



## | SPECIAL TOWN COUNCIL MEETING

August 4, 2021 at 4:30 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

Town Manager: Catherine Crosby | Assistant Town Managers: Shawn Purvis and 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 were Town Manager Catherine Crosby, Assistant Town Managers Shawn Purvis and Marty Stone, Town Clerk Donna B. Hosch, and Town Attorney Laurie L. Hohe.

### COMMENCEMENT

Mayor Gilbert called the meeting to order. He stated this was a big day for Apex as we move forward with our vision of the town. The Mayor spoke about unity and its importance. Division will take us in the wrong direction.

### PUBLIC HEARINGS

PH1 Russel 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 presented the process overview which consisted of five phases. The proposed schedule based on the CIP was presented. The work session follow up on July 26th was overviewed which was attended by 8 or 9 residents. Projects not funded for this year would be in the CIP process. The parking summary was detailed, showing an increase of parking spaces including handicapped. Staff stated there would be a separate discussion on the solar canopy.

Staff presented the options for possible Council motion including streetscapes, gathering spaces, and smart parking. The schematic designs, the associated options, and the cost estimate summaries for each were presented.

Related to Sanders Lot solar canopy, staff outlined the project and the benefits to the public. The scope of the work was detailed along with the cost estimation. The total annual savings were stated which had a total payback of 19 years. There were pros and cons to the project, the pros outweighing the cons. The 100% clean energy goal was outlined. Staff recommended approval of this project.

Responding to Council, staff answered questions related to trees and shading, a possible future parking deck, and to where power would go. Staff clarified for Council curb vs. curbless, sidewalks, and timed parking. The contract with the church was clarified. There was discussion as to how parking availability could be identified by the public, i.e., technology options. Based on public comments, staff spoke about a crosswalk.

Shannon Flaherty, on behalf of the Apex Chamber Board of Directors, publicly gave support for the project which was thorough with diverse ideas. Business wise, this would be positive for the business community, thereby bringing in more businesses. Ms. Flaherty stated the parking was understandable, and her Board agreed with drop off spots. Change requires us all to pivot and change can be exciting. The Chamber Board applauded the work of Council, staff, the consultant, and volunteers.

Linda Land, Stylish Living, stated she had met with staff. She objected to portions of the plan. She spoke about the surveys which were completed and why she felt they were not complete or representative of the population of the town. Ms. Land spoke about the charette and its disadvantageous. She spoke about parking being removed.

Renee Lloyd was concerned about how much parking would be disrupted while these changes were being made. She talked about the current parking difficulty and asked had a census been done. Ms. Lloyd spoke about construction workers taking up parking spaces.

Nick Bryant, The Apex Gallery, was in agreement with moving forward, staggered parking, and builder owner buy in. He was not for moving forward with parking lot plans as there was no guarantee of securing the gravel lot. Mr. Bryant talked about the parking on various streets.

Marshall Barnes, Antiques on Salem Street, was concerned about moving forward without the parking situation being nailed down. He was opposed to removing parking on Salem Street. Mr. Marshall wanted Council to support the plan that supports at least some parking on Salem Street.

Alison Gantt stated she had strong support for almost all elements of the plan and was excited for the changes. She supported Option C and explained why. Ms. Gantt spoke about the drop zones, bollards, and other benefits.

Jason Millmore, Fresh Local Ice Cream, thanked everyone for getting us to this point. He was in full support of every recommendation. He just wanted something to happen, so he was not in support of any particular option. Mr. Millmore fully supported change and growth. The town is solving problems, and the few with concerns should not overshadow what the whole of the community wants. He spoke about growth in Cary; and thought that as this transpires in Apex, people will wish it had of been done sooner.

Jack Otepka, 621 Productions, urged everyone to consider the needs of the handicapped and elderly throughout the project. He spoke about merchandise being carried from the parking lot to his establishment by the handicapped and elderly, which he caters to. He asked for a spot out front as at least a drop off.

Marsha Lund stated she is the gravel parking lot. She has not talked much about the town owning this property. Therefore, this meeting seemed to be a bit ahead of the ball about the lot. Ms. Lund stated she was big on growth and has watched what has happened with small towns. She wanted the town to back up and get what it needed to make the town grow.

Mack and Pam Thorpe, The Rusty Bucket, were concerned about disruption of parking during construction. They talked about retail stores closing and not being replaced by retail. They

did not think the parking was going to be resolved until the town entertained a deck. The Thorpes liked Plan B, they are all for growth, and we all need to compromise.

Kyle Denis, Apex Outfitter & Mission Market, wanted to see this project move along. We finally have a plan and everyone is not going to be happy. But if we don't go forward, we never will. Mr. Denis talked about other municipalities and how they've moved forward with their downtowns. There needs to be a parking deck. Trees that are stressed should be assessed and possibly cut down. Mr. Denis felt it was too soon to decide on a solar deck. Maybe the town could lease rooftop space of the businesses for solar.

Saunders Lot - staff stated this was voted on previously with a vote of 4-1. Discussion ensued on the issue of parking and preservation of a particular tree.

#### Solar Canopy

Council Member Mahaffey made a motion to include the solar canopy. Motion failed without a second.

Council Member Gantt made an alternate motion to exclude the solar canopy. Motion failed without a second.

Council spoke about return on this investment and how this may be premature and not a good idea for inclusion.

Council stated return would be quicker than what he expected. He talked about there may be possibilities for reuse of the panels. Opportunities to do this will be few and far between.

Council stated we might be able to work out deals to have solar on rooftops of businesses.

Council spoke about other opportunities in other areas for solar where it may last longer.

Council spoke about where funding would come for this. All except one aspect are coming in over what we originally expected, confirmed by staff.

Council Member Dozier made a motion to explore the solar canopy further to include things like grant funding and other structures at the pleasure of the Council or the Town; Council Member Mahaffey seconded the motion.

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

The motion carried by a 4-1 vote.

Commerce Street - Council talked about what business owners want as far as trash and recycling, parking and not seeing gathering space as being beneficial, and parking spaces. Staff spoke further on these issues. Hohe stated there could be legal issues related to parking if we wanted to assign spaces to certain businesses. Council spoke about parking for employees which she felt was necessary.

Council stated we are just starting this process, and there will be more of these meetings. Decisions tonight will probably not be 100%, and staff will come back if they need to. The purpose tonight was to get something officially on paper.

Council Member Mahaffey made a motion to proceed with the Commerce Street plan and include the option to relocate utilities; Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Seaboard Street - staff answered questions about parking, about possibly making Seaboard one way, and adding more parking. Council stated again that this is a starting point; this is not the end of the conversation.

Council Member Mahaffey made a motion to proceed with the Seaboard Street plan, include relocating utilities, and explore lease options with compactors; Council Member Gantt seconded the motion.

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

The motion carried by a 4-1 vote.

Staff further explained parking on Seaboard Street.

Peak on Salem Alley - staff explained the concept and answered Council questions related to noise, i.e., from a stage.

Council Member Gantt made the motion to proceed; Council Member Mahaffey seconded the motion.

The motion carried by a 5-0 vote.

Salem Streetscape - staff spoke more about parking spaces and smart trashcans.

Council Member Gantt made a motion to proceed with curbless with bollards; Council Member Killingsworth seconded the motion.

Council stated he did not feel curbless was in line with the feel of Apex.

Council stated she was in favor of curb because of accessibility and safety. Conversation ensued about the bollards.

Council stated she was torn on the issue because of mobility issues.

Council stated she was a bit concerned because of mobility and safety.

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

The motion carried by a 3-2 vote.

Council Member Killingsworth made a motion to approve Option B with the 10 spaces;

Council Member Stallings seconded the motion.

Council explained his opposition because of trees.

Council stated she would like a few more spaces.

Council stated we need a plan that's good for the long term. This process has gone on for years and we've gotten plenty of input. Parking spaces have consistently been of concern to citizens.

Council Members Killingsworth, and Stallings voted in the affirmative;

Council Members Dozier, Gantt and Mahaffey voted in the negative.

The motion failed 2-3.

Council Member Gantt made a motion to proceed with Option C;

Council Member Mahaffey seconded the motion.

Council spoke about how businesses would be more successful with this Option.

Two Council Members stated taking away parking from Salem Street would be an issue for them.

Council Members Gantt and Mahaffey voted in the affirmative; Council Members

Dozier, Killingsworth and Stallings voted in the negative.

The motion failed 2-3.

Conversation ensued as to why Council voted as it did.

Mayor Gilbert called for a 15-minute break.

Council wanted to hear staff thoughts, and its concerns were presented along with alternatives.

Council stated he was uncomfortable with redesigning this on the fly and approving an Option that the public hasn't seen and has not been through the process. He wanted to move forward with something tonight that had been presented, discussed, and commented on.

Council stated she was asking her colleagues to consider in the previous vote the removal of the tree for an active use for parking.

Council Member Mahaffey called for reconsideration of the previous vote for Option B with 10 spaces. Council Member Stallings seconded the vote. Council Members Dozier, Killingsworth, Mahaffey, and Stallings voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Reconsideration of Option B with 10 spaces was now on the floor. Council Members Dozier, Killingsworth, Stallings, and Mahaffey voted in the affirmative; Council Member Gantt voted in the negative.

The motion carried by a 4-1 vote.

Council Member Dozier called for reconsideration of the Green Plan, Option B for the Saunders Lot;

Council Member Gantt seconded the motion.

The motion carried by a 5-0 vote.

Further conversation ensued about the tree. Staff stated we have tried to keep this tree alive. The tree is stressed because of stormwater issues. In a recent meeting, our arborist stated the tree and others in the area are, in fact, very stressed.

Reconsideration of the Green Plan, Option B was now on the floor. Council Members Mahaffey, and Stallings voted in the affirmative; Council Members Dozier, Gantt and Killingsworth voted in the negative.



The motion failed by a 2-3 vote.

Council Member Dozier made a motion to adopt Option A for the Saunders Lot; Council Member Gantt seconded the motion. Council Members Dozier, Killingsworth, and Gantt voted in the affirmative; Council Member Mahaffey and Stallings voted in the negative.

The motion carried by a 3-2 vote.

#### Salem Streetscape

Council stated he believed an opportunity existed to save funds by excluding the signal upgrade.

Council Member Gantt made a motion to proceed with leasing smart trash cans, to include the signal upgrade, to use pavers, and include lighting control; Council Member Killingsworth seconded the motion. Council Members Gantt, Killingsworth, Dozier, and Stallings voted in the affirmative; Council Member Mahaffey voted in the negative.

The motion carried by a 4-1 vote.

#### Smart Parking

Council Member Gantt made a motion to proceed to include the Saunders Lot and Seaboard and to exclude on-street and the Apex Baptist Church;

Council Member Killingsworth seconded the motion.

The motion carried by a 5-0 vote.

With no further business and no objection from Council, Mayor Gilbert adjourned the meeting.

---

Donna B. Hosch, MMC, Town Clerk

ATTEST:

---

Jacques K. Gilbert, Mayor