential and rezone approximately 15.3 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.

CN11 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Carl Kaloon Eng and wife Alison Meredith Goss Eng to install a driveway of which 172 SF will encroach onto portions of the Town's variable width Public Drainage Easement and authorize the Interim Town Manager to execute the same.

CN12 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Umasankar Natanakumar and wife Leena Pravina Amarnath to install a fence of which 23 LF will encroach onto portions of the Town's 20' Public Storm Drainage Easement and authorization for the Interim Town Manager to execute the same.

CN13 Colleen Merays, Downtown & Small Business Development Coordinator

Amendment of the approved road closed of (N. Salem St. from Chatham St. to Center St.) from 7:30 AM to 1:00 PM for the Annual 4th of July Celebration to (N. Salem St. from Moore St. to Center St.) and add the closing of The Depot Parking Lot from 7:30 AM to 1:00 PM for the Splash Down.

CN14 Colleen Merays, Downtown & Small Business Development Coordinator

Amendment of the approved road and parking areas closed for Bone Suckin' Sauce Peak City Pig Fest to the Saunders/Templeton and Gravel Parking Lots, and Temple St. and Templeton St.

CN15 Michael Deaton, P.E., Director

Multi-year Master Service Agreements with multiple vendors.

CN16 Marty Stone, Assistant Town Manager

Encroachment agreement between the Town and property owner Shahriar Jalal Nibir and spouse Rumana Ferdous Haque to install a fence of which 135 LF will encroach onto portions of the Town's 40' Public Utility Easement and authorization for the Interim Town Manager to execute the same.

CN17 Keith McGee, Fire Chief

One-year extension of the Fire Protection Agreement between the Town of Apex and Wake County and to authorization for the Interim Town Manager to execute the same.

CN18 Rudy Baker, Director

Ordinance amendment updating statutory references to new Chapter 160D.

CN19 Patrick Lechner, Facilities & Grounds Manager

Landscaping contract between Bland Landscaping Company and the Town of Apex.

CN20 Shawn Purvis, Assistant Town Manager

Ordinances modifying Town Code Section 14-14 as to the Parking Lot at 112 Saunders Street closed for a Special Event(s) during Peak City Pig Fest on July 23-24, 2021, and the Night Farmers Market occurring the second Thursday of each month from 6 PM to 9 PM.

CN21 Vance Holloman, Finance Director

Capital Project Ordinance Amendment No. 2021-19 to appropriate funds to cover additional expenditures for the White Oak Pump Station Project for which the Town will be reimbursed by developers.

CN22 Michael Deaton, Water Resources Director

Capital Project Ordinance Amendment 2021-18 utilizing funds in the FY 2020-2021 operating budget for Water & Sewer Capital Projects

Council Member Killingsworth requested to abstain from voting because of her relationship with Western Wake related to CN01.

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

The motion carried by a 4-0 vote.

REGULAR MEETING AGENDA

Mayor Gilbert stated staff requested the addition of a New Business item, the item being related to Pig Fest and the use of Town Hall for those activities. He stated this would become New Business 03.

Mayor Gilbert called for a motion to adopt the Regular Agenda. Council Member Gantt made the motion with the added New Business item; Council

Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PUBLIC FORUM

David Blackudder stated he was not an Apex resident but felt the issue of the attacks on police were important to address. He stated he felt the review by the town was bias and did not reflect the facts. He asked why the information collected by the SBI was not distributed related to traffic stops. These facts would indicate no racism. He felt the officers now have targets on their backs. He stated that if the town really cared about people of color, it would make it more affordable for people of color to live here.

Diane Long spoke about her history as a long-time resident of Apex and her vested interest in the town. She spoke about the parking specifically on N. Salem Street and seniors being able to get to downtown. She complimented the work Councils have done to bring downtown back to life. Ms. Long spoke about growth and needing to be thoughtful about development.

Miss Unity spoke about the recent Pride events. We are one Apex, and she talked about righting the wrongs of history. She talked about what it meant for her to come back home.

Jack Otepka, owner of 621 Productions in downtown, talked about the downtown revitalization program. He urged Council to listen to the business and building owners and to consider the handicapped. His customers are mostly elderly and need to get to his store easily and accessibly. Right now, downtown is not very accessible and it won't be if we stick to the current proposed plan. He asked that the Park to Dine program end before Pig Fest so that the full street could be reopened.

PUBLIC HEARINGS

PH1 Dianne Khin, Director of Planning and Community Development

Public hearing and possible motion to adopt an Ordinance on the Question of Annexation - Apex Town Council's intent to annex Town of Apex (portion of Kings View Trail R-O-W) property containing 1.12 acres located along Kings View Trail at Recreation Drive and Old US 1 Highway, Annexation #712 into the Town's corporate limits.

Staff oriented Council to the site. Staff recommended approval.

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 Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH2 Shannon Cox, Long Range Planning Manager

Public hearing and possible motion regarding amendments to the Thoroughfare and Collector Street Plan map in the vicinity of Cash Corporate Center.

Staff oriented Council to the site and stated the recommendations of Planning staff after review with other Town departments. The Planning Board also recommended approval.

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 Stallings made the motion to approve the amendments; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

PH3 Shelly Mayo, Planner II

Public hearing and possible motion to approve Rezoning Application #21CZ03 Willow Hills PUD Amendment. The applicant, Toll Southeast LP Company, Inc., seeks to rezone approximately 70.77 acres from Planned Unit Development - Conditional Zoning (PUD-CZ #18CZ28) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at: 3417 Olive Chapel Rd.; 0 Willow Hills Dr.; 1400, 1406, 1411, 1412, 1418, 1419, 1425, 1426 Sierra Glen Cir.; and 0, 3400, 3406, 3407, 3413, 3414, 3420, 3426, 3432, 3438 Snowbed Ridge Dr.

Staff oriented Council to the site and spoke extensively about the Right of Way and the headstones that were found therein. She stated there was an alternate option to the approved Plan, to which staff was in agreement. Responding to Council, staff answered questions related to the sidewalk. Council

asked what our grave relocation process was, staff stating the Town does not have one. We go by the Wake County policy.

Jason Barron, Morningstar Law Group representing the applicant, spoke about the gravesites discovered on the property and not wishing to mess with them. He spoke about there being graves in the Olive Chapel ROW and how this occurred. In this instance, there is a State process that needs to be followed. If the request was denied, Mr. Barron presented the applicant's solution in cooperation with Capital Area Preservation. He additionally spoke about the preservation of the historic home on the site. Mr. Barron answered Council questions about a cross walk, where the grave sites are located, and if there could be a future conflict.

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 approve the application; Council Member Stallings seconded the motion.

The motion carried by a 5-0 vote.

PH4 Shannon Cox, Long Range Planning Manager

Amendment to the Thoroughfare and Collector Street Plan map in the vicinity of Green Level West Road.

Staff oriented Council to the site, stating that this was discussed with the Town of Cary. Cary had no concerns nor did staff. Staff and the Planning Board recommended approval.

Staff answered Council question related to a collector street.

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

Staff asked for holding off the vote on this item until consideration of Public Hearing 5.

PH5 Shelly Mayo, Planner II

Rezoning Application #21CZ04 Williams Farm PUD. The applicant, Jessie Hardesty from the McAdams Co, sought to rezone approximately 61.919 acres from Rural Residential (RR) to Planned Unit Development - Conditional Zoning (PUD-CZ). The proposed rezoning is located at 4525 Green Level West Road.

Staff oriented Council to the site. A neighborhood meeting was held. A traffic analysis has been conducted and staff stated its results. The Parks, Recreation, and Cultural Resources Commission recommended a fee in lieu. The Planning Board and staff recommended approval.

Bob Zumwalt, with Alliance Group, representing the applicant, talked about the various aspects of the request. He gave a history of the farm and what they would preserve. He spoke about the various elements of the site and their strategies and goals. Mr. Zumwalt stated they have identified several school sites, one of the properties being under contract. He spoke about the elements and actions that they've been able to achieve.

Mayor Gilbert declared the Public Hearing open.

Shirley Defenbach provided background on the recent building of their home. She and her husband have been impressed with Alliance and the way they have conducted business and made concessions. She complimented Alliance and was in support of approval.

Responding to Council, staff stated we do not have information from the school board as of yet about what sites they are considering. Council wondered if the vote should be delayed like a previous request with similar circumstances that was delayed. Council stated this was different than the previous request. Council stated he liked this development and was ready to proceed. Council stated she also liked the development, but the school capacity issue is pretty major. She would agree to continuing a short time in order to hear site news from the school board. Council agreed that he would feel more comfortable when voting if we knew definitely a school was going to happen. He was in agreement with a continuance. Council stated she wanted a definite on the school plan before proceeding.

Staff reminded Council the transportation amendment needed to be voted on first.

Jacob Anderson, Alliance Group, stated that they would be in agreement with continuing this matter to July 27th.

Council Member Mahaffey made a motion to continue Public Hearings 4 and 5 to the July 27th Meeting; Council Member Killingsworth seconded the motion.

Council Members Mahaffey, Killingsworth, Dozier, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Mayor Gilbert called for a ten-minute break.

PH6 Lauren Staudenmaier, Planner I

Rezoning Application #21CZ10 Kelly Woods. The applicant, AMH Development, LLC, sought to rezone approximately 19.424 acres located at 2300 & 2324 Kelly Road (PINs 0731254251 & 0731259148) from Rural Residential (RR) and Residential Agricultural (RA) to Medium Density Residential- Conditional Zoning (MD-CZ).

Staff oriented Council to the site. A neighborhood meeting was held. The Environmental Advisory Board recommendations were included in the distributed information. Zoning conditions were added and documentation of such were distributed to Council on this evening. The Planning Board recommended approval with conditions offered by the applicant, with a note to Council about concerns about subleasing, additional screening, and addressing neighbor concerns about future water connections. Planning staff recommended approval with conditions offered by the applicant.

Responding to Council, staff clarified questions about entrances related to cul-de-sacs.

Emily Rothrock, ESP Associates, explained and detailed some of the conditions of the site. Several neighborhood meetings were held to address neighbor concerns.

Steven Freeman, AMH Development and applicant, gave a brief background on his company. He detailed the building structure of their homes and what they maintain as rental properties. They felt this was an opportunity to provide a positive contribution that is affordable to the community. They

manage the sublease piece, which they do not allow. Mr. Freeman stated they will provide a \$10,000 connection contribution toward future water connectivity.

Mayor Gilbert declared the Public Hearing open.

Tim Donnelly thanked the developer for offering the fence. Two of his neighbors may be considering the sale of their property which could be residential. He and his wife requested no connections to the stated roads. He provided suggestion as to how the waterline could be connected.

Steve Swamp, representing his wife and West Winds, talked about the history of his neighborhood and the benefits and enjoyments they have there. Only two homeowners were notified of the neighborhood meetings because of requirements. Mr. Swamp asked Council to postpone voting until they discuss their concerns further with the developer and Council - connection to the subdivision, this rental company bringing in homes that don't exist in Apex, and their bad Better Business Bureau rating. People want to own homes in Apex.

The Town Attorney made point that rentals were not relevant to the land use issue before Council.

Wayne Weaver stated people have a right to sell their land for development. They want the best product possible for their area. The biggest issue would be to lose his current views and the peacefulness of the area. He didn't think a 40-foot buffer and fence were unreasonable. If school capacity was an issue previously, it would likely be an issue here as well.

Denise Schardt, selling property owner, stated she has a need to move on and sell her property. She and Ms. Timberlake have looked at what would be good for the area. She thought this was a good plan and would be of great benefit to her.

Brenda Dubbelman, AMN Development, broker representing the property, stated there is no available property in the Apex or the surrounding areas. They wished to place people in decent rentals. She presented figures about rentals in Apex last year vs. now. She spoke about rental prices. People may not like what we see coming, but we need it.

Mayor Gilbert declared the Public Hearing closed.

Council stated there may be a mismatch between the rental property and the amount of the rent, noting concerns she'd received. There was concern about the location of the property and those who are impacted who still live there. She was not sure she was comfortable with the product and its location at this time.

Council did not have a problem with a rental community, but was concerned about the school capacity piece to handle the possible number of children moving in. She could not support the request at this time.

Council spoke about the irregular shape of the parcel which may be difficult to develop, and he was concerned about the creek and non-pedestrian connectivity.

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

The motion carried by a 5-0 vote.

PH7 Amanda Bunce, Current Planning Manager

Various amendments to the Unified Development Ordinance (UDO).

Staff oriented Council to the amendments. She stated almost all sections of the UDO had to be translated from the current to the proposed language. She spoke about some of the proposed changes. Planning Board recommended approval.

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 Amendments; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

NEW BUSINESS

NB1 Russell Dalton, Traffic Engineering Manager

Capital Project Ordinance Amendment 2021-16 and Budget Ordinance Amendment 22 for the construction of Salem & Tingen Intersection Improvements.

Staff stated this was related to a project at Tingen and Salem, and he reacquainted Council with the project's history of the signal plan. He provided crash statistics. He explained the benefits of the project.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the request; Council Member Killingsworth seconded the motion.

Council conversation ensued about the possible resale of the equipment after its use expires. We do not very often install temporary traffic signals.

The motion carried by a 5-0 vote.

NB2 Councilmember Brett Gantt

Resolution requesting the Town of Apex's reclassification as a non-entitlement unit of local government in the distribution of the Coronavirus Local Fiscal Recovery Fund in the American Rescue Plan Act of 2021.

Council provided a brief history of this Plan and the differences between the new and the older version. The Town estimated to receive \$17 million from the Plan which was decreased to \$5 million because of how our municipality was classified. The resolution was requested because Council felt there was a wrong interpretation of the law. We could then enter the resolution into the docket in hopes someone would read it and try to help us out. Council read the resolution.

Council thanked Council for his leadership on this issue. We are getting the short end of the stick here.

Council stated she felt we should ask for a meeting with our legislators and commended Senator Burr's office for responding to us previously.

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

The motion carried by a 5-0 vote.

Added NB 3 Coleen Merays, Downtown & Small Business Development Coordinator

Closing and use of the Town Hall parking lot for the Bone Suckin' Sauce Peak City Peak Fest from July 23rd to July 25th.

Staff stated this was a slight change because of COVID and other factors. They would use Sanders Street parking lot for the festival portion, so there would be no road closures.

Mayor Gilbert called for a motion. Council Member Dozier made the motion to approve the request; Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

Mayor Gilbert thanked Ms. Merays for her efforts in putting together the Juneteenth celebration.

OLD BUSINESS

OB1 Vance Holloman, Finance Director

Resolution calling for a Bond Referendum on November 2, 2021 regarding the approval of not to exceed \$42,000,000 Street and Sidewalk Improvement Bonds, approval of the form of the ballot question, and directing the Town Clerk to publish notice of the referendum and deliver a copy of the approved resolution to the Wake County Board of Elections within three days after adoption.

Staff overviewed the required documents.

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

The motion carried by a 5-0 vote.

UNFINISHED BUSINESS

There were no Unfinished Business items for consideration.

UPDATES BY TOWN MANAGER

There were no updates by the Town Manager.

CLOSED SESSION

CS1 Shawn Purvis, Assistant Town Manager

Pursuant to NCGS 143-318(a)(5) to give staff direction concerning the Town's negotiating position to acquire real property.

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

The motion carried by a 5-0 vote.

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

ADJOURNMENT

With no further business, Mayor Gilbert adjourned the meeting.

Donna B. Hosch, MMC, Town Clerk

ATTEST:

Jacques K. Gilbert, Mayor